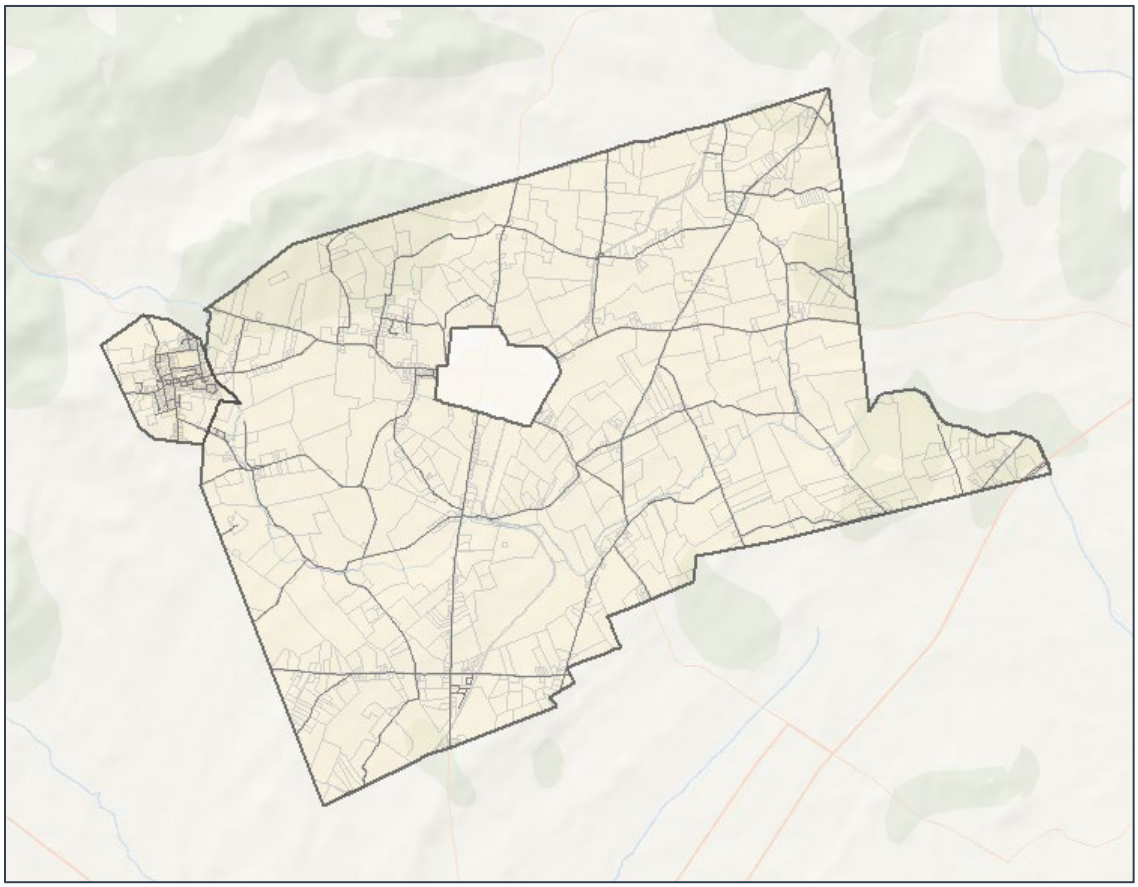
Arendtsville Borough & Butler Township

DRAFT ZONING ORDINANCE

ADOPTED MONTH, DD, YYYY



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ARTICLE I: GENERAL PROVISIONS

Section 100: Short Title

This Ordinance shall be known and may be cited as the "Arendtsville Borough and Butler Township Zoning Ordinance."

Section 101: Authority

A. **Statutory Authority** Sections 601 and 801.A of the Pennsylvania Municipalities Planning Code, (Act of 1968, P.L. 805, No. 247, as reenacted and amended) provides that the Arendtsville Borough Council and Butler Township Board of Supervisors may enact and amend a Zoning Ordinance to implement community development objectives established by the Borough Council and Township Board of Supervisors. The Northwest Adams Joint Comprehensive Plan has been adopted by the Arendtsville Borough Council and Butler Township Board of Supervisors and establishes specific policies and community development objectives that the Borough Council and Township Board of Supervisors seek to implement through the adoption of the Arendtsville Borough and Butler Township Zoning Ordinance.

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

Section 102: Purpose and Community Development Objectives

In accordance with the Northwest Adams Joint Comprehensive Plan adopted by the Arendtsville Borough Council on March 10, 2010 and Butler Township Board of Supervisors on February 8, 2010, there is hereby established the Arendtsville Borough and Butler Township Zoning Ordinance, which is set forth in the text and maps that constitute this Ordinance. The Zoning Ordinance is adopted in the interest of protecting and promoting the Public health, safety, morals, and general welfare, and shall be deemed to include the following objective, among others as may be stated in the Northwest Adams Joint Comprehensive Plan.

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

1. The Public health, safety, morals, and general welfare.
2. Coordinated and practical community development and appropriate Density of population.
3. Emergency preparedness and operation.
4. Provision of adequate light and air.
5. Access to solar energy, police protection, vehicle parking and loading spaces, transportation, water service, sewer service, Schools, Public Recreation Facilities, and Public Grounds.
6. Provision of a safe, reliable, and adequate water supply for domestic, commercial, agricultural, and industrial Use.

7. Preservation of the natural, scenic, and historic values in the environment and the preservation of forests, Wetlands, aquifers, and Floodplains.

8. Prevention of: overcrowding of land, blight, danger, and congestion in travel and transportation.

9. Prevention of loss of health, life, or property from fire, panic, or other dangers.

10. Provision for the residential Use of land within Arendtsville Borough and Butler Township for various Dwelling unit types encompassing all basic forms of housing including Single-Family Dwellings, Two-Family Dwellings, Multi-Family Dwellings, and Mobilehome Parks.

11. Accommodation of reasonable overall community growth, including population and employment growth and economic development.

B. This Ordinance provides the legal basis and framework for future development and Redevelopment in Arendtsville Borough and Butler Township. Its provisions are guided by the policies and community development objectives established in the Northwest Adams Joint Comprehensive Plan.

C. Where there are conflicts with other ordinances, the standards herein shall apply until such conflicts are resolved via new ordinances or ordinance updates.

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ARTICLE 2: DEFINITIONS

Section 200: Interpretation

A. 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 an individual, corporation, unincorporated association, a partnership, or other legally recognized entity. 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.

B. 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.

C. The word "includes" shall mean to specifically include an item, but not necessarily limited to such items.

D. Any word or term not defined in this Part or the applicable Subdivision and Land Development Ordinance have a meaning of standard usage as determined by the Zoning Officer, within the context of the word's use within the applicable Section of this chapter.

E. Definitions marked with an asterisk (*) were sourced from the Pennsylvania Municipalities Planning Code, Act of 1968, P.L.805, No.247, Twenty Third Addition October 15.

Section 201: Definitions

Abutting – Having a common border with, or being separated from such common border by a Right-of-Way, Alley or Easement.

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

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 Structure or Building in which the principal Use is associated and used for purposes customarily incidental thereto. Accessory Buildings may include garages, utility buildings, and storage sheds.

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 Dwelling Unit (ADU) – An individual and independent Dwelling, either attached to or detached from the primary Dwelling unit on the Lot.

Accessory Structure – A Structure detached from, subordinate to, and on the same Lot with the Structure or Building in which the principal Use is associated and used for purposes customarily incidental thereto. Residential Accessory Structures may include Car Ports, gazebos, pet houses, utility structures, and Swimming Pools.

Accessory Use – A Use on the same Lot with and customarily incidental to any of the permitted Uses.

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Active Recreation – Sports, playground activities, and other physical exercises engaged in by Persons for the purpose of relaxation, health, wellbeing, or enjoyment which require physical exertion, and which require developed facilities that have a considerable environmental impact on the recreational site.

Adaptive Reuse - The renovation or conversion of a pre-existing Structure for purposes other than what it was originally designed or intended for.

Adjacent Property – Any property that directly adjoins, is Contiguous to or is located across a Public or Private Street from another property.

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.

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

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

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

C. **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 Land/Area – Land used exclusively for the cultivation of the soil, the production of crops or livestock, or the science of Forestry; also, land diverted from agricultural Use by an active Federal Farm program, provided the diverted land has a conservation cover of grass, legume, trees or wildlife Shrubs. Agricultural Land may include, to a minor degree, farmsteads inhabited by the cultivator of the land, housing for Farm employees, and land used for preparation of Agricultural Products by the cultivator of the land.

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

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

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

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.

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

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

Amendment – A revision to the text or Zoning Map of the Arendtsville Borough and Butler Township 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, 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 - A suite of rooms forming one Residence or Dwelling unit.

Apartment Building - A Building designated and used exclusively as a Residence for three or more families living independently of each other.

Applicant* – a Landowner or Developer, as hereinafter defined, who has filed an Application for Development including his heirs, successors and assigns.

Application for Development* – every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a Subdivision plat or plan or for the approval of a 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 Lots.

Area, Building – The total area taken on a horizontal plane at the main grade level of the Principal Building and all Accessory Structures, exclusive of uncovered porches, terraces and steps.

Area, Floor – The sum of the gross area of all floors of a Building or Buildings measured from the face of exterior walls or from centerlines of walls separating two Buildings. Floor Area includes, but is not limited to, the following: (1) basement space, (2) elevator shafts, stairwells, and attic space (whether or not a floor has been laid) providing structural headroom of eight feet or more, (3) roofed terraces, exterior balconies, breezeways, or porches, provided that over fifty percent of the perimeter of these is enclosed, (4) any other floor space used for Dwelling purposes, no matter where located within the Building, (5) Accessory Buildings, excluding space used for accessory off-street parking or for loading berths, and (6) any other floor space not specifically excluded, excluding space used for air conditioning machinery or cooling towers and similar mechanical equipment serving the Building and cellar space.

Assisted Living Facility – A living arrangement 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.

Bank – See Financial Institution.

Banquet Hall – A room, Building, or business with the primary purpose of hosting parties, banquets, weddings, receptions, or other social events.

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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 bounded by Streets.

Board of Supervisors – the Butler Township Board of Supervisors.

Borough Council – the Arendtsville Borough Council.

Brewery – An establishment where beer is produced and often served or sold commercially.

Buffer – A strip of land with Landscaping, fences and/or walls located between two (2) Uses, or between one (1) Use and a Public Right-of-Way, that is intended to mitigate negative impacts, such as visual and noise, of the more intense Use on the less intense Use or on the Public Right-of-Way.

Buffer Area – A strip of land within a Public Right-of-Way which may include signage, Street trees, and curbs, gutters, or swales.

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 Setback – A line, parallel to the Street Right-of-Way line for Front Yards, and parallel to the Lot Lines for Side and Rear Yards, designating the minimum distance from the Right-of-Way and/or Lot Lines that a Building may be erected under the various land requirements of this Ordinance. See also Setback.

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

Bulk – A term describing the size of Buildings or other structures and their relationship to each other, to open areas such as Yards and to Lot Lines and includes: the size, Building Height, and Floor Area of Buildings or other structures, the relationship of the number of Dwelling units in a residential Building to the area of the Lot (usually called Density); and all open areas in Yard space relating to Buildings and other structures.

Business Park – A planned development, with a unified design, of business Uses located in pedestrian scale structures arranged in a campus-like setting of usable Open Space providing such Passive Recreational amenities as hiking and bicycle paths, nature trails, picnic areas, wooded areas, and ponds.

By-Right Use – The Use of a property structure in manners consistent with that which is listed as permissible as a Principal Use without Special Exception in the zoning district in which the property is located.

Caliper –The diameter of a tree measured at twelve inches (12”) above the ground surface.

Campground - A facility at which three or more Campsites or cabins are intended and maintained for Short-Term Lodging of persons recreating or traveling, or by organized groups of persons.

Campsite - A plot of ground intended for occupation by a tent, Recreational Vehicle, or other non-permanent structure for the purpose of Short-Term Lodging.

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Campsite Hosting - A Short-Term Lodging Use involving the placement of a tent, recreational vehicle, or other impermanent structure in an area where such space is provided by the property owner to guests for compensation.

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

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.

Car Port – A roofed structure for which the sole purpose is protection of motor vehicles. Such structures may be attached to the principal structure on no more than two sides but shall not be enclosed on any other dimension.

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

Cemetery – Land used or intended to be used for the burial of the deceased, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with the Cemetery and within the boundaries.

Cidery – An establishment where hard cider is produced and often served or sold commercially.

Clear Sight Triangle – A specified area near an intersection designed to be free of obstruction that could block a driver's view of oncoming traffic or potentially conflicting vehicles.

Club – An institutional use of land and/or a Building within which is housed an organization that caters exclusively to members and their guests. They shall include premises or Buildings for social, recreation, and administrative purposes that are not conducted for profit, provided there are no vending stands, merchandising or commercial activities, except as required for the membership of such Club. Clubs shall include but not be limited to, fraternal, political, religious, and service organizations, labor unions, and social, health, exercise and athletic Clubs.

Co-location – The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless communication towers, water towers, utility poles, or any other Building or structure not classified as a wireless communication tower that can support the placement or installation of wireless telecommunications facilities

Commercial Recreation – An establishment designed and equipped for the conduct of sports and leisure-time activities in either an enclosed or unenclosed space, and where tickets are sold or fees are collected for the activity, and which operates as a for-profit business.

1. **Indoor Commercial Recreational Establishment –** An establishment operated as a gainful business, open to the Public, for the purpose of leisure activities, Public Recreation or entertainment, including, but not limited to, arcade, arena, assembly hall, bingo parlor, bowling Alley, gymnasium, miniature Golf Course, skating rink, Swimming Pool, tennis courts, batting cages or theatre, when operated within a completely enclosed Building. For purposes of this Ordinance, this Use excludes a health and fitness club and indoor shooting range.

2. **Outdoor Commercial Recreational Establishment –** An establishment operated as a gainful business and open to the Public upon Open Land, wholly or partially outside of a Building, for the purpose of leisure time activities, Public Recreation or entertainment such as a Swimming Pool, tennis court, batting and pitching cages, go-cart track, and miniature golf, but also including amusement rides or regular Live Entertainment. For purposes of this Ordinance this Use excludes a park, Golf Course and an Outdoor Shooting Range.

Commercial Use – A Person or entity that provides a service or sells a product, and which operates as a for-profit business.

Common Open Space* – A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including Streets, off-street parking areas, and areas set aside for Public facilities.

Condominium – Real estate, portions of which are designed for separate ownership and the remainder of which is designated for common use solely by the owners of those portions. Real estate is not a Condominium unless the undivided interests in the common elements are vested in the unit owners.

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

Consistency* – An agreement or correspondence between matters being compared which denotes a reasonable rational, similar, connection or relationship.

Contiguous – Lots are Contiguous when at least one (1) boundary line of one Lot shares or touches a boundary line or lines of another Lot.

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

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

Conversion Apartment – An Apartment located within a former Single-Family Detached Dwelling that has been renovated to provide individual and independent Dwellings for two or more families without substantially altering the exterior of the Building.

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

Country Club – A facility with recreational amenities for members, their families and invited guests. This may also include food service members and the general Public, as well as rental facilities for weddings, receptions and other large gatherings.

County – The County of Adams, Pennsylvania.

Day Care Center – Any Dwelling, Building, or portion thereof which child or adult day care services other than "babysitting" are provided, including any on-site outdoor play areas.

Deciduous Tree – A woody, perennial tree which loses its foliage at the end of each growing season.

Deciduous Tree, Major – 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.

Deciduous Tree, Minor – 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.

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Decision* – Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from Determinations. All Decisions shall be appealable to the court of common pleas of the County and judicial district wherein the Municipality lies.

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

Determination* – Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

A. The Governing Body.

B. The zoning Hearing board.

C. The Planning Agency, only if and to the extent the Planning Agency is charged with final Decision on preliminary or final plans under the Subdivision and Land Development ordinance or Planned Residential Development provisions. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Developer* – Any Landowner, Agent of such Landowner, or tenant with the permission of such Landowner, who makes or causes to be made a Subdivision of land or a Land Development.

Distillery – An establishment where liquor is produced and often sold or served commercially.

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

Distribution 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 strip of land that separates two adjacent rows of off-street parking in a Parking Lot, which helps define vehicle circulation patterns within a Parking Lot, and which may contain Parking Lot Landscaping and accommodations for pedestrians.

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

Driveway – The vehicular entrance and exit for land use.

Dry Cleaners – An establishment that cleans garments and fabrics with an organic solvent, without using water.

Duplex – See Dwelling, Two-Family.

Dwelling – Any Building or unit within a Building which is designed for human living quarters, but not including Hotels, Vacation Rentals, Motels, and other accommodations used for transient occupancy.

1. **Multi-Family** –A Building containing three (3) or more Dwelling units, designed for rental or Condominium ownership of the individual Dwelling units, and where access to individual Dwelling units are provided in common interior hallways.
2. **Single-Family Attached** – A Building used by one (1) Family and having at least one (1) Party Wall in common with other Buildings, and where at least three (3) Dwelling units are so connected. Includes row house or Townhouse.
3. **Single-Family Detached** – A Building containing one Dwelling unit, and having no Party Wall in common with an adjacent Building.

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4. **Single-Family Semi-Detached** – A Building containing one Dwelling unit, and having a Party Wall in common with an adjacent Building that contains a single Dwelling unit.
5. **Two Family** – A Building containing two Dwelling units with one Dwelling unit being wholly or partly above the other which has no Party Wall in common with an adjacent Building and which may or may not have a common entrance.

Easement – The right of a Person, governmental agency, or Public entity to use Public or Private land owned by another for a specific purpose.

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

Elevation – The vertical alignment of a surface, as it exists or as it is made by cut and/or fill.

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

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

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.

Events Venue – See Banquet Hall and Rural Events Venue.

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

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.

1. **Front** – The Façade parallel or nearly parallel to the Public or Private Street upon which the Building has its primary Frontage. The Front Façade contains the primary entrance to the Building.
2. **Side** – The Façade parallel or nearly parallel to the side property line of the Building.
3. **Rear** – The Façade parallel or nearly parallel to the rear property line of the Building.

Family – Individuals consisting of two or more Persons related by genetics, adoption, or marriage, or a group of five or fewer Persons who are not related by genetics, adoption, or marriage and none of whom are wards of the court unless such wards are related by genetics, adoption, or marriage to members of such group living in a Dwelling unit. The term 'Family' shall include State licensed adult Family homes, State licensed foster Family homes and group care facilities, and Group Homes for the disabled required to be accommodated as residential Uses pursuant to the Fair Housing Act Amendments as the same exists or is hereafter amended. The term 'Family' shall exclude individuals residing in Halfway Houses, Group Homes licensed for juvenile offenders, or other facilities, whether or not licensed by the State, where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.

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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 or surrounding counties.

Farm Stand – A booth or stall under 1000 square feet in size on private property from which Agricultural Products produced on said property are sold to the general Public.

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.

Farm Worker Housing – A Dwelling unit or Dwelling units located on a Farm and occupied by Persons who are employed on said Farm or occupied by families with at least one Family member who is employed on said Farm.

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

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

Floodplain or Flood Hazard Ordinance – The Arendtsville Borough Floodplain Ordinance, Chapter 8, as may be amended, of the Arendtsville Borough Code and The Butler Township Floodplain Ordinance, Ordinance No. 2009-1, as may be amended, of the Butler Township Code.

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.

Frontage – That portion of the property which abuts and is measured along the Street Right-of-Way line.

Funeral Home – A Building designed for the purpose of the preparation and viewing of the deceased prior to burial or cremation. Funeral Homes shall not include cemeteries, columbariums, mausoleums, or entombments, but may include mortuaries and crematoriums.

Gallery – A Building, room, or business with a primary purpose of displaying or selling works of art.

Garage, Commercial - See Vehicle Service/Repair Garage.

Garage, Private – A permanent structure, either attached to or separate from a Principal Building, used primarily for storage of automobiles or other large motorized vehicles.

Golf Course – 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 Butler Township Board of Supervisors and the Arendtsville Borough Council, respectively.

Governmental Use – Any Use proposed by or conducted by a governmental entity, including local, County, State, or federal levels of government.

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Greenhouse – A Building in which plants are grown for sale or distribution.

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."

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.

Hearing – An administrative proceeding conducted by the Zoning Hearing Board pursuant to Section 1805.

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

Homestay – An owner-occupied Dwelling, or Accessory Structure to an owner-occupied Dwelling where a maximum of one (1) Short-Term Lodging room is provided for compensation for less than 30 days.

Horticulture– Activities or practices related to garden cultivation or management.

Hospital – An institution, licensed in the Commonwealth as a Hospital, which renders inpatient and outpatient medical care for a twenty-four (24) hour per day basis; and provides primary health services and medical/surgical care to Persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. This definition does not include an Animal Hospital.

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

Improvement – Physical changes to the land, including, but not limited to, Buildings, Streets, curbs, gutters, streetlights and Signs, water mains, hydrants, sanitary sewer mains, including laterals to the Street Right-of-Way lines, storm drainage lines, Stormwater management structures, walkways, recreational facilities, Open Space Improvements, shade trees, Buffer or screen plantings, and all other additions to the tract which are required by ordinance or are deemed necessary to result in a complete Subdivision or Land Development in the fullest sense of the term.

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

Industrial Park – See Business Park.

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

Industry, Light – A Use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts. Light Industry may involve, individually or collectively, one or more of the following; processing, fabrication, assembly, treatment, packaging, incidental storage, sales, or distribution of such products, but excluding basic industrial processing.

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

Junk – Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, unlicensed motor vehicles, and parts thereof.

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 of two or more dogs, cats, or other household pets of any age, primarily for commercial gain.

Land Development* – any of the following activities:

A. The Improvement of one Lot or two or more Contiguous Lots, tracts or parcels of land for any purpose involving:

   1. A group of two or more residential or nonresidential Buildings, whether proposed initially or cumulatively, or a single nonresidential Building on a Lot or Lots regardless of the number of occupants or tenure; or

   2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of Streets, common areas, leaseholds, Condominiums, Building groups or other features.

B. A Subdivision of land.

C. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

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

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 a 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.

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

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

Light Standard – A raised source of artificial light on the edge of a road or path or in a Parking Lot.

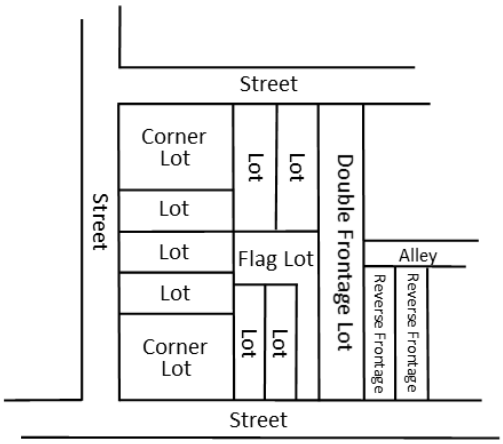
Light Trespass – Light from an artificial light source that intrudes into an area where it is not wanted or does not belong, or extends beyond the boundaries of the property on which the installation is sited.

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.

Living Area – The total Floor Area within a Dwelling unit devoted to occupiable space. In calculating the Living Area for a Dwelling unit, the Floor Area devoted to closets, or other storage areas, internal or external stairwells, and utility rooms shall not be included in the calculations.

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

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



Lots

1. **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.
2. **Coverage** – The area of any Lot covered by Buildings, Driveways and Parking Lots (whether paved or provided with crushed stone, pavers, or similar surface), sidewalks, Swimming Pools, or other similar structural features.
3. **Depth** – The horizontal distance measured between the Street Right-of-Way line and the closest rear property line measured perpendicular along straight Street Rights-of-Way and measured radially along curved Street Rights-of-Way. On corner and reverse Frontage Lots, the depth shall be measured from the Street Right-of-Way of the Street of address to the directly opposite property line.
4. **Frontage** – The length of the front Lot Line measured at the Street Right-of-Way line.
5. **Width** – The horizontal distance between side lines of a Lot measured at right angles to its depth along a straight line parallel to the front Lot Line at the minimum required Setback line. On Corner Lots, Lot Width shall be measured between the Right-of-Way line for the non-address Street and

the directly opposite property line along the minimum Setback line, and at the Street right-of way line along the Street of address.

Lot, Corner – A Lot Abutting on, and at the intersection of, two (2) or more Streets.

Lot, Double Frontage – A Lot having Frontage on two (2) parallel or approximately parallel Streets. The Lot shall not be considered a Double Frontage Lot if the Street the Lot fronts is an Alley/Service Street, as defined in this Ordinance.

Lot, Flag - A Lot that is connected to a Street by a strip of land less than the required minimum Lot Width as specified in this Zoning Ordinance. Also known as panhandle lot.

Lot Line – The lines bounding a Lot.

1. **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.
2. **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".
3. **Side** – Any Lot Line other than a front or rear Lot Line.

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

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

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.

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

Medical Marijuana Dispensary Facility - An indoor, enclosed, permanent, and secure building from which a medical marijuana dispensary may dispense medical marijuana from.

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

Medical Office or Clinic – A place, Building or portion of a Building used exclusively by physicians, optometrists, chiropractors, dentists, physical therapists, massage therapists, or other practitioners involving non-surgical treatment, care, examination and diagnosis, and preventative health services, including inoculation and educational services to outpatients. This definition includes medical laboratories used in the taking, analyzing and testing of physical samples and specimens for the diagnosis and treatment of patients.

Mid-Row Island – A piece of land, typically connected to a Divider Strip, that separates groups of Parking Spaces within an row of parking within a Parking Lot, and which may contain Parking Lot Landscaping and help define Parking Lot circulation.

Minerals* -Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

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

Mobilehome* – 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.

Mobilehome Lot* – A parcel of land in a Mobilehome Park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single Mobilehome.

Mobilehome Park* – A parcel or Contiguous parcels of land which has been so designated and improved that it contains two or more Mobilehome Lots for the placement thereon of Mobilehomes.

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

Municipal Authority* – A body political and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945."

Municipality – Butler Township and/or the Borough of Arendtsville, Adams County, Pennsylvania.

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

Museum – A Building in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited.

Nature Preserve – A property whose principal function is to manage and preserve its flora, fauna, and physical features.

Native Plant – A plant which grew in a defined region prior to European settlement. Indigenous Species and naturalized non-Native Plants may be included as a Native Plant if it has been brought into the region and has become established into the wild and is not considered invasive or displaces Native Plants. Naturally occurring hybrids and cultivars (cultivated varieties) of native genetic parent species which may or may not have been present prior to European settlement are considered Native Plants.

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 Lot* – A Lot the area or dimension of which was lawful prior to the adoption or Amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or Amendment.

Nonconforming Structure* – A structure or part of a structure manifestly not designed to comply with the applicable Use or extent of Use provisions in a zoning ordinance or Amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or Amendment or prior to the application of such ordinance or Amendment to its location by reason of annexation. Such Nonconforming Structures include, but are not limited to, nonconforming Signs.

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Nonconforming Use* – A Use, whether of land or of structure, which does not comply with the applicable Use provisions in a zoning ordinance or Amendment heretofore or hereafter enacted, where such Use was lawfully in existence prior to the enactment of such ordinance or Amendment, or prior to the application of such ordinance or Amendment to its location by reason of annexation.

Nursery– A place where young plants and trees are grown for sale or for planting elsewhere.

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

Office, Business– A Building, or portion of a Building, in which administrative, clerical, financial, governmental or professional operations and services are performed by one (1) or more members of a profession.

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

Off-Site – Any premises not located within the area of the property to be subdivided or developed, whether or not in the common ownership of the Applicant for Subdivision or Land Development approval.

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.

Parcel – See Lot.

Parent Tract – A tract of land existing, as of the effective date of the Arendtsville Borough and Butler Township Zoning Ordinance which could be subjected to future Subdivision or Land Development proposals and approvals.

Parking Access Drive – A Driveway providing connectivity between a Public Street and an off-street Parking Lot.

Parking Aisle Drive – A Driveway within an off-Street Parking Lot that provides direct access to the individual Parking Spaces of said off-Street Parking Lot.

Parking Circulation Drive – For a larger off-street Parking Lot, a Driveway that extends around the perimeter of said Parking Lot, and that connects the Parking Access Drive to the Parking Aisle Drives.

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

Parking Space – The space within a Building or on a Lot or Parking Lot for the parking or storage of one motor vehicle off the Right-of-Way of a Public Street or road

Parking Space Row – Within an off-Street Parking Lot, a grouping of adjoining Parking Spaces where said Parking Spaces are arranged in a side-by-side fashion.

Party Wall – a wall common to two adjoining Buildings or rooms.

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Passive Recreation – Non-motorized outdoor recreational activity that requires minimal development of facilities, has minimal environmental impact on the recreational site, and which focuses on the quality of the environment and natural state of the area as a focus of the recreational experience.

Perimeter Landscaped Area – A Buffer Area within which required Landscaping can be installed.

Person – An individual, corporation, unincorporated association, a partnership, or other legally recognized entity.

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

Place of Worship – A Building, structure, or group of Buildings or structures, designed, intended, and used for the assembly of individuals engaging in religious practices. This definition shall include, but is not limited to, churches, temples, chapels, cathedrals, synagogues, and mosques. This definition does not include educational or day-care facilities, but may include a Residence for a religious leader and his/her Family.

Planned Residential Development* – An area of land, controlled by a Landowner, to be developed as a single entity for a number of Dwelling units, or combination of residential and nonresidential Uses, the development plan for which does not correspond in Lot size, Bulk, type of Dwelling, or Use, Density, or intensity, Lot Coverage and required Open Space to the regulations established in any one district created, from time to time, under the provisions of a municipal Zoning Ordinance.

Planning Agency* – A Planning Commission, planning department, or a planning committee of the Governing Body.

Planning Commission – The Arendtsville Borough Planning Commission and Butler Township Planning Commission.

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

One (1) Major Deciduous Tree, or

Two (2) Minor Deciduous Trees, or

Two (2) Evergreen Trees, or

Five (5) Shrubs

Protection* – When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive Use, but shall not be interpreted to authorize the unreasonable restriction of Forestry, mining or other lawful uses of natural resources.

Prime Agricultural Land – Land used for agricultural purposes that contains soils with relative soil values 69-100 based on the Adams County Soil Survey.

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

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

Private – Any procedure, activity, or use limited to property owners, individuals, members of an organization, or to Persons specifically invited where no advertisement or inducement has been made to the general Public.

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Produce Stand – See Farm Stand.

Proprietor – The owner of a business, or holder of a property.

Public – Any procedure, place, activity, service, or Use which is open to all Persons, the community, or which the general population is or may be involved.

Public Grounds* – Includes:

A. Parks, playgrounds, trails, paths and other recreational areas and other Public areas

B. Sites for Schools, sewage treatment, refuse disposal and other Publicly owned or operated facilities

C. Publicly owned or operated scenic and historic sites.

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 act.

Public Infrastructure Services* – Services that are provided to areas with densities of one or more units to the acre, which may include sanitary sewers and facilitates for the collection and treatment of sewage, water lines and facilitates for the pumping and treating of water, parks and Open Space, Streets and sidewalks, Public Transportation and other services that may be appropriated within a growth area, but shall exclude fire Protection and emergency medical services and any other service required to protect the health and safety of residents.

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

Public Notice* – Notice published once each week for two successive weeks in a newspaper of general circulation in the Municipality. Such notice shall state the time and place of the Hearing and the particular nature of the matter to be considered at the Hearing. The first Publication shall not be more than 30 days and the second Publication shall not be less than seven days from the date of the Hearing.

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

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

Public Transportation – Transportation service for the general Public provided by a common carrier of passengers on a regular route basis.

Public Utility – A Use which is operated, owned or maintained by a Public Utility corporation and regulated by the Pennsylvania Public Utility Commission in accordance with the requirements of the Pennsylvania Public Utility Code, 66 Pa. C.S. 101 et seq., or which is operated, owned or maintained by a municipality or a Municipal Authority organized under the laws of the Commonwealth of Pennsylvania to provide Public Water service, Public Sewer service, or similar services. A "Public Utility" shall not include cellular telephone transmission or receiving facilities and similar facilities of entities which are not governmentally owned and operated or are not regulated by the Pennsylvania Public Utility Commission.

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

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

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Redevelopment – Public and/or Private investment made to re-create the fabric of an area by renovating previously developed land. Replacing, remodeling, or reusing existing Buildings and Structures to accommodate new development.

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

Rental Storage – See Self-Storage Facility.

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

Residence – A place where one or more Persons dwell either permanently, indefinitely, or any period of time greater than 30 days. See also Dwelling.

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

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

Retail Store – 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.

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

Road, Private – A Street not accepted for dedication or adoption by the Municipality.

Rural – Land outside of urban and village growth areas, including Agricultural Areas and natural resource areas.

Rural Events 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.

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

Screening – Planted (or having equivalent natural growth) Shrubs or trees, earthen mounds, or fencing.

Sedimentation – The process by which soil or other surface material is accumulated or deposited by wind, water or gravity.

Self-Storage Facility –A commercial facility in which customers can rent space to store possessions.

Setback – A line, parallel to the Street Right-of-Way line for Front Yards, and parallel to the Lot Lines for side and Rear Yards, designating the minimum distance from the Right-of-Way and/or Lot Lines that a Building, structure, or other Improvements may be erected under the various land requirements of this Ordinance. For Panhandle or irregular Lots, front Setback is applied along the property line that most closely parallels the Street from which the Lot is accessed and where the minimum Lot Width requirement is achieved. See also Building Setback.

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

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Shopping Center – A group of four or more Retail Stores planned and designed to function as a unit, and having off-Street parking as an integral part of the unit.

Short-Term Lodging – Any Lot, Dwelling unit or portions thereof, that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than thirty consecutive days.

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

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

1. **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.
2. **Area of** – The entire area within a single continuous perimeter enclosing all elements of the Sign that form an integral part of the display, including the perimeter border, and calculated using the best-fit rectangular and / or triangular shape or shapes that approximate the perimeter of the Sign display.
3. **Awning** – Any Sign that is painted on, applied to or attached to a structure made of cloth, canvas, or similar material which is affixed to and projects from a Building on or near the front entryway of a business. A marquee shall not be considered an Awning.
4. **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.
5. **Canopy** – A Sign affixed to the visible vertical surface of an attached or freestanding Canopy.
6. **Changeable Copy** – A type of Sign designed to accommodate a changing message, whether such changing message occurs manually, remotely, or automatically.
7. **Community Welcome** – A Sign constructed by one or more governmental, institutional, civic, or religious organizations which announces welcome to the community and which contains no other advertising except for the name(s) of the organization(s).
8. **Directional** – A Sign located for the purpose of providing directions towards or indication of Use not readily visible.
9. **Directory** – A type of freestanding or Wall Sign designed to identify the name and location of multiple occupants on the same Lot, commercial or industrial in character, with or without an accompanying map, in order to aid in the internal pedestrian circulation within the Lot.
10. **Drive-Through Menu Boards** – A permanently installed Sign affixed to a pole, post, or column, or to a wall of a Principal Building or Accessory Structure, consisting of a list of products and/or services offered for sale and/or pictorial displays of product offered for sale which may include the price of products and/or services, which list and/or pictorial display is posted on the premises of a business near the point of ordering.
11. **Fascia** – A Sign attached to, placed upon, or hung from any structure projecting from and supported by a Building and which extends beyond the Façade of the Building (such as a Canopy, an awning, etc.)
12. **Feather** – A Sign made of a flexible material, shaped like a feather, quill, sail, blade, or teardrop, and mounted on a solid or flexible pole or cord.
13. **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.

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14. **Height of** – The vertical distance measured from the Elevation of the nearest curb, sidewalk, or Street grade to the top of the highest component of the Sign, Sign face, Sign structure, or any other appurtenance of the Sign.
15. **Off Premise Directional** – A Sign, not including Billboard Signs as defined herein, located for the purpose of providing directions to a Use not readily visible and not located on the Lot where the Sign is erected.
16. **Pennant, Streamer, Flag and Inflatable** – Any lightweight object made of plastic, fabric or other material, whether or not containing a message of any kind, designed to move in the wind. This definition shall not be construed to include government flags or insignias.
17. **Portable** – A Sign that is movable and not permanently attached to a structure or to the ground.
18. **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.
19. **Residential Development/Neighborhood** – A Freestanding Sign affixed to the ground by a base that extends, at a minimum, the full width of the Sign face.
20. **Roof** – A Sign erected and constructed wholly on and over the eaves of the roof of a Building and supported by the roof structure.
21. **Sandwich Board** – An A-frame Sign that is not permanently attached to the ground or other permanent structure.
22. **Temporary** – A Sign which placed on a Lot and used only for a limited period of time, and including real estate Signs advertising the sale or rental of the premises, contractor Signs, Yard or garage sale Signs, and political Signs.
23. **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. Such Signs shall not include Roof Signs as defined herein.
24. **Window** – Any Sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Solar Energy System - A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

Solar Farm – A solar panel or array composed of multiple solar panels on ground-mounted rack or poles which are one of the primary Use(s) for the parcel of land on which it is located, or any Solar Energy System that has a primary purpose for wholesale or retail sale of generated electricity, or occupies greater than 21,780 SF, or one half (1/2) acre of surface area.

