

**FREEDOM TOWNSHIP
ZONING ORDINANCE**

PREPARED BY:

**FREEDOM TOWNSHIP PLANNING COMMISSION
FREEDOM TOWNSHIP STEERING COMMITTEE**

with assistance from

**ADAMS COUNTY OFFICE OF PLANNING AND DEVELOPMENT
HERBERT, ROWLAND & GRUBIC, INC.
NATURAL LANDS TRUST**

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AN ORDINANCE

Permitting, prohibiting, regulating, restricting and determining the use of land, watercourses, size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; areas and dimensions of land to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; the density of population and intensity of use; and providing for repeal, and variances; for special exceptions, for the administration and enforcement of the ordinance, and such other provisions as may be necessary to implement the purposes of this ordinance.

ARTICLE I

TITLE, AUTHORITY, PURPOSE,
COMMUNITY DEVELOPMENT GOALS AND OBJECTIVES

Section 101. Short Title

This ordinance shall be known as and may be cited as the "FREEDOM TOWNSHIP ZONING ORDINANCE."

Section 102. Authority

This ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, "The Pennsylvania Municipalities Planning Code", July 31, 1968, as amended.

Section 103. Purpose

This ordinance is enacted for the following purposes:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; as well as,
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This zoning ordinance is made in accordance with an overall program, and with consideration for the character of the Township, its various parts, and the suitability of the various parts for particular uses and structures.

Section 104. Community Development Goals and Objectives

To promote and to foster the community development goals and objectives as contained in the Freedom Township comprehensive plan, dated 1993, as amended.

ARTICLE 2
DEFINITIONS

Section 201. General

The following words are defined in order to facilitate the interpretation of the ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the zoning hearing board.

Unless otherwise expressly stated, the following words shall, for the purpose of this ordinance, have the meaning herein indicated.

Words used in the present tense include the future tense.

The singular includes the plural.

The word "person" includes any individual or group of individuals, a corporation, partnership, or any other similar entity.

The word "lot" includes the words "plot" or "parcel".

The term "shall" is always mandatory.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged or designed to be used or occupied."

Section 202. Definitions

Abandonment. The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

Accessory Apartment. An independent dwelling unit incorporated within an existing single-family detached dwelling without any substantial external modification.

Accessory Building. A building subordinate to and detached from the principal building on the same lot and used for purposes customarily incidental to the principal building. Such buildings may include utility sheds, bath houses, barns, stables and garages.

Accessory Use. A use customarily incidental and subordinate to the principal use of the main building or land and located on the same lot with such principal use or main building.

Act. Shall mean the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Adult Businesses. An establishment consisting of, including, or having the characteristics of any or all of the following:

- A. Adult Bookstore. An establishment having as a substantial portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

B. Adult Cabaret.

1. An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas;
2. A cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

C. Adult Mini Motion Picture Theater: An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

D. Adult Motion Picture Theater: An enclosed building with a capacity for fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

Agribusiness. Intensive agricultural uses that include, but are not necessarily limited to: a) slaughter areas, b) areas for the storage and processing of manure, garbage, or spent mushroom compost; c) a poultry operation in excess of one and zero tenths animal unit per acre; d) a swine operation in excess of one and seventy-five hundredths animal units per acre; and e) all other livestock in excess of two animal units per acre.

Agricultural Use. The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including, but not limited to, the following:

- A. field crops, including: barley, corn, hay, oats, potatoes, rye, sorghum, soybeans, and sunflowers.
- B. livestock, including: dairy and beef cattle, game birds, goats, hogs, horses, poultry, sheep, and other animals, excluding dogs.
- C. livestock products, including: butter, cheese, eggs, fur, honey, meat, and milk.

Alterations. As applied to a building or structure, any change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Amendment. A change in use in any district which includes revisions to the zoning ordinance text and/or the official zoning map.

Animal Hospital. A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

Animal Unit. 1000 pounds liveweight of livestock, regardless of the actual number of animals comprising the unit.

Antenna. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which are subject to licensing and/or regulation by the FCC.

Area, Gross. The gross land area of any parcel including the area contained within the property line and the ultimate right-of-way line. The area within the right-of-way is computed as part of the "gross land area".

Basement. That portion of a building that is partially or wholly below ground level. A basement shall be counted as a story for the purpose of height measurement, if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5') feet or is used for business or dwelling purposes, other than a game or recreation room.

Bed and Breakfast Establishment. A home occupation providing for compensation, sleeping accommodations and breakfast for transient guests.

Billboard. A sign displaying changeable advertising copy which pertains to a business, organization, event, person, place, service, or product not principally located or sold on the premises upon which said sign is located and shall include public service messages, political campaign advertisements and other noncommercial speech.

Boarding House. A building arranged or used for the lodging, with or without meals, by either transient or permanent residents, for compensation. This definition includes rooming houses, lodging houses, and bed and breakfast establishments operated as a principal use.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels, including covered porches, decks and patios whether enclosed or unenclosed, storage/utility sheds, sun parlors, bay windows, and chimneys, but does not include exterior steps.

Building Envelope. A three dimensional space on which a structure is permitted to be built on a lot and which is defined by maximum height regulations and yard setbacks.

Building Height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line. A line formed by the intersection of a horizontal plane and a vertical plane that coincides with the exterior surface of a building or structure on any side. In the case of a cantilevered or projected section of a building, not greater than twelve inches, the vertical plane will coincide with the most projected surface. This line defines the required front, side and rear yards.

Building Permit. Written permission issued by the proper municipal authority for the construction, major repair, alteration, addition, or demolition to a structure, including stormwater management facilities.

Building Principal. A building or, where the context so indicates, a group of buildings in or on which is conducted the principal use of the lot on which such building is located.

Building Setback Line. A line parallel to and the distance from a public or private street or an adjoining property line as specified in this Ordinance which determines the minimum distance permitted between a building or structure and the street right-of-way line or adjoining property lines.

Bus Passenger Station. Any premises for the loading and unloading of passengers other than school buses.

Campground. A parcel of land used by campers for seasonal, recreational, or other similar temporary living purposes, in buildings of a movable, temporary, or seasonal nature, such as cabins, tents, or shelters.

Carport. A covered space, open on at least three (3) sides, for the storage of one (1) or more vehicles and accessory to a principal or accessory building.

Cemetery. Land used or intended to be used for the burial of the deceased, including, but not limited to, columbarium, mausoleums, and mortuaries when operated in conjunction with the cemetery and within its boundaries.

Child/Adult Day Care Facility. Any dwelling, building, or portion thereof which child or adult day care services other than "babysitting" are provided, including any on-site outdoor play area. Child and adult day care facilities shall be further differentiated by the following three classifications.

- A. Family Day Care Home. Any premises or dwelling unit, other than the home of the child or adult, where the day care areas are being used as a family residence, operated for profit or not for profit, in which day care is provided on a regular basis to a combined total of four to six children or adults per day, who are not relatives of the person giving care.
- B. Group Day Care Home. A facility in which care is provided for a combined total of more than six, but less than twelve children or adults per day, other than the home of the child or adult, where the day care areas are being used as a family residence. (This definition shall include such facilities caring for more than twelve persons provided that the Pennsylvania Department of Public Welfare (DPW) has granted a special exception under the Department's group day care facility regulations.
- C. Day Care Center. A facility which provides care for a combined total of seven or more children or adults per day, where the child or adult care areas are not being used as a residence.

Club and/or Lodge. A building and/or structure utilized as a private club offering food and/or drink privileges.

Cluster Development. A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional development or increase in the overall density of development, excepting that provided through bonus provisions. The remaining land area is devoted to open space, recreation, preservation of environmentally sensitive areas, or agricultural purposes.

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.

Community Sewer System. Any sanitary sewer collection and treatment system, whether public or privately owned which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a subsurface absorption area or retention in a retaining tank. Said system must be approved and permitted by the Pennsylvania Department of Protection.

Convenience Store. Any retail establishment offering for sale prepackaged food products, household items, energy products and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

Coverage. That portion or percentage of the lot area covered by impervious materials.

Density. A term used to express the allowable number of dwelling units per acre of land. Net density is the number of dwelling units per net acre. Gross density is the number of dwelling units per gross acre.

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.

Development Plan. The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this ordinance, shall mean the written and graphic materials referred to in this definition.

Display Area. An outdoor area of a tract utilized for purposes of displaying articles for sale as part of a retail establishment, such as the display of nursery stock, vehicular sales, and farm equipment sales.

Dwelling. A building or a portion thereof designed for and used exclusively for residential occupancy.

- A. Conversion Apartment. An existing dwelling unit that is or was converted to a dwelling for more than one (1) family, without substantially altering the exterior of the building.
- B. Industrialized Housing. Any structure which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation on the building site, in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.
- C. Mobilehome. A transportable, single-family detached dwelling intended for permanent occupancy, contained in one unit, or in two (2) or more units designed to be joined into one (1) 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.
- D. Multi-Family. A building used by three (3) or more families living independently of each other and doing their own cooking, such as apartment houses.
- E. Single Family Detached. A building used by one (1) family, having only one (1) dwelling unit and two (2) side yards.
- F. Single Family Attached. A building containing at least three (3) but not more than six (6) dwelling units, attached side by side by the use of a common wall, with end units having a side yard such as a townhouse.
- G. Single Family, Semi-Detached. A building used by one (1) family, having one (1) side yard and one (1) party wall common with another dwelling.
- H. Two Family Detached. A building used by two (2) families, with one (1) dwelling unit arranged over the other, and having two (2) side yards.
- I. Zero Lot Line. A single-family detached dwelling with the building positioned on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.

Easement. A grant of one (1) or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Elder Care Facility. A facility providing services which may include health care, physical therapy, food and lodging, support services and accessory uses. This definition includes personal care facilities, skilled care facilities, independent living arrangements, and other forms of congregate housing facilities serving the elderly or handicapped.

Environmentally Sensitive Area. An area with one or more of the following environmental characteristics:

- A. slopes over twenty-five (25%) percent;
- B. flood plain
- C. soils classified as highly erodible, subject to erosion, or highly acidic as identified within the Soil Survey of Adams County, Pennsylvania;
- D. wetlands;
- E. mature forest

Family. A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Farm. A tract of land of at least ten (10) acres in size, which is principally used for agricultural activities, such as the production of cash crops, livestock or poultry farming. Such farms may include a farm dwelling and accessory uses, buildings and structures.

Farm-Related Occupations. A business accessory to and operated on a farm.

Financial Establishment. Establishments such as banks and savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, lessors, lessees, buyers, sellers, agents, and developers of real estate.

Fitness Center. An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms, and lockers.

Flood Plain. A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation and is further defined and regulated by Township Ordinance No. 83-1, as amended.

Floor Area. The sum of the gross horizontal areas of the floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living and sleeping quarters, but including the area of roofed porches and roofed terraces (Gross Floor Area). All dimensions shall be measured between exterior faces of walls.

Floor Area, Net Retail. All that space relegated to use by the customer and the retail employee to consummate retail sales, including display areas used to indicate the variety of goods available for the customer, but not to include office space, storage space and other general administrative areas.

Funeral Home. A building used for the preparation of the deceased for display prior to burial and associated rituals.

Garage, Private. An enclosed or covered space for the storage of one (1) or more vehicles or vessels, provided that no business, occupation or service is conducted for profit therein, nor space herein for more than one (1) vehicle or vessel is leased to a nonresident of the premises.

Garage, Public. Any structure, other than a private garage, which is used for storage of motor vehicles for compensation.

Golf Course. A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, dining facilities, pool, tennis courts, and shelters.

Governing Body. Shall mean the Freedom Township Board of Supervisors, Adams County, Pennsylvania.

Group Care Facility. A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for more than nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

Historic Structure. Any structure that is:

- A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a local inventory of historic places, at either the County or Township level, that has been certified either by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior.

Home Occupation. An accessory use which is incidental and clearly secondary to the residential use of the dwelling.

- A. Intensive. Those home occupations which may have employees, clients, patrons, or patients at the site, and which generate additional volumes of vehicular or pedestrian traffic or require additional parking areas.
- B. Nonintensive. Those home occupations which have no employees or volunteers at the site and which do not generate additional volumes of vehicular or pedestrian traffic and do not require additional parking areas.

Hotel. A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities.

Hydric Soils. A hydric soil is a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophytic vegetation (US Department of Agriculture (USDA) Soil Conservation Service (SCS) 1985, as amended by the National Technical Committee for Hydric Soils (NTCHS) in December 1986).

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

Indoor Recreational Facility. Any establishment which provides recreation, amusement or entertainment for the general public within a completely enclosed structure for a fee or admission charge, including but not limited to: theaters, dance halls, bowling alleys, billiard and pool halls, amusement arcades and spas or health clubs where the principal use includes a gymnasium, exercise room, swimming pool or other sports facility.

Junkyard. A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or reclaimable material, or for the collection, dismantling, storage, and salvaging of machinery or two (2) or more unregistered, inoperable motor vehicles or other types of junk. Two (2) or more unregistered and/or inoperable farm vehicles/equipment, utilized solely for on-site replacement parts by the owner of the farm shall not be considered a junkyard.

Kennel. A structure on any lot on which animals (except livestock, horses, or poultry) are kept, boarded, raised, bred, treated, or trained for a fee, including but not limited to, dog or cat kennels. For the purpose of this definition, the production of more than two (2) litters in any calendar year shall be considered breeding.

Landfill. A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan. Such use shall not include the disposal or processing of hazardous or radioactive materials.

Landowner. The legal or beneficial owner or owners of land including the holder, or 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 persons having a proprietary interest in land.

Loading Berth/Space. An off-street area on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

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.

Lot Area. The useable area contained within the property lines of a lot excluding any street right-of-way, easement, floodplain, wetland area, stormwater management basin or pond located on the lot.

Lot Width. In the case of an interior lot, lot width shall be the horizontal distance measured at the minimum building setback line between the side lot lines. In the case of a corner lot, lot width shall be the horizontal distance measured at the minimum building setback line between each front lot line and its opposite side lot line. Such distance shall be measured along a straight line which is at right angles to the axis of a lot.

Lot of Record. A lot which has been recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania.

Manufacturing. *The processing and/or converting of raw unfinished or finished materials or products, or of any combination, into an article or substance of a different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.*

Mature Forest. An area of plant material covering one (1) acre or more and consisting of thirty (30%) percent or more canopy trees having a sixteen (16") inch or greater caliper, or any grove consisting of eight (8) or more trees having an eighteen (18") inch or greater caliper. Trees shall be measured at 4.5 feet from ground level.

Medical Center. Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health care practitioners, medical and dental laboratories, out-patient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services.

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, used as individual sleeping or dwelling units, with separate entrances and designed for year-round occupancy, primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms.

Municipal Facility. Any building, structure or use of land by Freedom Township or a municipal authority/commission created by the Freedom Township Board of Supervisors.

Net Acreage. Net acreage is that land area remaining upon the exclusion of any portions of the tract located within existing and proposed rights-of-way, environmentally sensitive areas and those areas designated for nonresidential uses, including, but not limited to, limited neighborhood commercial areas, and common open space.

Nonconforming Lot. A lot, the area or dimension of which was lawful prior to the adoption or amendment of this 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 of this ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this ordinance or amendment or prior to the application of this ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

On-Site Water Service. On-site water service is a potable supply of water used for consumption by a single family user from a private well.

Open Space. The unoccupied space open to the sky on the same lot with the building, not including parking lots.

Parent Tract. When used in determining the maximum number of lots which may be subdivided or dwellings or other principal nonagricultural buildings erected in the Agricultural District, all contiguous land held in single and separate ownership, regardless whether such land is divided into one or more lots, parcels, purparts or tracts; whether such lands were acquired by the landowner at different times or by different deeds, devices, petitions or otherwise; whether such land is bisected by public or private streets or rights-of-way, which was held by the landowner or his predecessor in title prior to the adoption of this ordinance.

Party Wall. A common shared wall between two (2) separate structures, buildings, or dwelling units.

Place of Worship. A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses.

Planned Community Development. A form of development that permanently preserves 40% of the tract in an open space system; encourages the development of a town center; encourages provision for elder care facilities and utilizes residential cluster design principals.

Planned Shopping Center. A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

Planning Commission. The Planning Commission of Freedom Township, Adams County, Pennsylvania.

Professional Occupation. The practice of a profession by any professional, including, but not limited to, attorney, physician, surgeon, osteopath, chiropractor, dentist, optician, optometrist, chiropodist, Engineer, surveyor, architect, landscape architect, planner or similar type, entitled to practice under the laws of the Commonwealth of Pennsylvania.

Public Grounds. Public grounds include the following:

- A. Public 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; and
- C. Publicly owned or operated scenic and historic sites.

Public Hearing. A formal meeting held pursuant to public notice by the Board of Supervisors intended to inform and obtain public comment, prior to taking action in accordance with the Act.

