Adams County Zoning Ordinance

Adams County, Pennsylvania

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ARTICLE I - INTRODUCTION

SECTION 100: SHORT TITLE

The Ordinance shall be known as, and may be cited as the “Adams County Zoning Ordinance."

SECTION 101: GRANT OF POWER

Section 602 of the Municipalities Planning Code authorizes the Commissioners of the County of Adams to enact zoning regulations within Municipalities, which have not enacted local municipal zoning ordinances. Further, Section 605 of the Municipalities Planning Code permits Counties to enact Zoning Districts which must not necessarily coincide with the extent of Municipal boundaries, and also specifically allows ‘for the regulation, restriction, or prohibition of uses and structures at, along, or near:

A. major thoroughfares, their intersections and interchanges, transportation arteries and rail or transit terminals;

B. natural or artificial bodies of water, boat docks and related facilities;

C. places of relatively steep slope or grade, or other areas of hazardous geological or topographic features;

D. public buildings and public grounds;

E. aircraft, helicopter, rocket, and spacecraft facilities;

F. places having unique historical, architectural or patriotic interest or value; or

G. flood plain areas, agricultural areas, sanitary landfills, and other places having a special character or use affected by their surroundings.’

SECTION 102: EFFECTIVE DATE

This Ordinance shall become effective at 12:00 PM on June 26, 2013.

SECTION 103: DECLARATION OF PURPOSE

The purposes of this Ordinance are to promote the public safety, health, morals, convenience, and general welfare; encourage the most appropriate uses of land in those areas protected by this Ordinance; minimize traffic congestion and safety hazards along all roadways providing access to land in those areas protected by this Ordinance; secure the public safety from fire, panic, vehicular accidents and other dangers; facilitate the adequate provision of streets and roadways, sewage, water, drainage and other public

facilities; preserve appropriately located agricultural areas, historic resources and scenic values within those areas protected by this Ordinance; focus future growth to appropriate areas which have locational advantages as a result of proximity to existing or proposed roadway facilities, sewer and water service areas, or other infrastructure or features; maintain attractive entrances to Adams County and its communities; and to conserve the expenditure of public funds earmarked for future public improvements.

SECTION 104: STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

Land falling within the borders of Adams County represents a major asset to the communities in which it is located. Many existing and future sources of employment and tax revenues have been, and will continue to be developed, on these lands. These lands include agricultural, rural, residential, commercial, and industrial land use patterns. Many areas, including Boroughs and unincorporated villages, exhibit a mixture of land uses. These communities, and the areas surrounding them along with other agricultural and historic resource areas are vitally important to the local tourism industry, the local agricultural industry, and other sectors of the local economy. Further, the conservation of many of these areas are vitally important to the psychological, social, and cultural well being of the many rurally oriented residents of Adams County. Accordingly, the goals of this Ordinance are to accomplish the following community development objectives:

A. Implement the land use, transportation, conservation, and economic development policies, goals, and objectives set forth in the Adams County Comprehensive Plan.

B. Concentrate well designed development within designated growth areas, so that environmental problems, degradation of the natural environment, traffic congestion, and unnecessary costs associated with development in rural resource areas will be minimized or avoided.

C. Facilitate the safe and efficient movement of people, goods, and services on the roadway network of Adams County.

D. Reduce distractions to motorists by encouraging appropriately located and designed signage, thus enhancing the safety of the traveling public.

E. Minimize the need to expend public funds for future roadway improvements which may become necessary if structural development and points of ingress and egress to private property are inappropriately located or if new development locates in rural settings which do not have adequate access to transportation infrastructure or other public services.

F. Minimize transportation safety conflicts by controlling access to development parcels, maintaining visibility along transportation corridors, and ensuring proper design for access drives and parking areas serving major land developments.

G. Provide "development predictability" in the marketplace so that efficient, higher quality, and economically productive land uses will be attracted to Adams County, rather than low quality, inefficient, and/or relatively unproductive land uses.

H. Enhance environmental quality in Adams County by controlling stormwater runoff, requiring appropriate community infrastructure, site planning and landscaping, and the preservation of environmentally and historically sensitive areas (e.g., floodplains, wetlands, etc.).

I. Encourage the development of a positive image for Adams County and its municipalities, by encouraging high quality, attractive development which meets recognized design and landscaping standards.

J. Consider the variety of development patterns and unique environmental, agricultural, cultural, and visual characteristics of different regions of Adams County, and apply development standards which will protect these characteristics.

K. Apply agricultural preservation and/or creative, low density-oriented development standards at appropriate locations within Adams County in order to preserve the agricultural components of Adams County's economic base, and to encourage the development of efficient "growth areas," as designated in the adopted Adams County Comprehensive Plan, where the provision of public services and infrastructure can be provided at a reasonable cost to the public and/or to future housing consumers.

L. For those areas not designated for moderate to higher density development in the adopted Adams County Comprehensive Plan or adopted municipal comprehensive plans, establish density levels which will not require the provision of centralized sewer and water while, at the same time, facilitate flexibility within those areas where it can be demonstrated that on-site sewer and water can be safely provided.

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.

(as amended by Ord. No. 3 of 2022, §1)

Accepted Silvicultural Principles – Sustainable Forestry Principles and Implementation Guidelines published by the American Forest and Paper Association, October 14, 1994.

Accessory Building - A building detached from, subordinate to, and on the same lot with the main building, and used for purposes customarily incidental thereto.

Access Drive - A paved surface, other than a street, which provides vehicular access for the public from a street or private road to a lot.

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

Adjacent Property – Any property that directly adjoins, is contiguous to or is located across a public or private street from another property.

Adult Entertainment Use – An establishment having, as a primary stock or trade, movies, shows, books, magazines, and other periodicals, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or specific anatomical areas.

Agent - Any person, who, acting for a developer, landowner, or lessee who submits plans to the Zoning Officer, the Office of Planning and Development, Zoning Hearing Board, or the County Commissioners for the purpose of obtaining a permit of any kind.

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 other property.

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

> 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 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.

Agriculture - The use of a tract of land for the purpose(s) of active cultivation or animal husbandry.

Alley - A minor way, whether or not legally dedicated, intended and used primarily for vehicular service access to the rear of properties, which abut on a street, and not intended for the purpose of through vehicular traffic.

Amendment - A revision to the text or Zoning Map of the Adams County Zoning Ordinance, adopted in accordance with the provisions of the Municipalities Planning Code.

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.

Animal Shelter – A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a municipality or nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

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.

Applicant - A landowner or developer, including his heirs, successors, and assigns, who has filed an application for development, subdivision, or other process later described in this Ordinance.

Application For Development - Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development including, but not limited to, the approval of a subdivision plat or a Land Development plan.

Arcade – An area contiguous to a street or plaza that is open and unobstructed to a height of not less than 12 feet and that is accessible to the public at all times. The term "arcade" shall not include off-street loading areas, driveways, or off-street parking areas.

Area, Building - The total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

Area, Floor - The sum of the areas of all floors of a building or structure, measured from the exterior faces of the walls, but not including cellars; unenclosed porches and attics not used for human occupancy; floor space in an accessory building; floor space in the main building intended or designed for the storage of motor vehicles; and heating and ventilating equipment.

Area, Lot - 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.

Assisted Living – A living arrangement, either as a stand-alone use or as a component of a Continuing Care Retirement Community, that provides housing and support services for one or more persons who may require assistance with 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.

(as amended by Ord. No. 3 of 2022, §1)

Bay Window – A window structure projecting beyond the main wall plane.

Bed and Breakfast Establishment – An owner-occupied and operated dwelling originally designed as a residential structure where limited overnight lodging and a breakfast is provided for compensation to tourist or recreational guests.

Block - An area, divided into lots, and usually bounded by streets.

Board – Zoning Hearing Board.

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.

Building Setback Line - 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 may be erected under the various land requirements of this Ordinance.

Business Park – A planned development, with a unified design, of business uses located in a campus-like setting with all uses accessed by a street system internal to the facility. Business Parks are comprised of uses such as business and professional offices, conference centers, research and development laboratories, healthcare uses, and similar uses.

(as amended by Ord. No. 3 of 2022, §2)

Campground – A commercial facility that provides two (2) or more spaces for cabins, recreational vehicles, motor home, tents, or other similar types of shelter to the general public and intended for use in a temporary, seasonal manner.

(as amended by Ord. No. 3 of 2022, §1)

Canopy – A permanently roofed shelter projecting over a sidewalk, driveway, entry, window or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, pole, or braces extending from the

ground. Any roof overhang extending more than two feet from the face of the building shall be considered a canopy.

Cartway – The portion of a road intended for vehicular use.

Child Care Center – 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.

(as amended by Ord. No. 3 of 2022, §1)

Cluster Development – A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

Common Open Space - An open space within a development site that is specifically designed and intended for the use and enjoyment of, and direct access by, residents of the development.

Conditional Use - A use permitted in a particular zoning district pursuant to the provisions set forth in Article XIV of this Ordinance.

Condominium – A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of state and local laws.

Continuing Care Retirement Community – A residential community designed to provided 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.

(as amended by Ord. No. 3 of 2022, §1)

Conversion Apartment – An apartment located within a former single-family detached dwelling that has been renovated to provide individual and independent dwellings for three or more families without substantially altering the exterior of the building.

Country Club - A facility with recreational amenities for members, their families and invited guests.

County - The County of Adams Pennsylvania.

Cross Gable – A gable set perpendicularly to the primary gable of a building.

Cross Walk - A right-of-way, publicly or privately owned, intended to furnish access for pedestrians.

Custom Butchering – A farm-related business involving the slaughtering and/or dressing of animals by individual customer order and the limited selling of processed meat on-site.

Designated Growth Area – A region within Adams County, as described by the Adams County Comprehensive Plan, that preferably includes and surrounds a borough or village, and within which residential and mixed use development is permitted or planned for at densities of one unit to the acre or more, commercial, industrial, and institutional uses are permitted or planned for, and public infrastructure services are provided or planned.

Developer - Any landowners, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision or land development.

Distribution Facility – Any indoor or outdoor place or premises where trucks, tractors and/or trailers park or are assigned, stationed, fueled, stored, loaded or unloaded, except when accessory to a manufacturing or commercial use where said vehicles are used solely for the delivery of supplies and/or for the transport of items or commercial goods manufactured solely on the premises.

Divider Strip – A landscaped island separating and running the length of two rows of contiguous parking spaces within a parking lot, and which provides opportunities for landscaping and traffic circulation control.

Dormer – A roofed structure housing a vertical window that projects from a pitched roof.

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.

Dwelling Unit - An independent housekeeping unit consisting of living quarters of one or more rooms arranged for use by one or more individuals with cooking, living, sleeping and sanitary facilities.

Dwelling Unit, Accessory (ADU) – 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.

A detached ADU may take the form of a cottage or similar dwelling, or may be constructed over a detached accessory building such as a garage. An attached ADU is attached to the principal dwelling unit on the lot, but must have its own, permanent provisions for living, sleeping, eating, cooking, and full bath, which are not shared with the residents of the principal dwelling unit on the lot.

Dwelling, Single-Family Attached - A building used by one (1) family and having two (2) party walls in common with other buildings, such as a 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.

Dwelling, Two Family Detached - 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.

Dwelling, Two-Family Semi-Detached - A building containing two dwelling units with one dwelling unit being wholly or partly above the other, which has a party wall in common with an adjacent building, and which may not have a common entrance.

Eave – The projecting overhang at the lower edge of a roof.

Erosion - The removal of surface materials by the action of natural elements.

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.

Event Venue: An establishment that is 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.

(as amended by Ord. No. 3 of 2022, §1)

Façade – That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

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.

(as amended by Ord. No. 3 of 2022, §1)

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

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.

Golf Course, regulation – A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a club house and shelters as accessory uses but does not include a miniature golf course.

Governing Body - The Board of Commissioners of Adams County.

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.

(as amended by Ord. No. 3 of 2022, §1)

Group Home – A facility providing shelter, counseling, and other rehabilitative services in a Family-like environment for periods of over one year per occupant, with such supervisory personnel as required by the licensing agency. Such facilities may provide supervisory and rehabilitative services, but medical care or nursing supervision shall not be provided, and they must not meet the definition of a "Halfway House."

(as amended by Ord. No. 3 of 2022, §1)

Halfway House – A use (other than a prison or a permitted accessory use in a hospital) providing housing facilities for periods of less than one year per occupant for persons who need specialized medical, psychological, behavioral, or addiction treatment and/or counseling for stays of less than one year and who need such facilities because of:

A. Criminal rehabilitation, such as a criminal Halfway House or a treatment/housing center for persons convicted of driving under the influence of alcohol.

B. Addiction to alcohol and/or a controlled substance.

C. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.

(as amended by Ord. No. 3 of 2022, §1)

Homestay – A short-term rental within a dwelling, where such dwelling is concurrently being occupied by the owner, and where a maximum of 1 short-term lodging room or suite is provided to 1 party of guests for compensation.

(as amended by Ord. No. 3 of 2022, §__)

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.

Hotel - A building consisting of not less than fifteen (15) 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.

Impervious Coverage - The area of any lot covered by impervious materials.

Impervious Lot Coverage – That portion of a lot, which substantially reduces or prevents the infiltration of stormwater into the ground.

Impervious Material - Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete sidewalks, paved driveways and parking areas, swimming pools and other non-porous structures or materials.

Independent Living – A living arrangement, either as a stand-alone use or as a component of 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.

(as amended by Ord. No. 3 of 2022, §1)

Industrial Park – A planned development, with a unified design, of business uses located in a campus-like setting with all uses accessed by a street system internal to the facility.

Industrial Parks are comprised of uses such as light industrial / manufacturing uses, heavy industrial uses, warehousing uses, distribution centers, and similar uses.

(as amended by Ord. No. 3 of 2022, §1)

Junk Yard - Any lot, land, structure or part thereof which is used primarily for the collection, storage or sale of waste paper, rags, scrap metal or discarded material, or for the collection, dismantling, storage, salvaging or sale of machinery, vehicles or parts thereof not in running condition.

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.

Landowner - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having proprietary interest in land.

Landscaping – The area within the boundaries of a given lot that consists of planting materials, including, but not limited to, trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials. At least 50 percent of the landscaping area must be covered by live plant material at the time of plant maturity.

Live Entertainment – Any musical act, theatrical act, comedy act, play, revue, scene, dance act, or any combination thereof, performed by one or more persons, whether or not they are compensated for the performance, in a privately owned premises that is open to the public, whether or not admission is charged. Live entertainment does not include adult entertainment uses, as defined herein.

Living Area – The designated portion of an Estate Lot that includes the house, non-agricultural accessory buildings, other accessory structures or features associated with the residence, and any manicured yard area.

Lot - A designated parcel, tract, or area of land established by plat or otherwise as permitted by law, and to be used, developed or built upon as a unit.

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, Corner – A lot abutting two (2) intersecting streets, where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees. The yards adjacent to both public and private streets shall be considered front yards when determining appropriate setbacks.

Lot Depth – The distance along a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line. In the case of a corner lot, the lot depth shall be achieved along the longest dimension of the lot.

Lot, Double Frontage – A lot having frontage on two nonintersecting streets.

Lot, Frontage – The length of the front lot line measured at the street right-of-way line.

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

Lot Line, Front – That lot line that is described as the front property line in the deed of said property unless otherwise specified in this Ordinance. In the absence of a deed described front property line, said line shall be the centerline of the street right-of-way.

Lot Line, Rear – That lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular or gore shaped lot, a line 10 feet in length, entirely within the lot, parallel to, and at the maximum distance from, the front lot line shall be considered the "rear lot line".

Lot Line, Side – Any lot line other than a front or rear lot line.

Lot Lines – The lines bounding a lot.

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 Delivery Vehicle Office – Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

(as amended by Ord. No. 3 of 2022, §1)

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.

(as amended by Ord. No. 3 of 2022, §1)

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.

(as amended by Ord. No. 3 of 2022, §1)

Mid-Row Island – A landscaped island located within a row of contiguous parking spaces in a parking lot, and which provides for landscaping opportunities within parking lots.

Mini-farm – See “Estate Lot.”

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.

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.

Modular Housing - A dwelling unit assembled or partially assembled away from the site on which it will be located and produced as a standardized unit.

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. The terms "automobile court," "tourist court," "motor lodge," and "motor hotel" shall be used interchangeably with the term "motel," and shall have the meaning set forth in this section.

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

Nightclub – An establishment operated as a place of entertainment, characterized by any or all of the following as a principal use: (1) live, recorded, or televised entertainment, including but not limited to performance by magicians, musicians, disc jockeys, or comedians; (2) dancing.

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 manifestly not designed to 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. Such nonconforming structures include, but are not limited to, nonconforming signs.

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 Home – A facility, either as a stand-alone use or as a component of 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 two or more chronic or convalescent patients.

(as amended by Ord. No. 3 of 2022, §1)

Nursing or Skilled Unit – The living arrangement for one individual within a Nursing Home, either as a stand-alone use or as a component of a Continuing Care Retirement Community.

(as amended by Ord. No. 3 of 2022, §1)

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.

Parapet – That portion of a wall which extends above the roof line.

Parent Tract - A tract of land existing, as of the effective date of the application of the Adams County Zoning Ordinance, within a specific municipality, setting, or location, which could be subjected to future subdivision or land development proposals and approvals.

Park, public and non-commercial – A not for profit facility designed to serve the recreational needs of the residents of the community.

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

Perimeter Landscaped Area – A buffer area surrounding a parking lot on all sides and within which required landscaping can be installed.

Person - An individual, partnership, corporation, or other legally recognized entity.

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, and mosques. This definition does not include educational or day-care facilities, but may include a rectory for one (1) family.

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 the 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

Portico – A colonnade or covered ambulatory often found at the entrance of a building.

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

Projecting Rib – A continuous molding between adjoining plane surfaces.

Public Hearing - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

Public Meeting – A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (relating to open meetings).

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.

Quoin – Units of stone or brick used to accentuate the corners of buildings.

Recreational Vehicle – A vehicle unit primarily designed for temporary living quarters for recreational, camping, or travel use, and which has its own motive power or is mounted on or drawn by another vehicle.

(as amended by Ord. No. 3 of 2022, §1)

Restaurant – An establishment, including a café, where food is prepared and available to the general public for a determined compensation.

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

(as amended by Ord. No. 3 of 2022, §1)

Residential Day Care – A facility providing long-term shelter, counseling, and other rehabilitative services in a family-like environment for a small number of persons, with such supervisory personnel as required by the licensing agency.

(as amended by Ord. No. 3 of 2022, §1)

Retail Establishment – A commercial enterprise that provides goods directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

Reveal – A continuous groove between adjoining plane surfaces.

Right-of-Way – Generally, a strip of land acquired by reservation, dedication, forced dedication prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses to allow the right of one to pass over the property of another. With regard to small wireless facilities specifically, the area on, below, or above a public roadway, highway, street, sidewalk, alley, utility easement, or similar property, but not including a Federal interstate highway.

(as amended by Ord. No. 3 of 2022, §1)

Rural Resource Area – An area within Adams County, as described by the Adams County Comprehensive Plan, within which rural resource uses including, but not limited to, agriculture, timbering, mining, quarrying, and other extractive industries, forest and game lands and recreation and tourism are encouraged and enhanced, development that is compatible with or supportive of such uses is permitted, and public infrastructure services are not provided except in villages.

RV Hosting – The placement of a recreational vehicle on a driveway or similar surface associated with the principal use of a property, where such space is provided by the property owner to guests as temporary lodging for compensation.

(as amended by Ord. No. 3 of 2022, §1)

School, Private – Any building or group of buildings, the use of which meets state requirements for primary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency.

Public School – Any building or group of buildings, the use of which meets state requirements for primary, secondary, or higher education and which secures the major part of its funding from a governmental agency.

Sexual Activities – Activities including any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.

(3) Masturbation, actual or simulated.

(4) Excretory functions, as part of or in connection with any of the activities set forth in this definition.

Shooting Range – A specialized facility, venue, or field designed specifically for use of firearms and / or archery. Does not include general hunting and unstructured and nonrecurring discharging of firearms and / or archery on private property by the property owner or by guests of the property owner.

(as amended by Ord. No. 3 of 2022, §1)

Shooting Range, Outdoor – A shooting range where the activity of shooting occurs in an area not enclosed by a building.

(as amended by Ord. No. 3 of 2022, §1)

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 – A dwelling unit or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for lodging for a period of less than 30 consecutive days. Includes bed and breakfast, homestay, and vacation rental, RV hosting, and tent hosting.

(as amended by Ord. No. 3 of 2022, §1)

Shotfall Zone – The area of a Shooting Range where fired bullets or arrows fall to the earth and where development, other than trap or skeet houses or the equivalent facilities for other type of shooting events, and human occupancy, other than operators, is prohibited during active shooting.

(as amended by Ord. No. 3 of 2022, §1)

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.

(as amended by Ord. No. 4 of 2016, §II)

Sign Area – 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.

(as amended by Ord. No. 4 of 2016, §II)

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.

(as amended by Ord. No. 4 of 2016, §II)

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

(as amended by Ord. No. 4 of 2016, §II)

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.

(as amended by Ord. No. 4 of 2016, §II)

Sign Height – 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.

(as amended by Ord. No. 4 of 2016, §II)

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

(as amended by Ord. No. 4 of 2016, §II)

Sign, Permanent – A sign constructed of durable materials and intended to be displayed for duration of time that a use or occupant is located on the property.

(as amended by Ord. No. 3 of 2022, §1)

Sign, Projecting – Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

(as amended by Ord. No. 4 of 2016, §II)

Sign, Seasonal – A sign used in support of a farm market or agricultural tourism enterprise designed to advertise special events or products held or sold in association with said farm market or agricultural tourism enterprise.

Sign, Temporary – A sign intended to be displayed for a defined limited period of time associated with an event, activity, or occurrence that is being conducted on a property.

(as amended by Ord. No. 3 of 2022, §1)

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.

(as amended by Ord. No. 4 of 2016, §II)

Small Wireless Facility – The equipment and network components, including antennas, transmitters, and receivers, used by a wireless provider, and that meet the following qualifications.

A. Each antenna associated with the deployment is no more than three (3) cubic feet in volume.

B. The volume of all other equipment associated with the wireless facility, whether ground-mounted or pole-mounted is cumulatively no more than twenty-eight (28) cubic feet. Any equipment used solely for concealment shall not be included in the calculation of equipment volume.

(as amended by Ord. No. 3 of 2022, §1)

Solar Access: The view of the sun, between the hours of 9:00 a.m. and 3:00 p.m. any day of the year, from any point of the surface of a solar panel that is not obscured by vegetation, a building, or other object located on a parcel other than the parcel on which the solar panel is located.

(as amended by Ord. No. 3 of 2022, §1)

Solar Array: A grouping of multiple solar panels.

(as amended by Ord. No. 3 of 2022, §1)

Solar Energy Production Facility: An electricity generating facility whose main purpose 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.

(as amended by Ord. No. 3 of 2022, §1)

Solar Energy Production Facility, Accessory: A solar energy production facility that is intended and designed primarily to provide electricity to the principal use of the property on which the facility is located.

(as amended by Ord. No. 3 of 2022, §1)

Solar Energy Production Facility, Principal: A solar energy production facility that is intended and design primarily to provide electricity to the electric grid as part of a commercial or utility operation.

(as amended by Ord. No. 3 of 2022, §1)

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 to provide power for the principal use of the property.
(as amended by Ord. No. 3 of 2022, §1)

Specific Anatomical Areas – Areas including any of the following:

(1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola.

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specialty Foods Sales – A farm-related business involving the sale of fruits, vegetables, or food products, a majority of which are grown or produced locally.

Specialty Products Sales – A farm-related business involving the sale of merchandise, a majority of which is produced locally."

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 - A street which gives greater emphasis to land access, and which has a lower level of thru traffic mobility than a principal arterial, and which serves larger schools, industries, hospitals, and small commercial areas not incidentally served by a principal arterial.

Street, Collector - A street, which gives minimal emphasis to travel mobility, which is characterized by low travel speeds, full land access, and which serves local elementary schools, small individual industrial plants, offices, commercial facilities and warehouses not served by principal or minor arterials.

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

Subdivision - The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease partition by the court for distribution to heirs of devisees, transfer of ownership, or of building or lot development; provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, or any residential dwelling, shall be exempt.

Tavern – An establishment used primarily for the dispensing or sale of alcoholic beverages by the drink for on-site consumption.

Tent Hosting – The placement of a tent or comparable temporary structure on the yard of a property, where such space is provided by the property owner to guests as temporary lodging for compensation.

(as amended by Ord. No. 3 of 2022, §1)

Terminal Island – A landscaped island located on either end of rows of parking spaces within a parking lot, which provides opportunities for landscaping, and which defines the ends of parking aisles thus contributing to traffic circulation control.

Townhouse - A series of three (3), but not more than twelve (12), single family dwelling units attached by one or more common walls.

Utility Pole – A pole or similar structure that is or may be used, in whole or in part, by or for telecommunications, electric distribution, lighting traffic control, signage, or a similar function, or for co-location. The term includes the vertical support structure for traffic lights but does not include wireless support structures or horizontal structures to which signal lights or other traffic control devised are attached.

(as amended by Ord. No. 3 of 2022, §1)

Vacation Rental – A short-term rental of a dwelling, where such dwelling is not concurrently being occupied by the owner, and where the dwelling as a whole is made available for lodging for one (1) party of guests for compensation.

(as amended by Ord. No. 3 of 2022, §1)

Variance - Relief granted pursuant to the provisions of Article XIV of this Ordinance, as amended.

Watercourse - A stream of water, river, brook, creek; a channel or ditch for water whether natural or man-made.

Wind Energy Facility: An electricity generating facility whose main purpose is to generate and supply electricity and which consists of one (1) or more wind turbines and other accessory structures and buildings, including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

(as amended by Ord. No. 3 of 2022, §1)

Wind Energy Facility, Accessory: A wind energy facility that is intended and designed primarily to provide electricity to the principal use of the property on which the facility is located.

(as amended by Ord. No. 3 of 2022, §1)

Wind Energy Facility, Principal: A wind energy facility that is intended and design primarily to provide electricity to the electric grid as part of a commercial or utility operation.

(as amended by Ord. No. 3 of 2022, §1)

Wind Turbine – A structure including a tower or base, foundation, blades, rotors, batteries, and other appurtenant equipment necessary to convert wind energy into usable electrical energy..

(as amended by Ord. No. 3 of 2022, §1)

Wireless Communications Antenna – Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless telecommunication services.

(as amended by Ord. No. 3 of 2022, §2)

Wireless Communications Facility – Includes the following:

A. Equipment at a fixed location that enables wireless service between user equipment and a communications network, including any of the following:

1. Equipment associated with wireless services

2. Radio transceivers, antennas, coaxial or fiber optic cables, regular and backup power supplies or comparable equipment, regardless of technological configuration.

B. The term includes a small wireless facility.

C. The term does not include any of the following:

1. The structure or improvements on, under, or within which the equipment is co-located.

2. The coaxial or fiber optic cables that are not immediately adjacent to or directly associated with a particular antenna.

(as amended by Ord. No. 3 of 2022, §1)

Wireless Communications Tower – A structure, other than a building, but including monopole towers, self-supporting towers, or guyed towers, 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 Map - The map establishing the boundaries of the zoning districts of the Adams County Zoning Ordinance, which map shall be and is a part of this Ordinance.

Zoning Officer - The municipal official duly appointed by the Governing Body to administer and enforce this Chapter.

Zoning Permit - A permit required by this Ordinance in a specific circumstance.