Special Exception* – A Use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code and Sections 1806 and 1808 of this Ordinance.

Specialty Retail Shop – A Retail Store that offers for sale to the Public a specific type of or category of product.

State – The Commonwealth of Pennsylvania.

Stealth Technology – Methods applied to Wireless Communications Facilities which render them more visually appealing or blend the facilities into the existing structure or visual backdrop in a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to,

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architecturally screened roof-mounted antennas, Building-mounted antennas painted to match the existing structure, and facilities constructed to resemble telephone, electric, and Street light poles.

Steep Slope – Any land area with a slope equal to or exceeding fifteen percent (15%), but not greater than 25% (see Very Steep Slope).

Storage Building – See Utility Building.

Stormwater – Water that surfaces, flows, or collects during and subsequent to rain or snowfall.

Stormwater Management Facilities – Those controls and measures (e.g., storm sewers, berms, terraces, bridges, dams, basins, infiltration systems, swales, watercourses and Floodplains) used to implement a Stormwater Management program.

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. Streets are further defined and classified as follows:

1. **Alley/Service Street** – A minor way, whether or not legally dedicated, intended and used primarily for vehicular access to the rear or side of properties which abut on a Street, and not intended for the purpose of through vehicular traffic.
2. **Arterial** – Major regional highways, with full or partial access control, designed for a large volume of through traffic.
3. **Collector** – Streets designed to provide access between Residential Subcollector Streets and Arterial Street. Access is controlled by limiting curb cuts and providing marginal access areas.
4. **Local Residential** – Streets used primarily to provide access to more heavily traveled Streets for Abutting properties in internally developed areas. An average daily traffic (ADT) count of up to five hundred (500) trips is expected.
5. **Primary** – The Street that constitutes the Street Frontage for a property. For a property with two (2) or more Street Frontages, the Street from which the property is addressed. For a property with no Street Frontage, the Street from which the property is addressed.
6. **Residential Cul-de-Sac** – A Local Residential Street with only one vehicular traffic outlet. An average daily traffic (ADT) count of up to two hundred fifty (250) trips is expected.
7. **Residential Subcollector** – Streets providing connection between Local Residential Streets and Collector Street. An average daily traffic (ADT) count of up to one thousand (1,000) trips is expected.

Street Right-of-Way Line – A line defining the edge of a Street Right-of-Way and separating the Street from Abutting property or Lots, commonly known as the "Right-of-Way line".

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

Studio – A place where an artist, photographer, sculptor, performer, or musician works, practices, or provides instruction.

Subdivision* – The division or redivision of a Lot, tract or parcel of land by any means into two 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 or devisees, transfer of ownership or Building or Lot development: Provided, however, That the Subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new Street or Easement of access or any residential Dwelling, shall be exempted.

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Swimming Pool – Any permanent or temporary structure which is constructed, used, or maintained to provide recreational facilities for swimming, bathing, or wading, and including all Buildings, equipment, and appurtenances thereto.

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

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

Terminal Island – A piece of land, typically connected to a Divider Strip, that defines the end of a row of parking within an off-Street Parking Lot, that separates the end of a row of Parking Spaces from a Parking Access Drive or Parking Circulation Drive, and which may contain Parking Lot Landscaping and help define Parking Lot circulation.

Theater – A Building or outdoor area in which plays and other dramatic or musical performances are given or shown for viewing.

Townhouse – A series of three (3) or more single Family Dwelling units attached by one or more vertical common walls.

Townhouse Community – A residential development containing a group of Townhouses developed on a single parcel of land and sharing common parking, recreation, and Landscaping areas.

Traffic Impact Study – An analysis which examines the degree or extent to which proposed land Use developments, and the traffic they are expected to generate, will affect the adjacent or surrounding transportation system.

Twin – See Dwelling, Single Family Semi-Detached.

Use – Any purpose for which a Building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on in a Building or other structure on a tract of land.

Utility Building – A temporary or permanent structure used primarily for storage or personal workshop and which shall not be used for storage of automobiles or other large motorized vehicles.

Vacation Rental – A structure being rented for less than thirty (30) days without concurrently being occupied by the owner/operator where the Short-Term Lodging is provided for compensation.

Variance – Relief granted pursuant to the provisions of Article 18 of this Ordinance.

Vegetative Coverage – The portion of a Lot covered by vegetation

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

Vehicle Service/Repair Garage - A business maintenance and repair for motorized vehicles.

Very Steep Slope – Any land area with a slope equal to or exceeding twenty-five percent (25%).

Veterinary or 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.

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Warehouse– A Building, or portion thereof, or Buildings used or intended to be used primarily for the receipt, temporary storage, and redistribution of goods and/or materials that are to be sold retail or wholesale from other premises, or wholesale from the same premises; however, nothing in this definition is meant to exclude purely incidental retail sales in warehouses.

Wetlands – Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

Wholesale Business – An establishment where goods or merchandise is sold to retailers, or industrial, commercial, institutional, or other professional businesses for their distribution of said goods or merchandise to consumers or end users.

Wildlife Sanctuary – A Building or managed area where animals and other wildlife are cared for and/or protected from hunting and predation.

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

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

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

Wireless Communications Tower – A structure, other than a Building, but including monopole towers, self-supporting towers, or guyed towers, that comprises an element of a wireless communication facility and that is designed to be used to support Wireless Communications Antennas.

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

1. **Front** – A Yard extending the full width of the Lot, and situated between the Street Right-of-Way line and the front of the principal Building.
2. **Interior** – An open, unoccupied space between the principal Building of a Dwelling group or its Accessory Structures which is not a front, side, rear or exterior Yard.
3. **Rear** – A Yard extending the full width of the Lot, and situated between the rear Lot Line and the rear of the Building.
4. **Side** – A Yard extending from the front Building line to the rear Building line and located between the side property line and the side of the Building.

Zoning Hearing Board – The Arendtsville Borough or the Butler Township Zoning Hearing Board.

Zoning Map – The map establishing the boundaries of the zoning districts of the Arendtsville Borough and Butler Township Zoning Ordinance, which map shall be and is a part of this Ordinance. See Appendix 3.

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

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Zoning Ordinance – The Arendtsville Borough and Butler Township Zoning Ordinance.

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

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ARTICLE 3: DESIGNATION OF DISTRICTS

Section 300: Purpose

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

AP	Agricultural Preservation
LC	Land Conservation
RR	Rural Residential
R	Residential
VR	Village Residential
VC	Village Core
MU	Mixed-Use
I	Industrial
FO	Floodplain Overlay

Section 301: Zoning Map

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

Section 302: District Boundaries

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

A. District boundary lines are intended to follow or be parallel to the center line of Streets 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 as the Floodplain Overlay Zone 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, or unless the underlying zoning district specifically allows multiple Uses per Lot, the provisions of this Ordinance shall be interpreted to allow only one (1) Principal Use on a Lot.

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ARTICLE 4: AGRICULTURAL PRESERVATION (AP) DISTRICT

Section 400: Statement of Legislative Intent

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

A. Protect and stabilize Agriculture as an on-going economic activity within appropriate areas of Arendtsville Borough and Butler Township by generally permitting only those land Uses and activities which are agricultural in nature or act in direct support thereof.

B. Discourage development from occurring on Prime Agricultural Lands which are most conducive to high crop yields.

C. Protect Agriculture from incompatible Uses which may also interfere with normal and customary agricultural practices within agricultural settings.

D. Enable farmers to pursue a range of agriculturally supportive businesses that are supportive of the Farm operation and that can provide supplemental income to the Farm operation while providing agricultural and entertainment opportunities for customers.

Section 401: Use Regulations

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

A. **Uses Permitted By-Right**

1. Agricultural Operation
2. Campsite Hosting, in accordance with Section 1401.L.
3. Cemetery
4. Dwelling, Single-Family Detached
5. Farm
6. Farm Equipment Sales
7. Forestry
8. Greenhouse
9. Nursery
10. Place of Worship
11. Vacation Rental, in accordance with Section 1401.VV.
12. Veterinary/Animal Hospital, in accordance with Section 1401.YY.

B. **Accessory Uses:** The following Uses are permitted as Accessory Uses to any permitted Principal Use in the AP District.

1. Accessory Structure/Building
2. Accessory Dwelling Unit, in accordance with Section 1401.B.
3. Bed-and-Breakfast Establishment, in accordance with Section 1401.I.
4. Campsite Hosting, when accessory to a Dwelling, Farm, or Agricultural Operation in accordance with Section 1401.L
5. Cottage Industry, in accordance with Section 1401.P.
6. Farm Market, in accordance with Section 1401.R.
7. Farm-Related Business, in accordance with Section 1401.S.

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8. Farm Stand/Produce Stand
9. Farm Worker Housing, in accordance with Section 1401.T.
10. Greenhouse, when accessory to a Farm or Agricultural Operation.
11. Growing/producing Agricultural Products on non-farm
12. Home Occupation, in accordance with Section 1401.X.
13. Homestay, in accordance with Section 1401.Y.
14. No-Impact Home-based Business, in accordance with Section 1401.JJ.
15. Nursery, when accessory to a Farm or Agricultural Operation.
16. Processing Agricultural Products on-site
17. Studio

C. **Special Exception Uses:** The following Uses are permitted by Special Exception in the AP District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 1808 of this Ordinance:

1. Agribusiness Operation, in accordance with Section 1401.D.
2. Agricultural Tourism Operation, as either a Principal Use or as an accessory to a Farm or Agricultural Operation, in accordance with Section 1401.E.
3. Rural Events Venue, as either a Principal Use or as an accessory to a Farm or Agricultural Operation, in accordance with Section 1401.PP.
4. Solar Farm, in accordance with Section 1401.SS.
5. Tasting Room/Winery/Cidery/Brewery/Distillery, as either a Principal Use or as an accessory to a Farm or Agricultural Operation, in accordance with Section 1401.TT.
6. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.ZZ.
7. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.AAA.
8. Wireless Communication Facility – Tower Based – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.BBB.
9. Wireless Communications Facility – Tower Based – Outside Public Right-of-Way, in accordance with Section 1401.CCC.
10. Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the above Uses in Section 401 and which will not be detrimental to the intended purposes of this chapter.

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Section 402: General District Requirements

A. All Principal Buildings, structures, and Uses erected or established after the adoption date of this Ordinance shall comply with the following requirements:

1. Lot Allocation: Each tract existing on 06/14/2006, the date of the initial application of zoning standards in Butler Township, shall be permitted to subdivide new Lots from the tract or establish new Principal Uses on the tract based upon the land area as it existed on 06/14/2006 as follows:

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

2. Re-Subdivision of Lots created after the original date of application of this Ordinance to the subject parcel shall be subject to the overall Lot allocation determined for the parcel as it existed on said original date of application.

3. Large Lot/Lot Consolidation Option: Landowners may elect to combine the Lot allocations that they are entitled to by the scale established in Section 402.A.1 to create a Lot that is larger than the ordinarily required maximum Lot Area for the given Use. If this option is elected, the maximum area of the large Lot created by combining two or more of the entitled Lot allocations, shall be determined by adding two (2) acres to the maximum Lot size for the given Use for each additional Lot allocation used to create the new Lot.

4. Where new Lots are proposed in accordance with this Section, but where all of the Lots allocated in Section 402.A.1 are not used, the Subdivision plan shall indicate which Lot or Lots retain the right to subdivide the remaining Lot allocation.

5. All Subdivision plans shall indicate the number of Lots allocated to the Parent Tract, based on the scale established in Section 402.A.1, the number of Lots previously subdivided from the Parent Tract, the number of new Lots proposed by the Subdivision plan, and the number of Lots remaining from the allocation that may be subdivided.

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

1. All nonagricultural Uses or Lots shall be established or located on non-prime farmland (Relative Soil Values 0-68 on the Relative Soil Values Map and Table in Appendix 4) when such land is available; or on Lots or lands which cannot feasibly be farmed due to existing features of the site such as rock outcroppings, heavily wooded areas, or property configuration that is insufficient to permit the efficient use of Farm machinery. In all cases, such Lots shall be located on the least agriculturally productive land feasible, and so as to minimize interference with Agricultural Production.

2. The least suitable farmland (Relative Soil Values 0-68 on the Relative Soil Values Map and Table in Appendix 4) 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

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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 (Relative Soil Values 69-100 on the Map and Table in Appendix 4), then the least suitable or least prime land shall be utilized for development.

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

Section 403: Dimensional Requirements

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

B. **Maximum Lot Area:**

1. **Single-Family Detached Dwelling**: Two (2) acres, unless the Large Lot/Lot Consolidation Option established in Section 402.A.3 is applied

2. **Non-Residential Uses not Associated with a Farm or Agricultural Operation**: Four (4) Acres, unless the Large Lot/Lot Consolidation Option established in Section 402.A.1 is applied.

3. **Farm and Agricultural Operation Uses**: None.

C. **Minimum Lot Width:**

1. **Single-Family Detached:** One Hundred Twenty-five (125) feet

2. **Farms and Agricultural Operation**s: One Hundred Twenty-five (125) feet

3. **All Other Uses:** Two Hundred (200) feet

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

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

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

G. **Maximum Lot Coverage:**

1. **Residential Uses:** Twenty-five percent (25%).

2. **Farm and Agricultural Uses:** Thirty-five percent (35%).

3. **Other Uses:** Thirty percent (30%).

H. **Minimum Vegetative Coverage:**

1. **Residential Uses:** Seventy-five percent (75%).

2. **Farm and Agricultural Uses:** Sixty-five percent (65%).

3. **Other Uses:** Seventy percent (70%).

I. **Maximum Building Height:**

1. **Farms and Agricultural Operations:** None

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

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ARTICLE 5: LAND CONSERVATION (LC) DISTRICT

Section 500: Statement of Legislative Intent

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

A. Retain the Rural character and scenic qualities in areas of Butler Township that have already experienced low Density, large Lot residential development.

B. Allow for additional low Density residential development in Rural areas of Butler Township where extensive active agricultural Uses have either not developed or transitioning away from agricultural Use to some other form of Rural Use.

C. Limit permitted residential development Density to limit the possibility of the Township having to provide Public or community sewer and/or water systems to address failing on-lot septic systems.

D. Conserve existing natural and environmental features, (including but not limited to woodlands, Steep Slopes, streams, Floodplains, and Wetlands) by limiting the extent to which development may occur within or near such features.

E. Protect surface and groundwater quality, and minimize Erosion and stream Sedimentation, by minimize the extent of conversion of existing natural and environmental features through site grading or development of extensive manicured Yard areas.

Section 501: Use Regulations

The following Uses are permitted within the LC District.

A. **Uses Permitted By-Right**

1. Agricultural Operation
2. Animal Shelter
3. Campsite Hosting, in accordance with Section 1401.L.
4. Cemetery
5. Commercial Recreation, Outdoor
6. Country Club
7. Dwelling, Single-Family Detached
8. Farm
9. Farm Equipment Sales
10. Forestry
11. Greenhouse
12. Kennel, Commercial, in accordance with Section 1401.CC.
13. Nature Preserve
14. Nursery
15. Place of Worship
16. Public Recreation
17. Vacation Rental, in accordance with Section 1401.VV.
18. Veterinary/Animal Hospital, in accordance with Section 1401.YY.

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19. Wildlife Sanctuary

B. **Accessory Uses**: The following Uses are permitted as Accessory Uses to any permitted Principal Use in the AP District.

1. Accessory Structure/Building
2. Accessory Dwelling Unit, in accordance with Section 1401.B.
3. Campsite Hosting, when accessory to a Dwelling, Farm, or Agricultural Operation in accordance with Section 1401.L
4. Cottage Industry, in accordance with Section 1401.P.
5. Farm Market, in accordance with Section 1401.R.
6. Farm-Related Business, in accordance with Section 1401.S.
7. Farm Stand/Produce Stand
8. Farm Worker Housing, in accordance with Section 1401.T.
9. Greenhouse, when accessory to a Farm or Agricultural Operation.
10. Growing/producing Agricultural Products on non-farm
11. Home Occupation, in accordance with Section 1401.X.
12. Homestay, in accordance with Section 1401.Y.
13. No-Impact Home-based Business, in accordance with Section 1401.JJ.
14. Nursery, when accessory to a Farm or Agricultural Operation.
15. Processing Agricultural Products on-site
16. Studio

C. **Special Exception Uses:** The following Uses are permitted by Special Exception in the LC District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 1808 of this Ordinance:

1. Agricultural Tourism Operation, as a Principal Use or as an accessory to a Farm or Agricultural Operation, in accordance with Section 1401.E.
2. Bed-and-Breakfast Establishment, in accordance with Section 1401.I.
3. Campground, in accordance with Section 1401.K.
4. Estate Lot, in accordance with Section 1401.Q.
5. Rural Events Venue, either as a Principal Use or as an accessory to a Farm or Agricultural Operation, in accordance with Section 1401.PP.
6. Shooting Range, Outdoor, in accordance with Section 1401.QQ.
7. Tasting Room/Winery/Cidery/Brewery/Distillery, as a Principal Use or as an accessory to a Farm or Agricultural Operation, in accordance with Section 1401.TT.
8. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.ZZ.
9. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.AAA.
10. Wireless Communication Facility – Tower Based – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.BBB.
11. Wireless Communications Facility – Tower Based – Outside Public Right-of-Way, in accordance with Section 1401.CCC.

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12. Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the above Uses in Section 501 and which will not be detrimental to the intended purposes of this chapter.

Section 502: Open Land Uses and Standards

For a parcel of land proposed for Subdivision (a Parent Tract existing on 06/14/2006, the date of the initial application of zoning standards in Butler Township), a portion of the parcel must be set aside as Open Land in accordance with the following requirements.

A. Open Land shall be provided in accordance with the following scale:

1. For a Parent Tract of less than ten (10) acres in size, no Open Land must be provided.
2. For a Parent Tract of ten (10) acres to twenty-five (25) acres in size, fifty percent (50%) of the parcel shall remain in Open Land. The Open Land shall be retained either on the Parent Tract or on the Open Land portion of an Estate Lot.
3. For a Parent Tract of greater than twenty-five (25) acres in size, seventy-five percent (75%) of the parcel shall remain in Open Land. The Open Land shall be retained either on the Parent Tract or on the Open Land portion of an Estate Lot.

B. Open Land may be devoted to one or more of the following Uses:

1. Conservation of land in its natural state.
2. Passive Recreation area including hiking and bicycling trails, nature observation, and picnicking. Easements for these areas may be offered to Butler Township or to Adams County, land trusts, or other non-profit organizations whose purpose is to conserve and protect open spaces, scenic views, and rural qualities.
3. Drainage, access, sewer or water line, and / or similar Easements.
4. Agricultural Uses authorized in Section 501.

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

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

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Section 503: Dimensional Requirements:

A. **Minimum Lot Area**

1. Residential: One (1) acre.
2. Estate Lot: Five (5) acres.
3. Farm: Twenty-five (25) acres.
4. All Other Uses: One (1) acre.

B. **Maximum Lot Area**

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

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

1. A maximum of one (1) Dwelling unit per eight (8) acres, with the exception that, if a Lot of less than sixteen (16) acres has been in existence before the application of the LC District to the subject property, one (1) Dwelling unit may be subdivided from said property.
2. The Density allocated by Section 503.C.1 above shall be calculated based on the parcel size, as of 6/14/2006, the date of the initial application of zoning standards in Butler Township. Additional Dwelling units will not be allocated where a Lot addition is added to the subject parcel after the original date of application.

D. **Minimum Lot Width:**

1. Single Family Detached Dwelling: One Hundred (100) feet.
2. Estate Lot: One hundred fifty (150) feet.
3. All Other Uses: One hundred fifty (150) feet.

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

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

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

H. **Maximum Lot Coverage:**

1. Residential Uses: Twenty-five percent (25%).
2. Non-residential Uses: Twenty percent (20%).

I. **Minimum Vegetative Coverage:**

1. Residential Uses: Seventy-five percent (75%).
2. Non-residential Uses: Eighty percent (80%).

J. **Maximum Building Height:** Forty (40) feet.

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ARTICLE 6: RURAL RESIDENTIAL (RR) DISTRICT

Section 600: Statement of Legislative Intent

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

A. Recognize the existence of various lower Density residential neighborhoods that have developed in a variety of settings in Butler Township, including various settings that have developed along Private lanes rather than along Public Streets and roads.

B. Apply dimensional standards that reflect the existing developed character of these lower Density residential neighborhoods in terms of Building placement and Lot Coverage.

C. Enable these settings to continue to develop as lower Density residential neighborhoods, but only at densities that limit the potential that Public Sewer and water services would have to be extended to these settings.

Section 601: Use Regulations

The following Uses are permitted within the RR District.

A. **Uses Permitted By-Right**

1. Adaptive Reuse of Industrial/Civic Building, in accordance with Section 1401.C.
2. Agricultural Operation
3. Assisted Living Facility, in accordance with Section 1401.G.
4. Cemetery
5. Commercial Recreation, Outdoor
6. Day Care Center
7. Dwelling, Single-Family Detached
8. Farm
9. Forestry
10. Group Home, in accordance with Section 1401.V.
11. Place of Worship
12. Public Recreation
13. Vacation Rental, in accordance with Section 1401.VV.

B. **Accessory Uses**: The following Uses are permitted as Accessory Uses to any permitted Principal Use in the RR District.

1. Accessory Structure/Building
2. Accessory Dwelling Unit, in accordance with Section 1401.B.
3. Campsite Hosting, when accessory to a Dwelling, Farm, or Agricultural Operation in accordance with Section 1401.L.
4. Cottage Industry, in accordance with Section 1401.P.
5. Farm Stand/Produce Stand
6. Growing/producing Agricultural Products on a non-farm.
7. Home Occupation, in accordance with Section 1401.X.

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8. Homestay, in accordance with Section 1401.Y.
9. No-Impact Home-based Business, in accordance with Section 1401.JJ.
10. Processing Agricultural Products on-site
11. Studio

C. **Special Exception Uses**: The following Uses are permitted by Special Exception in the RR District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 1808 of this Ordinance:

1. Banquet Hall, in accordance with Section 1401.H.
2. Bed-and-Breakfast Establishment, in accordance with Section 1401.I.
3. Estate Lot, in accordance with Section 1401.Q.
4. Halfway House, in accordance with Section 1401.W.
5. Mobile Home Park, in accordance with Section 1401.II.
6. Tasting Room/Winery/Cidery/Brewery/Distillery, as a Principal Use or an accessory to a Farm or Agricultural Operation, in accordance with Section 1401.TT.
7. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.ZZ.
8. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.AAA.
9. Wireless Communication Facility – Tower Based – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.BBB.
10. Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the above Uses in Section 601 and which will not be detrimental to the intended purposes of this chapter.

Section 602: Dimensional Requirements

A. **Minimum Lot Area**

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

C. **Maximum Density**

1. Single-Family Detached Dwellings: One (1) Dwelling unit for every two (2) acres.
2. Other Uses: None.

D. **Minimum Lot Width**

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

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

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

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

H. **Maximum Lot Coverage**

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1. Residential Uses: Thirty percent (30%).
2. Non-residential Uses: Twenty-five percent (25%).

I. **Minimum Vegetative Coverage**

1. Residential Uses: Seventy percent (70%).
2. Non-residential Uses: Seventy-five percent (75%).

J. **Maximum Building Height**

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

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ARTICLE 7: RESIDENTIAL (R) DISTRICT

Section 700: Statement of Legislative Intent

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

A. Recognize the existence of various neighborhoods within Arendtsville Borough and Butler Township that have developed or are developing with a suburban residential character.

B. Apply dimensional standards that reflect the existing developed character in these residential neighborhoods in terms of Building placement and Lot Coverage.

C. Enable the appropriate expansion of these residential neighborhoods at densities that reflect the existing neighborhood itself and the availability or lack, respectively, of Public Sewer and water services.

Section 701: Use Regulations

The following Uses are permitted within the R District.

A. **Uses Permitted By-Right**

1. Adaptive Reuse of Industrial/Civic Building, in accordance with Section 1401.C.
2. Cemetery
3. Dwelling, Single-Family Detached
4. Forestry
5. Group Home, in accordance with Section 1401.V.
6. Place of Worship
7. Public Recreation

B. **Accessory Uses**: The following Uses are permitted as Accessory Uses to any permitted Principal Use in the R District.

1. Accessory Structure/Building
2. Accessory Dwelling Unit, in accordance with Section 1401.B.
3. Growing/producing Agricultural Products on non-farm
4. Home Occupation, in accordance with Section 1401.X.
5. Homestay, in accordance with Section 1401.Y.
6. No-Impact Home-based Business, in accordance with Section 1401.JJ.

C. **Special Exception Uses:** The following Uses are permitted by Special Exception in the R District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 1808 of this Ordinance:

1. Bed-and-Breakfast Establishment, in accordance with Section 1401.I.
2. Continuing Care Retirement Community, in accordance with Section 1401.N.
3. Townhouse Community, in accordance with Section 1401.UU.
4. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.ZZ.

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5. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.AAA.
6. Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the above Uses in Section 701 and which will not be detrimental to the intended purposes of this chapter.

Section 702: Dimensional Requirements

A. **Minimum Lot Area**

1. Single-Family Detached Dwelling
   a. With Public Sewer and Water: Ten Thousand (10,000) Square Feet.
   b. Without Public Sewer or Water: One (1) Acre.
2. Public Park, Recreation, and Public Utility Uses: None.
3. All Other Uses: One (1) Acre.

B. **Maximum Density**

1. Single-Family Detached Dwellings: Four (4) Dwelling units per acre.
2. All Other Uses: None.

C. **Minimum Lot Width**

1. Single Family Detached Dwelling:
   a. With Public Sewer and Water: One Hundred (100) feet.
   b. Without Public Sewer or Water: One Hundred Twenty-five (125) feet.
2. Public Park, Recreation, and Resource Management Uses: None.
3. Public Utility Uses: None.
4. All Other Uses: One Hundred Fifty (150) feet.

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

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

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

G. **Maximum Lot Coverage**

1. Residential Uses: Thirty-five percent (35%).
2. Non-residential Uses: Forty-five percent (45%).

H. **Minimum Vegetative Coverage**

1. Residential Uses: Sixty-five percent (65%).
2. Non-residential Uses: Fifty-five percent (55%).

I. **Maximum Building Height**: Forty (40) feet.

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ARTICLE 8: VILLAGE RESIDENTIAL (VR) DISTRICT

Section 800: Statement of Legislative Intent

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

A. Establish reasonable standards to provide for a mix of residential and limited commercial and office uses in Arendtsville Borough.

B. Encourage the formation and continuance of a quiet, compatible, and uncongested neighborhood where a variety of residential Dwelling types intermingle harmoniously.

C. Discourage the encroachment of commercial establishments or other Uses which may adversely affect the residential character of the VR District.

D. Provide for development that will create a transitional area between the suburban residential neighborhoods and the more intensely developed, mixed-use areas of Arendtsville's Historic Core.

E. Require any new Infill Development or Building additions or expansions to be consistent with the general architectural styles, Setbacks, Building Height, Bulk, and placement of structures located on adjoining properties.

F. Promote the reuse of existing structures in a manner that maintains Arendtsville Borough's visual character and architectural scale.

Section 801: Use Regulations

The following Uses are permitted within the VR District.

A. **Uses Permitted By-Right**

1. Adaptive Reuse of Industrial/Civic Building, in accordance with Section 1401.C.
2. Cemetery
3. Conversion Apartment, in accordance with Section 1401.O.
4. Day Care Center
5. Dwelling, Multi-Family
6. Dwelling, Single-Family Attached
7. Dwelling Single-Family Detached
8. Dwelling, Single-Family Semi-detached
9. Dwelling, Two-Family
10. Emergency Services Facility or Structure
11. Forestry
12. Governmental Use
13. Group Home, in accordance with Section 1401.V.
14. Mixed-Use Building, in accordance with Section 1401.HH.
15. Place of Worship
16. Public Recreation
17. Specialty Retail Shop

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B. **Accessory Uses:** The following Uses are permitted as Accessory Uses to any permitted Principal Use in the VR District.

1. Accessory Structure/Building
2. Accessory Dwelling Unit, in accordance with Section 1401.B
3. Cottage Industry, in accordance with Section 1401.P.
4. Growing/producing Agricultural Products on non-farm
5. Home Occupation, in accordance with Section 1401.X.
6. Homestay, in accordance with Section 1401.Y.
7. No-Impact Home-based Business, in accordance with Section 1401.JJ.

C. **Special Exception Uses:** The following Uses are permitted by Special Exception in the VR District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 1808 of this Ordinance:

1. Apartment Building, in accordance with Section 1401.F.
2. Assisted Living Facility, in accordance with Section 1401.G.
3. Bed-and-Breakfast Establishment, in accordance with Section 1401.I.
4. Continuing Care Retirement Community, in accordance with Section 1401.N.
5. Halfway House, in accordance with Section 1401.W.
6. Hospital, in accordance with Section 1401.Z.
7. Townhouse Community, in accordance with Section 1401.UU.
8. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.ZZ.
9. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.AAA.
10. Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the above Uses in Section 801 and which will not be detrimental to the intended purposes of this chapter.

Section 802: Dimensional Requirements

A. **Minimum Lot Area**

1. Single-Family Detached Dwelling: 7,000 square feet
2. Single-Family Semi-detached (Duplex): 3,500 square feet per unit
3. Single-Family Attached – Each Unit on Individual Lots: 3,000 square feet per unit
4. Single-Family Attached – Multiple Units on One Lot: 1 acre
5 Two-Family: 10,000 square feet
6. Public Park, Recreation, and Resource Management Uses: None.
7. Public Utility Uses: None.
8. All Other Uses: One (1) Acre.

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B. **Minimum Lot Width**

1. Single-Family Detached Dwelling: 60 feet per unit
2. Single-Family Semi-detached (Duplex): 30 feet per unit
3. Single-Family Attached – Each Unit on Individual Lots (3 or more units):
   a. **Interior Units**: 25 feet per unit
   b. **End Units**: 40 feet per unit
4. Single-Family Attached – Multiple units on one Lot: 125 feet
5. Two-Family: 60 feet
6. Public Park, Recreation, and Resource Management Uses: None.
7. Public Utility Uses: None.
8. All Other Uses: One Hundred Fifty (150) feet.

C. **Minimum Front Setback**: Fifteen (15) feet.

D. **Minimum Side Setback**: 5 feet or equal to the distance of a pre-existing structure on the property.

E. **Minimum Rear Setback**: 5 feet or equal to the distance of a pre-existing structure on the property.

F. **Maximum Lot Coverage:** Seventy percent (70%).

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

Section 803: Community Design Regulations

The following standards shall apply to all Uses, Subdivisions, and Land Development plans within the VR District.

A. All Dwellings or structures to be used for human occupancy shall be connected to Public Sewer and Public Water.

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ARTICLE 9: VILLAGE CORE (VC) DISTRICT

Section 900: Statement of Legislative Intent

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

A. Establish reasonable standards to provide for a mix of residential, commercial, office, and institutional Uses within existing village setting in Arendtsville Borough.

B. Encourage the full economic use of established and historic structures within existing village settings.

C. Permit Uses that promote conversion of existing Buildings in a manner than maintains the visual character and architectural scale of existing development within village settings.

D. Accommodate Infill Development in a manner that reflects the placement, location pattern, and scale of the existing village, while also maintaining the visual and community character of the village.

E. Limit the degree to which the accommodation of the automobile affects the visual character of existing villages.

Section 901: Use Regulations

The following Uses are permitted within the VC District.

A. **Uses Permitted By-Right**

1. Adaptive Reuse of Industrial/Civic Building, in accordance with 1401.C.
2. Apartment Building, in accordance with Section 1401.F.
3. Banquet Hall, in accordance with Section 1401.H.
4. Bed-and-Breakfast Establishment, in accordance with Section 1401.I.
5. Cemetery
6. Club, Health and Exercise
7. Club, Private or Fraternal
8. Commercial Recreation, Indoor
9. Conversion Apartment, in accordance with Section 1401.O.
10. Day Care Center
11. Dry Cleaners
12. Dwelling, Multi-Family
13. Dwelling, Single-Family Attached
14. Dwelling, Single-Family Detached
15. Dwelling, Single-Family Semi-detached
16. Dwelling, Two-Family
17. Emergency Services Facility
18. Financial Institution/Bank
19. Financial Institution/Bank with Drive-Through, in accordance with Section 1401.U.
20. Forestry
21. Funeral Home/Undertaking Establishment

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22. Gallery/Museum
23. Governmental Use
24. Group Home, in accordance with Section 1401.V.
25. Hotel/Motel
26. Laundromat
27. Medical Office/Clinic
28. Mixed Use Building, in accordance with Section 1401.HH.
29. Office, Business and Professional
30. Personal Service Shop
31. Place of Worship
32. Public Recreation
33. Restaurant, in accordance with Section 1401.NN.1
34. Retail Store
35. Specialty Retail Shop
36. Studio
37. Tasting Room/Winery/Cidery/Brewery/Distillery, in accordance with Section 1401.TT.
38. Tavern/Nightclub
39. Theater
40. Vehicle Fuel Sales/Gas Station, in accordance with Section 1401.WW.
41. Vehicle Service/Repair Garage, in accordance with Section 1401.XX.

B. **Accessory Uses:** The following Uses are permitted as Accessory Uses to any permitted Principal Use in the VC District.

1. Accessory Structure/Building
2. Accessory Dwelling Unit, in accordance with Section 1401.B.
3. Cottage Industry, in accordance with Section 1401.P.
4. Growing/producing Agricultural Products on non-farm
5. Home Occupation, in accordance with Section 1401.X.
6. Homestay, in accordance with Section 1401.Y.
7. No-Impact Home-based Business, in accordance with Section 1401.JJ.

C. **Special Exception Uses:** The following Uses are permitted by Special Exception in the VC District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 1808 of this Ordinance:

1. Halfway House, in accordance with Section 1401.W.
2. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.ZZ.
3. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.AAA.
4. Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the above Uses in Section 901 and which will not be detrimental to the intended purposes of this chapter.

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Section 902: Site Development Standards

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

1. The Front Façade of Buildings on existing developed properties shall be maintained.
2. Additions to Buildings on existing developed properties shall be located to the side or rear of the Building. Additions to the side of an existing Building shall be located behind the front Building line of the existing Building. Additions to the front of Buildings on existing developed properties shall not be permitted.

Section 903: Dimensional Requirements

A. **Minimum Lot Area**

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

B. **Minimum Lot Width**

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

C. **Build-to Line:** At the street Right-Of-Way, providing that there five (5) feet from the cartway is provided for sidewalk. Alternatively, buildings may be built in alignment with adjacent Buildings.

D. **Minimum Setbacks**

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

E. **Maximum Lot Coverage**

1. Ninety percent (90%).

F. **Minimum Vegetative Coverage**

1. Ten percent (10%).

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

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ARTICLE 10: MIXED-USE (MU) DISTRICT

Section 1000: Statement of Legislative Intent

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

A. Recognize the existing mixture of Uses present along PA Route 34 (Biglerville Road) and similar transportation corridors in Butler Township.

B. Provide for the continuation of a similar mixture of Uses along these corridors by accommodating a variety of residential, institutional, and small business and commercial Uses.

C. Limit development Density and intensity along these corridors to limit the potential of having to extend Public Sewer and Public Water services to these areas.

D. Manage access to and from these corridors to protect public safety and maintain the current regional transportation function of these corridors.

E. Establish standards to prevent the commercial strip commercial form of development to ensure that the corridors retain their rural appearance and function.

Section 1001: Use Regulations

The following Uses are permitted within the MU District.

