

Borough of Gettysburg
Adams County, PA

Zoning
Chapter 27 of the Code of Ordinances

**BOROUGH OF GETTYSBURG ZONING ORDINANCE
CHAPTER 27 OF THE CODE OF ORDINANCES**

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PART 1 GENERAL ZONING PROVISIONS

§ 27-101 Short Title

This Chapter shall be known and may be cited as “Borough of Gettysburg Zoning Code”, Chapter 27 of the Code of Ordinances of the Borough of Gettysburg and hereinafter referred to as “Chapter”.

§ 27-102 Purpose

The purpose of the Chapter is:

- (A) To promote, protect and facilitate the public health, safety and general welfare, coordinated and practical community development, proper density of population, emergency management preparedness and operations, the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, or industrial use, and other public requirements; as well as the preservation of the natural, scenic and historic values in the environment and preservation of wetlands and floodplains.
- (B) To prevent the overcrowding of land, blight, danger and congestion in travel and transportation, and loss of health, life, or property from fire, flood, panic or other dangers.
- (C) To provide for the use of land for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements.
- (D) To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

§ 27-103 Authority

This Chapter 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,” Act 247 of 1968, P.L. 805; 53 P.S. § 10101, hereinafter referred to as “MPC” or “PA MPC”.

§ 27-104 Jurisdiction

This Chapter shall apply to all properties and uses located within the corporate limits of the Borough of Gettysburg, Pennsylvania, hereinafter referred to as the “Borough.”

§ 27-105 Applicability

- (A) The terms of this Chapter shall be applied in consideration of the Comprehensive Plan and to the Statement of Community Development Objectives specified under § 27-106 of this Chapter.
- (B) The Borough’s Subdivision and Land Development Ordinance [Chapter 22 of the Code of Ordinances of the Borough of Gettysburg] shall provide design standards and other regulations pertaining to the development of land, whereas the Zoning Ordinance, this Chapter, provides parameters on the use of land. Both documents correlate with each other to provide the overall regulations administered by the Borough Council, Zoning Officer, and/or Zoning Hearing Board, as specified in said Ordinances.

§ 27-106 Statement of Community Development Objectives

The Borough's community development objectives are as follows:

- (A) To have a better quality of life for all of those living, working, shopping, learning, etc., within the community.
- (B) To maintain an attractive place to live, visit, and do business to support a financially viable, prosperous community.
- (C) To protect natural and historic resources from exploitation and desecration. It has been determined that our most important resources are the physical aspects of the land, that is, the overall appearance of the area, and our historical heritage — the Gettysburg Address and other historical events and places. With the proper planning, these resources can be protected and preserved.
- (D) To develop in the proper areas and regulate development so that it does not adversely impact our natural and historic resources.
- (E) To improve the commercial areas to provide a unique and pleasant experience for residents and visitors through reduced traffic congestion, well-planned off-Street parking, and the activation of the rear of buildings in the downtown core.
- (F) To protect and enhance this historic area. Efforts should be made to install authentic period ornamental lighting, plant trees and develop landscaped mini-parks. Entrances should be made more attractive. Unsightly objects, such as TV antennas, and unnecessary traffic signs should be eliminated.
- (G) To encourage the development of affordable/attainable housing, housing for age-qualified persons, and market-rate housing to meet housing demand.
- (H) To promote commercial and residential development that is in keeping with the Borough's historic character, while meeting community needs and market trends.
- (I) To help achieve the specific goals listed in the Comprehensive Plan, titled Central Adams Joint Comprehensive Plan, adopted April 2019 (as may be amended).
- (J) To create opportunities for centrally located activity centers that would be available to both visitors and residents and potentially encourage interaction.
- (K) To provide for meaningful and well-paying employment opportunities within the borough by including adequate land area, districts, and uses within those districts.
- (L) To protect and maintain resources and amenities that benefit the residents and visitors to our historic town.

§ 27-107 Interpretation

- (A) The regulations specified within this Chapter shall be considered minimum regulations and all provisions shall be applied uniformly for each class of uses or structures as prescribed by Section 605 of the Pennsylvania Municipalities Planning Code.

- (B) To determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Borough, in favor of the property Owner and against any implied extension of the restriction.

§ 27-108 Severability

Should a court of competent jurisdiction declare any part, subpart, or provision of this Chapter invalid or unconstitutional, this decision shall not affect the validity or constitutionality of this Chapter as a whole, or any part thereof, other than the part so declared to be invalid or unconstitutional.

§ 27-109 Enforcement

This Chapter shall be administered by the Borough Zoning Officer, who shall administer and enforce this Chapter in accordance with its literal terms and shall not have the authority to permit any construction or any use or change of use which does not conform to the provisions of this Chapter.