ARTICLE III - DESIGNATION OF DISTRICTS

SECTION 300: PURPOSE

For the purpose of this Ordinance, the land and water courses contained within the boundaries of the County of Adams, and determined by the Board of Commissioners of Adams County to be subject to the Adams County Zoning Ordinance, is hereby designated into the following districts:

EC:	Employment Center
HC:	Highway Commercial
AP 1:	Agricultural Preservation 1
RR:	Rural Residential
R:	Residential
MDR:	Mixed Density Residential
LC:	Land Conservation
V:	Village

(as amended by Ord. No. 1 of 2015, §V)
(as amended by Ord. No. 3 of 2022, §4)

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 "Adams County Zoning Map". The said map and all notations, references, and other data shown therein are hereby incorporated by reference into this Chapter as if all were fully described herein.

SECTION 302: DISTRICT BOUNDARIES

When uncertainty exists as to boundaries of any district as shown on said 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.

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.

ARTICLE IV - EMPLOYMENT CENTER (EC)

SECTION 400: STATEMENT OF LEGISLATIVE INTENT

In expansion of the Community Development Objectives contained in Article I Section 104 of this Ordinance, it is hereby declared to be the intent of this Article to provide flexible standards for "business development" in campus-like settings, which are conveniently accessible to major components of the Adams County roadway network, in order to:

A. Encourage the development of high quality, visually attractive employment centers within appropriate growth areas as identified by the Adams County Comprehensive Plan.

B. Enable the development of business, manufacturing, industrial, and similar uses in appropriate areas of Adams County to provide employment opportunities for residents.

C. Provide for the continuation and reasonable expansion of these uses, and enable the development of uses of a similar character within these settings.

D. Ensure that the County meets its responsibility to accommodate all legal uses of property within its jurisdiction.

E. Encourage the development of large land parcels under single, unified direction and design expertise.

F. Provide for ancillary uses to support business development.

G. Establish appropriate standards to mitigate the potential off-site impacts of manufacturing, industrial, resource extraction, and similar uses.

SECTION 401: PERMITTED USES

The following uses are permitted in the EC District:

A. Light Industrial Uses.

B. Business Offices.

C. Conference Centers.

D. Research and Development / Laboratory Uses.

E. Forestry

F. Educational Institutions.

G. Public and Private Schools.

H. Government Uses.

I. Places of Worship.

J. Emergency Services.

K. Healthcare Uses.

L. Contracting Businesses.

M. The construction of new or the expansion of an existing Single Family Detached Dwellings, provided that the following requirements are met:

1. A Single Family Detached Dwelling may be constructed on a parcel existing prior to the effective date of this Ordinance.

2. A Single Family Detached Dwelling may be constructed on a parcel created after the effective date of this Ordinance, provided the parcel meets the dimensional requirements of Section 802 of this Ordinance.

N. No-Impact Home-Based Businesses, in accordance with Section 1008.

O. Home Occupations, in accordance with Section 1005.

P. Hospitals, Urgent Care Centers, Clinics, and similar healthcare facilities.

Q. Child Care Center or Group Child Care (Accessory to Non-Residential Use), in accordance with Section 1038.

R. Family Child Care, in accordance with Section 1039.

S. Wireless Communication Facility – Co-location – outside public right-of-way, in accordance with Section 1003-D.

T. Wireless Communication Facility–Tower-Based–Outside Public Right-of-Way, in accordance with Section 1003-A.

U. Small Wireless Facility–tower-based–inside public right-of-way, in accordance with Section 1003-C.

V. Small Wireless Facility – Co-location – inside public right-of-way, in accordance with Section 1003-B.

SECTION 402: SPECIAL EXCEPTION USES

The following uses are permitted as Special Exception uses in the EC District in accordance with the following standards and criteria and any reasonable conditions that the Zoning Hearing Board may deem necessary to apply and in accordance with the procedures set forth in Section 1407 of this Ordinance:

A. Business Park, in accordance with Section 1017-A.

B. Industrial Park, in accordance with Section 1018.

C. Distribution Center, in accordance with Section 1019.

D. Heavy Industrial Uses, in accordance with Section 1020.

E. Junk Yard, in accordance with Section 1021.

F. Landfills, in accordance with Section 1022.

G. Resource Extraction, in accordance with Section 1023.

H. Recycling Facility, in accordance with Section 1024.

I. Warehousing, in accordance with Section 1025.

J. Fuel Storage / Distribution Uses, in accordance with Section 1026.

K. Solar Energy Production Facility, Principal, in accordance with Section 1028.

L. Wind Energy Facility, Principal, in accordance with Section 1030.

M. Academic Clinical Research Center, in accordance with Section 1040.

N. Medical Marijuana Delivery Vehicle Office, in accordance with Section 1043.

O. Medical Marijuana Grower Processor, in accordance with Section 1042.

P. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Section 401 and 402, and in accordance with Section 1050.

SECTION 403: ACCESSORY USES

A. Business Park and Industrial Park Support Services, in accordance with Section 1017-B.

B. Solar Energy Production Facility, Accessory, in accordance with Section 1027.

C. Wind Energy Facility, Accessory, in accordance with Section 1029.

SECTION 404: GENERAL DEVELOPMENT STANDARDS

In the EC Employment Center District, the following development standards shall apply, unless specifically designated otherwise within this article.

A. Utilities: All utility lines must be placed underground.

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

C. Lighting: All outdoor lighting shall be arranged so that no objectionable illumination is cast upon adjoining land uses in any Zoning District.

D. Accessory Buildings.

1. No accessory building shall be permitted in the front yard area.

2. Accessory buildings shall not exceed fifteen (15) feet in height.

E. Off Street Parking.

1. Off street parking shall be provided in accordance with Article XII of this Ordinance.

2. All off street parking shall be located at least eight (8) feet from a building structure, or side yard property line.

F. Access Regulations:

1. A maximum of two (2) access ways (curb cuts) shall be permitted. The maximum width of each access way at the right-of-way line shall be forty (40) feet.

2. Each structure and its parking or service area shall be separated from the adjoining public highway, or street right-of-way by a curb and planting area, with a depth of no less than five (5) feet.

G. Building Design: Any building where the proposed gross floor area exceeds fifty thousand (50,000) square feet, either initially or cumulatively, shall be subject to the building design standards of Section 1004.

H. Landscaping: For all nonresidential development within the EC District, the following landscaping standards shall apply.

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.

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 on the site, provided the following conditions are achieved:

a. The major deciduous trees shall be in good health.

b. The major deciduous 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 nonresidential use.

c. The applicant shall replace any major deciduous tree which contributes to the minimum quantity of landscaping with another major deciduous 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.

SECTION 405: DIMENSIONAL REQUIREMENTS

In the EC Employment Center District, the following dimensional standards shall apply, unless specifically designated otherwise within this Article.

A. Lot Area: One (1) acre.

B. Lot Width: Two hundred (200) feet.

C. Minimum Yard Requirements:

1. Front Yard

a. Along Limited Access Highway: One hundred twenty-five (125) feet.

b. Along Arterial Road: One hundred (100) feet.

c. Along All Other Roads: Sixty (60) feet.

2. Side Yard: 20 feet.

3. Rear Yard: 20 feet.

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

E. Maximum Building Height: Sixty (60) feet.

(as amended by Ord. No. 3 of 2022, §5)

ARTICLE V - HIGHWAY COMMERCIAL DISTRICT (HC)

SECTION 500: STATEMENT OF LEGISLATIVE INTENT

In expansion of the Community Development Objectives contained in Article I, Section 104 of this Ordinance, it is hereby declared to be the intent of this Article to provide for well-designed commercial establishments within appropriate areas of Adams County, in order to:

A. Provide for a compatible mix of commercial uses fronting on major roadways within the County, where some commercial development already exists, or where land use patterns and planning goals suggest that highway oriented commercial development is appropriate.

B. Prevent commercial areas from developing at an intensity which is beyond the capability of the surrounding roadway network to accommodate the traffic generated by such development.

C. Provide for the future economic vitality of highway commercial areas by discouraging premature land uses of an inappropriate scale from utilizing roadway frontage.

D. Require appropriate building setbacks and other design standards, which will facilitate potential future roadway improvements and/or widening projects.

E. Enhance public safety by preventing excessive curb cuts, regulating the location and spacing of ingress and egress points, and establishing appropriate sight distances at the intersection of property access drives and the surrounding roadway network.

F. Provide for appropriate site improvements, landscaping, community infrastructure, and environmental protection standards for development locating along the surrounding roadway network.

G. Enhance the visual appearance and appeal of highly visible commercial development located along segments of the County roadway network by requiring the installation of landscaping and signage of an appropriate size, scale, and design.

H. Enhance public safety for highway users by avoiding excessive and confusing signage along roadways.

SECTION 501: PERMITTED USES

The following uses are permitted in the HC-Highway Commercial district.
(as amended by Ord. No. 1 of 2015, §IV)

A. Offices for businesses and business support services, excluding uses featuring "drive-through" services.

B. Offices for professional services.

C. Retail establishments, but excluding adult entertainment uses.

D. Automobile sales, service, and supply agencies.

E. Restaurants, cafes, taverns, and nightclubs, excluding those establishments offering drive-through or fast-food service and those characterized as adult entertainment uses.

F. Warehouses, wholesale distribution businesses, and supply outlets for lumber, plumbing, building supplies and materials.

G. Animal hospital, pet shop.

H. Day Care Centers, nursery schools.

I. Banks, financial institutions, provided that "drive through" services are not included in the development plan.

J. Wireless Communication Facility – Co-location – outside public right-of-way, in accordance with Section 1003-D.

(as amended by Ord. No. 3 of 2022, §6)

K. Animal Shelter.

L. Kennel, Commercial.

M. Forestry.

N. The construction of new or the expansion of an existing Single Family Detached Dwellings, provided that the following requirements are met:

1. A Single Family Detached Dwelling may be constructed on a parcel existing prior to the effective date of this Ordinance.

2. A Single Family Detached Dwelling may be constructed on a parcel created after the effective date of this Ordinance, provided the parcel meets the dimensional requirements of Section 802 of this Ordinance.

O. No-Impact Home-Based Businesses, in accordance with Section 1008.

P. Home Occupations, in accordance with Section 1005.

Q. Indoor Theaters, Bowling Alleys, Indoor Ice and Roller Skating Rinks, Gymnasiums, Indoor Handball and Tennis Courts, and Miniature Golf Ranges.

R. Hotel / Motel.

S. Mortuaries and Undertaking Establishments.

T. Place of Worship.

U. Wireless Communication Facility – Tower-Based – outside public right-of-way, in accordance with Section 1003-A.

(as amended by Ord. No. 3 of 2022, §7)

V. Other uses of the same general character as those listed in Section 501.A through 501.U.

(as amended by Ord. No. 3 of 2022, §8)

W. Solar Energy Production Facility, Accessory, in accordance with Section 1027.

(as amended by Ord. No. 3 of 2022, §8)

X. Wind Energy Facility, Accessory, in accordance with Section 1029.

(as amended by Ord. No. 3 of 2022, §8)

Y. Hospitals, Urgent Care Centers, Clinics, and similar healthcare facilities.

(as amended by Ord. No. 3 of 2022, §8)

Z. Museums, Theaters, Libraries, and similar cultural and entertainment uses.

(as amended by Ord. No. 3 of 2022, §8)

AA. Child Care Center or Group Child Care (Accessory to Non-Residential Use), in accordance with Section 1038.

(as amended by Ord. No. 3 of 2022, §8)

BB. Rental Storage, in accordance with Section 1044.

(as amended by Ord. No. 3 of 2022, §8)

CC. Small Wireless Facility–tower-based–inside public right-of-way, in accordance with Section 1003-C.

(as amended by Ord. No. 3 of 2022, §8)

DD. Small Wireless Facility – Co-location – inside public right-of-way, in accordance with Section 1003-B.

(as amended by Ord. No. 3 of 2022, §8)

SECTION 502: SPECIAL EXCEPTION USES

The following uses are permitted as Special Exception uses in the HC District in accordance with the following standards and criteria and any additional reasonable conditions that the Zoning Hearing Board may deem necessary to apply and in accordance with the procedures set forth in Section 1407 of this Ordinance:

A. Fast Food Restaurants with "Drive-In" or "Drive-Through" service, provided the following requirements can be met:

1. A minimum of eight (8) on-site vehicular waiting spaces are required for occupied vehicles waiting for window service.

2. The above spaces shall not interfere with parking spaces intended for non-drive through customers, internal circulation or pedestrian safety.

3. A site design plan showing building placement and dimensions, vehicular and pedestrian access, internal circulation, landscaping, and size and location of signage is approved by the Zoning Hearing Board.

B. Banks, financial institutions, and any other businesses with drive-through service, provided the following standards are met:

1. A minimum of six (6) queuing spaces are required for customers in vehicles waiting drive-through window service.

2. Drive-through window queuing spaces shall be separated from parking spaces intended for non-drive-through customers, and shall not interfere with pedestrian movements from parking spaces to the business.

3. Drive-through windows and the cueing spaces shall be located to the side or rear of the structure.

4. A site plan showing, at a minimum, building placement and dimensions, vehicular and pedestrian access, and internal circulation, shall be submitted.

C. Gasoline Service Stations or other highway oriented vehicular service businesses, provided the following standards can be met:

1. All vehicular servicing activities except for those normally performed at fuel pumps shall be performed within completely enclosed buildings.

2. Fuel pumps shall be setback a minimum of forty (40) feet from the public right-of-way.

3. Fuel pumps shall not interfere with parking spaces or internal circulation and shall be located at least thirty (30) feet from all parking areas.

4. A minimum width of two hundred and fifty (250) feet at the building setback line is required.

5. A site development plan is approved showing building and fuel pump placement and dimensions, parking, landscaping, internal circulation, and the size and location of signage are approved by the Zoning Hearing Board following review and comment by the Adams County Office of Planning and Development and the Adams County Planning Commission.

D. Shopping Centers provided the following requirements are adhered to:

1. A tract of no less than three (3) acres is required.

2. A minimum lot width of three hundred (300) feet, measured at the building setback line, is required.

3. Provisions for providing for a minimum of eight (8) separate uses specified in Sections 501.A, 501.B, 501.C, 501.E, 501.H, and 501.I must be incorporated into the center.

4. Impervious Ground Coverage: Not more than sixty-five percent (65%) of any lot may be occupied by structures, access drives, parking lots, or any other impervious surfaces.

5. Off-street parking shall be provided in accordance with Article XII herein.

6. Only one ingress and one egress point is permitted onto an Arterial Street.

7. Written confirmation is obtained from appropriate authorities and/or agencies that adequate sewage treatment and water facilities are available.

8. A site design plan showing building placement and vehicular safety control features, specific landscaping components, and the size and location of signage is approved by the Zoning Hearing Board.

9. An architectural rendering showing the appearance of the facade(s) of the structure(s) visible from the cross-route highway must be submitted along with the site plan.

10. Shopping Centers that exceed 25,000 square feet of gross floor area shall be subject to the design requirements set forth in Section 1003 of this Ordinance.

E. Medical Marijuana Dispensary, in accordance with Section 1041.

(as amended by Ord. No. 3 of 2022, §9)

F. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Sections 501 and 502, and in accordance with Section 1050.

(as amended by Ord. No. 3 of 2022, §9)

SECTION 503: GENERAL DEVELOPMENT STANDARDS

In the HC Highway Commercial District, the following lot area, lot coverage, yard requirements, building height and other development standards shall apply, unless specifically designated otherwise within this article.

A. Lot Area: Except when otherwise specified herein, a lot area of not less than one (1) acre shall be provided for every permitted or special exception use in the HC District.

B. Lot Width: Unless otherwise specified, two hundred (200) feet.

C. Minimum Yard Requirements:

1. Front Yard: 100 feet from the right-of-way line of a limited access highway; 20 feet from the right-of-way of all other streets.

2. Side Yard: 20 feet, unless the buffer requirements of Section 503.K apply.

3. Rear Yard: 20 feet, unless the buffer requirements of Section 503.K apply.

D. Impervious Ground Coverage: Not more than sixty-five percent (65%) of any lot may be occupied by structures, access drives, parking lots or any other impervious surfaces.

E. Height Restrictions: Maximum Building Height: No building shall exceed five (5) stories or sixty (60) feet in height.

F. Ingress and Egress (Access ways):

1. Paved and curbed access ways leading to and from adjoining public roadways shall be built to the dimensional requirements specified in the subdivision land and development ordinance of the applicable local municipal government. If width standards are not specified in a local ordinance, the maximum width of an access way at its right-of-way line shall be forty (40) feet.

2. For existing lots which have less than one hundred and seventy five (175) feet of frontage along an adjoining roadway a maximum of one access way to a public roadway shall be permitted.

3. Corner lots shall not have two points of access into one adjoining roadway, unless the placement of an access onto one roadway would create a traffic hazard as deemed by PennDOT.

4. No property shall have more than two access ways, and any access way shall be spaced a minimum of eighty (80) feet from any other.

G. Frontage Landscaping Requirements:

1. Along the public right-of-way(s) of each lot, except for areas devoted to driveways, landscaping with a minimum depth of twenty (20) feet shall be provided.

2. All of the area between a building and the public right-of-way shall be landscaped. Pedestrian amenities (i.e. sidewalks, outdoor patios and dining areas, etc.) may be permitted within the required landscaping area. Where a building directly faces two (2) or more abutting streets, this requirement shall apply only to the side of the building facing the primary street.

3. Parking areas shall not be located in the area between the building and the public-right-of way. Where a building directly faces two (2) or more abutting streets, this requirement shall apply only to the side of the building facing the primary street.

4. Loading areas, refuse areas, and outdoor storage and display areas shall not be located in the front yard.

H. Refuse Areas: The design of all structures in the HC 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.

I. Outdoor Storage:

1. When an outdoor display or storage area is paved, it shall count toward the total impervious coverage permitted in the district.

2. Permanently roofed structures shall count toward building coverage requirements and shall not be located within any specified building setback area.

J. Lighting: All outdoor lighting shall be arranged so that no objectionable illumination is cast upon adjoining land uses in any Zoning District; no blinking, rotating, or moving lights are permitted in this District.

K. Zoning District Boundary Buffer Required: When a use is permitted in the Highway Commercial District as a "Special Exception", and when said "Special Exception" abuts an adjoining Residential or Agricultural Preservation Zoning District, no structure shall be built within seventy-five (75) feet of the boundary line of an "AP" or "RR" Residential District. Furthermore, a landscaped buffer strip, at least twenty (20) feet in depth must be contained within the buffer strip.

L. Within any subdivision that includes proposed lots intended for residential use as authorized in Section 501.N.2, only single-family detached dwellings shall be permitted on parcels accessed from local streets installed as a component of the subdivision. Business or commercial use of such lots shall not be authorized.

M. Building Design: Any building where the proposed gross floor area exceeds twenty-five thousand (25,000) square feet, either initially or cumulatively, shall be subject to the building design standards of Section 1004.

N. Landscaping: For all nonresidential development within the HC District, the following landscaping standards shall apply.

1. Quantity of Landscaping: A minimum of two (2) Planting Units 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.

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 on the site, provided the following conditions are achieved:

a. The major deciduous trees shall be in good health.

b. The major deciduous 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 major deciduous tree which contributes to the minimum quantity of landscaping with another major deciduous 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.

ARTICLE V-A - VILLAGE DISTRICT (V)

SECTION 520: STATEMENT OF LEGISLATIVE INTENT:

In expansion of the Community Development Objectives contained in Section 104 of this Ordinance, it is hereby declared to be the intent of the V District to establish reasonable standards to provide for a mix of residential and limited commercial and office uses within the V District. Furthermore, it is the intent of this Article to:

A. Encourage the full economic use of established and historic structures along the primary streets within existing village settings.

B. Encourage an appropriate mix of residential uses, limited commercial, business, and office-oriented businesses similar to those that currently exist in the area.

C. Limit and discourage the development of strip-type, highway-oriented commercial uses that create traffic hazards and congestion because they require numerous individual curb cuts and generate higher volumes of traffic.

D. Permit uses that promote conversion of existing buildings in a manner that maintains the visual character and architectural scale of existing development within the established core of village settings.

E. Maintain the placement and location pattern of structures within the established core of village settings to maintain the visual and community character of such settings.

SECTION 521: USES PERMITTED BY-RIGHT

Within the V District, the following uses are permitted by-right. This section permits, by right, only a single use on each property or within each structure. Properties or structures containing a mixture of uses are permitted provided the special exception standards of Section 522 and Article XIV are met.

A. Single-family Detached Dwellings.

B. Single-family Semi-detached dwellings (Twins).

C. Two-Family Dwellings (Duplexes).

D. Retail Specialty Shops including, but not limited to, the sale of gifts; specialty foods; household goods; art; antiques; flowers; books, magazines, and periodicals (excluding adult-oriented materials); telecommunications devices; electronics and electronic supplies; jewelry; clothing; tobacco and related supplies; craft supply shops; and craft shops.

E. Personal Service Shops including, but not limited to, tailors; barbers; beauty salons; shoe and clothing repair; dressmaking, or similar service uses.

F. Business Offices including, but not limited to, security and commodity brokerages; real estate sales; travel agencies; employment, tax, and investment counseling; insurance sales; advertising; mailing and stenographic services; and similar uses.

G. Studios for dance, art, music, photography, radio, or television.

H. Professional Offices for lawyers, engineers, architects, landscape architects, urban planners, accountants, economic and financial consultants, doctors, dentists, chiropractors, or other professionals similar to those listed in this subsection.

I. Coffee and Snack Shops, either as a stand-alone use or as a use accessory to a use authorized in Section 521.D of this Ordinance. Cooking shall be limited to the brewing of coffee or tea and the preparation of sandwiches or similar snacks. Coffee and Snack Shops may offer for sale coffee and snack related products or accessories.

J. No-Impact Home-Based Businesses.

K. Government Offices.

L. Place of Worship.

M. Accessory Uses, including garages, storage buildings, and similar uses.

N. Forestry.

O. Home Occupations, in accordance with Section 1005.

P. Solar Energy Production Facility, Accessory, in accordance with Section 1027.

(as amended by Ord. No. 3 of 2022, §10)

Q. Wind Energy Facility, Accessory, in accordance with Section 1029.

(as amended by Ord. No. 3 of 2022, §10)

R. Museums, Theaters, Libraries, and similar cultural and entertainment uses.

(as amended by Ord. No. 3 of 2022, §10)

S. Child Care Center or Group Child Care (Accessory to Non-Residential Use), in accordance with Section 1038.

(as amended by Ord. No. 3 of 2022, §10)

T. Family Child Care, in accordance with Section 1039.

(as amended by Ord. No. 3 of 2022, §10)

U. Vacation Rental, in accordance with Section 1047.

(as amended by Ord. No. 3 of 2022, §10)

V. Homestay, in accordance with Section 1046.

(as amended by Ord. No. 3 of 2022, §10)

W. Small Wireless Facility–tower-based–inside public right-of-way, in accordance with Section 1003-C.

(as amended by Ord. No. 3 of 2022, §10)

X. Small Wireless Facility – Co-location – inside public right-of-way, in accordance with Section 1003-B.

(as amended by Ord. No. 3 of 2022, §10)

SECTION 522: USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted as "Special Exception Uses" in accordance with the following standards and criteria and any additional reasonable conditions that the Zoning Hearing Board may deem necessary to apply and subject to the procedures set forth in Section 1407 of this Ordinance.

A. Restaurants (Excluding Drive-through and Drive-in Establishments)

1. Hours of operation shall be limited to 5 am to 12 am.

2. Kitchen exhaust shall be vented through a vertical exhaust system. For restaurants located in a two (2) or three (3) story building, all kitchen exhaust shall be vented to an exhaust outlet located no lower than the second floor of the building. For restaurants located in a single story building, all kitchen exhaust shall be vented to an exhaust outlet located on the roof of the building.

3. Any trash containers, used for the disposal of restaurant waste products, shall be shielded from public view by a decorative solid fence or evergreen shrubbery.

B. Conversion Apartments

1. Off-street parking shall be provided according to the following scale:

Number of Bedrooms	Number of Parking Spaces
1	1.0

2	1.5
3	2.0

2. Parking areas shall be located and designed according to the applicable standards of Article XII of this Ordinance.

3. Minimum apartment size shall conform to the following scale:

Number of Bedrooms	Usable Living Area
1	500 Square Feet
2	650 Square Feet
3	850 Square Feet

4. Only existing, single-family detached dwellings may be converted for conversion apartment use.

5. A maximum of three (3) units may be created by the conversion of a single-family detached structure.

6. Access to each unit must be reviewed and approved by an appropriate local fire protection official. The property owner shall provide each unit with fire alarms, kept in working condition by the property owner at all times.

7. The property owner shall provide exit signs in all hallways leading to and from second and third floor apartments. In addition, the property owner shall provide each hallway serving independent units with fire alarms, kept in working order by the property owner at all times.

C. Mixed-use Structures

1. Mixed-use structures shall consist of two (2) or more limited specialty retail, business office, or professional office uses or one (1) or more specialty retail, business office, or professional office uses and one (1) or more residential units.

2. Commercial uses outlined in Sections 521.D or 521.E may be located on the first floor of the structure, and also, when access is approved by appropriate local fire protection officials, on the second floor of the structure.

3. Professional Office or Business Offices uses outlined in Sections 521.F or 521.H may be located on the first and second floors of a structure. The third floor of a structure may also be used for Professional Offices or Business Offices provided that the office space on the third floor is an extension of a Professional Office or Business Office business which has its primary office space on the first or second floors.

4. Residential apartments may be located on the second and third floors provided that the minimum apartment sizes conform to the scale presented in Section 522.B.3 and that off-street parking is provided according to the scale presented in Section 522.B.1.

5. Access to and from residential units shall be independent of access to and from any Commercial, Business Office or Professional Office use located within the mixed-use structure. Independent access may be provided externally to the building or from an internal system of hallways and staircases. Under no circumstances should residents be required to gain access to a residential unit through commercial, business office, or professional office spaces.

6. Access to second and third floor uses, whether residential, commercial or professional office in nature, shall be approved by appropriate local fire protection officials. The property owner shall supply all residential units and each floor of commercial or professional office space with fire alarms, kept in working condition by the property owner at all times.

7. The property owner shall provide exit signs in all hallways leading to and from second and third floor uses. In addition, the property owner shall provide each hallway serving independent units and each use area with fire alarms, kept in working condition by the property owner at all times.

D. Bed and Breakfast Operations, in accordance with Section 1011.

E. Group Home, in accordance with Section 1036.

(as amended by Ord. No. 3 of 2022, §11)

F. Halfway House, in accordance with Section 1037.

(as amended by Ord. No. 3 of 2022, §11)

G. Medical Marijuana Dispensary, in accordance with Section 1041.

(as amended by Ord. No. 3 of 2022, §11)

H. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Sections 521 and 522, and in accordance with Section 1050.

(as amended by Ord. No. 3 of 2022, §11)

SECTION 523: AREA AND BULK REGULATIONS

The following standards shall govern all uses, subdivision projects, and land development plans within the V District.

A. The minimum lot area shall be 3500 square feet.

B. The minimum lot width shall be 30 feet at the minimum building setback line.

C. The maximum impervious lot coverage shall not exceed sixty-five percent (65%). Impervious lot coverage includes features such as the building and parking lots and other such facilities that do not allow for the infiltration of water into the ground.

D. Front yards shall meet the following standards.

1. The minimum front yard depth shall be ten (10) feet, measured from the street right-of-way line, unless an adjoining property contains a structure with less front yard depth. In that event, the front yard setback shall conform to the existing front yard depth of the adjoining properties.