Public Meeting. A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

Public Notice. A 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 Utility Facilities. Public utility transmission and distribution facilities including substations and the like.

Public Water System. A potable supply of water subject to either the Pennsylvania Public Utility Commission jurisdiction or other appropriate regulating agency.

Recreation, Active. Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

Recreation, Passive. Recreation activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers, and similar table games.

Recycling Center. A facility employing a technology known as a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. This term does not include such facilities as transfer stations, municipal waste landfills, composting facilities, resource recovery facilities, or junkyards.

Retail Sales. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Right-of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses; generally, the right of one to pass over the property of another.

School. Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania.

Self Service Storage Facility. A structure intended for lease for the sole purpose of storing household goods, motor vehicles, or recreational equipment.

Sign. Any structure or device for visual communication that is used for the purpose of bringing the subject to the attention of the public.

Special Events. An event defined and in accordance with the Special Events Ordinance, Ordinance No. of Freedom Township, as amended. There shall be a maximum of two (2) special events on any parcel of property in a calendar year.

Special Exception. A use permitted in a particular zoning district pursuant to express standards and criteria.

Steep Slope. Land area where the inclination of the land's surface from the horizontal plane is greater than 15%.

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 building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

Substantial Damage. Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50%) percent or more of the market value of the structure before the damage occurred.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Surface Mining. The extraction of minerals from the earth, from waste or stockpiles or from pits or from banks, by removing the strata or material that overlies or is above or between them or otherwise exposing and retrieving them from the surface; including, but not limited to: stripping of topsoil, strip mining, auger mining, dredging, quarrying, and leaching and all surface activity connected with surface or underground mining; including, but not limited to: exploration, site preparation, entry, tunnel, drift, slope, shaft and borehole drilling and construction and activities related thereto; but it does not include those mining operations carried out beneath the surface by means of shafts, tunnels or other underground mine openings.

Swimming Pool. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18") inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30") inches, designed, used and maintained for swimming and bathing.

Temporary Use - A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Theater. A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

Use. The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Use Permit. A certificate issued and enforced by the zoning officer upon completion of the construction of a new building, structure or development of a land area; or upon a change or conversion of a structure, use of a building, or land area which certifies that all requirements, regulations and other applicable requirements, have been satisfied.

Variance. Relief granted pursuant to the provisions of this ordinance.

Vehicular Body Shop. Any structure or any building or part thereof, that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles of conveyance.

Vehicle Sales Establishment. The use of any building, land area or the premise for the display, sale and leasing of new or used automobiles, trucks or vans, trailers, or recreational vehicles, including boats and motorcycles, and including any warranty repair work and other repair service conducted as an accessory use.

Vehicle Garage. A building on a lot designed and/or used primarily for mechanical repairs, storage, rental, or servicing for automobiles, trucks, or similar motor vehicles.

Vehicle Wash. A building on a lot, designed and used primarily for the washing and polishing of vehicles and which may provide accessory services.

Wetlands. Those areas inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil. These areas generally include swamps, marshes, bogs, and similar areas.

Yard. An open space unobstructed from the ground up, on the same lot with a structure, extending along a lot line or street line and inward to the structure. The size of the required yard shall be measured as the shortest distance between the structure and the lot line or street right-of-way line or, in the case of a street which is not dedicated to the Township, from the edge of the cartway.

- A. Front Yard - The yard between a structure and a street right-of-way line and extending the entire length of the street right-of-way line. In the case of a corner lot, the yards extending along all street right-of-way lines are "front yards". In the case of a lot other than a corner lot that fronts on more than one (1) street, the yards extending along all street right-of-way lines are "front yards."
- B. Rear Yard - The yard between a structure and the rear lot line and extending the entire length of the rear lot line. In the case of a corner lot, the yard opposite from and parallel to the street on which the structure fronts shall be considered the "rear yard." In the case of an irregularly shaped lot, the "rear yard" shall be measured from that point where a line ten (10) feet in length can be drawn between two (2) lot lines, which ten-foot line is parallel to the right-of-way line of the street upon which the structure fronts.
- C. Side Yard - A yard between a structure and a side lot line, extending from the front yard to the rear yard; in the case of a corner lot, the yard which is not a front yard or a rear yard.

Zoning. The designation of specified districts within a community reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

Zoning Map. The map setting forth the boundaries of the zoning districts of the Township which shall be a part of this ordinance.

Zoning Permit. A permit, stating that the purpose for which a building and/or structure or land is to be used, is in conformity with the uses permitted and all other requirements under this ordinance for the district in which it is or will be located.

Zoning Officer. The duly constituted municipal official designated to administer and enforce this ordinance in accordance with its literal terms.

ARTICLE 3

NONCONFORMING USES, STRUCTURES AND LOTS

Section 301. Continuance

Unless otherwise specifically provided in this article, non-conforming uses and structures that were otherwise lawful on the effective date of this ordinance may be continued.

Section 302. Nonconforming Lots of Record

On any lot of record, which does not conform to the zone in which it is located and where adjacent lots were not owned by the owner of the lot in question at any time between the effective date of this ordinance and the date the application for a building permit is filed with the Township, a building permit may be issued and a building may be erected, altered or used and any setback, yard, height and all other requirements, other than lot area, lot width or lot depth requirements, of this and all other applicable Township ordinances and regulations for the district in which the lot is located shall be met.

Section 303. Substitution

A. Substitution of Nonconforming Use - The zoning hearing board, by special exception, may permit the substitution of another nonconforming use in accordance with the following criteria and limitations:

1. The proposed use shall not generate more traffic than the existing nonconforming use.
2. The proposed use, if commercial or industrial in nature, shall not have longer hours of operation than the existing nonconforming use.
3. The proposed use shall not generate higher levels of noise, smoke or glare off the property than the existing nonconforming use.
4. The proposed use shall not be more detrimental to the neighboring properties and uses than the existing nonconforming use.

B. Substitution of a Conforming Use - Any use which complies with the regulations for the district in which the nonconforming use is located may be substituted for the nonconforming use. Once a conforming use is established, no nonconforming use shall be permitted in the future. If a nonconforming use is proposed to be eliminated and a conforming use substituted but certain regulations cannot be met (such as area, yard, etc.) the zoning hearing board, with such appropriate conditions and safeguards as the Board may see fit, may grant a special exception to permit such conforming use.

Section 304. Restoration and Repair

A. Restoration - A nonconforming structure which is unintentionally damaged or partially destroyed may be rebuilt and occupied for the same use as before the damage, provided that:

1. The previous foundation is to be used for restoration.
2. The reconstructed structure shall not be larger than the damaged structure.

3. The reconstruction shall start within one (1) year from the time of damage to the structure.

B. Repair - A nonconforming structure may be repaired, provided that the repair shall not cause the structure to create further expansion in a nonconforming dimension or aspect.

Section 305. Expansion

A. An expansion of a non-conforming structure, use or land area is not permitted unless an appeal has been filed with the zoning hearing board and such expansion has been approved as a special exception subject to the following:

1. The expansion shall conform to the height, yard and coverage regulations of the applicable district.
2. The expansion shall be provided with all required off-street parking and loading spaces as defined in this ordinance.
3. The expansion of a structure shall be limited to an area equal to 50% of the existing total usable floor area.
4. The expansion shall be limited to the lot limits which existed for the property at the time of adoption of this ordinance.

Section 306. Discontinuance

If a nonconforming use or building ceases operations for a continuous period of more than twelve (12) months, then such use and any subsequent use or building shall conform to the regulations of this Ordinance.

ARTICLE 4

DESIGNATION OF DISTRICTS

Section 401. Zoning Districts

For the purpose of this zoning ordinance, the Township is divided into districts which shall be designated as follows:

(AG)	Agricultural
(RC)	Rural Conservation
(RL)	Residential Low Density
(RM)	Residential Medium Density
(CC)	Commercial Corridor
(MU)	Mixed Use
(IL)	Industrial Light

Section 402. Zoning Map

- A. The boundaries of the AG, RC, RL, RM, CC, PC and IL districts shall be as shown, on the map attached to and made a part of this ordinance. The zoning map and all the notations, reference and other data shown are incorporated by reference into this ordinance.
- B. The boundaries of the Floodway and Flood Fringe shall serve as regulatory overlays to the underlying districts as shown on the official zoning map, and as specifically described in the Floodway Data Table and 100 year flood delineation in the Flood Insurance Study (FIS) prepared for the Township by the Flood Insurance Administration (FIA) dated March 16, 1988. The said study and accompanying maps, notations, references and other data are incorporated by reference into this ordinance as if all were fully described herein.

Section 403. District Boundaries

- A. The boundaries between these districts are, unless otherwise indicated, either the center lines of streets, alleys, rights-of-way, lot lines, or such lines extended, or parallel.
- B. Where figures are shown on the zoning map between a street, alley, right-of-way, or lot line, and a district boundary line, such figures indicate that the district boundary line runs parallel to that line at a distance equivalent to the number of feet indicated.
- C. Where district boundaries are not clearly fixed by the above methods, such boundaries shall be determined by the use of the scale of the zoning map.
- D. Should any other uncertainty exist, the zoning officer shall interpret the intent of the zoning ordinance and map as to the exact location of district boundaries.
- E. When a district boundary line divides a lot held in single and separate ownership at the effective date of this ordinance, the regulations of either abutting district may be construed by the owner to be applicable to the portion of such lot in the other abutting district for a distance of not more than fifty (50') feet beyond the district boundary line.

ARTICLE 5
AGRICULTURAL DISTRICT (AG)

Section 501. Intended Purpose

The regulations for this district are intended to protect and stabilize the Township's agricultural economy by eliminating uses that are incompatible with farming, promoting agricultural support businesses, and permitting limited residential development.

Section 502. Permitted Uses - By Right

- A. Agricultural uses and buildings, including farm dwellings.
- B. Farm-related occupations.
- C. Horticultural uses, including greenhouses and landscaping services for raising, propagating and selling trees, shrubs, flowers and other vegetative materials.
- D. Single family detached dwellings.
- E. Quarters for watchmen and caretakers.
- F. Nonintensive home occupations
- G. Signs
- H. Uses and buildings customarily accessory and incidental to any permitted use.

Section 503. Permitted Uses - Special Exceptions

- A. Agribusinesses.
- B. Kennels.
- C. Animal hospital.
- D. Intensive home occupations.
- E. Accessory apartments.
- F. Bed and breakfast establishments.
- G. Places of worship.
- H. Cemeteries.
- I. Public utility facility.
- J. Municipal facility.

- K. Recreation, active and passive.
- L. Golf course.

Section 504. Density and Dimensional Regulations

A. Number of Dwelling Units and Lots

1. In order to preserve agricultural tracts, it is the expressed intent of this provision that the subdivision of lots from farms for the development of nonagricultural uses and structures on existing farms shall be limited. In addition, it is the expressed intent of this article that the maximum size of lots created for any use other than agriculture, should be limited in order to provide for the retention of tracts of sufficient size to be used for agricultural purposes.
2. The maximum number of lots which may be created from a parcel of land for nonagricultural purposes shall be based on the acres of contiguous land held in single and separate ownership (parent tract) as of the adoption of this ordinance. The following scale shall be used to determine the permissible subdivision:

<u>Size of Parcel</u>	<u>Permitted Number of Dwellings/Lots</u>
0-4.99 acres	1
5-14.99 acres	2
15-24.99 acres	3
25-39.99 acres	4
40-59.99 acres	5
60-79.99 acres	6
80-99.99 acres	7
Over 100	8 plus 1 dwelling for every 25 acres over 100

3. The existing dwelling unit of the parent tract shall not be included in the calculation of any future subdivision capabilities defined in the above scale.
4. A subdivision to create a lot which will be transferred to the township, a municipal authority created by the township, or other governmental entity, shall not be included when computing the permissible number of lots to be subdivided from a tract.

B. Lot Regulations:

1. Agricultural uses and buildings including farm dwellings: Minimum lot area shall be ten (10) acres.
2. Single Family Detached Dwelling (nonagricultural): Minimum lot area is one (1) acre with maximum of three (3) acres. However, the lot area may need to be increased if, after completing soil testing and any hydrogeologic studies required by the Township and/or DEP, a larger lot area is required to accommodate an individual on-lot sewage disposal system.
3. All Other Nonagricultural Uses: Lot area shall be based upon required setbacks, impervious coverage, parking and loading/unloading area standards, but in no instance

shall be less than one (1) acre nor greater than three (3) acres. However, the maximum lot area may be increased if, after completing soil testing and any hydrogeologic studies required by the Township and/or DEP, a larger lot area is required to accommodate an individual on-lot sewage disposal.

4. The minimum lot width of all uses shall not be less than 150 feet at the minimum building setback line and 50 feet at the dedicated right-of-way.
5. Impervious coverage shall not exceed 10%.

C. Setback Regulations:

1. Front yard depth shall be 35 feet.
2. Side yard width shall be 20 feet.
3. Rear yard depth shall be 40 feet.

D. Height Regulations:

1. The height of a non-agricultural principal building shall not exceed thirty-five (35') feet.
2. The height of a non-agricultural accessory structure shall not exceed fifteen (15') feet.
3. No height restrictions shall be placed upon agricultural structures.

E. Placement Regulations:

1. All uses should be located on non-prime farmland (Soil Capability Classes III-VIII), when such land is available; or on lands which cannot feasibly be farmed, due to existing features of the site, such as rock outcropping, or that the size or shape of the area suitable for farming is insufficient to permit the efficient use of farm machinery.
2. Generally, the placement of structures shall be in accordance with the overlay standards contained in Section 1204.

Section 505. Off Street Parking/Access

Off-street parking/access and loading/unloading shall be provided in accordance with Article 14 and the Freedom Township Subdivision and Land Development Ordinance, as amended.

ARTICLE 6

RURAL CONSERVATION DISTRICT (RC)

Section 601. Intended Purpose

The Rural Conservation District is designed to protect areas in the Township for the preservation and conservation of the natural environment and watershed area, encourage the retention of forested and steep sloped areas, wildlife resources, scenic views and historic resources, while permitting limited residential and passive recreational uses.

Section 602. Permitted Uses - By Right

- A. Single-family detached dwellings.
- B. Cluster development.
- C. Nonintensive home occupations.
- D. Agricultural uses (except agribusinesses)
- E. Conservation areas and structures.
- F. Recreation, passive.
- G. Signs.
- H. Municipal facility.
- I. Uses and buildings customarily accessory and incidental to any permitted use.

Section 603. Permitted Uses - Special Exceptions

- A. Accessory apartment.
- B. Recreation, active.
- C. Campgrounds and facilities.
- D. Public utility facilities.
- E. Farm related occupations.
- F. Golf course.
- G. Special events.

Section 604. Density and Dimensional Regulations

- A. Density. The maximum residential density shall be one (1) dwelling unit per 5 acres. However, for voluntary use of cluster development concepts, the permitted density shall be 1.5 dwelling units per 5 acres.
- B. Lot Regulations
1. The minimum lot area is 40,000 square feet subject to any required soil testing and/or hydrogeologic studies.
 2. Impervious coverage shall not exceed 10%.
- C. Setback Regulations
1. For new subdivisions (see Section 1203)
 - a. Minimum spacing between building envelopes and public rights-of-way: Fifty (50') feet.
 - b. Minimum spacing between building envelopes on adjacent lots: Fifty (50') feet.
 - c. No building envelope shall be placed closer than twenty (20') feet to any lot line.
 - d. Minimum spacing of building envelope from on-site public rights-of-way: thirty-five (35') feet.
 - e. Minimum setback of building envelope from waterways, lakes or ponds: one hundred (100') feet.
 2. Setback regulations for existing lots of record and agricultural structures - Refer to standards of Section 504C.
- D. Height Regulations
1. The height of a principal structure shall not exceed thirty-five (35') feet.
 2. The height of an accessory structure shall not exceed fifteen (15') feet.
 3. Farm structures shall be exempt from height regulations.
- E. Placement Regulations
1. Generally the placement of structures shall be in accordance with the overlay standards contained in Section 1204.

Section 605. Off-Street Parking/Access

Off-street parking/access and loading/unloading shall be provided in accordance with Article 14 and the Freedom Township Subdivision and Land Development Ordinance, as amended.

ARTICLE 7

RESIDENTIAL LOW DENSITY DISTRICT (RL)

Section 701. Intended Purpose

The regulations for this District are intended to provide low density residential areas within the Township, located adjacent to higher density residential development and open space development, thereby limiting further encroachment into the existing agricultural areas.

Section 702. Permitted Uses - By Right

- A. Single-family detached dwellings.
- B. Cluster development.
- C. Nonintensive home occupation.
- D. Agriculture, horticulture, or floriculture, as an accessory use in a greenhouse.
- E. Signs.
- F. Uses and buildings customarily accessory and incidental to any permitted use.