A. **Uses Permitted By-Right**

1. Academic Clinical Research Center, in accordance with Section 1401.A.
2. Adaptive Reuse of Industrial/Civic Building, in accordance with 1401.C.
2. Agricultural Operation
3. Agricultural Tourism Operation, in accordance with Section 1401.E.
4. Animal Shelter
5. Apartment Building, in accordance with Section 1401.F.
6. Assisted Living Facility, in accordance with Section 1401.G.
7. Banquet Hall, in accordance with Section 1401.H.
8. Bed-and-Breakfast Establishment, in accordance with Section 1401.I.
9. Car Wash
10. Club, Health and Exercise
11. Club, Private or Fraternal
12. Commercial Recreation, Indoor
13. Commercial Recreation, Outdoor
14. Conversion Apartment, in accordance with Section 1401.O.
15. Country Club
16. Day Care Center
17. Dry Cleaners
18. Dwelling, Single-Family Detached
19. Emergency Services Facility or Structure
20. Farm

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21. Farm Equipment Sales
22. Financial Institution/Bank
24. Financial Institution/Bank with Drive-Through, in accordance with Section 1401.U.
25. Forestry
26. Funeral Home/Undertaking Establishment
27. Gallery/Museum
28. Governmental Use
29. Greenhouse
30. Group Home, in accordance with Section 1401.V.
32. Hospital, in accordance with Section 1401.X.
33. Hotel/Motel
34. Kennel, Commercial, in accordance with Section 1401.CC.
35. Laundromat
36. Medical Marijuana Dispensary Facility, in accordance with Section 1401.EE.
37. Medical Marijuana Transport Vehicle Office, in accordance with Section 1401.GG.
38. Medical Office/Clinic
39. Mixed Use Building, in accordance with Section 1401.HH.
40. Mobile Home Park, in accordance with Section 1401.II.
41. Mobile Home/Manufactured Home Sales
42. Nursery
43. Office, Business and Professional
44. Personal Service Shop
45. Place of Worship
46. Public Recreation
47. Research and Development Facility
48. Restaurant, in accordance with Section 1401.NN.1.
49. Restaurant, Drive Through, in accordance with Section 1401.NN.2.
50. Retail Store
51. Retail with Drive-Through, in accordance with Section 1401.OO.
52. Shopping Center, in accordance with Section 1401.RR.
53. Specialty Retail Shop
54. Studio
55. Tasting Room/Winery/Cidery/Brewery/Distillery, in accordance with Section 1401.TT.
56. Tavern/Nightclub
57. Theater
58. Vehicle Fuel Sales/Gas Station, in accordance with Section 1401.WW.
59. Vehicle Sales
60. Vehicle Service/Repair, in accordance with Section 1401.XX.
61. Veterinary/Animal Hospital, in accordance with Section 1401.YY.
62. Wholesale Business

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B. **Accessory Uses**: The following Uses are permitted as Accessory Uses to any permitted Principal Use in the MU District.

1. Accessory Structure/Building
2. Accessory Dwelling Unit, in accordance with Section 1401.B.
3. Cottage Industry, in accordance with Section 1401.P.
4. Farm Market, in accordance with Section 1401.R.
5. Farm-Related Business, in accordance with Section 1401.S.
6. Farm Stand/Produce Stand
7. Greenhouse, when accessory to a Farm or Agricultural Operation.
8. Growing/producing Agricultural Products on non-farm
9. Home Occupation, in accordance with Section 1401.X.
10. Homestay, in accordance with Section 1401.Y.
11. No-Impact Home-Based Business, in accordance with Section 1401.JJ.
12. Nursery, when accessory to a Farm or Agricultural Operation.
13. Processing agricultural products on-site.

C. **Special Exception Uses**: The following Uses are permitted by Special Exception in the MU District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 1808 of this Ordinance:

1. Business or Industrial Park, in accordance with Section 1401.J.
2. Conference Center, in accordance with Section 1401.M.
3. Continuing Care Retirement Community, in accordance with Section 1401.N.
4. Halfway House, in accordance with Section 1401.W.
5. Rental or Self-Storage Facility, in accordance with Section 1401.LL.
6. Townhouse Community, in accordance with Section 1401.UU.
7. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.ZZ.
8. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.AAA.
9. Wireless Communication Facility – Tower Based – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.BBB.
10. Wireless Communications Facility – Tower Based – Outside Public Right-of-Way, in accordance with Section 1401.CCC.
11. Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the above Uses in Section 1001 and which will not be detrimental to the intended purposes of this chapter.

Section 1002: Dimensional Requirements

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

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

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

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

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

F. **Maximum Lot Coverage**:

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

G. **Minimum Vegetative Coverage**:

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

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

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ARTICLE 11: INDUSTRIAL (I) DISTRICT

Section 1100: Statement of Legislative Intent

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

A. Recognize the existence of various industrial, Resource Extraction, Manufacturing, and similar Uses within various locations of Butler Township.

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

C. Enable the development of manufacturing, industrial, and similar Uses in appropriate areas of Butler Township to provide employment opportunities for residents.

D. Establish appropriate standards to mitigate the potential impacts of manufacturing, industrial, Resource Extraction, and similar Uses.

Section 1101: Use Regulations

The following Uses are permitted in the I District

A. **Uses Permitted By-Right**

1. Adaptive Reuse of Industrial/Civic Building, in accordance with Section 1401.C.
2. Car Wash
3. Emergency Services Facility or Structure
4. Forestry
5. Governmental Use
6. Industrial, Light
7. Kennel, Commercial, in accordance with Section 1401.CC.
8. Medical Marijuana Transport Vehicle Office, in accordance with Section 1401.GG.
9. Recycling Facility, in accordance with Section 1401.KK.
10. Research and Development Facility
11. Vehicle Fuel Sales/Gas Station, in accordance with Section 1401.WW.
12. Vehicle Service/Repair, in accordance with Section 1401.XX.
13. Wholesale Business
14. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.ZZ.
15. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.AAA.
16. Wireless Communication Facility – Tower Based – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1401.BBB.
17. Wireless Communications Facility – Tower Based – Outside Public Right-of-Way, in accordance with Section 1401.CCC.

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B. **Accessory Uses**: The following Uses are permitted as Accessory Uses to any permitted Principal Use in the I District:

1. Accessory Structure/Building
2. Growing/producing agricultural products on non-farm

C. **Special Exception Uses:** The following Uses are permitted by Special Exception in the I District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 1808 of this Ordinance:

1. Business or Industrial Park, in accordance with Section 1401.J.
2. Industrial, Heavy, in accordance with Section 1401.AA.
3. Junk Yard, in accordance with Section 1401.BB.
4. Landfill, in accordance with Section 1401.DD.
5. Medical Marijuana Grower/Processor, in accordance with Section 1401.FF.
6. Rental or Self-Storage Facility, in accordance with Section 1401.LL.
7. Resource Extraction, in accordance with Section 1401.MM.
8. Solar Farm, in accordance with Section 1401.SS.
9. Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the above Uses in Section 1101 and which will not be detrimental to the intended purposes of this chapter.

Section 1102: Dimensional Requirements

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

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

C. **Minimum Front Setback:**

1. Buildings: Fifty (50) feet.
2. Other Improvements: Twenty-five (25) feet.

D. **Minimum Side Setback**:

1. Buildings: Fifty (50) feet.
2. Other Improvements: Twenty-five (25) feet.

E. **Minimum Rear Setback**:

1. Buildings: Fifty (50) feet.
2. Other Improvements: Twenty-five (25) feet.

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

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

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

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ARTICLE 12: FLOODPLAIN OVERLAY (FO) DISTRICT

Section 1200: Statement of Legislative Intent

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

A. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

B. Minimize danger to public health by protecting water supply and natural drainage.

C. Reduce financial burdens imposed on the Borough and Township and their residents by preventing excessive development in areas subject to flooding.

D. Comply with federal and State Floodplain management requirements.

Section 1201: Regulations

All Uses, activities, and development occurring within the FO District shall comply with the Arendtsville Borough Floodplain Ordinance, Chapter 8, as may be amended, of the Arendtsville Borough Code and The Butler Township Floodplain Ordinance, Ordinance No. 2009-1, as may be amended, of the Butler Township Code, respectively. All Zoning Permit approvals issued in accordance with this Ordinance shall be subject to compliance with the applicable provisions of the Floodplain Ordinance. No Zoning Permit approval for a Use, activity, or development that is also subject to the provisions of the Floodplain Ordinance shall be issued until such time that all permitting required by the Floodplain Ordinance is obtained by the Applicant.

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ARTICLE 13: GENERAL REQUIREMENTS

Section 1300: Statement of Legislative Intent

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

Section 1301: Accessory Structures

Accessory Structures shall be permitted in all zoning districts in accordance with the following requirements. The purpose of this Section is to prevent accessory structures from becoming the primary visual feature on a property.

A. Accessory Structures shall be located in the side or Rear Yard. Accessory Structures shall not be authorized to be located in the Front Yard unless the depth of the front yard is two hundred (200) feet or greater.

B. Accessory Structures less than or equal to two hundred (200) square feet in size may be located within five (5) feet of any side or rear property line. Accessory Structures greater than two hundred (200) square feet in size shall be subject to the applicable Setback requirements of the underlying zoning district.

C. Accessory Structure shall be subject to the Building Height and applicable dimensional standard of the underlying zoning district.

Section 1302: Clear Sight Triangle

No Building, Structure, Sign, fence, landscape planting, or other property Improvement regulated by this Ordinance may be located within the required Clear Sight Triangle at any Street intersection.

Section 1303: Corner Lots

For all Corner Lots, the Front Setback or Build-to Line standard, as may be appropriate and as defined in the underlying zoning district, shall be applied along each adjoining Street. The rear Setback standard shall be applied to the property line opposite the Street to which the property is addressed. The side Setback standard shall be applied to all other property lines.

Section 1304: Double Frontage Lots

For all Double Frontage Lots, the Front Setback or Build-to Line standard, as may be appropriate and as defined in the underlying zoning district, shall be applied along all adjoining Streets. The rear Setback standard shall be applied along Alleys. The side Setback standard shall be applied to all other property lines.

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Section 1305: Fences

Fences shall be permitted as an Accessory Structure in accordance with the following requirements.

A. **Maximum Height – Front Yards:** The maximum fence height in the AP, LC, RR, R, VR, VC, and MU Districts shall be four (4) feet. The maximum fence height in the I District shall be six (6) feet.

B. **Maximum Height – Side and Rear Yards:** The maximum fence height in the AP, LC, RR, R, VR, VC, and MU Districts shall be six (6) feet. The maximum fence height in the I District shall be eight (8) feet.

C. **Hazardous Attachments:** No fence in the AP, LC, RR, R, VR, VC, and MU Districts or on residential properties in the I District shall include barbed wire or similar hazardous attachments. Nonresidential properties in the I District may include no more than three (3) strands of barbed wire or may include wrought iron spikes.

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

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

E. **Setbacks:** Fences shall not be subject to the Setback requirements of the underlying zoning district. However, fences shall be subject to a three (3) foot Setback from any Right-of-Way along a Public or Private Street or Alley.

Section 1306: On Roof Equipment

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

Section 1307: Outdoor Display and Sales Area

Permitted commercial Uses may have outdoor display and sales areas as follows:

A. Outdoor storage and/or display of products for sale shall be prohibited in the RR, VR, and R Districts.

B. Outdoor storage and/or display of products for sale in the VC, MU, AP, LC, and I Districts must comply with the following standards.

   1. Passenger vehicles, motorcycles, boats, recreational vehicles and similar items must not occur within the front or side Setback.
   2. Setbacks shall be maintained with a vegetative ground cover or Landscaping.
   3. No display area may be located within the existing or future Street Right-of-Way, a sidewalk or similar pedestrian area, or an area used for required parking or loading. No display area shall be located within or hinder or affect a Clear Sight Triangle.

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Section 1308: Outdoor Storage.

A. Outdoor storage may be permitted, provided the following requirements are met:

1. In all Zoning Districts, no outdoor storage or stockpiling of any material is permitted within the Front Yard.

2. In the LC, RR, R, VR and VC Districts, the outdoor stockpiling of materials for more than 3 months is prohibited. Firewood to be used on the Lot on which it is stored may be stockpiled in a side or Rear Yard for an indefinite period of time.

3. In the MU and I Districts, the outdoor storage of raw or finished materials, pallets, machinery, products, or merchandise shall be permitted provided that all materials and/or products are fully screened from view from all residential parcels and districts.

   a. Outdoor storage shall be designed as an integral component of the commercial establishment. Under no circumstances may temporary outdoor storage or sales facilities be constructed as a component of a commercial establishment.

   b. Where a fence is used as part of this Screening, fencing shall be opaque and designed to be architecturally compatible with the principle Building(s). 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.

3. Outdoor storage areas shall not be located within any required Setback or Landscaping area.

4. Where outdoor storage areas are used as display space for products for sale, such outdoor storage space shall be included in calculating Building coverage and the required number of Parking Spaces.

B. **Temporary storage pods, temporary dumpsters**. Temporary storage pods, temporary dumpsters, and similar items may be placed on a property in any Yard provided that they are not located within a Street Right-of-Way or Clear Sight Triangle. They shall remain on the property for no longer than 30 days.

C. **Dumpster and Trash Storage Areas**: All areas proposed for the location of trash dumpsters, or for trash storage pending pickup shall be designed to meet the requirements of Section 1308. Additionally, unless otherwise authorized by this Ordinance, no outdoor accumulation of trash, garbage, refuse, or Junk is permitted for a period exceeding 15 days. Dumpsters and other trash storage equipment shall be located no closer than five (5) feet to any property lines and Right-of-Way lines.

D. **Propane Tank Storage**. Areas for the sale or rental of propane tanks shall conform to the following requirements.

1. Storage areas for cylinders shall be enclosed at all times.

2. Storage areas for cylinders shall have a physical barrier placed between the storage facility and all areas with vehicular access. This barriers shall consist of concrete filled steel posts with the following dimensional standards:

   a. Posts shall not be less than 4” in diameter.

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b. The distance between posts shall not exceed 4' on center.

c. The top of the posts shall be a minimum of 3' above ground level.

E. **Temporary Retail Sales**. A Zoning Permit shall be issued for temporary retail sales subject to the following additional provisions:

1. The permit shall expire after ninety (90) days, unless an extension is authorized by the Zoning Hearing Board.
2. All structures or other facilities associated with the temporary Use shall be removed completely upon expiration of the Zoning Permit without cost to the Municipality.
3. Only one (1) temporary retail sales event may take place on a Lot at any given time.
4. Temporary retail sales hours of operation shall be limited to the hours of 6:00 a.m. to 10:00 p.m.
5. Temporary retail sales may take place in Parking Lots provided that the number of Parking Spaces remaining on site meets the combined minimum number of spaces for all Uses located on that site.
6. Temporary retail sales shall not disrupt the daily operations of the principal business located on the Lot.

Section 1309: Outdoor Wood-Fired Boilers

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

A. **Locations Authorized**: The use of outdoor wood-fired boilers is permitted in the AP, LC, RR, and I Districts. The use of outdoor wood-fired boilers is not permitted in the R, VR, VC, or MU Districts.

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

1. **Boiler Type:** Only Phase 2 outdoor wood-fired boilers shall be permitted.
2. **Setbacks:** No outdoor wood-fired boiler shall be located closer than one hundred fifty (150) feet from any property line.'
3. **Stack Height:** All outdoor wood-fired boilers shall be installed with a permanent attached stack with a minimum stack height of ten (10) feet above ground level.
4. **Fuel Requirements:** Fuel for outdoor wood-fired boilers shall be limited to the following. Use of fuel sources not listed below shall be considered to be a violation of this Ordinance.

   a. Clean wood.

   b. Wood pellets made from clean wood.

   c. Home heating oil, natural gas, propane, or other fuel that meets applicable sulfur limits and that is used solely as a starter or as supplemental fuel for dual-fired outdoor wood-fired boilers.

5. **Quantity:** There shall be no more than one (1) outdoor wood-fired boiler on any property.
6. **Building Permit Required:** The installation of outdoor wood-fired boilers shall be subject any permitting and inspections with regard to applicable provisions of the Pennsylvania

Uniform Construction Code (UCC) in addition to any permitting required to demonstrate compliance with the provisions of this Ordinance. Issuance of any required Building permitting shall be listed as a condition of approval for the Zoning Permit required by this Ordinance.

Section 1310: Solar Panels

Use of solar panels shall be permitted as an Accessory Structure in all zoning districts in accordance with the following standards. Solar Farms as defined in this Ordinance shall not be considered an Accessory Use or structure and shall be subject to regulation under Articles 3-12 and Section 1401.SS.

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 as an Accessory Structure 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. Glare from ground mounted solar panels shall be directed away from adjoining properties and Street Rights-of-Way. Fences or vegetative screens may be utilized to prevent glare from impacting adjoining properties or Street Rights-of-Way.

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

1. **Building Permit Required:** The installation of solar panels shall be subject to permitting and inspections with regard to applicable provisions of the Pennsylvania Uniform Construction Code (UCC) in addition to any permitting required to demonstrate compliance with the provisions of this Ordinance. Issuance of any required Building permitting shall be listed as a condition of approval for the Zoning Permit required by this Ordinance.
2. **Purpose of Facility:** The primary purpose of a solar panel installation shall be to provide power for the Principal Use of the property where the installation of said power generation is proposed. The primary purposes of the facility shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time.

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Section 1311: Swimming Pools

Swimming Pools shall be permitted as an Accessory Structure in accordance with the following requirements.

A. A Zoning Permit shall be required for any Swimming Pool constructed as a permanent fixture on the property. Inflatable Swimming Pools and kiddie pools that are placed and removed seasonally shall not be subject to this requirement.

B. Swimming Pools constructed as a permanent fixture shall be located within a side or Rear Yard. Swimming Pools shall not be permitted to be located in a Front Yard.

Section 1312: Wind Turbines

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

A. **Performance Standards**

1. Wind turbines shall be Setback from all property lines a distance of one-half (1/2) times the height of the tower supporting the wind generation facility.
2. The tower supporting the wind turbine shall not exceed one hundred fifty percent (150%) of the maximum Building Height for the zoning district where installation of the Wind 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 to 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.

Section 1313: General Standards for Nonresidential Uses

This Section shall apply to all permitted nonresidential Uses. Compliance with these performance standards shall be the on-going responsibility of the land owner. Further, failure to maintain compliance with these performance standards shall result in action being taken as prescribed in Section 1815.

A. **Non-Residential Building Design Standards:** The following design standards shall apply to commercial and office Buildings that exceed twenty thousand (20,000) gross square feet of Floor Area.

1. **Access:** The applicable Municipality may require a Traffic Impact Study for any nonresidential Use proposed with access from a roadway with functional classification other

than Arterial or Collector (including Minor and Principal Arterials and Collectors), according to the Functional Classifications Map in Appendix 5. Access to residential Uses may be taken from any roadway.

2. **Building Orientation:** Principal Buildings shall be oriented in a manner where the front of the Building(s) face the Street on which the Building is addressed. The front of the Building(s) shall include the main customer/client/visitor entrance to the Use(s) within the Building(s).

3. **Entryways:** Every Retail Store or establishment shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:

   a. Canopies or porticos.

   b. Overhangs.

   c. Recesses/projections.

   d. Arcades.

   e. Raised corniced parapets over the door.

   f. Peaked roof forms.

   g. Arches.

   h. Outdoor patios.

   i. Display windows.

   j. Architectural details such as tile work and moldings which are integrated into the Building structure and design.

   k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

4. **Façades and Exterior Walls**

   a. Façades 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.

   b. *Detail Features*: Building Façades 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:

      (1) Color change.

      (2) Texture change.

      (3) Material module change.

      (4) 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.

   c. For Retail Stores or establishments, ground floor Façades 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.

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5. **Landscaping:** The following site Landscaping standards shall apply to all non-residential development.

   a. *Quantity of Landscaping:* A minimum of one (1) Planting Unit shall be provided for every one thousand (1,000) square feet, or portion thereof, of Building coverage. This quantity shall be in addition to any other plantings required in other Sections of this Ordinance, including but not limited to Article 16.

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

      (1) The trees shall be in good health.

      (2) The trees shall be located within twenty-five (25) feet of the non-residential Use or Improvements on the property (for example, Parking Lots) that support the non-residential Use.

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

   c. *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.

   d. *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.

      (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. **Materials and Colors**

   a. 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.

   b. Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors are prohibited.

   c. Building trim and accent areas may feature brighter colors, including primary colors.

   d. 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.

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7. **Mechanical Equipment**

   a. 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.

   b. 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.

8. **Roofs:** Roofs shall have no less than two (2) of the following features:

   a. 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.

   b. Overhanging eaves, extending no less than two (2) feet past the supporting walls.

   c. Sloping roofs.

   d. Three (3) or more roof slope planes.

   e. Green roofs. If this option is selected, no other roof option is required.

9. **Site Design:** The following site design standards shall apply to all nonresidential development within the MU District. Where a Principal Building directly faces two (2) or more abutting Streets, these requirements shall apply to all such faces of the Principal Building.

   a. All of the area between a Principal Building and the Public Right-of-Way shall be landscaped. Pedestrian amenities (i.e. sidewalks, outdoor patios and dining areas, etc.) and limited parking may be permitted within the required Landscaping area.

   b. Developments occurring between the Butler Township border with Biglerville Borough, and Rake Factory and Zeigler Mill Roads, must provide sidewalks in accordance with the Subdivision and Land Development Ordinance as enacted and amended (Ord. 87-1, as may be amended, of the Butler Township Code).

   c. Parking in the area between a Principal Building and the Public-right-of way shall be limited to a single row.

   d. Loading spaces and Refuse Areas shall not be located between a Principal Building and any Public Right-of-Way.

10. **Windows:** For Retail Stores and establishments, all Building Façades facing a Public Right-of-Way must adhere to the following window requirements:

   a. All first story Building Façades shall be a minimum thirty percent (30%) window coverage.

   b. All other stories of Building Façades shall be a minimum fifteen percent (15%) window coverage.

   c. All windows shall be transparent or translucent.

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Section 1314: Height Regulation Exemptions

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

Section 1315: Projections into Setbacks

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

A. Cornices, canopies, eaves, or other similar architectural features may project into front, side, or rear Setbacks a maximum of one (1) foot.

B. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project into front, side, or rear Setbacks and maximum of three (3) feet.

C. The above requirements shall not be applied in a manner that would allow architectural or Building features to project across a property line or into a Street Right-of-Way.

D. No projection may interfere with ADA access.

Section 1316: Riparian Buffers Areas

The following standards shall be applicable to Riparian Buffer Areas in any location of Arendtsville Borough or Butler Township.

A. **Delineation:** The Riparian Buffer Area shall be delineated in accordance with the following parameters.

1. **First and Second Order Streams:** The minimum width of the Riparian Buffer Area shall be fifty (50) feet from the defined edge of the stream bank at full flow.

2. **Third Order and Higher Order Streams:** The minimum width of the Riparian Buffer Area shall be seventy five (75) feet from the defined edge of the stream bank at full flow.

3. **Riparian Buffer Map:** The Riparian Buffer Areas shall be shown upon the map in Appendix 7 and made part of this Ordinance, which map is dated, and designated as the "Arendtsville Borough and Butler Township Zoning Map – Riparian Buffer Areas." The said map and all notations, references, and other data shown therein are hereby incorporated into this Ordinance as if all were fully described herein.

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

1. Where forest vegetation exists within a Riparian Buffer Area, such forest vegetation shall be maintained. Dead trees, diseased trees, or hazardous trees that jeopardize Public safety may be removed.

2. Where forest vegetation does not exist within a Riparian Buffer Area, the vegetation that does exist shall be maintained in its current condition or be managed to allow forest succession and regeneration to occur.

3. Structural development and other non-vegetative cover shall be prohibited. Structural development and non-vegetative cover that exists as of the effective date of this Article

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shall be considered to be nonconforming and may be maintained in accordance with Article 17.

4. Stream crossings for farm vehicles, livestock, roads, railroads, central sewer and water lines, and similar types of crossings may be permitted provided that applicable stream crossing permitting from the Pennsylvania Department of Environmental Protection or similar agency is obtained.

5. Fishing access and Passive Recreation use of Riparian Buffer Areas may be permitted.

C. **Restoration of Riparian Buffer Areas:** Where a property that includes a Riparian Buffer Area is proposed for development, or where such property is subject to an application for a change of land Use that involves the development of new structural features (Buildings, Parking Lots, Stormwater Management Facilities, and similar features), the Riparian Buffer Area shall be restored in accordance with the following provisions.

1. **Planting of Trees Required:** The entire Riparian Buffer Area, minus any existing structural development such as Buildings, Parking Lots, Streets, or similar features, shall be restored by planting trees meeting the requirements Subsections 2 through 7 below.

2. **Number of Trees Required:** The number of trees to be planted shall be calculated by multiplying the Riparian Buffer Area, minus the area devoted any existing structural development and expressed in acres, by 150 to 200 trees/acre. Where the multiplication above yields a fractional portion of a tree, the calculation shall be rounded up.

3. **Tree Credit:** Where trees already exist within the Riparian Buffer Areas, such existing trees shall be credited to the total number of trees calculated in Subsection 2 above.

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

Common Name	Latin Name
Red Maple	Acer rubrum
River Birch	Betula nigra
Black Gum	Nyssa sylvatica
Sycamore	Platamus occidentalis
Pin Oak	Quercus palustris
Sugar Maple	Acer saccharum
Silver Maple	Acer saccharinum
Black Willow	Salix nigra
American Beech	Fagus grandifolia
Smooth Alder	Alnus serrulata

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

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

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

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

   a. *Tree Spacing:* Tree spacing within Riparian Buffer Areas shall be a maximum of fifteen (15) feet.

   b. Trees shall be planted as seedlings with a minimum height of eighteen (18) inches.

   c. Trees shall be sheltered with serrated tubes and staked to prevent damage from competing plants, and from animals and / or maintenance equipment. At a minimum, the tree shelter shall be comprised of a four (5) foot tree tube**.** The tree tube shall be retained until the tubes rip.

   d. Tree tubes need to be placed at least one inch into the ground.

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

Section 1317: Steep Slopes

The following standards shall be applied to any property characterized by Steep Slopes.

A. **Delineation:** Steep Slopes are hereby defined as any land area with a slope equal to or exceeding fifteen percent (15%). Very Steep Slopes are hereby defined as any land area with a slope equal to or exceeding twenty-five percent (25%). Steep Slopes and Very Steep Slopes are hereby delineated on the Steep Slopes map provided in Appendix 6. The said map and all notations, references, and other data shown therein are hereby incorporated into this Ordinance as if all were fully described herein. The delineated areas shall represent the minimum area within the Borough and Township for which the standards of this Section apply. Application of these standards to other areas of the Borough and Township may occur based on specific analysis or calculation of slopes on a given site.

B. **Limitations on New Development:** New development on property comprised of Steep Slope and Very Steep Slope areas shall be limited by the following standards.

   1. No Building along with accessory Improvements (including but not limited to Parking Lots, but not including agricultural fields, Forestry, or Resource Extraction operations), shall be permitted to be constructed on a Very Steep Slope. Where an entire property is comprised of Very Steep Slope, the Building or accessory Improvements shall be located on the least steep portion of the property.

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2. Buildings and accessory Improvements may be permitted on a Steep Slope provided the following requirements are met.

   a. There are no portions of the property not comprised of Steep Slope where Building and accessory Improvement placement is possible.

   b. The maximum area of disturbance of any Steep Slope for Building and accessory Improvement placement shall not exceed twenty percent (20%) of the Steep Slope area.

3. No Access Drive, other than Access Drives associated with a Farm or Forestry operation, shall be constructed on a Very Steep Slope. Where an entire property is comprised of Very Steep Slope, the Access Drive shall be located in a manner that results in the lowest possible land area being used for said Access Drive.

4. Access Drives may be permitted on a Steep Slope provided the following requirements are met.

   a. There are no portions of the property not comprised of Steep Slope where Driveway placement is possible.

   b. The maximum area of disturbance of any Steep Slope for location of an Access Drive shall not exceed ten percent (10%) of the Steep Slope area.

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

C. **Limitations on Developed Properties:** Development on previously developed properties comprised of Steep Slope and Very Steep Slope areas shall be limited by the following standards.

1. No Building expansion or accessory Improvements expansion (including but not limited to Parking Lots, but not including agricultural fields, Forestry, or Resource Extraction operations), shall be permitted to be constructed on a Very Steep Slope. Where an entire property is comprised of Very Steep Slope, the Building expansion or accessory Improvements expansion shall be located on the least steep portion of the property.

2. Building expansions and accessory Improvements expansions may be permitted on a Steep Slope provided the following requirements are met.

   a. There are no portions of the property not comprised of Steep Slope where Building expansion and accessory Improvement expansion is possible.

   b. The maximum area of disturbance of any Steep Slope for Building expansion and accessory Improvement expansion shall not exceed ten percent (10%) of the Steep Slope area.

3. No expansions or relocations of an Access Drive, other than Access Drives associated with a Farm or Forestry operation, shall be constructed on a Very Steep Slope. Where an entire property is comprised of Very Steep Slope, the Access Drive shall be located in a manner that results in the lowest possible land area being used for said Access Drive.

4. Expansions or relocation of Access Drives may be permitted on a Steep Slope provided the following requirements are met.

   a. There are no portions of the property not comprised of Steep Slope where Driveway placement is possible.

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b. The maximum area of disturbance of any Steep Slope for location of an Access Drive shall not exceed five percent (5%) of the Steep Slope area.

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

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ARTICLE 14: PERFORMANCE STANDARDS

Section 1400: Intent of Performance Standards for Specific Uses

In addition to the general provisions for Uses within a particular zoning district established in Articles 4 through 12, and the additional general regulations for all Uses in Article 13 and elsewhere in the Ordinance, these Performance Standards for Specific Uses set forth the specific standards that shall be applied to each Use identified herein. These performance standards must be satisfied prior to approval of any application for a Zoning Permit, Conditional Use, Special Exception or Variance. If a Special Exception precedes Land Development plan submission, approval of the Land Development plan shall be a condition of any Special Exception approval.

Section 1401: Performance Standards for Specific Uses

A. **Academic Clinical Research Center**

1. An Academic Clinical Research Center may grow Medical Marijuana only in an indoor, enclosed, and secure Building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health.

B. **Accessory Dwelling Unit (ADU)**

1. No more than one (1) ADU shall be permitted on any property.
2. The maximum number of occupants of the ADU shall be two (2) Persons. Minor children under age eighteen (18) and related to the occupants of the ADU by blood, adoption or foster relationship shall not count towards this limit.
3. The ADU shall not exceed fifty percent (50%) of the total residential Living Area of the existing Dwelling or one thousand (1,000) square feet, whichever is less.
4. The ADU shall meet the following architectural standards:
   a. Attached ADUs shall be designed to maintain the architectural design, style, appearance and character of the existing Dwelling as a Single-Family Residence. Such an addition shall be consistent with the existing Façade, 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.
   d. Attached ADUs shall have a separate entrance from the entrance to the primary Residence. This entrance may not be part of the Front Façade of the primary Residence.
5. The height of a detached ADU shall not exceed the height of the principal Dwelling unit on the Lot.

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

8. The Applicant shall provide proof from the appropriate sewer and water providers and/or Sewage Enforcement Officer that sufficient EDU's and/or capacity exists to accommodate the additional sewage flow and water usage.

9. The Zoning Hearing Board may require the Applicant to record, at the cost of the Applicant, a memorandum indicating that the occupancy of the ADU shall be limited to permitted occupants, that the ADU shall not be rented to Persons who are not related to the occupants of the principal Dwelling, and/or that detached ADUs shall be removed when it is no longer used by Persons to related to the occupants of the principal Dwelling or converted to a non-residential Accessory Use in accordance with the underlying Zoning District within one hundred eighty (180) days.

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

    a. Zoning Permits for ADUs shall be issued for a period not longer than three (3) years and must be renewed at the end of the first term of issuance and every such period thereafter.

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

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

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

C. **<u>Adaptive Reuse of Industrial or Civic Structure</u>**

1. The following Uses, or a mixture of the following Uses, are permitted within an Adaptive Reuse Industrial or Civic Structure.

    a. Academic Clinical Research Center

    b. Apartments

    c. Business and Professional Offices

    d. Farm Markets

    e. Personal Service Shops

    f. Nursing or Residential Care Facilities

    g. Light Manufacturing

    h. Galleries, Museums and Theaters

    i. Community Centers

    j. Restaurants, Tasting Rooms, Wineries, Cideries, Breweries, or Distilleries

    k. Specialty Retail Shops

2. The adaptive reuse of industrial and civic structures may be permitted in accordance with the following standards:

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a. Access to and from residential units shall be independent of access to and from any non-residential Use located within the 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 non-residential Uses.

b. Where Commercial, Industrial, and residential Uses are proposed, the Applicant shall demonstrate that Public Sewer and Public Water service has been secured.

D. **Agribusiness Operation**

1. Minimum Lot size shall be fifty (50) acres. Where a Parcel is comprised of more than one tract, the owner of such tracts shall combine them under a single meets and bounds description for the entire parcel, 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.

2. Setbacks: The following Setbacks are required:

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

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

3. For new Agribusiness Operations, or expansions of existing Agribusiness Operations, which require a Nutrient Management Plan in accordance with the Pennsylvania Manure Management Law, the Applicant shall demonstrate that such Plan has been prepared and submitted to the Adams County Conservation District for review 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 1812 of this Ordinance.

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

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5. The Applicant shall demonstrate, to the satisfaction of the Zoning Hearing Board, that its methods of disposing of dead animals are in strict compliance with applicable standards established by the Pennsylvania Department of Environmental Protection. Dead turkeys, chickens, 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.

E. **Agricultural Tourism Operation**

1. Agricultural Tourism is deemed to include a variety of activities designed to provide recreation, entertainment, education, and/or tourism opportunities within an agricultural setting. Agricultural Tourism includes hay rides, corn or hay mazes, petting zoos comprised of Farm animals, Farm tours or stays, historical or living history Farms, Farm Museums, U-pick operations, tree farms, or other operations deemed by the Zoning Hearing Board, upon Planning Commission review and recommendation, to be of the same general nature as the above Uses. Agricultural Tourism Uses may be operated as an Accessory Use to a Farm or Agricultural Operation.

3. The owner of the Agricultural Tourism Use shall be the owner of the Farm upon which the Agricultural Tourism Use is located.

4. Agricultural Tourism Uses shall be located on a Farm or on a property on which Agricultural Products are grown or produced.

5. The maximum Floor Area of any structure devoted to an Agricultural Tourism Use shall be fifteen thousand (15,000) square feet of Publicly accessible sales activity area.

6. Within the Agricultural Preservation (AP) District, an Agricultural Tourism Use shall contribute to the total number of Uses or Lots that may be developed on a property in accordance with the scale established in Section 402 of this Ordinance.

7. 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.

F. **Apartment Building**

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

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

3. Parking: Off-street parking shall not be located between the Front Façade of the Building and the adjoining Street Right-of-Way or Access Drive. Such parking shall be provided in one or more of the following locations.

   a. In a common Parking Lot located to the rear of the Building.

   b. In a common garage located underneath the Building and accessed from the rear of the Building.

   c. In garage spaces dedicated to individual Dwelling units and accessed from the side or rear of the Building.

   d. A maximum of two Access Driveways are permitted to provide access to a common Parking Lot from Public Streets or main internal Circulation Drives.

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4. Architectural styles and Building materials shall be similar to those found in surrounding residential areas. An architectural rendering shall be supplied showing all architectural elements and indicating construction materials.

5. Where an Apartment Complex comprised of two (2) or more Apartment Buildings is proposed, the following additional standards shall apply.

   a. The Front Façade of any Apartment Building shall be no closer than thirty (30) feet to any Façade of any other Apartment Building.

   b. The side and Rear Façades of an Apartment Building shall be no closer than twenty (20) feet to the side and Rear Façades of any other Apartment Building.

G. **Assisted Living Facilities**

1. Minimum parcel size shall be five acres.

2. Minimum preserved Open Space area, as defined in Section 201, shall be 30%, and be designed or intended for the use and enjoyment of, and direct access by residents.

3. Central water and sewer services shall be required.

4. No Buildings or parking facilities shall be located within a perimeter Buffer extending 40 feet inward from all perimeter property lines.

5. Façades 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.

H. **Banquet Hall**

1. In RR and MU Districts, approval of application with the Sewage Enforcement Officer (SEO) is a prerequisite to issuance of a Zoning Permit.

2. Sufficient staff shall be provided to monitor patron behavior upon their exit of the Building into the surrounding areas.

3. Handicapped Parking Spaces shall be provided in accordance with ADA requirements. All other parking may be provided with appropriate materials that perform in a durable, dust-free manner.

4. Sufficient Screening shall be provided between the Use, including parking and any outdoor activity areas, and adjacent residential Uses or Lots.

5. No music, celebration, event, or related noise shall be tolerated in such a manner as to be plainly audible at a distance of fifty feet (50’) from the site in which the Use is located between the hours of 11:00 p.m. and 7:00 a.m.