2. The entire front yard shall be maintained as a landscaped area, except for walkways connecting the entrances with the public sidewalk and for one (1) access driveway.

3. Existing trees in the front yard areas shall not be cut down unless they interfere with an existing or proposed driveway or become diseased.

4. No parking shall be permitted in front yard areas.

E. Side yards shall meet the following standards.

1. The minimum side yard width shall be six (6) feet. When the lot is located in an area of the VC District where existing structures have been constructed to the property line, minimum side lots requirements may be waived.

F. Rear yards shall meet the following standards.

1. The minimum rear yard depth for principal structures and accessory structures in excess of two hundred (200) square feet in size shall be fifteen (15) feet. The minimum rear yard depth for accessory structures less than or equal to two hundred (200) square feet in size shall be ten (10) feet.

G. The maximum height of any structure within the V District shall not exceed thirty-five (35) feet.

H. The maximum width or primary frontage of any structure within the V District shall not exceed eighty (80) feet, measured horizontally along the front of the building.

ARTICLE VI - AGRICULTURAL PRESERVATION DISTRICT 1 (AP1)

SECTION 600: STATEMENT OF LEGISLATIVE INTENT

In expansion of the Community Development Objectives contained in Article I, Section 104 of this ordinance, it is hereby declared to be the intent of this Article to provide for the preservation, protection, and enhancement of agricultural operations in appropriate locations within Adams County, in order to:

A. Establish agriculturally-oriented, low density buffer zones in appropriate rural resource areas surrounding designated growth areas as designated by the Adams County Comprehensive Plan, so that:

1. High density and unfocused, inefficient development patterns in rural resource areas will be avoided.

2. Areas requiring sewer, water, and other infrastructure will be limited to manageable, reasonably sized service areas in designated growth areas.

B. Protect and stabilize agriculture as an on-going economic activity within appropriate rural resource areas of Adams County by generally permitting only those land uses and activities which are agricultural in nature or act in direct support thereof.

C. Recognize the importance that the visual beauty associated with the "open space character" of the Adams County landscape has for the viability of the Adams County tourism industry.

D. Discourage development from occurring on prime farm lands which are most conducive to high crop yields.

F. Protect agriculture from incompatible uses which may also interfere with normal and customary agricultural practices within that zone.

SECTION 601: USE REGULATIONS

A structure may be erected or used, and a lot may be used or occupied for any of the following purposes and no other:

A. Permitted Uses:

1. Farms, excluding farms in which a component of the farm is an Agribusiness Operation.

2. Agricultural Operations, excluding Agribusiness Operations.

3. Horticultural activities, including nurseries and greenhouses.

4. Single-Family Detached Dwellings.

5. Forestry

6. Place of Worship.

7. Cemetery, either as a principal use or as an accessory use to a Place of Worship.

8. Agricultural society meeting hall and/or offices.

9. Animal Hospital.

10. Kennel, Commercial.

11. Event Venue, as a principal use, in accordance with Section 1035.

(as amended by Ord. No. 3 of 2022, §12)

12. Vacation Rental, in accordance with Section 1047.

(as amended by Ord. No. 3 of 2022, §12)

13. Small Wireless Facility–tower-based–inside public right-of-way, in accordance with Section 1003-C.

(as amended by Ord. No. 3 of 2022, §12)

14. Small Wireless Facility – Co-location – inside public right-of-way, in accordance with Section 1003-B.

(as amended by Ord. No. 3 of 2022, §12)

B. Permitted Accessory Uses:

1. Structures accessory to a Farm or to an Agricultural Operation.

2. Sale of Agricultural Products on the property on which said Agricultural Products are grown or produced, in accordance with the following.

a. The structure, including a roadside stand, from which 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.

b. Off-street parking shall be provided in accordance with applicable provisions of Article XII.

3. The processing of Agricultural Products on the property on which said Agricultural Products are grown or produced.

4. Growing or producing an Agricultural Product on a property other than a farm.

5. Wireless Communication Facility – Co-location – outside public right-of-way, in accordance with Section 1003-D.

(as amended by Ord. No. 3 of 2022, §13)

6. No-Impact Home-Based Businesses, in accordance with Section 1008.

7. Home Occupations, in accordance with Section 1005.

8. Farm Worker Housing, as an accessory use to a farm or an agricultural operation, in accordance Section 1009.

9. Wireless Communication Facility–Tower-Based–Outside Public Right-of-Way, in accordance with Section 1003-A.

(as amended by Ord. No. 3 of 2022, §14)

10. Solar Energy Production Facility, Accessory, in accordance with Section 1027.

(as amended by Ord. No. 3 of 2022, §15)

11. Wind Energy Facility, Accessory, in accordance with Section 1029.

(as amended by Ord. No. 3 of 2022, §15)

12. Family Child Care, in accordance with Section 1039.

(as amended by Ord. No. 3 of 2022, §15)

13. Homestay, in accordance with Section 1046.

(as amended by Ord. No. 3 of 2022, §15)

14. RV Hosting, in accordance with Section 1048.

(as amended by Ord. No. 3 of 2022, §15)

15. Tent Hosting, in accordance with Section 1049.

(as amended by Ord. No. 3 of 2022, §15)

C. Special Exception Uses:

The following uses are permitted as Special Exception uses in accordance with the following standards and criteria and any reasonable conditions that the Zoning Hearing Board may deem necessary and in accordance with the procedures set forth in Section 1407 of this Ordinance:

1. Farm Equipment Sales Facility, provided that:

a. A minimum lot area of two (2) acre and lot width of two hundred (200) feet shall be required.

b. A maximum of sixty percent sixty percent (60%) of the site shall be covered by impervious materials.

c. 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.

d. A land development plan is reviewed and approved by appropriate county and municipal authorities.

2. Agribusiness Operations, provided that:

a. 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 Recorders Office, and a copy of such deed shall be included in the applicant's Special Exception application.

b. Setbacks: The following setbacks are required:

(1) 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.

(2) 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.

c. Maximum impervious lot coverage shall not exceed ten percent (10%).

d. 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 Section 1411 of this Ordinance.

e. 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.

f. 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 so as to minimize the spread of odors and disease.

g. 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 to the local

municipality, local approval of the land development plan shall be a condition of any special exception approval granted in accordance with this section.

h. Areas designed for outdoor storage of pallets, machinery, or other materials, shall be provided a vegetative screen consisting of at least three of the following materials: landscape mulch, grass, shrubs, and trees. Outdoor storage areas shall be screened by an earthen berm and / or vegetative plantings of sufficient height to shield the storage area from view from public rights-of-way and adjoining properties.

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

3. Farm-Related Business, in accordance with Section 1010.

4. Bed and Breakfast Operations, in accordance with Section 1011.

5. Accessory Dwelling Units, in accordance with the requirements of Section 1006.

6. Farm Market and/or Agricultural Tourism in accordance with the requirements of Section 1007.

7. Event Venue, as an accessory use to a farm or an agricultural operation, in accordance with Section 1035.

(as amended by Ord. No. 3 of 2022, §16)

8. Outdoor Shooting Range, in accordance with Section 1045.

(as amended by Ord. No. 3 of 2022, §16)

9. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Sections 601 and 603, and in accordance with Section 1050.

(as amended by Ord. No. 3 of 2022, §16)

SECTION 602: 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. Permitted Density: Existing parcels shall be permitted to subdivide the following number of lots, based upon the parcel size, as of the original date of

application of the Adams County Zoning Ordinance, as may be amended or reenacted, to the subject parcel:

Size of Farm or 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 maximum allotment determined for the parcel as it existed on said original date of application.

3. Large Lot/Lot Consolidation Option: Landowners may elect to combine lots that they are entitled to under the scale contained in Section 602.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 area of the large lot created by combining two or more entitled lots, shall be determined by multiplying the number of allowable lots by two (2) acres (the maximum lot size).

4. Where new lots are proposed in accordance with this Section, but where all of the lots allocated in Section 602.A are not used, the subdivision plan shall indicated 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 602.A, the number of lots proposed on the subdivision plan, and the number of lots remaining from the allocation that may be subdivided.

B. All applications for subdivision or land development plans, or building, and/or zoning permits, shall be accompanied by an agricultural plan identifying the following:

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.

5. It is hereby determined that the applicant shall have the burden of proving that the land he or she seeks to subdivide meets the criteria set forth in this section. 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 an engineering or scientifically based analysis of the soils on that portion of the property which he or she seeks to develop.

C. Applications to erect or establish a use or subdivide a farm or property shall be submitted to the Adams County Office of Planning and Development and reviewed subject to the following criteria:

1. All 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 outcropping or the fact that the area is heavily wooded, or due to the fact that the size or shape of the area suitable for farming is insufficient to permit the efficient use of farm machine. In all cases such lots shall be located on the least agriculturally productive land feasible, and so as to minimize interference with agricultural production.

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. Subdivision or development shall not necessitate any new streets, except that one (1) lot or use may be accessed via an unimproved fifty (50) foot right-of-way.

5. Where a subdivision is proposed to support the establishment of a new Farm, said application shall include documentation indicating that the proposed

property complies with local municipal regulations regarding the control of noxious weeds in accordance with the Noxious Weed Control Law (3 P.S. § 255.1-255.11).

SECTION 603: DIMENSIONAL REQUIREMENTS

A. Minimum Lot Area:

1. Farm: Twenty-five (25) acres.

2. Single-Family Detached Dwelling: One (1) acre.

3. All Other Uses Not Otherwise Defined: One (1) acre.

B. Maximum Lot Area

1. Single-Family Detached Dwelling (excluding Lot Consolidation Option): Two (2) acres.

2. Non-Residential Uses not Associated with a Farm or Agricultural Operation: Four (4) Acres.

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 Yard Setback: Thirty-five (35) feet.

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

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

G. Maximum Building Height

1. Farms and Agricultural Operations: None

2. All Other Uses: Forty (40) feet.

ARTICLE VI-B - LAND CONSERVATION DISTRICT (LC)

SECTION 640: STATEMENT OF LEGISLATIVE INTENT

In expansion of the Community Development Objectives contained in Article I, Section 104 of this Ordinance, it is hereby declared to be the intent of this Article to conserve and protect open space and agricultural areas, to enhance the rural character of appropriate portions of Adams County, and to provide design alternatives to standard residential development in rural settings. Specific objectives of this Article include:

A. To preserve open land by setting development apart from sensitive natural features such as woodlands, slopes, streams, floodplains, and wetlands.

B. To preserve scenic views and elements of rural character by minimizing perceived density and views of development from existing roads.

C. To provide design flexibility and efficiency in the siting of infrastructure and the provision of services.

D. To encourage compact residential clusters with direct visual and physical access to open space for recreational, contemplative, and related purposes.

E. To protect local groundwater supplies by minimizing reductions in aquifer re-charge potential that may result from development.

F. To reduce erosion and stream sedimentation by the retention of existing vegetation, and by the minimization of development on steep slopes.

G. To implement the land use goals established in the 1991 Adams County Comprehensive Plan, with special regard to those areas planned for "Agriculture, Resource Conservation, and Residential-Very Low Density" development.

SECTION 641: MAXIMUM PERMITTED DEVELOPMENT DENSITIES

Within the Land Conservation (LC) District, the following maximum density standards apply:

A. 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 before the application of the LC District to the subject property, one (1) dwelling unit may be subdivided from said property.

B. The density allocated by Section 641.A above shall be calculated based on the parcel size, as of the original date of application of the Adams County Zoning Ordinance, as may be amended or reenacted, to the subject parcel. Additional dwelling units will not

be allocated where a lot addition is added to the subject parcel after the original date of application.

SECTION 642: PERMITTED USES

The following uses are permitted in the LC District:

A. Single family detached dwellings shall be permitted on parcels existing on the date of application of the LC District to the parcel in question. In addition, single-family detached dwellings shall be permitted on residual parcels of land, following the subdivision of lots in accordance with the requirements of this Article. In both cases, the following requirements shall apply:

1. Open Land shall be provided in accordance with the requirements established in Section 644.

2. Compliance with the dimensional requirements of Section 645.

B. New lots for single-family detached dwellings shall be permitted to be subdivided in accordance with the following standards:

1. Compliance with the dimensional requirements of Section 645.

2. All subdivisions involving the development of single-family detached residential lots in accordance with this Section shall comply with the Open Land Standards set forth in Section 644.

C. The following agricultural uses are permitted by right:

1. Farms.

2. Agricultural Operations, excluding Agribusiness Operations.

3. Farm Worker Housing, as an accessory use to a farm or an agricultural operation, in accordance with Section 1009.

D. The following types of public and semi-public uses are permitted by right:

1. Nature preserves, wildlife sanctuaries, and similar uses.

2. Park and recreation uses and easement areas, limited to such non-intensive activities such as hiking and walking, bicycling, nature observation, and picnicking. Intensive recreation uses such as amusement parks are specifically prohibited from the LC District.

3. Municipal Offices.

E. Accessory uses on the same lot with and customarily incidental to permitted uses.

F. Wireless Communication Facility – Co-location – outside public right-of-way, in accordance with Section 1003-D.

(as amended by Ord. No. 3 of 2022, §17)

G. No-Impact Home-Based Businesses, in accordance with Section 1008.

H. Forestry.

I. Home Occupations, in accordance with Section 1005.

J. Place of Worship.

K. Wireless Communication Facility–Tower-Based–Outside Public Right-of-Way, in accordance with Section 1003-A.

(as amended by Ord. No. 3 of 2022, §18)

L. Solar Energy Production Facility, Accessory, in accordance with Section 1027.

(as amended by Ord. No. 3 of 2022, §19)

M. Wind Energy Facility, Accessory, in accordance with Section 1029.

(as amended by Ord. No. 3 of 2022, §19)

N. Event Venue, as a principal use, in accordance with Section 1035.

(as amended by Ord. No. 3 of 2022, §19)

O. Family Child Care, in accordance with Section 1039.

(as amended by Ord. No. 3 of 2022, §19)

P. Outdoor Shooting Range, in accordance with Section 1045.

(as amended by Ord. No. 3 of 2022, §19)

Q. Vacation Rental, in accordance with Section 1047.

(as amended by Ord. No. 3 of 2022, §19)

R. Homestay, in accordance with Section 1046.

(as amended by Ord. No. 3 of 2022, §19)

S. RV Hosting, in accordance with Section 1048.

(as amended by Ord. No. 3 of 2022, §19)

T. Tent Hosting, in accordance with Section 1049.

(as amended by Ord. No. 3 of 2022, §19)

U. Small Wireless Facility–tower-based–inside public right-of-way, in accordance with Section 1003-C.

(as amended by Ord. No. 3 of 2022, §19)

V. Small Wireless Facility – Co-location – inside public right-of-way, in accordance with Section 1003-B.

(as amended by Ord. No. 3 of 2022, §19)

SECTION 643: SPECIAL EXCEPTION USES

The following uses are permitted as Special Exception Uses in accordance with the following standards and criteria and any reasonable conditions that the Zoning Hearing Board may deem necessary to apply and in accordance with the procedures set forth in Section 1407 of this Ordinance:

A. Estate Lots may be proposed in accordance with the following standards.

1. Compliance with the dimensional requirements of Section 645.

2. Living Area: A maximum of one and one-quarter (1.25) 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.

3. The Living Area shall be located in an area relatively free of sensitive environmental features including, but not limited to, floodplains, wetlands, slopes in excess of twelve percent (12%), and areas of prime agricultural soil as designated by the Adams County Soil Survey.

4. Disturbance to existing woodlands, hedgerows, mature tree stands, and other significant vegetation shall be minimized.

5. The portion of the Estate Lot exclusive of the Living Area shall be included in meeting the Open Land requirements set forth in Section 646.

6. 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.

B. Farm-Related Business, in accordance with Section 1010.

C. Bed and Breakfast Operations, in accordance with Section 1011.

D. Private Campgrounds, provided that:

1. A minimum lot or site area of fifteen (15) acres shall be provided.

2. No building, structure, or parking area shall be located closer than seventy-five (75) feet to a property line.

3. A minimum amount of vegetation shall be removed.

4. The maximum impervious lot coverage shall be twenty-five percent (25%).

E. Accessory Dwelling Units, in accordance with the requirements of Section 1006."

F. Farm Market and/or Agricultural Tourism in accordance with the requirements of Section 1007.

G. Event Venue, as an accessory use to a farm or an agricultural operation, in accordance with Section 1035.

(as amended by Ord. No. 3 of 2022, §20)

H. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Sections 642 and 643, and in accordance with Section 1050.

(as amended by Ord. No. 3 of 2022, §20)

SECTION 644: 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 located on the parent tract.

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 located on the parent tract.

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 the a municipality or the 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. Stormwater management facilities designed in accordance with municipal subdivision and land development regulations.

5. Agricultural uses authorized in Section 642.B.

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 in accordance with the recommendations of appropriately knowledgeable persons in the area being 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 645: DIMENSIONAL REQUIREMENTS:

A. Minimum Lot Area:

1. Single Family Detached Dwelling: Twenty Thousand (20,000) square feet.

2. Estate Lot: Five (5) 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. Event Venue, as a principal use: Five (5) acres.

(as amended by Ord. No. 3 of 2022, §21)

C. Minimum Lot Width:

1. Single Family Detached Dwelling: Ninety (90) feet.

2. Estate Lot: One hundred fifty (150) feet.

3. All Other Uses: One hundred fifty (150) feet.

D. Minimum Front Setback: Thirty-five (35) feet. For Estate Lots, the entire Living Area is subject to the front setback requirement.

E. Minimum Side Setback: Twenty (20) feet. For Estate Lots, the entire Living Area is subject to the side setback requirement.

F. Minimum Rear Setback: Twenty (20) feet: For Estate Lots, the entire Living Area is subject to the rear setback requirement.

G. Maximum Coverage: Twenty-five percent (25%).

H. Maximum Height: Forty (40) feet.

ARTICLE VII - RURAL RESIDENTIAL DISTRICT (RR)

SECTION 700: STATEMENT OF LEGISLATIVE INTENT

In expansion of the Community Development Objectives continued in Article I Section 104 of this ordinance, it is hereby declared to be the intent of this article to:

A. Ameliorate the high service costs associated with random, scattered high density development patterns.

B. Preserve and enhance the open space character of appropriate portions of residential communities within or surrounding growth areas as identified in the adopted Adams County Comprehensive Plan, and to protect the natural resources of these areas.

C. Promote and encourage a safe and healthful environment for family life.

D. Conserve land for a combination of agricultural, horticulture, recreational, and low density residential uses.

E. Permit low density residential development which will not require extensive public services and/or premature public support for utility infrastructure.

F. Recognize that the visual beauty associated with the "open space character" frequently ascribed to the Adams County Landscape strongly contributes to the viability of the Adams County tourism industry, and consequently, helps sustain employment opportunities for low to moderate income residents.

SECTION 701: PERMITTED USES

The following uses are permitted in the RR District:

A. Farms, excluding farms in which a component of the farm is an agribusiness operation.

B. Horticultural activities, including nurseries and greenhouses, either as a principal use or as a component of a farm.

C. Riding Academies.

D. Public and Private Stables.

E. Dog Kennels.

F. Veterinary Hospitals.

G. Single Family detached dwellings.

H. Public parks, playgrounds, and open spaces.

I. Municipal buildings and uses.

J. Golf courses and Country Clubs.

K. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses.

L. Wireless Communication Facility – Co-location – outside public right-of-way, in accordance with Section 1003-D.

(as amended by Ord. No. 3 of 2022, §22)

M. No-Impact Home-Based Businesses, in accordance with Section 1008.

N. Forestry.

O. Home Occupations, in accordance with Section 1005.

P. Place of Worship.

Q. Resort Hotels and Resort Motels provided that:

1. A minimum lot or site area of twenty-five (25) acres shall be provided.

2. The applicant shall remove only a minimal amount of vegetation from the site.

R. Solar Energy Production Facility, Accessory, in accordance with Section 1027.

(as amended by Ord. No. 3 of 2022, §23)

S. Wind Energy Facility, Accessory, in accordance with Section 1029.

(as amended by Ord. No. 3 of 2022, §23)

T. Family Child Care, in accordance with Section 1039.

(as amended by Ord. No. 3 of 2022, §23)

U. Vacation Rental, in accordance with Section 1047.

(as amended by Ord. No. 3 of 2022, §23)

V. Homestay, in accordance with Section 1046.

(as amended by Ord. No. 3 of 2022, §23)

W. RV Hosting, in accordance with Section 1048.

(as amended by Ord. No. 3 of 2022, §23)

X. Tent Hosting, in accordance with Section 1049.

(as amended by Ord. No. 3 of 2022, §23)

Y. Small Wireless Facility–tower-based–inside public right-of-way, in accordance with Section 1003-C.

(as amended by Ord. No. 3 of 2022, §23)

Z. Small Wireless Facility – Co-location – inside public right-of-way, in accordance with Section 1003-B.

(as amended by Ord. No. 3 of 2022, §23)

SECTION 702: SPECIAL EXCEPTION USES

The following uses are permitted as "Special Exception Uses" in accordance with the following standards and criteria and any additional reasonable conditions that the Zoning Hearing Board may deem necessary to apply and in accordance with the procedures set forth in Section 1407 of this Ordinance:

A. Accessory Dwelling Units, in accordance with the requirements of Section 1006.

B. Bed and Breakfast Operations, in accordance with the requirements of Section 601.C.8.

C. Outdoor Shooting Range, in accordance with Section 1045.

(as amended by Ord. No. 3 of 2022, §24)

D. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Sections 701 and 702, and in accordance with Section 1050.

(as amended by Ord. No. 3 of 2022, §24)

SECTION 703: DIMENSIONAL STANDARDS

A.	Minimum Lot Area:	One (1) acre.
B.	Minimum Lot Width:	One Hundred Fifty (150) feet.

C. Yard Requirements: Each lot shall have front, side, and rear yards of not less than the depth and width indicated below:

1. Front Yard – Principal and accessory uses and structures: Thirty-five (35) feet.

2. Side Yard – Principal use or structure, or accessory use or structure with a floor area exceeding six hundred (600) square feet: Twenty (20) feet.

3. Rear Yard – Principal use or structure, or accessory use or structure with a floor area exceeding six hundred (600) square feet: Twenty (20) feet.

4. Side and Rear Yards for accessory structures with a floor area exceeding six hundred (600) square feet shall be governed by the provisions of Section 1001 of this Ordinance.

D. Maximum Building Height: Thirty-five (35) feet. Maximum building height may be increased by one (1) foot for every twenty (20) feet of lot width in excess of the minimum lot width established by Section 703.B. In no case shall the maximum building height be permitted to exceed fifty (50) feet.

ARTICLE VIII - RESIDENTIAL DISTRICT (R)

SECTION 800 STATEMENT OF LEGISLATIVE INTENT

In expansion of the Community Development Objectives contained in Article I Section 104 of this ordinance, it is hereby declared to be the intent of the article to:

A. Protect the character of existing residential neighborhoods located within or surrounding growth areas, as identified in the adopted Adams County Comprehensive Plan, by providing for orderly and timely expansion of these neighborhoods for compatible residential development.

B. Recognize the provisions of Sections 604(4) and 604(5) of the Municipalities Planning Code which requires zoned municipalities to accommodate several basic forms of housing and types of dwelling units.

C. Prevent the overcrowding of land adjacent to existing moderate density neighborhoods.

D. Encourage the development of moderate density residential uses in locations which are best suited for the provision of necessary community services and infrastructure.

E. Encourage the preservation of open space, recreational, historically significant, and environmentally sensitive areas near existing neighborhoods.

F. Exclude incompatible commercial and industrial uses from locating in residential areas.

G. Avoid undue congestion on roadways and to discourage expensive, inefficient development patterns.

SECTION 801 USE REGULATIONS

In the R District, buildings, structures, and lots shall be subject to the following use regulations:

A. Permitted Uses:

The following uses are permitted in the SFR District:

1. Single Family Detached Dwellings.

2. Single Family Semi-Detached Dwellings.

3. Two Family Detached Dwellings.

4. Regulation Golf Courses and Country Clubs.

5. Public Schools.

6. Municipal Offices.

7. Public and Non-Commercial Parks and Recreation Uses.

8. Forestry.

9. Place of Worship.

10. Residential Day Care Facility, provided that:

a. The provider and the structure are licensed by an appropriate County and State Agency.

b. No more than five (5) persons shall receive care at any one time.

11. Assisted Living, in accordance with Section 1032.

12. Independent Living, in accordance with Section 1033.

13. Nursing Home, in accordance with Section 1034.

14. Family Child Care, in accordance with Section 1039.

B. Special Exception Uses

The following uses are permitted as "Special Exception Uses" in accordance with the following standards and criteria and any additional reasonable conditions that the Zoning Hearing Board may deem necessary to apply and in accordance with the procedures set forth in Section 1407 of this Ordinance:

1. Conversion Apartments in accordance with Section 1013.

2. Cluster Single-Family Detached Residential Development in accordance with Section 1014.

3. Accessory Dwelling Units, in accordance with the requirements of Section 1006.

4. Single-Family Attached Dwellings (Townhouses) in accordance with Section 1015.

5. Apartment Buildings in accordance with Section 1016.

6. Mobile home parks, in accordance with local municipal requirements regulating such use.

7. Recreation Oriented Community, in accordance with Section 1012.

8. Continuing Care Retirement Community, in accordance with Section 1031.

9. Group Home, in accordance with Section 1036.

10. Halfway House, in accordance with Section 1037.

11. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Section 801, and in accordance with Section 1050.

C. Accessory Uses.

1. Accessory Uses and Structures associated with, but incidental to, the above uses.

2. No-Impact Home-Base Businesses, in accordance with Section 1008.

3. Home Occupations, in accordance with Section 1005.

4. Solar Energy Production Facility, Accessory, in accordance with Section 1027.

5. Wind Energy Facility, Accessory, in accordance with Section 1029.

6. Small Wireless Facility–tower-based–inside public right-of-way, in accordance with Section 1003-C.

7. Small Wireless Facility – Co-location – inside public right-of-way, in accordance with Section 1003-B.

8. Wireless Communication Facility – Co-location – outside public right-of-way, in accordance with Section 1003-D.

SECTION 802: DIMENSIONAL STANDARDS

In R District, all buildings, structures, and lots shall be subject to the following lot area and width standards, unless a plan for Cluster Development is approved as a Special Exception by the Zoning Hearing Board in accordance with the standards set forth in Section 1407 or unless otherwise specified herein.

A. Maximum Development Density: Six (6) Dwelling Units / Acre

B. Minimum Development Density for development projects proposed initially or cumulatively from the effective date of this Ordinance that involve ten (10) or more dwelling units: Two (2) Dwelling Units / Acre.