Section 703. Permitted Uses - Special Exceptions

- A. Places of worship.
- B. Schools.
- C. Accessory apartments.
- D. Family day care home.
- E. Intensive home occupations.
- F. Municipal facilities.
- G. Recreation, active and passive.
- H. Public utility facility.
- I. Antennas.
- J. Golf courses.

Section 704. Density and Dimensional Regulation

- A. Density. The maximum residential density shall be one (1) dwelling unit per two acres. However, for voluntary use of cluster development concepts, permitted density shall be increased to 1.5 dwelling units per two acres.

B. Lot Regulations.

1. Minimum lot area is 40,000 square feet subject to any required soil testing and/or hydrogeologic studies.
2. Minimum lot width is 150 feet at the building setback line and 50 feet at the dedicated right-of-way.
3. Impervious coverage shall not exceed 25%.

C. Setback Regulations.

1. Front yard depth shall be 35 feet.
2. Side yard width shall be 20 feet.
3. Rear yard depth shall be 40 feet.

D. Height Regulations.

1. The height of a principal building shall not exceed thirty-five (35') feet.
2. The height of an accessory structure shall not exceed fifteen (15') feet.

Section 705. Off-Street Parking/Access

Off-street parking/access and loading/unloading shall be provided in accordance with Article 14 and the Freedom Township Subdivision and Land Development Ordinance, as amended.

ARTICLE 8

RESIDENTIAL MEDIUM DENSITY DISTRICT (RM)

Section 801. Intended Purpose

The regulations for this District are intended to provide for various types of higher density residential development, in order to encourage a mix of housing types, in more dense residential areas of the Township. Emphasis is placed upon the accessibility to transportation, community facilities, and public facilities.

Section 802. Permitted Uses - By Right

- A. Single-family detached dwelling.
- B. Single-family semi-detached dwelling.
- C. Two-family detached dwelling.
- D. Single-family attached dwelling.
- E. Multi family dwelling.
- F. Cluster development.
- G. Non-intensive home occupations.
- H. Non-commercial agricultural and horticultural uses and structures, such as greenhouses, when accessory to a residential use.
- I. Signs.
- J. Uses and buildings customarily accessory and incidental to any permitted uses.

Section 803. Permitted Uses - Special Exception

- A. Conversion apartments.
- B. Accessory apartments.
- C. Child/Adult Day Care Facility.
- D. Mobilehome parks.
- E. Recreation, active and passive.
- F. Municipal facilities.
- G. Places of worship.
- H. Schools.

- I. Group care facilities.
- J. Golf courses.
- K. Temporary uses.
- L. Boarding house.
- M. Elder care facility.
- N. Club and/or lodge.
- O. Public utility facility.
- P. Antennas.
- Q. Intensive home occupation.

Section 804. Density and Dimensional Regulations:

A. Density:

- 1. The maximum permitted density shall be 2 units per acre.

B. Lot Regulations:

- 1. Any lot with on-lot water and/or sewer systems shall have a minimum lot area of 40,000 square feet subject to any required soil testing and/or hydrogeologic studies.
- 2. Residential lots with public water and public sewer are subject to the following regulations.

DWELLING TYPE	LOT AREA/ DWELLING UNIT (square feet)	LOT WIDTH AT SETBACK (feet)	MAX. IMPER. COVERAGE (%)
Single-family detached	15,000	80	40
Single-family semi-detached	5,000	50	50
Single-family attached	3,000	20	50
Two-family detached	5,000	100 ¹	50
Multi-family	2,000	---	50
Accessory apartment	2,500	100 ¹	50
Conversion apartment	5,000	100 ¹	50

¹ per building

3. Nonresidential uses with public water and sewer service shall have a lot area not less than twenty thousand (20,000) square feet. The minimum lot width at the building setback line shall be one hundred (100') feet. Impervious coverage shall not exceed fifty (50%) percent.

C. Setback Regulations (See Section 1203)

1. Front yard depth shall be 20 feet.
2. Side yard width shall be 15 feet which may be reduced to 8 feet with public sewer and water.
3. Rear yard depth shall be 40 feet which may be reduced to 25 feet with public sewer and water.
4. For multi-family and/or attached dwellings of one or two stories, there shall be a front yard, two (2) side yards and a rear yard each of not less than thirty (30') feet. For each story over two (2), five (5') feet of width or depth shall be added to each yard.

D. Height Regulations

1. The height of a principal structure shall not exceed thirty-five (35') feet.
2. The height of an accessory structure shall not exceed fifteen (15') feet.

Section 805. Off-Street Parking/Access

Off-street parking/access and loading/unloading shall be provided in accordance with Article 14 and the Freedom Township Subdivision and Land Development Ordinance, as amended.

ARTICLE 9

COMMERCIAL CORRIDOR DISTRICT (CC)

Section 901. Intended Purpose

- A. Provide for functional, safe, and visually attractive development along the Emmitsburg Road Corridor.
- B. Minimize traffic congestion and enhance public safety by controlling ingress and egress to new development along the Emmitsburg Road Corridor.
- C. Provide a range of commercial and service oriented uses designed in ways which minimize traffic congestion and which visually complement the historic and scenic values associated with the Gettysburg National Military Park and its related Historic Districts.
- D. Encourage the development of a visually attractive setting for residents, visitors, and tourists entering Freedom Township specifically, and the Gettysburg Region in general, by offering alternatives to typical strip commercial development patterns.
- E. Encourage the development of a functionally and visually compatible set of business uses at locations accessible to potential customers.
- F. Include requirements that will concentrate higher intensity, regionally oriented, automobile intensive commercial uses near the Route 15 / Emmitsburg Road Interchange while allowing a range of lower intensity, community oriented commercial uses along those portions of the Corridor that are somewhat removed from the Interchange.

Section 902. Permitted Uses - By Right

- A. Single-family detached dwellings.
- B. Home Occupations.
- C. Boarding house.
- D. Any retail business, excluding adult businesses, whose principal activity is the sale of merchandise in an enclosed building, provided the sales area of the business does not exceed three thousand (3000) square feet.
- E. Business and professional offices.
- F. Studios.
- G. Personal service establishments, excluding drive-through service.
- H. Florists, greenhouses, or nurseries, provided that pesticides, fertilizers and empty cans, are kept within a building.
- I. Municipal facilities.
- J. Signs.

- K. Any form of agriculture, horticulture or floriculture excluding intensive agribusiness.
- L. Uses and buildings customarily accessory and incidental to any permitted use.
- M. Within two thousand five hundred (2500) lineal feet of the Route 15/Emmitsburg Road Interchange, measured from the intersection of the center lines of Emmitsburg Road and the Route 15/Emmitsburg Road Interchange off-ramps, the following uses are permitted by right.
 - 1. Financial establishment, excluding drive-through window service.
 - 2. Restaurants, excluding drive-through window service.
 - 3. Any retail business, excluding adult businesses, whose principal activity is the sale of merchandise in an enclosed building, provided the sales area of the business does not exceed five thousand (5000) square feet.
 - 4. Funeral homes.
 - 5. Motels and hotels, not exceeding twenty (20) units.
 - 6. Theaters.
 - 7. Convenience stores, excluding fuel sales.
 - 8. Medical center.
 - 9. Fitness center.
 - 10. Recreation, active.
 - 11. Signs, when erected and maintained in accordance with the provisions of Article 15.
 - 12. Uses and buildings customarily accessory and incidental to any permitted use.

Section 903. Permitted Uses - Special Exception

The following uses may be permitted as "Special Exceptions" by the zoning hearing board within two thousand five hundred (2500) feet from the Route 15/Emmitsburg Road Interchange, measured from the intersection of the center lines of Emmitsburg Road and the Route 15/Emmitsburg Road Interchange off-ramps, pursuant to standards and criteria as set forth in this ordinance.

- A. Financial establishments with drive through service.
- B. Restaurants with drive-through service.
- C. Convenience stores, including fuel sales.
- D. Planned shopping centers.
- E. Outdoor storage and display when accessory to a permitted use.
- F. Hotels and motels, exceeding twenty (20) guest rooms.

- G. Any retail business whose principal activity is the sale of merchandise in an enclosed building, where the sales area exceeds five thousand (5000) square feet.
- H. Antennas.
- I. Public utility facilities.
- J. Indoor recreational facility.

Section 904: Site Design Requirements (single family detached dwellings are excluded)

- A. Buildings shall be constructed, to the maximum extent feasible, at the front yard setback line.
- B. No parking is permitted to be placed in the front yard area between the front face of the building (the side of the building parallel to the road right-of-way), and the road right-of-way. Only landscaping, permitted signage, and permitted access driveways are permitted to be located in the front yard area.
- C. Required parking shall be located to the side or rear of the principal structure on the lot. The parking lot shall be designed in accordance with the landscaping standards established in this Section, and any other standards required by this District.
- D. Outdoor refuse areas shall be enclosed by walls or opaque fencing designed to be architecturally compatible with the principle building(s). Wall or fencing shall be designed to shield the refuse areas from direct view of any adjacent property and shall be at least six (6) feet high.
- E. Land development plans with more than one (1) structure, or more than one (1) space available for rent or sale, shall be designed as an integrated whole.
- F. Landscaping Requirements
 - 1. Standards for landscaping within off-street parking areas containing twenty-five (25) or more parking spaces shall be as follows:
 - a. A terminal island shall be provided at both ends of all rows of parking spaces. Each terminal island shall measure at least five (5) feet in width and fifteen (15) feet in length. Each terminal island shall include at least one (1) tree, with the remaining area landscaped with appropriate ground cover or grass.
 - b. A divider strip between abutting rows of parking shall be provided. At least one (1) tree shall be planted at twenty (20) foot intervals within the divider strip. The remaining area of the divider strip shall be landscaped with appropriate ground cover or grass.
 - 2. Standards for landscaping the perimeter of off-street parking areas shall be as follows:
 - a. A landscaping strip shall be provided around the perimeter of all parking lots, except for the side of the parking lot bounded by the principal structure of a lot.

- b. The minimum width of the perimeter landscaping strip along a front property line shall be ten (10) feet, measured outward from the edge of the parking lot. The minimum width of the perimeter landscaping strip along side and rear property lines shall be five (5) feet, measured outward from the edge of the parking lot.
 - c. At least one (1) tree shall be planted at twenty (20) foot intervals within the perimeter landscaping strip.
3. Standards for landscaping the borders of properties shall be as follows:
- a. Perimeter landscaping strips shall be provided around the perimeter of the property. Landscaping strips along side boundary lines may be exempted if the bordering properties both contain commercial uses and share an access driveway.
 - b. The minimum width of the perimeter landscaping strip along the front property line shall be ten (10) feet, measured inward from the street right-of-way line. The minimum width of the perimeter landscaping strip along the side and rear property lines shall be five (5) feet, measured inward from the property line.
 - c. At least one (1) tree shall be planted at twenty-five (25) foot intervals within the perimeter landscaping strip.
4. Standards for landscaping materials shall be as follows:
- a. All required trees shall be a minimum of eight (8) feet in height and shall have a minimum caliper of two (2) inches, measured at three (3) feet above the ground line, immediately upon planting.
 - b. All required trees shall be deep-rooted species capable of withstanding automobile emissions and the salts used in snow melting and removal operations.
 - c. Within any required landscaping area, any plant which dies shall be replaced with another plant of the same or similar species within one (1) month of the death of the original plant, provided that climatic conditions allow for planting.

Section 905. Dimensional Regulations

A. Lot Regulations

- 1. Minimum lot area is 40,000 square feet subject to any required soil testing and/or hydrogeologic studies.
- 2. Minimum lot width is 100 feet at the building setback line.
- 3. The maximum impervious coverage should be sixty-five (65%) percent.
- 4. At least fifteen (15%) percent of the lot area shall be maintained with a vegetative cover with appropriate landscaping.

B. Setback Regulations (See Section 1203)

1. Front Yard: Thirty (30') feet subject to the Gateway Corridor Standards in Article 12.
2. Side Yards: Ten (10') feet. No side yard shall be required where structures abut one another. Where shared parking lots are proposed, which use a shared access driveway for access, between adjoining lots, one (1) side yard requirement per lot may be waived to accommodate the shared parking lot and access driveway.
3. Rear Yards: Twenty (20') feet.

C. Height Regulations

1. The height of a *principal structure* shall not exceed forty (40) feet.
2. The height of an accessory structure shall not exceed twenty (20) feet.

D. Use Location

1. If inadvertently a property is divided when applying the distance of two-thousand five hundred (2500) feet from the Route 15/Emmitsburg Road Interchange, the property owner after consultation with the zoning officer may utilize either the permitted or special exception uses pursuant to the standards and criteria as set forth in this ordinance.

Section 906. Off-Street Parking/Access and Loading/Unloading

Off-street parking/access and loading/unloading shall be provided in accordance with Article 14 and the Freedom Township Subdivision and Land Development Ordinance, as amended.

ARTICLE 10
MIXED USE DISTRICT (MU)

Section 1001. Intended Purpose

- A. Provide opportunities for residents to reside in community settings that are designed to reflect development patterns typical of traditional small American villages and towns.
- B. Promote development patterns which encourage pedestrian activity within, and between different components, use areas, and neighborhoods comprising the community.
- C. Provide a mixture of compatible land uses including residential, limited commercial, recreational, and institutional uses.
- D. Promote variety and affordability in housing types to provide opportunities for citizens of various age and income groups to reside in Freedom Township.

Section 1002. Permitted Uses - By Right

- A. Single-family detached dwellings.
- B. Any form of agriculture, horticulture, or floriculture, excluding intensive agribusinesses.
- C. Cluster development.
- D. Signs.
- E. Uses and buildings customarily accessory and incidental to any permitted use.

Section 1003. Permitted Uses - Special Exceptions

- A. Intensive home occupations.
- B. Bed and breakfast establishments.

Section 1004. Conditional Use

- A. Planned Community Development

Section 1005. Density and Dimensional Regulations for Conventional Subdivisions

- A. Density:
 - 1. The maximum permitted density shall be 1 dwelling unit per 2 acres based on total gross acreage.

2. A density bonus of 0.25 dwelling units per gross acre will be given for voluntary use of cluster development design concepts.

B. Lot Regulations

1. The minimum lot area for single family detached dwellings is 40,000 square feet subject to required soil testing and/or hydrogeologic studies.
2. Minimum lot width is 150 feet at the building setback line and 50 feet at the dedicated right-of-way.
3. Impervious coverage shall not exceed 25%.

C. Setback Regulations

1. The minimum front yard depth shall be 35 feet.
2. The minimum side yard width shall be 20 feet.
3. The minimum rear yard depth shall be 40 feet.

D. Height Requirements

1. The height of a principal building shall not exceed thirty-five (35') feet.
2. The height of an accessory structure shall not exceed fifteen (15') feet.
3. Clock towers, church steeples, water towers, silos, and other structures not designated for human occupation shall not exceed sixty (60) feet.

Section 1006. Planned Community Development Standards (PCD)

A. General Requirements

1. The applicant shall have at least 30 acres under his/her control.
2. Publicly or privately developed centralized water and wastewater systems, approved by the Pennsylvania Department of Environmental Protection, must be provided.
3. Any PCD proposal shall be located within a Mixed Use/Village area as delineated by the Freedom Township Comprehensive Plan, adopted in 1993.

B. Density Requirements

1. The base residential density of this district shall be 1 dwelling unit per 2 acres based upon the total gross acreage of the tract.
2. *Density bonuses may be granted by the Board of Supervisors provided that the following community development and design objectives are met by the applicant:*

- a. Provision of open space: provided that the requirements of Section 1006.C are met, the Board of Supervisors may grant a density bonus of 0.5 dwelling units per acre.
 - b. Provision of an elderly housing component as part of the residential mix. Provided that the requirements of Section 1006.D are met, the Board of Supervisors may grant a density bonus of up to one and one-half dwelling units per acre. If proposed, an elderly care facility shall be developed during one of the first two phases of a PCD.
 - c. Provision of Town Center: Provided that the requirements of Section 1006.E are met, the Board of Supervisors may grant a density bonus of one dwelling unit per acre. If proposed, a town center shall be developed during one of the first two phases of a PCD.
3. Assuming all bonus development criteria can be achieved, the maximum permitted density for a Planned Community Development shall be three and one-half (3.5) dwelling units per acre based on total gross acreage.