I. **Bed and Breakfast Establishment**

1. A maximum of ten (10) rooms or suites are permitted in a Bed and Breakfast Operation.

2. Meals shall be served to guests only.

3. Cooking facilities are prohibited in all sleeping rooms.

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4. Common restrooms are permitted in Bed and Breakfast Operations. If common restrooms are used, a minimum of one (1) common restroom shall be provided for every two (2) guest rooms.

5. Any required exterior Improvements to the Building, such as those required to meet applicable fire safety requirements, shall be located, to the maximum extent possible, to the rear of the Building and shall not detract from the residential character of the Building.

6. Either the Bed and Breakfast Operation owner or a designated operator shall maintain a permanent Residence within the Bed and Breakfast Operation.

7. Permitted Accessory Uses: Within a Bed and Breakfast Operation, common rooms may be used for the following purposes: gallery for local artists; sales of antiques, collectibles, or similar products; sales of locally produced crafts, artwork, or similar products; or coffee or tea room where coffee, tea, and light refreshments are served. No Accessory Use shall be permitted within rooms used as guest rooms. Where a permitted Accessory Use is proposed, hours of operation shall be limited to 11:00 AM to 6:00 PM.

8. The operator of the Bed and Breakfast must demonstrate that they have registered with the Adams County Treasurer's Office in compliance with County Ordinance No. 2 of 2018, as may be amended, for the payment of Hotel Room Rental Tax.

J. **Business or Industrial Park**

1. **Permitted Uses:**

   a. Printing, lithography, and publishing.

   b. Scientific and commercial testing laboratories.

   c. Business and Professional Offices.

   d. Corporate headquarters.

   e. Data processing services.

   f. Postal delivery services.

   g. Support Uses intended to serve the needs of employees and visitors of the tenants of the Business or Industrial Park, including but are not necessarily limited to newsstands, coffee shops, fitness centers, and Day Care Centers.

   h. Light Manufacturing and Assembly.

2. A pedestrian network shall be provided within the Business Park to connect all permitted principal and permitted Accessory Uses. The pedestrian network shall be comprised of sidewalks and/or asphalt walkways constructed to a minimum width of five (5) feet. The pedestrian network within a Business Park shall be connected to any existing pedestrian network surrounding the development site to allow for convenient pedestrian access to services and amenities in close proximity to the development site.

K. **Campground**

1. Use of any cabin or campsite, including recreational vehicle as a permanent residence shall be prohibited.

2. There shall be a maximum of 12 cabins or recreational vehicle campsites per acre of lot area in any campground.

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3. A minimum lot area of 15 acres shall be provided with a maximum impervious coverage of 20%.

4. All Buildings, structures, Parking Lots and Campsites shall be located at least 75 feet from any side or rear property line and at least 100 feet from any public street right-of-way line.

5. An internal road system shall be provided in accordance with the Butler Township Subdivision and Land Development Ordinance.

6. All outdoor play areas shall be set back 100 feet from any property line and screened from adjoining residentially zoned properties. Such outdoor play areas may only be used exclusively by registered guests and their visitors.

7. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of 100 feet from any property line. Such facilities shall be screened from any adjoining residential property.

8. Accessory retail or service commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining parcels used for residential purposes:

9. All campgrounds containing more than 100 campsites shall have vehicular access to an arterial or major collector roadway.

10. If the campground accommodates recreational vehicles, the following standards shall apply:

    a. A stand upon which to place each recreation vehicle shall be provided. As used herein, a "stand" is defined as suitable hard surface area (stone, paved, etc.) at least 300 square feet in size.

    b. Provisions shall be made for the parking of tow vehicles.

    c. Access roads for towing vehicles or motor homes shall be provided with an all-weather surface.

L. **Campsite Hosting**

1. A maximum of one (1) guest Campsite is permitted on any property under 8 acres authorized to conduct RV Hosting. One (1) additional guest Campsite may be permitted on properties over 8 acres in the Agricultural Preservation (AP) or Land Conservation (LC).

2. The operator of the Campsite Hosting shall be the owner of the property and be in residence when Campsite Hosting is occurring. If there is no residence on the Campsite Hosting site, the operator of the Campsite Hosting facility shall, at all times while the property is being used for Campsite Hosting, maintain a contact person/entity within a fifteen (15) minute drive of the property. The contact person or entity must be available via telephone twenty-four (24) hours a day, seven (7) days a week, to respond to any issues associated with the use of the Campsite Hosting site.

3. On-site advertising of Campsite Hosting is prohibited.

4. The guest Campsite shall not be located within 150 feet of a residential structure on a neighboring property.

5. If the Campsite Hosting facility accommodates recreational vehicles (RVs), the following standards shall apply:

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a. The guest RV shall be required to park on a durable dust-free surface.

b. The guest RV shall not, at any time, be connected to the sewer or water service of the principal use of the property.

c. The guest RV may not dump or empty holding or waste tanks on the RV Hosting property.

d. The guest RV motor shall not idle or otherwise be permitted to run at any time other than during the process of accessing or egressing the location where the RV is to be parked.

6. In addition to the above requirements, the Campsite Hosting operator must demonstrate adequate access, egress, and parking as a part of their zoning permit application.

M. **Conference Center**

1. **Permitted Principal Uses:** The following types of Uses shall be authorized to be included within a Conference Center.

   a. Hotels.

   b. Indoor presentation facilities, which may include movie or live Theaters, playhouses, and auditoriums.

   c. Tourist information centers.

   d. Restaurants and other food services.

2. **Permitted Accessory Uses:** Other Accessory Uses clearly intended to meet the needs of visitors to the Conference Center, and which may include but are not limited to the following.

   a. Exercise and fitness clubs.

   b. Child day-care.

   c. Retail sales.

   d. Indoor and outdoor recreation.

3. The Conference Center shall be designed such that all Buildings share a common architectural theme, through the use of common Building proportions and materials employed for all Buildings.

4. The Conference Center may be comprised of one (1) or more Buildings within which the permitted Principal Uses are located. Permitted Accessory Uses shall be located within a Building primarily designed to accommodate the permitted Principal Uses. In no case shall permitted Accessory Uses be permitted to occupy a Building not primarily designed for a permitted Principal Use.

5. The Conference Center shall be provided with common Access Drives and common Parking Lots designed to serve the entire development. In no case shall separate Access Drives and/or separate Parking Lots intended to serve individual components of the Conference Center development be permitted.

6. A pedestrian network shall be provided within the Conference Center to connect all permitted principal and permitted Accessory Uses. The pedestrian network shall be comprised of sidewalks and/or walkways constructed to a minimum width of five (5) feet. The pedestrian network within a Conference Center shall be connected to any existing

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pedestrian network surrounding the development site to allow for convenient pedestrian access to services and amenities in close proximity to the development site.

N. **Continuing Care Retirement Community (CCRC)**

1. **Permitted Uses:** The following types of Uses shall be authorized to be included within a CCRC.

   a. *Residential Uses:* Three forms of residential arrangements shall be provided within a CCRC. Residential arrangements include Independent Living, Assisted Living, and Nursing or Skilled Units, and may be provided in accordance with the following.

      (1) Independent Living Units may be of the Single-Family Detached, Single-Family Semi-detached, or Multi-Family Dwelling unit types.

      (2) Assisted Living Units may be of the Multi-Family Dwelling unit type.

      (3) Nursing or Skilled Units shall be located within a licensed facility providing medical care and related services.

   b. *Common Uses:* The following common Uses shall be permitted to be located within a CCRC.

      (1) Dining Facilities, including central kitchens and dining areas for on-site preparation and serving of meals.

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

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

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

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

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

      (7) Chapels.

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

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

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

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(2) Each Assisted Living Unit shall be counted as 0.75 of a Dwelling unit.

(3) Each Nursing or Skilled Unit shall be counted as 0.50 of a Dwelling unit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) All nonresidential Uses within a CCRC development shall be located in a central location within the community. The location of the nonresidential Uses shall be

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connected to the pedestrian system within the development and shall be easily accessible for all residents.

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

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

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

d. *Parking:* Off-Street parking for Multi-Family 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.

e. *Site Design:* The site shall be designed with consideration on how the Use transitions to nearby residential Uses or districts. If the facility includes smaller residential or cottage units, they should be located between other residential Uses or districts and any larger Buildings on the site.

f. *Landscaping:* 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 Lots, garbage dumpster sites, and mechanical and utility equipment sites, and shall facilitate attractive outdoor recreation spaces.

O. **<u>Conversion Apartment</u>**

1. The Lot shall meet all area and Bulk regulation for the underlying zoning district.
2. Only existing, Single-Family Detached Dwellings may be converted for Conversion Apartment Use.
3. A maximum of four (4) units may be created by the conversion of a Single-Family Detached structure.
4. The Applicant shall contact the Adams County Tax Services Office to obtain an address for the additional units and the Applicant shall provide this information to the Zoning Officer prior to Zoning Permit approval.

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P. **Cottage Industry**

1. A Cottage Industry is deemed to include, but is not necessarily limited to, all occupations permitted under Section 1401.X.1 as well as the following or similar types of occupations: handicraft manufacturing, cabinet shops, hobbyists, photographic Studios, brewing, distilling, repair of outdoor fishing and hunting equipment (excluding motorized vehicles), and welding shops. Other occupations in addition to those listed above may be considered to be Cottage Industries provided it is determined that such occupations are of the same general character as those occupations listed above.

2. Not more than one (1) Cottage Industry shall be allowed in or on the same premises. The presence of a Home Occupation in the primary Dwelling unit shall not preclude the establishment of a Cottage Industry, provided that all applicable requirements for both Cottage Industries and Home Occupations are met.

3. The Cottage Industry shall be considered an Accessory Use to the main Residence and shall be operated fully within an Accessory Structure on the Lot. No more than five hundred (500) square feet of Floor Area in the Accessory Structure may be devoted to the Cottage Industry. The Cottage Industry shall not occupy more than one (1) Building.

4. The Cottage Industry shall conform to the area and Bulk requirements of the underlying zoning district.

5. The Person conducting the Cottage Industry shall reside within the Dwelling located on the Lot.

6. No more than four (4) Persons other than Family members who reside within the Dwelling may be employed by the Cottage Industry.

7. No Use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, or electrical interference to the detriment of the quiet Use and enjoyment of adjoining and surrounding property.

8. Retail sales shall be limited to the following: products produced or repaired on site, items collected, traded and/or occasionally sold by hobbyists, such as coins, stamps, and antiques, incidental sales directly associated with the Cottage Industry, and internet sales.

9. No on-site customer service or business shall be conducted before 8:00 am or after 8:00 pm.

Q. **Estate Lot**

1. **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.

2. The Living Area shall be located in an area free of sensitive environmental features including, at a minimum, Floodplains, Wetlands, slopes in excess of twelve percent (12%), and areas of prime agricultural land with relative soil values of 69 or greater, according to the Relative Soil Values Map and Table in Appendix 4.

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

4. The portion of the Estate Lot exclusive of the Living Area shall be included in meeting the Open Land requirements of the zoning district where the Estate Lot is proposed.

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5. Subdivision plans proposing a Lot addition to a Single-Family Detached residential Lot of less than five (5) acres, and where the size of the parcel including the Lot addition equals or exceeds five (5) acres, but is less than twenty-five (25) acres, shall be approved as an Estate Lot in conformance with the requirements of this Section.

R. **Farm Market**

1. A Farm Market shall be intended to offer for sale primarily Agricultural Products produced either on the Farm where the Farm Market is located or on other Farms located within Adams County, as well as other Agriculturally Related Product s. A minimum of twenty-five percent (25%) of the sales from the Farm Market shall be agricultural or Agriculturally-Related Products produced either on the Farm or on surrounding Farms within Adams County. A maximum of seventy-five percent (75%) of the sales from the Farm Market may be from products produced outside Adams County.
2. The owner of the Farm Market shall be the owner of the Farm upon which the Farm Market Use is located.
3. Farm Markets 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.
4. The maximum Floor Area of any structure devoted to a Farm Market shall be fifteen thousand (15,000) square feet of Publicly accessible sales activity area.
5. Within the Agricultural Preservation (AP) District, a Farm Market 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 402 of this Ordinance.

S. **Farm-Related Business**

1. A Farm-Related Business is deemed to include one or more of the following and similar Uses:
   a. Specialty Foods Sales
   b. Specialty Products Sales
   c. Custom Butchering
   d. Animal Care, including but not necessarily limited to farriers.
   e. Taxidermists
2. The owner or other Person having primary interest in the Farm-Related Business shall be a full-time resident of the Farm where the Farm-Related Business is proposed to be located.
3. No more than four (4) Persons, other than residents of the Farm, shall be employed in the Farm-Related Business on a full-time basis. During peak business periods, no more than five (5) additional Persons, other than residents of the Farm, shall be employed in the Farm-Related Business.
4. The portion of the Farm devoted to all Farm-Related Business shall not exceed two (2) acres or ten percent (10%) of the area of the Farm, whichever is less.
5. The maximum Floor Area of any structure devoted to a Farm-Related Business shall not exceed five thousand (5,000) square feet.
6. The proposed Use shall be conducted entirely within an enclosed Building. Outdoor display of products or merchandise shall be prohibited, except Specialty Food Sales.

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7. Sale of food items or specialty products shall be limited to those produced on the premises and products relating to services performed on the premises.

T. **Farm Worker Housing**

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

U. **Financial Institutions or Banks with Drive-Through Service**

1. The Drive-Through facility, including the Drive-Through lane, automated teller machine, and/or service window, shall be located to the side or rear of the Financial Institution Building. In no instance may any component of the Drive-Through facility be located in the Front Yard.
2. Vegetative Screening shall be located between all components of the Drive-Through facility and any adjoining residential Use or any property in the R and RR Districts.
3. The Drive-Through facility must have a lane that is dedicated to the conduct of Drive-Through business. The lane shall include sufficient length to allow for stacking of a minimum of six (6) vehicles waiting for window or automated teller machine service. The stacking area shall not be used for Parking Lot circulation aisles or in any way conflict with parking or vehicle and pedestrian circulation.

V. **Group Home**

1. The Group Home must involve Persons functioning as a common household and/or Family
2. 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.
3. 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.
4. No more than twelve (12) residents shall occupy a Group Home at one time.
5. 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.
6. Any medical or counseling services provided shall be done so only for residents of the Group Home.
7. 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.
8. 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.

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9. No Sign for the Group Home shall be displayed.

10. The Use shall not meet the definition of "Halfway House" in Section 201 of this Ordinance.

11. The Use shall not involve the housing or treatment of Persons who could reasonably be considered a threat to the physical safety to others.

W. **Halfway House**

1. No more than six (6) residents shall occupy a Halfway House at one time.

2. 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

3. Any medical or counseling services provided shall be done so only for residents of the Halfway House.

4. 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.

5. No Sign for the Halfway House shall be displayed.

6. The Applicant shall provide a written description of all types of residents the Use is intended to include over the life of the permit. Any future additions or modifications to this list shall require approval of the Zoning Hearing Board as a Special Exception.

7. The Applicant shall prove, with the full burden of proof upon the Applicant, to the satisfaction of the Zoning Hearing Board, that such Use will involve adequate supervision and security measures to protect Public safety.

8. The Zoning Hearing Board may place conditions on the Use as necessary to protect Public safety, including conditions on the types of residents and security measures.

X. **Home Occupation**

1. A Home Occupation is deemed to include, but is not necessarily limited to, the following types of occupations: barber; hairdresser; dressmaker; milliner; Professional Office of attorney, architect, landscape architect, community planner, engineer, accountant, physician, dentist, realtor, insurance Agent, clergyman, teacher, artist, horticulturist, or surveyor; clerical, typing and/or word processing services; 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.

2. Not more than one (1) Home Occupation shall be allowed in per parcel. The presence of a Cottage Industry in an Accessory Structure shall not preclude the establishment of a Home Occupation, provided that all applicable requirements for Home Occupations and Cottage Industries are met.

3. The Person conducting the Home Occupation shall reside within the Dwelling located on the Lot.

4. No more than two (2) Persons other than Family members who reside within the Dwelling may be employed by the Home Occupation.

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5. The Home Occupation shall be operated entirely within the Dwelling unit. No more than twenty-five percent (25%) of the livable Floor Area of the Dwelling may be devoted to the Home Occupation. The Applicant shall submit floor plans of the Dwelling or the Accessory Structure devoted to Home Occupation Use. Said floor plans shall clearly depict the portion of the Building devoted to Home Occupation Use.

6. The Dwelling 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.

Y. **Homestay**

1. Maximum one (1) rental room or suite permitted.

2. Any proposed Homestay shall be compatible with the neighborhood in which it is located in terms of Landscaping, scale and architectural character. The Use shall be harmonious and compatible with the existing Uses within the neighborhood.

3. The operator of the Homestay shall reside on the premises.

4. A bedroom shall meet the minimum size requirements as defined in the Pennsylvania Unified Construction Code.

5. On-site advertising of the Homestay is prohibited.

6. The operator of the Homestay must demonstrate that they have registered with the Adams County Treasurer's Office in compliance with County Ordinance No. 2 of 2018, as may be amended, for the payment of Hotel Room Rental Tax.

Z. **Hospital**

1. A Hospital shall be located on a Lot Abutting and having direct vehicular access onto an Arterial or Collector road as defined by the Map in Appendix 5.

2. A minimum of two (2) Access Drives shall be provided from such Arterial or Collector road as defined by the Map in Appendix 5. However, the Hospital shall make the maximum Use possible of interior roads or Access Drives, as opposed to numerous Driveways entering onto existing Public roads.

3. A Hospital may include various Accessory Uses that are customarily incidental to and in direct support of the primary health care mission of the Hospital. Such Accessory Uses could include the following facilities, which shall be integrated with the Hospital facilities:

   a. Medical and administrative offices.

   b. Medical laboratory or blood donor station.

   c. Patient hostel.

   d. Hospital staff dormitory.

   e. Ambulance service.

   f. Methadone clinics and drug rehabilitation facilities.

   g. Pharmacy.

   h. Gift shop.

   i. Teaching Facilities

   j. Research Facilities

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k. Interior service and convenience Uses.

4. The Principal and Accessory Uses comprising the Hospital may be located in a single Building or may consist of several Buildings located on one (1) or more Lots.

5. The Hospital shall be in single ownership and shall consist of harmonious groupings of Buildings, service and Parking Lots, circulation, and Open Space.

6. Setback requirements shall not be applied along internal Lot Lines of the Hospital for common Parking Lots serving Buildings on multiple Lots. All Parking Lots shall be suitably paved with permanent hard-surface coverings.

7. All Buildings within a Hospital development shall be provided with centralized sewer and water services.

8. The facility shall comply with all applicable Federal, State, County, and local regulations and shall be licensed as required by the State.

9. Lighting for Buildings, access ways and Parking Lots shall comply with the requirements of this Ordinance.

10. Any patient or Hospital staff dormitory shall comply with the following requirements:

    a. Permitted Accessory Uses may include laundry facilities. These Accessory Uses shall be intended only for Use by the residents of the patient hostel or the Hospital staff dormitory.

    b. Any Hospital staff dormitory shall be located a minimum of one hundred fifty (150) feet from any Lot Line of an existing Dwelling or boundary of a residential district.

    c. Any Hospital staff dormitory shall have a maximum capacity of one (1) resident per five hundred (500) square feet of Lot Area and shall be restricted to Hospital staff members.

AA. **Industrial, Heavy**

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

2. Where the site abuts a residential zone or district permitting residential Use, the Building wall facing such Lots shall not have any service door openings or loading docks oriented toward the residential zone.

BB. **Junk Yard**

1. Junk Yard: All applications for Junk Yards shall comply with the Arendtsville Borough Junkyard Ordinance (Chapter 13, Part 3, as amended, of the Arendtsville Borough Code), or the Butler Township Junkyard Ordinance (Ordinance No. 73-2 of the Butler Township Code, as amended), respectively.

CC. **Kennel, Commercial**

1. All Buildings in which animals are housed or provided care in shall be located at least fifty (50) feet from all Lot Lines. Buildings shall be adequately soundproofed so that sounds outside the Building will be minimized and not result in a nuisance.

1. Outdoor animal runs may be provided for animals so long as a visual barrier at least four (4) feet in height is provided between the runs and an evergreen screen at least six (6) feet in

height is provided around the runs. No animal shall be permitted to use the outdoor runs from 10:00 p.m. to 7:00 a.m.

DD. **Landfill**

1. The Landfill Use shall be properly permitted through the Pennsylvania Department of Environmental Protection. Receipt of required State permitting shall be a condition of any approval authorized within the context of this Ordinance.

2. **Site Access**

   a. The Landfill Use shall be accessed from a paved road that connects the operation to an Arterial road or major Collector road according to the Functional Classification Map in Appendix 5.

   b. The pavement of the connecting road shall be no less than three (3) inches thick, and the connecting road shall be no less than twenty (20) feet in width.

   c. All truck and equipment traffic to and from the Landfill Use shall use this connecting road.

   d. A maintenance bond of fifty percent (50%) of the full cost of repaving the extent of the connecting road used by the Landfill operation shall be provided to the Township in a form approved by the Board of Supervisors. In lieu of a maintenance bond, an escrow account may be established, based on an agreement approved by the Board of Supervisors, to deposit funding sufficient to cover fifty percent (50%) of the full cost of repaving the connecting road. The Zoning Officer shall confirm the establishment of either the maintenance bond or the escrow account prior to approving any Zoning Permit to allow the establishment or expansion of a Landfill Use. The amount of the maintenance bond or escrow account shall be reviewed annually by the Township and adjusted when necessary to ensure that fifty percent (50%) of the repaving cost of the connecting road continues to be available.

3. No component of the Landfill operation may be conducted within three hundred (300) feet of any Right-of-Way line of a Public road. No component of the Landfill operation may be conducted within five hundred (500) feet of any Principal Building on surrounding properties.

4. Vegetative Screening shall be provided along all property boundaries and along all road Rights-of-Way adjoining the property where the Landfill Use is conducted. Said Screening shall be provided by one of the following two means.

   a. *Landscaping:* 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.

      (1.) 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.

      (2.) 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.

      (3.) Replacement of plantings that die shall occur for as long as the Landfill Use remains in operation.

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b. *Existing Forest:* 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.

5. **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.

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

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

b. A schedule of operational hours. Such schedule shall demonstrate that no component of the operation shall occur between the hours of 6:00 PM and 7:00 AM prevailing time.

c. Procedures for the removal of mud, debris, or refuse from any Public road resulting from traffic entering or exiting the Landfill site. Such mud or debris shall be removed at the end of each working day, or more frequently if needed during the working day. At a minimum, the Landfill Use shall include a wash-down facility of other similar facility to remove mud, debris, or refuse from any vehicle existing the Landfill site to a Public road.

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

EE. **<u>Medical Marijuana Dispensary Facility</u>**

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

2. The Medical Marijuana Dispensary may only dispense Medical Marijuana in an indoor, enclosed, permanent, and secure Building.

3. The Medical Marijuana Dispensary may not operate on the same site as a Medical Marijuana Grower / Processor facility.

4. The Medical Marijuana Dispensary Facility shall have a single secure Public entrance and shall implement security measures to prevent the unauthorized entrance into areas containing Medical Marijuana.

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5. The Medical Marijuana Dispensary Facility shall not include any of the following functions or features.

   a. Drive-Through service or facilities

   b. Outdoor seating areas

   c. Outdoor vending machines

   d. Direct or home delivery service

6. The Medical Marijuana Dispensary Facility shall prohibit the administration of, or the consumption of, Medical Marijuana on the premises.

7. The Medical Marijuana Dispensary Facility 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 the Municipality in which it is located.

8. The Medical Marijuana Dispensary Facility shall be separated by a minimum distance of one thousand (1,000) feet from any other Medical Marijuana Dispensary Facility. 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 Dispensary Facilities are conducted or proposed to be conducted, regardless of the Municipality in which it is located.

FF. **Medical Marijuana Grower / Processor**

1. The Medical Marijuana Grower / Processor must be legally registered in the Commonwealth and possess a current valid Medical Marijuana permit from the Pennsylvania Department of Health.

2. The Medical Marijuana Grower / Processor may only grow Medical Marijuana in an indoor, enclosed, and secure Building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health.

3. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the Pennsylvania Department of Health policy and shall not be placed within any unsecure exterior refuse containers.

4. The Medical Marijuana Grower / Processor shall provide only wholesale products to other Medical Marijuana facilities. Retail sales and dispensing of Medical Marijuana and related products is prohibited at Medical Marijuana Grower/Processor facilities.

5. The Medical Marijuana Grower / Processor may not be located within one thousand (1,000) feet of the property line of an educational institution or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the Building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected Use, regardless of the Municipality in which it is located.

6. A water supply feasibility report, prepared in accordance with relevant requirements of the Arendtsville Borough Subdivision and Land Development Ordinance, or the Butler Township Subdivision and Land Development Ordinance, respectively, shall be prepared to demonstrate that sufficient water resources are available to serve the proposed Use. In addition to meeting all requirement of the applicable Subdivision and Land Development Ordinance, the report shall assess any water quality and water quantity impacts for all

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Public and Private wells within a mile of the proposed Medical Marijuana Grower / Processor facility. The report shall be prepared by a licensed hydrogeologist.

GG. **Medical Marijuana Transport Vehicle Service**

1. Any Medical Marijuana storage, including temporary storage, at a Medical Marijuana Transport Vehicle Service facility shall be secured to the same level as that for a Medical Marijuana Grower / Processor facility.
2. Transport vehicles associated with a Medical Marijuana Transport Vehicle Service shall be equipped with a locking cargo area.
3. Transport vehicles associated with a Medical Marijuana Transport Vehicle Service shall have no markings that would identify the vehicle as being used to transport Medical Marijuana.

HH. **Mixed-Use Building**

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

II. **Mobile Home Park**

1. All applications for Mobile Home Parks shall comply with the design and performance standards for Mobile Home Parks as established in the Arendtsville Borough Subdivision and Land Development Ordinance (Chapter 22 of the Arendtsville Borough Code), or the Butler Township Subdivision and Land Development Ordinance (Ordinance No. 87-1 of the Butler Township Code, as amended), respectively.

JJ. **No-Impact Home Based Business**

1. The business activity shall be compatible with the residential Use of the property and surrounding residential Uses.
2. The business shall employ no employees other than Family members residing in the Dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business Use, including, but not limited to, parking, Signs or lights.

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5. The business activity may not Use any equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential Use in the neighborhood.

7. The business activity shall be conducted only within the Dwelling and may not occupy more than twenty-five percent (25%) of the habitable Floor Area.

KK. **Recycling Facility**

1. All operations, including collection, shall be conducted within a wholly enclosed Building.

2. There shall be no outdoor storage of materials collected, used, or generated by the operation.

3. The Applicant shall provide a written explanation of the scope of the operation and any measures used to mitigate problems associated with noise, fumes, dust, and litter.

4. The Applicant will assure regular maintenance and the immediate collection of stray debris.

5. The Lot shall have direct access onto a roadway deemed adequate by the respective Borough or Township Engineer as having adequate structural and geometric characteristics to accommodate the anticipated future truck traffic.

6. The facility shall not be located within five hundred (500) feet of any residential Use or district.

LL. **Rental Storage or Self-Storage Facility**

1. Structures containing self-storage units shall be limited to one (1) story and shall not exceed twelve (12) feet in height.

2. Each individual storage unit shall abut a paved access aisle at least twenty (20) feet wide.

3. A security fence at least six (6) feet high shall surround a Self-Storage Facility, and access through such fence shall be by way of an automatic gate, security guard, or similar means.

4. A Buffer of twenty-five (25) feet in width, including a planting screen, shall be provided when a Self-Storage Facility abuts an existing residential Use or a residential district and shall be in accordance with the standards for such. Within the Buffer yard, the Developer shall provide vegetation to provide visual Screening. The Screening shall contain various types and sizes of plant species, arranged in such a manner to establish an effective visual barrier.

5. The use of individual storage units shall be restricted to household goods and business equipment, supplies, and records. No storage of perishable items or hazardous, explosive, or highly flammable materials, or materials that emit noxious odors shall be permitted. No business activities including, but not limited to, equipment servicing or repair, shall be conducted on the site. Storage units shall not be used as areas for rehearsals by musical groups.

6. No storage outside of individual units shall be permitted.

7. No outdoor storage of recreational vehicles, boats, or similar vehicles shall be permitted, except in approved vehicle storage areas.

8. No outdoor storage of unlicensed vehicles shall be permitted.

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9. A Self-Storage Facility may include a Business Office/Residence for an on-site manager/caretaker as part of the Principal Use. This Building shall not be used solely as a Residence, but must serve, in part, as an office for the Self-Storage Facility. The Building may be occupied as a Dwelling by only manager/caretaker and his/her Family.

MM. **Resource Extraction**

1. The Resource Extraction Use shall be properly permitted through the Pennsylvania Department of Environmental Protection. Receipt of required State permitting shall be a condition of any approval authorized within the context of this Ordinance.

2. **Site Access:**

   a. The Resource Extraction Use shall be accessed from a paved road that connects the operation to an Arterial or major Collector road as defined in the Map in Appendix 5.

   b. 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.

   c. All truck and equipment traffic to and from the Resource Extraction Use shall use this connecting road.

   d. A maintenance bond of fifty percent (50%) of the full cost of repaving the extent of the connecting road used by the Resource Extraction operation shall be provided to the Township in a form approved by the Board of Supervisors. In lieu of a maintenance bond, an escrow account may be established, based on an agreement approved by the Board of Supervisors, to deposit funding sufficient to cover fifty percent (50%) of the full cost of repaving the connecting road. The Zoning Officer shall confirm the establishment of either the maintenance bond or the escrow account prior to approving any Zoning Permit to allow the establishment or expansion of a Resource Extraction Use. The amount of the maintenance bond or escrow account shall be reviewed annually by the Township and adjusted when necessary to ensure that fifty percent (50%) of the repaving cost of the connecting road continues to be available.

3. **Setbacks:** No component of the Resource Extraction operation may be conducted within one hundred (100) feet of any Right-of-Way line of a Public road. No component of the Resource Extraction operation may be conducted within three hundred (300) feet of any Principal Building on surrounding properties.

4. **Screening:** Screening shall be provided along all property boundaries and along all road Rights-of-Way adjoining the property where the Resource Extraction Use is conducted. Said Screening shall be provided by one of the following two means.

   a. *Vegetative Screening*

      (1) A minimum of three (3) rows of trees, Shrubs, or other vegetation shall be planted to produce the effective visual screen. No less than fifty percent (50%) of such plantings shall be evergreen plantings.

      (2) At least two (2) different species of trees, Shrubs, or other vegetation shall be used. Selected species shall be tolerant to insects and diseases common in the area.

      (3) The plantings shall be capable of producing an effective visual screen of at least ten (10) feet in height within five (5) years of planting.

(4) Replacement of plantings that die shall occur for as long as the Resource Extraction Use remains in operation.

(5) Existing forest may be used in lieu of vegetative Screening provided that said forest provides the same degree of visual Screening as the otherwise required plantings.

b. *Earthen Mounds*

(1) Such mounds shall be located no closer than fifty (50) feet from a property line or any road Right-of-Way line.

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

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

5. **Security:** The following security measures shall be applied at the Resource Extraction site.

a. *Fencing:* Fencing shall be established around the perimeter of the site. The fencing shall be located behind the vegetative or earthen mound Screening required by Section 1401.MM.4.a. The fencing shall be a minimum of six (6) feet in height, and be constructed of wire mesh fabric with a top strand of barbed wire.

b. *Gates:* All access points to the Resource Extraction Use shall be provided with gates that can be locked to prevent unauthorized entry during periods of non-operation.

c. Warning signs identifying the nature of the Resource Extraction operation shall be conspicuously posted around the perimeter of the operation.

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

a. Procedures to be followed to maintain compliance with all applicable Pennsylvania Department of Environmental Protection rules and regulations. This component must address, at a minimum, the procedures to address Erosion and Sedimentation control, protection of ground and surface water quality, and site closing and reclamation upon completion of the Resource Extraction Use.

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

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

d. *Dust Control:*

(1) Access Drives internal to the Resource Extraction site shall be 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.

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

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

NN. **Restaurant or Food Service Establishment**

1. Excluding Drive-thru Facilities

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

b. 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.

c. Outdoor seating areas shall be considered patron Floor Area for the calculation of the required number of Parking Spaces.

d. Outdoor seating areas may be located in the Front Yard area, provided that a minimum four (4) foot pedestrian path is maintained between the defined edge of the outdoor seating area and any Street or parking areas.

2. Including Drive-Through Facilities

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

b. Space for a minimum of six (6) occupied vehicles is required for those patrons waiting in line for Drive-Through service. This distance shall be measured from the point at which Drive-Through patrons receive food service at service windows.

c. The required space reserved for the Drive-Through line shall be separated from Parking Spaces for non-drive through customers and from pedestrian walkways and shall be incorporated into an overall circulation plan for the site.

d. The Drive-Through facility, including service windows and remote ordering stations, and the Driveway shall be located along the side or rear of the establishment. In no event shall the Drive-Through facility be permitted along the front of the establishment, between the principal structure and the adjoining Public road.

e. A site plan shall be provided to the Zoning Officer for review. The site plan shall show Building dimension and placement, internal circulation, Landscaping, location and size of signage, and all other pertinent design information.

f. Outdoor seating areas shall be considered patron Floor Area for the calculation of the required number of Parking Spaces.

g. Outdoor seating areas may be located in the Front Yard area, provided that a minimum four (4) foot pedestrian path is maintained between the defined edge of the outdoor seating area and any Street or parking areas.

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OO. **Retail with Drive-Through Service**

1. The Drive-Through facility, including the Drive-Through lane and/or service window, shall be located to the side or rear of the Building. In no instance may any component of the Drive-Through facility be located in the Front Yard.
2. Vegetative Screening shall be located between all components of the Drive-Through facility and any adjoining residential Use or any property in the VR, R, RR, and AP Districts.
3. The Drive-Through facility must have a lane that is dedicated to the conduct of Drive-Through business. The lane shall include sufficient length to allow for stacking of a minimum of four (4) vehicles waiting for window service. The stacking area shall not be used for Parking Lot circulation aisles or in any way conflict with parking or vehicle and pedestrian circulation.

PP. **Rural Events Venue**

1. A proposed Rural Events Venue shall be of a scale and intensity so that the Use is compatible with existing or proposed Uses on adjacent parcels, or in the immediate vicinity. Adequate Setbacks and Buffers must be provided so as to prevent adverse impacts on adjoining parcels.
2. For event barns and Rural Events Venues on agricultural, or formerly agricultural Lots, the Use must not interfere with the ability of the property to return to an agricultural Use in the future.
3. Handicapped Parking Spaces shall be provided in accordance with ADA requirements. All other parking may be provided as reinforced grass, or similar method so as not to interfere with any future return of the property to an agricultural Use.
4. The Lot on which the Rural Events Venue is located shall be a minimum of 5 acres.
5. The maximum Floor Area for all permanent structures associated with the Rural Events Venue shall be no more than ten percent (10%) of the total Lot Area.
6. All Buildings, parking, loading, and other indoor or outdoor use areas shall be located a minimum of 200 feet from existing residential Dwellings on adjacent parcels, and shall be Buffered as deemed appropriate by the Zoning Hearing Board.
7. Events and activities must cease by 11:00 PM on Friday and Saturday, and 9:00 PM Sunday through Thursday unless further restricted by the Zoning Hearing Board in accordance with Section 1401.PP.10.
8. Overnight accommodations shall be accessory to the Principal Use of the property as an Events Venue and shall not be open to the general Public as a stand-alone Use. The maximum length of stay for any guest(s) shall be seven (7) consecutive days per singular event.
9. Approval of application with Sewage Enforcement Officer is a prerequisite to issuance of a Zoning Permit.
10. The Zoning Hearing Board shall have the authority to further limit hours of operation, number of events per year, number of attendees, etc. on a case-by-case basis.