C. Minimum Lot Area:

Dwelling Type	**Lot Area – Public / Central Sewer and Water**	**Lot Area – No Public / Central Sewer or Water**
Single Family Detached	10,000 sq. ft.	60,000 sq. ft.
Single-Family Semi-Detached	7,000 sq. ft. / Dwelling Unit	N/A
Two Family Detached	7,000 sq. ft. / Dwelling Unit	N/A
Single-Family Attached / Townhouse	2,000 sq. ft. / Dwelling Unit – Interior Unit 4,000 sq. ft. / Dwelling Unit – End or Corner Unit	N/A
Apartment Building	25,000 sq. ft.	N/A
All Other Uses	1 Acre	1 Acre

D. Minimum Lot Width:

Dwelling Type	**Lot Width – Public / Central Sewer and Water**	**Lot Width – No Public / Central Sewer and Water**
Single Family Detached	75 feet	175 feet
Single-Family Semi-Detached	55 feet / Dwelling Unit	N/A
Two Family Detached	55 feet / Dwelling Unit	N/A
Single Family Attached / Townhouse	20 feet / Dwelling Unit -- Interior Units 40 feet / Dwelling Unit End or Corner Unit	N/A
Apartment	150 feet	N/A
All Other Uses	200 feet	200 feet

E. Minimum Yard Requirements:

Dwelling Type	**Front Yard**	**Side Yard**	**Rear Yard**
Single Family Detached	25 feet	10 feet	25 feet
Single Family Semi-Detached	25 feet	10 feet	25 feet
Two Family Detached	25 feet	10 feet	25 feet
Single Family Attached / Townhouse	25 feet	0 feet along boundary with another unit. 10 feet along all other boundaries	25 feet
Apartment	25 feet	10 feet	25 feet
All Other Uses	25 feet	25 feet	25 feet

F. Maximum Coverage:

Dwelling Type	**Coverage**
Single Family Detached	35%
Single Family Semi-Detached	45%
Two Family Detached	45%
Single Family Attached / Townhouse	50%
Apartment	50%
All Other Uses	35%

G. Maximum Building Height: Thirty-five (35) feet.

(as amended by Ord. No. 3 of 2022, §25)

ARTICLE IX - MIXED DWELLING RESIDENTIAL DISTRICT (MDR)

SECTION 900: STATEMENT OF LEGISLATIVE INTENT

In expansion of the Community Development Objectives contained in Article I Section 104 of this ordinance, it is hereby declared to be the intent of this Article to:

A. Recognize the provisions of Sections 604(4) and 604(5) of the Municipalities Planning Code which requires zoned municipalities to accommodate several basic forms of housing and types of dwelling units.

B. Encourage the development of moderate density residential uses in locations which are best suited for the provision of necessary community services and infrastructure.

C. Avoid scattered, inefficient land development patterns by permitting multi-family development only in locations where a reasonable potential exists for the provision of necessary supportive infrastructure.

D. Preserve as many natural and environmentally sensitive features as possible.

E. Preserve as much of the District's open space character as is feasible.

F. Provide for the public health and welfare and to prevent the overcrowding of land through the application of maximum density and appropriate design standards to avoid undue congestion on public roads.

SECTION 901: USE REGULATIONS

In the MDR District, buildings, structures, lots, and land parcels shall be subject to the following use regulations.

A. Permitted Uses:

1. The following uses are permitted anywhere within the MDR District:

    a. Single Family Detached Dwellings.

    b. Public Schools.

    c. Public and Non-Commercial Parks and Recreation Uses.

    d. Municipal Offices.

    e. Place of Worship.

f. Forestry.

g. Residential Day Care Facility.

(1) The provider and the structure are licensed by an appropriate County and State Agency.

(2) No more than five (5) persons shall receive care at any one time.

2. The following uses are permitted only in those portions of the MDR served by public or central sewer and water systems.

a. Single Family Semi-Detached Dwellings.

b. Two Family Detached Dwellings.

3. The following accessory uses are permitted.

a. Accessory Uses and Structures associated with, but incidental to, the above uses.

b. Wireless Communications Antennae, as an accessory use to any principal use.

c. No-Impact Home-Based Businesses in accordance with Section1008.

d. Home occupations in accordance with Section 1005.

e. Solar Energy Production Facility, Accessory, in accordance with Section 1027.

(as amended by Ord. No. 3 of 2022, §27)

f. Wind Energy Facility, Accessory, in accordance with Section 1029.

(as amended by Ord. No. 3 of 2022, §27)

g. Family Child Care, in accordance with Section 1039.

(as amended by Ord. No. 3 of 2022, §27)

4. Homestay, in accordance with Section 1046.

(as amended by Ord. No. 3 of 2022, §28)

5. Small Wireless Facility–tower-based–inside public right-of-way, in accordance with Section 1003-C.

(as amended by Ord. No. 3 of 2022, §28)

6 Small Wireless Facility – Co-location – inside public right-of-way, in accordance with Section 1003-B.

(as amended by Ord. No. 3 of 2022, §28)

B. Special Exception Uses.

The following uses are permitted as "Special Exception Uses" in accordance with the following standards and criteria and any additional reasonable conditions that the Zoning Hearing Board may deem necessary to apply and subject to the procedures set forth in Section 1407 of this Ordinance:

1. Conversion Apartments, in accordance with Section 1013.

2. Cluster Single Family Detached Residential Development in accordance with Section 1014.

3. Mobile home parks, in accordance with local municipal requirements regulating such use.

4. Single-Family Attached Dwellings (Townhouses) in accordance with Section 1015.

5. Apartment Buildings in accordance with Section 1016.

6. Group Home, in accordance with Section 1036.

(as amended by Ord. No. 3 of 2022, §29)

7. Halfway House, in accordance with Section 1035.

(as amended by Ord. No. 3 of 2022, §29)

8. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Section 901, and in accordance with Section 1050.

(as amended by Ord. No. 3 of 2022, §29)

SECTION 902: DIMENSIONAL STANDARDS

A. Maximum Development Density: Ten (10) Dwelling Units / Acre

B. Minimum Development Density for development projects proposed initially or cumulatively from the effective date of this Ordinance that involve ten (10) or more dwelling units: Five (5) Dwelling Units / Acre.

C. Minimum Lot Area:

Dwelling Type	**Lot Area – Public / Central Sewer and Water**	**Lot Area – No Public / Central Sewer or Water**
Single Family Detached	10,000 sq. ft.	60,000 sq. ft.
Single-Family Semi-Detached	7,000 sq. ft. / Dwelling Unit	N/A
Two Family Detached	7,000 sq. ft. / Dwelling Unit	N/A
Single-Family Attached / Townhouse	2,000 sq. ft. / Dwelling Unit – Interior Unit 4,000 sq. ft. / Dwelling Unit – End or Corner Unit	N/A
Apartment Building	25,000 sq. ft.	N/A
All Other Uses	1 Acre	1 Acre

D. Minimum Lot Width:

Dwelling Type	**Lot Width – Public / Central Sewer and Water**	**Lot Width – No Public / Central Sewer and Water**
Single Family Detached	75 feet	175 feet
Single-Family Semi-Detached	55 feet / Dwelling Unit	N/A
Two Family Detached	55 feet / Dwelling Unit	N/A
Single Family Attached / Townhouse	20 feet / Dwelling Unit -- Interior Units 40 feet / Dwelling Unit End or Corner Unit	N/A
Apartment	150 feet	N/A
All Other Uses	200 feet	200 feet

E. Minimum Yard Requirements:

Dwelling Type	**Front Yard**	**Side Yard**	**Rear Yard**
Single Family Detached	25 feet	10 feet	25 feet
Single Family Semi-Detached	25 feet	10 feet	25 feet
Two Family Detached	25 feet	10 feet	25 feet
Single Family Attached / Townhouse	25 feet	0 feet along boundary with another unit. 10 feet along all other boundaries	25 feet
Apartment	25 feet	10 feet	25 feet
All Other Uses	25 feet	25 feet	25 feet

F. Maximum Coverage:

1. Single-Family Semi-Detached units on individual lots – Seventy-five percent (75%).

2. All Other Uses – Thirty-five percent (35%).

G. Maximum Building Height: Thirty-five (35) feet.

ARTICLE X - GENERAL REGULATIONS

SECTION 1000: STATEMENT OF LEGISLATIVE INTENT

The following requirements regulate activities, uses, structures, conditions and treatments that may be present on a property whether or not a principle structure or use is present. These requirements contribute to and promote the health, safety, comforts, conveniences and/or necessities of the property's occupants, the immediate neighborhood and/or the entire Adams County community. These requirements apply to all districts.

SECTION 1001: DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES ON RESIDENTIAL PROPERTIES

On properties occupied by a residential use, accessory structures with a floor area of six hundred (600) square feet or more, or in excess of fifteen (15) feet in height, shall be subject to the setback requirements required in the zoning district in which the property is located. Accessory structures with a floor area of less than six hundred (600) square feet, and a building height of fifteen (15) feet or less, shall be subject to the following setback requirements:

A. Front Yard: The front yard setback shall conform to the front yard setback required by the zoning district in which the property is located.

B. Side Yard: Ten (10) feet.

C. Rear Yard: Ten (10) feet.

SECTION 1002: SETBACKS FOR CORNER LOTS

For properties that lie at the intersection of two roads, setback shall be applied in the following manner:

A. Front Yard: The front yard setback required in the zoning district in which the property is located shall be applied along each road frontage.

B. Rear Yard: A rear yard setback shall be applied along the property line opposite the primary frontage of the parcel. For the purposes of this section, the primary frontage shall be determined to be the frontage that supplies the address for the property.

C. Side Yard: A side yard setback shall be applied to all other property lines.

SECTION 1003-A: WIRELESS COMMUNICATION FACILITY–TOWER-BASED–OUTSIDE PUBLIC RIGHT-OF-WAY

A. 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 1 application for the purpose of this review and approval process.

B. 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.

1. An applicant shall demonstrate that all structures in excess of 50 feet in height within a 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 evidence shall include 1 or more of the following reasons for not proposing to co-locate on the alternative site.

a. The proposed antennas and related equipment would exceed the structural capacity of the existing structure, as certified by an engineer certified in the Commonwealth of Pennsylvania, and that appropriate reinforcement cannot be accomplished.

b. 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.

c. The existing structure does not possess appropriate location, space, or access to accommodate the proposed antennas and equipment or to allow the antennas and equipment to perform their intended function.

d. 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.

e. 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.

2. If the applicant claims that no structures in excess of 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.

3. 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.

4. 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.

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

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 30 percent 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 200 feet.

c. Where such features exist, the applicant shall use 1 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. 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 180 feet. The measurement of tower height shall include the tower itself as well as any antennas or other equipment attached thereto.

E. 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.

F. 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.

G. Tower Type: The applicant shall use the monopole, or davit-pole, type of wireless communications tower.

H. Landscaping: The applicant shall demonstrate compliance with the following landscaping requirements.

1. 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 6 feet in height.

2. An evergreen screen shall be planted around the external perimeter of the protective fence. Evergreen trees shall be a minimum of 6 feet at planting, and shall reach a minimum height of 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.

I. 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.

J. Site Access: Access to a wireless communications tower facility shall be provided by an access driveway located within an easement of at least 20 feet in width. The access driveway shall be a minimum of 10 feet in width, and shall be constructed with a dust-free, all weather surface for its entire length.

K. Land Development Plan Approvals: An applicant shall obtain land development approval from in accordance with the applicable municipal Subdivision and Land Development Ordinance prior to zoning permit approval.

L. 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.

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

N. Review Period: The timing requirements of Article 1404 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

1. Small wireless facility: 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.

2. Facility other than a small wireless facility: 150 days from date of application.

(as amended by Ord. No. 3 of 2022, §30)

SECTION 1003-B: SMALL WIRELESS FACILITY – CO-LOCATION – INSIDE PUBLIC RIGHT-OF-WAY

A. Location: An applicant may co-locate one (1) or more small wireless facilities on existing poles, including but not limited to, telephone utility poles, electric utility poles, and light poles.

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

1. The co-location of the small wireless facility and related equipment shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the right-of-way or obstruct the legal use of the right-of-way.

2. The installation of a small wireless facility on an existing utility pole shall not extend more than five (5) feet above the existing utility pole.

3. An applicant shall self-certify that the small wireless facility at the subject location is needed by the wireless provider to provide additional capacity or coverage for wireless services. The self-certification shall not be required to include information regarding an applicant's business decisions with respect to its service, customer demand for service, or quality of service.

C Zoning Permit Submission, Review, and Approval: The timing requirements of Article 1404 of this Ordinance notwithstanding, the Zoning Permit submission, review, and approval period shall be those expressed in the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021, and specifically as follows.

1. Completed Application: Within ten (10) business days of receiving a Zoning Permit application, the County must determine and notify the applicant in writing whether the application is incomplete. If an application is incomplete, the notice must specifically identify the missing information. The processing deadline shall restart at zero on the date the applicant provides the missing information. The processing deadline may be tolled by agreement of the applicant and the County.

2. Deadlines: A Zoning Permit application shall be processed on a nondiscriminatory basis and shall be deemed approved if the County fails to approve or deny the Zoning Permit application within sixty (60) days of receipt of a complete application. A Zoning Permit associated with a Zoning Permit application that has been deemed approved shall be deemed approved if the County fails to approve issue or deny the Zoning Permit within seven (7) days of the Zoning Permit application deemed approval unless there is a public safety reason for the delay.

3. Denial: Denial of a Zoning Permit application shall comply with the following.

a. Cause for Denial: The County may deny a Zoning Permit application only if any of the following apply.

(1) The small wireless facility materially interferes with the safe operation of traffic control equipment, sight lines, or clear zones for transportation or pedestrians or compliance with the Americans with Disabilities Act of 1990 (P.L. 101-336, 104 Stat. 327) or similar Federal or State standards regarding pedestrians and movement.

(2) The small wireless facility fails to comply with applicable codes.

(3) The small wireless facility fails to comply with the requirements of the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021.

b. Documentation of Denial: Within the time frame established in Section 1003-B.C, the County shall document the basis for denial, including the specific provisions of applicable codes on which the denial was based. Such documentation shall be sent to the applicant within five (5) business days of the denial.

c. Cure Deficiencies of Denial: The applicant may cure the deficiencies identified by the County and resubmit the Zoning Permit application within thirty (30) days of receiving the written basis for the denial without being required to pay an additional application fee. The County shall then approve or deny the revised Zoning Permit application within thirty (30) days of the application being resubmitted for review or the resubmitted application shall be deemed approved thirty (30) days after resubmission. Any subsequent review shall be limited to the deficiencies cited in the denial. If the resubmitted application addresses or changes other section of the application that were not previously denied, the County shall be given an additional fifteen (15) days to review the resubmitted application and may charge an additional fee for the review.

(as amended by Ord. No. 3 of 2022, §30)

SECTION 1003-C: SMALL WIRELESS FACILITY – TOWER BASED – INSIDE PUBLIC RIGHT-OF-WAY

A. Location: An applicant may locate one (1) or more utility poles, or replace one (1) or more existing utility poles, upon which small wireless facilities will be mounted.

B. Siting Requirements: New or replacement of existing utility poles for mounting of small wireless facilities shall meet the following siting criteria:

1 The new or replacement utility pole, along with the small wireless facilities to be mounted of such poles, and related equipment, shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the right-of-way or obstruct the legal use of the right-of-way.

2 The maximum permitted height of a new or replacement utility pole shall be fifty (50) feet above ground level, which shall include the utility pole and the small wireless facility.

3 The applicant shall demonstrate that it cannot meet the service reliability and functional objectives for the site by co-locating on an existing utility pole instead of installing a new utility pole or replacing a utility pole. The applicant shall self-certify that the applicant has made this determination in good faith, and shall provide a documented summary of the basis for the determination. The applicant's determination shall be based on whether the applicant can meet the service objectives at the subject location by co-locating on an existing utility pole that meets the following.

a. The applicant has the right to co-location.

b. The co-location is technically feasible and would not impose substantial additional cost.

c. The co-location would not obstruct or hinder travel or have a negative impact on public safety.

d. The self-certification shall not be required to include information regarding an applicant's business decisions with respect to its service, customer demand for service, or quality of service.

C. Zoning Permit Submission, Review, and Approval: The timing requirements of Article 1404 of this Ordinance notwithstanding, the Zoning Permit submission, review, and approval period shall be those expressed in the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021, and specifically as follows.

1. Completed Application: Within ten (10) business days of receiving a Zoning Permit application, the County must determine and notify the applicant in writing whether the application is incomplete. If an application is incomplete, the notice must specifically identify the missing information. The processing deadline shall restart at zero on the date the applicant provides the missing information. The processing deadline may be tolled by agreement of the applicant and the County.

2. Deadlines: A Zoning Permit application shall be processed on a nondiscriminatory basis and deemed approved if the County fails to approve or deny the Zoning Permit application within ninety (90) days of receipt of a complete application. A Zoning Permit associated with a Zoning Permit application that has been deemed approved shall be deemed approved if the County fails to approve issue or deny the Zoning Permit within seven (7) days of the Zoning Permit application deemed approval unless there is a public safety reason for the delay.

3. Denial: Denial of a Zoning Permit application shall comply with the following.

a. Cause for Denial: The County may deny a Zoning Permit application only if any of the following apply.

(1) The small wireless facility materially interferes with the safe operation of traffic control equipment, sight lines, or clear zones for transportation or pedestrians or compliance with the Americans with Disabilities Act of 1990 (P.L. 101-336, 104 Stat. 327) or similar Federal or State standards regarding pedestrians and movement.

(2) The small wireless facility fails to comply with applicable codes.

(3) The small wireless facility fails to comply with the requirements of the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021.

b. Documentation of Denial: Within the time frame established in Section 1003-C.C, the County shall document the basis for denial, including the specific provisions of applicable codes on which the denial was based. Such documentation shall be sent to the applicant within five (5) business days of the denial.

c. Cure Deficiencies of Denial: The applicant may cure the deficiencies identified by the County and resubmit the Zoning Permit application within thirty (30) days of receiving the written basis for the denial without being required to pay an additional application fee. The

County shall then approve or deny the revised Zoning Permit application within thirty (30) days of the application being resubmitted for review or the resubmitted application shall be deemed approved thirty (30) days after resubmission. Any subsequent review shall be limited to the deficiencies cited in the denial. If the resubmitted application addresses or changes other section of the application that were not previously denied, the County shall be given an additional fifteen (15) days to review the resubmitted application and may charge an additional fee for the review.

D. Permit Term: Approval of the Zoning Permit authorizes the applicant to operate and maintain small wireless facilities and any associated equipment for a period of not less than five (5) years, which shall be renewed for two additional five (5) year periods if the applicant is in compliance with the criteria set forth in this Ordinance and the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021.

E. Removal: New utility poles and replacement utility poles upon which are mounted small wireless facilities are subject to the following removal requirements.

a. Within sixty (60) days of suspension or revocation of a Zoning Permit due to noncompliance with this Ordinance and/or the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021, the applicant shall remove the new utility pole / replacement utility pole, if the applicant's equipment are the only facilities on the pole, along with the small wireless facility and any associated equipment.

b. Within ninety (90) days of the end of the Zoning Permit term, or an extension of the Zoning Permit term, the applicant shall remove the new utility pole / replacement utility pole, if the applicant's equipment are the only facilities on the pole, along with the small wireless facility and any associated equipment.

(as amended by Ord. No. 3 of 2022, §30)

SECTION 1003-D: WIRELESS COMMUNICATION FACILITY – CO-LOCATION – OUTSIDE PUBLIC RIGHT-OF-WAY

A. 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.

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

C. 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.

D. 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.

1. Buildings. Stealth technology shall be employed that encloses the Wireless Communications Facility in structure that is architecturally compatible with the host building.

2. 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.

E. Height: The following height requirements shall be applied.

1. Co-Location on Existing Wireless Communications Tower: Co-Location on an existing Wireless Communications Tower shall not result in a Wireless Communications Tower height that exceeds that authorized by this Ordinance.

2. 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.

3. 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 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 5 feet.

F. Review Period: The timing requirements of Article 1404 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.

1. Small wireless facility: 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 1003-B of this Ordinance.

2. 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: 90 days from date of application.

3. Facility other than a small wireless facility: 90 days from date of application.

(as amended by Ord. No. 3 of 2022, §30)

SECTION 1004: NON-RESIDENTIAL BUILDING DESIGN STANDARDS

The following design standards shall apply to commercial and office buildings that exceed twenty-five thousand (25,000) gross feet of floor area.

A. Facades and Exterior Walls

1. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of a least three (3) percent of the length of the façade and extending at least twenty (20) percent of the length of the façade. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet.

2. Detail Features: Building facades must include a repeating pattern that includes no less than three (3) of the following elements, with a least one (1) of the following elements (a), (b) or (c) repeating horizontally:

a. Color change.

b. Texture change.

c. Material module change.

d. An expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib.

3. For retail establishments, ground floor facades that face public streets shall have arcades, awnings/canopies, fascias, display windows, entry areas, or other such features along no less than sixty (60) percent of their horizontal length.

B. Windows: For retail establishments, all building facades facing a public right-of-way must adhere to the following window requirements:

1. All first story building facades shall be a minimum forty percent (40%) window coverage.

2. All other stories of building facades shall be a minimum twenty-five percent (25%) window coverage.

3. All windows shall be transparent or translucent.

C. Roofs: Roofs shall have no less than two (2) of the following features:

1. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment.

2. Overhanging eaves, extending no less than three (3) feet past the supporting walls.

3. Sloping roofs.

4. Three (3) or more roof slope planes.

5. Green roofs. If this option is selected, no other roof option is required.

D. Materials and colors.

1. Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, sandstone, other native stone and tinted/textured concrete masonry units.

2. Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.

3. Building trim and accent areas may feature brighter colors, including primary colors.

4. Exterior building materials shall not include smooth-faced concrete block, pre-cast concrete panels (tilt-up concrete panels) that are not exposed aggregate, hammered, embossed, imprinted, sandblasted or covered with a cement-based acrylic coating, or prefabricated metal panels with a depth of less than one inch or a thickness less than U.S. Standard twenty-six (26) gauge.

E. Entryways: Every retail establishment shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:

1. Canopies or porticos.

2. Overhangs.

3. Recesses/projections.

4. Arcades.

5. Raised corniced parapets over the door.

6. Peaked roof forms.

6. Arches.

7. Outdoor patios.

8. Display windows.

9. Architectural details such as tile work and moldings which are integrated into the building structure and design.

10. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

F. Mechanical equipment.

1. To the maximum extent practical, all roof-mounted and ground mounted mechanical equipment shall be screened from view or isolated so as not to be visible from any public right-of-way or residential district or uses within one-hundred fifty (150) feet of the subject property, measured from a point five (5) feet above grade. Roof screens, when used, shall be coordinated with the building to maintain a unified appearance.

2. Mechanical equipment and open storage areas shall be screened from public streets, alleys, paths, private streets and abutting lots to a maximum height of six (6) feet. When solid screening is used, the materials shall be compatible with the building.

SECTION 1005: HOME OCCUPATIONS

A. 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; 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 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.

B. The person conducting the home occupation shall reside within the dwelling located on the lot.

C. No more than two (2) persons other than family members who reside within the dwelling may be employed by the home occupation.

D. 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.

E. A business sign in accordance with Section 1102.A is permitted.

F. 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.

G. A minimum of two off street parking spaces must be provided, plus one additional space for each employee.

SECTION 1006: ACCESSORY DWELLING UNIT

All applications for an Accessory Dwelling Unit (ADU) shall comply with the following requirements:

A. Detached ADUs shall be permitted only on a tract in excess of one (1) acre. Attached ADUs shall have no such restrictions.

B. No more than one (1) ADU shall be permitted on any property.

C. The maximum number of occupants of the ADU shall be two (2) persons. Minor children under age 18 and related to the occupants of the ADU by blood, adoption or foster relationship shall not count towards this limit.

D. A minimum of one (1) off-street parking space shall be provided for the ADU in addition to the off-street parking required for the principal dwelling.

E. The ADU (whether attached or detached) shall meet the following dimensional requirements:

1. The ADU shall not exceed fifty percent (50%) or 1,000 square feet of the total residential living area of the existing dwelling, whichever is less. The ADU

shall not be less than 400 square feet. Additionally, all ADUs 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 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.

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

3. The ADU shall meet all yard and setback requirements from the property line required of the principal structure.

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

G. 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.

H. All existing sewer disposal and water supply systems shall be upgraded to meet current municipal requirements. The ADU shall be physically connected to and shall share the same sewage disposal and water supply systems as the principal dwelling, unless such a connection shall be prohibited by the municipal Sewage Enforcement Officer. If sewage disposal is provided by an individual on-lot sewer system, the applicant shall demonstrate that the total number of occupants of the principal dwelling and the ADU shall not exceed the maximum capabilities for which the system was designed, unless the system shall be suitably expanded. Any connection to and/or expansion of an individual on-lot sewage disposal system shall be reviewed by the municipal Sewage Enforcement Officer, and the applicant shall present evidence of such review and all necessary approvals.

I. The ADU shall not be counted as a dwelling unit or lot in the computation of the maximum number lots that may be subdivided from a parcel in the Agricultural Preservation (AP) District. The ADU shall not count towards the density limit allowed in the Land Conservation (LC) District.

J. 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.

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

1. Zoning Permits for ADUs shall be issued for a period of not longer than one (1) year and must be renewed at the end of the first term of issuance and every such period thereafter.

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

3. 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.

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

SECTION 1007: FARM MARKET / AGRICULTURAL ENTERTAINMENT

A. 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.

B. 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, wineries (with wine tasting rooms and wine sales areas) 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.

C. 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.

D. 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.

E. 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.

F. Within the Agricultural Preservation (AP-1) 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 602.A of this Ordinance.

G. Off-street parking and loading for farm markets shall be provided and designed in accordance with applicable requirements of Article XII 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. Such parking for agricultural tourism uses shall be designed in accordance with applicable requirements of Article XII.

H. Signs for farm market / agricultural tourism uses shall comply with Section 1101.C.5 of this Ordinance.

SECTION 1008: NO-IMPACT HOME-BASED BUSINESSES

The following standards shall apply to No-Impact Home-Based Businesses.

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business shall employ no employees other than family members residing in the dwelling.

C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

E. 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.

F. 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.

G. 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.

H. The business may not involve any illegal activity.

SECTION 1009: FARM WORKER HOUSING

A. 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.

B. 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.

C. 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. The owner of the property shall submit, to the Zoning Officer, annual documentation demonstrating that the Farm Worker Housing facility is being maintained in accordance with all applicable state requirements.

D. The owner of the property shall submit, to the Zoning Officer, annual documentation that the residents of the Farm Worker Housing facility are employees of the farm or agricultural operation.

SECTION 1010: FARM RELATED BUSINESS

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

1. Specialty Foods Sales

2. Specialty Products Sales

3. Custom Butchering

4. Animal Care, including but not necessarily limited to farriers.

5. Taxidermists

6. Plant Nursery

B. 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.

C. 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.

D. 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.

E. The maximum floor area of any structure devoted to a farm-related business shall not exceed five thousand (5,000) square feet.

F. 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 as permitted by Sections 601.C.7.a(1) and 601.C.7.a(6).

G. 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.

H. Off-street parking shall be provided at the rate of one (1) space for every five hundred (500) square feet of floor area devoted to the farm-related business. The location and design of the off-street parking area shall be consistent with stormwater Best Management Practices and Low Impact Development techniques, appropriate for the rural setting, subject to the recommendations of the Adams County Planning Commission and the Adams County Office of Planning and Development, and subject to the review and approval of the Zoning Hearing Board.

I. If the farm-related business requires loading facilities, the location and design of such loading areas shall be consistent with stormwater Best Management Practices and Low Impact Development techniques, appropriate for the rural setting, subject to the recommendations of the Adams County Planning Commission and the Adams County Office of Planning and Development, and subject to the review and approval of the Zoning Hearing Board.

J. Signs for the farm-related business shall be limited to those permitted by Section 1102.A of this Ordinance.

SECTION 1011: BED AND BREAKFAST OPERATIONS

A. A maximum of ten (10) rooms or suites are permitted in a Bed and Breakfast Operation.

B. Meals served at Bed and Breakfast Operations shall be limited to breakfasts.

C. Cooking facilities are prohibited in all guest rooms.

D. Common restrooms are permitted in Bed and Breakfast Operations. If used, a minimum of one (1) common restroom shall be provided for every two (2) guest rooms.

E. 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 character of the building.

F. Either the Bed and Breakfast Operation owner or a designated operator shall maintain a permanent residence within the Bed and Breakfast Operation.