C. Open Space Requirements

1. An applicant shall maintain at least forty percent (40%) of a tract proposed for a Planned Community as a permanently preserved open space system. For all open space areas which meet the criteria for open space and which are deemed appropriate by the Board of Supervisors, the applicant shall submit with the Adams County Recorder of Deeds a deed restriction prohibiting the subdivision and non-recreational development of the required open space.
2. If the required open space is dedicated to but not accepted by the Board of Supervisors, the applicant shall make arrangements for the permanent maintenance of the required open space through the formation of a Homeowners' Association. The open space shall be transferred to the Homeowners' Association, and the required deed restrictions shall be recorded, prior to the beginning of construction of the phase within which the open space is located.
3. Environmentally sensitive areas shall be incorporated into an open space system designed to be integrated with and supportive of the Planned Community Development. In addition, lands not considered environmentally sensitive, but which are necessary to provide visual buffers between surrounding roadway corridors and properties and the developed portion of the Planned Community Development shall be included. The buffer shall also help to protect adjacent agricultural operations from potentially incompatible activities that may be developed in association with a supportive open space system for a Planned Community Development.
4. The open space system serving and supporting the Planned Community Development shall be designed to create a peripheral or circumferential open space buffer surrounding the developed areas of the Planned Community. At least fifty percent (50%) of the area comprising the peripheral or circumferential space buffer shall be devoted to either passive recreation uses or preservation of open space in a natural state. Up to fifty percent (50%) of the circumferential open space buffer may be devoted to active recreation uses.

- a. *Passive recreation uses may include hiking, walking, equestrian or bicycling trails, wildlife sanctuaries, fishing areas, and wildlife observation areas, and areas suitable picnicking and other similar passive recreation activities.*
 - b. *Active recreation uses may include golf courses and appurtenant structures, driving ranges, baseball, softball, or soccer fields, tennis, basketball, or volleyball courts, and other similar active recreation activities.*
5. All non-commercial recreation areas, either active or passive, shall be open to all residents of the Planned Community Development. Commercially operated, active recreation uses incorporated into the required open space system shall be available for use by the public.
6. A trail network shall link components of the open space system, including all recreation areas. The network shall also link these recreation areas with residential neighborhoods and with the Town Center.
7. Residential neighborhoods shall be located either adjacent to the perimeter of the Town Center or shall be connected to the Town Center by the Trail system. These neighborhoods may contain a variety of housing types based on market demands and density limitations as outlined in this ordinance.
8. Any open space established by the creation of residential neighborhoods shall be incorporated into the open space network and may be included in meeting the percentage requirements of the tract.

D. Elderly Care Facility Requirements

To qualify for a density bonus of one dwelling unit per acre, the applicant shall demonstrate that the proposed development meets the following requirements:

1. The applicant shall demonstrate that at least twenty (20%) percent of the household units proposed within the Planned Community Development are associated with an elderly care facility or a residential facility designed expressly to accommodate elderly or disabled persons. Elderly care facilities may include nursing homes, congregate living facilities, assisted living apartments or single family cottages, and independent living cottages. Elderly care facilities shall be licensed by appropriate State and/or Federal regulatory agencies, when applicable. In determining the number of household units within an elderly care facility, the following calculation shall be made:
 - a. The number of bedrooms within any nursing home component of an elderly care facility shall be multiplied by a factor of 0.6.
 - b. The number of congregate living facilities and assisted living apartments within any elderly care facility shall be multiplied by a factor of 0.8.
 - c. The number of assisted living cottages and independent living cottages within an elderly care facility shall be multiplied by a factor of 1.0.
2. An Elderly Care Facility may be incorporated into a Town Center of a PCD, if proposed, or within the residential areas of a PCD.

3. Any Elderly Care Facility shall be designed using an integrated design motif.
4. Pedestrian access shall be provided from any Elderly Care Facility to all other components of a PCD.
5. If the applicant's property contains at least 250 acres and the applicant demonstrates that at least forty (40) percent of the proposed household units are associated with an elderly care facility, the Board of Supervisors may grant an additional density bonus of 0.5 dwelling units per acre.

E. Town Center Requirements

To qualify for the density bonus available for providing a Town Center, an applicant shall demonstrate that the proposed development meets the following requirements:

1. Provision of a "Common Green":
 - a. The "common green" shall be a minimum of one (1) acre in size. The common green shall be surrounded by vehicular streets on at least three sides. The "common green" may be designed to resemble a traditional town square or plaza area.
 - b. A landscaping plan, designed by a registered landscape architect, shall be submitted for the "common green". At a minimum, landscaping shall be provided around the perimeter of the "common green" as well as internally within the "common green." Perimeter landscaping shall include street trees and shrubs. Internal landscaping shall include shade trees and shrubs, and shall be placed to enhance the appearance of amenities placed within the "common green."
 - c. "Common green" amenities, such as information kiosks and benches, shall be included within the "common green." At least one major "focal point," such as a bandshell, gazebo, or clock tower, is required within the "common green."
 - d. Pedestrian linkages shall be created to provide accessibility to the "common green." Pedestrian linkages shall include sidewalks for pedestrian paths lining the "common green," to the surrounding Town Center, and the adjoining residential neighborhoods. A network of pedestrian paths within the "common green" shall also be provided, and shall be shown on the landscaping plan.
 - e. If the applicant chooses to apply for the density bonus for open space as permitted by Section 1006.C., the "common green" area shall be included in calculating the percentage of open space in accordance with the open space percentage requirements of Section 1006.C. Deed Restrictions shall be recorded to restrict further development of the "common green." Such deed restrictions shall be reviewed and approved by the Township Solicitor and shall be filed in the Office of the Adams County Recorder of Deeds. If the "common green" is not accepted by Freedom Township, the applicant shall make arrangements for the permanent maintenance of the "common green" through the formation of a Homeowners' Association. The "common green" shall be transferred to the Homeowners' Association, and the required deed restrictions

shall be recorded, prior to the beginning of construction of the phase which includes the Town Center.

2. Provision of a "Town Center"

- a. An applicant shall demonstrate that the proposed development includes an area surrounding the "common green", designed to resemble the mixed-use centers of older Pennsylvania towns or villages.
- b. A street network shall be developed for the Town Center and shall be generally based on the grid pattern typical of older Pennsylvania boroughs. The grid pattern of streets shall surround the "common green" on at least three (3) sides. The grid pattern of streets shall extend for a minimum of one (1) block from the "common green", and may extend for a maximum of three (3) blocks from the "common green".
- c. Blocks shall be of sufficient depth to allow for lots to be arranged on both sides of a rear access alley. Blocks shall be a minimum of four hundred (400) feet and a maximum of eight hundred (800) feet in length.
- d. Sidewalks, constructed to standards contained in the Township's Subdivision and Land Development Ordinance, shall be provided along both sides of all streets within the Town Center. A three (3) foot wide planting strip shall be provided between the street cartway and the sidewalk.
- e. Street trees shall be planted within all planting strips required by this Section. Such street trees shall be planted no further than thirty (30) feet apart. At the time of planting, the street trees shall have a minimum height of ten (10) feet and a minimum caliper of two (2) inches, measured at the four (4) foot level.
- f. Within the Town Center, a build-to line of twelve (12) feet shall establish required building placement. At least fifty percent (50%) of all principal structures within the "Town Center" shall be constructed at the build-to line. At the discretion of the applicant, up to twenty-five (25%) percent of all principal structures may be constructed up to six (6) feet behind the build-to line. At the discretion of the applicant, up to twenty-five (25%) percent of all principal structures may be constructed up to two (2) feet or beyond the build-to line. All build-to lines shall be shown on preliminary final plan submissions.
- g. Where a yard area is created between the front of a structure and the sidewalk, the yard area shall be planted with ground cover, which may include gardens, grass, shrubs, and shade trees. Fencing and low walls (up to two (2) feet in height) designed to reflect the architectural style of the principal structure, are *strongly encouraged*.
- h. Within the Town Center, the applicant shall provide a range of lot areas and lot widths to encourage a variety of building sizes and styles. In no case shall the minimum lot area and lot width on any lot be less than the following.

Single family detached - 4000 square feet with a minimum lot width of 40 feet.
Single family attached - 2000 square feet with a minimum lot width of 20 feet.

Mixed Use/nonresidential - 6000 square feet with a minimum lot width of 60 feet.

- i. Building architecture and materials shall be consistent with those found in older Pennsylvania towns and villages. A majority of buildings within the Town Center, including non-residential buildings, shall have either front or side gabled roofs, and shall be at least two (2) stories tall. Roof pitches of between 8 x 8 to 8 x 12 shall be provided.
- j. Parking required for commercial or business use shall be provided, to the maximum extent possible, on the street system of the Town Center. When additional parking is needed in excess of the parking capacity of the street network, planned parking areas may be proposed.
- k. Within the Town Center, off-street parking shall be located to the rear of properties. In addition, the following standards shall be met.
 - 1. Access to all parking areas shall be from the alley network.
 - 2. All parking areas shall be paved in accordance with Township standards.
 - 3. Perimeter landscaping shall be provided for all parking areas. Such perimeter landscaping shall include, at a minimum, a shade tree planted at five (5) foot intervals. Such shade tree shall be a minimum of five (5) feet in height and have a minimum caliper of one and one-half (1.5) inches at three (3) feet.
 - 4. A minimum of ten percent (10%) of the area of all parking areas over ten (10) spaces shall be devoted to interior landscaping. Such landscaping shall be located on planting islands with a minimum area of twenty-five (25) square feet. Planting island landscaping shall include, at a minimum one shade tree and two (2) shrubs. The shade tree shall be a minimum of five (5) feet in height and have a minimum caliper of one and one-half (1.5) inches measured at three (3) feet.
- l. Decorative street lighting shall be provided along all public streets and alleys. Street lights are required along both sides of all streets within the Town Center and along one side of all alleys within the Town Center. At a minimum, one (1) street light shall be installed for every one hundred (100) feet.
- m. All air conditioning units, exhaust systems, satellite dishes, fire escapes, elevator housings, and other similar building elements shall be located to the rear of structures within the Town Center. Landscaping and/or other screening devices shall be used to soften the view of these features from adjoining properties.
- n. Trash disposal and pick-up areas shall be located in the rear yard of all properties within the Town Center. Such areas may be designed to accommodate either individual trash cans or a dumpster, depending on the intensity of use of the property. Trash disposal and pick-up areas shall be

screened on all sides by a six (6) foot tall fence. Shrubs shall be planted around the perimeter of the screening, excluding the alley side to allow access.

- o. Residential apartments are encouraged to be located above commercial establishments within the Town Center. Where such apartments are proposed, they shall meet the minimum habitable floor area standards established in Article 13.
- p. Within residential neighborhoods adjoining or within walking distance of the Town Center, a minimum front yard setback of fifteen (15) feet is established.
- q. Minimum size yard in the Town Center shall be five (5) feet. Where attached buildings are proposed, the side yard requirements shall not apply. At the discretion of the applicant, the minimum side yard requirements may be reduced on up to twenty-five (25%) of the lots by up to forty (40%) percent to allow additional flexibility for building placement. In no case may the distance between two detached structures be less than eight (8) feet.
- r. Minimum rear yard setback for principal structures in the Town Center shall be twenty-five (25) feet. Minimum rear yard setback for accessory structures shall be five (5) feet.
- s. Maximum impervious lot coverage on any property within the Town Center shall be seventy-five (75%) percent.
- t. Due to the unique nature of the Town Center design criteria, the standards and design requirements contained in this section may differ from those found in the *Freedom Township Subdivision and Land Development Ordinance*. In such instances of conflict, the provisions in the zoning ordinance shall take precedence.
- u. The following uses are permitted within the town center core area:
 - 1. Single family detached dwellings.
 - 2. Specialty retail shops.
 - 3. Professional offices.
 - 4. Personal service shops.
 - 5. Farmers' market.
 - 6. Food court.
 - 7. General retail establishments, provided that the establishment does not exceed 3,000 square feet of retail sales area.
 - 8. Hotels, provided that the establishment includes no more than seventy-five (75) rooms.
 - 9. Restaurants, excluding drive-in or drive-through establishments.

10. Banks, excluding drive-through establishments.
11. Two-family, three-family, and four family dwellings, designed to resemble:
 - (a) large single-family dwellings from the exterior, or
 - (b) rowhouses or townhouses typical of older Pennsylvania towns and villages.
12. Residential apartments located on the second or third floors of a structure where the first floor is occupied by a specialty retail, professional office, or personal service shop as permitted by this Section.
13. Bed and breakfast establishments.
14. Mixed-use buildings, including two (2) or more of the uses permitted by this Section, provided the appropriate standards for each use within a mixed-use building are met.
15. Semi-public and community facilities, including places of worship, governmental offices, post offices, and community clubs and civic organizations.

F. Residential Neighborhood Requirements

1. Stormwater management shall be provided in accordance with the design criteria established in the subdivision and land development ordinance. Easements and stormwater management areas shall not be calculated as part of any required open space.
2. The maximum net density of any residential cluster shall be eight dwelling units per acre.
3. Of the total number of dwelling units, the proportion for each dwelling type shall be limited to the following:
 - a. single family detached, a minimum of 50%.
 - b. single family attached, a maximum of 35%.
 - c. multi family, a maximum of 20%.
 - d. single family semi-detached, a maximum of 25%.
4. To maximize flexibility in lot layout and design, side setbacks shall be calculated based on maintaining a minimum unobstructed distance between structures of twenty feet.

5. The applicant shall provide a range of lot areas and lot widths to encourage a variety of building sizes and styles. In no case shall the minimum lot area and width be less than the following:
 - a. single family detached, 4000 square feet with a minimum lot width of 40 feet.
 - b. single family attached, 2000 square feet with a minimum lot width of 20 feet.
 - c. mixed use/non-residential, 6000 square feet with a minimum lot width of 60 feet.
6. All lots and structures shall have access only to an interior street network designed in accordance with the subdivision and land development ordinance.
7. The minimum front and rear yard setbacks for residential structures shall be twenty feet. All buildings shall be setback a minimum of fifteen feet from any interior access drive or parking facility. All buildings shall be setback at least 75 feet from any perimeter boundary of the development site with appropriate buffering.
8. Off-street parking and access shall be provided in accordance with the subdivision and land development ordinance.
9. Generally, the placement of structures shall be in accordance with the overlay standards contained in Section 1204.
10. The Board of Supervisors may allow reasonable modifications of any regulation upon findings that other factors preclude strict implementation of existing requirements and may jeopardize an otherwise well designed open space community. In granting modification, the BOS may impose such conditions as will secure the objectives and purpose of this section.

G. Phasing Requirements

1. The common open space and/or recreational facilities shall be developed and/or allocated on any final plan in proportion to the number of dwelling units intended to be developed during any given phase.
2. At no time during the construction shall the number of dwelling units per acre of developed land exceed the overall gross density per acre established by this ordinance.
3. At least 15 percent of the total dwelling units given tentative approval shall be included in the first phase. All subsequent phases shall contain at least fifty to one hundred dwelling units in order to constitute an economically sound unit for development.
4. The landscaping for each approved phase must be eighty percent complete before proceeding to the construction of the next phase. No more than two phases may be incomplete at any time.
5. All improvement guarantees, release of improvement guarantees, maintenance guarantees and other remedies for completion of improvements shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

6. Whenever infrastructure improvements required for one phase will also serve future phases (such as stormwater facilities or sewerage facilities), the initial design submission must include and be completed for all phases it serves.

ARTICLE 11

INDUSTRIAL LIGHT DISTRICT (IL)

Section 1101. Intended Purpose

The purpose of the Industrial Light District is intended to maximize industrial potential while ensuring compatibility with surrounding Districts. New residential development is excluded from this District, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development.

Section 1102. Permitted Uses - By Right

- A. Any manufacturing, wholesaling or distributing use which meets the performance standards as set forth in Article 13.
- B. Dwelling quarters for watchmen and/or caretakers employed on the premises, as an accessory use.
- C. Agriculture, horticulture or floriculture, and any accessory uses or structures, including farm-based businesses.
- D. Laundries, cleaning, dyeing, carpet and rug cleaning.
- E. Blacksmiths and machine shops.
- F. Self-service storage facilities.
- G. Bus passenger stations.
- H. Vehicle wash.
- I. Vehicle sales establishment.
- J. Vehicle garages.
- K. Municipal facilities.
- L. Public utility facilities.
- M. Signs.
- N. Single-family detached dwellings.
- O. Uses and buildings customarily accessory and incidental to any permitted use.

Section 1103. Permitted Uses - Special Exceptions

- A. Vehicular body shops.
- B. Day care centers as accessory to a principal use.

- C. Crematoriums.
- D. Sawmill.
- E. Landfills.
- F. Junkyard.
- G. Recycling center.
- H. Lumber and coal yards, building material storage yards, contractor equipment and storage yards and wholesale and retail sales for each as an accessory use.
- I. Outside storage and display when accessory to a permitted use.
- J. Antennas.
- K. Adult businesses.
- L. Surface mining.

Section 1104. Dimensional Regulations

- A. The *minimum lot area* is 40,000 square feet subject to any required soil testing and/or hydrogeologic studies. The minimum lot width is 100 feet at the building setback line.
- B. Maximum impervious coverage: Sixty (60%) percent.
- C. At least fifteen (15%) percent of the lot shall be maintained in a vegetative cover.
- D. Height Regulations
 - 1. No structure shall exceed forty (40') feet in height.
 - 2. The height of an accessory structure shall not exceed twenty-five (25') feet in height.
- E. Setback Regulations
 - 1. Front yard depth shall be 45 feet.
 - 2. Side yard width shall be 15 feet.
 - 3. Rear yard depth shall be 40 feet.