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QQ. **Shooting Range, Outdoor**

1. Minimum lot area: fifty (50) acres.
2. The special exception application must demonstrate consultation with an appropriate range development, planning, and design manual, which may include those published by the National Sports Shooting Foundation (NSSF), the National Rifle Association (NRA), or using any state or federal law enforcement agency design standards.
3. The Shooting Range must be operated so that the impact upon adjacent landowners and adjacent permitted uses shall be minimal, and such operation shall not unduly interfere in the use of those properties. Adjacent areas must be predominantly undeveloped by commercial and or residential development.
4. Berms shall be designed and constructed as follows:
   a. All berms shall have a slope of not less than one vertical foot to one horizontal foot.
   b. The crest of all berms shall be at least four feet in depth as measured between the wall of the berm facing the range and the opposite wall.
   c. The backstop or impact berm must be within 20 feet of the furthest target, that being the one most distant from the place where shots are fired. It shall extend at least 20 feet vertically above the ground level and have a vertical height separation of not less than 15 feet above the highest target and the top of the backstop berm.
   d. Earthen side berms must be provided immediately adjacent to the range and shall extend from immediately behind the firing line to the backstop berm. The side berms shall extend at least 12 feet vertically above ground level.
   e. The elevation of the firing line and the base of all berms shall be the same.
5. If any conflicts exist between the berm dimensions contained herein and those provided for in the design standards or expert's opinion, then the more stringent standards shall apply.
6. Only targets mounted on target posts or target mounts shall be permitted. No targets of any kind shall be set directly on the ground.
7. Warning signs shall be posted at least 10 feet from the outside of the berm of sufficient size to be read outside the shot fall zone.
8. The Shooting Range shall be free of all hard surface materials and be adequately drained.
9. Adult supervision shall be provided for children less than 16 years of age.
10. Signs must also be placed on the range with the name of a contact person and a phone number in case of emergencies or operational difficulties. The adjoining property owners shall also be supplied with this information, which shall be kept current.
11. Hours of operation shall be limited to 10:00 a.m. to 6:00 p.m. Monday through Saturday, and Noon to 6:00 p.m. Sunday.
12. The owner and/or operator of the Shooting Range must develop range operation guidelines that shall be provided to the Township for its information. These shall be in effect prior to range operation. These guidelines shall include required emergency response procedures. Any modification of guidelines shall be provided to the Township prior to effecting such change.

13. The Shooting Range shall be designed and managed to ensure the periodic recapture of lead bullets or shot so as to minimize any impacts upon the environment.

14. Ancillary structures to be used for the storage of range equipment and for range management activities may be included in this use, provided that any structure does not exceed 500 square feet in size, is securely locked when the range is not in use, and is not used for the storage of firearms, ammunition, or any explosive or combustible material.

RR. **Shopping Center**

1. A Shopping Center shall contain a minimum of four (4) separate Uses.

2. The Developer shall design the Shopping Center at a pedestrian scale, such that the arrangement of Buildings creates a cluster of commercial Uses surrounding a center court. Parking Lots shall be located to the sides or rear of the property. Under no circumstances will the typical "strip" development, with Buildings arranged parallel to the road and parking located in front of the Buildings, be permitted.

3. An architectural rendering showing the appearance of store Façades, including all signage, Building materials, and colors, shall be submitted with the site plan.

4. Only one primary ingress and egress point shall be permitted. The access shall be located on a road classified as an Arterial road.

5. A secondary ingress and egress point shall be permitted as well, provided it is limited to right-in, right-out turning movements. The access shall not be located on the same road as the primary ingress and egress point.

SS. **Solar Farm**

A Solar Farm shall not be considered an Accessory Use, but may operate as a Principal Use on a Lot with other Principal Uses provided the following standards are met:

1. The facility shall receive Land Development Plan approval from the Township or Borough, respectively in accordance with the applicable 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.

2. The facility shall be situated as to minimize impacts to Wetlands, threatened and endangered species, woodlands, and to minimize vegetation clearing, grading, and soil compaction. In no event shall wooded acreage comprising more than two percent (2%) of the deeded acreage of the Lot be removed.

3. Facilities located within the Floodplain Overlay (FO) District of this Ordinance or within a designated Wetland shall be subject to permitting and inspections with regard to applicable local, state, or federal environmental regulations. Issuance of any required permitting shall be listed as a condition of approval for the Zoning Permit required by this Ordinance.

4. 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.

5. Solar arrays shall not exceed twenty (20) feet in height. For fixed solar arrays, height shall be measured at the highest point of the solar array above ground level. For solar arrays designed to rotate, height shall be measured with the solar array oriented at maximum tilt.

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6. The facility shall be exempt from the maximum Lot Coverage standard of the underlying zoning district within which the facility is proposed.

7. Solar panels shall have a surface that minimizes glare and shall be shielded, Buffered, and directed so that glare will not become a nuisance to adjoining properties, adjoining districts, or Streets.

8. The facility shall not be artificially illuminated except to the extent required by safety or by any applicable federal, State or local authority.

9. All utility lines, including power and communication lines running between Banks of solar panels and to electric substations or interconnections with Buildings shall be buried underground.

10. Fencing shall be subject to Setback standards of the underlying zoning district, and all fencing shall be Buffered with a mix of evergreen, deciduous, and Shrub plantings for Screening. State or Federal requirements regarding height and hazardous attachments shall supersede requirements of Section 1305.A and 1305.C.

11. To prevent Erosion, manage run-off, and provide ecological benefit, the facility shall be planted with "low-profile" native pollinator groundcover w/high infiltration rates, using a mix appropriate for the region and soil conditions. Prior to construction, the operator shall prepare a landscape monitoring and maintenance plan to ensure the establishment and continued maintenance of the native pollinator species, all installed landscape Screening, and all existing vegetation that provides required landscape Screening. Alternatively, the operator may permit livestock grazing on the Solar Farm grounds.

12. Consultation from the Adams County Conservation District is required at the time of the Special Exception application to evaluate potential for environmental impact and proposed Landscaping and maintenance plans. The proposed Solar Farm Plan shall comply with recommendations of the Conservation District regarding environmental impact reduction, drainage, plantings and Landscaping, and maintenance of said plantings and Landscaping.

13. A Sign shall be posted providing the name of the operator, the facility's complete 911 address, and a 24-hour contact number.

14. Damaged solar panels shall be removed, repaired, or replaced within sixty (60) days of the damage. The ground shall remain free of debris from damaged solar panels at all times.

15. A decommission plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The operating company and or land owner have six months to complete the decommission plan. The plan shall include provisions for removal of all structures including equipment, fencing, roads, and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site.

TT. **<u>Tasting Room/Winery/Cidery/Brewery/Distillery</u>**

1. Sales of spirits shall be limited to those produced on-site or at another facility by or for the Proprietor of the establishment.

2. Samples of spirits may be given complimentary or for a fee. Related novelties may also be sold at retail.

3. May include food preparation facilities and food service.

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4. May include occasional special events or event rentals, provided such events and rentals are clearly secondary to the Tasting Room/Winery/Cidery/Brewery/Distillery.

5. If a Winery, Cidery, tasting, or Brewery is located within two hundred (200) feet from existing residential Dwellings on adjacent parcels not associated with the establishment, additional Buffering, restrictions on hours of operation, frequency of events, and noise may be required through the Special Exception process.

UU. **Townhouse Community**

1. No Building consisting of Single-Family Attached Dwellings shall include more than eight (8) Dwelling units.

2. In addition to the Setback and Yard requirements of the underlying zoning district, Single-Family Attached Dwellings shall meet the following Building separation requirements.

   a. The Front Façade of a Building consisting of Single-Family Attached Dwellings shall be no closer than thirty (30) feet to any Façade.

   b. The side and Rear Façades of a Building consisting of Single-Family Attached Dwellings shall be no closer than twenty (20) feet to the side and Rear Façades.

3. 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.

4. 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.

5. All Single-Family Attached units shall comply with the following architectural requirements:

   a. Windows shall constitute a minimum of twenty-five percent (25%) of the total area of every front and rear wall, and ten percent (10%) of the total area of every side wall.

   b. A minimum roof pitch of no less than 4/12 shall be used.

   c. 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.

   d. An architectural feature, such as but not limited to vertical bands, shall be used to delineate the individual Dwelling units of a Building consisting of Single-Family Attached 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.

6. On any Building consisting of Single-Family Attached Dwelling units, all individual Dwelling units shall share a common roof shingle material and color.

7. Off-street parking shall be provided in accordance with the following requirements.

   a. In a common Parking Lot located to the rear of the Building.

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b. In a common garage located underneath the Building and accessed from the rear of the Building.

c. In garage spaces dedicated to individual Dwelling units.

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.

VV. **Vacation Rental**

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

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

3. A written notice shall be conspicuously posted inside each Vacation Rental unit setting forth the name, address and telephone number of the contact Person required in Section 1401.VV.2. The notice shall also set forth the address of the Vacation Rental, the maximum number of vehicles permitted to park on-site, and the day(s) established for garbage collection.

4. The number of overnight occupants shall be limited to two Persons per bedroom and two additional Persons. A bedroom shall meet the minimum size requirements as defined in the Pennsylvania Unified Construction Code.

5. On-site advertising of the Vacation Rental is prohibited.

6. The operator of the Vacation Rental must demonstrate that they have registered with the Adams County Treasurer's Office in compliance with County Ordinance No. 2 of 2018, as may be amended, for the payment of Hotel Room Rental Tax.

WW. **Vehicle Fuel Sales**

1. The Vehicle Fuel Sales Use shall be located on a Lot Abutting an Arterial or major Collector Street, as defined by the Map in Appendix 5.

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

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

4. A site circulation plan shall be devised that separates those vehicles waiting fueling service from those awaiting other services.

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

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

XX. **Vehicle Service and/or Repair**

1. All services not normally associated with Vehicle Sales, including but not necessarily limited to major vehicular repair, shall be performed within a completely enclosed Building.
2. A site circulation plan that separates those patrons awaiting vehicle repair from those patrons awaiting other services shall be prepared. At a minimum, parking shall not be permitted between the service bays and any other component of the operation. A "No Parking" lane shall be established in front of the entrance to the service bays.
3. All repair and paint work shall be performed within an enclosed Building.
4. All provisions shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent Lots.
5. Outdoor storage of vehicles shall not exceed three (3) times the indoor repair area and shall not be located in any Setback area.
6. All dismantled vehicles and vehicle parts are to be located within an enclosed Building. Outdoor storage of vehicle parts and Junk shall be prohibited.
7. Main or Accessory Structures shall not be located closer than fifty (50) feet to any residential district or the Lot Line of any existing principally residential Use.
8. No more than five (5) vehicles in non-drivable condition shall be stored within view of a Public road or adjacent Lot.
9. Any vehicle on the premises longer than fourteen (14) days shall be deemed to be a stored vehicle. No vehicle shall be stored in excess of forty-five (45) days.

YY. **Veterinary and Animal Hospital**

1. A minimum Lot size of at least one (1) acre shall be required for those Animal Hospitals treating small animals (such as dogs, cats, and birds) and with outdoor kennels or runs. A minimum Lot size of at least three (3) acres shall be required for those Animal Hospitals treating large animals (such as cattle, horses, and other livestock). All other Veterinary or Animal Hospital uses are subject to the minimum Lot size in the underlying zoning district.
2. All Buildings in which animals are housed or provided care shall be located at least fifty (50) feet from all Lot Lines. Buildings shall be adequately soundproofed so that sounds outside the Building will be minimized and not result in a nuisance.
3. Outdoor animal runs may be provided for small animals so long as a visual barrier at least four (4) feet in height is provided between the runs and an evergreen screen at least six (6) feet in height is provided around the runs. No animal shall be permitted to use the outdoor runs from 10:00 p.m. to 7:00 a.m.
4. An Animal Hospital shall not include the sheltering of stray, abandoned or unwanted animals.

ZZ. **Wireless Communication Facility – Co-location – Inside Public Right-of-Way**

1. **Location:** An Applicant may co-locate 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.

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2. **Siting Requirements:** Co-location of Wireless Communication Facilities shall meet the following siting criteria:

   a. The Co-location of the Wireless Communication Facility and related equipment shall not cause any physical or visual obstruction to pedestrian or vehicle traffic and shall not create safety hazards to pedestrians or motorists.

   b. The facility and equipment shall not limit the Public use of the Right-of-Way.

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

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

3. **Stealth Technology:** The most current Stealth Technology available shall be used to minimize aesthetic impact of Co-located Wireless Communications Facilities within the surrounding environment. The Stealth Technology chosen by the Applicant shall be subject to approval by the Municipality in which it is proposed.

4. **Time, Place, and Manner:** The Municipality shall have the ability to determine the time, place, and manner of construction, maintenance, repair, and/or removal of all Co-located Wireless Communication Facilities within the Rights-of-Way of Township or Borough roads or other municipal Rights-of-Way. Such ability shall be based on Public safety, traffic management, physical burden on the Right-of-Way, and related considerations. Within Public Utility Rights-of-Way, the Municipality's Decision regarding time, place, and manner of work shall be consistent with the police powers of the Municipality and the requirements of the Public Utility Code.

5. **Removal or Relocation:** The Municipality shall have the ability to require the removal or relocation of Co-located Wireless Communications Facilities from within the Rights-of-Way of municipal roads or other municipal Rights-of-Way. Within sixty (60) days following written notice from the Municipality, or such longer period as the Municipality determines is reasonably necessary or such shorter period in the case of an emergency, the owner of the Co-Located Wireless Communication Facility shall, at its own expense, temporarily or permanently remove or relocate said facility. The Municipality may, consistent with its police powers and applicable Public Utility Commission regulations, require such removal or relocation under the following circumstances.

   a. The construction, repair, maintenance, or installation of any municipal or other Public Improvements in the Right-of-Way.

   b. The operations of the municipal or other governmental entity in the Right-of-Way.

   c. Vacation of a road or release of a utility Easement.

   d. An emergency as determined by the Municipality.

6. **Reimbursement for Right-of-Way Use:** The Municipality shall have the ability to subject the owner of every co-located communications facility in a Public Right-of-Way to a fair and reasonable use and occupancy fee, as may be fixed annually by the Municipality. Such compensation for Right-of-Way use shall be directed related to the Municipality's actual Right-of-Way management costs including, but not limited to, the costs of reviewing, inspecting, permitting, supervising, and other Right-of-Way management activities of the Municipality. The owner of each Co-Located Wireless Communication Facility shall pay an

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annual fee to the Municipality to compensate the Municipality for costs incurred in connection with such management activities.

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

1. **Location:** An Applicant may co-locate 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.

2. **Screening:** Any related equipment that cannot be placed underground shall be screened through the use of Landscaping or other decorative features.

3. **Stealth Technology – Co-location on Wireless Communication Tower:** Any Stealth Technology employed on the existing Wireless Communication Tower must be expanded to encompass the new Wireless Communication Facility to be co-located on said tower.

4. **Stealth Technology – Co-location on Other Towers, Poles, Structures, or Buildings**: Stealth Technology shall be employed to minimize the visual impact of the Wireless Communications Facility within the surrounding environment. Specific requirements are as follows.

   a. *Buildings:* Stealth Technology shall be employed that encloses the Wireless Communications Facility in structure that is architecturally compatible with the host Building.

   b. *Poles and Other Structures:* Stealth Technology shall be employed such that the Wireless Communications Facility is installed either within the pole or structure, or flush on the external surface of the pole or structure.

5. **Height:** The following height requirements shall be applied.

   a. *Co-location on Existing Wireless Communications Tower:* Co-location on an existing Wireless Communications Tower shall not result in a Wireless Communications Tower height that exceeds that authorized by this Ordinance.

   b. *Co-location on Poles and Other Structures:* Co-location on other poles and other structures shall not result in the Wireless Communications Facility exceeding the height of the pole or structure.

   c. *Co-location on Buildings:* Co-location on an existing Building may result in the Wireless Communication Facility exceeding the Building Height by no more than ten (10) feet. However, in no case shall the height of the Wireless Communication Facility exceed the maximum Building Height of the underlying zoning district by more than five (5) feet.

BBB. **Wireless Communications Facility – Tower Based – Inside Public Right-of-Way**

1. **Evaluation of Siting Opportunities:** An Applicant seeking approval to erect or enlarge a tower based Wireless Communications Facility shall demonstrate compliance with the following requirements.

   a. An Applicant shall demonstrate that all structures within the Public Right-of-Way and within one-half (0.5) mile of the proposed site have been evaluated as a Co-location site. Co-location opportunities include, but are not limited to, existing tower based Wireless Communication Facilities, telephone and/or electric utility poles, and light poles. The Applicant shall provide a site alternative analysis describing the location of

potential Co-location sites that were considered, the availability of those sites, the extent to which other sites do or do not meet the provider's service or engineering needs, and the reason why the alternative site was not chosen. Where a potential Co-location site is not chosen, supplementary evidence shall include one (1) or more of the following reasons for not proposing to co-locate on the alternative site:

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

(2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment, as certified by an appropriate technical expert, and that the interference cannot be effectively mitigated.

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

(4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure that exceeds applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. Such a determination shall be certified by an appropriate technical expert.

(5) A commercially reasonable agreement could not be reached with the owners of such structures. Where such an agreement is not reached, the Applicant shall indicate why any offers or counter-offers made were deemed to be unreasonable.

2. **Siting Requirements:** Where the Applicant has demonstrated that no Co-location opportunities exist to site Wireless Communications Antenna on an existing structure and that a Wireless Communications Tower is necessary, the following siting criteria must be met:

   a. The tower-based Wireless Communication Facility and related equipment shall not cause any physical or visual obstruction to pedestrian or vehicle traffic and shall not create safety hazards to pedestrians or motorists.

   b. The facility and equipment shall not limit the Public use of the Right-of-Way.

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

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

3. **Tower Height:** The tower based Wireless Communications Facility shall not exceed forty (40) feet in height.

4. **Tower Safety:** An Applicant shall demonstrate that the proposed tower based Wireless Communications Facility will not affect surrounding properties or the Public Right-of-Way as a result of structural failure, falling ice or other debris, or radio frequency interference.

5. **Tower Type:** The Applicant shall use the monopole tower type for the tower based Wireless Communications Facility.

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6. **Stealth Technology:** The most current Stealth Technology available shall be used to minimize aesthetic impact of the tower based Wireless Communications Facility within the surrounding environment. The Stealth Technology chosen by the Applicant shall be subject to approval by the Municipality.

7. 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.

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

9. **Time, Place, and Manner:** The Municipality shall have the ability to determine the time, place, and manner of construction, maintenance, repair, and/or removal of all tower based Wireless Communication Facilities within the Rights-of-Way of municipal roads or other municipal Rights-of-Way. Such ability shall be based on Public safety, traffic management, physical burden on the Right-of-Way, and related considerations. Within Public Utility Rights-of-Way, the Municipality's decision regarding time, place, and manner of work shall be consistent with the police powers of the Municipality and the requirements of the Public Utility Code.

10. **Removal or Relocation:** The Municipality shall have the ability to require the removal or relocation of tower-based Wireless Communications Facilities from within the Rights-of-Way of municipal roads or other municipal Rights-of-Way. Within sixty (60) days following written notice from the Municipality, or such longer period as the Municipality determines is reasonably necessary or such shorter period in the case of an emergency, the owner of a tower based Wireless Communications Facility shall, at its own expense, temporarily or permanently remove or relocate said facility. The Municipality may, consistent with its police powers and applicable Public Utility Commission regulations, required such removal or relocation under the following circumstances.

    a. The construction, repair, maintenance, or installation of any municipal or other Public Improvements in the Right-of-Way.

    b. The operations of the municipal or other governmental entity in the Right-of-Way.

    c. Vacation of a road or release of a utility Easement.

    d. An emergency as determined by the Municipality.

11. **Reimbursement for Right-of-Way Use:** The Municipality shall have the ability to subject the owner of every tower based Wireless Communications Facility in a Public Right-of-Way to a fair and reasonable use and occupancy fee, as may be fixed annually by the Municipality. Such compensation for Right-of-Way use shall be directed related to the Municipality's actual Right-of-Way management costs including, but not limited to, the costs of reviewing, inspecting, permitting, supervising, and other Right-of-Way management activities of the Municipality. The owner of each tower based Wireless Communications Facility shall pay an annual fee to the Municipality to compensate the Municipality for costs incurred in connection with such management activities.

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

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1. **Evaluation of Siting Opportunities:** An Applicant seeking approval to erect or enlarge a tower based Wireless Communications Facility shall demonstrate compliance with the following requirements.

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

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

      (2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment, as certified by an appropriate technical expert, and that the interference cannot be effectively mitigated.

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

      (4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure that exceeds applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. Such a determination shall be certified by an appropriate technical expert.

      (5) A commercially reasonable agreement could not be reached with the owners of such structures. Where such an agreement is not reached, the Applicant shall indicate why any offers or counter-offers made were deemed to be unreasonable.

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

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

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

2. **Siting Requirements:** Where the Applicant has demonstrated that no Co-location opportunities exist to site Wireless Communications Antenna on an existing structure and

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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 thirty percent (30%) of the tower height.

b. The minimum distance between the base of the tower, or any anchoring guy wires, and residential, Place of Worship, or School property shall be two hundred (200) feet.

c. Where such features exist, the Applicant shall use one or more of the following or similar natural features to minimize the visibility of the Wireless Communications Tower:

(1) Groves of Trees

(2) Sides of Hills

3. **Tower Height:** An Applicant must demonstrate that a proposed Wireless Communications Tower is the minimum height required to function satisfactorily. In no case shall a Wireless Communications Tower exceed one hundred eighty (180) feet. The measurement of tower height shall include the tower itself as well as any antennas or other equipment attached thereto.

4. **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.

5. 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.

6. **Tower Type:** The Applicant shall use the monopole, or davit-pole, type of Wireless Communications Tower.

7. **Landscaping:** The Applicant shall demonstrate compliance with the following Landscaping requirements:

a. The base of the Wireless Communications Tower, any supporting cables or guy wires, maintenance Buildings, and parking areas, shall be enclosed by a protective fence. The protective fence shall be a minimum of six (6) feet in height.

b. An evergreen screen shall be planted around the external perimeter of the protective fence. Evergreen Trees shall be a minimum of six (6) feet at planting, and shall reach a minimum height of fifteen (15) feet at maturity. Any trees which die within a year of planting shall be replaced by the Applicant. Where the tower site is either fully or partially located within a grove of existing trees, the evergreen screen requirement may be waived along any portion of the protective fence that is blocked from view from beyond the property line hosting the facility by said grove of trees.

8. **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.

9. **Site Access:** Access to a Wireless Communications Tower facility shall be provided by an Access Driveway located within an Easement of at least twenty (20) feet in width. The

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Access Driveway shall be a minimum of ten (10) feet in width, and shall be constructed with a dust-free, all weather surface for its entire length.

10. **Land Development Plan Approvals:** An Applicant shall obtain Land Development approval from the Arendtsville Borough Council or the Butler Township Board of Supervisors in accordance with applicable provisions of the applicable Subdivision and Land Development Ordinance prior to Zoning Permit approval.

11. 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.

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

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ARTICLE 15: SIGN REGULATIONS

Section 1500: Statement of Legislative Intent

It is the intent of this Article to:

A. Place reasonable standards on the erection and maintenance of Signs within Arendtsville Borough and Butler Township.

B. Promote the safety, welfare, and convenience of use of Rights-of-Way, relative to Signs, while maintaining and enhancing the respective village and rural character of the Arendtsville Borough and Butler Township.

C. Promote commerce while identifying places of business and cultural and social activity in a visually attractive manner.

D. Avoid excessive use of large or multiple Signs, so that permitted Signs can provide identification and direction while minimizing clutter, confusion, and hazardous distractions to motorists and pedestrians.

Section 1501: General Regulations

The following regulations shall govern Signs in all districts.

A. No Sign shall be erected, enlarged, or relocated until a Zoning Permit for doing so has been issued by the Zoning Officer, or unless specifically exempted from permitting by Section 1502 below. Applications shall be on forms provided by Arendtsville Borough and Butler Township, respectively. All applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, colors, location on land or Buildings, means of installation on land or Building, and all other relevant information.

B. Signs, and the structure and equipment used in the erection and/or installation of such Signs, shall be comprised of durable materials requiring little maintenance. All Signs shall be permanently affixed to the ground or Building, as appropriate, using generally accepted construction practices.

C. No Sign shall be located so as to interfere with the clear sight distance regulations of the Arendtsville Borough or Butler Township Subdivision and Land Development Ordinance, whichever is applicable.

D. No Sign shall be located within the Right-of-Way of any Public or Private Street.

E. Signs may be illuminated in accordance with the following standards.

   1. Where Sign illumination is limited in this Ordinance to external illumination, the light source shall be hidden from vehicular and/or pedestrian view by a vegetative screen or a fixture surrounding the light source that directs the light to the Sign face. Indirect illumination shall not be permitted that either directly or indirectly produces glare affecting neighboring residential properties or any adjoining Street.

   2. Where Sign illumination is not limited in this Ordinance to external illumination, the Sign may employ internal illumination.

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Section 1502: Signs Exempt from Permitting

The following types of Signs are exempted from the permitting requirements of this Ordinance, provided the Sign meets all other applicable requirements of this Section.

A. Official Street and traffic Signs and any other Signs required by law.

B. Trespassing Signs, Signs indicating Private ownership of roads and/or property, and similar Signs, provided that such Signs are spaced at intervals of no less than one hundred (100) feet and do not exceed two (2) square feet in area.

C. Temporary, non-illuminated real estate Signs advertising the sale or rental of the premises upon which they are erected, provided that the maximum area on any side of the Sign shall not exceed six (6) square feet, that the total area of the Sign shall not exceed twelve (12) square feet, that not more than two (2) Signs are placed on a property under single ownership, and that such Signs are removed not more than five (5) business days following the sale or rental of the premises.

D. Temporary, non-illuminated Signs of contractors, painters, or similar artisans, erected on the premises where the work is being performed, provided that the maximum area of any one side of the Sign shall not exceed eight (8) square feet, that the total area of the Sign shall not exceed sixteen (16) square feet, that not more than one (1) such Sign for each contractor, painter, or similar artisan shall be erected on any property under single ownership, and that the Sign shall be removed within one (1) day of the completion of the work.

E. Temporary, non-illuminated yard or garage sale Signs, provided that such Signs shall not be displayed for more than forty-eight (48) hours of each calendar month, that the total area of such Signs shall not exceed four (4) square feet, and that not more than two (2) Signs shall be displayed for any sale event.

F. Freestanding Signs designating the “entrances” and “exits” to commercial and industrial establishments, provided that Sign illumination shall be limited to external illumination and that each side of the Sign shall not exceed four (4) square feet.

G. Legal notices, identification, informational, or Directional Signs erected or required by governmental bodies.

H. Window Signs, directly affixed to the exterior or interior of a window, or placed in inside a Building in a manner that can be seen through a window.

I. Flags indicating that the Use is open for the business day. Such flags shall be installed in a manner that provides a minimum of seven (7) feet of clearance between the flag and any pedestrian walkway, including but not limited to Public sidewalks. Such flags shall be removed at the end of the advertised business day.

Section 1503: Prohibited Signs

The following types of Signs and/or Sign design features are prohibited in all districts.

A. Flashing Signs.

B. Flashing and/or rotation lights.

C. Signs using the words “stop,” “caution,” or “danger.” Signs using red, yellow, and/or green lights resembling traffic signals. Signs that resemble traffic control signs in terms of size, shape, or color.

D. Revolving, rotating, or otherwise moving Signs. This prohibition shall not include Feather Signs.

E. Animated Signs, where a component of the Sign is designed to physically move.

F. Portable Signs, whether mounted on a trailer, vehicle, temporary base, or similar such devise. A vehicle, painted or decorated so as to display an advertising or related message, and parked in a visible location, shall be considered a Portable Sign.

G. Roof Signs.

H. Streamers, pennants, inflatable, or lighter than air Signs. This prohibition shall not include Feather Signs.

I. Strings of light bulbs, search lights, or other lighting intended to attract attention to a nonresidential Use, other than traditional holiday decorations.

Section 1504: Signs Permitted In All Districts

The following types of Signs are permitted in all districts.

A. Off-Premises Directional Signs shall be permitted in accordance with the following requirements:

1. The maximum area of any one (1) side of a Sign shall not exceed ten (10) square feet.
2. The total area of the Sign shall not exceed twenty (20) square feet.
3. The maximum height of the Sign shall not exceed ten (10) feet.
4. Within the AP, LC, RR, R, VR, VC, and MU Districts, Sign illumination shall be limited to external illumination.
5. If three (3) or more off-premises Directional Signs are proposed on the same property, consolidation of the individual Signs on a single off-premises Directional Sign shall be required. Compatibly designed business logos shall be required. In addition, the following size requirements shall be required.
   a. The maximum area of any one side of a consolidated off-premises Directional Sign shall not exceed six (6) square feet for each advertised Use.
   b. The total area of a consolidated off-premises Directional Sign shall not exceed twelve (12) square feet for each advertised Use.
6. No off-premise Directional Sign shall be located at a location greater than one (1) mile from the Use that the Sign is intended to advertise.
7. Where the Applicant for an off-premise Directional Sign does not own the property where said Sign is proposed, the property owner shall be a co-applicant for the Zoning Permit necessary to authorize said Sign.

B. Community Welcome Signs: Signs erected by municipal, civic, or community organizations, and designed to welcome visitors to the community and notify the Public of community events, may be erected in any zoning district, provided that the following standards are met:

1. The maximum area of any one side of the Sign shall not exceed fifty (50) square feet.
2. The maximum area of all sides of the Sign shall not exceed one hundred (100) square feet.
3. Sign illumination shall be limited to external illumination.

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C. Signs for Places of Worship, Service Clubs, Fraternal Organizations, Schools, Municipal, Emergency Services, Public and Non-Commercial Parks and Recreation, and similar Uses that perform civic or community serving functions.

1. The maximum area of any one side of the Sign shall not exceed thirty-two (32) square feet.
2. The maximum area of all sides of the Sign shall not exceed sixty-four (64) square feet.
3. If a Freestanding Sign is used, the maximum height of the Sign shall not exceed ten (10) feet.
4. Sign illumination may include internal illumination.
5. Changeable Copy may be permitted provided the Changeable Copy complies with the requirements of Section 1503.E.
6. Such Signs may include an Electronic Message Center component, provided that such component complies with the Electronic Message Center standards established in Section 1508.
7. Where the standards of Section 1504.C conflict with other standards of Article 15, the standards of Section 1504.C shall control.

Section 1505: Signs Permitted In the AP, LC, RR, R, and VR Districts

Within the AP, LC, RR, R, and VR Districts, the following Sign regulations shall apply.

A. Signs advertising a Home Occupation are permitted, provided that the following requirements are met:

1. The maximum area of any one (1) side of the Sign shall not exceed four (4) square feet.
2. The total area of the Sign shall not exceed eight (8) square feet.
3. Sign illumination shall be limited to external illumination.
4. The maximum height of a Freestanding Sign shall not exceed six (6) feet. Wall Signs or Projecting Signs are permitted, provided that said Sign does not extend above the eave of the Building.

B For individual nonresidential Uses of property other than Home Occupations, the following Sign standards shall apply.

1. One (1) Freestanding Sign shall be permitted in accordance with the following requirements.
   a. The maximum area of any one side of a Freestanding Sign shall not exceed twenty (20) square feet.
   b. The total area of a freestanding or Projecting Sign shall not exceed forty (40) square feet.
   c. Any Freestanding Sign shall not exceed six (6) feet in height.
2. One (1) Wall Sign shall be permitted in accordance with the following requirements.
   a. The maximum area of a Wall Sign shall be eighty (80) square feet or fifteen percent (15%) of the surface area of the wall, whichever is less.
   b. Wall Signs shall not extend above the eave of the Building and shall not be placed over windows.

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Section 1506: Signs Permitted In the MU and VC District

Within the MU and VC Districts, the following Sign regulations shall apply.

A. For individual nonresidential Uses of property, the following Sign standards shall apply.

1. One (1) Freestanding Sign shall be permitted in accordance with the following requirements.

   a. The maximum area of any one side of a Freestanding Sign shall not exceed twenty (20) square feet.

   b. The total area of a freestanding or Projecting Sign shall not exceed forty (40) square feet.

   c. Any Freestanding Sign shall not exceed six (6) feet in height.

2. One (1) Wall Sign shall be permitted in accordance with the following requirements.

   a. The maximum area of a Wall Sign shall be one-hundred (100) square feet or fifteen percent (15%) of the surface area of the wall, whichever is less.

   b. Wall Signs shall not extend above the eave of the Building and shall not be placed over windows.

3. Two (2) Feather Signs shall be permitted in accordance with the following requirements.

   a. The maximum height of a Feather Sign shall be ten (10) feet.

   b. The maximum width of a Feather Sign shall be three (3) feet.

   c. Any Feather Sign shall be securely anchored.

   d. A Feather Signs shall be replaced once the Feather Sign becomes ripped or tattered.

4. Where the nonresidential Use is located at the intersection of two (2) Public Streets, excluding Alleys, one (1) Sign meeting the requirements of Section 1506.A.1 and one (1) Sign meeting the requirements of Section 1506.A.2 may be erected along each Street.

B. For Shopping Centers, the following Sign standards shall apply.

1. One (1) Freestanding Sign shall be permitted to identify the name, entrance, and tenants of the Shopping Center. Such Sign shall comply with the following requirements.

   a. The maximum area of any one side of the Sign shall not exceed 50 square feet.

   b. The total area of the Sign shall not exceed 100 square feet.

   c. The maximum height shall be ten (10) feet.

   d. The Sign shall be located no less than 20 feet from the adjoining road Right-of-Way.

2. One (1) Wall Sign shall be permitted for each tenant within a Shopping Center. Such Sign shall comply with the following requirements.

   a. The maximum area of a Wall Sign shall be thirty (30) square feet or fifteen percent (15%) of the surface area of the wall, whichever is less.

   b. Wall Signs shall not extend above the eave of the Building and shall not be placed over windows.

   c. Each Wall Sign shall be designed to be visually compatible, in terms of color and materials, with Buildings of the Shopping Center.

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C. The Signs authorized in Sections 1506.A and 1506.B above may include an Electronic Message Center component, provided that such component complies with the Electronic Message Center standards established in Section 1508.

Section 1507: Signs Permitted In the I District

Within the I District, the following Sign regulations shall apply.

A. For individual nonresidential Uses of property, the following Sign standards shall apply.

1. One (1) Freestanding Sign shall be permitted in accordance with the following requirements.

   a. The maximum area of any one side of a Freestanding Sign shall not exceed thirty (30) square feet.

   b. The total area of a freestanding or Projecting Sign shall not exceed sixty (60) square feet.

   c. Any Freestanding Sign shall not exceed ten (10) feet in height.

2. One (1) Wall Sign shall be permitted in accordance with the following requirements.

   a. The maximum area of a Wall Sign shall be two-hundred (200) square feet or twenty percent (20%) of the surface area of the wall, whichever is less.

   b. Wall Signs shall not extend above the eave of the Building and shall not be placed over windows.

3. Where the nonresidential Use is located at the intersection of two (2) Public Streets, excluding Alleys, one (1) Sign meeting the requirements of Section 1507.A.1 and one (1) Sign meeting the requirements of Section 1507.A.2 may be erected along each Street.

4. The Signs authorized in Sections 1507.A.1 and 1507.A.2 above may include an Electronic Message Center component, provided that such component complies with the Electronic Message Center standards established in Section 1508.

B. A maximum of one (1) Billboard Sign may be erected on a property in accordance with the following requirements.

1. Billboard Signs shall only be authorized to be constructed in the I District.

2. The maximum area of any one side of the Billboard Sign shall not exceed two hundred (200) square feet.

C. The total maximum area of the Billboard Sign shall not exceed four hundred (400) square feet.

D. The maximum height of the Billboard Sign shall not exceed twenty (20) feet.

E. The Billboard Sign, including its support structure, shall be placed at least twenty-five (25) feet from any Street Right-of-Way line and at least fifty (50) feet from any side or rear property line.

F. The Billboard Sign shall be located along a Minor Arterial Street as identified by the Map in Appendix 5.

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.

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I. Billboard Signs shall be limited to external illumination. Any illumination of a Billboard Sign shall comply with the Sign illumination standards of Section 1501.E.1.

J. Billboard Signs shall be subject to the prohibition of Changeable Copy Signs as established in Section 1503.E.

Section 1508: Electronic Message Center Standards

Where authorized, Electronic Message Centers shall comply with the following standards.

A. Where an Electronic Message Center is authorized, the Electronic Message Center shall be incorporated into an existing or proposed Sign that complies with the Sign type, Sign Height, and Sign Area requirements of the underlying zoning district. Under no circumstances shall an Electronic Message Center be permitted to be incorporated into a nonconforming Sign.

B. The Electronic Message Center shall not exceed more than fifty percent (50%) of the total Sign Area of the Sign into which the Electronic Message Center is being incorporated.

C. No more than one (1) Electronic Message Center shall be permitted per property.

D. The Electronic Message Center shall not employ animated graphics or streaming video. The Electronic Message Center shall not employ text or images which flash, pulsate, move, or scroll. Each complete message must fit on one (1) screen.

E. Any message on an Electronic Message Center shall have a minimum hold time of eight (8) seconds.

F. Message transitions on an Electronic Message Center shall occur instantly, and no transition graphics (for example, fades or dissolves) may be employed.