G. Permitted Accessory Uses: Within a Bed and Breakfast Operation, 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.

SECTION 1012: RECREATION ORIENTED COMMUNITY

A. The Recreation Oriented Community shall be based on and integrated with at least one recreation element. Recreation elements may include a golf course, equestrian facility, water-based recreation, or other types of recreation clearly intended to provide recreational opportunities for the residents of the community.

B. Permitted dwelling unit types within a Recreation Oriented Community shall be the following.

1. Single-Family Detached Dwellings.

2. Single-Family Semi-Detached and Two-Family Dwellings, provided that said dwellings utilize an architectural design that replicates a Single-Family Detached Dwelling.

3. Single-Family Attached (Townhouse) Dwellings, in accordance with the design standards of Section 1015.

4. Apartment Buildings, in accordance with the design standards of Section 1016.

C. Uses commonly accessory to the recreation element of the Recreation Oriented Community shall be permitted.

D. Minimum Lot Size: One Hundred (100) acres.

E. Minimum Open Space: A minimum of fifty percent (50%) of the property proposed for use as a Recreation Oriented Community shall be retained in open space. The open space shall comply with the following standards.

1. The open space shall include the recreation element(s) upon which the Recreation Oriented Community is based.

2. The open space shall not include land area associated with the proposed residential uses. Where condominium ownership of some or all of the dwelling units is proposed, the open space shall not include that land area that would otherwise be associated with fee-simple ownership of a residential lot or that land area necessary to demonstrate that the individual dwelling units meet the density, building setback, and related dimensional standards of this Ordinance.

3. The open space shall not include stormwater management facilities unless the applicant can demonstrate that the stormwater management facility is integrated into the designated recreation element and associated landscaping plan contributes to the recreation function of the recreation element.

4. The applicant's submission to the Zoning Hearing Board shall include an Open Space Plan sheet that depicts all components of the open space system, including the Community Green or Common Open Space required by Section 1012.I below, within the proposed Recreation Oriented Community. The Open Space Plan shall depict all elements of the open space system, and shall demonstrate that the open space system is accessible to all residents, provides connectivity for all residents to all neighborhoods and activity centers within the development, and provides usable open space and recreation amenities to all residents.

5. The open space shall be owned and managed as an integral component of the Recreation Oriented Community. Documentation, which may include a draft homeowners association document, shall be provided to the Zoning Hearing Board and that demonstrates how all elements of the open space will be owned and managed and that confirms who will perform the ownership and management function.

F. Maximum Permitted Density: Four (4) dwelling units per acre within the portion of the property not devoted to open space.

G. Parking: Off-street parking for all components of the Recreation Oriented Community shall be provided in accordance with the requirements of Article XII. In addition, the following parking standards for residential components of the Recreation Oriented Community shall be achieved.

1. Parking for Single-Family Semi-Detached and Two Family Dwellings: Off-street parking shall be provided by using one of the following methods.

a. Where a single, shared driveway is proposed to service both dwelling units, required off-street parking may be located within the front yard and garages may be front loaded.

b. Where an individual driveway is proposed for each dwelling unit, off-street parking shall be provided using one of the following two methods.

(1) Required off-street parking may be provided in a front-loaded garage and/or on the driveway accessing said front-loaded garage if the front façade of the garage is offset a minimum distance of twelve (12) feet back from the front façade of the balance of the residential building.

(2) If the standard in Section 1012.G.1.a(1) is not achieved, the garages shall be side or rear loaded, and any parking space accommodated on a driveway to an individual dwelling unit shall be located within a side or rear yard.

2. Parking for Single-Family Attached, Townhouse, and Apartment Buildings: Off-street parking for Single-Family Attached and Townhouse dwellings shall be provided in accordance with Section 1015.G. Off-street parking for Apartment Buildings shall be provided in accordance with Section 1016.D.

H. Pedestrian System: The Recreation Oriented Community shall be provided with an internal pedestrian circulation system. The system shall connect all residential neighborhoods and activity centers, and shall be designed so that residents can access all residential units and all activity centers without having to drive an automobile and without having to walk along either streets or access drives internal to the community or public roads external to the community. The pedestrian system design shall include pedestrian walkways located around the periphery of the development and which can provide exercise opportunities and connection to any existing or future regional trail networks.

I. Community Green / Common Open Space: Every distinct residential neighborhood within a Recreation Oriented Community shall be provided with a Community Green or Common Open Space, or a combination of the two, which meets the following standards.

1. Location: Community Greens or Common Open Space shall be located in accordance with the following standards.

a. Community Greens shall be located in a central location within the proposed residential neighborhood. The Community Green shall be located in a manner that minimizes pedestrian travel times for all residents of the Recreation Oriented Community to the Community Green.

b. Common Open Space shall be located within or immediately adjacent to the residential neighborhood. Common Open Space shall not include land area associated with the proposed residential uses. Where condominium ownership of some or all of the dwelling units is proposed, the open space shall not include that land area that would otherwise be associated with fee-simple ownership of a residential lot or that land area necessary to demonstrate that the individual dwelling units meet the density, building setback, and related dimensional standards of this Ordinance.

2. Size: Community Greens or Common Open Space shall meet the following size requirements.

a. Community Greens shall be a minimum of one (1) acre in size.

b. Common Open Space shall constitute a minimum of five percent (5%) of the minimum required Open Space for the Recreation Oriented Community as a whole.

3. Accessibility: Community Greens or Common Open Space shall be designed to achieve the following accessibility requirements.

a. Community Greens shall be surrounded on at least three (3) sides by neighborhood streets or by dwelling units that face said Community Green. The sidewalk system of the Recreation Oriented Community shall be designed in a manner that allows direct and convenient access to the Community Green area for all Recreation Oriented Community residents.

b. Common Open Space shall be located in a manner that provides a minimum of seventy-five percent (75%) of the dwelling units within the residential neighborhood with direct access to said Common Open Space. The balance of the dwelling units within the residential neighborhood shall be provided convenient pedestrian access to the Common Open Space.

4. Design: Community Greens or Common Open Space shall achieve the following design standards.

a. Community Greens shall be designed to resemble a traditional town square or plaza area. Within each Community Green, at least one (1) major focal point, such as a bandshell, gazebo, community garden, sculpture garden, fountain, picnic shelter, or similar feature that can serve as a community gathering place is required.

b. Common Open Space may take any spatial form provided said Common Open Space clearly provides usable open space and recreation opportunities for the residents of the Recreation Oriented Community.

5. Landscaping: A landscaping plan shall be submitted for the Community Green or Common Open Space as a component of the Special Exception application to the Zoning Hearing Board. Vegetative landscaping shall be provided throughout the Community Green or Common Open Space. Said landscaping shall be placed to enhance the appearance of recreation and other amenities placed within the Community Green or Common Open Space. The landscaping shall achieve the following standards.

a. Quantity: Ten (10) planting units shall be provided for each acre, or portion thereof, within the Community Green or Common Open Space. Where the site design retains existing major or minor deciduous trees, said trees may contribute to meeting this quantity requirement.

b. Species: A mixture of at least three (3) tree species shall be provided. Where more than twenty (20) planting units are required, a mixture of at least five (5) tree species shall be provided. No more than twenty-five percent (25%) of the trees in any landscaping plan shall be evergreen trees.

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

(1) Calculation of minimum Planting Units required.

(2) Calculation of Planting Units provided.

(3) Biological and Common Name of all plants.

(4) Size of all plants at time of planting.

(5) Size of all plants at maturity.

6. Open Space: The applicant may include the land within the Community Green or Common Open Space to meet the minimum open space standards of Section 1012.E.

J. Utility Service: All Recreation Oriented Communities shall be served by either public sewer and water systems or community sewer and water systems provided by the applicant.

K. Dimensional Standards: The following dimensional standard shall be applied to individual residential uses within a Recreation Oriented Community. Where condominium ownership of dwelling units is proposed, information shall be provided documenting that the dwelling units will comply with the dimensional standards as if fee

simple ownership of individual lots were proposed. Where apartment buildings are proposed, information shall be provided documenting that the apartment building would comply with the dimensional standards as if the apartment building was developed on its own parcel.

1. Minimum Lot Area

    a. Single Family Detached: Ten Thousand (10,000 sq. ft.)

    b. Single-Family Semi-Detached: Seven Thousand Five Hundred (7,500) sq. ft. / Dwelling Unit.

    c. Two Family Detached: Seven Thousand Five Hundred (7,500) sq. ft. / Dwelling Unit.

    d. Single-Family Attached: Two Thousand Five Hundred (2,000) sq. ft. for interior units within traditional townhouse design. Four Thousand (4,000) sq. ft. for end units within traditional townhouse design or for each unit16000 within a quadplex or similar arrangement.

    e. Apartment Buildings: Two Thousand Five Hundred (2,500) sq. ft. / Dwelling Unit.

2. Lot Width

    a. Single Family Detached: Seventy-five (75) feet.

    b. Single-Family Semi-Detached: Sixty (60) feet / Dwelling Unit.

    c. Two Family Detached: Sixty (60) feet / Dwelling Unit.

    d. Single-Family Attached: Twenty-five (20) feet for interior units within traditional townhouse design. Forty (40) feet for end units within traditional townhouse design. Forty (40) feet / Dwelling Unit for units within a quadplex or similar arrangement.

    e. Apartment Buildings: One Hundred Fifty (150) feet.

3. Minimum Front Yard: The front yard shall be measured from the road right-of-way line for units accessed from a public street or a private street developed to public street standards. The front yard shall be measured from the curb line for units accessed from an access driveway.

    a. Single Family Detached: Where the building fronts on a Community Green or a street bounding a Community Green, ten (10) feet. In all other instances, twenty (20) feet.

b. Single-Family Semi-Detached: Where the building fronts on a Community Green or a street bounding a Community Green, ten (10) feet. In all other instances, twenty (20) feet.

c. Two Family Detached: Where the building fronts on a Community Green or a street bounding a Community Green, ten (10) feet. In all other instances, twenty (20) feet.

d. Single-Family Attached: Where the building fronts on a Community Green or a street bounding a Community Green, ten (10) feet. In all other instances, twenty (20) feet.

e. Apartment Buildings: Where the building fronts on a Community Green or a street bounding a Community Green, ten (10) feet. In all other instances, twenty-five (25) feet.

4. Minimum Side Yard

a. Single Family Detached: Ten (10) feet.

b. Single-Family Semi-Detached: Ten (10) feet, although no minimum side yard shall be required along the side property line shared by the two dwellings.

c. Two Family Detached: Fifteen (15) feet.

d. Single-Family Attached: Fifteen (15) feet for traditional townhouse units, although no minimum side yard shall be required along the side property line shared by two units. For quadplex or similar arrangements, the side setback shall be applied to the group of dwellings.

e. Apartment Buildings: Twenty (20) feet.

5. Minimum Rear Yard

a. Single Family Detached: Twenty (20) feet.

b. Single-Family Semi-Detached: Twenty (20) feet.

c. Two Family Detached: Twenty (20) feet.

d. Single-Family Attached: Twenty (20) feet.

e. Apartment Buildings: Twenty-five (25) feet.

6. Maximum Impervious Coverage

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

b. Single-Family Semi-Detached: Forty-five percent (45%).

c. Two Family Detached: Forty-five percent (45%).

d. Single-Family Attached: Seventy-five percent (75%).

e. Apartment Buildings: Seventy-five percent (75%).

7. Building Height: Forty-five (45) feet for Apartment Buildings. Thirty-five (35) feet for all other uses.

SECTION 1013: CONVERSION APARTMENTS

A. The lot size meets the standard for the zoning district.

B. The first dwelling unit contains a minimum of eight hundred and fifty (850) square feet of usable living space, and each successive unit contains a minimum of seven hundred (700) square feet of usable living space.

C. A minimum of two (2) off street parking spaces per unit must be provided.

D. Any unit with cooking facilities on the third floor level of a structure must provide a fire escape at the rear of the structure.

SECTION 1014: CLUSTER SINGLE-FAMILY DETACHED RESIDENTIAL DEVELOPMENT

A. The property proposed for Cluster Single-Family Detached Development consists of at least fifteen (15) acres.

B. Dimensional Requirements: The minimum lot size and width requirement set forth in the underlying zoning district may be reduced by a maximum of twenty-five (25) percent, provided that the following standards are achieved.

1. The number of permitted dwelling units is not increased as a result of such reduction.

2. The land which is saved as a result of such reduction is defined on the development plan and designated for management and maintenance by a home-owner's association.

3. A copy of the bylaws of the association shall be submitted to the Zoning Hearing Board for review prior to plan approval.

C. A site plan showing all lots, streets, internal driveways, and common open areas, in relation to the natural features of the site (wetlands, floodplains, woodlands, slopes in excess of six percent historical structures, etc.) must be submitted to the Adams County Office of Planning and Development for review and comment."

SECTION 1015: SINGLE-FAMILY ATTACHED DWELLINGS (TOWNHOUSES)

A. No building consisting of Single-Family Attached Dwellings shall include more than eight (8) dwelling units.

B. In addition to the setback and yard requirements of the underlying zoning district, Single-Family Attached Dwellings shall meet the following building separation requirements.

1. The front façade of a building consisting of Single-Family Attached Dwellings shall be no closer than fifty (50) feet to any façade of any other building consisting of Single-Family Attached Dwellings.

2. The side and rear facades of a building consisting of Single-Family Attached Dwellings shall be no closer than thirty (30) feet to the side and rear facades of any other building consisting of Single-Family Attached Dwellings.

C. Within any building consisting of Single-Family Attached dwellings, no adjacent Single-Family Attached units 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 property. 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 Single-Family Attached 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.

D. There shall be, for any building consisting of Single-Family Attached dwellings, at least three (3) different architectural plans having substantially different designs, building materials, and exterior and floor elevations.

E. All Single-Family Attached units shall comply with the following architectural requirements:

1. 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.

2. A minimum roof pitch of no less than 4/12 shall be used.

3. Eaves shall be provided on all Single-Family Attached buildings. The use of eaves in coordination with additional architectural features, such as dentils, brackets, and decorative moldings, is strongly encouraged.

4. 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 dwelling units. 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.

F. On any building consisting of Single-Family Attached dwelling units, all individual dwelling units shall share a common roof shingle material and color.

G. Parking for Single-Family Attached Dwellings: Off-street parking shall be located in accordance with the following requirements.

1. Where the rear of the building does not face open space or, in the case of a Recreation Oriented Community, the recreation element upon which said community is based, no off-street parking shall 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.

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.

2. Where the rear of the building faces common open space or, in the case of a Recreation Oriented Community, the recreation element upon which said community is based, off-street parking shall be provided in accordance with the following.

a. In any of the means listed in Section 1015.G.1 above.

b. In a front-loaded garage or driveway accessing a front-loaded garage, and in accordance with the following design guidelines.

(1) The garage for an interior dwelling unit shall be located either flush with the primary front façade of the dwelling unit, or shall be recessed from the primary front façade. In no instance may the garage be located further forward on the lot than the primary front façade of the dwelling unit.

(2) The garage for end units shall be recessed a minimum of four (4) feet from the primary front façade from said dwelling units.

SECTION 1016: APARTMENT BUILDINGS

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

B. In addition to the setback and yard requirements of the underlying zoning district, Apartment Buildings shall meet the following building separation requirements.

1. The front façade of any Apartment Building shall be no closer than fifty (50) feet to any façade of any other Apartment Building.

2. The side and rear facades of an Apartment Building shall be no closer than thirty (30) feet to the side and rear facades of any other Apartment Building.

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

D. 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.

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

2. In a common garage located underneath the building and accessed from the rear of the building.

3. In garage spaces dedicated to individual dwelling units and accessed from the side or rear of the building.

4. A maximum of two access driveways are permitted to provide access a common parking area from public streets or main internal circulation driveways.

E. 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.

SECTION 1017-A: BUSINESS PARK

A. A Business Park shall meet the following dimensional standards. Where the standards of this section conflict with the standards of the zoning district where the Business Park is proposed, the standards of this section shall apply.

1. Minimum Lot Area

a. Overall Business Park: Ten (10) acres.

b. Individual Lot within Business Park: Twenty Thousand (20,000) square feet.

2. Minimum Lot Width

a. Overall Business Park: Two Hundred (200) feet.

b. Individual Lot within Business Park: One Hundred (100) feet.

3. Minimum Yard Requirements

a. Front Yard

(1) Overall Business Park

(a) Along Limited Access Highway: One hundred twenty-five (125) feet.

(b) Along Arterial Road: One hundred (100) feet.

(c) Along All Other Roads: Sixty (60) feet.

(2) Individual Lot within Business Park: Fifty (50) feet.

b. Side Yard: Twenty (20) feet.

c. Rear Yard: Twenty (20) feet.

4. Maximum Coverage: Seventy-five percent (75%).

5. Maximum Height: Sixty (60) feet.

B. Design Standards: In addition to any General Development Standards applicable within the zoning district where the Business Park is proposed, the following design standards shall apply.

1. All uses within a Business Park shall front on streets internal to the Business Park. No uses within a Business Park may front on an existing street.

2. Infrastructure: Development serving infrastructure, including but not limited to stormwater management systems, parking lots, streets, and pedestrian facilities, may be located on any lot within the Business Park. Provided that local municipal approval is achieved, individual components of development serving

infrastructure need not be provided on every lot, provided that the needs of the individual lot are accommodated within the Business Park as a whole.

3. Outdoor Storage: Any outdoor storage of materials, products, or other items associated with an individual use within a Business Park shall be enclosed by fencing and landscaping that obscures the outdoor storage from public streets and from the properties bordering the Business Park. Any outdoor storage area shall be located to the rear of the principal building to which the outdoor storage area is associated.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1017-B: BUSINESS PARK SUPPORT USES

A. Business Park Support Uses shall be deemed to include the following uses.

1. Retail establishments serving the needs of uses located within a Business Park including, but not limited to, pharmacies, coffee shops, restaurants (excluding restaurants with drive-through service), and newsstands.

2. Service establishments serving the needs of uses located within a Business Park including, but not limited to, automated bank machines, financial consulting services, fitness centers, child care centers, and travel consultants.

B. Dimensional Standards: Business Park Support Uses shall be subject to the following dimensional standards.

1. Business Park Support Uses located on land held in common by the owner / manager of the Business Park are not subject to minimum lot area or minimum lot width requirements. However, the Uses shall be subject to the yard, coverage, and height standards applied to the Business Park as a whole.

2. Business Park Support Uses located on an individual lot within the Business Park shall be subject to the dimensional standards of the Zoning District where the Use is ordinarily authorized.

C. Parking: Business Park Support Uses shall be provided with one-half (1/2) of the parking spaces ordinarily required for the specific use as established in Section 1201. All parking lots for Business Park Support Uses shall comply with the parking lot design standards of Section 1203.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1018: INDUSTRIAL PARK

A. An Industrial Park shall meet the following dimensional standards. Where the standards of this section conflict with the standards of the zoning district where the Industrial Park is proposed, the standards of this section shall apply.

1. Minimum Lot Area

   a. Overall Industrial Park: Twenty-five (25) acres.

   b. Individual Lot within Industrial Park: One (1) acre.

2. Minimum Lot Width

   a. Overall Industrial Park: Two Hundred Fifty (250) feet.

   b. Individual Lot within Industrial Park: Two Hundred (200) feet.

3. Minimum Yard Requirements

   a. Front Yard

      (1) Overall Industrial Park

         (a) Along Limited Access Highway: One hundred twenty-five (125) feet.

         (b) Along Arterial Road: One hundred (100) feet.

         (c) Along All Other Roads: Seventy-five (75) feet.

      (2) Individual Lot within Industrial Park: Fifty (50) feet.

   b. Side Yard: Thirty-five (35) feet.

   c. Rear Yard: Thirty-five (35) feet.

4. Maximum Coverage: Seventy-five percent (75%).

5. Maximum Height: Sixty (60) feet.

B. Design Standards: In addition to any General Development Standards applicable within the zoning district where the Industrial Park is proposed, the following design standards shall apply.

1. All uses within an Industrial Park shall front on streets internal to the Industrial Park. No uses within an Industrial Park may front on an existing street.

2. Infrastructure: Development serving infrastructure, including but not limited to stormwater management systems, parking lots, streets, and pedestrian facilities, may be located on any lot within the Industrial Park. Provided that local municipal approval is achieved, individual components of development serving infrastructure need not be provided on every lot, provided that the needs of the individual lot are accommodated within the Industrial Park as a whole.

3. Outdoor Storage: Any outdoor storage of raw materials, finished materials or products, or other items associated with an individual use within an Industrial Park shall be enclosed by fencing and landscaping that obscures the outdoor storage from public streets and from the properties bordering the Industrial Park. Any outdoor storage area shall be located to the rear of the principal building to which the outdoor storage area is associated.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1019: DISTRIBUTION CENTER

A. Access to the Distribution Center shall be from an Arterial road as identified in the Adams County Comprehensive Plan.

B. Vehicular access shall minimize danger and congestion along adjoining roads and avoid the creation of nuisances to nearby properties.

C. Access driveways shall meet the nonresidential access drive requirements, in terms of width and construction, of the underlying municipal Subdivision and Land Development Ordinance.

D. The use shall provide stacking lanes and on-site loading/unloading areas so that trucks waiting to be loaded / unloaded will not back up onto public roads. No parking or loading / unloading shall be permitted on or along any public road.

E. Any gates or other barriers used at the entrance to parking areas and / or loading areas shall be located to prevent vehicle backups onto adjoining roads.

F. Any use where four or more trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of ten (10) minutes.

G. 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.

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

I. 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.

J. The parking, storage, and/or loading of vehicles associated with the use shall be confined to the subject property; no satellite parking, storage, and/or loading lots shall be permitted.

K. The distribution use, including all principal buildings and all accessory structures and facilities that support the principal building, shall be located no closer than two hundred (200) feet to any residential property, any property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus, or any property in the RR, SFR, and MDR Districts.

L. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty (50) feet from any street right-of-way line. Unless the fuel pump islands are set back two hundred (200) feet from the street right-of-way line, they shall be designed so that, when fueling, trucks will be parallel to the street.

M. All vehicle service and/or repair activities shall be conducted within a completely enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations is prohibited.

N. The outdoor storage of unlicensed and/or uninspected vehicles is prohibited.

O. The demolition or junking of vehicles and machinery is prohibited.

P. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system and any other use of the property will not be discernable at any property line.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1020: HEAVY INDUSTRIAL USE

A. Proposed heavy manufacturing uses shall provide to the County with 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.

B. 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 residential parcels. Where a fence is used as part of this screening, landscaping shall be provided along the outside edge of the fence.

C. Materials shall not be piled or stacked higher than the screening, landscaping and/or fence.

D. Where the site abuts a residential 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.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1021: JUNK YARD

A. All applications for junkyards shall comply with the municipal Junkyard Ordinance, should such Ordinance exist. Evidence of substantial compliance with the municipal Junkyard Ordinance shall be included in all applications required by this Ordinance. Where the requirements of the municipal Junkyard Ordinance conflict with the provisions of this Ordinance, the stricter standard shall apply.

B. Junkyards shall be subject to the following dimensional requirements.

1. Minimum Lot Area: Five (5) acres.

2. Maximum Lot Area: Twenty (20) acres.

3. All land required for setbacks shall be included in the lot area calculation.

C. No junkyard shall be located within any regulated floodplain, within any wetland as defined in federal wetlands regulations, or be located on any slope exceeding fifteen percent (15%).

D. The area used for a junkyard shall be completely enclosed with a solid board or metal fence or a mound of ground with a minimum height of ten (10) feet, or by a screen of trees, or by a combination of the above. All fences and screening shall be of sufficient height to completely screen the junkyard from view of adjacent properties and highways and to prevent removal of junk or vehicles through the screen. Any screen of trees shall meet the following requirements.

1. A minimum of two rows of trees, comprised of not less than fifty-percent (50%) evergreen trees, shall be planted to produce the effective visual barricade. Shrubs or other vegetation may be included in the screen to enhance the effectiveness of the barricade.

2. At least two different species of trees shall be utilized. Selected species shall exhibit different tolerances to insect disease.

3. Species selected must be capable of producing the effective visual barrier, ten (10) feet in height, within three years of planting.

4. Prompt replacement of any dead trees shall be required. During the growing season, dead trees must be replaced within thirty (30) days. In no event shall dead trees be replanted later than May 1 of the next growing season.

E. Setbacks: The required fencing and screening shall be set back the following minimum distance from the property line or street.

1. Solid Fencing: Fifty (50) feet from street right-of-way and fifty (50) feet from all property lines.

2. Tree Screening: Twenty-five (25) feet from the street right-of-way and twenty-five (25) feet from all property lines.

F. The area between the property line or street right-of-way and the fence or tree screening shall be kept clean and free of all debris except for plants that contribute to the screening requirements of Section 1201.D above. Other ornamental plantings shall also be authorized.

G. All entrances and exits into and from the junkyard shall have gates which shall be closed and locked when the junkyard is not in operation.

H. No garbage or other organic waste shall be stored in open containers on premises.

I. All junk shall be stored and arranged so as not to interfere with natural drainage of the land, shall be so stored and arranged as to prevent the accumulation of stagnant water, and shall facilitate access for fire-fighting purposes.

J. All junk must be spaced in rows with at least twenty (20) feet between them. Rows shall not exceed twenty (20) feet in width.

K. The junkyard shall be maintained such that any adjacent stream or body of water shall not be polluted or damaged by any drainage or dumping of organize or inorganic waste materials or waste substance.

L. Junk shall be stored in piles within the enclosed area not exceeding eight feet in height within 50 feet of screening or fencing line. Junk shall be permitted to be piled not exceeding 12 feet in height in the remaining area of the junkyard. Junk shall be arranged so as to permit easy access to all such junk for fire-fighting purposes.

M. No combustible material of any kind not directly incidental to the operation of the business shall be kept on the premises, nor shall any condition be allowed to exist that will create a fire hazard.

N. No oil, grease, tires, gasoline, tar, petroleum products, shingles or other similar material or junk shall be burned within a junkyard at any time.

O. All oil, antifreeze, gasoline, transmission fluid and other vehicular fluids shall be drained from all vehicles before such vehicles are stored as scrap in the junkyard. All such fluids shall be properly containerized, stored, transported and disposed of in the manner or manners prescribed by or consistent with regulations enacted by the

Pennsylvania Department of Environmental Protection in Title 25, Chapter 75, of the Pennsylvania Code, relating to solid waste management, and in regulations enacted by the United States Environmental Protection Agency at 40 CFR, Subchapter 1, Parts 240 to 280, relating to solid waste, or any other applicable laws or regulations pertaining to solid waste or solid waste management in effect at the date of adoption of this Ordinance.

P. All tires not being used for a useful purpose must be covered by a tarpaulin and not left exposed to the weather or enclosed within a structure.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1022: LANDFILL

A. 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.

B. Site Access

1. The landfill use shall be accessed from a paved road that connects the operation to an arterial road as defined in the Adams County Comprehensive Plan.

2. 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.

3. All truck and equipment traffic to and from the landfill use shall use this connecting road.

C. 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.

D 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.

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 plants shall be native or naturalized to Pennsylvania. 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 landfill 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.

E. Security

1. Fencing shall be provided at all vehicle access points to the landfill operation.

2. Gates that can be locked to prevent unauthorized entry to the landfill operation during times of non-operation shall be provided.

3. 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.

4. Warning signs identifying the nature of the landfill operation shall be conspicuously posted around the perimeter of the operation.

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

1. 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.

2. 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.

3. 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.

G. 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.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1023: RESOURCE EXTRACTION

A. 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.

B. Site Access

1. The resource extraction use shall be accessed from a paved road that connects the operation to an arterial road as defined in the Adams County Comprehensive Plan.