§ 27-110 Zoning Officer Duties and Powers

With respect to the administration and enforcement of this Chapter, the duties of the Zoning Officer shall be as follows:

- (A) To receive and review all applications for Zoning and Building Permits, Special Exception Permits, Variances, and any other requests on matters relative to the administration of this Chapter.
- (B) To maintain a complete record of all applications and plans for permits and the action taken on each.
- (C) To make inspections or investigations to determine compliance or noncompliance with the provisions of this Chapter.
- (D) To notify, in writing, the appropriate person or persons when any violation of this Chapter has occurred, indicating the nature of the violation and ordering its discontinuance or correction through the issuance of a stop order. If any such person or persons does not comply with the notice of violation within five days, the Zoning Officer shall take necessary legal action.
- (E) To keep this Chapter and the Zoning Map up to date to reflect all amendment actions of the Borough Council.
- (F) To gather and present any facts, records, or other information to the Planning Commission or Zoning Hearing Board when requested to do so.

§ 27-111 Zoning Permit

- (A) General.
1. Zoning Permit Required. A Zoning Permit is required prior to the following activities occurring:
 - a. The Use or change in the use of a Building, Structure or Land;
 - b. The alteration or expansion of a Parcel, Structure, or Use as regulated under § 27-409, Nonconformities, and as defined in Part 5 of this Chapter;
 - c. Earth Disturbance Activities as defined in Part 5 of this Chapter; and

- d. Installation or alteration of driveways or parking areas.
2. Penalties. It shall be unlawful for any Person to commence work for any of the activities specified under subpart (A)1 above until a Zoning Permit has been duly issued.
- a. Where a permit is required, but the work is commenced or the Use is commenced or changed prior to obtaining such permit, the fees set by ordinance or resolution of the Borough Council for such permit shall be doubled.
 - b. The doubling of the permit fee shall be required to reflect the additional expense incurred by the Borough resulting from the need to inspect the property, issue any enforcement notices and/or process the application as soon as it is received.
 - c. The payment of such increased permit fee shall not relieve any Person from complying with all requirements of this Chapter or any other applicable Borough Code regulations or ordinances or from any penalties or enforcement actions authorized by this Chapter.
- (B) Application.
1. Every application for a Zoning Permit shall contain, in addition to other applicable requirements that may be specified in this Chapter, the following information:
- a. The application shall be made by the Owner or lessee of any Building or Structure, or the agent of either; provided, however, that if the application is made by a Person other than the Owner or lessee, it shall be accompanied by a written authorization of the Owner or the qualified Person making an application, that the proposed work is authorized by this Owner. The full names and addresses of the Owner, lessee, Applicant, and of the responsible officers, if the Owner or lessee is a corporate body, shall be stated in the application.
 - b. The Property Identification Number as it appears on the latest tax records.
 - c. The required fee as established under § 27-114 of this Chapter.
 - d. Site Plan Requirements. A site plan drawn to scale, one (1) inch to equal one hundred (100) feet and signed by the Person responsible for such drawing. In all cases, the site plan shall include the following:
 - (1) North arrow, written and graphic, scale, and date of site plan.
 - (2) A location map showing the location of the proposed activity or development within the Borough.
 - (3) The actual shape, dimensions, radii, angles, and area of the Parcel on which the Structure is proposed to be erected, or the Parcel in which it is situated if in an existing Building.
 - (4) The exact size and locations of the proposed Building, Structure or Structures on the Parcel, or alteration of an existing Building or Structure, and of other existing Building or Structure on the same Parcel.

- (5) The dimensions of all yards in relation to the subject Building or Structures and the distances between such Structure and any other existing Building or Structures on the same Parcel.
- (6) The existing and intended use of all Building or Structures, existing or proposed, the use of land, and the number of families or dwelling units the Building is designed to accommodate.
- (7) Such topographic or other information about the Building, Structure, the Parcel, or neighboring Parcel that may be necessary to determine that the proposed construction shall conform to the provisions of this Chapter.
- (8) Proposed access driveway(s) showing all pertinent details including but not limited to driveway type, slope, property setbacks, connecting public roadway name, drainpipes, culverts, property lines, width, type of surface, and Clear Sight Distances. Proof of a Highway Occupancy (including a Minimum Use Driveway) Permit is required for driveway access off state-owned rights-of-way.
- (9) The location of all existing streets, drives, or other accessways.
- (10) The location of surface water bodies, the 100-year floodplain, and jurisdictional wetlands.
- (11) Other relevant information necessary to determine compliance with this Chapter and all other Borough ordinances and codes.