G. The Electronic Message Center shall be equipped with a default mechanism that will freeze the message when a malfunction in the electronic programming occurs.

H. Audio speakers on Electronic Message Centers are prohibited.

I. Electronic Message Centers shall not exceed a maximum illumination of five thousand (5,000) nits (Candelas per square meter) during daylight hours and a maximum of five hundred (500) nits (Candelas per square meter) between dusk to dawn. The Sign shall be equipped with an automatic dimmer control that produces a distinct illumination change from the higher allowed illumination level to the lower allowed illumination level for the time period between a half hour before sunset and a half hour after sunrise.

J. The owner of every Electronic Message Center shall coordinate with local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

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ARTICLE 16: PARKING AND LOADING REGULATIONS

Section 1600: Required Parking Spaces

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

	Required Parking Spaces
Accessory Dwelling Unit	1 per Dwelling Unit
Single-Family Dwellings, including Attached (Townhouse), Detached, and Semi-Detached	2 per Dwelling Unit
Multi-Family Dwellings, including Apartments and Two Family (Duplex)	2 per Dwelling Unit
Mobile Home Park	2 per Dwelling Unit
Farm Worker Housing	2 per Dwelling Unit
All Other Residential Units	1 per Dwelling Unit
Non-Residential Use	**Required Parking Spaces**
Academic & Research	
Academic Clinical Research Center	1 space per 1.5 student based on design capacity plus 1 space per classroom
Research and Development Facility	1 per 1,000 square feet of Floor Area
School	**Elementary and Middle Schools:** 4 for every 5 employees on-site during the School day **High Schools:** 4 for every 5 employees on-site during the School day plus 1 space for every 5 students
Agricultural	
Agribusiness Operation	1 per employee
Business/Office	
Business or Professional Office	1 per 500 square feet of Floor Area
Cottage Industry/Home Occupation	2 spaces, plus one additional space for each employee.
Events/Congregation/Recreation	
Agricultural Tourism / Commercial Recreation Facilities	**Indoor:** 1 per 500 square feet of Floor Area **Outdoor:** 1 per 10,000 square feet of land devoted to the outdoor recreation Use
Club, Private or Fraternal	1 per 200 square feet.
Conference Center	1 per 300 square feet of meeting space
Galleries and Museums	1 per 850 square feet of Floor Area
Nightclub or Tavern	1 per 200 square feet of patron Floor Area
Place of Worship	1 per 300 square feet of the primary room of assembly
Theaters	1 per 5 seats
Industrial	
Distribution Facility	1 per 2,000 square feet of Floor Area

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Industrial, including Medical Marijuana Grower/Processor / Medical Marijuana Delivery Vehicle Office	1 per 1,000 square feet of Floor Area devoted to heavy industrial function –or – 3 spaces per 4 employees on the largest shift, pus 1 space for every company vehicle normally stored on the premises.
Junk Yard, Landfill, and Resource Extraction	1 per acre of land area devoted to the Use
Recycling Facility	1 space per 600 square feet of gross Floor Area
Lodging	
Bed & Breakfast Inn and House	2 spaces for the Dwelling unit plus 1 per guest room
Hotel/Motel	1 per lodging unit plus 1 employee space per 10 lodging units
Medical	
Hospital, Medical Office/Clinic	1 per 500 square feet of Floor Area serving patients
Continuing Care Retirement Community / Nursing or Residential Care Facility	**Independent Living:** 1 per unit **Assisted Living:** 1 per every two (2) units **Nursing or Skilled Care:** 1 per every three (3) beds **Common Facilities:** See Schedule in Section 1600 for Parking Space requirements for individual Uses within a common facility area **Guest Parking:** 1 per every five living units.
Veterinary and Animal Hospitals	1 per 500 square feet of gross Floor Area serving clients
Retail/Sales	
Convenience Store, Retail Store, Personal Service Shop, Specialty Retail Shop, Medical Marijuana DIspensary Facility, Shopping Center	1 per 400 square feet of Floor Area devoted to customer Use
Farm Equipment Sales Facility, Farm-Related Business, Greenhouses/Nurseries	1 per 500 square feet of Floor Area
Farm Market	1 per 400 square feet of Floor Area devoted to customer Use
Farm Stand/Produce Stand	1 space
Mobilehome & Manufacturing Home Sales	1 per 500 square feet of Floor Area devoted to Mobilehome or Manufactured Home sales function
Motor Vehicle Sales/Service	1 per 500 square feet of Floor Area devoted to customer service
Wholesale Business	1 per 500 square feet of gross Floor Area
Self-Service	
Car Wash	1 for every bay
Laundromat	1 per 400 square feet of gross Floor Area
Rental Storage/Self-Storage Facility	1 per 400 square feet of office Floor Area if on-site rental office is present
Vehicle Fuel Sales/Gas Station	1 per 400 square feet of store gross Floor Area
Service	
Club, Health and Exercise	1 per 500 square feet of Floor Area
Day Care Center	1 space per employee on the largest shift, plus 1 per 10 child or adult client.
Dry Cleaners	1 per 500 square feet of gross Floor Area

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Financial Institution	1 per 500 square feet of gross Floor Area
Funeral Homes / Undertaking Establishments	1 per 4 seats, plus 1 per every 2 employees, plus 1 per hearse, ambulance, and/or company vehicle
Kennel, Commercial	1 per 500 square feet of gross Floor Area
Restaurant/Food Service Establishment	**Drive-thru:** 1 per 300 square feet of patron Floor Area. **Other:** 1 per 200 square feet of patron Floor Area, plus 1 per employee on the largest shift
Studio	1 per 500 square feet of Floor Area
Other	
Wireless Communications Tower	1 per tower
Government, Emergency Service and other Public Facilities	1 per 850 square feet of gross Floor Area
Mixed Use Building	The total minimum Parking Spaces required shall be the sum of the minimum Parking Spaces, as established in Section 1600 for each individual Use within a Mixed Use Building.

A. The Zoning Officer shall determine the parking requirements for any Uses, structures or activities not specifically provided for above. A parking report must be provided by the Applicant with the following information:

1. Location of business (including zoning designation).
2. Type of business.
3. Number of employees.
4. Floor size of business.
5. Hours of business.
6. Estimated number of customers per day.
7. Existing parking for two comparable businesses, one of which to be located within the Municipality where possible.
8. Number of spaces requested.
9. Any other information deemed relevant by the Zoning Officer.

B. **Reduction of Parking Requirements as a Special Exception**

Purpose - To minimize the amount of land covered by paving, while making sure adequate parking is provided.

1. As a Special Exception, the Zoning Hearing Board may authorize a reduction in the number of off-street Parking Spaces required to be provided on-site for a Use if the Applicant satisfactorily demonstrates to the Zoning Hearing Board that one or more of the following three options will satisfy the demand for parking.

    a. **Reduction of Required Parking** Under this Section, the Applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar developments during their peak hours. The Applicant shall also provide relevant data, such as numbers of employers, peak expected number of customers/visitors and similar data.

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b. **Shared Parking** Under this Section, an Applicant may prove that a reduced number of Parking Spaces is justified because more than one Principal Use will share the same parking. In such case, the Applicant shall prove that the parking has been designed to encourage shared Use, and that long-term agreements ensure that the parking will continue to be shared. The amount of the reduction in parking should be determined based upon whether the different Uses have different hours of peak demand and/or overlapping customers.

(1) In addition, an Applicant may prove that parking needs will be reduced or that Off-Site parking is feasible because the Applicant agrees to make a long-term commitment to a shuttle service for residents or employees.

c. **Reserved Area for Additional Parking.** Under this Section, the Zoning Hearing Board may authorize a portion of the required parking to be met through a reservation of an area for future parking. The Board may require the reservation for a certain number of years determined by the Zoning Hearing Board, with a minimum of three (3) years beginning the date on which the Use achieves 80% occupancy.

(1) Such reservation shall be in a form acceptable to the Zoning Hearing Board Solicitor that legally binds current and future owners of the land to keep the reserved parking area in Open Space and then to provide the additional parking if the Municipality determines it is necessary. A deed restriction is recommended.

(2) Under this subsection "c.", the Applicant shall present a site plan to the Zoning Hearing Board that shows the layout that will be used for the additional parking if the parking is required to be provided in the future. The site plan shall show that the additional parking is integrated with the overall traffic access and pedestrian access for the site, and that the additional parking will be able to meet applicable requirements. The Zoning Hearing Board may rely on testimony of the Zoning Officer and Municipal Engineer to verify the proposed site plan meets the requirements of this Section.

(3) The additional parking that is "reserved" under this subsection shall be required to be kept as landscaped open area, until such time as the Zoning Hearing Board Decision may authorize the land's release from the restriction, or until the Municipality may require that the land be developed as parking.

(4) The Zoning Officer shall periodically review the sufficiency of the parking that is provided. If the Zoning Officer in the future determines that the reserved parking is needed to meet actual demand, he/she shall provide written notice to the property-owner. The property-owner shall then have six months to develop the reserved area into off-street parking in compliance with this Ordinance.

(5) Conditions that may lead to the requirement that the reserved area be developed into parking may include:

(a) Adequate off-street parking for the Use is not available on site.

(b) Parking occurs on any road, Driveway, or shared Driveway.

(c) Parking occurs on any area not approved and developed for parking.

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(d) Parking occurs on that area where parking construction has been deferred.

(e) The parking deferral creates traffic or circulation problems on or Off-Site.

Section 1601: Parking Design Standards

All off-street Parking Lots shall be designed to meet the following standards:

A. Where three (3) or more Parking Spaces shall be provided in accordance with the provisions of Section 1600, such spaces shall be provided in a Parking Lot.

B. **Location of Parking:**

1. Required off-street Parking Spaces shall be provided on the same Lot as the Principal Use unless the Applicant demonstrates that a guaranteed long-term method of providing the spaces is available using an area of an adjacent or nearby Lot located within 1000 feet of the entrance of the Principal Use being served. Off-Site parking may also be approved for Lots with a greater distance than 1000 feet from the Principal Use if the Applicant demonstrates a satisfactory and reliable plan for shuttle service. If said off-premises Lot does not share the same owner as the Principal Use, an off-premises parking agreement must be produced by the owners of both properties.

2. No off-Street parking shall be permitted within any minimum Setback area or in any space between the curb and the Build-to Line.

3. Only one row of parking may be permitted in the Front Yard. All other parking shall be located in the Side or Rear Yard.

C. **Surfacing:** Surfacing of off-Street Parking Lot shall comply with the following standards.

1. Parking Lots within the following zoning districts and/or serving the following Uses shall be paved. Suitable paving material shall be asphalt, concrete, or other material that performs in a durable, dust-free manner.

   a. All Parking Lots within the Industrial (I) District.

   b. All Parking Lots for nonresidential Uses within the Mixed Use (MU) and Village Core (VC) Districts.

   c. All Parking Lots for Multi-Family Dwellings in any zoning district.

2. Parking Lots other than those identified in Section 1601.B.1 shall be provided with a durable and dust free surface. Suitable paving material includes asphalt or concrete paving, compacted stone or millings, or other similar material that performs in a durable and dust free manner.

3. Within the Agricultural Preservation (AP), 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.

4. Any Parking Spaces needed to meet ADA requirements for handicapped accessible parking shall be surfaced in accordance with ADA guidelines.

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D. **Circulation Control**: Parking Lot circulation control shall be provided in accordance with the following.

1. Parking Access Drives, Parking Circulation Drives, and Parking Aisle Drives shall be a uniform width. Such drives shall be a minimum of twenty (20) feet in width where two-way directional travel is proposed, and shall be a minimum of twelve (12) feet in width where one-way directional travel is proposed.

3. Parking Aisle Drives terminating in a dead end shall be provided with sufficient back-up or turn around area for the end spaces.

4. Within Parking Lots with twenty-five (25) or more Parking Spaces, the following design elements shall be included to enhance circulation control.

   a. Terminal Islands shall be provided at both ends of all Parking Space Rows.

   b. Where Parking Space Rows are proposed with twenty (20) or more Parking Spaces, one (1) Mid-Row Island shall be provided for every twenty (20) contiguous Parking Spaces.

   c. A Divider Strip between abutting Parking Space Rows shall be installed.

   d. Curbing or bumper blocks shall be provided around all Terminal Islands, Mid-Row Islands, and Divider Strips to prevent vehicular encroachment.

   e. Pedestrian walkways or sidewalks shall be provided. Such walkways or sidewalks shall be arranged so that a Person using a Parking Space may walk from the Parking Space to the Use the Parking Space serves without having to walk along or through other Parking Spaces or Parking Aisle Drives to access the Use. Any location where a walkway or sidewalk crosses an Access Drive or Parking Circulation Drive shall be marked by a crosswalk and shall meet ADA requirements.

5. Within Parking Lots with fifty (50) or more Parking Spaces, the following additional design elements shall be included to enhance circulation control.

   a. Dedicated Parking Access Drive and/or Parking Circulation Drives shall be provided.

   b. Parking Access Drives / Parking Circulation Drives that are designed to run parallel to Parking Aisle Drives shall be separated from said Parking Aisle Drives by a Divider Strip.

   c. Where intersections between Parking Access Drives, Parking Circulation Drives, and/or Parking Aisle Drives are proposed, said intersections shall be designed at ninety (90) degree angles.

   d. No Parking Space may be accessed from a Parking Access Drive or a Parking Circulation Drive. All Parking Spaces must be accessed from a Parking Aisle Drive.

E. **Dimensional Requirements:** All Parking Lots shall be subject to the following dimensional standards.

1. Each Parking Space shall be not less than ten (9) feet wide by twenty (18) feet long.

2. Terminal Islands shall measure not less than five (5) feet in width and not less eight (8) feet in length if installed at the end of a single Parking Space Row and not less than fifteen (15) feet in length if installed at the end of two Abutting Parking Space Rows.

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3. Mid-Row Islands shall measure not less than five (5) feet in width and not less eight (8) feet in length if installed within a single Parking Space Row and not less than fifteen (15) feet in length if installed within two Abutting Parking Space Rows.

4. Divider Strips shall measure not less than five (5) feet in width and extend the full length of the two Parking Space Rows that the Divider Strip separates.

F. **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 1601.C.3.

G. **Parking Lot Illumination:** Parking Lots shall comply with the following illumination standards where illumination is either required or proposed.

1. All lighting shall be arranged so as to prevent Light Trespass onto adjoining properties and/or Public Right-of-Ways. Full cut-off light fixtures shall be used to achieve this standard.

2. Light Standards shall be protected from vehicular traffic by curbing or Landscaping.

H. **Parking Lot Landscaping:** All Parking Lots shall be designed in accordance with the following Landscaping standards.

1. Minimum Standards

a. Each Terminal Island shall include at least one (1) major Deciduous Tree or two (2) minor Deciduous Trees, with the remaining area landscaped with appropriate ground cover or grass.

b. Each Mid-Row Island shall include at least one (1) major Deciduous Tree or two (2) minor Deciduous Trees, with the remaining area landscaped with appropriate ground cover or grass.

c. At least one (1) major Deciduous Tree shall be planted for every forty (40) foot interval within the Divider Strip. Alternatively, at least two (2) major Deciduous Trees shall be planted for every twenty (20) foot interval within the Divider Strip. The remaining area of the Divider Strip shall be landscaped with ground cover or grass. Pedestrian walkways may be substituted for a portion of the required ground cover or grass to facilitate pedestrian movements through the Parking Lot.

d. Perimeter Landscape Areas shall be provided for all Parking Lots in excess of twenty-five (25) spaces and in accordance with the following standards.

(1) Perimeter Landscaped Areas shall be provided around the perimeter of all Parking Lots, except where the one side of the Parking Lot is bounded by a principle structure.

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(2) The minimum width of the perimeter Landscaping area around a Parking Lot shall be five (5) feet, measured outward from the edge of the Parking Lot.

(3) At least one (1) major Deciduous Tree shall be planted for every forty (40) foot interval within the perimeter Landscaping area. Alternatively, at least one (1) minor Deciduous Tree shall be planted for every twenty (20) foot interval within the perimeter Landscaping area. The remaining area of the perimeter Landscaping strip shall be landscaped with appropriate ground cover or grass.

2. Landscaping Plan Submission: A Landscaping Plan depicting the required plantings shall be provided with all required submissions in support of a given project. At a minimum, this includes applications for Special Exception approval and for Zoning Permit approval in accordance with this Ordinance, and for Land Development Plan approval in accordance with the Arendtsville Borough or Butler Township Subdivision and Land Development Ordinance.

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

   a. Calculation of minimum Planting Units required.

   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 1602: Required Off-Street Loading Spaces

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 and that involve product movement and/or delivery. The number of Loading Spaces shall be left to the discretion of the Developer.

Section 1603: Loading Design Standards

All Loading Spaces shall be designed in accordance with the following standards.

A. Loading Spaces shall be at least fourteen (14) feet wide, sixty (60) feet long and shall have at least a fifteen (15) foot vertical clearance.

B. Loading Spaces shall be provided a maneuvering area of sufficient size such that each Loading Space is provided safe and convenient access. Truck turning templates shall be provided on all site plans to depict the means by which trucks will access the Loading Space(s).

C. Within the VC, MU, and I Districts all Loading Spaces shall be paved. Suitable paving material shall be asphalt or concrete. Within the AP, LC, RR, and VR Districts, loading / unloading areas shall be provided with a durable and dust free surface. Suitable paving material includes asphalt or concrete paving, compacted stone or millings, or other similar material that performs in a durable and dust free manner.

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D. Required off-street Parking Spaces (including aisles) shall not be used for loading and unloading purposes except during hours when business operations are suspended.

E. Loading Spaces shall be designed so that trucks need not back in or out, or park in, any Public Right-of-Way.

F. No truck shall be allowed to stand in a Public Right-of-Way, a Parking Lot (including Parking Aisle Drives), or in any way block the effective flow of Persons or vehicles.

G. Loading and unloading areas for service vehicles shall be located on the side or rear of the Building or Buildings so as to be out of view from the Public Street to the maximum extent feasible.

H. Loading and unloading areas, including areas provided for refuse removal, shall be located so as not to interfere with customer or employee parking areas. No loading / unloading or refuse removal functions may be conducted within Parking Aisle Drives.

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ARTICLE 17: NONCONFORMANCE

Section 1700: 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, Building Height, Setback, area, and other regulations of the district in which it is located, providing such Nonconforming Uses shall comply with the provision of this Article.

Section 1701: Alterations and Reconstruction

A. Repairs and structural alterations not constituting extensions, expansions, or enlargements, may be made to a Nonconforming Structure or to a structure occupied by a Nonconforming Use.

B. A Nonconforming Structure which is damaged, destroyed, or destructed by fire, explosion, or natural disaster, may be repaired, rebuilt, or reconstructed and used for the same purpose, provided that:

   1. The reconstruction of the structure is commenced within one (1) year from the date of the destruction of the structure and is carried to completion without undue delay.

   2. The reconstructed structure does not exceed the height, area, and volume of the structure destroyed.

   3. The reconstructed structure shall be located within the footprint of the structure that was destroyed.

Section 1702: Extension, Expansion, and Enlargement of Nonconforming Uses

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 of a Nonconforming Use of land upon a Lot occupied by such Use.

   2. The extension, expansion, or enlargement of a conforming Building occupied by a Nonconforming Use.

B. The foregoing extension, expansions, and enlargements of such Nonconforming Uses shall be subject to the following conditions.

   1. The extension, expansion, or enlargement shall conform to the Use, Building Height, Setback, and coverage regulations of the district in which the Use would ordinarily be permitted.

   2. The criteria of Section 1702.B.1 notwithstanding, the extension, expansion, or enlargement of the Nonconforming 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.

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3. The entire Use shall be provided with off-street parking and Loading Spaces as required by Article 16. Where the design of current off-street Parking Lots and loading facilities do not comply with current standards of Article 16, such Parking Lots and loading facilities shall be redesigned to comply.

3. The extension, expansion, or enlargement does not replace a conforming Use.

4. The extension, expansion, or enlargement of the Nonconforming Use shall not be permitted to extend into land adjacent to the initial parcel of existing land occupied on the effective date of this Ordinance.

Section 1703: Extension, Expansion, and Enlargement of Nonconforming Structures

A. Where an existing structure is nonconforming with regard to one or more applicable dimensional standards, such structure may be extended, expanded, or enlarged as a matter of right provided that the degree of nonconformity is not increased.

B. Where an existing structure is nonconforming with regard to one or more applicable dimensional standards, and an extension, expansion, or enlargement of said Building is proposed that would increase the degree or nonconformity, such extension, expansion, or enlargement shall be subject to Variance approval from the Zoning Hearing Board.

Section 1704: Change of Use

Whenever a Nonconforming Use has been changed to a conforming Use, such Use shall not thereafter be changed to a Nonconforming Use.

Section 1705: Abandonment and Discontinuance

If a Nonconforming Use of a structure or land ceases or is discontinued for a continuous period of one (1) year or more, the Nonconforming Use shall be considered to be abandoned, and subsequent use of such structure or land shall be in conformity with all the provisions of this Article. This standard shall not apply in cases where the cessation or discontinuance was caused by circumstances beyond the control of the owner.

Section 1706: Non-Conforming Lots

A. Any Lot held in single and separate ownership at the effective date of this Ordinance and which does not conform to one or more of the applicable dimensional regulations in the district in which it is located shall be considered non-conforming. A Building may be erected upon a non-conforming Lot and a Use may be established upon a non-conforming Lot provided a Zoning Permit is obtained in accordance with the provisions of this Ordinance. Such development shall comply with the following provisions.

1. The proposed Use is permitted by right within the district in which it is located.

2. The proposed Building and Use shall comply with all applicable area, Building Height, and Bulk regulations of the district other than the regulation(s) that result in the Lot being considered to be non-conforming. Zoning Permit approval shall not be granted for Lots that are non-conforming with regard to minimum Lot Area where the underlying zoning district applies a minimum Lot Area standard for a specific Use that exceeds the generally required minimum Lot Area standard for the zoning district as a whole.

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Section 1707: Non-Conforming Signs

A. Signs in existence at the effective date of this Ordinance may be continued subject to the requirements contained in Section 1700 of this Ordinance.

B. If and when a nonconforming Sign is replaced, the new Sign shall comply with the requirements of Article 15 of this Ordinance. "Replacement" shall refer to structural replacement and/or relocation of the Sign, but shall not include simply revising the text or color of the Sign.

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ARTICLE 18: ENFORCEMENT AND ADMINISTRATION

Section 1800: Statement of Legislative Intent

The following standards shall establish the means and processes by which the Arendtsville Borough and Butler Township Zoning Ordinance is administered. These provisions include, but are not limited to, the establishment, organization, function, and responsibilities of the Arendtsville Borough Zoning Hearing Board and the Butler Township Zoning Hearing Board, the appointment and responsibilities of the Arendtsville Borough and Butler Township Zoning Officer, and the process for application and issuance of Arendtsville Borough and Butler Township Zoning Permits.

Section 1801: Appointment of a Zoning Hearing Board

Arendtsville Borough and Butler Township shall establish individual Zoning Hearing Boards for each Municipality. Each Municipality 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) or more alternate members. Said Zoning Hearing Boards shall have such duties, powers, jurisdiction, and authority as set forth in Article IX of the Municipalities Planning Code.

Section 1802: Membership of the Zoning Hearing Board

Members and alternative members of each Zoning Hearing Board shall be residents of the respective Municipality for that Zoning Hearing Board and shall hold no other elected or appointed office in that Municipality.

A. The membership of each Zoning Hearing Board shall consist of three residents of that respective Municipality appointed by resolution by the Municipality. The terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year.

B. The board shall promptly notify the Governing Body of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the board shall hold no other elected or appointed office in the Municipality nor shall any member be an employee of the Municipality.

C. The Governing Body may appoint by resolution one resident of the Municipality to serve as an alternate member of the board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Section 906 of the Municipalities Planning Code, an alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the Municipality, including service as a member of the Planning Commission or as a Zoning Officer, nor shall any alternate be an employee of the Municipality. Any alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board nor be compensated pursuant to Section 907 of the Municipalities Planning Code unless designated as a voting alternate member pursuant to Section 906 of the Municipalities Planning Code.

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Section 1803: Organization of the Zoning Hearing Board

A. Each 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 each board may appoint a hearing officer from its own membership to conduct any Hearing on its behalf and the parties may waive further action by the board as provided in Section 908 of the Municipalities Planning Code.

B. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final Determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

C. Each Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Municipality and laws of the Commonwealth of Pennsylvania. Each Zoning Hearing Board shall keep full Public records of its business, which records shall be the property of the Municipality, and shall submit a report of its activities to the Governing Body as requested by the Governing Body.

Section 1804: Zoning Hearing Board Expenditures for Services

Within the limits of funds appropriated by the Governing Body, 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 Governing Body, but in no case shall it exceed the rate of compensation authorized to be paid to the Governing Body. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the Governing Body, for the performance of their duties when designated as alternate members pursuant to Section 1803.B, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the Governing Body.

Section 1805: Hearings

The Zoning Hearing Board shall conduct Hearings and make Decisions in accordance with the following requirements:

A. Public Notice shall be given and written notice shall be given to the owner(s) of the subject land parcel(s), the Applicant(s), the Zoning Officer, and all Adjacent Property owners to the subject land parcel(s), and any Person who has made a written request for the same within fifteen (15) days of the scheduled Hearing. Written notices shall be given at such time and in such manner as prescribed by the rules of the Zoning Hearing Board. In addition to the written notice provided for herein, a Sign shall be conspicuously posted on the affected property at least one (1) week prior to a scheduled Hearing date. Such Sign(s) shall bear on its face, at a minimum, the name of the Hearing body, the time and place of the Hearing, and a phone number to contact the Zoning Officer to obtain additional information.

B. The 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

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of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the Hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

C. The first Hearing before the Zoning Hearing Board or Hearing officer shall be commenced within sixty (60) days from the date of receipt of the Applicant's application, unless the Applicant has agreed in writing to an extension of time. Each subsequent Hearing before the Zoning Hearing Board or Hearing officer shall be held within forty-five (45) days of the prior Hearing, unless otherwise agreed to by the Applicant in writing or on the record. An Applicant shall complete the presentation of his or her case-in-chief within one hundred (100) days of the first Hearing. Upon the request of the Applicant, the Zoning Hearing Board or Hearing officer shall ensure that the Applicant receives at least seven (7) hours of Hearings within the one hundred (100) days, including the first Hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first Hearing held after the completion of the Applicant's case-in-chief. An Applicant may, upon request, be granted additional Hearings to complete his or her case-in-chief provided the Persons opposed to the application are granted an equal number of additional Hearings. Persons opposed to the application may, upon the written consent or consent on the record by the Applicant and the Municipality, 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. Hearings shall be conducted by the Zoning Hearing Board, or the Zoning Hearing Board may appoint any member or an independent attorney as a Hearing officer. The Decision, or, where no Decision is called for, the findings shall be made by the Zoning Hearing Board. However, the appellant or the Applicant, as the case may be, in addition to the Municipality, may, prior to the Decision of the Hearing waive Decision or findings by the Zoning Hearing Board and accept the Decision or findings of the Hearing officer as final.

E. The parties to the Hearing shall be the Governing Body, any Person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other Person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all Persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.

F. The chairperson or acting chairperson of the Zoning Hearing Board, or the Hearing officer presiding, shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

I. The Zoning Hearing Board, or the Hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the Applicant and the Municipality. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or Hearing officer, or shall be paid by the Person appealing from the Decision of the Zoning Hearing Board if such appeal is

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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 Zoning Hearing Board or the Hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of Hearings with any party or his representative unless all parties are given an opportunity to be present.

K. The Zoning Hearing Board or the Hearing officer, as the case may be, shall render a written Decision or, when no Decision is called for, make written findings on the application within forty-five (45) days after the last Hearing before the Zoning Hearing Board or Hearing officer. Where the application is contested or denied, each Decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

L. If the Hearing is conducted by a Hearing officer, and there has been no stipulation that his or her Decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final Decision or entry of findings, and the Zoning Hearing Board's Decision shall be entered no later than thirty (30) days after the report of the Hearing officer.

M. Except for challenges filed under Section 916.1 of the Municipalities Planning Code where the Zoning Hearing Board fail to render the Decision with the period required by this subsection, or fail to commence, conduct or complete the required Hearing as provided in subsection C of this Section, the Decision shall be deemed to have been rendered in favor of the Applicant unless the Applicant has agreed in writing or on the record to an extension of time. When a Decision has been rendered in favor of the Applicant because of the failure of the Zoning Hearing Board to meet or render a Decision as hereinabove provided, the Zoning Hearing Board shall give Public Notice of said Decision within ten (10) days from the last day, the Zoning Hearing Board could have met to render a Decision in the same manner as provided in Subsection A of this Section. If the Zoning Hearing Board shall fail to provide such notice, the Applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the Decision to a court of competent jurisdiction.

N. A copy of the final Decision or, where no Decision is called for, of the findings shall be delivered to the Applicant personally or mailed to him or her not later than the day following its date. To all other Persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the Hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the Decision or findings and a statement of the place at which the full Decision or findings may be examined.

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Section 1806: 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 Governing Body pursuant to Sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code.

B. Appeals from the Determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any Nonconforming Use, Structure or Lot.

C. Appeals from a Determination by a municipal engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within any Arendtsville Borough or Butler Township land use ordinance.

D. Applications for Variances from the terms of the Zoning Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Municipalities Planning Code and Section 1807 of this Ordinance.

E. Applications for Special Exceptions under the Zoning Ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 912.1 of the Municipalities Planning Code and Section 1808 of this Ordinance.

F. Appeals from the Determination of any officer or agency charged with the administration of any transfers of development rights or performance Density provisions of the Zoning Ordinance.

G. Appeals from the Zoning Officer's Determination under Section 916.2 of the Municipalities Planning Code.

H. Appeals from the Determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to Sedimentation and Erosion control and stormwater management insofar as the same relate to development not involving applications specified in Article V or VII of the Municipalities Planning Code.

Section 1807: Variances

The Zoning Hearing Board shall hear requests for Variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the Applicant. The Zoning Hearing Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. Application for any Variance shall be made to the Zoning Hearing Board through the Zoning Officer. The application requirements shall be: the submittal of an Application for a Hearing before the Zoning Hearing Board, plus a plan drawing including the same elements as those required in Section 1812.C of this Ordinance. The Application shall provide information sufficient to evaluate conformance with the criteria for such Variance as set forth in this Section. The Zoning Hearing Board may grant a Variance, provided that all of the following findings are made where relevant in a given case:

A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or other shallowness of Lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.

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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 or development of Adjacent Property, nor be detrimental to the public welfare.

E. That the Variance, if authorized, will represent the minimum Variance that will afford relief and will represent the least modification possible of the regulation in issue. In granting any Variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Municipalities Planning Code and the Arendtsville Borough and Butler Township Zoning Ordinance.

Section 1808: Special Exceptions

A. Where the Governing Body, in the Zoning Ordinance, has stated Special Exceptions to be granted or denied by the Zoning Hearing Board, pursuant to express standards and criteria, the Zoning Hearing Board shall hear and decide requests for such Special Exceptions in accordance with such standards and criteria.

B. Applications for any Special Exception shall be made to the Zoning Hearing Board through the Zoning Officer. The Zoning Officer shall concurrently refer the matter to the Planning Commission for a report thereon as specified in this Section.

C. All applications shall include the following.

1. The submittal of an Application for a Hearing before the Zoning Hearing Board.
2. A plan drawing including the same elements as those required in Section 1812.C of this Ordinance.
3. Information of sufficient to evaluate conformance with the standards specified in the pertinent Section of this Ordinance.

D. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards in additions to those expressed in the Zoning Ordinance as it may deem necessary to implement the purposes of the Municipalities Planning Code, the Zoning Ordinance and to anticipate and ameliorate any negative impacts on the health, safety, and welfare of citizens residing nearby as well as the general public.

E. In considering Special Exceptions, the Zoning Hearing Board shall utilize the following procedures.

1. The Zoning Hearing Board's Decisions to approve or deny a permit for a Special Exception Use shall be made only after Public Notices and Hearing as set forth in Section 1805 of this Ordinance. Such permit shall apply only after Public Notice and Hearing.
2. No permit shall be granted by the Zoning Hearing Board for any Special Exception Use until said board has just received and considered advisory reports thereon received from the Planning Commission with respect to the location of such Use in relation to growth patterns within the Municipality, and wherever appropriate, with reference to the adequacy of the site plan design and the arrangement of Buildings, Driveways, access points, Parking Lots, off-street Loading Spaces, Signage, lighting and any other pertinent features of a site plan.

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3. The Planning Commission shall have thirty (30) days from the receipt of an Application for Hearing within which to file a report thereon. In the event that the Planning Commission shall fail to file its report within thirty (30) days, such Application shall have deemed to have received a neutral review from said agency. The Planning Commission may have representation at the Public Hearing held by the Zoning Hearing Board.

Section 1809: Parties Appellant before the Zoning Hearing Board

Appeals under Sections 909.1(a)(1), (2), (3), (4), (7), (8) and (9) of the Municipalities Planning Code may be filed with the Zoning Hearing Board in writing by the Landowner affected, any officer or agencies of the 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 Zoning Hearing Board by any Landowner or any tenant with the permission of such Landowner.

Section 1810: Time Limitations

A. No Person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an Application for Development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such Person alleges and proves that he or she had no notice, knowledge, or reason to believe that such approval had been given. If such Person has succeeded to his or her interest after such approval, he or she shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the Landowner to appeal from an adverse Decision on a tentative plan pursuant to Section 709 of the Municipalities Planning Code by a Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of the Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

B. All appeals from Determinations adverse to the Landowners shall be filed by the Landowner within thirty (30) days after notice of the Determination is issued.

C. Unless otherwise specified or extended by the Zoning Hearing Board, a Variance or Special Exception authorized by the Zoning Hearing Board shall become null and void if the Applicant fails to obtain and maintain a Zoning Permit, as set forth in Section 1812 of this Ordinance, within twelve (12) months from the date of authorization of the Variance or Special Exception.

Section 1811: Zoning Officer

For the administration of this Zoning Ordinance, a Zoning Officer, who shall not hold any elective office of 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 Zoning Permits for construction and Uses which are in accordance with the requirements of this Ordinance, record and file all applications for Zoning Permits with accompanying plans and documents, and make such reports as the Board of Supervisors may require. Zoning Permits for construction and for Uses which are a Special Exception or Variance to the requirements of this ordinance shall be issued only upon written order of the Zoning Hearing Board.

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The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of employment.

Section 1812: Permits

A. **Requirements of Permits:** A Zoning Permit shall be required prior to the erection, addition, or alteration of any Building or structure or portion thereof, prior to the use or change in the use of a Building, structure, or land, and prior to the change or extension of a Nonconforming Use. It shall be unlawful for any Person to commence work for the erection or alteration of any Building or structure, or for a change in land use, until a Zoning Permit has been duly issued. No Zoning Permit shall be required in cases of normal maintenance and repairs which do not structurally change a Building or structure.

B. **Improvements Excluded from Permit Requirement:** The following Improvements to property are excluded from the requirement to obtain a Zoning Permit in accordance with Section 1812.A above.

1. Dog houses.
2. Non-permanent or inflatable Swimming Pools that are installed at the beginning of the swimming season and removed at the end of the swimming season, and that do not exceed two hundred (200) square feet in size.
3. Swing sets.
4. Sheds of less than one-hundred (100) square feet in area.
5. Tree houses for child recreation purposes. Tree stands for hunting purposes.
6. Ground-mounted heating and air conditioning equipment for a single residential Dwelling, and any concrete or similar pad associated with such installation.
7. Ramps or other features intended to meet accessibility needs to a given property.

C. **Applications for Permits:** The following elements of a Zoning Permit application shall be provided by the Applicant:

1. A completed Zoning Permit Application Form. If the Applicant is not the owner of the property, the signature of the owner is required on the application.
2. Application fee.
3. A site plan, drawn to scale, showing the following.
   a. Actual shape and dimensions of the Lot to be built upon.
   b. Exact size and location of any Buildings or structures existing on the Lot.
   c. Existing and proposed Use of any Buildings or structures existing on the Lot.
   d. Required Building Setback Lines, per applicable Section of the Zoning Ordinance.
   e. The footprint and dimensions of any proposed Building or structure, with its location on the Lot accurately shown. Measurements of the distance from the proposed Building or structure to the front, side and rear property lines must be shown.
   f. Notes identifying the following.
      (1) The Zoning District within which the property is located.

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(2) The Use(s) of the proposed Building(s) or structure(s).

(3) The number of families or Dwelling units the Building is designed to accommodate (if applicable).

g. Other information deemed necessary by the Zoning Officer in order to accurately depict the proposed activity.

h. North arrow.

i. Scale.

j. Title block including Applicant's name, owner's name, address of property, tax parcel number, name of plan preparer, plan preparation date.