2. The pavement of the connecting road shall be no less than three (3) inches think, and the connecting road shall be no less than twenty (20) feet in width.

3. All truck and equipment traffic to and from the resource extraction use shall use this connecting road.

C. No component of the resource extraction operation, other than borrow pits for highway construction purposes, may be conducted within the following areas.

1. Within one hundred (100) feet of any right-of-way line of a public road.

2. Within three hundred (300) feet of any occupied dwelling or any commercial or industrial building unless released by the owner thereof.

3. Within three hundred (300) feet of any public building, school, community, or institutional building.

4. Within three hundred (300) feet of a public park.

5. Within one hundred (100) feet of a cemetery.

6. Within one hundred (100) feet of the bank of a perennial or intermittent stream.

D. 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.

1. Vegetative Screening

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 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 resource extraction 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.

2. Earthen Mounds

a. Such mounds shall be located no closer than fifty (50) feet from a property line or any road right-of-way line.

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

c. 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.

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

1. 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 1023.D above. 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.

2. 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.

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

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

1. 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.

2. 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.

3. 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.

4. Dust Control.

a. Access drives internal to the resource extraction site shall be maintaining 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.

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

G. 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.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1024: RECYCLING FACILITY

A. 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.

B. There shall be no outdoor storage of materials collected, used, or generated by the Recycling Facility.

C. 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.

D. Access to the Recycling Facility shall be from a roadway classified as no less than a Collector street as identified in the Adams County Comprehensive Plan.

E.. 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.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1025: WAREHOUSING

A. Vehicular access shall minimize danger and congestion along adjoining roads and avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with arterial roads as defined in the Adams County Comprehensive Plan

B. Access driveways shall meet the nonresidential access drive requirements, in terms of width and construction, of the underlying municipal Subdivision and Land Development Ordinance.

C. The use shall provide stacking lanes and on-site loading/unloading areas so that trucks waiting to be loaded / unloaded will not back up onto public roads. No parking or loading / unloading shall be permitted on or along any public road.

D. Any gates or other barriers used at the entrance to parking areas and / or loading areas shall be located to prevent vehicle backups onto adjoining roads.

E. Any use where four or more diesel-operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of ten (10) minutes.

F. The warehousing use, including all principal buildings and all accessory structures and facilities that support the principal building, shall be located no closer than two hundred (200) feet to any residential property, any property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus, or any property in the RR, SFR, and MDR Districts.

G. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty (50) feet from any street right-of-way line. Unless the fuel pump islands are set back two hundred (200) feet from the street right-of-way line, they shall be designed so that, when fueling, trucks will be parallel to the street.

H. All vehicle service and/or repair activities shall be conducted within a completely enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations is prohibited.

I. 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.

J. The parking, storage, and/or loading of vehicles associated with the use shall be confined to the subject property; no satellite parking, storage, and/or loading lots shall be permitted.

K. The outdoor storage of unlicensed and/or uninspected vehicles is prohibited.

L. The demolition or junking of vehicles and machinery is prohibited.

M. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system and any other use of the property will not be discernable at any property line.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1026: FUEL STORAGE / DISTRIBUTION USE

A. A Fuel Storage / Distribution Use shall comply with the requirements of Section 1019.

B. In addition, the applicant shall demonstrate that the use complies with all applicable State and / or Federal requirements and / or permitting regarding fuels / hazardous materials handling and storage.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1027: SOLAR ENERGY PRODUCTION FACILITY, ACCESSORY

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.

4. In calculating the maximum lot coverage, portions of the solar panels may be considered pervious if the criteria within the Pennsylvania Department of Environmental Protection (DEP) FAQ document entitled "Chapter 102 Permitting for Solar Panel Farms," dated January 2, 2019, as may be updated or amended, has been met.

5. 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. Exemptions: Solar panels up to ten (10) square feet or less of cumulative area and that are designed to power an individual piece of equipment rather than the overall principal use of a property are exempted from having to apply for and receive a Zoning Permit.

2. 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.

3. 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.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1028: SOLAR ENERGY PRODUCTION FACILITY, PRINCIPAL

A. The facility shall receive Land Development Plan approval in accordance with the local Subdivision and Land Development Ordinance. Should Special Exception review of the facility occur prior to Land Development Plan submission, Special Exception approval shall include a condition that the applicant achieve Land Development Plan approval.

B. 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.

C. Where wooded acreage is removed, land area equivalent to two (2) times the area of wooded acreage removed shall be shall be planted with trees at a sufficient density to re-establish a forest in the setting. At a minimum, at least fifty-five (55) trees per acre shall be planted. Such trees shall be depicted on a Landscaping Plan submitted in conjunction with the Land Development Plan for the site. The trees shall be subject to financial guarantee in accordance with applicable requirements of the local municipal Subdivision and Land Development Ordinance.

D. No portion of the facility, exclusive of access driveways to the facility, shall be located within any floodplain regulated by the local municipal Floodplain Management Ordinance. No portion of the facility, including access driveways to the facility, shall be located within a designated wetland.

E. 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.

F. Solar arrays shall not exceed ten (10) 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.

G. In calculating the maximum lot coverage, portions of the facility may be considered pervious if the criteria within the Pennsylvania Department of Environmental

Protection (DEP) FAQ document entitled "Chapter 102 Permitting for Solar Panel Farms," dated January 2, 2019, as may be updated or amended, has been met.

H. Stormwater management for the facility shall be in accordance with the local municipal Stormwater Management Ordinance and the DEP FAQ document entitled "Chapter 102 Permitting for Solar Panel Farms," dated January 2, 2019, as may be updated or amended, as applicable.

I. The facility shall not be artificially illuminated except to the extent required by safety or by any applicable federal, state or local authority.

J. On-site power collection lines shall be installed underground.

K. 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.

L. Clearly visible warning signs shall be placed on the required fence, barrier, or similar structure to inform individuals of potential voltage hazards.

M. 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.

1. The landscaped buffer shall include a combination of evergreen trees, deciduous trees, and shrubs, arranged in a manner to replicate a natural woodland.

2. The evergreen trees and the deciduous trees shall achieve a height equal to that of the solar array(s) within one (1) year of the time of planting.

3. All trees and shrubs shall be native to Pennsylvania.

4. 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.

N. 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.

O. The design of the facility shall conform to applicable industry standards, including those of the American National Standards Institute. The facility developer shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories (UL), IEEE, Solar Rating and Certification Corporation (SRCC), ETL, or other similar certifying organizations.

P. Decommissioning

1. The Solar Energy Production Facility owner is required to notify the County immediately upon cessation or abandonment of the operation. The facility shall be presumed to be discontinued or abandoned if no electricity is generated by such facility for a period of twelve (12) continuous months.

2. The facility owner shall then have twelve (12) months in which to dismantle and remove the facility, including all solar related equipment and appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations, solar facility connections, and other associated facilities.

3. To the extent possible, the materials shall be re-sold or salvaged. Materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials by Federal or State law.

4. Any soil exposed during the removal shall be stabilized in accordance with applicable erosion and sediment control standards.

5. Any access drive paved aprons from public roads shall remain for future use.

6 The site area of the facility shall be restored to its pre-existing condition, suitable for its prior use, except the landowner may authorize, in writing, any buffer landscaping or access roads installed to accommodate the Facility to remain.

7. Any necessary permits, such as Erosion and Sedimentation and NPDES permits, shall be obtained prior to decommissioning activities.

8. At the time of issuance of the Zoning Permit for the construction of the facility, the owner shall provide financial security in the form and amount acceptable to the Borough to secure its obligations under this Section.

a. The facility developer shall, at the time of application, provide the Borough with an estimate of the cost of performing the decommissioning activities required herein, together with an administrative and inflation factor of twenty-five percent (25%) to account for the cost of obtaining permits to complete said activities. The estimate may include an estimated salvage and resale value, discounted by a factor of twenty percent (20%). The decommissioning cost estimate formula shall be:

	Gross Cost of Decommissioning Activities
+	Administrative Factor of Twenty-five Percent (25%)
-	Salvage and Resale Credit of Eighty Percent (80%)
=	Decommissioning Cost Estimate

b. On every fifth (5th) anniversary of the date of providing the decommissioning financial security, the facility owner shall provide an updated decommissioning cost estimate, utilizing the formula set forth above, with adjustments for inflation and cost and value changes. In the decommissioning cost estimate amount changes, the facility owner shall remit the increased financial security to the Borough within thirty (30) days of the updated decommissioning cost estimate by the Borough.

c. Decommissioning cost estimates shall be subject to review and approval by the Borough, and the facility owner shall be responsible for administrative, legal, and engineering costs incurred by the Borough for such review.

d. At no time shall the financial security be an amount less than $500,000.00.

e. The financial security may be in the form of cash, letter of credit, or an investment grade corporate guarantee rated BBB-/Baa3 or better by S&P, Moody's, or AM Best, as applicable.

f. Prior to approval of any Zoning Permit for a Facility, the facility developer shall enter into a Decommissioning Agreement with the Borough outlining the responsibility of the parties with regard to the decommissioning of the facility.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1029: WIND ENERGY FACILITY, ACCESSORY

A. Performance Standards

1. Minimum Setbacks: Wind turbines shall be setback from all property lines a minimum distance the height of the tower supporting the wind turbine unless the tower is equipped with a structural break point. In such case, the wind turbine shall be setback a minimum distance of the height of the structural break point above ground level. In no case may the minimum setback be less than one-half (1/2) of the supporting tower height.

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 turbine 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.

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.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1030: WIND ENERGY FACILITY, PRINCIPAL

A. The Wind Energy Facility shall receive Land Development Plan approval in accordance with the local municipal Subdivision and Land Development Ordinance. Should Special Exception review of the facility occur prior to Land Development Plan submission, Special Exception approval shall include a condition that the applicant achieve Land Development Plan approval.

B. Minimum Lot Area: Five (5) acres.

C. Separation Distances: Within a Wind Energy Facility, the following separation distances shall be required.

1. Wind Turbine to Wind Turbine: One hundred and ten percent (110%) of the height of the tallest Wind Turbine of the Wind Energy Facility.

2. Wind Turbine to Property Line: One hundred and ten percent (110%) of the height of the Wind Turbine to any property line.

3. Wind Turbine to Building on Host Property: One hundred and ten percent (110%) of the height of the Wind Turbine to any building on the property hosting the Wind Energy Facility.

4. Wind Turbine to Building on Properties other than the Host Property: One thousand (1,000) feet from the tower on which the Wind Turbine is mounted to any building on a property other than the host property.

5. Wind Turbine to Road Right-of-Way: Two hundred (200) feet from the tower on which the Wind Turbine is mounted to any road right-of-way.

D. Ground Clearance: The minimum ground clearance for Wind Turbine blades shall be thirty (30) feet.

E. Noise: The maximum sound produced by a Wind Energy Facility shall not exceed fifty-five (55) decibels at the property line between the host property and any other property. The maximum sound level may only be exceeded during wind storms or power utility outages.

F. Vibration: The Wind Energy Facility shall not produce ground vibration discernable at the property line between the host property and any other property.

G. Shadow Flicker: The Wind Energy Facility shall not produce shadow flicker in an occupied building on property adjoining the host property for a period of more than thirty (30) minutes per day.

H. Visual Appearance: The following standards shall be applied to minimize the visual impact of the site.

1. All on-site utility lines, transmission lines, and cables shall be placed underground.

2. All Wind Turbines within a Wind Energy Facility shall be an unobtrusive color such as white, off-white, gray, or other color that blends with the surroundings.

3. The Wind Energy Facility shall not be illuminated, except to the extent that may be required by the Federal Aviation Administration of other applicable entity.

I. Decommissioning

1. The Wind Energy Facility owner is required to notify the County immediately upon cessation or abandonment of the operation. The facility shall be presumed to be discontinued or abandoned if no electricity is generated by such facility for a period of twelve (12) continuous months.

2. The facility owner shall then have twelve (12) months in which to dismantle and remove the facility, including all equipment and appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations, wind energy facility connections, and other associated facilities.

3. To the extent possible, the materials shall be re-sold or salvaged. Materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials by Federal or State law.

4. Any soil exposed during the removal shall be stabilized in accordance with applicable erosion and sediment control standards.

5. Any access drive paved aprons from public roads shall remain for future use.

6 The site area of the Facility shall be restored to its pre-existing condition, suitable for its prior use, except the landowner may authorize, in writing, any buffer landscaping or access roads installed to accommodate the Facility to remain.

7. Any necessary permits, such as Erosion and Sedimentation and NPDES permits, shall be obtained prior to decommissioning activities.

8. At the time of issuance of the Zoning Permit for the construction of the Facility, the owner shall provide financial security in the form and amount acceptable to the County to secure its obligations under this Section.

a. The Facility developer shall, at the time of application, provide the County with an estimate of the cost of performing the decommissioning activities required herein, together with an administrative and inflation factor of twenty-five percent (25%) to account for the cost of obtaining permits to complete said activities. The estimate may include an estimated salvage and resale value, discounted by a factor of twenty percent (20%). The decommissioning cost estimate formula shall be:

Gross Cost of Decommissioning Activities
\+ Administrative Factor of Twenty-five Percent (25%)
\- Salvage and Resale Credit of Eighty Percent (80%)
= Decommissioning Cost Estimate

b. On every fifth (5th) anniversary of the date of providing the decommissioning financial security, the Facility owner shall provide an updated decommissioning cost estimate, utilizing the formula set forth above, with adjustments for inflation and cost and value changes. If the decommissioning cost estimate amount changes, the Facility owner shall remit the increased financial security to the County within thirty (30) days of the updated decommissioning cost estimate by the County.

c. Decommissioning cost estimates shall be subject to review and approval by the County, and the Facility owner shall be responsible for administrative, legal, and engineering costs incurred by the Borough for such review.

d. At no time shall the financial security be an amount less than $500,000.00.

e. The financial security may be in the form of cash, letter of credit, or an investment grade corporate guarantee rated BBB-/Baa3 or better by S&P, Moody's, or AM Best, as applicable.

f. Prior to approval of any Zoning Permit for a Facility, the Facility developer shall enter into a Decommissioning Agreement with the County outlining the responsibility of the parties with regard to the decommissioning of the Facility.

J. Contact and Site Information: The applicant shall file with the County, upon completion of construction of the Wind Energy Facility and prior to the commencement of power generation, the following information.

1. The owner of the Wind Energy Facility site.

2. The operator of the Wind Energy Facility site, if different than the owner.

3. The name or other identifier of the Wind Energy Facility site.

4. The address of the Wind Energy Facility site.

5. Phone number for the owner and/or operator of the Wind Energy Facility.

6 GPS coordinates for the entrance of the Wind Energy Facility.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1031: CONTINUING CARE RETIREMENT COMMUNITY

A. Permitted Uses: The following types of uses shall be authorized to be included within a Continuing Care Retirement Community (CCRC).

1. 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.

a. Independent Living Units may be of the single-family detached, single-family semi-detached, or multi-family dwelling unit types.

b. Assisted Living Units may be of the multi-family dwelling unit type.

c. Nursing or Skilled Units shall be located within a licensed Nursing Home that provides medical care and related services.

2. Common Uses: The following common uses shall be permitted to be located within a CCRC.

a. Nursing Home, including all medical facilities, as well as office and administrative facilities ordinarily associated with such use.

b. Dining Facilities, including central kitchens and dining areas for on-site preparation and serving of meals.

c. Recreation Facilities, including but not limited to activity rooms, auditoriums, lounges, and libraries.

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

e. 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.

f. 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

g. 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.

h. Chapels.

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

1. 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.

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

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

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

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

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

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

5. 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.

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

b. Minimum Side Setback: Ten (10) feet.

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

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

e. 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.

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

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

a. 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.

b. 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.

c. Single Family Attached Dwellings: All Single-Family Attached Dwellings shall meet the design requirements required Section 1015.

d. Apartment Dwellings and Nursing or Skilled Unit Buildings: All Apartment Dwellings shall meet the design requirements established in Section 1016.

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

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

b. Common uses may be integrated into buildings devoted to Assisted Living Units and / or Nursing or Skilled Units.

c. Where common uses are located in a building or buildings separate from residential buildings, the building(s) with the common 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.

3 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 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 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.

4. 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 1203.

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

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1032: ASSISTED LIVING

A. Permitted Uses: The following types of uses shall be authorized to be included within an Assisted Living facility.

1. Residential Uses

a. Single-Family Attached Dwellings.

b. Apartment Buildings.

2. Common Uses: The following common uses shall be permitted to be located within an Assisted Living facility.

a. Dining Facilities, including central kitchens and dining areas for on-site preparation and serving of meals.

b. Recreation Facilities, including but not limited to activity rooms, auditoriums, lounges, and libraries.

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

d. 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.

e. Chapels.

B. Bulk and Area Regulations: Assisted Living facilities shall be subject to the bulk and area regulations of the underlying zoning district, with the exception of the following.

1. Maximum Development Density: The maximum residential density of an Assisted Living facility shall be defined by the density authorized in the zoning district where the Assisted Living facility is proposed. In calculating project density, the following weighting factor shall be applied.

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

2. Minimum Lot Size: The minimum lot size upon which an Assisted Living facility may be proposed shall be five (5) acres.

3. Maximum Impervious Coverage: Maximum Coverage for an Assisted Living facility shall be sixty-five percent (65%).

4. Minimum Yard Requirements: The minimum yard requirements of the underlying zoning district are applicable. However, the minimum yard requirements shall be applied to the overall Assisted Living facility rather than to the individual buildings.

5. Minimum Building Separation: The following minimum building separation distances shall be applied to all buildings within the Assisted Living facility.

- 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.

C. Design Requirements: An Assisted Living facility shall be subject to the following design standards.

1. Dwelling Unit Standards: The following standards shall be applied to all dwelling units within an Assisted Living facility.

a. Single Floor Dwellings: A minimum of fifty percent (50%) of the dwelling units within an Assisted Living facility 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.

b. Accessible Dwellings: A minimum of twenty-five percent (25%) of the dwelling units within an Assisted Living facility shall be designed to be accessible to disabled or handicapped residents.

c. Single Family Attached Dwellings: All Single-Family Attached Dwellings shall meet the design requirements required Section 1015.

d. Apartment Buildings: All Apartment Buildings shall meet the design requirements established in Section 1016.

2. Common Use Standards: The following standards shall be applied to all nonresidential uses within an Assisted Living facility.

a. All common uses within an Assisted Living facility shall be located in a central location within the community. The location of the common uses shall be connected to the pedestrian system within the development and shall be easily accessible for all residents.

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

3 Pedestrian Facilities: A pedestrian network shall be provided within the Assisted Living facility to connect all dwelling units with all activity centers, designated open space, and any common 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 shall include benches and shelters at minimum intervals of five hundred (500) feet. The pedestrian network within an Assisted Living facility 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.

4. Off-street parking 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 1203.

5. A Landscaping Plan shall be developed for the entire Assisted Living facility site. Two (2) Planting Units shall be provided for every dwelling unit within an Assisted Living facility. 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 of parking areas, garbage dumpster sites, and mechanical and utility equipment sites, and shall facilitate attractive outdoor recreation spaces.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1033: INDEPENDENT LIVING

A. Permitted Uses: The following types of uses shall be authorized to be included within an Independent Living facility.

1. Residential Uses

a. Single-Family Detached Dwellings.

b. Single-Family Semi-Detached Dwellings.

c. Single-Family Attached Dwellings.

d. Apartment Buildings.

2. Common Uses: The following common uses shall be permitted to be located within an Independent Living facility.

a. Recreation Facilities, including but not limited to activity rooms, auditoriums, lounges, and libraries.

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

c. 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.

d. Chapels.

B. Bulk and Area Regulations: Assisted Living facilities shall be subject to the bulk and area regulations of the underlying zoning district, with the exception of the following.

1. Maximum Development Density: The maximum residential density of an Independent Living facility shall be defined by the density authorized in the zoning district where the Assisted Living facility is proposed.

2. Minimum Lot Size: The minimum lot size upon which an Independent Living facility may be proposed shall be five (5) acres.

3. Maximum Coverage: Maximum Coverage for an Independent Living facility shall be sixty-five percent (65%).

4. Minimum Yard Requirements: The minimum yard requirements of the underlying zoning district are applicable. However, the minimum yard requirements shall be applied to the overall Independent Living facility rather than to the individual buildings.

5. Minimum Building Separation: The following minimum building separation distances shall be applied to all buildings within the Assisted Living facility.

- 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.

C. Design Requirements: An Independent Living facility shall be subject to the following design standards.

1. Dwelling Unit Standards: The following standards shall be applied to all dwelling units within an Assisted Living facility.

a. Single Floor Dwellings: A minimum of fifty percent (50%) of the dwelling units within an Assisted Living facility 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.

b. Accessible Dwellings: A minimum of twenty-five percent (25%) of the dwelling units within an Assisted Living facility shall be designed to be accessible to disabled or handicapped residents.

c. Single Family Attached Dwellings: All Single-Family Attached Dwellings shall meet the design requirements required Section 1015.

d. Apartment Buildings: All Apartment Buildings shall meet the design requirements established in Section 1016.

2. Common Use Standards: The following standards shall be applied to all nonresidential uses within an Independent Living facility.

a. All common uses within an Independent Living facility shall be located in a central location within the community. The location of the common uses shall be connected to the pedestrian system within the development and shall be easily accessible for all residents.

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

3 Pedestrian Facilities: A pedestrian network shall be provided within the Independent Living facility to connect all dwelling units with all activity centers, designated open space, and any common 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 shall include benches and shelters at

minimum intervals of five hundred (500) feet. The pedestrian network within an Independent Living facility 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.

4. Off-street parking 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 1203.

5. A Landscaping Plan shall be developed for the entire Independent Living facility site. Two (2) Planting Units shall be provided for every dwelling unit within an Independent Living facility. 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 of parking areas, garbage dumpster sites, and mechanical and utility equipment sites, and shall facilitate attractive outdoor recreation spaces.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1034: NURSING HOME

A. Bulk and Area Regulations: Nursing Homes shall be subject to the bulk and area regulations of the underlying zoning district with the exception of the following.

1. Maximum Development Density: The maximum residential density of an Nursing Home shall be defined by the density authorized in the zoning district where the Nursing Home is proposed. In calculating project density, the following weighting factor shall be applied.

a. Each Nursing / Skilled Unit within a Nursing Home shall be counted as three quarters (1/2) of a dwelling unit.

2. Maximum Coverage: Maximum Coverage for Nursing Home shall be sixty-five percent (65%).

B. Off-street parking 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 1203.

C. Pedestrian Facilities: A pedestrian network shall be provided within the Nursing Home site to provide access to all activity centers and designated open space. 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 Nursing Home site 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. A Landscaping Plan shall be developed for the Nursing Home facility site. One (1) Planting Unit shall be provided for every Nursing / Skilled Unit within a Nursing Home facility. 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 of parking areas, garbage dumpster sites, and mechanical and utility equipment sites, and shall facilitate attractive outdoor recreation spaces.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1035: EVENT VENUE

A. An Event Venue, whether proposed as a principal use or an accessory use, shall be subject to the minimum and maximum lot area requirements of the underlying zoning district.

B. All components of an Event Venue shall be located at least one hundred (100) feet from any property line. Buildings existing on the effective date of this Ordinance, and which are proposed for use with the Event Venue, shall be excluded from this location standard.

C. An Event Venue shall be scaled to provide for maximum attendance of no more than two hundred (200) guests. The applicant shall submit documentation demonstrating that the size of the building venue relates to this maximum capacity.

D. Parking for the Event Venue shall be provided in accordance with applicable provisions of Article XII of this Ordinance. In addition, the following standards shall apply.

1. Parking Location: Parking shall be subject to the location standards of Section 1035.B above.

2. Screening: The parking lot for the Event Venue shall be screened from view from all adjoining properties and from any road right-of-way. The screening shall include plantings arranged to provide a minimum opacity of fifty percent (50%).

E. Hours of operation shall be limited to 11:00 AM to 8:00 PM.

F. All entertainment, including but not limited to music, bands, dance floor, and stage, shall be located within an Event Venue building.

G. No sound from any entertainment provided at an Event Venue shall be discernable at the property line.

H. Overnight accommodations may be provided with an Event Venue. However, such accommodations shall be available only to guests of the Event Venue, and shall not be made available to the general public.

I. The applicant shall obtain any applicable building code or related approvals for any building to be used as part of the Event Venue. This includes building code or related approvals for any existing building that may be renovated to accommodate Event Venue use. Obtaining applicable building code or related approvals shall be a condition of any Zoning Permit issued for Event Venue use.

J. The applicant shall obtain applicable approvals from the local municipal Sewage Enforcement Office documenting that appropriate on-lot septic is provided for the Event Venue use.

K. For an Event Venue proposed as an accessory use to a farm or agricultural operation, the following additions standards shall be applied.

1. The applicant shall provide documentation demonstrating and confirming that the Events Venue will function as an accessory component of the principal use of the property as a farm or agricultural operation. The type of documentation to be provided is at the discretion of the applicant, provided that the information clearly demonstrates the accessory relationship of the Event Venue to the farm or agricultural operation.

2. In no case shall approval of an Event Venue be provided that replaces the principal farm or agricultural operation use of the property. The farm or agricultural operation use of the property shall continue to operate following approval of the Event Venue.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1036: GROUP HOME

A. The Group Home shall include persons functioning as a common household and/or family.

B. The Group Home may involve providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution because of a physical disability, old age, mental disability, or other handicap as defined by applicable federal law.

C. The provider and the structure shall be licensed by the appropriate County and/or State agencies and shall comply with all applicable rules and regulations.

D. No more than twelve (12) residents shall occupy a Group Home at one time.

E. 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.

F. Any medical or counseling services provided shall be done so only for residents of the Group Home.

G. The lot on which a Group Home is located shall be at least one thousand (1,000) feet from the lot on which another Group Home or Halfway House is located. Such distance shall be measured in a horizontal straight line from the nearest point on one lot to the nearest point on the other lot.

H. There shall be no alteration to the outside of the structure that would alter the single-family character of the dwelling, be inconsistent with the basic architecture of the dwelling, or be incompatible with surrounding dwellings.

I. No sign for the Group Home shall be displayed.

J. The use shall not be "Halfway House" as defined in this Ordinance.

K. The Use shall not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety to others.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1037: HALFWAY HOUSE

A. No more than six (6) residents shall occupy a Halfway House at one time.

B. The provider and the structure shall be licensed by the appropriate County and/or State agencies and shall comply with all applicable rules and regulations.

C. Any medical or counseling services provided shall be done so only for residents of the Halfway House.

D. The lot on which a Halfway House is located shall be at least one thousand (1,000) feet from the lot on which another Halfway House or Group Home is located. Such distance shall be measured in a horizontal straight line from the nearest point on one lot to the nearest point on the other lot.

E. No sign for the Halfway House shall be displayed.

F. The applicant shall provide a written description of all types of residents the use is intended to serve. Any future additions or modifications to this list shall require approval in accordance with the provisions of this Ordinance.

G. The applicant shall prove that such use will involve adequate supervision and security measures to protect public safety.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1038: CHILD CARE CENTER OR GROUP CHILD CARE

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, with the exception that a rate of forty (40) square feet shall be provided for infants and a rate of fifty (50) square feet shall be provided for toddlers.

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. 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.

C. All Child Care Center or Group Child Care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1039: FAMILY CHILD CARE

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, with the exception that a rate of forty (40) square feet shall be provided for infants and a rate of fifty (50) square feet shall be provided for toddlers..

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. 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.