Section 1105. Off-Street Parking/Access and Loading/Unloading

Off-street parking/access and loading/unloading shall be provided in accordance with Article 14 and the Freedom Township Subdivision and Land Development Ordinance, as amended.

ARTICLE 12

SPECIAL OVERLAY PROVISIONS

Section 1201. Floodplain Overlay

- A. *The boundaries of the Floodway and Flood Fringe shall serve as regulatory overlays to the underlying districts as shown on the official zoning map, and as specifically described in the Floodway Data Table and 100 year flood delineation in the Flood Insurance Study (FIS) prepared for the Township by the Flood Insurance Administration (FIA) dated March 16, 1988. The said study and accompanying maps, notations, references and other data are incorporated by reference into this ordinance as if all were fully described herein.*
- B. These regulations include by reference, Township ordinance No. 83-1 as amended on March 21, 1988 dealing with floodplain management.
- C. Should a dispute concerning any identified floodplain boundary arise, an initial determination of the boundaries shall be made by the Freedom Township zoning officer. Where interpretation is needed as to the exact location of such boundaries, as in the case of a conflict between mapped boundaries and actual field conditions, such interpretation shall be made by the Township Engineer, who shall submit a written report to the Board of Supervisors.

Any party aggrieved by any determination by the Township Engineer may appeal their case before the zoning hearing board. The party contesting the location of a flood hazard overlay boundary shall be given a reasonable opportunity to present his case to the zoning hearing board. The burden of proof in all disputes shall be on the party filing for the hearing.

Section 1202. Historic Property Overlay

- A. Intent

The historic property overlay is intended to preserve for posterity significant architecture, natural sites and other historic sites within the boundaries of Freedom Township were appropriate.

- B. Classification

These historic properties are defined as follows:

1. Certified historic structures.
2. Contributing resources (buildings, sites, structures) which have been filed with the National Register of Historic Places.
3. Buildings, sites and structures which have received a Determination of Eligibility.
4. Those properties not meeting National Register criteria, but determined to be of historical or architectural significance to Freedom Township and appropriately documented.

C. Use Provisions

1. Historic properties may not be rehabilitated, expanded, demolished or altered without review by the zoning hearing board as a special exception. In general, no historic property may be enlarged beyond what is minimally necessary to accommodate uses permitted in the district.
2. Plans for any rehabilitation, restoration, alteration, or enlargement deemed necessary by the applicant to utilize the historic property shall be submitted to the zoning officer for review.
3. Any subdivision which contains a historic property shall be accomplished in such a manner that any lot containing a historic resource will be large enough to preserve the integrity of the setting.
4. Any proposed rehabilitation, alteration or enlargement of a historic resource should be in substantial compliance with the Secretary of the U.S. Department of the Interiors Standards for Rehabilitation.

Section 1203. Gateway Corridor Overlay

A. Intent

The overall purpose of the gateway corridor overlay is to ensure that the scenic and historic qualities of certain rural corridors, which serve as gateways to the township and the Gettysburg National Military Park, are respected by appropriate development harmoniously sited, designed and landscaped. These corridors are identified as Pumping Station Road and Emmitsburg Road from Bullfrog Road to the township boundary with Cumberland Township.

B. General Provisions

1. Land owners are encouraged to limit the number of access points for any tract in this corridor.
2. As appropriate, each new and/or expanded development shall be required to plan for and provide points of interconnection to adjoining parcels.
3. In general, all new development shall be set back at least 30 feet or the minimum front yard setback as applicable from the edge of the right-of-way and shall be buffered with landscaping including shade trees, flowering shrubs and perennials arranged in a park-like fashion.
4. No parking is permitted in the buffered area.
5. The setback acreage for the corridor will become part of any minimum open space requirements of the underlying district. Ultimate density will not be affected by these corridor buffer requirements.
6. Whenever feasible, existing mature trees and hedge rows that may already exist in the proposed buffer area shall be retained and incorporated into the new planting schemes.

Section 1204. Building Placement Overlay

A. *In order to maintain visually the rural and historic character of Freedom Township, it is recommended that buildings be sited on any tract in the AG and RC districts so that the building is not constructed*

1. Along the top of a ridge line
2. In an open field without vegetative screening
3. Without consideration of environmentally sensitive areas

Whenever feasible, buildings should be located on the edge of fields and in wooded areas to minimize the visual impact of development.

ARTICLE 13

SUPPLEMENTARY DISTRICT REGULATIONS

Section 1301. Accessory Buildings, Structures and Uses

A. Swimming Pools

1. The pool is over eighteen (18") inches in depth, is intended, and is to be used, solely for the enjoyment of the occupants of the principal use of the property on which it is located, including guests.
2. Hot tubs, whirlpool baths and tubs, and jacuzzi-type tubs or baths shall not be considered swimming pools if located outdoors or designed to be located outdoors, and are provided with permanent outdoor water plumbing.
3. Pools and accessory structures shall be subject to the setback regulations of the appropriate district.
4. All permanent swimming pools hereafter constructed, installed, established or maintained, shall be enclosed by a permanent fence of durable material at least four (4') feet but not more than six (6') feet in height, and shall be constructed so as not to have openings, mesh or gaps larger than four square inches in any direction. All gates used in conjunction with the fence shall meet the same specifications as to the fence itself and shall be equipped with approved locking devices.
5. A dwelling unit or an accessory building may be used as part of such enclosure. However, height requirements for a fence shall not apply to the building.
6. The provisions regulating fencing shall not apply to pools having sides extending four (4') feet above grade, provided that the stairs, or other means of access to the pool, are removed or locked in such a position as to make it readily unaccessible when not in use.
7. Water may not be discharged from a swimming pool directly onto adjacent properties or rights-of-way.
8. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that only diffused or reflected light, enters adjoining properties.

B. Tennis Courts

1. Private tennis courts shall be permitted within side or rear yards, provided that such facility, including fences, shall not be less than 10 feet from side or rear property lines.
2. Lighting fixtures, if provided, shall not create objectionable glare on abutting properties.

C. Utility Buildings

1. No utility building shall be erected in the front yard.

2. The combined floor area of all utility buildings shall not exceed 200 square feet of floor area. This provision does not apply to farm structures such as barns, stables, etc.
3. No utility building shall be located closer than 5 feet to the rear or side property lines or any easement unless more stringent requirements are contained in a specific district of this ordinance.
4. A utility building should not have a permanent foundation or be more than one story in height.

D. Accessory Apartments

1. Only one accessory apartment (not a rental unit) may be created in a single family detached dwelling; the appearance of the building will remain intact, and the owner will occupy the residence. In general, any new entrance shall be located to the side or rear of the home. Off street parking must be provided in accordance with Article 14.
2. If an accessory apartment is added to a dwelling served by an on-lot sewer system, a sewage permit must be secured from the Township SEO prior to securing a building permit.

E. Outdoor Storage and Display

1. Outside storage or product display shall not occupy any part of the street right-of-way and no other area intended or designed for pedestrian use, required parking areas, nor required front yard.
2. Outside storage areas excluding product display areas, shall be shielded from view from public streets.
3. Roadside produce stands and plant nurseries shall be exempted from outdoor storage limitations.

F. Bed and Breakfast Establishment

Bed and breakfast establishments shall meet the following requirements:

1. Sleeping accommodations shall be located only within the principal dwelling and shall be limited to no more than five (5) rooms for rent with a total size not to exceed thirty-five (35%) percent, or 1,250 square feet, of the dwelling, whichever is less.
2. Not more than ten (10) adult guests may be accommodated at any one time. The length of stay per guest shall be limited to fifteen (15) days.
3. Off-street parking shall be provided in accordance with Article 14.
4. Breakfast/brunch shall be provided only to guests of the establishment.
5. No more than one (1) bed and breakfast establishment is permitted per lot.
6. No modification to the external appearance of the buildings, which would alter its residential character, shall be permitted.

7. An approved means of sewage disposal and water supply shall be provided. Bed and breakfast facilities utilizing or proposing to utilize an on-lot sewage disposal system shall obtain a written statement from the Township Sewage Enforcement Officer certifying that the system is properly designed to accommodate the use and that there are no apparent signs of system failure.

Section 1302. General Provisions

A. Slope

In those areas of the Township where the natural slope of the land exceeds 15%, no structure will be erected which will unduly disturb existing grade and natural soil conditions. A statement must be prepared by a registered architect, engineer, or landscape architect in regard to the building method used in overcoming foundation problems, the maintenance of the natural watershed, the means for prevention of soil erosion and the required extent of stripped vegetation. A plan showing topography and contours at two feet intervals should be provided as part of the required statement.

B. Habitable Floor Area

1. The minimum habitable floor area of a dwelling unit with the exception of mobilehomes constructed in accordance with the Federal Manufactured Home Construction and Safety Standards, effective June 15, 1976, shall be as follows:
 - a. Rooming Unit (designed for one (1) person) 250 square feet
 - b. Efficiency Unit 500 square feet
 - c. One Bedroom Unit 600 square feet
 - d. Two Bedroom Units 750 square feet
 - e.. Three Bedroom Units 900 square feet
 - f. Four Bedroom Units 1,050 square feet
 - g. For five or more bedrooms, an additional 150 square feet per bedroom.
2. The minimum habitable floor area for units within lodging establishments for transients shall be two hundred (200') square feet for each room used for sleeping purposes.

C. Uses Not Provided For

1. Whenever under this ordinance a use is neither specifically permitted nor denied and an application is made by an applicant to the zoning officer for such use, the zoning officer shall first determine if the use is similar to other uses in the district. If the request for the particular use is denied, then the zoning officer shall refer the application to the zoning hearing board to hear and decide such a request as a special exception. The zoning hearing board shall have the authority to permit or deny the use in accordance with the standards governing special exception applications. The use may be permitted if it is similar to and compatible with the permitted uses within the District in which subject property is located, is not permitted in any other District under the terms of this ordinance, and in no way is in conflict with the general purposes and intent of this ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and will not be detrimental to the public health, safety and welfare of the neighborhood.

2. Such use shall comply with all applicable area and bulk regulations and other applicable standards for comparable uses specifically listed in the District.

Section 1303. Performance Standards

All uses shall comply with the requirements of this Section. Compliance shall be determined by the zoning officer with respect to Permitted Uses, by the zoning hearing board with respect to Special Exceptions. In order to determine whether a proposed use will conform to the requirements of this ordinance, the Township may obtain a qualified consultant's report, whose cost for services shall be borne by the applicant.

A. Vibration

Vibrations detectable without instruments on neighboring properties in any district shall be prohibited, with the exception of temporary vibrations associated with new construction.

B. Air Pollution

No pollution of air by flyash, dust, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property or can cause soiling of property.

C. Fire and Explosives Protection

Fire protection and fire fighting equipment, acceptable to the Board of Fire Underwriters, shall be readily available for any activity involving the handling or storage of flammable or explosive materials.

D. Glare and Heat

1. Lighting devices which produce objectionable direct or indirect glare on adjoining properties or thoroughfares shall not be permitted.

- a. Direct glare is defined for purposes of this ordinance as illumination beyond property lines caused by direct or secularly reflected rays from incandescent, fluorescent, or arc lighting, or from such high temperature processes as welding, petroleum or metallurgical refining. No such direct glare shall be permitted with the exceptions that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle or the cone of direct illumination shall be sixty (60) degrees drawn perpendicular to the ground, with the exception that such angle may be increased to ninety (90) degrees if the luminary is less than four (4') feet above the ground. Such luminaries shall be placed not more than sixteen (16') feet above ground level.
- b. Indirect glare is defined for the purposes of this ordinance as illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure.
- c. Parking, loading, ingress and egress areas of all non-residential uses intended to be utilized at night shall be provided with a minimum of 0.75 footcandles at any point. For residential off-street parking facilities containing more than four (4) spaces, all parking, ingress and egress areas shall be provided with a minimum of 0.5 footcandles at any point.

d. Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

2. There shall be no emission or transmission of heat or heated air that is discernible at the lot line.

E. Non-Radioactive Liquid or Solid Wastes

There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground of any liquid or solid materials except in accordance with the laws and regulations of the United States, Commonwealth of Pennsylvania, Adams County and Township of Freedom.

F. Radioactivity or Electrical Disturbances

No activity shall emit radioactivity at any point or cause electrical disturbance adversely affecting the operation of radio or other equipment in the vicinity.

G. Noise

Noise which is determined to be objectionable due to volume, frequency or beat shall be muffled or otherwise controlled, with the exception of fire sirens and related apparatus used solely for public purposes. Noise in excess of ninety (90) decibels, as measured on a decibel or sound level meter of standard quality and design operated on the A-weighted scale at a distance of twenty-five (25') feet from any property line of the property from which the noise source is located, shall not be permitted.

H. Odors

No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property with the exception of such odors associated with common farming practices.

I. Smoke

The maximum amount of smoke emission permitted shall be determined by the use of the Standard Ringlemann Chart issued by the U.S. Bureau of Mines. No smoke of a shade darker than No. 2 shall be permitted.

J. Erosion

No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties. Any earth disturbance activity shall be conducted in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection.

K. Water Pollution

Water pollution shall be subject to the standards established by the Pennsylvania Department of Environmental Protection.

Section 1304. Criteria for Special Exceptions

A. Adult Businesses

1. The lot of such business shall not be located within 200 feet of any residence, residential use or residential zoning district.
2. The lot of such business shall not be located within 500 feet of any religious structure, school facility, day care center or public library.
3. The lot of such business shall not be located within 500 feet of another adult oriented business.
4. There shall be no display of adult-oriented materials that can be seen from the exterior of the building.
5. No unlawful sexual activity or conduct shall be performed or permitted.

B. Agribusiness

1. Structures used for housing and/or feeding animals which represent an intensive agricultural use shall not be located closer than the following minimum setbacks.
 - a. Seventy-five (75) feet from all street right-of-way lines.
 - b. Fifty (50) feet from all property lines.
 - c. Five hundred (500) feet from all RL, RM, and PC Zoning Districts.
 - d. Five hundred (500) feet from all dwellings located on adjacent properties or any lots of record less than three acres in size.
2. A minimum lot size of 50 acres is required.
3. An approved Nutrient Management Plan in accordance with the PA Nutrient Management Law shall be required.
4. Notwithstanding anything contained in this Ordinance to the contrary, all manure and agricultural facilities and buildings, including poultry-houses and livestock facilities shall be managed in a manner so as to prevent pollution and in accordance with all existing and future environmental statues and regulations, including the Pennsylvania Clean Streams Law.

C. Animal Hospital (includes veterinarian office)

1. A minimum lot size of at least two acres shall be required for those animal hospitals treating small animals (such as cats, birds or snakes). A minimum lot size of at least three acres shall be required for those animal hospitals treating large animals (such as cattle, horses or pigs).

2. All buildings in which animals are housed or provided care shall be located at least 200 feet from all lot lines. Buildings should be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines of any dwellings.
3. Outdoor animal runs may be provided for small animals so long as the runs are at least 200 feet from any existing dwelling.
4. A commercial kennel shall only be an accessory and not a principal use, unless a kennel is permitted in that district and the applicable requirements are met.

D. Antennas

Antennas, subject to licensing and/or regulation by the Federal Communications Commission, shall be permitted by special exception as accessory structures provided that:

1. Any freestanding antenna shall be located at least fifteen (15') feet from any dwelling unit or principal structure on the lot.
2. Antennas and associated structures which do not exceed thirty (30') feet in height shall be located at least fifteen (15') feet from any property line. Antennas which exceed thirty (30') feet in height shall provide an additional one (1') foot of clearance for every one (1') foot of height in excess of thirty (30') feet.
3. Antennas shall not be permitted in any front yard.
4. The antenna and associated structures shall be *securely anchored in a fixed position on the ground* and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other forces.
5. The antenna and its associated supports, such as *guy wires, or the yard area containing the structure*, shall be protected and secured to guarantee the safety of the general public. Associated supports and guy wires shall not be located any closer than five (5') feet to any property line.
6. In granting the use, the zoning hearing board may attach reasonable conditions warranted to protect the public health, safety and welfare, including, but not limited to, fencing, screening and increased setbacks.

E. Boarding Houses

1. Accommodations shall be limited to no more than ten (10) guest rooms for rent.
2. Not more than twenty (20) guests may be accommodated at any one time.
3. Meals for compensation shall be provided only to boarding home guests. No cooking facilities shall be provided or permitted in the individual guest rooms.
4. Guest rooms shall contain a minimum of two hundred (200) square feet of habitable floor area per unit.
5. Off street parking shall be provided.