4. All applications with accompanying plans and documents shall become a Public record after a Zoning Permit is issued or denied.

D. **Issuance of Zoning Permits:**

1. No Zoning Permit shall be issued until the Zoning Officer has certified that the proposed Use of land, Building, structure, addition, alteration, Sign, or other design feature complies with all the provisions of this Ordinance, and until the Zoning Officer has completed the following:

a. Review sheet to determine the completeness of the application submitted and compliance with the Zoning Ordinance.

b. Written Determination of compliance or noncompliance with the Zoning Ordinance, including any conditions placed on a Variance or Special Exception by the Zoning Hearing Board.

c. Zoning Permit card for display.

2. A Zoning Permit issued in error shall become null and void.

3. An approved Zoning Permit shall become void twelve (12) months from the date of issuance unless construction work has commenced or the change in Use has been accomplished.

Section 1813: Fees

In accordance with Section 617.3(e) of the Pennsylvania Municipalities Planning Code, the Governing Body shall prescribe reasonable fees with respect to the administration of this Ordinance and with respect to Hearings before the Zoning Hearing Board. Such fee schedule shall be adopted by resolution of the Governing Body, and may be amended, from time to time.

Section 1814: Preventive Remedies

A. In addition to other remedies provided for herein, the Municipality 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.

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B. The Municipality, its Zoning Officer or other officers or officials, may refuse to issue any Zoning Permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a Subdivision of real property in violation of any provisions of this Ordinance. This authority to deny any such Zoning Permits or approvals shall apply to any of the following Applicants:

1. The owner or record at the time of such violation.
2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee has actual or constructive knowledge of the violation.
4. The vendee or lessee of the current owner of record who acquire the property subsequent to the time of violation without regard as to whether such vendee of lessee has actual or constructive knowledge of the violation.

C. No Zoning Permit shall be issued nor shall any approval be granted to any Applicant identified in subparagraph (B) above, unless such Applicant complies with the conditions which would have been applicable to the property at the time the Applicant acquired an interest in such real property, unless the Municipality waives such condition.

Section 1815: 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 Municipality, shall pay a judgment of not more than $500.00 plus all court costs plus reasonable attorney fees incurred by the Municipality 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 Municipality 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 Municipality, 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 Municipality.

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Section 1816: 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 1815 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 Municipality 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 Municipality 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.

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ARTICLE 19: INTERPRETATION

Section 1900: 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.

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ARTICLE 20: ADOPTION

Section 2000: Effective Date

IN WITNESS WHEREOF, the present Ordinance has been duly enacted, and ordained this ___ day of ____, 20__.

ARENDTSVILLE BOROUGH COUNCIL

ATTEST

(SEAL) _____
Karen Menges
Secretary / Treasurer

BY: _____
Jay Johnson, President

_____
Ferd Prehn, Vice President

_____
William Hale, Member

_____
Richard Hartman, Member

_____
Matt Johnson, Member

_____
Tim Kuhn, Member

_____
Ken Shafer, Member

BUTLER TOWNSHIP BOARD OF SUPERVISORS

ATTEST

(SEAL) _____
Danielle Helwig
Secretary / Treasurer

BY: _____
Douglas Bower, Chair

_____
Lloyd Keckler, Vice Chair

_____
Mike Wertz, Member

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APPENDIX 1:

PERMITTED USE TABLE

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APPENDIX 1: PERMITTED USE TABLE

USE	AP	LC	RR	R	VR	VC	MU	I	STANDARD
Academic Clinical Research Center							P		1401.A
Accessory Structure/Building	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC	
Accessory Dwelling Unit	ACC	ACC	ACC	ACC	ACC	ACC	ACC		1401.B
Adaptive Reuse of Industrial/Civic Building			P	P	P	P	P	P	1401.C
Agribusiness Operation	SE								1401.D
Agricultural Operation	P	P	P				P		
Agricultural Tourism Operation	SE	SE					P		1401.E
Animal Shelter		P					P		
Apartment Building					SE	P	P		1401.F
Assisted Living Facility			P		SE		P		1401.G
Banquet Hall			SE			P	P		1401.H
Bed-and-Breakfast Establishment	ACC	SE	SE	SE	SE	P	P		1401.I
Business or Industrial Park							SE	SE	1401.J
Campground		SE							1401.K
Campsite Hosting	P/ACC	P/ACC	ACC						1401.L
Car Wash							P	P	
Cemetery	P	P	P	P	P	P			
Club, Health and Exercise						P	P		
Club, Private or Fraternal						P	P		
Commercial Recreation, Indoor						P	P		
Commercial Recreation, Outdoor		P	P				P		
Conference Center							SE		1401.M
Continuing Care Retirement Community				SE	SE		SE		1401.N
Conversion Apartment					P	P	P		1401.O
Cottage Industry	ACC	ACC	ACC		ACC	ACC	ACC		1401.P
Country Club		P					P		
Day Care Center			P		P	P	P		
Dry Cleaners						P	P		
Dwelling, Multi-Family					P	P			
Dwelling, Single-Family Attached					P	P			
Dwelling, Single-Family Detached	P	P	P	P	P	P	P		
Dwelling, Single-Family Semi-Detached					P	P			
Dwelling, Two-Family					P	P			
Emergency Services Facility or Structure					P	P	P	P	
Estate Lot		SE	SE						1401.Q
Farm	P	P	P				P		
Farm Equipment Sales	P	P					P		
Farm Market	ACC	ACC					ACC		1401.R
Farm-Related Business	ACC	ACC					ACC		1401.S
Farm Stand / Produce Stand	ACC	ACC	ACC				ACC		
Farm Worker Housing	ACC	ACC							1401.T
Financial Institution/Bank						P	P		
Financial Institution/Bank W/Drive-Through						P	P		1401.U
Forestry	P	P	P	P	P	P	P	P	
Funeral Home/Undertaking Establishment						P	P		
Gallery/Museum						P	P		
Governmental Use					P	P	P	P	
Greenhouse	P/ACC	P/ACC					P/ACC		
Group Home			P	P	P	P			1401.V
Growing/producing Agricultural Products on non-farm	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC	
Halfway House			SE		SE	SE	SE		1401.W
Home Occupation	ACC	ACC	ACC	ACC	ACC	ACC	ACC		1401.X
Homestay	ACC	ACC	ACC	ACC	ACC	ACC	ACC		1401.Y
Hospital					SE		P		1401.Z
Hotel/Motel						P	P		

P = Permitted by-right as a principal use | **SE** = Permitted by Special Exception | **ACC** = Permitted as an accessory to the principal use

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USE	AP	LC	RR	R	VR	VC	MU	I	STANDARD
Industrial, Heavy								SE	1401.AA
Industrial, Light								P	
Junk Yard								SE	1401.BB
Kennel, Commercial		P					P	P	1401.CC
Landfill								SE	1401.DD
Laundromat						P	P		
Medical Marijuana Dispensary Facility							P		1401.EE
Medical Marijuana Grower/Processor								SE	1401.FF
Medical Marijuana Transport Vehicle Service							P	P	1401.GG
Medical Office/Clinic						P	P		
Mixed Use Building					P	P	P		1401.HH
Mobile Home Park			SE				P		1401.II
Mobile Home/Manufactured Home Sales							P		
Nature Preserve		P							
No-Impact Home-Based Business	ACC	ACC	ACC	ACC	ACC	ACC	ACC		1401.JJ
Nursery	P/ACC	P/ACC					P/ACC		
Office, Business & Professional						P	P		
Personal Service Shop						P	P		
Place of Worship	P	P	P	P	P	P	P		
Processing Agricultural Products on-site	ACC	ACC	ACC				ACC		
Public Recreation		P	P	P	P	P	P		
Recycling Facility								P	1401.KK
Rental or Self-Storage Facility							SE	SE	1401.LL
Research and Development Facility							P	P	
Resource Extraction								SE	1401.MM
Restaurant (Food Service Establishment)						P	P		1401.NN.1
Restaurant, Drive-Through							P		1401.NN.2
Retail Store						P	P		
Retail with Drive-through							P		1401.OO
Rural Events Venue	SE	SE							1401.PP
Shooting Range, Outdoor		SE							1401.QQ
Shopping Center							P		1401.RR
Solar Farm	SE							SE	1401.SS
Specialty Retail Shop					P	P	P		
Studio	ACC	ACC	ACC			P	P		
Tasting Room/Winery/Cidery/Brewery/ Distillery	SE	SE	SE			P	P		1401.TT
Tavern or Nightclub						P	P		
Theater						P	P		
Townhouse Community				SE	SE		SE		1401.UU
Vacation Rental	P	P	P						1401.VV
Vehicle Fuel Sales /Gas Station						P	P	P	1401.WW
Vehicle Sales							P		
Vehicle Service/Repair						P	P	P	1401.XX
Veterinary/Animal Hospital	P	P					P		1401.YY
Wholesale Business							P	P	
Wildlife Sanctuary		P							
Wireless Communications Facility - Co-Location – Inside Public Right-of-Way	SE	SE	SE	SE	SE	SE	SE	P	1401.ZZ
Wireless Communications Facility - Co-Location – Outside Public Right-of-Way	SE	SE	SE	SE	SE	SE	SE	P	1401.AAA
Wireless Communication Facility - Tower Based – Inside Public Right-of-Way	SE	SE	SE				SE	P	1401.BBB
Wireless Communication Facility - Tower Based – Outside Public Right-of-Way	SE	SE					SE	P	1401.CCC
Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the Uses permitted within the Zoning District, and which will not be detrimental to the intended purposes of that District.	SE	SE	SE	SE	SE	SE	SE	SE	

P = Permitted by-right as a principal use | **SE** = Permitted by Special Exception | **ACC** = Permitted as an accessory to the principal use

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APPENDIX 2:

SUMMARY OF ZONING DISTRICTS

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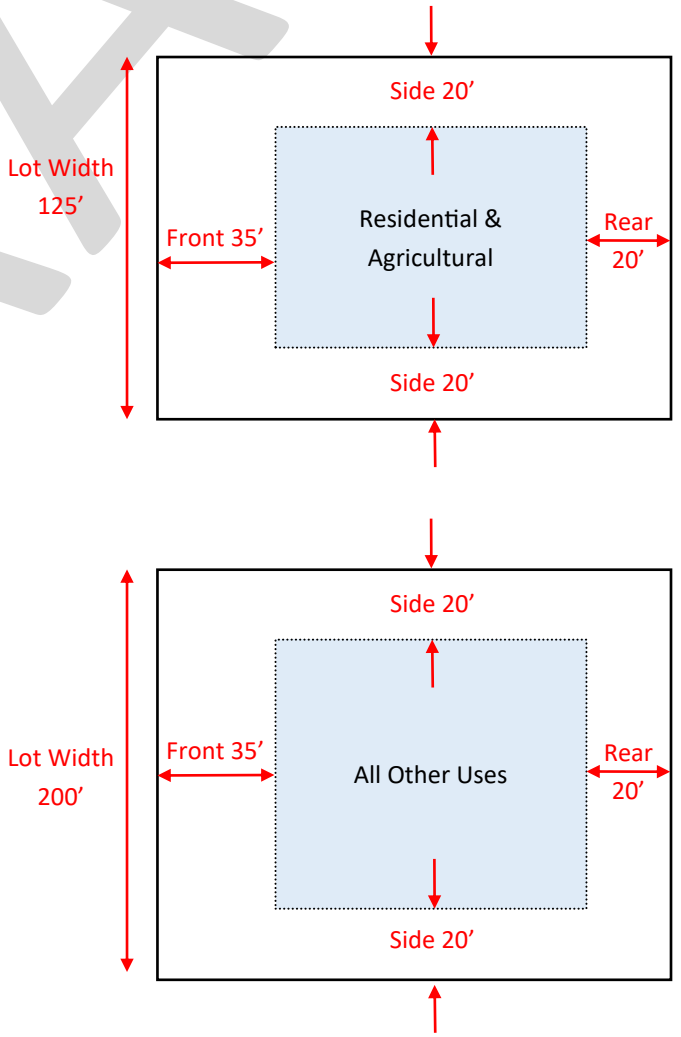
AP | Agricultural Preservation

Description: The AP District is intended to protect agriculture as an on-going economic activity by generally permitting only those land uses and activities which are agricultural in nature or support agricultural activity or operations.

Dimensional Requirements		
Min. Lot Area		1 Acre
Max. Lot Area	Residential	2 Acres*
	Farm/Agricultural	None
	All Other	4 Acres*
Min. Lot Width	Residential	125’
	Farm/Agricultural	125’
	All Other	200’
Max. Lot Coverage	Residential	25%
	Farm/Agricultural	35%
	All Other	30%
Setbacks		
Front Setback		35’
Side Setback		20’
Rear Setback		20’
Building Height		
Max. Height	Farm/Agricultural	None
	All Other	40’

*Lots in the AP District are subject to Lot Allocation standards in Section 402.



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AP | Agricultural Preservation

Use	AP	Use Specific Standards
Accessory Structure/Building	ACC	
Accessory Dwelling Unit	ACC	1401.B
Agribusiness Operation	SE	1401.D
Agricultural Operation	P	
Agricultural Tourism Operation	SE	1401.E
Bed-and-Breakfast Establishment	ACC	1401.I
Campsite Hosting	P/ACC	1401.L
Cemetery	P	
Cottage Industry	ACC	1401.P
Dwelling, Single-Family Detached	P	
Farm	P	
Farm Equipment Sales	P	
Farm Market	ACC	1401.R
Farm-Related Business	ACC	1401.S
Farm Stand / Produce Stand	ACC	
Farm Worker Housing	ACC	1401.T
Forestry	P	
Greenhouse	P/ACC	
Growing/producing Agricultural Products on non-farm	ACC	
Home Occupation	ACC	1401.X
Homestay	ACC	1401.Y
No-Impact Home-Based Business	ACC	1401.JJ
Nursery	P/ACC	
Place of Worship	P	
Processing Agricultural Products on-site	ACC	
Rural Events Venue	SE	1401.PP
Solar Farm	SE	1401.SS
Studio	ACC	
Tasting Room/Winery/Cidery/Brewery/Distillery	SE	1401.TT
Vacation Rental	P	1401.VV
Veterinary/Animal Hospital	P	1401.YY
Wireless Communication Facility - Co-Location	SE	1401.ZZ/AAA
Wireless Communications Facility - Tower Based	SE	1401.BBB/CCC
Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the Uses permitted above, and which will not be detrimental to the intended purposes of the AP District.	SE	

P = Permitted by-right as a principal use | **SE** = Permitted by Special Exception | **ACC** = Permitted as an accessory to the principal use

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LC | Land Conservation

Description: The LC District is intended to retain the rural character and scenic qualities in areas that have already experienced low-density, large-lot development.

Dimensional Requirements		
Min. Lot Area	Farm	25 Acres
	All Other	1 Acre
Max. Lot Area	Residential	5 Acres*
	Estate Lot	25 Acres
	All Other	None
Min. Lot Width	Residential	100’
	All Other	150‘
Max. Lot Coverage	Residential	25%
	All Other	20%
Setbacks		
Front Setback		35’
Side Setback		20’
Rear Setback		20’
Building Height		
Max. Height		40’

Subdivisions in the LC District must comply with Open Land Standards in Section 502.

*Residential uses must comply with Density Standards in Section 503.

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LC | Land Conservation

Use	LC	Use Specific Standards
Accessory Structure/Building	ACC	
Accessory Dwelling Unit	ACC	1401.B
Agricultural Operation	P	
Agricultural Tourism Operation	SE	1401.E
Animal Shelter	P	
Bed-and-Breakfast Establishment	SE	1401.I
Campground	SE	1401.K
Campsite Hosting	P/ACC	1401.L
Cemetery	P	
Commercial Recreation, Outdoor	P	
Cottage Industry	ACC	1401.P
Country Club	P	
Dwelling, Single-Family Detached	P	
Estate Lot	SE	1401.Q
Farm	P	
Farm Equipment Sales	P	
Farm Market	ACC	1401.R
Farm-Related Business	ACC	1401.S
Farm Stand / Produce Stand	ACC	
Farm Worker Housing	ACC	1401.T
Forestry	P	
Greenhouse	P/ACC	
Growing/producing Agricultural Products on non-farm	ACC	
Home Occupation	ACC	1401.X
Homestay	ACC	1401.Y
Kennel, Commercial	P	1401.CC
Nature Preserve	P	
No-Impact Home-Based Business	ACC	1401.JJ
Nursery	P/ACC	
Place of Worship	P	
Processing Agricultural Products on-site	ACC	
Public Recreation	P	
Rural Events Venue	SE	1401.PP
Shooting Range, Outdoor	SE	1401.QQ
Studio	ACC	
Tasting Room/Winery/Cidery/Brewery/Distillery	SE	1401.TT
Vacation Rental	P	1401.VV
Veterinary/Animal Hospital	P	1401.YY
Wildlife Sanctuary	P	
Wireless Communication Facility - Co-Location	SE	1401.ZZ/AAA
Wireless Communications Facility - Tower Based	SE	1401.BBBCCC
Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the Uses permitted above, and which will not be detrimental to the intended purposes of the LC District.	SE	

P = Permitted by-right as a principal use | **SE** = Permitted by Special Exception | **ACC** = Permitted as an accessory to the principal use

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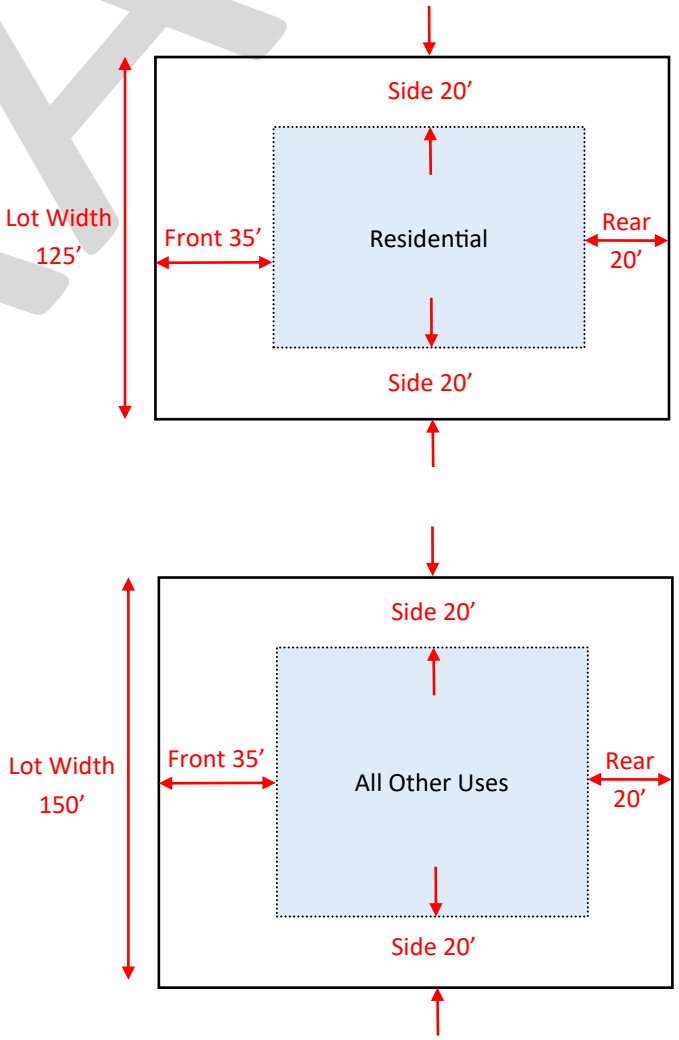
RR| Rural Residential

Description: The RR District is indented to apply standards that reflect the existing developed character of lower-density residential neighborhoods that have developed in a variety of settings in Butler Township, and enable the continued development of those neighborhoods at densities that limit the potential for public sewer and water expansion to those areas.

Dimensional Requirements		
Min. Lot Area	Single-Family Detached	1 Acre
	All Other Uses	2 Acres
Max. Density	Single-Family Detached	1 DU/ 2 Acres
	All Other	None
Min. Lot Width	Single-Family Detached	125’
	All Other	150’
Max. Lot Coverage	Residential	30%
	All Other	25%
Setbacks		
Front Setback		35’
Side Setback		20’
Rear Setback		20’
Building Height		
Max. Height	Farm/Agricultural	None
	All Other	40’



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RR| Rural Residential

Use	RR	Use Specific Standards
Accessory Structure/Building	ACC	
Accessory Dwelling Unit	ACC	1401.B
Adaptive Reuse of Industrial/Civic Building	P	1401.C
Agricultural Operation	P	
Assisted Living Facility	P	1401.G
Banquet Hall	SE	1401.H
Bed-and-Breakfast Establishment	SE	1401.I
Campsite Hosting	SE	1401.L
Cemetery	P	
Commercial Recreation, Outdoor	P	
Cottage Industry	ACC	1401.P
Day Care Center	P	
Dwelling, Single-Family Detached	P	
Estate Lot	SE	1401.Q
Farm	P	
Farm Stand / Produce Stand	ACC	
Forestry	P	
Group Home	P	1401.V
Growing/producing Agricultural Products on non-farm	ACC	
Halfway House	SE	1401.W
Home Occupation	ACC	1401.X
Homestay	ACC	1401.Y
Mobile Home Park	SE	1401.II
No-Impact Home-Based Business	ACC	1401.JJ
Place of Worship	P	
Processing Agricultural Products on-site	ACC	
Public Recreation	P	
Studio	ACC	
Tasting Room/Winery/Cidery/Brewery/Distillery	SE	1401.TT
Vacation Rental	P	1401.VV
Wireless Communication Facility - Co-Location	SE	1401.ZZ/AAA
Wireless Communications Facility - Tower Based	SE	1401.BBB/CCC
Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the Uses permitted above, and which will not be detrimental to the intended purposes of the RR District.	SE	

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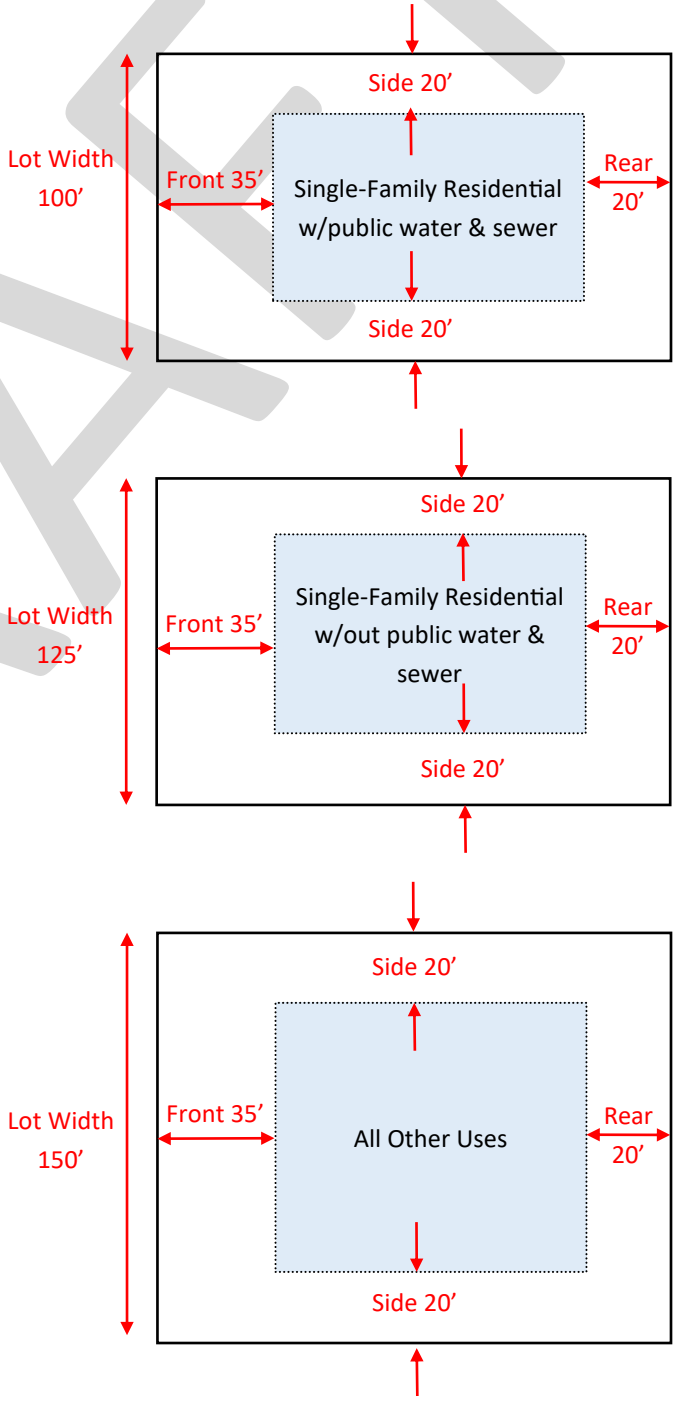
P = Permitted by-right as a principal use | **SE** = Permitted by Special Exception | **ACC** = Permitted as an accessory to the principal use

R| Residential

Description: The R district is intended to apply dimensional standards that reflect a suburban residential character within existing suburban neighborhoods and adjacent areas that allow for expansion at densities that reflect the availability, or lack of, public sewer and water.

Dimensional Requirements		
Min. Lot Area	Single-Family Detached w/ public sewer and water	10,000 SF
	Public Park, Recreation, and Public Utility	None
	All Other Uses	1 Acre
Max. Density	Single-Family Detached	4 DU/ Acre
	All Other	None
Min. Lot Width	Single-Family Detached w/ public sewer and water	100’
	Single-Family Detached w/o public sewer and water	125’
	Public Park, Recreation, and Utility	None
	All Other	150’
Max. Lot Coverage	Residential	35%
	All Other	45%
Setbacks		
Front Setback		35’
Side Setback		20’
Rear Setback		20’
Building Height		
Max. Height		40’



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R | Residential

Use	R	Use Specific Standards
Accessory Structure/Building	ACC	
Accessory Dwelling Unit	ACC	1401.B
Adaptive Reuse of Industrial/Civic Building	P	1401.C
Bed-and-Breakfast Establishment	SE	1401.I
Cemetery	P	
Continuing Care Retirement Community	SE	1401.N
Dwelling, Single-Family Detached	P	
Forestry	P	
Group Home	P	1401.V
Growing/producing Agricultural Products on non-farm	ACC	
Home Occupation	ACC	1401.X
Homestay	ACC	1401.Y
No-Impact Home-Based Business	ACC	1401.JJ
Place of Worship	P	
Public Recreation	P	
Townhouse Community	SE	1401.UU
Wireless Communications Facility - Co-Location	SE	1401.ZZ/AAA
Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the Uses permitted above, and which will not be detrimental to the intended purposes of the R District.	SE	

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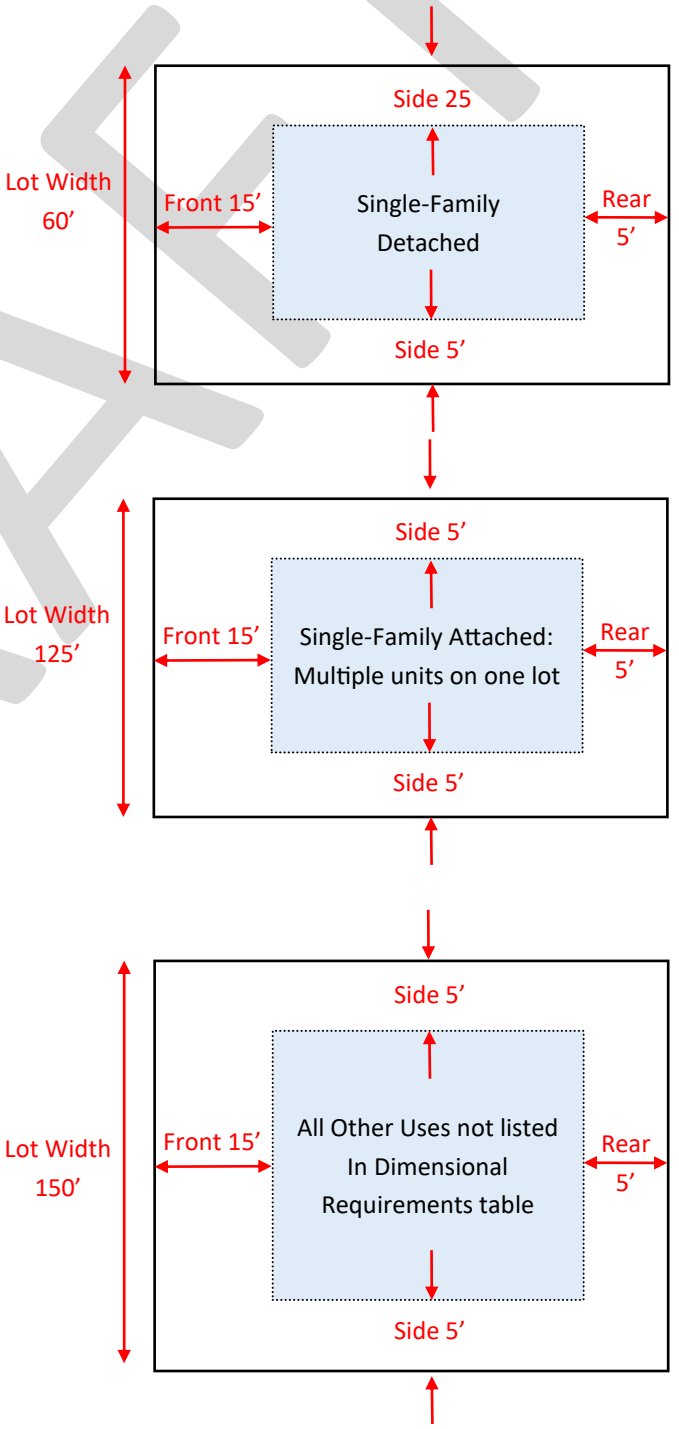
P = Permitted by-right as a principal use | **SE** = Permitted by Special Exception | **ACC** = Permitted as an accessory to the principal use

VR | Village Residential

Description: The VR District is intended to establish reasonable standards to provide for a mix of residential and limited commercial and office uses.

Dimensional Requirements		
Min. Lot Area	Single-Family Detached	7,000SF/DU
	Duplex	3,500SF/DU
	Single-Family Attached	3,000SF/DU
	Two-Family	10,000SF/DU
	Public Park, Recreation, Public	None
	All Other Uses	1 Acre
Max. Density	Single-Family Detached	2 DU/Acre
	All Other	None
Min. Lot Width	Single-Family Detached	60’
	Single-Family Semi-Detached	30’/DU
	Single-family Attached: Interior Lot	25’/DU
	Single-family Attached: End Lot	40’/DU
	Single-family Attached: Multiple units on one lot	125’
	Two-Family	60’
	Public Park, Recreation, and Public Utility	None
	All Other	150’
Max. Lot Coverage		70%
Setbacks		
Front Setback		15’
Side Setback		5’*
Rear Setback		5’*
Building Height		
Max. Height		40’

* See Section 208 for additional setback options.



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VR | Village Residential

Use	VR	Use Specific Standards
Accessory Structure/Building	ACC	
Accessory Dwelling Unit	ACC	1401.B
Adaptive Reuse of Industrial/Civic Building	P	1401.C
Apartment Building	SE	1401.F
Assisted Living Facility	SE	1401.G
Bed-and-Breakfast Establishment	SE	1401.I
Cemetery	P	
Continuing Care Retirement Community	SE	1401.N
Conversion Apartment	P	1401.O
Cottage Industry	ACC	1401.P
Day Care Center	P	
Dwelling, Multi-Family	P	
Dwelling, Single-Family Attached	P	
Dwelling, Single-Family Detached	P	
Dwelling, Single-Family Semi-Detached	P	
Dwelling, Two-Family	P	
Emergency Services Facility or Structure	P	
Forestry	P	
Governmental Use	P	
Group Home	P	1401.V
Halfway House	SE	1401.W
Home Occupation	ACC	1401.X
Homestay	ACC	1401.Y
Hospital	SE	1401.Z
Mixed Use Building	P	1401.HH
No-Impact Home-Based Business	ACC	1401.JJ
Place of Worship	P	
Public Recreation	P	
Specialty Retail Shop	P	
Townhouse Community	SE	1401.UU
Wireless Communication Facility - Co-Location	SE	1401.ZZ/AAA
Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the Uses permitted above, and which will not be detrimental to the intended purposes of the VR District.	SE	

P = Permitted by-right as a principal use | **SE** = Permitted by Special Exception | **ACC** = Permitted as an accessory to the principal use

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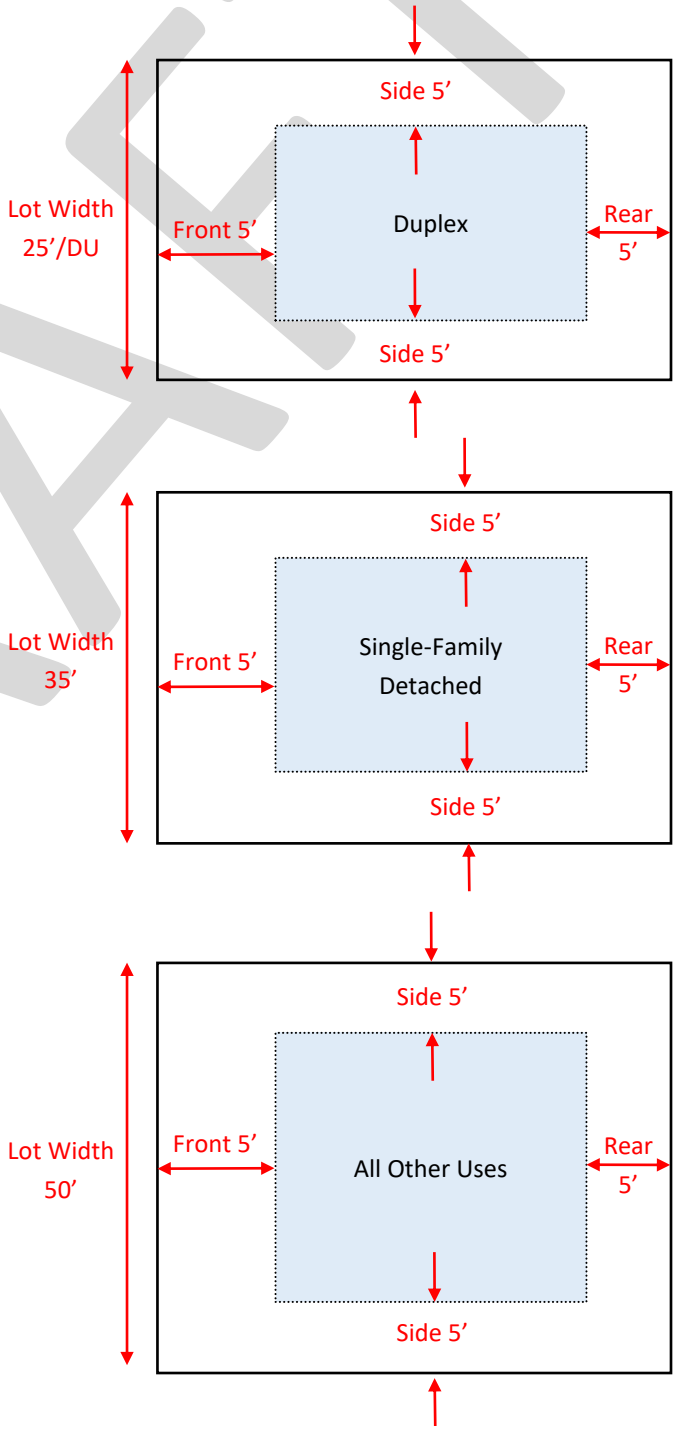
VC | Village Core

Description: The VC District is intended to establish reasonable standards to provide for a mix of residential, commercial, office, and institutional uses within existing village settings in Arendtsville Borough.

Dimensional Requirements		
Min. Lot Area	Single-Family Detached	3,500SF
	Duplex	2,500SF/DU
	All Other Uses	5,000SF
Min. Lot Width	Single-Family Detached	35’
	Duplex	25’/DU
	All Other	50’
Max. Lot Coverage		90%
Minimum Setbacks		
Build-to Line		5’*
Side Setback		5’*
Rear Setback		5’*
Building Height		
Max. Height		40’

*Additional setback options permitted per Section 904.