C. All Family Child Care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1040: ACADEMIC CLINICAL RESEARCH CENTER

A. 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.

B. External lighting, if proposed, shall comply with Section 404.C.

C. Landscaping shall be provided in accordance with Section 404.H.

D. Parking shall be provided in accordance with Section 1201 and designed in accordance with Section 1203.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1041: MEDICAL MARIJUANA DISPENSARY

A. 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.

B. The Medical Marijuana Dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building.

C. The Medical Marijuana Dispensary may not operate on the same site as a Medical Marijuana Grower / Processor facility.

D. 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.

E. The Medical Marijuana Dispensary shall not include any of the following functions or features.

1. Drive-through service or facilities.

2 Outdoor seating areas.

3. Outdoor vending machines.

4. Direct or home delivery service.

F. The Medical Marijuana Dispensary shall prohibit the administration of, or the consumption of, medical marijuana on the premises.

G. 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.

H. 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.

I External lighting, if proposed, shall comply with Section 503.J.

J. Landscaping shall be provided in accordance with Section 503.N.

K. Parking shall be provided in accordance with Section 1201 and designed in accordance with Section 1203.

L. Loading areas shall be provided in accordance with Section 1204.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1042: MEDICAL MARIJUANA GROWER / PROCESSOR

A. 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.

B. 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.

C. 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.

D. 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.

E. 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.

F. External lighting, if proposed, shall comply with Section 404.C.

G. Landscaping shall be provided in accordance with Section 404.H.

H. Parking shall be provided in accordance with Section 1201 and designed in accordance with Section 1203.

I. Loading areas shall be provided in accordance with Section 1204.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1043: MEDICAL MARIJUANA DELIVERY VEHICLE OFFICE

A. Any medical marijuana storage, including temporary storage, at a Medical Marijuana Delivery Vehicle Office facility shall be secured to the same level as that for a Medical Marijuana Grower / Processor facility.

B. Transport vehicles associated with a Medical Marijuana Delivery Vehicle Office shall be equipped with a locking cargo area.

C. 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.

D. External lighting, if proposed, shall comply with Section 404.C.

E. Landscaping shall be provided in accordance with Section 404.H.

F. Parking shall be provided in accordance with Section 1201 and designed in accordance with Section 1023.

G. Loading areas shall be provided in accordance with Section 1204.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1044: RENTAL STORAGE

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

B. 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.

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

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

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

F. 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.

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

1. Outdoor vehicle storage shall be screened to prevent view from adjacent streets, residential uses, or land within the AP1, LC, RR, R, MFR, and V Districts.

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

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

4. Spaces for outdoor vehicle storage shall be marked in manner consistent with Section 1203.L.

H. The facility shall be surrounded by a fence of at least six (6) feet but not more than eight (8) feet in height.

I. Lighting shall be arranged so as to prevent direct view of the light source from adjoining properties and/or public rights-of-way.

J. 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. The buffer plantings may count toward meeting any landscaping requirement of the zoning district within which the rental storage use is proposed.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1045. OUTDOOR SHOOTING RANGE

A. An Outdoor Shooting Range may be operated as either a principal use or an accessory use. When operated as an accessory use, the Outdoor Shooting Range must have a logical relationship to the principal use of the property, as demonstrated by the applicant. Examples of principal uses to which an Outdoor Shooting Range may be considered to be accessory include, but are not necessarily limited to, hunting clubs, retail uses featuring sales of firearms and related merchandise, and governmental uses.

B. An Outdoor Shooting Range may be operated as either a commercial or as a non-profit operation. An Outdoor Shooting Range may be used by the general public, or may be limited to private use by members or guests of the entity establishing the Outdoor Shooting Range.

C. Minimum Lot Area: Twenty-five (25) acres.

D. Setbacks: An Outdoor Shooting Range shall be subject to minimum setbacks along all adjoining street rights-of-way and property lines. No improvements associated with an Outdoor Shooting Range may be located within the setback. This limitation shall include parking and loading areas, utility facilities, and the range itself along with any associated buildings and structures. A single access drive and stormwater management facilities shall not be subject to the setback. The setbacks shall be the following.

1. Two hundred (200) feet where the property adjoins property improved with a residence, school, or place of worship, or property located within a zoning district that permits residential use.

2. One hundred (100) feet where the property adjoins property improved with any use other than a residence, school, or place or worship, or property located within a zoning district that does not permit residential use.

E. Earthen Berm: An Outdoor Shooting Range shall be provided with an earthen berm, where applicable, in accordance with the following standards.

1. Applicability: An earthen berm shall be provided for all Outdoor Shooting Ranges developed as a rifle or pistol range. An earthen berm shall not be required for Outdoor Shooting Ranges involving sporting clays or archery.

2. Location: Where required, the earthen berm shall be located within twenty (20) feet of the furthest target.

3. Design: The earthen berm shall be designed in accordance with the following.

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 a minimum of four (4) 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 extend a minimum of twenty (20) feet vertically above the ground level and have a minimum vertical height separation of fifteen (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 a minimum of twelve (12) feet vertically above ground level.

e. The elevation of the firing line and the base of all berms shall be the same.

F. Range Design: The overall design of the Outdoor Shooting Range shall be consistent with the Range Development Manual of the National Rifle Association (NRA) or comparable design reference. The applicant shall identify the range development manual or design guide relied upon when designing the Outdoor Shooting Range.

G. The Outdoor Shooting Range shall be free of gravel and other hard surface materials.

H. The shotfall zone shall be designed in accordance with the following standards.

1. The shotfall zone shall minimize safety risks to persons and property in residential, place or worship, and school use or properties zoned for residential, place or worship, and school use.

2. Shooting directions associated with the shotfall zone shall not be into or over any water bodies or wetlands.

3. The shotfall zone shall provide for the maximum containment of bullets or other projectiles on site, and shall include backstops, earthen berms, or other means to contain bullets and other projectiles within the site and to minimize ricocheting.

4. A operations plan shall be provided for the shotfall zone to provide for lead reclamation for the site. The plan shall include, but not be limited to, hand raking and sifting, screening, vacuuming and soil washing, as well as landscaping (to include grass, mulch or compost and removal of scrub vegetation).

I. Hours of operation for Outdoor Shooting Ranges shall be limited to daylight hours, Monday through Saturday, with no Sunday operations.

J. Warning signs shall be posted a minimum of ten (10) feet from the outside of the berm, and shall be of sufficient size to be read outside the shotfall zone.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1046: HOMESTAY

A. The maximum number of guest room or suite permitted within a Homestay shall be established as follows.

1. For Homestays on a property of less than one (1) acre, only one (1) guest room or suite shall be permitted.

2 For Homestays on a property of one (1) acre to five (5) acres, two (2) guest rooms or suites shall be permitted.

3. For Homestays on a property exceeding five (5) acres, any number of guest rooms or suites may be provided.

B. 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.

C. The operator of the homestay shall be the owner of the dwelling and permanently reside on the premises.

D. Cooking facilities are prohibited within the guest room or suite occupied by the guests. Any access to cooking facilities for the guests shall only be to the common cooking facilities for the dwelling as a whole.

E. The homestay shall meet applicable requirements of the Pennsylvania Uniform Construction Code, or similar applicable code.

F. 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. 1 of 2022, as may be updated or amended, for the payment of hotel room rental tax.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1047: VACATION RENTAL

A. 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.

B. 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 15-minute drive of the

property. The contact person or entity must be available via telephone 24 hours a day, 7 days a week, to respond to complaints regarding the use of the vacation rental.

C. 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 Section 1047.B. 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.

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

E. The vacation rental shall meet applicable requirements of the Pennsylvania Uniform Construction Code, or similar applicable code.

F. Off-street parking shall be provided in accordance with Section 1201. Where the number of required parking spaces is such that a parking lot is required in accordance with Section 1203.A, such parking lot shall be designed in accordance with the requirements of Section 1203.

G. 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. 1 of 2022, as may be updated or amended, for the payment of hotel room rental tax.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1048: RV HOSTING

A. The operator of the RV Hosting site shall reside on the property.

B. The RV Hosting site shall be located on a property with a minimum lot area of five (5) acres.

C. The RV Hosting site shall be located at least fifty (50) feet from any side and rear property line, and at least one hundred (100) feet from any front property line.

D. The RV Hosting site shall be limited to one (1) recreational vehicle.

E. The RV Hosting site shall be provided with an improved pad for the recreational vehicle. The pad shall either be paved or be surfaced with crushed stone.

F. Access to the RV Hosting site shall be provided by an existing driveway or by a new entrance permitted by the local municipality or by the Pennsylvania Department of Transportation, as appropriate. Access to the RV Hosting site shall be designed to allow for adequate maneuvering / turning space on the property to eliminate the need for any backing up / reverse maneuvering within any road right-of-way.

G. The RV Hosting site shall be provided with access to on-lot septic and water facilities. The applicant shall provide confirmation from the municipal Sewage Enforcement Officer that the existing septic system has adequate capacity for the RV Hosting use.

H If electric service is provided to the RV Hosting site, such electric connection shall be installed and inspected in accordance with applicable provisions of the Pennsylvania Uniform Construction Code, or similar applicable code.

I. No ground fires shall be permitted. The RV Hosting site shall be provided with an improved fire pit or comparable facility should the provision of camp fire facilities be proposed.

J. The RV Hosting site shall be the only form of Short-Term Rental on the property. The RV Hosting site shall not be permitted if any other form of Short-Term Rental is already permitted for the property.

K. Off-street parking shall be provided in accordance with Section 1201. All parking shall be hidden from view, through the use of landscaping or similar design features, from any public road right-of-way.

L. The operator of the RV Hosting site must demonstrate that the RV Hosting site is registered with the Adams County Treasurer's office in compliance with County Ordinance No. 1 of 2022, as may be updated or amended, for the payment of hotel room rental tax.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1049: TENT HOSTING

A. The operator of the Tent Hosting site shall reside on the property.

B. The Tent Hosting site shall be located on a property with a minimum lot area of five (5) acres.

C. The Tent Hosting site shall be located at least fifty (50) feet from any side or rear property line, and at least one hundred (100) feet from any front property line.

D. The Tent Hosting site shall be provided with a designated, fixed, and marked location for the tent. The tent site need not be improved with a tent pad or similar surfaced area.

E. Access to the Tent Hosting site shall be provided by an existing driveway or by a new entrance permitted by the local municipality or by the Pennsylvania Department of Transportation, as appropriate. Access to the Tent Hosting site shall be designed to allow

for adequate maneuvering / turning space on the property to eliminate the need for any backing up / reverse maneuvering within any road right-of-way.

F. The Tent Hosting site shall be provided with access to on-lot septic and water facilities. The applicant shall provide confirmation from the municipal Sewage Enforcement Officer that the existing septic system has adequate capacity for the Tent Hosting use.

G. No ground fires shall be permitted. The Tent Hosting site shall be provided with an improved fire pit or comparable facility should the provision of camp fire facilities be proposed.

H. The Tent Hosting site shall be the only form of Short-Term Rental on the property. The Tent Hosting site shall not be permitted if any other form of Short-Term Rental is already permitted for the property.

I. Off-street parking shall be provided in accordance with Section 1201. All parking shall be hidden from view, through the use of landscaping or similar design features, from any public road right-of-way.

J. The operator of the Tent Hosting site must demonstrate that the Tent Hosting site is registered with the Adams County Treasurer's office in compliance with County Ordinance No. 1 of 2022, as may be updated or amended, for the payment of hotel room rental tax.

(as amended by Ord. No. 3 of 2022, §31)

SECTION 1050: USE OF THE SAME GENERAL CHARACTER

A. 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.

B. 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 by the Zoning Ordinance. In rendering its decision, the Zoning Hearing Board shall conclude that the proposed use achieves an equal or higher degree of character consistency in terms of general character in the underlying district versus other zoning districts applied in the by the Zoning Ordinance.

C. 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.

D. 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.

E. 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.

(as amended by Ord. No. 3 of 2022, §31)

ARTICLE XI - SIGNS

SECTION 1100: DECLARATION OF LEGISLATIVE INTENT

In expansion of, and in addition to the Declaration of Purpose, contained in Article I, Section 103 of this Ordinance, and the Statement of Community Development Objection found in Article I Section 104 of this Ordinance, it is the intent of this article to:

A. Establish standards and provide controls that permit reasonable use of signs while restricting the potential adverse visual effects of signs on the character of Adams County as a whole and on those communities surrounding major transportation routes within the County.

B. Control the size, number, location, and illumination of signs, to reduce potential hazards caused by glare, obstructions to visibility, and undue and potentially unsafe distractions to motorists.

C. Reduce the visual clutter and sensory overload which results when excessive number of signs proliferate along roadways.

D. Encourage visually attractive signs, so that the economic value as well as the visual character of Adams County will be enhanced.

E. Establish criteria to encourage signs that are compatible with their surroundings, appropriate to the type of activity to which they pertain, complimentary to the architecture of the buildings involved, expressive of the individual proprietors or of an integrated development's identify, and which are easily readable in the circumstances in which they are seen.

SECTION 1101: SIGN REGULATIONS BY ZONING DISTRICT

The following regulations shall govern the number, size, and placement of permanent signs.

A. Signs in the Highway Commercial (HC) District.

1. For a property with one principal use, the following standards shall apply.

a. Maximum Number of Signs: No Maximum.

b. Maximum Sign Area of All Signs: Sixty (60) square feet. In calculating the sign area of a Freestanding Sign with two (2) sides, but where only one side of the sign is visible at any time, the sign area of such sign shall equal the area of only one (1) side of the sign.

c. Maximum Freestanding Sign Height: Fifteen (15) feet.

d. Maximum Wall Sign Height: The roofline of the building to which the wall sign is affixed.

e. Illumination: Signs may be either internally or externally illuminated.

2. For a property with two (2) or more principal uses, including but not limited to a shopping center, the following sign standards shall apply.

a. Maximum Number of Freestanding Signs: One (1).

b. Maximum Sign Area for Freestanding Signs: One Hundred (100) square feet.

c. Maximum Sign Height for Freestanding Signs: Twenty-five (25) feet.

d. Maximum Number of Wall Signs: One (1) for each use on the property.

e. Maximum Sign Area for Walls Signs: Sixty (60) square feet.

f. Maximum Sign Height for Wall Signs: The roofline of the building to which the wall sign is affixed.

g. Illumination: Signs may be either internally or externally illuminated.

3. For a corner lot, the signs authorized in Subsections 1 and 2 above may be applied along both streets.

B. Signs in the Employment Center (EC) District

1. For a property with one principal use, the following standards shall apply.

a. Maximum Number of Signs: No Maximum.

b. Maximum Sign Area of All Signs: Eighty (80) square feet. In calculating the sign area of a Freestanding Sign with two (2) sides, but where only one side of the sign is visible at any time, the sign area of such sign shall equal the area of only one (1) side of the sign.

c. Maximum Freestanding Sign Height: Fifteen (15) feet.

d. Maximum Wall Sign Height: The roofline of the building to which the wall sign is affixed.

e. Illumination: Signs may be either internally or externally illuminated.

2. For a property with two (2) or more principal uses, including but not limited to a business park and an industrial park, the following sign standards shall apply.

a. Maximum Number of Freestanding Signs: One (1).

b. Maximum Sign Area for Freestanding Signs: One Hundred Twenty (120) square feet.

c. Maximum Sign Height for Freestanding Signs: Twenty-five (25) feet.

d. Maximum Number of Wall Signs: One (1) for each use on the property.

e. Maximum Sign Area for Wall Signs: Sixty (60) square feet.

f. Maximum Sign Height for Wall Signs: The roofline of the building to which the wall sign is affixed.

g. Illumination: Signs may be either internally or externally illuminated.

3. For a corner lot, the signs authorized in Subsections 1 and 2 above may be applied along both streets.

C. Signs in the Agricultural Preservation (AP-1) and Land Conservation (LC) Districts.

1. For a property within the AP-1 and LC Districts, the following standards shall apply.

a. Maximum Number of Signs: No Maximum.

b. Maximum Sign Area of All Signs: Fifty (50) square feet. In calculating the sign area of a Freestanding Sign with two (2) sides, but where only one side of the sign is visible at any time, the sign area of such sign shall equal the area of only one (1) side of the sign.

c. Maximum Freestanding Sign Height: Ten (10) feet.

d. Maximum Wall Sign Height: The roofline of the building to which the wall sign is affixed.

e. Illumination: Signs shall be limited to external illumination.

2. For a corner lot, the signs authorized in Subsection 1 above may be applied along both streets.

D. Signs in the Village (V) District

1. For a property within the Village (V) District, the following standards shall apply.

a. Maximum Number of Signs: One (1) for each use of property.

b. Maximum Sign Area

(1) Freestanding Signs: Six (6) square feet. In calculating the sign area of a Freestanding Sign with two (2) sides, but where only one side of the sign is visible at any time, the sign area of such sign shall equal the area of only one (1) side of the sign.

(2) Projecting Signs: Eight (8) square feet.

(3) Wall signs: Ten (10) square feet.

c. Maximum Sign Height

(1) Freestanding Signs: Five (5) feet.

(2) Projecting Signs: Twelve (12) feet.

(3) Wall Signs: The roofline of the building to which the wall sign is affixed.

d. For projecting signs placed above sidewalks or walkways, the minimum clearance underneath the projecting sign shall be eight (8) feet.

e. Illumination: Signs shall be limited to external illumination.

2. For a corner lot, the signs authorized in Subsection 1 above may be applied along both streets.

E. Signs in the Rural Residential (RR), Residential (R), and Mixed Dwelling Residential (MDR) Districts.

1. For a property within the RR, R, and MDR Districts, the following standards shall apply.

a. Maximum Number of Signs: One (1) for each use of property.

b. Maximum Sign Area of All Signs: Fifty (50) square feet. In calculating the sign area of a Freestanding Sign with two (2) sides, but where only one side of the sign is visible at any time, the sign area of such sign shall equal the area of only one (1) side of the sign.

c. Maximum Freestanding Sign Height: Eight (8) feet.

d. Maximum Wall Sign Height: The roofline of the building to which the wall sign is affixed.

e. Illumination: Signs shall be limited to external illumination.

2. For a corner lot, the signs authorized in Subsection 1 above may be applied along both streets.

F. Permitting: All permanent signs shall be subject to permitting in accordance with Section 1411 of this Ordinance.

(as amended by Ord. No. 3 of 2022, §32)

SECTION 1102 – REGULATIONS FOR TEMPORARY SIGNS

Temporary signs are permitted on any property. The following regulations shall govern the number, size, and placement of temporary signs.

A. Maximum Number of Signs

1. Property with a One (1) Principal Use: One (1) for every one hundred (100) feet, or portion thereof, of road frontage.

2. Property with Two (2) or More Principal Uses: One (1) for each use.

B. Maximum Sign Area per Sign

1. Freestanding Sign: Eight (8) square feet.

2. Wall sign: Ten (10) square feet.

C. Maximum Sign Height

1. Freestanding Sign: Five (5) feet.

2. Wall Sign: The roofline of the building to which the wall sign is affixed.

D. Illumination: Signs shall be limited to external illumination.

E. Period of Display: The display of temporary signs shall be limited to the period of time during which the event, activity, sale or comparable condition is occurring on the property.

F. Permitting: Temporary signs shall not be subject to permitting in accordance with Section 1411 of this Ordinance. However, violations of the temporary sign provisions may be subject to the enforcement provisions of Sections 1414 and 1415 of this Ordinance.

(as amended by Ord. No. 3 of 2022, §33)

SECTION 1103: SIGNS NOT SUBJECT TO REGULATION

Signs regulated by state or federal law shall not be subject to the limitations provided herein.

(as amended by Ord. No. 3 of 2022, §34)

SECTION 1104: PROHIBITION OF HAZARDS

Signs shall be so designed and located that they shall not create a hazard to vehicular traffic by any of the following:

A. Obscuring necessary visibility:

1. Signs locations, size, types and colors shall comply with PennDOT standards and shall not conflict with street, traffic, and/or directional signs.

2. Signs Shall comply with the Clear Sight Triangles regulations of the applicable Municipal Subdivision and Land Development Ordinance.

B. Confusion with official street and/or traffic signs.

C. Confusion with traffic control devices by reason of color, location, shape, or other means.

D. Creation of glare and/or excessive brightness which may interfere with drivers' vision or be unnecessarily distracting.

SECTION 1105: PROHIBITED SIGNS

A. Flashing signs and/or lights.

B. Revolving or otherwise moving signs.

C. Animated signs.

D. Changeable copy signs except when copy is changed manually.

E. Movable signs, whether mounted on a trailer, other vehicle, or device.

F. Roof signs.

(as amended by Ord. No. 3 of 2022, §35 and §36)

SECTION 1106: BILLBOARD SIGNS

A maximum of one (1) billboard sign may be erected on a property in accordance with the following requirements.

A. Billboard signs shall only be authorized to be constructed in the Employment Center (EC) District.

B. The maximum area of any one side of the billboard sign shall not exceed one hundred (100) square feet.

C. The total maximum area of the billboard sign shall not exceed two hundred (200) square feet.

D. The maximum height of the billboard sign shall not exceed twenty (20) feet.

E. The billboard sign, including its support structure, shall be placed at least twenty-five 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 Major Arterial street or a Minor Arterial street as identified by the Adams County 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 not be illuminated from sources internal to the sign structure. Billboard signs shall only be illuminated by indirect lighting shining at the sign face. Any illumination of a billboard sign shall comply with the sign illumination standards of Section 1105.

(as amended by Ord. No. 1 of 2015, §III)
(as amended by Ord. No. 4 of 2016, §III)

ARTICLE XII - OFF STREET PARKING, LOADING AND UNLOADING REQUIREMENTS

SECTION 1200: STATEMENT OF INTENT

Off-street parking, loading and unloading facilities shall be provided to lessen congestion and enhance safety on streets, roadways, and within public right-of-ways. The facilities required herein shall be available for the residents, occupants, patrons, or employees of the particular business or use for which such facilities are provided.

SECTION 1201: REQUIRED FACILITIES

Within the Employment Center (EC), the Highway Commercial (HC), the Agricultural Preservation 1 (AP-1), the Land Conservation (LC), the Rural Residential (RR), the Single Family Residential (SFR), the Single Family Residential 2 (SFR-2), and the Mixed Dwelling Residential (MDR) Districts, and unless otherwise regulated in this Article or elsewhere in this Ordinance, the following parking facilitates are required. Within the Village (V) District parking facilities need not be provided unless specifically required for a specific use in the V District. Any structure or building hereafter erected, converted, or enlarged for any of the following uses in any district other than the V District, or any open area hereafter developed for commercial, residential, or similar purposes in any district other than the V District, 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. Residential Parking

1. One and two family dwelling units

Two (2) off street parking spaces shall be provided for each dwelling unit.

2. Multi-family dwellings, Garden Apartment units, Townhouses, and conversion units:

One and a half (1.5) parking spaces shall be provided for each single bedroom unit and two (2) parking spaces shall be provided for each unit with two (2) or more bedrooms.

3. Continuing Care Retirement Community

a. One (1) for every Independent Living Unit

b. One (1) for every two (2) Assisted Living Units

c. One (1) for every three (3) beds in a Nursing or Skilled Care Unit

d. Common Facilities: See Schedule in Section 1201 for parking space requirements for individual uses within a common facility area.

e. Guest Parking: One (1) space for every five (5) living units.

(as amended by Ord. No. 3 of 2022, §38)

4. Assisted Living Facility

a. One (1) for every two (2) Assisted Living Units

b. Common Facilities: See Schedule in Section 1201 for parking space requirements for individual uses within a common facility area.

c. Guest Parking: One (1) space for every five (5) living units.

(as amended by Ord. No. 3 of 2022, §38)

5. Independent Living Facility

a. One (1) for every Independent Living Unit

b. Common Facilities: See Schedule in Section 1201 for parking space requirements for individual uses within a common facility area.

c. Guest Parking: One (1) space for every five (5) living units.

(as amended by Ord. No. 3 of 2022, §38)

6. Nursing Home

One (1) for every three (3) Nursing / Skilled unit.

(as amended by Ord. No. 3 of 2022, §38)

7. Homestay

One (1) for every guest room or suite, plus (2) for the dwelling unit.

(as amended by Ord. No. 3 of 2022, §38)

8. Vacation Rental

One (1) for every guest room or suite, plus two (2) for the dwelling unit

(as amended by Ord. No. 3 of 2022, §38)

9. RV Hosting

One(1).

(as amended by Ord. No. 3 of 2022, §38)

10. Tent Hosting

One (1).

(as amended by Ord. No. 3 of 2022, §38)

B. Commercial Parking

1. Hotels, Motels, Resorts

One off street parking space shall be provided for each guest bedroom, plus, if a restaurant is included within the Hotel or Motel complex, additional off street parking spaces shall be required as set forth herein for restaurants. In addition, one (1) off street parking space shall be provided for each person employed by the facility during the busiest shift.

2. Retail stores, offices for professional services, business support services, personal services and banks, which occupy a single land parcel (not a shopping center):

One (1) parking space for each two hundred (200) square feet of gross floor area available for public use. Plus one (1) additional space for every two employees.

3. Shopping Center

One (1) parking space for each one hundred and seventy-five (175) square feet of floor area devoted to selling, display, and patron use, plus one (1) additional space for every two (2) employees.

4. Office Building

One (1) parking space for every one hundred and seventy-five (175) square feet of gross floor area.

5. Roller Rinks, Skating Rinks, Handball and Racquetball Courts, and other similar uses:

One (1) parking space for each two hundred (200) square feet of gross floor area.

6. Theaters, Churches and Other Similar Places of Public Assembly:

One (1) parking space for every three (3) patron seats provided.

7. Restaurants, Taverns, excluding "Drive Through" or "Drive In" Facilities:

One (1) parking space for each fifty (50) square feet of floor space available for public use.

8. Drive Through or Drive In Restaurants:

One (1) parking space for each thirty (30) square feet of floor space available for public use, or, in the event that only "window service" is available, ten (10) spaces for each window shall be provided.

9. Other Non-Manufacturing, Non-Shift Commercial Uses not Specifically Provided for:

One (1) off street parking space for each two hundred (200) square feet of floor area.

10. Manufacturing, Industrial, or Other Shift Commercial Uses:

One (1) off street parking space for every one and one-half (1.5) employees on the largest shift, plus one (1) parking spaces for every three (3) employees on the next largest shift.

11. Outdoor Uses:

a. Golf Courses: Four (4) parking spaces for each tee provided.

b. Miniature Golf: Two (2) parking spaces for each tee provided.

c. Golf Driving Range: One (1) parking space for each tee provided.

12. Farm Markets:

One (1) parking space for every five hundred (500) square feet of publicly accessible sales activity area plus one (1) space for every non-resident employee on the largest shift.

13. Event Venue

One (1) parking space for every two (2) guests at maximum capacity.

(as amended by Ord. No. 3 of 2022, §39)

14. Academic Clinical Research Center

One (1) space for every 2,000 square feet of gross floor area.

(as amended by Ord. No. 3 of 2022, §39)

15. Medical Marijuana Delivery Vehicle Office

One (1) space for every 1,000 square feet of gross floor area.

(as amended by Ord. No. 3 of 2022, §39)

16. Medical Marijuana Grower / Processor

One (1) space for each employee on the largest shift.

(as amended by Ord. No. 3 of 2022, §39)

17. Medical Marijuana Dispensary

One (1) space for every two hundred (200) feet of gross floor area and one (1) space for every two (2) employees.

(as amended by Ord. No. 3 of 2022, §39)

18. Outdoor Shooting Range

One (1) space for every shooting station.