F. Campgrounds

1. There shall be a minimum lot area of fifteen acres with a maximum impervious coverage of 10%.
2. Setbacks - all campsites shall be located at least fifty (50) feet from any side or rear property line and at least one hundred (100) feet from any public street right-of-way line.
3. Each campsite shall be at least one thousand (1,000) square feet in size and shall either provide parking space for one (1) automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area.
4. An internal road system shall be provided. All roads shall be paved up to the site's internal road system or a distance of 100 feet, whichever is less. The width of one-way access drives shall be at least fourteen (14) feet and the width of two-way access drives shall be at least twenty-four (24) feet. On-drive parallel parking shall not be permitted.
5. All outdoor play areas shall be set back one hundred (100) feet from any property line and screened from adjoining residentially-zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors.
6. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from any adjoining residential property.
7. Any accessory retail or service commercial uses shall be setback a minimum of one-hundred (100) feet from any property line. Such accessory 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.
8. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street.
9. A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreational facilities. Responsibility for maintenance of the recreation area shall be with the landowner.
10. During operation every campground shall have an office in which shall be located the person responsible for operation of the campground.
11. All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the PA DEP.
12. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

G. Cemeteries and Monument Sales

1. No monuments or other merchandise shall be placed in the front yard of a monument sales use.
2. Sufficient off-street parking shall be provided to prevent the blockage of traffic on adjacent streets.
3. The internal access drives within a cemetery shall provide for the safe movement of vehicles and shall provide safe points of ingress and egress.
4. No grave sites shall be located within 50 feet of an adjoining property line.
5. A crematorium shall be setback a minimum of 200 feet from all lot lines.
6. The use shall include an appropriate system for perpetual maintenance of the property.

H. Child/Adult Day Care Facility

Day care centers, family day care homes and group day care homes may be established subject to the following conditions:

1. Operators are responsible for compliance with all Pennsylvania Department of Public Welfare licensing/registration requirements and any other local, state or federal regulations.
2. For facilities with more than eight children or eight adults, an outdoor play recreation area shall be provided. Off-street parking areas shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and shall be completely enclosed by a four (4) high fence.
3. Family day care home and group day care home facilities shall be permitted only in single-family detached dwelling units.
4. Facilities utilizing or proposing to utilize an on-lot sewage disposal system shall obtain a written statement from the Township Sewage Enforcement Officer certifying that the system is properly designated to accommodate the use and that there are no apparent signs of system failure.
5. Enrollment shall be defined as the largest number of students and/or children under care supervision at any one time during a seven day period.
6. Passenger "drop-off" and "pick-up" areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.

I. Clubs and/or Lodge

1. Uses shall be restricted to those not conducted primarily for gain, although a dining room may be operated for the benefit of club members; provided that no permanent sign advertising the sale of food or beverages will be permitted.

2. A buffer yard/screen planting of no less than ten (10') feet in depth shall be maintained along all property lines abutting a residential use.
3. The use will not overburden existing facilities including water, sewer, public roads, storm drainage, etc.
4. Off-street parking and loading facilities will be provided.

J. Convenience Stores, Including Fuel Sales

1. A site circulation plan shall be devised that separates those patrons awaiting fueling service from those patrons awaiting other services, to the maximum extent feasible. At a minimum, parking shall not be permitted between the main entrance of the establishment and the refueling bays. Where the area between the main entrance and the parking bays is paved, a "No Parking" lane shall be established.
2. A site plan shall be provided to the zoning hearing board for use during the Special Exception hearing during which the project will be reviewed. The site plan shall show building dimension and placement, internal circulation, landscaping, location and size of signage, and all other pertinent design information needed for the zoning hearing board's complete review of the project.
3. Canopies shall be located no less than ten (10') feet from the right-of-way line.
4. Fuel pumps shall be located at least twenty-five (25') feet from any public right-of-way or fifty (50') from the street centerline, whichever is greater.

Conversion Apartment

1. The proposed conversion shall conform to the regulations for the district in which it is located. The minimum habitable floor area of such converted dwelling unit shall be provided in accordance with Section 1302.
2. There shall be no exterior evidence of change in the building except as required by applicable building or housing codes.
3. Adequate off street parking shall be provided in accordance with township ordinances.
4. An approved means of sewage disposal and water supply shall be provided. Conversion apartment utilizing or proposing to utilize an on-lot sewage disposal system shall obtain a written statement from the Township Sewage Enforcement Officer certifying that the system is properly designed to accommodate the use without expansion of the system and there are no apparent signs of system failure.
5. Separate cooking and sanitary facilities shall be provided for each apartment unit.

L. Elder Care Facility

Elder care facilities may include nursing care facilities, congregate living facilities, assisted living apartments, and/or independent living arrangements in whatever form and shall comply with the following requirements:

1. All accessory uses for elder care facilities shall be limited to facilities serving employees, residents, and guests of residents. Accessory uses may include offices, maintenance facilities, recreational facilities, libraries, chapels, health care facilities, gift shops, banks, snack bar, village stores, pharmacies, barber/beauty shops, and other personal services.
2. The density of an elder care facility shall not exceed six (6) units per acre. For the purpose of this Section, one unit shall be equivalent to:
 - a. one (1) independent dwelling unit;
 - b. one (1) apartment housing unit; or
 - c. eight (8) personal, skilled, or nursing care beds.
3. The maximum impervious lot coverage shall be fifty (50) percent.
4. The facilities shall be licensed by appropriate state and federal regulatory agencies.
5. Bulk and setback requirements:

Minimum lot area:	20 acres
Minimum front area:	100 feet
Minimum side area:	50 feet
Minimum rear yard:	50 feet
Minimum lot width:	250 feet

Separation of Buildings

Side to side:	20 feet
Side to rear:	30 feet
Side to front:	50 feet
Front to front:	50 feet
Front to rear:	50 feet
Rear to rear:	50 feet
Corner to corner:	20 feet

6. An evergreen screening, with trees having a minimum size of six (6) feet in height at the time of planting, shall be provided along all adjacent property lines (excluding property lines along public roads). In addition, storage areas for trash and recyclable materials shall be screened from view of adjacent properties.
7. Lighting facilities shall not produce direct glare on adjacent properties.
8. The applicant proposing an elder care facility shall obtain documentation from appropriate providers of ambulance service indicating the ability to provide service to the site.
9. Interior drives, alleys, or streets shall be designed to prevent the blockage of vehicles entering or leaving the site. The minimum cartway width of interior drives shall be twelve (12) feet for one-way streets and twenty (20) feet for two-way streets. In addition, all elder care facilities shall have two means of access for emergency vehicles.
10. Pedestrian walkways shall be accessible from the entrance of each residential structure.

11. The applicant shall demonstrate that the proposed use will be provided with an adequate supply of water and means of sewage disposal.
12. Adequate and usable open space areas shall be provided.
13. The maximum height of buildings shall be 35 feet.
14. The following minimum parking standards shall apply to elder care facilities:
 - a. independent dwelling unit: one space for each unit plus one visitor space for every five units.
 - b. assisted living/nursing care unit: one space for every four beds.
 - c. staff parking: one space for each staff member working the largest shift.

M. Farm Related Occupation

1. Not more than two (2) farm-related occupations per farm shall be permitted.
2. Not more than a total of 2400 square feet of structure floor area shall be utilized for all farm-related businesses. Such space shall be physically partitioned from the principal use or other accessory uses.
3. Not more than 600 square feet of total outdoor display space for all farm-related businesses shall be permitted. Outdoor display shall be limited to daylight hours and must be removed after dusk.
4. Not more than one (1) person other than residents of the farm shall be employed.

N. Financial Institutions

1. Space for a minimum of eight (8) 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 banking services through bank teller windows.
2. The required space for the drive through line shall be separated, to the maximum feasible extent, from parking spaces for non-drive through customers and from pedestrian walkways and shall be incorporated into an overall circulation plan for the site.
3. The drive through facility, including teller windows and intercom, and the driveway, shall be located along the side or rear faces of the bank or financial institution. In no event will the drive through facility be permitted along the front face of the bank or financial institution, between the principle structure and the adjoining public road.
4. A site plan shall be provided to the zoning hearing board for use during the Special Exception hearing during which the project will be reviewed. The site plan shall show building dimension and placement, internal circulation, landscaping, location and size of signage, and all other pertinent design information needed for the zoning hearing board's complete review of the project.

O. Golf Course

1. The minimum lot area shall be as follows:
 - a. Regulation 18 hole 6000-7000 yds. in length, 130 ac.
 - b. Executive 18 hole 3000-4000 yds. in length, 60 ac.
 - c. Nine hole 3100-3500 yds. in length, 60 ac.
 - d. Par 3-18 hole 2000-2500 yds. in length, 45 ac.
2. The course shall be designed so that golf balls will not be driven across any building, road or parking lot.
3. There shall be a minimum setback of 150' feet from the centerline of the fairway to any adjacent residential structure.
4. Any points where the golf course crosses a road shall be signed warning motorists and pedestrians.
5. A clubhouse, tennis facilities, pool, retail sales of golf supplies or restaurant may be permitted as an accessory use if located a minimum of 250 feet from any exterior lot line.
6. No outdoor storage of maintenance equipment shall be permitted.
7. Maximum impervious coverage is 10%.
8. Fairways and greens shall be setback a minimum of forty feet from the lot line of any abutting property or the existing right-of-way line of any street.

P. Home Occupation (Intensive)

1. The home occupation shall be carried on completely within the dwelling unit or an accessory structure.
2. Not more than thirty-five (35%) percent of the habitable floor area of the dwelling unit, excluding attached accessory structures, shall be utilized for all home and farm occupations. Attached structures, including, but not limited to garages, outbuildings, sheds, carports and enclosed or unenclosed walkways; or detached accessory structures, may be used for the home occupation.
3. Articles sold or offered for sale shall be limited to those produced on the premises, sold as part of a home party sales operation, for food served as part of a bed and breakfast establishment, or for a licensed distributorship conducted by the resident.
4. Outdoor display shall be restricted to daylight hours and must be removed after dusk.
5. There shall be no exterior indications of the home occupation or variation of the residential character of the main building.

6. The home occupation shall not cause any external impact such as increased noise, excessive lighting, or offensive odor.
7. Intensive home occupations may include the following: dance studio, antique shop, professional offices, etc.

Q. Indoor Recreational Facilities

1. Indoor recreational facilities shall be located at least one thousand (1,000') feet from school buildings, school playgrounds, and church buildings.
2. The facility, if accessory to a principal use, shall be located in a separate room, separate from other uses on the premises and from pedestrian circulation to and from such other uses.
3. Readily visible signs shall be installed, with their location, size and text shown in plans submitted as part of the application for special exception, prohibiting the use of amusement devices by persons under sixteen (16) years of age during normal school hours, and, where the premises are used primarily for the serving or consumption of alcohol, prohibiting the use of such amusements by persons under twenty-one (21) years of age at all times.

R. Junkyards

1. Junk/salvage shall be stored in piles not exceeding eight (8') feet in height and shall be arranged so as to permit easy access for firefighting purposes.
2. All operations shall be screened from all rights-of-way and adjoining properties by a buffer yard and screen planting of no less than twenty (20') feet in depth established along the perimeter lot line.
3. No open burning shall be permitted.
4. Operations shall be conducted in compliance with performance standards of Section 1303 and other applicable standards.
5. All junkyards shall meet the licensing and screening requirements of Pennsylvania Act 4 of Special Session Number 3 of 1966, prohibiting junk from being located within one thousand (1,000') feet from the right-of-way of any interstates or primary roads (roads conveying traffic from one municipality to another). All other yards shall be provided in accordance with the regulations of the district in which the facility is located.

S. Kennels

1. All kennels shall be licensed by the Commonwealth of Pennsylvania and shall be constructed and maintained in accordance with the Pennsylvania Code, Title 7, Part II, Chapter 21 entitled, General Provisions; Kennels; Licensure; Dog-Caused Damages, as amended.
2. All buildings in which animals are housed and all runs shall be located at least two hundred (200') feet from all lot lines. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot line.

3. Outdoor runs may be provided if appropriate screening is provided. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m.

T. Landfills

1. Landfills shall be constructed, licensed, and operated in accordance with the Adams County Solid Waste Plan and/or all applicable local, county and Commonwealth laws and regulations.
2. Operations shall be conducted in compliance with performance standards of Section 1303 and other applicable standards.
3. All activities shall be buffered and screened from adjoining properties and public rights-of-way by a width of 20' along the property line.

U. Place of Worship

1. A minimum of two (2) and a maximum of six (6) acres of land shall be devoted to such use for structures, parking, storage, display, setbacks, and landscaping.
2. No more than forty percent (40%) of the area devoted to a place of worship shall be covered by buildings, parking lots or any other impervious surface.

V. Public Utility Facility

Public utility facilities, maintaining their minimum use, shall be permitted in any district without regard to the use and area regulations under State and Federal regulations; provided, however, that buildings or structures erected for these utilities shall be subject to the following regulations:

1. Front yards shall be provided in accordance with the regulations of the district in which the facility is located. Side yards shall be a minimum of ten (10') feet.
2. Height restrictions shall be as required by the district regulations.
3. Unhoused equipment shall be enclosed within a chain link fence eight (8') feet in height topped with barbed wire.
4. When equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in accordance with the district in which the facility is located.
5. If adjacent to a residential district, buffer yards and screened plantings shall be required in accordance with the subdivision ordinance.
6. The external design of the building shall be in character with existing buildings in the respective district.
7. No structure shall be used as an everyday work area.
8. The facility shall comply with the performance standards contained in Section 1303.

W. Recycling Center

1. All facilities shall be operated and licensed in accordance with Pennsylvania Department of Environmental Protection rules and regulations.
2. All operations shall be screened from all rights-of-way and adjoining properties by a buffer yard and screen planting of no less than ten (10') feet in depth, established along lot lines.
3. The site shall be maintained free of litter and other undesirable materials and cleaned of loose debris daily.
4. Outside storage of materials shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Outside storage, excluding truck trailers, shall not be visible above the height of the screen planting.
5. Front, side and rear yards shall be provided in accordance with the regulations of the district in which the facility is located.
6. Off-street loading spaces or berths shall be provided on site for three (3) vehicles or the anticipated peak customer load, whichever is greater, to circulate and to deposit recyclable materials. All loading spaces and berths shall be designed in accordance with Article 14.
7. Power driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be permitted in accordance with the performance standards of Section 1303 and other applicable standards established herein.
8. Containers provided for after hours donation of recyclable materials shall be located at least fifty (50') feet from any property zoned, occupied or planned for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; be secure from unauthorized entry or removal of materials; and be clearly marked to identify the type of materials that may be deposited within them.
9. Outside storage shall be no greater than eight feet in height; a minimum twelve foot gravel aisle shall be established between rows of containers; and a fence eight feet in height shall be constructed around the storage area.

X. Restaurants

1. Space for a minimum of eight (8) occupied vehicles is required for those patrons waiting in the drive through line for service. This distance shall be measured from the point at which food orders may be taken.
2. The required space for the drive through line shall be separated, to the maximum feasible extent, from parking spaces for non-drive through customers and from pedestrian walkways and shall be incorporated into an overall circulation plan for the site.

3. The drive through facility, including intercom and menu, driveway, and service windows, shall be located along the side or rear faces of the restaurant. In no event will the drive through facility be permitted along the front face of the restaurant, between the restaurant and the adjoining public road.
4. A site plan shall be provided to the zoning hearing board for use during the Special Exception hearing during which the project will be reviewed. The site plan shall show building dimension and placement, internal circulation, landscaping, location and size of signage, and all other pertinent design information needed for the zoning hearing board's complete review of the project.

Y. Shopping Centers

1. A planned shopping center shall contain a minimum of six (6) separate uses.
2. Parking lots shall be designed with an easily discernible circulation pattern, and shall meet the following requirements.
 - a. Aisles of parking shall be arranged perpendicularly from the front face of the Center.
 - b. Terminal islands shall be installed at both ends of each row of parking. Terminal islands shall be a minimum of fifteen (15) feet long and a minimum of five (5) feet wide. The terminal islands shall be landscaped.
 - c. Divider strips shall be placed between adjoining rows of parking to prevent traffic movements across parking aisles. The divider strips shall be landscaped.
 - d. The minimum distance between the sidewalk adjacent to the main entrances of establishments and the parking area shall be thirty (30) feet. The developer shall prove, to the satisfaction of the Board of Supervisors and Township Engineer, that sufficient spaces will exist between the sidewalk and the parking area to allow two way traffic, and a pick-up/fire lane. Parking shall not be permitted in the required pick-up/fire lane.
3. The planned shopping center shall be designed in accordance with a unified architectural theme. Similar and complimentary building dimensions, materials, and roof-lines shall be designed for all proposed uses within the planned shopping center.
4. In addition to the sign permitted by Article 15 for each business on a lot, the planned shopping center shall be permitted one monument-style sign located near the entrance to the planned shopping center. The sign may identify the name of the planned shopping center and the individual businesses within the planned shopping center. The sign shall not exceed one hundred (100) square feet in size on each side of the sign.
5. A site plan shall be provided to the zoning hearing board for use during the Special Exception hearing during which the project will be reviewed. The site plan shall show building dimension and placement, internal circulation, landscaping, location and size of signage, and all other pertinent design information needed for the zoning hearing board's complete review of the project.