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VC | Village Core

Use	VC	Use Specific Standards
Accessory Structure/Building	ACC	
Accessory Dwelling Unit	ACC	1401.B
Adaptive Reuse of Industrial/Civic Building	P	1401.C
Apartment Building	P	1401.F
Banquet Hall	P	1401.H
Bed-and-Breakfast Establishment	P	1401.I
Cemetery	P	
Club, Health and Exercise	P	
Club, Private or Fraternal	P	
Commercial Recreation, Indoor	P	
Conversion Apartment	P	1401.O
Cottage Industry	ACC	1401.P
Day Care Center	P	
Dry Cleaners	P	
Dwelling, Multi-Family	P	
Dwelling, Single-Family Attached	P	
Dwelling, Single-Family Detached	P	
Dwelling, Single-Family Semi-Detached	P	
Dwelling, Two-Family	P	
Emergency Services Facility or Structure	P	
Financial Institution/Bank	P	
Financial Institution/Bank W/Drive-Through	P	1401.U
Forestry	P	
Funeral Home/Undertaking Establishment	P	
Gallery/Museum	P	
Governmental Use	P	
Group Home	P	1401.V
Growing/producing Agricultural Products on a non-farm	ACC	
Halfway House	SE	1401.W
Home Occupation	ACC	1401.X
Homestay	ACC	1401.Y

Use	VC	Use Specific Standards
Hotel/Motel	P	
Laundromat	P	
Medical Office/Clinic	P	
Mixed Use Building	P	1401.HH
No-Impact Home-Based Business	ACC	1401.JJ
Office, Business & Professional	P	
Personal Service Shop	P	
Place of Worship	P	
Public Recreation	P	
Restaurant (Food Service Establishment)	P	1401.NN.1
Retail Store	P	
Specialty Retail Shop	P	
Studio	P	
Tasting Room/Winery/Cidery/Brewery/Distillery	P	1401.TT
Tavern or Nightclub	P	
Theater	P	
Vehicle Fuel Sales /Gas Station	P	1401.WW
Vehicle Service/Repair	P	1401.XX
Wireless Communications Facility - Co-Location	SE	1401.ZZ/ AAA
Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the Uses permitted above, and which will not be detrimental to the intended purposes of the VR District.	SE	

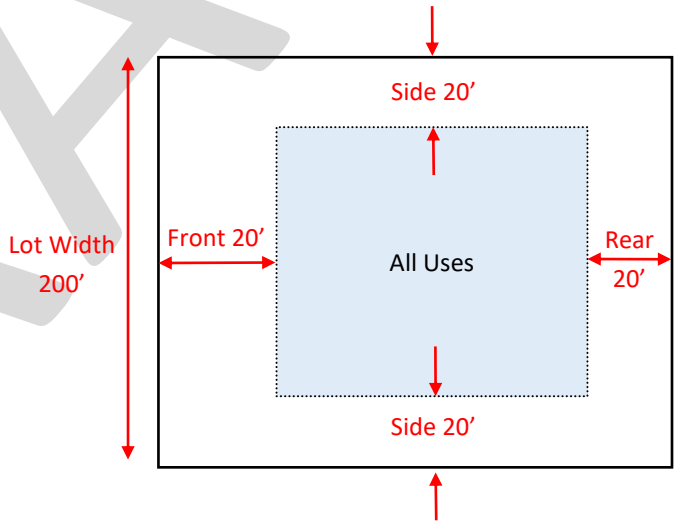
DRAFT

P = Permitted by-right as a principal use | **SE** = Permitted by Special Exception | **ACC** = Permitted as an accessory to the principal use

MU | Mixed Use

Description: The MU District is intended to provide for the retention and expansion of a mixture of residential, institutional, small business, and commercial uses similar to the existing uses present along PA Route 34 and similar transportation corridors in Butler Township.

Dimensional Requirements		
Min. Lot Area		1 Acre
Min. Lot Width		200’
Max. Lot Coverage	Residential	35%
	All Other	50%
Setbacks		
Front Setback		20’
Side Setback		20’
Rear Setback		20’
Building Height		
Max. Height		40’



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MU | Mixed Use

Use	MU	Use Specific Standards
Academic Clinical Research Center	P	1401.A
Accessory Structure/Building	ACC	
Accessory Dwelling Unit	ACC	1401.B
Adaptive Reuse of Industrial/Civic Building	P	1401.C
Agricultural Operation	P	
Agricultural Tourism Operation	P	1401.E
Animal Shelter	P	
Apartment Building	P	1401.F
Assisted Living Facility	P	1401.G
Banquet Hall	P	1401.H
Bed-and-Breakfast Establishment	P	1401.I
Business or Industrial Park	SE	1401.J
Car Wash	P	
Club, Health and Exercise	P	
Club, Private or Fraternal	P	
Commercial Recreation, Indoor	P	
Commercial Recreation, Outdoor	P	
Conference Center	SE	1401.M
Continuing Care Retirement Community	SE	1401.N
Conversion Apartment	P	1401.O
Cottage Industry	ACC	1401.P
Country Club	P	
Day Care Center	P	
Dry Cleaners	P	
Dwelling, Single-Family Detached	P	
Emergency Services Facility or Structure	P	
Farm	P	
Farm Equipment Sales	P	
Farm Market	ACC	1401.R
Farm-Related Business	ACC	1401.S
Farm Stand / Produce Stand	P	
Financial Institution/Bank	P	
Financial Institution/Bank W/Drive-Through	P	1401.S
Forestry	P	
Funeral Home/Undertaking Establishment	P	
Gallery/Museum	P	
Governmental Use	P	
Greenhouse	P/ACC	
Growing/producing on non-farm	ACC	
Halfway House	SE	1401.W
Home Occupation	ACC	1401.X
Homestay	ACC	1401.Y

Use	MU	Use Specific Standards
Hospital	P	1401.Z
Hotel/Motel	P	
Kennel, Commercial	P	1401.CC
Laundromat	P	
Medical Marijuana Dispensary Facility	P	1401.EE
Medical Marijuana Transport Vehicle Service	P	1401.GG
Medical Office/Clinic	P	
Mixed Use Building	P	1401.HH
Mobile Home Park	P	1401.II
Mobile Home/Manufactured Home Sales	P	
No-Impact Home-Based Business	ACC	1401.JJ
Nursery	P/ACC	
Office, Business & Professional	P	
Personal Service Shop	P	
Place of Worship	P	
Processing Agricultural products on-site	ACC	
Public Recreation	P	
Rental or Self-Storage Facility	SE	1401.LL
Research and Development Facility	P	
Restaurant (Food Service Establishment)	P	1401.NN.1
Restaurant, Drive-Through	P	1401.NN.2
Retail Store	P	
Retail with Drive-through	P	1401.OO
Shopping Center	P	1401.RR
Specialty Retail Shop	P	
Studio	P	
Tasting Room/Winery/Cidery/Brewery/Distillery	P	1401.TT
Tavern or Nightclub	P	
Theater	P	
Townhouse Community	SE	1401.UU
Vehicle Fuel Sales /Gas Station	P	1401.WW
Vehicle Sales	P	
Vehicle Service/Repair	P	1401.XX
Veterinary/Animal Hospital	P	1401.YY
Wholesale Business	P	
Wireless Communication Facility - Co-Location	SE	ZZ/AAA
Wireless Communications Facility - Tower Based	SE	BBB/CCC
Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the Uses permitted above, and which will not be detrimental to the intended purposes of the MU District.	SE	

P = Permitted by-right as a principal use | **SE** = Permitted by Special Exception | **ACC** = Permitted as an accessory to the principal use

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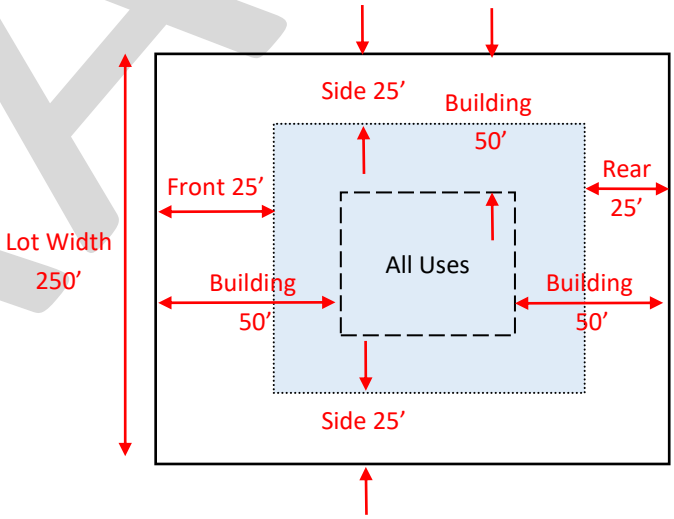
I | Industrial

Description: The I District is intended to provide for the continuation and reasonable expansion of various industrial, resource extraction, manufacturing and similar uses in and adjacent to existing industrial settings in Butler Township.

Dimensional Requirements		
Min. Lot Area		2 Acres
Min. Lot Width		250’
Max. Lot Coverage		65%
Setbacks		
Front Setback	Building	50’
	Other Improvements	25’
Side Setback	Building	50’
	Other Improvements	25’
Rear Setback	Building	50’
	Other Improvements	25’
Building Height		
Max. Height		50’



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I | Industrial

Use	I	Use Specific Standards
Accessory Structure/Building	ACC	
Adaptive Reuse of Industrial/Civic Building	P	1401.C
Business or Industrial Park	SE	1401.J
Car Wash	P	
Emergency Services Facility or Structure	P	
Forestry	P	
Governmental Use	P	
Growing/producing Agricultural Products on a non-farm	ACC	
Industrial, Heavy	SE	1401.AA
Industrial, Light	P	
Junk Yard	SE	1401.BB
Kennel, Commercial	P	1401.CC
Landfill	SE	1401.DD
Medical Marijuana Grower/Processor	SE	1401.FF
Medical Marijuana Transport Vehicle Office	P	1401.GG
Recycling Facility	P	1401.KK
Rental or Self-Storage Facility	SE	1401.LL
Research and Development Facility	P	
Resource Extraction	SE	1401.MM
Solar Farm	SE	1401.SS
Vehicle Fuel Sales /Gas Station	P	1401.WW
Vehicle Service/Repair	P	1401.XX
Wholesale Business	P	
Wireless Communication Facility - Co-Location	P	1401.ZZ/AAA
Wireless Communications Facility - Tower Based	P	1401.BBB/CCC
Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the Uses permitted above, and which will not be detrimental to the intended purposes of the I District.	SE	

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APPENDIX 3:

ZONING MAP

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ARENDTSVILLE BOROUGH

and

BUTLER TOWNSHIP

ZONING MAP

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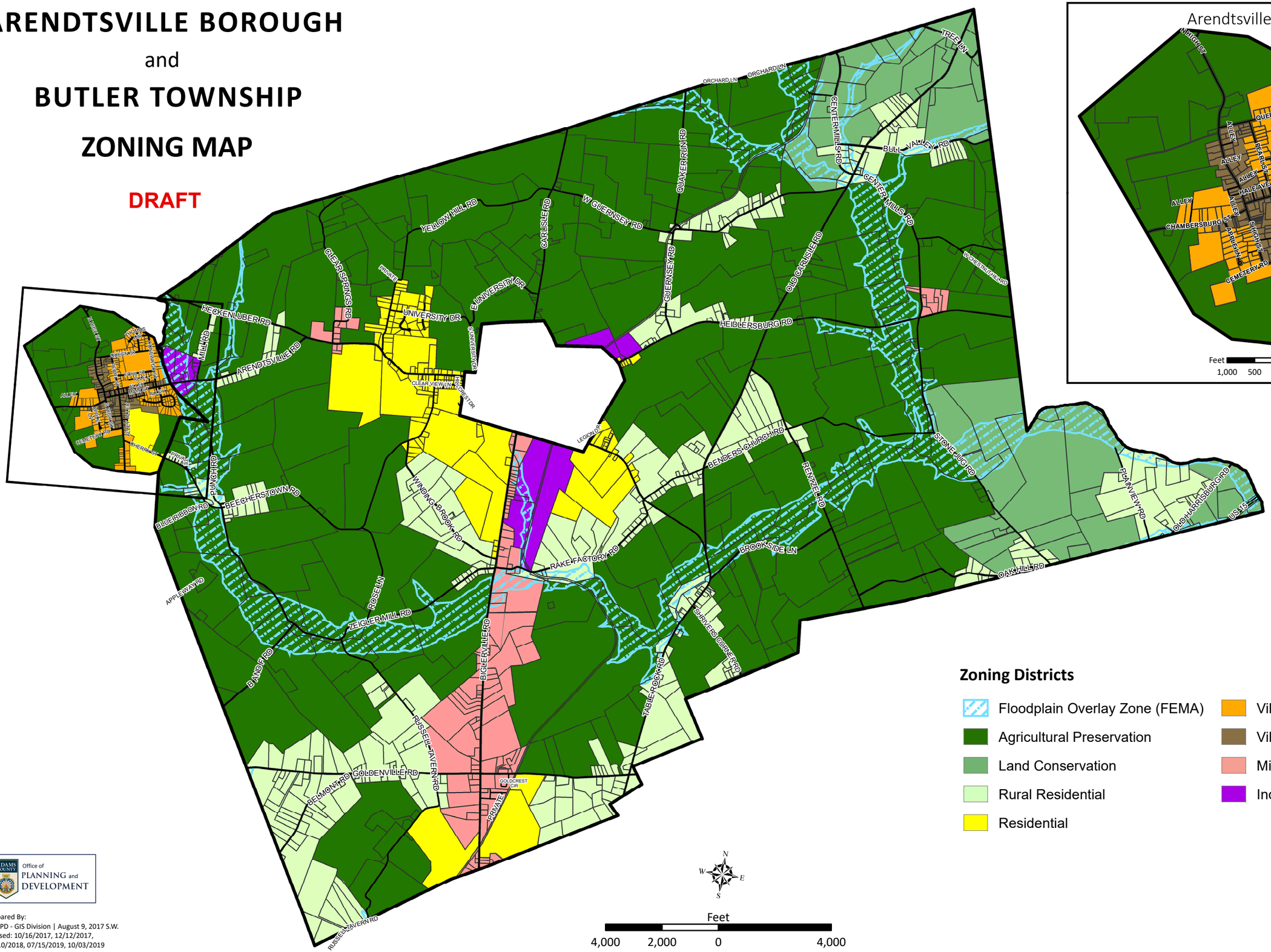

ADAMS COUNTY Office of PLANNING and DEVELOPMENT

Prepared By:
ACOPD - GIS Division | August 9, 2017 S.W.
Revised: 10/16/2017, 12/12/2017,
05/10/2018, 07/15/2019, 10/03/2019

APPENDIX 4:

RELATIVE SOIL VALUES MAP AND TABLE

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SOIL VALUES

ARENDTSVILLE BOROUGH

and

BUTLER TOWNSHIP

Adams County, Pennsylvania

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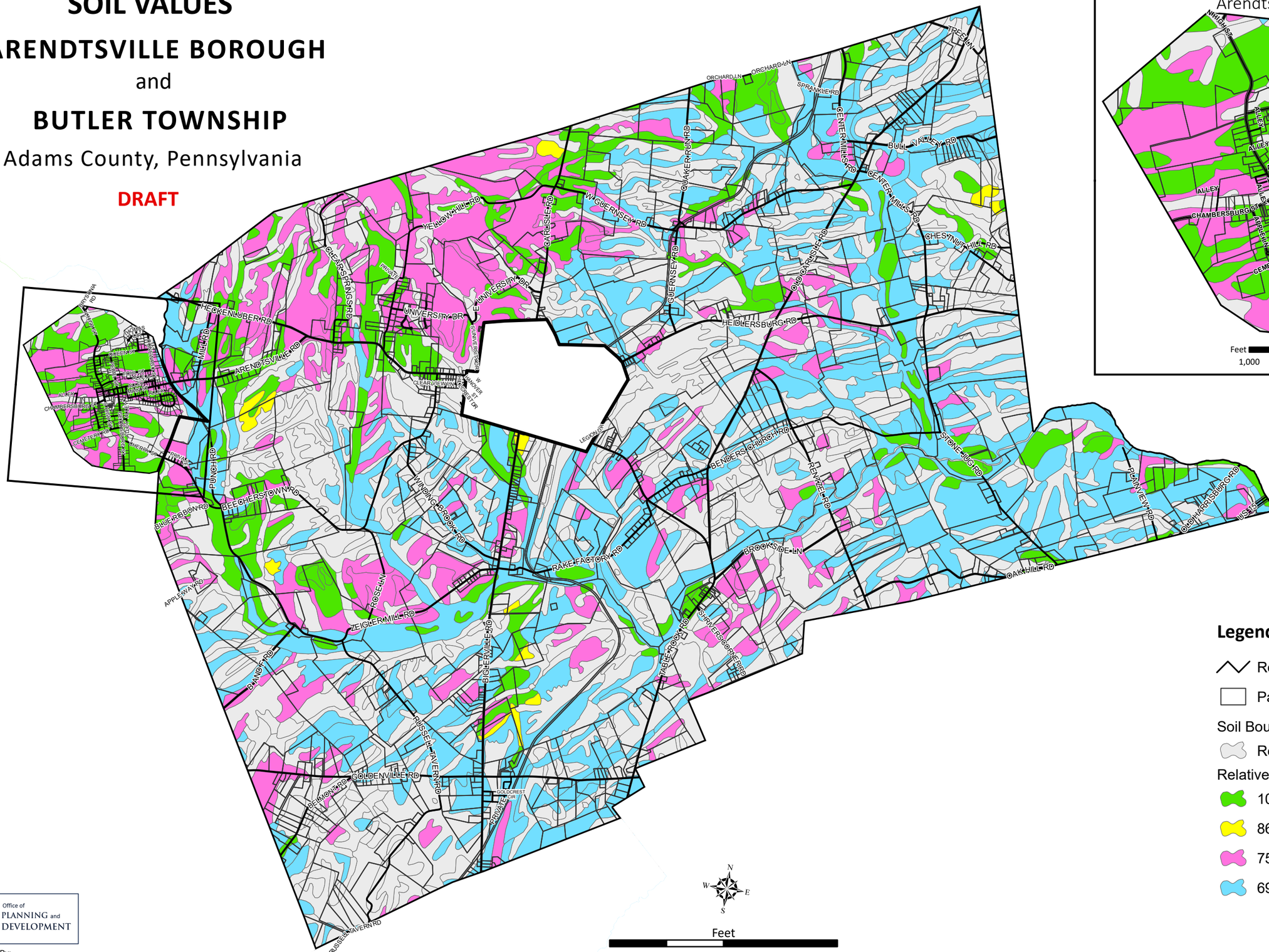

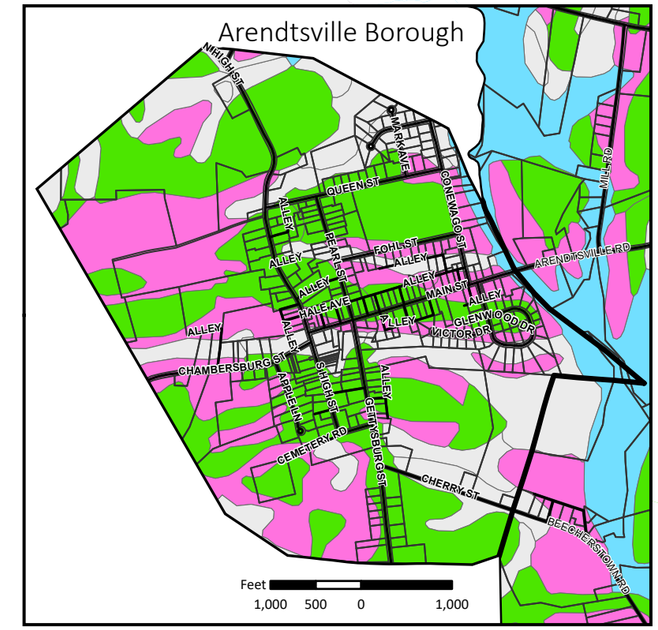

Legend

- Road Centerline
- Parcel Boundary

Soil Boundary

- Relative Values 0 - 68

Relative Value of Soil

- 100
- 86
- 75
- 69

ADAMS COUNTY Office of PLANNING and DEVELOPMENT

Prepared By:
ACOPD - GIS Division | November 12, 2019 S.W.

APPENDIX 4
RELATIVE SOIL VALUES
ADAMS COUNTY LAND EVALUATION

Group 1	Relative Value 100
Symbol	Soil Series
rb	ARENDTSVILLE
AtA	ATHOL
AtB	ATHOL
Be	BERMUDIAN
BgA	BIRDSBORO
BgB	BIRDSBORO
Cm	CODORUS
CnA	CONESTOGA
CnB	CONESTOGA
GbB	GELNELG
Lw	LINDSIDE
MyB	MYERSVILLE
NaB	NESHAMINY
Rw	ROWLAND
Group 2	**Relative Value 86**
Symbol	Soil Series
Atc	ATHOL
BgC	BIRDSBORO
CnC	CONTESTOGA
EdB	EDGEMONT
GbC	GLENELG
HgB	HIGHFIELD
LeB	LANDSDALE
LfC	LANDSDALE
MyC	MYERSVILLE
NaC	NESHAMINY
Group 3	**Relative Value 75**
Symbol	Soil Series
ArC	ARENDTSVILLE
CkA	CLARKSBURG
Dy	DUNNING
EdC	EDGEMONT
GdA	GLENVILLE
HgC	HIGHFIELD
MdA	MOUNTLUCAS
MdB	MOUNTLUCAS
RaA	RARITAN
RaB	RARITAN
ReA	READINGTON
ReB	READINGTON
Group 4	**Relative Value 69**
Symbol	Soil Series
Bo	BOWMANSVILLE
BrB	BRECKNOCK
BuB	BUCHANAN
CcB	CATOCTIN
CkB	CLARKSBURG
GdB	GLENVILLE
Hc	HATBORO
LgB	LEGORE
LhA	LEHIGH
LhB	LEHIGH
PcB	PENN
Group 5	**Relative Value 54**
Symbol	Soil Series
AbA	ABBOTTSTOWN
ArD	ARENDTSVILLE
BrC	BRECKNOCK
CcC	CATOCTIN
EdD	EDGEMONT
GbD	GLENELG
HHD	HIGHFIELD/
	CATOCTIN
LgC	LEGORE
LhC	LEHIGH
MOB	MT AIRY/
	MONOR
MOC	MT AIRY/
	MANOR
MtB	MOUNT ZION
MyD	MYERSVILLE
Pa	PENLAW
PoB	PENN/
	KLINESVILLE
PcC	PENN
StB	STEINSBURG
Group 6	**Relative Value 38**
Symbol	Soil Series
AbB	ABBOTTSTOWN
BrD	BRECKNOCK
KnB	KLINESVILLE
LgD	LEGORE
MtC	MOUNT ZION
PoC	PENN/
	KLINESVILLE
RfA	REAVILLE
PsD	PEQUEA
RfB	REAVILLE
RfC	REAVILLE
StC	STEINSBURG
Group 7	**Relative Value 23**
Symbol	Soil Series
CrA	CROTON
CrB	CROTON
KnC	KLINESVILLE
Lc	LAMINGTON
MOD	MT AIRY/
	MANOR
RoB	ROHRERSVILLE
StD	STEINSBURG
Group 8	**Relative Value 19**
Symbol	Soil Series
ArE	ARENDTSVILLE
CcE	CATOCTIN
KnD	KLINESVILLE
KnE	KLINESVILLE
MtD	MOUNT ZION
Group 9	**Relative Value 0**
Symbol	Soil Series
Ba	BAILE
BvB	BUCHANAN
Dx	DUMPS
EeB	EDGEMONT
EeD	EDGEMONT
EeF	EDGEMONT
HKB	HIGHFIELD/
	CATOCTIN/
	MYERSVILLE
HKD	HIGHFIELD/
	CATOCTIN
LkB	LEHIGH
MeB	MOUNTLUCAS
NdB	NESHAMINY
NdD	NESHAMINY
NdE	NASHAMINY
PbD	PENN
Pt	PITS
RcC	RAVENROCK
RcD	RAVENROCK
RcF	RAVENROCK
RdC	RAVENROCK
RsB	ROHRERSVILLE
Uc	URBAN LAND
UeB	URBAN LAND/
	CONTESTOGA
UgB	URBAN LAND/
	PENN
W	WATER
WaA	WATCHUNG
WaB	WATCHUNG
WbB	WATCHUNG

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APPENDIX 5:

FUNCTIONAL ROAD CLASSIFICATION MAP

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FUNCTIONAL CLASSIFICATION

ARENDTSVILLE BOROUGH

and

BUTLER TOWNSHIP

Adams County, Pennsylvania

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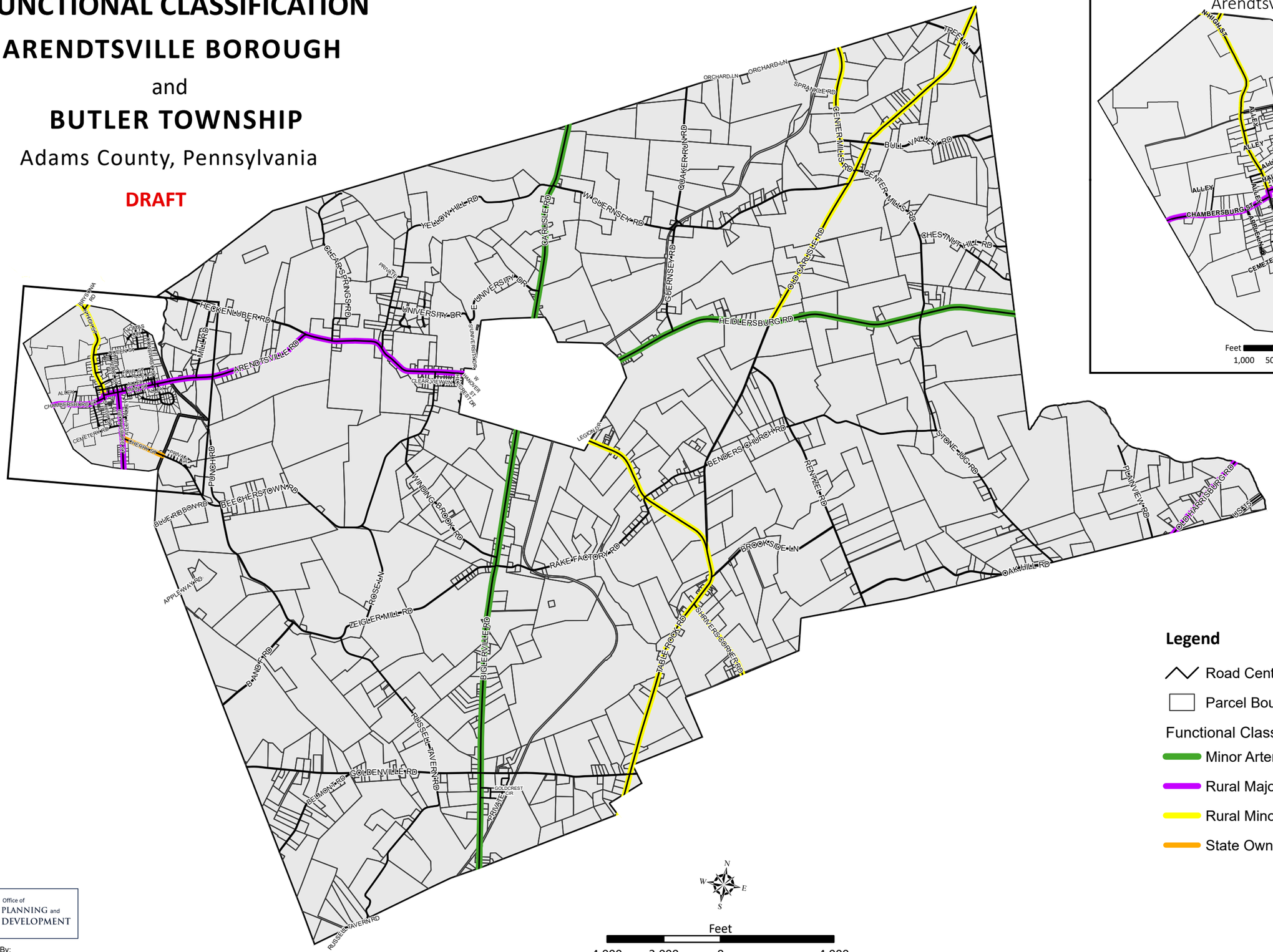

ADAMS COUNTY Office of PLANNING and DEVELOPMENT

Prepared By:
ACOPD - GIS Division | May 16, 2018 S.W.

APPENDIX 6:

STEEP SLOPES MAP

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STEEP SLOPES

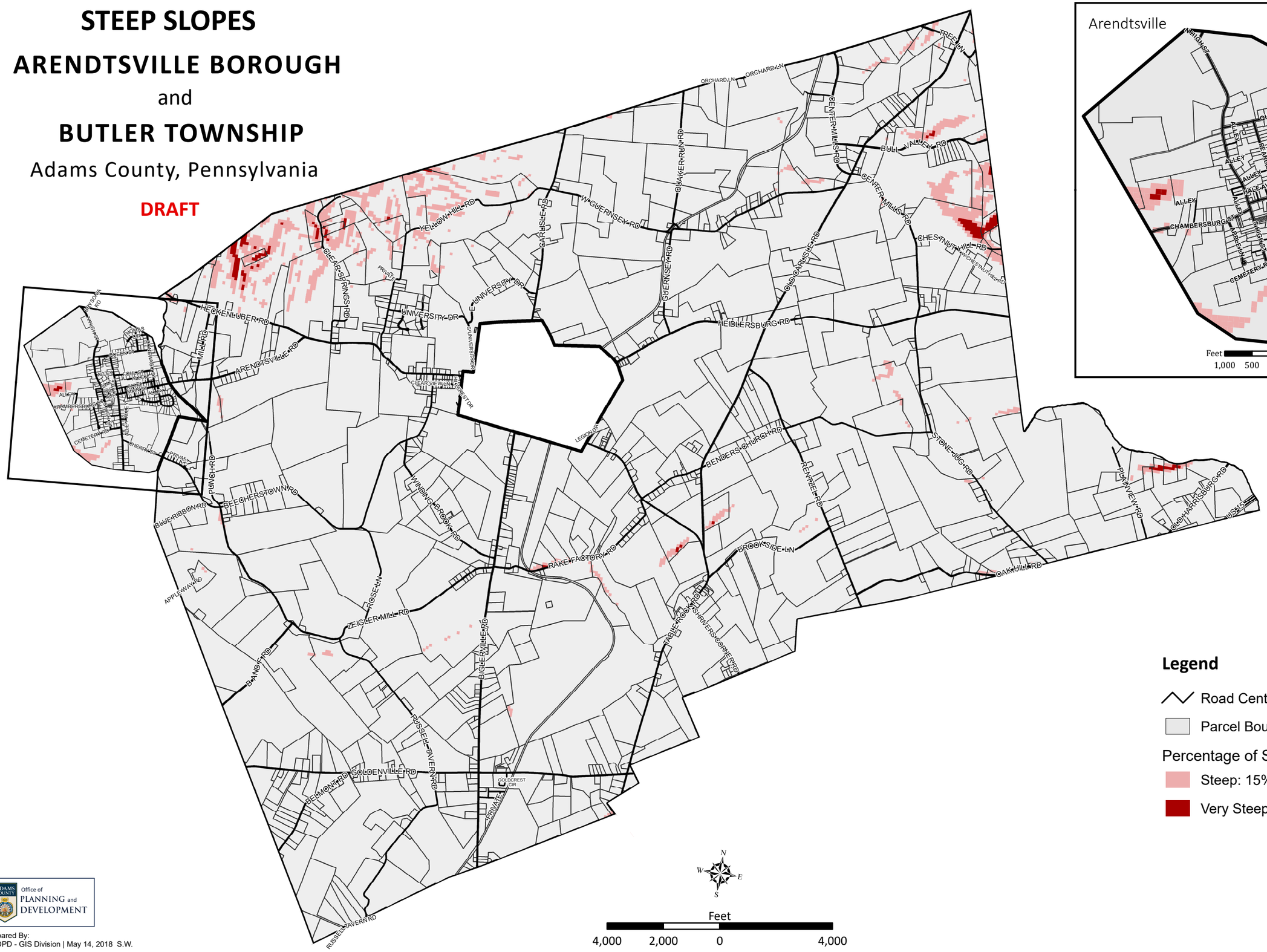
ARENDTSVILLE BOROUGH

and

BUTLER TOWNSHIP

Adams County, Pennsylvania

DRAFT



Office of PLANNING and DEVELOPMENT

Prepared By:
ACOPD - GIS Division | May 14, 2018 S.W.

APPENDIX 7:

RIPARIAN BUFFER MAP

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RIPARIAN BUFFERS

ARENDTSVILLE BOROUGH

and

BUTLER TOWNSHIP

Adams County, Pennsylvania

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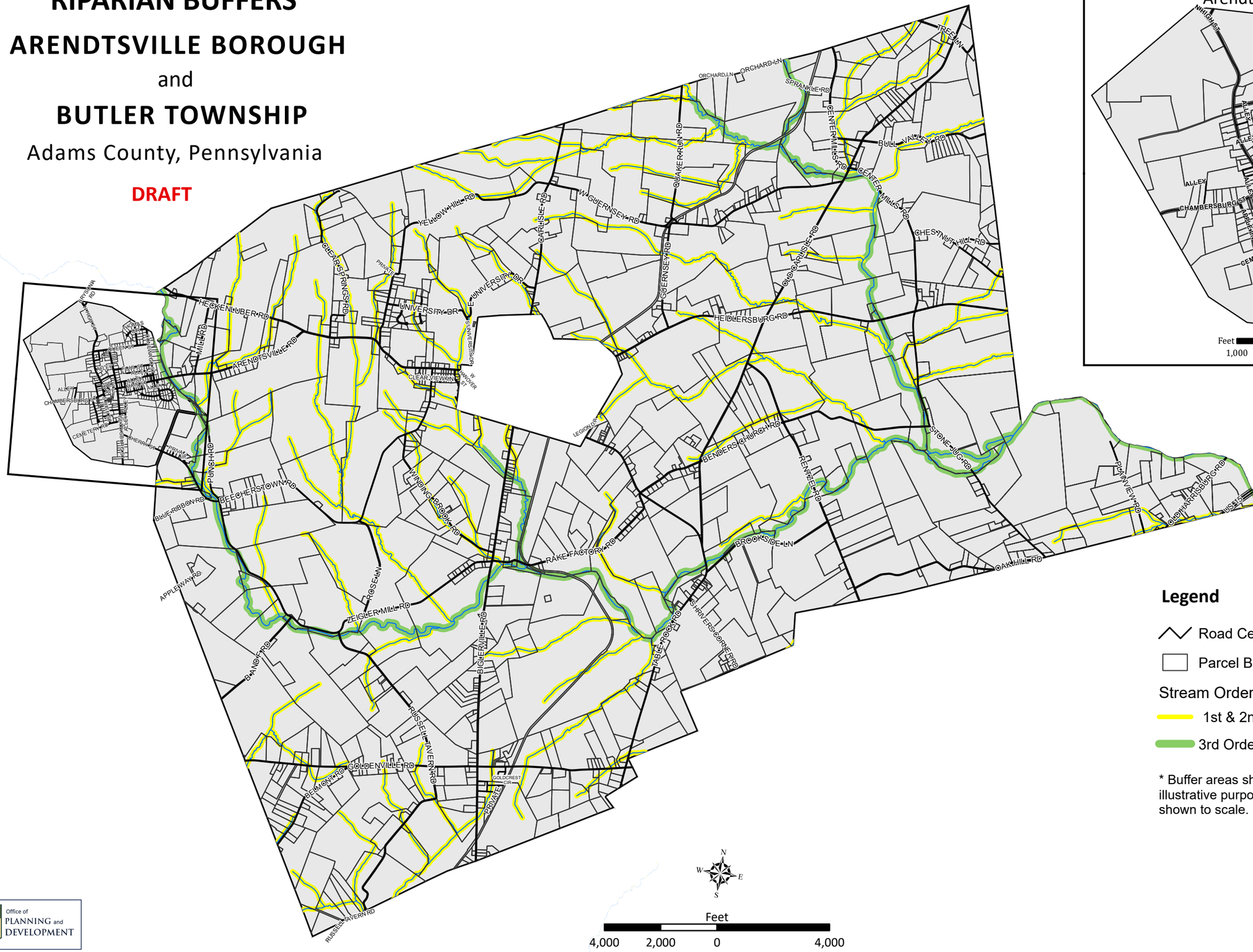

* Buffer areas shown on the map are for illustrative purposes only and are not shown to scale.

Office of PLANNING and DEVELOPMENT

Prepared By:
ACOPD - GIS Division | August 29, 2018 S.W.