(as amended by Ord. No. 3 of 2022, §39)

SECTION 1202: PUBLIC RIGHT-OF-WAY EXCLUDED

Parking that may be permitted within any public right-of-way may not be used to calculate the required number of parking spaces by any applicant.

SECTION 1203: DESIGN STANDARDS

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

A. Where more than two (2) parking spaces shall be provided under Section 1201, such spaces shall be provided in a parking lot.

B. Surfacing: Surfacing of off-street parking area shall comply with the following standards.

1. All entrance and exit drives shall be improved in accordance with PennDOT 408 specifications.

2. All parking lots within the Employment Center (EC) and Highway Commercial (HC) Districts, and any parking lot serving multi-family dwellings, garden apartment units, townhouses, and conversion units, shall be paved. Suitable paving material shall be asphalt or concrete.

3. All parking lots other than those identified in Section 1203.B.2 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.

4. Any parking spaces needed to meet ADA requirements for handicapped accessible parking shall be surfaced in accordance with ADA guidelines.

5. Within the Agricultural Preservation (AP-1), Land Conservation (LC), and Rural Residential (RR) 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.

C. Fire lanes shall be provided whenever determined necessary by an appropriate Fire Marshall.

D. Circulation control shall be designed to provide one way directional travel wherever possible. No parking shall be provided or permitted along any circulation drive or entrance or exit drives. Drives shall be uniform in width and provide for ninety (90) degree intersections, whenever possible.

E. Customers and service traffic shall be separated whenever possible. Loading and unloading areas shall be located so as not to interfere with customer or employee parking areas.

F. Parking areas with more than fifty (50) spaces shall provide landscaping strips to separate the parking space from entrance, exit, and circulation drives. Landscaping strips shall have a minimum width of eight (8) feet. Landscaping strips shall not be required within the portion of any parking lot using the reinforced grass "overflow" surfacing option authorized in Section 1203.B above.

G. Parking lanes shall be no longer than two hundred and fifty (250) feet in length without providing a separate circulatory drive.

H. Parking spaces located more than three hundred (300) feet from the use requiring the parking shall provide pedestrian access sidewalks, not less than four (4) feet in width, connecting these spaces with the specific use(s). The location of parking spaces shall be designed to prevent intrusion of vehicles onto the sidewalks.

I. Parking access drives. Parking access drives shall be provided as a means of vehicular travel to and from the entrance and exit drives and the parking spaces. Access drives shall be a minimum of twenty (20) feet wide where two-way directional travel is proposed, and a minimum of twelve (12) feet wide where one-way directional travel is proposed.

J. Dead end drives. Parking drives with "dead end" drives shall be designed to provide sufficient back-up or turn around area for the end spaces.

K. Each parking space shall be not less than ten (10) feet wide by twenty (20) feet long. In the event that a parking lot contains more than one hundred (100) spaces, a maximum of fifteen percent (15%) of the spaces may be reserved for compact cars, provided that they are marked as such. Said compact spaces shall be not less than eight (8) feet wide and eighteen (18) feet long.

L. 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 1203.B.5 above.

M. Lighting. All lighting shall be arranged so as to prevent direct light onto adjoining perimeter and/or public right-of-ways. Light standards shall be protected from vehicular traffic by curbing or landscaping.

N. Parking Lot Landscaping: All parking lots within the HC and EC Districts, and all other parking lots exceeding twenty-five (25) parking spaces, shall be landscaped in accordance with the following requirements.

1. Landscaping within the parking area of all off-street parking lots containing twenty-five (25) or greater parking spaces shall be required, and shall conform to the following requirements:

a. Terminal islands shall be provided at both ends of all rows of parking spaces. Terminal islands shall be designed to protect parked vehicles, to help define the traffic circulation pattern of the parking lot, and to provide landscaping area.

b. Each terminal island shall measure not less than five (5) feet in width and fifteen (15) feet in length.

c. 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.

d. 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. Mid-row islands shall have the same dimensions as terminal islands.

e. 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.

f. A divider strip between abutting rows of parking shall be installed. Divider strips shall be designed to help define the traffic circulation pattern, to provide visual breaks within the parking area, and to help separate pedestrian and vehicular traffic. Divider strips shall be a minimum of five (5) feet in width.

g. 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. Unpaved pedestrian walkways may be substituted for a portion of the required ground cover or grass to facilitate pedestrian movements through the parking lot.

g. Curbing or wheel stops shall be provided around all terminal islands, mid-row islands, and divider strips to prevent vehicular encroachment.

2. All parking lots shall be surrounded by a perimeter landscaping strip which meets the following requirements:

a. Perimeter landscaped areas shall be provided around the perimeter of all parking areas, except where the one side of the parking area is bounded by a principle structure.

b. The minimum width of the perimeter landscaping area around a parking area shall be ten (10) feet, measured outward from the edge of the parking lot.

c. At least one (1) major deciduous tree shall be planted for every thirty (30) foot interval within the perimeter landscaping area. Alternatively, at least one (1) minor deciduous tree shall be planted for every fifteen (15) foot interval within the perimeter landscaping area. The remaining area of the perimeter landscaping strip shall be landscaped with appropriate ground cover or grass.

3. Trees planted in terminal islands, mid-row islands, divider strips, and perimeter landscaped areas shall be maintained in a manner that ensures visibility at all vehicle and pedestrian intersections within and surrounding the parking lot.

4. 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.

5. 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.

SECTION 1204: OFF STREET LOADING AND UNLOADING REQUIREMENTS

A. Standards

1. Off-Street loading and unloading space(s) with proper and safe access from street or alley, shall be provided on each lot where it is deemed that such facilities are necessary to adequately serve the uses within the district. Each loading and unloading space:

a. Shall be at least fourteen (14) feet wide, sixty (60) feet long and shall have at least a fifteen (15) foot vertical clearance.

b. Shall include a maneuvering area of sufficient size shall be provided for each loading space to ensure 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 and unloading space(s).

c. Shall have an all-weather surface to provide safe and convenient access during all seasons.

d. Shall not be constructed between the street right-of-way line and the building set back line.

2. Required off-street parking space (including aisles) shall not be used for loading and unloading purposes except during hours when business operations are suspended.

3. Loading and unloading facilities shall be designed so that trucks need not back in or out, or park in, any public right-of-way.

4. No truck shall be allowed to stand in:

(a) A right-of-way

(b) An automobile parking area (including aisles)

(c) Any way block the effective flow of persons or vehicles.

B. Requirements: At least one (1) off-street loading space shall be provided for all commercial and industrial concerns in excess of three thousand five hundred (3,500) square feet of floor area. The number of loading and unloading spaces shall be left to the discretion of the developer. However, the standards of this section shall be maintained.

ARTICLE XIII - NONCONFORMING BUILDINGS AND USES

SECTION 1300: 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, provided such non-conforming uses shall comply with the provisions of this Article.

SECTION 1301: ALTERATIONS AND RECONSTRUCTION

A. Repairs and structural alterations not constituting extensions, expansions or enlargements may be made to a non-conforming building or to a building occupied by a non-conforming use.

B. A nonconforming building or a building occupied by a nonconforming use, which is damaged by fire, explosion, flood, tornado, or other natural phenomena beyond the control of the property owner, may be reconstructed and used for the same purposes in accordance with the following.

1. The reconstruction of the nonconforming building or the building occupied by a nonconforming use shall be commenced within one (1) year from the date of the destruction of the building. The reconstruction of the building shall be completed within one (1) year from the commencement of reconstruction unless an extension of time is authorized by the Zoning Officer following receipt from the property owner demonstrating just cause for such extension.

2. The reconstructed building shall not exceed the height, area, and volume of the destroyed building.

SECTION 1302: EXTENSIONS, EXPANSIONS AND ENLARGEMENTS

A. The Zoning Hearing Board may authorize, as a Special Exception, the following types of extensions, expansions, and enlargements of nonconforming uses existing on the effective date of this Ordinance.

1. The extension or expansion of a nonconforming use of land upon a lot occupied by said nonconforming use.

2. The extension, expansion, or enlargement of a building occupied by a nonconforming use.

3. The expansion or extension of the hours and / or days of operation of a nonconforming use.

B. The extensions, expansions, and enlargements of nonconforming uses authorized in Section 1302.A shall be subject to the following conditions.

1. The extension, expansion, or enlargement shall conform to the height, area, yard, and coverage requirements of the zoning district in which the nonconforming use would be permitted as a matter or right, by special exception, or by conditional use. Where such use is permitted in more than one zoning district, the standards of the zoning district that affords the applicant the most design flexibility shall be applied.

2. 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 extension, expansion, or enlargement of the nonconforming use shall be subject to the off-street parking and loading requirements of Article XII. Where the lot includes sufficient existing off-street parking and loading spaces to meet the minimum parking space and loading space requirements of Article XII, no upgrades to the parking lot or loading area shall be required. However, if the extension, expansion, or enlargement of the nonconforming use requires the owner of the nonconforming use to provide additional off-street parking and / or loading spaces, the entire parking lot and / or loading area shall be upgraded to meet current design requirements for said features.

4. The extension, expansion, or enlargement of the nonconforming use shall not be permitted to extend onto a parcel of land adjacent to the parcel occupied by the nonconforming use on the effective date of this Ordinance.

5. The extension, expansion, or enlargement of the nonconforming use shall be subject to reasonable conditions of the Zoning Hearing Board.

SECTION 1303: CHANGE OF USE

A. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

B. A nonconforming use of land or a nonconforming use of a building or structure shall not be changed to any use other than a use permitted in the zoning district in which the property is located.

SECTION 1304: ABANDONMENT AND DISCONTINUANCE

If a nonconforming use is abandoned, ceases to operate, or is discontinued for a period of one (1) year or more, the nonconforming status of said nonconforming use shall be lost, and subsequent use of the property shall conform with all provisions of this Ordinance.

ARTICLE XIV - ENFORCEMENT AND ADMINISTRATION

SECTION 1400: APPOINTMENT OF A ZONING HEARING BOARD

The Adams County Commissioners shall by resolution and in accordance with Section 903 of Municipalities Planning Code appoint a Zoning Hearing Board consisting of three (3) members, and in accordance with Section 903(b) of the Municipalities Planning Code, one (1) alternate member. Said Zoning Hearing shall have such duties, powers, jurisdiction, and authority as set forth in Article IX of the Municipalities Planning Code.

SECTION 1401: MEMBERSHIP OF THE ZONING HEARING BOARD

Members and alternative members of the Zoning Hearing Board shall be residents of Adams County and shall hold no other elected or appointed office in Adams County or any of its municipalities.

SECTION 1402: ORGANIZATION OF THE 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 board shall designate as many alternate members of the board to sit on the board as may be needed to provide a quorum. Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

C. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. The board shall keep full public records of its business, which records shall be the property of the municipality, and shall submit a report of its activities to the County Commissioners as requested by the County Commissioners.

SECTION 1403: BOARD EXPENDITURES FOR SERVICES

Within the limits of funds appropriated by the Adams County Commissioners, 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 Adams County Commissioners, but in no case shall it exceed the rate of compensation authorized to be paid to the County Commissioners. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the County Commissioners, for the performance of their duties when designated as alternate members pursuant to Section 1402, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the County Commissioners.

SECTION 1404: 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, the Adams County Office of Planning and Development, the Secretary of the Adams County Planning Commission, the Municipal Secretary(ies) of the municipality(ies) in which the subject land parcel(s) are located, 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 two (2) weeks prior to a scheduled hearing date. Such sign(s) shall be at least six (6) square feet in area and shall bear on its face, at a minimum, the name of the hearing body and a phone number to contact the Zoning Officer to gain additional information.

B. The governing body 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 Board, County Commissioners, 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 Board, County Commissioners, 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 case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board, County Commissioners, or hearing officer shall assure that the applicant receives at least seven hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Adams County, 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 Board or County Commissioners or the Board or Commissioners 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 Board or Commissioners; however, the appellant or the applicant, as the case may be, in addition to Adams County, may, prior to the decision of the hearing waive decision or findings by the Board or Commissioners and accept the decision or findings of the hearing officer as final.

E. The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the Board or County Commissioners, and any other person including civic or community organizations permitted to appear by the Board or Commissioners. The Board or Commissioners shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board or Commissioners for that purpose.

F. The chairperson or acting chairperson of the Board, County Commissioners, 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 Board, the County Commissioners, 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 the Board or Commissioners. The cost of the original transcript shall be paid by the Board or Commissioners if the transcript is ordered by the Board, the Commissioners, or hearing officer or shall be paid by the person appealing from the decision of the Board or Commissioners 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.

J. The Board, the County Commissioners, 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 Board, the County Commissioners, 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 Board, the Commissioners, 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 Board or Commissioners 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 Board or Commissioners prior to final decision or entry of findings, and the Board's or Commissioners' 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 Board or Commissioners 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 Board or Commissioners to meet or render a decision as hereinabove provided, the Board or Commissioners shall give public notice of said decision within ten (10) days from the last day, the Board or Commissioners could have met to render a decision in the same manner as provided in subsection (1) of this section. If the Board or Commissioners 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 Board or Commissioners not later than the last day of the hearing, the Board or Commissioners 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.

SECTION 1405: 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 County Commissioners pursuant to Sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code.

B. Challenges to the validity of a zoning ordinance amendment raising procedural question or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance amendments. Validity challenges shall meet all of the requirements set forth in Section 916.1 of the Municipalities Planning Code. Where the ordinance appealed from is the initial ordinance of the municipality and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to the court.

C. Appeals from the determination of the zoning officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

D. Appeals from a determination by a municipal engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a County land use ordinance.

E. 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 1406 of this Ordinance.

F. 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 1407 of this Ordinance.

G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.

H. Appeals from the zoning officer's determination under Section 916.2 of the Municipalities Planning Code.

I. 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 1406: 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 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 Adams County Zoning Hearing Board, plus a plan drawing including the same elements as those required in Section 1411.B 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 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 board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Municipalities Planning Code and the Adams County Zoning Ordinance.

SECTION 1407: SPECIAL EXCEPTIONS

Where the Board of Commissioners of Adams County, in the Adams County Zoning Ordinance have stated special exceptions to be granted or denied by the Zoning Hearing Board, pursuant to express standards and criteria, the Adams County Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. 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 Adams County Planning Commission for a report thereon as specified in this section. Application requirements shall be: the submittal of an Application for a Hearing before the Adams County Zoning Hearing Board, plus a plan drawing including the same elements as those required in Section 1411.B of this Ordinance. The Application shall provide information sufficient to evaluate conformance with the standards specified in the pertinent section of this Ordinance. In granting a

special exception, the 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 Adams County 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. In considering special exceptions, the Board shall utilize the following procedures:

A. The 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 1404 of this Ordinance. Such permit shall apply only after public notice and hearing.

B. 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 Adams County Office of Planning and Development and the Adams County Planning Commission with respect to the location of such use in relation to growth patterns within the County, 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.

C. The Office of Planning and Development and the Commission shall have thirty (30) days from the receipt of a development application within which to file a report thereon. In the event that said office and/or 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 and Development Office and the Planning Commission may have representation at the public hearing held by the Zoning Hearing Board.

SECTION 1408: 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 Board in writing by the landowner affected, any officer or agencies of the municipality, 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 board by any landowner or any tenant with the permission of such landowner.

SECTION 1409: TIME LIMITATIONS

A. No person shall be allowed to file any proceeding with the board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the

landowner to appeal from an adverse decision on a tentative plan 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 Board shall become null and void if the applicant fails to obtain and maintain a zoning permit, as set forth in Section 1411 of this Ordinance, within twelve (12) months from the date of authorization of the variance or special exception.

D. Unless otherwise specified or extended by the Adams County Commissioners, a conditional use authorized by the Commissioners shall become null and void if the applicant fails to obtain and maintain a zoning permit, as set forth in Section 1411 of this Ordinance, within twelve (12) months from the date of authorization of the conditional use.

SECTION 1410: ZONING OFFICER

For the administration of this Zoning Ordinance, a Zoning Officer, who shall not hold any elective office in the municipality, 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 permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents, and make such reports as the County Commissioners may require. Permits for construction and 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. Permits for a conditional use to the requirements of this Ordinance shall be issued only upon the written order of the County Commissioners. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of employment.

SECTION 1411: PERMITS

A. Requirements of Permits: A zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof, prior to the use or change in the use of a building 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 for a change in land use, until a permit has been duly issued therefore. No Zoning Permit shall be required in cases of normal maintenance and repairs which do not structurally change a building or structure.

B. 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. Plan, in duplicate, drawn to scale, showing:

a. Actual shape and dimensions of the lot to be built upon.

b. Exact size and location of any buildings existing on the lot.

c. Existing and proposed use of any buildings 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.

f. Notes identifying: what Zoning District the property is located in, the use(s) of the proposed building(s), 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 permit is issued or denied.

C. Issuance of Permits:

1. No permit shall be issued until the Zoning Officer has certified that the proposed use of land, building, addition, alteration, sign, or other design feature complies with all the provisions of this Chapter, as well as with all the provisions

of any existing or hereafter enacted Building Permit Ordinance or other Ordinance or provision thereof pertaining to building permits and until the Zoning Officer has completed the following:

a. Review sheet to determine the completeness of the application submitted and compliance with the Adams County Zoning Ordinance.

b. Written determination of compliance or noncompliance with the County Zoning Ordinance, including any conditions placed on a variance or special exception by the Zoning Hearing Board or a conditional use by the County Commissioners.

c. Permit for display, plus copies of the completed permit for the County Tax Assessment Office, municipal office, and the applicant.

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.

SECTION 1412: CONDITIONAL USES

A. Where the Zoning Ordinance has stated conditional uses to be granted or denied by the Adams County Commissioners pursuant to express standards and criteria, the County Commissioners shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. Application for a Conditional Use shall be made to the Adams County Commissioners through the Zoning Officer. The application requirements shall be: the submittal of an Application for Conditional Use Hearing before the Adams County Commissioners, plus a plan drawing including the same elements required in Section 1411.B of this Ordinance. The Application shall provide information sufficient to evaluate conformance with the criteria for the Conditional Use, as delineated in the pertinent section of this Ordinance. The hearing shall be conducted by the County Commissioners or the Commissioners 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 County Commissioners. However, the appellant or the applicant, as the case may be, in addition to the County Commissioners may, prior to the decision of the hearing, waive decision or findings by the Commissioners and accept the decision or findings of the hearing officer as final. In granting a conditional use, the County Commissioners may attach such reasonable conditions and safeguards, in addition to those expressed in this ordinance, as is deemed necessary to implement the purposes of the zoning ordinance.

B. The County Commissioners shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the County Commissioners. Where the application is contested or denied, each decision shall be accompanied by findings of fact or

conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of the Municipalities Planning Code, this zoning ordinance, any ordinance, rule or regulation shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

C. Where the County Commissioners fail to render the decision within the period required by this subsection or fail to commence, conduct or complete the required hearing, as provided in Section 1404, within sixty (60) days from the date of the applicant's request for a hearing or fail to complete the hearing no later than one hundred (100) days after the completion of the applicant's case in chief, unless extended for good cause upon application to the court of common pleas, 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 County Commissioners to meet or render a decision as hereinabove provided, the County Commissioners shall give public notice of the decision within ten days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this ordinance. If the County Commissioners fail to provide such notice, the applicant may do so.

D. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. 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 no later than the day following its date.

SECTION 1413: FEES

In accordance with Section 617.3(e) of the Pennsylvania Municipalities Planning Code, the Adams County Board of Commissioners shall prescribe reasonable fees with respect to the administration of this Ordinance and with respect to hearings before the Adams County Zoning Hearing Board. Such fee schedule shall be adopted by resolution of the Board of Commissioners, and may be amended, from time to time.

SECTION 1414: PREVENTIVE REMEDIES

A. In addition to other remedies provided for herein, County of Adams 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 if transfer or other documents used in the process of selling or transferring shall not exempt the seller or transfer or from such penalties or from the remedies herein provided.

B. The County of Adams, its zoning officer or other officers or officials, may refuse to issue any 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 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 of lessee has actual or constructive knowledge of the violation.

C. No 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 the County of Adams waives such condition.

SECTION 1415: 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 commenced by the County of Adams, shall pay a judgment of not more than $500.00 plus all court costs plus reasonable attorney fees incurred by the County of Adams as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the County of Adams 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 the County of Adams, 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 the County of Adams.

SECTION 1416: 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 1414 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 the County of Adams 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.

4. That the owner of record or other person against whom the County of Adams 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 the municipality 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.

ARTICLE XV - INTERPRETATION

SECTION 1500: 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.

ARTICLE XVI - ADOPTION

SECTION 1600: ADOPTION

IN WITNESS WHEREOF, the present Ordinance has been duly enacted, and ordained this 26th day of June, 2013.

COUNTY OF ADAMS, PENNSYLVANIA
ADAMS COUNTY COMMISSIONERS

ATTEST

(SEAL) _____
Paula V. Neiman
Chief Clerk

BY: _____
Randy L. Phiel, Chairman

_____
James E. Martin, Vice-Chairman

_____
Marty Karsteter Qually, Commissioner

ARTICLE XVI
ADOPTION

SECTION 1600: ADOPTION

IN WITNESS WHEREOF, the present Ordinance has been duly enacted, and ordained this 26th day of June, 2013.

COUNTY OF ADAMS, PENNSYLVANIA
ADAMS COUNTY COMMISSIONERS

ATTEST

(SEAL) Paula V. Neiman
Paula V. Neiman
Chief Clerk

BY: _____
Randy L. Phiel, Chairman

_____
James E. Martin, Vice-Chairman

_____
Marty Karsteter Qually, Commissioner

Office of the Adams County Commissioners

117 Baltimore St., Room 201, Gettysburg, PA 17325-2391
PHONE (717) 337-9820 · FAX (717) 334-2091
Commissioners: Randy L. Phiel, James E. Martin, Marty Karsteter Qually
County Manager: Albert M. Penksa, Jr. CGFM Chief Clerk: Paula V. Neiman
Solicitor: John M. Hartzell

ORDINANCE NO. 1 OF 2015
AN ORDINANCE OF THE COUNTY OF ADAMS COMMONWEALTH OF PENNSYLVANIA, AMENDING AND SUPPLEMENTING THE ADAMS COUNTY ZONING ORDINANCE (ORDINANCE NO. 2 OF 1990, AS AMENDED)

BE IT ENACTED AND ORDAINED by the County of Adams Pennsylvania, by the Adams County Board of Commissioners, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION I: Map Amendment

The Zoning Map of the Adams County Zoning Ordinance (Ordinance No. 2 of 1990, as reenacted and amended) is hereby amended by removing property identified as Tax Parcels 29001-0018-000 and 29001-0039-000 from the Village (V) District and placing said property in the Employment Center (EC) District.

SECTION II: Text Amendment

Section 1107 of the Adams County Zoning Ordinance (Ordinance No. 2 of 1990, as reenacted and amended) is hereby amended to include the following text.

"C. Billboard Sign: 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."

SECTION III: Text Amendment

Article XI of the Adams County Zoning Ordinance (Ordinance No. 2 of 1990, as reenacted and amended) is hereby amended to include the following text.

"SECTION 1108: BILLBOARD SIGNS

A maximum of one (1) billboard sign may be erected on a property in accordance with the following requirements.

A. Billboard signs shall only be authorized to be constructed in the Employment Center (EC) District.

B. The maximum area of any one side of the billboard sign shall not exceed one hundred (100) square feet.

C. The total maximum area of the billboard sign shall not exceed two hundred (200) square feet.

D. The maximum height of the billboard sign shall not exceed twenty (20) feet.

E. The billboard sign, including its support structure, shall be placed at least twenty-five 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 Major Arterial street or a Minor Arterial street as identified by the Adams County 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 not be illuminated from sources internal to the sign structure. Billboard signs shall only be illuminated by indirect lighting shining at the sign face. Any illumination of a billboard sign shall comply with the sign illumination standards of Section 1105."

SECTION IV: Text Amendment

The introductory paragraph of Section 501 of the Adams County Zoning Ordinance (Ordinance No. 2 of 1990, as reenacted and amended) is hereby amended to read as follows.

"The following uses are permitted in the Highway Commercial (HC) District."

SECTION V: Text Amendment

Section 300 of the Adams County Zoning Ordinance (Ordinance No. 2 of 1990, as reenacted and amended) is hereby amended by removing the following text.

"SFR-2: Single Family Residential 2"

SECTION VI: Effective Date

This Ordinance No. 1 of 2015 shall be effective on January 14, 2015.

IN WITNESS WHEREOF, the present Ordinance has been duly enacted and ordained this 14th day of January, 2015.

COUNTY OF ADAMS, PENNSYLVANIA
ADAMS COUNTY COMMISSIONERS

ATTEST

BY: _____
Randy L. Phiel
Chairman

_____
Paula V. Neiman
Chief Clerk

_____
James E. Martin
Vice-Chairman

_____
Marty Karsteter Qually
Commissioner

Office of the Adams County Commissioners

117 Baltimore St., Room 201, Gettysburg, PA 17325-2391
PHONE (717) 337-9820 · FAX (717) 334-2091
Commissioners: Randy L. Phiel, James E. Martin, Marty Karsteter Qually
County Manager: Albert M. Penksa, Jr. CGFM Chief Clerk: Paula V. Neiman
John M. Hartzell, Solicitor

ORDINANCE NO. 4 OF 2016
AN ORDINANCE OF THE COUNTY OF ADAMS
COMMONWEALTH OF PENNSYLVANIA, AMENDING AND SUPPLEMENTING
THE ADAMS COUNTY ZONING ORDINANCE
(ORDINANCE NO. 2 OF 1990, AS REENACTED AND AMENDED)

BE IT ENACTED AND ORDAINED by the County of Adams Pennsylvania, by the Adams County Board of Commissioners, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION I: Map Amendment

The Zoning Map of the Adams County Zoning Ordinance (Ordinance No. 2 of 1990, as reenacted and amended) is hereby amended by removing property identified as Tax Parcel 29F05-0109---000 from the Single Family Residential (SFR) District and placing said property in the Highway Commercial (HC) District.

SECTION II: Text Amendment

Section 201 of the Adams County Zoning Ordinance (Ordinance No. 2 of 1990, as reenacted and amended) is hereby amended by adding the following definitions.

"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.

Sign Area: 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, 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: 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, Movable: A sign that is portable and not permanently attached to a structure or to the ground.

Sign, Projecting: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

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."

SECTION III: Text Amendment

Section 1107 of the Adams County Zoning Ordinance (Ordinance No. 2 of 1990, as reenacted and amended) shall be removed in its entirety. Section 1108 shall be renumbered as Section 1107.

SECTION IV: Effective Date

This Ordinance (Ordinance No. 4 of 2016) shall be effective on November 30, 2016.

IN WITNESS WHEREOF, the present Ordinance has been duly enacted, and ordained this 30th day of November, 2016.

ATTEST:

Paula V. Neiman
Chief Clerk

COUNTY OF ADAMS, PENNSYLVANIA
ADAMS COUNTY COMMISSIONERS

Randy L. Phiel, Chairman

James E. Martin, Vice-Chairman

Marty Karsteter Qually, Commissioner

SECTION 41: Effective Date

This Ordinance (Ordinance No. 3 of 2022) shall be effective on September 7, 2022.

IN WITNESS WHEREOF, the present Ordinance has been duly enacted, and ordained this 7th day of September, 2022.

COUNTY OF ADAMS, PENNSYLVANIA
ADAMS COUNTY COMMISSIONERS

ATTEST:

Paula V. Neiman
Chief Clerk

BY: _____
Randy L. Phiel, Chairman

_____
James E. Martin, Vice-Chairman

Not Present
_____
Marty Karsteter Qually, Commissioner

(SEAL)