Z. Surface Mining

1. The minimum lot area shall be five acres.
2. A fifty foot vegetative buffer is required adjacent to all property lines. The zoning hearing board may also require secure fencing in locations where needed to protect public safety.
3. Unless otherwise provided for by the Pennsylvania Department of Environmental Protection, the following setback regulations shall apply:
 - a. Activities shall not be nearer than one hundred (100') feet of any property line or public street.
 - b. Activities shall not be nearer than three hundred (300') feet of an occupied dwelling unit, or commercial or industrial building, unless released by the owner thereof.
 - c. Activities shall not be nearer than three hundred (300') feet of a public building, school, community or institutional building, or a public park.
 - d. Activities shall not be nearer than one hundred (100') feet of a cemetery.
 - e. Activities shall not be nearer than one hundred (100') feet of a bank of a perennial or intermittent waterway.
 - f. All activities shall be protected by a fence or wall six (6') feet high and shall have openings no larger than six (6") inches.
 - g. Quarry walls shall not be readily visible from public streets or adjacent developed properties, except for ingress and egress roads.
4. All activities shall comply with the appropriate performance standards contained in Section 1303.
5. The ZHB may reasonably limit the hours of operation of use and related trucking and blasting operations to protect the character of adjacent uses.
6. After areas are used for mineral extraction, they shall be reclaimed in phases to a nonhazardous and environmentally sound state permitting some economically productive future use.
7. It is not the intent of the Township to unlawfully preempt any Federal or State law or regulation. If a preemption of this Ordinance would exist, the most strict and least permissive requirements shall be in effect where a conflict might exist.

AA. Temporary Uses

1. There shall be no more than two yard sales per property within a period of 12 months.
2. The duration of the sale shall not exceed two (2) days.

3. The person conducting the yard sale shall make certain that the traffic on adjacent streets is not obstructed.
4. Signs advertising the yard sale shall not block the view of oncoming traffic and shall be removed within 24 hours after the sale.

BB. Vehicular Body Shop

1. All repair and paint work shall be performed within a structure.
2. Buffer yard/screen plantings shall be provided in accordance with the subdivision ordinance.
3. Stored and/or repaired vehicles shall remain no longer than sixty (60) days from the date of arrival.
4. No outdoor storage of equipment, lubricants, fuel or other materials used for repair shall be permitted.
5. All materials discarded as part of the service operation shall be contained within wholly enclosed dumpster equipment or within a solid fenced enclosure.
6. The demolition or storage of junked vehicles is prohibited.

Section 1305. Cluster Development

Designated parcels of land greater than 10 acres may be developed as a grouping of single family residences located to minimize the adverse impacts on environmentally sensitive areas, preserve farmland and provide meaningful view sheds.

- A. Lot area, setback requirements and impervious coverage requirements may be reduced up to 35% of the applicable district dimensional regulations.
- B. A community sewer system approved and permitted by the Department of Environmental Protection is required.
- C. Land remaining after creating the cluster shall remain under the control of a homeowners association in perpetuity.
- D. Lots, to the maximum extent feasible, shall be clustered in areas of the tract which are relatively free of environmentally sensitive features.
- E. Access to all lots shall be from interior roads rather than existing roads along the periphery of the tract.
- F. Wherever feasible, disturbance to existing woodland, hedgerows, mature trees and other significant vegetation shall be minimized.
- G. Maximum density shall be in accordance with the applicable district standards.

- H. Streets shall be designed to standards appropriate for a rural area as defined in the subdivision ordinance.
- I. All lots and/or units shall have direct or visual access to the required open space.
- J. As a minimum, 20% of the gross land area must remain as open space. Open space should include all irreplaceable natural features.

Section 1306. Residential Use Standards

A. Multi-family

- 1. There shall be no more than eight (8) dwelling units per building.
- 2. No building shall be in excess of two (2) stories in height.
- 3. A visual structural break shall be provided between every four (4) dwelling units.
- 4. Lot area per dwelling unit shall be in accordance with the area required by the applicable district.
- 5. Setbacks between buildings or property lines shall be as required by the applicable district.

B. Single-family attached

- 1. There shall be no more than six attached units in a row.
- 2. A visual structural break either in the roof line or front facade shall be provided between every other dwelling unit.
- 3. No building composite shall exceed 140 feet in length.
- 4. Setbacks between buildings or property lines shall be required by the applicable district.
- 5. Lot area per dwelling unit shall be in accordance with the area required by the applicable district.

Section 1307. Cellular Phone Towers

- A. Evaluation of Siting Opportunities: The applicant shall demonstrate compliance with the following requirements:
 - 1. The 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.
 - 2. The applicant shall demonstrate that it contacted owners of all existing structures, in excess of fifty (50) feet in height, within a one-quarter (1/4) mile radius of the proposed site, asked for permission to install the cellular antenna on those structures. Installation

opportunities include, but are not limited to, smoke stacks, water towers, agricultural silos, stall buildings, towers operated by other cellular phone companies, and the communications towers (fire, police, etc.). If the applicant can demonstrate that no siting opportunities exist except for the proposed site, then the applicant may proceed with the proposed site, provided all other requirements can be achieved.

3. The applicant shall provide an analysis that assesses potential negative impacts on neighboring residents and properties, and how negative impacts will be effectively mitigated.
- B. **Tower Height:** The applicant shall demonstrate that the tower is the minimum height required to function satisfactorily. The applicant shall provide coverage analyses for a sufficient range of tower heights to demonstrate the relationship between tower height and coverage "dead spots."
- C. **Siting Requirements:** Where the construction of a new tower is proposed, the following siting criteria are required:
1. The minimum distance between the base of a tower, or any anchoring guy wires, and any public road right-of-way shall be thirty percent (30%) of the tower height.
 2. The minimum distance between the base of a tower, or any anchoring guy wires, and residential, church, or school property shall be two hundred (200) feet.
 3. Where feasible, the applicant shall use one or more of the following natural features as siting opportunities: tree stands, sides of hills, etc.
- D. **Tower Safety:** The applicant shall demonstrate that the proposed tower will not negatively affect surrounding areas as a result of support structure failure, falling ice or other debris, or radius frequency interference. All towers shall be fitted with anti-climbing devices, as approved by the manufacturers.
- E. **Tower Type:** Where the construction of new support structure is proposed, the applicant shall use a single-pole, or davit, construction where the proposed site meets one (1) or more of the following locational criteria:
1. Within one (1) mile of a site or district listed in the National Register of Historic Places.
 2. Within one (1) mile of a site or district deemed eligible by the State Historic Preservation Office to be eligible for listing in the National Register of Historic Places.
 3. Within the Agricultural (AG), Rural Conservation (RC), Residential Low Density (RL), Residential Medium Density (RM), Commercial Corridor (CC), or Planned Community (PC) Districts as defined in this Ordinance.

Lattice towers may be used in locations which fall outside the established location criteria of this section.

- F. **Landscaping:** Where the construction of a new tower is proposed, the applicant shall demonstrate compliance with the following landscaping requirements:

1. The base of the 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.
 2. 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.
- G. **Color:** Where a specific color pattern is not required by the Federal Aviation Administration (FAA), tower colors shall meet the following requirements:
1. The tower shall be painted green or brown from the base of the tower to the average height of surrounding vegetation.
 2. The tower shall be painted light blue or light gray from the average height of surrounding vegetation to the top of the tower.
- H. **Parking:** One (1) off-street parking space for a maintenance vehicle shall be provided.
- I. **Tower Removal Agreement:** The applicant shall sign a legal agreement stating that when the use of towers to transmit cellular calls becomes obsolete, the tower will subsequently be removed at the applicant's expense. The agreement shall be written in language acceptable to the *Freedom Township Solicitor*.
- J. **Land Development Approval:** The applicant shall obtain land development approval from the local municipality. Proof of land development approval shall accompany the application for the zoning permit.

Section 1308. Cottage Industry

- A. **Background:** The Township recognizes the need to establish regulations pertaining to home-based occupations as a result of the increased need for diversity of income. Such regulations must be developed in a manner which protects adjacent uses from adverse effects. Since home-based occupations in sparsely populated areas do not typically represent a significant threat to adjacent property owners, the Township has created regulations for cottage industries. For the purposes of this ordinance, a cottage industry is defined as an occupation or business conducted by a resident in a dwelling or building accessory to the dwelling, as an accessory use which is clearly subordinate to the residential use. It is permitted by special exception in all zoning districts.
- B. **Conditions:** all properties containing a cottage industry shall comply with the following regulations.
1. The person primarily responsible for the cottage industry shall be a full-time resident.
 2. No more than two (2) persons not in residence in the dwelling shall be employed in the cottage industry.
 3. The cottage industry shall be conducted entirely within the dwelling and/or accessory building on the same lot as the dwelling.

4. The total floor area of the cottage industry shall not exceed 2000 square feet.
5. A cottage industry shall not be located on a lot which is less than 5 acres in size.
6. An accessory building utilized for a cottage industry shall comply with all lot coverage and yard requirements contained in the applicable zoning district regulations for single-family detached dwellings.
7. No more than one (1) cottage industry shall be permitted on any lot.
8. No displays or change in the building facade shall indicate from the exterior that the dwelling or accessory building is being utilized for purposes other than a dwelling or accessory building.
9. To prevent on-street parking, the resident responsible for the cottage industry shall provide adequate off-street parking.
10. Storage of materials, finished products or machinery used for the cottage industry shall be wholly enclosed by the dwelling or accessory building, within the maximum floor area previously defined, and shall not be visible from any adjacent lot or street.
11. Deliveries shall not restrict traffic circulation.
12. No traffic shall be generated by the cottage industry in greater volumes than would normally be expected in a rural area.
13. A cottage industry shall not produce noise, obnoxious odors, vibrations, lighting glare, fumes, smoke or electrical interference detectable to normal sensory perception outside the structure.
14. There shall be no illegal discharge of any materials, fluids or gases into the sewage disposal facilities or in any other manner which would be in violation of any applicable government code.
15. Sales of goods on the premises shall be limited to goods made on the premises or goods relating to services performed on the premises.
16. Any accessory structure utilized in a cottage industry shall be architecturally and structurally compatible with the residence on the property.

Section 1309. Conditional Uses

A. Conditional Use Approval Required

When conditional uses are provided for in this ordinance, the Board of Supervisors shall hear and decide requests for such conditional uses in accordance with stated standards and criteria. Conditional uses shall only be granted when the minimum conditions set forth for the granting of a conditional use have been met. In granting a conditional use, the Board may attach such reasonable conditions and safeguards as necessary to implement the purpose and goals of this Ordinance and the Comprehensive Plan. Prior to granting approval or denying a conditional use application, the proposal shall first be reviewed by the Freedom Township Planning Commission

and may be reviewed by the Adams County Office of Planning and Development. Furthermore, a minimum of one public hearing shall be held regarding the proposal by the Board of Supervisors pursuant to public notice. The grant of approval of a conditional use shall not relieve the applicant from filing a land development, subdivision, or site plan as required by other Township regulations and obtain approval therefore from the Township.

B. Application Procedure for a PCD

1. An application for a conditional use (PCD) shall be submitted by the landowner to the Township Secretary with the appropriate filing fee.
2. The information required in the application should contain, as a minimum, the following:
 - a. the location, size and topography of the site and the nature of the land owner's interest in the land proposed to be developed;
 - b. the density of land use to be allocated to parts of the site to be developed;
 - c. the location and size of the open space system and the form of organization proposed to own and maintain the open space;
 - d. the use and the approximate height, bulk and location of buildings and other structures;
 - e. the feasibility of proposals for water supply; the disposition of sanitary waste; and storm water management;
 - f. the substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities;
 - g. the provisions for parking of vehicles and the location and width of proposed streets and public ways;
 - h. the required modifications in any land use regulations otherwise applicable to the subject property;
 - i. a schedule showing the proposed times within which applications for preliminary and final approval of all plans are intended to be filed. This schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.
3. The application shall include a written statement by the landowner setting forth the reasons why, in his opinion, a planned community development would be in the public interest and would be consistent with the comprehensive plan for the development of the Township.
4. The applicant shall inform the Board whether any structures on the property are listed upon the National Register of Historic Places, the Pennsylvania Register of Historic Sites and Landmarks or any other registry of historic structures.

5. The Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of and ensure compliance with the Municipalities Planning Code and this Ordinance, which conditions may include plantings and buffers, harmonious designs of buildings and the elimination of noxious, offensive or hazardous elements.
6. Unless otherwise specified by the Board or by law, a conditional use for a PDC shall expire if the applicant fails to submit a preliminary plan for Phase 1 within one year from the date of granting the conditional use.
7. Any conceptual site plan presented in support of the conditional use application shall become an official part of the record. Approval of the conditional use shall bind the use in accordance with the submitted conceptual site plan. The plan shall not be modified, revoked or otherwise impaired by action of the Board pending applications for preliminary/final approval, without the consent of the landowner, provided applications are filed within the periods of time specified in the official written communication granting conditional use approval.
8. All preliminary and final plan applications of the PCD for each phase are subject to the requirements of the conditional use approval, this ordinance, and the subdivision and land development ordinance, as appropriate.

ARTICLE 14
OFF-STREET PARKING

Section 1401. Accessible Parking Space

- A. All multi-family, commercial, public and industrial uses shall provide handicapped parking spaces for the physically challenged as follows:

<u>Total Parking Spaces</u>	<u>Required Accessible Spaces</u>
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of Total
over 1000	20 plus 1 per 100 over 1000

- B. Design of accessible spaces shall be completed in accordance with the Americans with Disabilities Act Architectural Guidelines and include the following:

1. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible structure. In parking facilities not serving a particular structure, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
2. Accessible parking spaces shall be at least 10 feet wide.
3. One (1) parking access aisle of no less than five (5') feet in width shall be provided for each accessible parking space and shall be a part of the accessible route of no less than three (3') feet in width to the building or facility entrance. A parking access aisle may be shared between two (2) accessible parking spaces.
4. Parking spaces and access aisles shall be level with surface slopes not exceeding two (2%) percent in all directions.
5. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Such signs shall be located so as not to be obscured by a vehicle parked in the space.

Section 1402. Parking Space Requirements

- A. This ordinance by reference includes those requirements already delineated in Section 404 of the Freedom Township Subdivision and Land Development Ordinance. For purposes of additional information, this ordinance supplements the requirements indicated above in the following manner:

<u>Uses</u>	<u>Required Parking Spaces</u>
Golf Course	4 spaces for each green, plus 50 percent of the requirements for any other accessory use.
Shopping Centers	4.5 per 1,000 square feet GA

- B. Uses Not Specifically Defined

Required parking spaces shall be determined by a study to be prepared by the developer and approved by the Township. The study shall include the following:

1. Type of use and estimated number of total trips generated during peak conditions (inbound and outbound).
2. Estimated parking duration per vehicle trip (turnover rate).

- C. Shared Parking

Two or more uses may provide for required parking in a common parking lot, if the total space provided is not less than the sum of the spaces required for each use individually. The number of spaces required in a common parking facility may be reduced below this total only as a Special Exception, if it can be demonstrated to the zoning hearing board that the hours or days of peak parking needed for the uses are so different that a lower total will adequately provide for all uses served by the facility.

- D. Reserve Green Space

In parking areas of one-half (1/2) acre to five (5) acres, at least ten percent (10%) of total area should be devoted to landscaping within the interior of the parking area. In parking areas greater than five (5) acres, fifteen percent (15%) of the total area shall be devoted to interior landscaping. Developments of this magnitude, greater than one-half (1/2) acre, have the option of requesting a portion of their required parking area to be kept in reserve green space. This request must be presented for review and recommendation by the Planning commission during the plan review process. Applicants shall provide documentation to substantiate their request. The Board of Supervisors shall have approval responsibilities for all requests for reserve parking area.

ARTICLE 15

SIGNS

Section 1501. General

The following sign regulations are included to provide guidance in preserving Freedom Township's rural character. Any sign not exempt from this chapter shall adhere to the general sign standards, the standards determined by the usage classification of the sign and the standards determined by the construction classification of the sign. Where standards may conflict, the more restrictive standard shall apply.

Section 1502. Signs Exempt from Requirements

The following signs shall not be included in the application of the sign requirements of this article:

- A. Incidental signs not exceeding a sign area of one(1) square foot and not including any commercial message or logo, which carry a message to identify rest rooms, entrances and exits, telephone locations, an on-site direction, on-site warnings or anything similar.
- B. Government signs such as official traffic and street name signs and identification, informational or directional signs required by government bodies or their agencies.
- C. *Flags, badges or insignia of any government, government agency, civic organization, charitable organization or religious organization.*
- D. Property identification signs which do not exceed two (2) square feet in area and bearing only property numbers, post box numbers, names or occupants or premises or other identification not having commercial connections.
- E. Integral decoration or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- F. Private traffic signs which guide traffic and direct parking on private property, but bear no advertising matter.

Section 1503. General Sign Standards

The following standards shall apply to all signs, except that they shall be superseded by any more specific or conflicting regulations elsewhere in this Article.

- A. All signs shall reflect the general character of the neighborhood.
- B. No sign shall be maintained within the township in such a state of disrepair as to have the appearance of complete neglect or which is rotting or falling down, which is illegible or has loose parts separated from original fastenings. *If a sign becomes unsafe, the zoning officer shall give written notice to the owner of the premises on which the sign is located that the sign must be made safe or removed within five (5) days.*
- C. The areas surrounding all signs shall be maintained in a neat, clean and attractive condition.

- D. All signs shall be removed within six (6) months if the purpose for which they were erected no longer exists.
- E. No temporary signs shall be permitted except as authorized elsewhere in this Article.
- F. No permanent sign shall be located within a street right-of-way, except a government sign, a public utility sign, a nonprofit organization sign or another sign approved by the governing body or the Pennsylvania Department of Transportation.
- G. No sign shall be located within the clear sight triangle of any street intersection or any other position where it could endanger vehicular or pedestrian traffic by obstructing vision.
- H. Any sign within a floodplain must receive approval as a special exception.
- I. No sign shall be erected or located so as to prevent free ingress and egress from any window, door or fire escape.
- J. No sign shall be placed so as to obstruct ventilation or light from a building.
- K. No sign shall be permitted which imitates or which might be confused with an official traffic sign or signal, such as by containing the words "Stop" or "Danger" or by including red, green or yellow lights.
- L. No sign or window display shall include a revolving beam or beacon of light resembling an emergency vehicle or facility.
- M. No sign shall advertise activities or products which are illegal under federal, state or local municipal laws or regulations.
- N. No sign shall include statements, words or pictures which are considered to be vulgar, obscene or pornographic.
- O. No animated, sequential, intermittent, flashing, rotating or oscillating signs shall be permitted except for time-and-temperature signs.
- P. No sign shall emit smoke, visible vapors, particles, sound or odor.
- Q. No sign shall be placed on an automobile, truck or other vehicle when that vehicle is used primarily for displaying a sign.
- R. No open flames shall be permitted as part of a sign or in any other way to attract attention.
- S. Advertising painted or displayed upon a barn or other structure shall be considered a sign and shall comply with the regulations of this Article.
- T. Any sign which has been authenticated as historically significant and accurate for its specific location, whether original or a replica, shall be exempt from the regulations of this Article.
- U. The light from any illuminated sign shall not adversely affect safe vision of operators of vehicles moving on public or private streets or parking area, any residential district or any part of a building or property used for residential purpose.

- V. Business signs in other than commercial and industrial districts shall not be illuminated when the business is closed.
- W. All electrically illuminated signs shall be constructed to the standards/listing of Underwriters Laboratories, Inc., and so labeled.
- X. Sign area shall include the face of all the display areas of the sign not including the bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the sign. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign, unless two display faces are joined back to back, are parallel to each other and not more than twenty-four inches apart, or form a V-angle of less than forty-five degrees. The area of a sign consisting of individual letters or symbols, either free-standing or attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest rectangle or regular geometrical shape which encompasses all the letters and symbols.

Section 1504. Sign Standards Classified By Use

All signs shall be divided into classifications based on the use of the individual sign. Each sign shall adhere to the following specific sign standards for their respective classifications:

- A. Advertising Sign. A sign relating to a commercial, industrial, private, recreational, public utility or other similar business conducted on the premises in which the sign is located shall comply with the following:
 - 1. Wall signs which are part of the architectural design of a building shall be restricted to an area not exceeding three feet measured vertically and any horizontal length within the allowable sign area.
 - 2. Freestanding signs shall have a maximum sign area of thirty-two (32) square feet. One sign allowed per street frontage.
 - 3. A window sign consisting of individual letters or symbols shall not exceed fifteen percent (15%) of the total glass area of the building front.
 - 4. Signs shall only be permitted to be erected on the premises to which the sign relates.
 - 5. The total allowable sign area for all applicable signs shall not exceed one square foot for each linear foot of building per street frontage not to exceed a total of 100 square feet.
 - 6. Advertising signs are only permitted in the Commercial Corridor District, Industrial Light District and the Planned Community District.
 - 7. The Zoning Hearing Board may grant a Special Exception to allow larger signs or greater than the prescribed total sign area per street frontage where unique conditions exist on the property or in the immediate area which would cause signs of the normally prescribed areas to be of lower communication value than that which would exist on another property. In granting such Special Exception the Zoning Hearing Board shall find that, in addition to any unique conditions, the proposed departure from sign area shall not:

- a. adversely affect the health and safety of persons in the area of the sign;
- b. be detrimental to the use or change the essential character of the area in which the sign is located.

B. Billboards. A sign advertising a product or service other than those which are found on the premises on which the sign is located shall comply with the following:

1. Signs shall only be permitted in the Industrial Light District.
2. Signs shall have a maximum sign area of three hundred (300) square feet.
3. No sign shall be erected within six hundred (600) feet of existing residential dwellings.
4. A minimum distance of one thousand (1,000) feet shall be maintained between a proposed billboard and any other proposed or existing billboard. The minimum distance shall be measured radially from the farthest extension of any proposed or existing panel type sign.
5. No part of the sign shall be more than twenty-five (25) feet in height.
6. All signs shall be set a minimum distance of thirty (30) feet from any street or road right-of-way line.
7. Lighted signs shall use nonglare lighting fixtures designated and approved for outdoor use.

C. Center Sign. A business sign which provides identification at the entrance to a complex such as a shopping center, office complex or industrial park shall comply with the following:

1. The sign shall devote no less than fifty percent (50%) of the total sign area to advertisement of the center's name.
2. A center sign shall have a maximum size of thirty-two (32) square feet.
3. Individual uses within the center may be identified on the center sign, provided that no more than one(1) sign per entrance is proposed and the size of such sign for the individual use shall not exceed four (4) square feet.
4. A center sign shall have a minimum setback of ten (10) feet from street right-of-way line.
5. Signs shall only be permitted to be erected on the premises to which the sign relates.

D. Contractor Signs. Temporary signs of contractors, architects, mechanics, artisans and similar professions shall comply with the following:

1. Signs must be set back at least ten (10) feet from the road right-of-way line or at the building face, whichever is less. if attached parallel to the building face, it may extend twelve (12) inches.
2. Signs shall have a maximum sign area of six (6) square feet.

3. Signs shall be displayed only while the actual work of the profession is in progress.
 4. *Signs shall be removed within thirty(30) days after completion of the project.*
 5. Signs shall only be permitted to be erected on the premises to which the sign relates.
- E. Election Signs. A sign directing attention to a candidate, political party or a ballot issue shall comply with the following:
1. Signs may be displayed no more than sixty (60) days prior to the election and must be removed within five (5) days of poll closing.
 2. Signs shall have a maximum sign area of six (6) square feet.
 3. No sign shall be erected on any private property without the consent of the property owner.
- F. Home occupation or name signs indicating the name, profession or activity of the occupant of the dwelling shall comply with the following:
1. Signs shall have a maximum sign area of three (3) square feet.
 2. Signs shall not project more than six (6) inches from a wall when attached to a building.
 3. Signs shall only be permitted to be erected on the premises to which the sign relates and only for intensive uses.
 4. The sign shall be limited to the name, address, occupation or activity and logo or trademark.
 5. There may be no illumination, except that a sign for a medical office or emergency service may be illuminated when the business is open.
- G. Identification signs identifying schools, churches, hospitals or similar institutions and for fraternal clubs, lodges, farms, residential developments and public parks and recreation areas shall comply with the following:
- (1) Signs shall have a maximum sign area of sixteen (16) square feet.
 - (2) Signs shall only be permitted to be erected on the premises to which the sign relates.
- H. Real estate signs. A sign advertising the sale, rental, leasing or development of the premises shall comply with the following:
- (1) Signs shall have a maximum sign area of six (6) square feet.
 - (2) Signs shall be removed within five (5) days after final transactions are completed or sales consignments have expired.
 - (3) Signs shall only be permitted to be erected on the premises to which the property owner has granted permission.

- I. Special event signs. A temporary sign providing information about a special event sponsored by a legally recognized organization or person shall comply with the following:
1. Signs shall have a maximum sign area of sixteen (16) square feet, and banners shall have a maximum sign area of thirty-two (32) square feet.
 2. Signs and banners shall be permitted for a maximum of sixty (60) days.
 3. Signs and banners shall be removed within five (5) days after the event.
 4. Banners crossing a street shall be a minimum of sixteen (16) feet above the cartway. No part of the banner shall be more than twenty-five (25) feet in height. Banners utilizing utility poles for their suspension must provide proof from the utility company such erection has been approved.
- J. All other signs which cannot be placed in one of the above classifications may be permitted only by a special exception granted by the zoning hearing board. The Board may specify such appropriate conditions and safeguards as may be required to keep such signs consistent with the intent of this Article.

Section 1505. Sign Standards Classified by Construction

All signs shall be divided into classifications based on the construction of the individual sign. Each sign shall adhere to the following specific sign standards for their respective classifications.

- A. Flat wall signs. Signs which are erected or displayed on or parallel to the surface of a building shall comply with the following:
1. Signs shall not project more than twelve (12) inches from the building wall.
 2. In any case where projection from the wall is greater than three (3) inches, the sign shall be a minimum of eight (8) feet above grade.
- B. Freestanding signs. Signs which are stationary but not supported by a part of a building or which are erected on an independent structure (legs or base), so that the structure is the main support of the sign, shall comply with the following:
1. Signs shall not exceed a height of 18 feet from ground level to the top of the sign.
 2. Signs shall not be located within 10 feet of any right-of-way or property line.
- C. Wall projecting signs. A sign which is mounted upon a building so that the principal face is at right angles to the building wall shall comply with the following:
1. Signs shall be located so that the lower edge of the sign is a minimum of eight (8) feet above grade.
 2. Signs may project a maximum of five (5') feet from the building wall over a public sidewalk.
 3. No sign shall extend higher than the top of the wall to which it is attached.

4. Signs shall have a maximum sign area of 12 square feet.
 5. The mounting structure of any wall-mounted sign must meet the standards of the BOCA Building Code.
- D. Other signs not permanently attached at all points or which utilize air motion, sound, direction lights or mechanical parts for effect shall be permitted only by a special exception granted by the zoning hearing board. The Board may specify such appropriate conditions and safeguards as may be required to keep such signs consistent with the intent of this Article.

Section 1506. Sign Permits

The following signs shall be permitted to be erected without the requirement of a zoning permit:

- A. All signs exempted from the requirements of this Article.
- B. Trespassing signs.
- C. Real estate signs.
- D. Signs, within buildings, which are not visible from any street.
- E. Garage/yard sale signs.
- F. Election signs.
- G. Temporary contractor signs.

ARTICLE 16

ADMINISTRATION AND ENFORCEMENT

Section 1601. Appointment and Powers of Zoning Officer

For the administration of this zoning ordinance, a zoning officer, who may not hold any elective office in the Township, shall be appointed by the Board of Supervisors. 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 use or change of use which does not conform to the zoning ordinance.

Section 1602. Enforcement

It shall be the duty of the zoning officer, and he is hereby given the power and authority, to enforce the provisions of this ordinance. The zoning officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this ordinance, record and file all applications for permits with accompanying plans and documents, and make such reports as the Township Board of Supervisors may require. Permits for uses which are a special exception, or a variance shall be issued only upon approval by the zoning hearing board.

Section 1603. Permits

A. Requirements of Permits

A zoning permit shall be required prior to the erection, addition, or alteration of any building structure or portion thereof; prior to the use or change in 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 for a change in land use, until a permit has been duly issued.

B. Application for Permits

All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings and structures existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this ordinance and all other codes and ordinances. One (1) copy of such plans shall be returned to the owner when such plans have been reviewed and acted upon by the zoning officer. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

C. Issuance of Permits

1. No permit shall be issued until the zoning officer has certified that the proposed building or structure, addition or alteration, complies with all the provisions of this ordinance, as well as the provisions of all other applicable codes and ordinances.
2. The zoning officer shall act upon the request within thirty (30) days following application.

3. A permit shall become void twelve (12) months after the issuance date, unless a request for extension has been submitted to and approved by the zoning officer. Such request shall be filed with the zoning officer at least thirty (30) days prior to the permit expiration date.
4. A temporary permit may be authorized by the zoning officer for a structure or use provided that such structure or use shall be completely removed upon expiration of the permit without cost to the Township. Such permits shall be issued for a specified period of time not to exceed 180 days, and may be renewed no more than twice.

D. Revoking of Permits

The zoning officer may revoke a permit issued under the provisions of this ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the approval was based, or if it is found that the work performed or the use to which the property is put is not in conformance with the application, approved plans, or provisions of this ordinance.

Section 1604. Fees

- A. The Township Board of Supervisors shall establish a schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, certificates of use, appeals, variances, special exceptions, amendments, bonds and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the zoning officer, and may be amended only by the Township Board of Supervisors.
- B. Such nonrefundable fees shall be payable to the Township and until all applicable fees, charges and expenses have been paid in full, the application shall be considered incomplete and no action shall be taken on any applications or appeal.

Section 1605. Certificate of Use and Occupancy

- A. It shall be unlawful to use or occupy any building, structure or land for which a zoning permit is required until a certificate of use and occupancy has been issued by the zoning officer. The zoning officer shall not issue said certificate unless he has inspected the building structure or land and has determined compliance with all provisions of the zoning ordinance and other applicable regulations.
- B. The applicant is responsible for notifying the zoning officer when work is completed under the terms of the zoning permit.
- C. If the work is not in accordance with the application for a zoning permit, the zoning officer, in writing, will give the reasons for disapproval and inform the applicant of the right of appeal to the zoning hearing board.
- D. A record of all certificates shall be kept on file in the office of the zoning officer.

Section 1606. Appeals and Applications

An application for an amendment, special exception, variance or appeal from the terms of this ordinance shall be filed with the zoning officer, and shall contain:

- A. The name and address of the applicant.
- B. *The name and address of the owner of the real estate to be affected by such proposal.*
- C. *A brief description and location of the real estate to be affected by such proposal.*
- D. A statement of the present zoning classification of the real estate in question, the improvements on the land, and the present use of the tract.
- E. A statement of the Section of this ordinance under which the appeal or application requested *may be allowed, and reasons why it should be granted; or a statement of the Section of this ordinance governing the situation in which the alleged erroneous ruling is being appealed, and reasons for the appeal.*
- F. An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. *In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and location of improvements now erected, and proposed to be erected.*
- G. Any other pertinent data required by the zoning hearing board, Township Board of Supervisors, and/or zoning officer, as appropriate to their individual authorities set forth in this Article.

Section 1607. Violations

The construction, excavation, alteration, maintenance or use of any structure, building, sign, or land, of the change of use, area of use, percentage of use or displacement of use of any structure, building, sign, or land, without first obtaining a zoning permit; or the use of any building, structure, sign, or land without receipt of a certificate of use and occupancy; or the use or maintenance of any building, structure, sign, or land for a use or in a manner which is not in accordance with the provisions of this ordinance; or the use of property for a use different from that set forth in any zoning permit or certificate of use and occupancy which have been granted for the property without applying for and being granted a zoning permit and certificate of occupancy for such new or different use; or the failure to comply with any other provisions of this ordinance; or the violations of any condition imposed upon the grant of a special exception or variance by the zoning hearing board or accord of competent jurisdiction if such special exception, or variance is granted by such court; are declared to be violations of this zoning ordinance.

Section 1608. Enforcement Notice

If it appears to the zoning officer that a violation of this ordinance exists the zoning officer shall send an enforcement notice to the owner of record of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, to any other person requested in writing by the owner of record and to any person against whom the township may bring an enforcement action. The enforcement notice shall contain the name of the owner of record and any other persons against whom the township may take action, the location of the property in violation, the specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this ordinance, the date before which steps for compliance must be commenced and that date before which the steps must be completed, that the recipient of the enforcement notice has the right to appeal to the zoning hearing board within thirty (30) days and that a failure to comply with the notice within the time specified, unless extended by an appeal to the zoning hearing board, constitutes a violation with sanctions as provided in this ordinance.