(C) Review and Issuance.

1. The Zoning Officer will either issue or deny a Zoning Permit after the filing of a complete and properly prepared application. If a Zoning Permit is denied the Zoning Officer shall state in writing to the Applicant the reasons for such denial, and the Applicant shall be informed of their right to appeal to the Zoning Hearing Board.
2. The Zoning Officer may call upon other Borough staff and/or Borough-appointed consultants in the review of submitted materials for applications.
3. No Zoning Permit shall be issued unless the proposed activity is in full conformity with all the provisions of this Chapter, and the following:
 - a. Any conditions imposed upon the site or upon the Use by the Zoning Hearing Board or Borough Council;
 - b. Any recorded Subdivision or Land Development Plan; and
 - c. The requirements of other applicable Borough ordinances and codes.
4. Access. No Zoning Permit shall be issued for any Building or Structure upon a Parcel without access to a public Street or road, or an acceptable private Street or road for which access rights are documented.
5. Conditions of Permit.

- (a) No Zoning Permit shall be issued until the required fees prescribed under § 27-114 of this Part shall be paid to the Borough. The payment of fees under this Part shall not relieve the Applicant or holder of said Zoning Permit from payment of other fees that may be required by this Chapter or by any other ordinances or law.
 - (b) The Zoning Permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel, or set aside any of the provisions of this Chapter, except as stipulated by the Zoning Hearing Board.
 - (c) All work or uses shall conform to the approved application and plans for which the Zoning Permit has been issued, as well as the approved Site Plan or Land Development Plan.
6. Expiration & Extension. Every Zoning Permit shall expire after one (1) year from the date of issuance. If no zoning amendments or other codes or regulations affecting subject property have been enacted in the interim, the Zoning Officer may authorize in writing the extension of either above periods of an additional six (6) months, following which no further work is to be undertaken without a new Zoning Permit. Permit extension requests shall be made in writing to the Zoning Officer.
7. Display. The Applicant shall prominently display all approved Zoning Permits on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. The Applicant shall display the Zoning Permit within five (5) days of permit issuance or prior to the commencement of actual work on the site, whichever occurs first. The Applicant shall continuously display the Zoning Permit until the permitted work is completed.
8. Revocation of Permit. A Zoning Permit for any Structure or Use shall be revoked by the Zoning Officer or authorized representative if the holder of such permit has failed to comply with the requirements of this Chapter or with any conditions attached to the issuance of the permit. Upon revocation of a permit, the holder may also be subject to the enforcement remedies and penalties provided by this Chapter, by the other provisions of Borough enacted ordinances, and by state and federal law.
- (D) Temporary Uses.
- 1. The Borough recognizes that there are certain uses and structures, of a temporary nature, which are generally beneficial to the Borough and its residents, such as:
 - a. The erection of a seasonal tent from which flowers, plants, produce, Christmas trees or fireworks are sold prior to observed holidays (permits evaluation shall consider impacts to the required parking, i.e., number of spaces reduced based on location and placement of temporary tent Structure.)
 - b. Dumpsters or storage pods.
 - c. Construction job site office trailers.
 - d. Temporary or portable restroom facilities.
 - 2. It is the intention of the Borough to allow such temporary uses in accordance with the requirements of this Chapter.

3. Where the proposed temporary Use is permitted within the zoning district, the Applicant shall apply to the Zoning Officer for a Zoning Permit. Any Zoning Permit shall specify the dates upon which the temporary Use may be operated, the temporary Structures which may be erected, and the Temporary Signs which may be erected.
4. The Zoning Hearing Board, by Special Exception, may authorize a temporary use in a district where such Use is not authorized if the Applicant meets the general requirements for a Special Exception and demonstrates evidence of the temporary Use requirements. If the Applicant demonstrates to the satisfaction Zoning Hearing Board that its application meets all five (5) of the below criteria, the Zoning Hearing Board may, by Special Exception, authorize each such temporary Use. The decision of the Zoning Hearing Board shall identify the specific dates upon which the Use may be conducted and the specific parcel or portion of the parcel upon which the temporary Use may be conducted. Temporary uses may not exceed fifteen (15) days at any single time or thirty (30) days in any calendar year.
5. The Applicant for a temporary use, shall present evidence of the following:
 - a. Adequate off-street parking is provided.
 - b. Any signs are temporary in nature and do not exceed the number or area which would be permitted for a permanent use.
 - c. Other facilities, including but not limited to sewage disposal facilities and trash disposal are available for persons reasonably anticipated to attend the temporary Use.
 - d. A plan for addressing traffic to be generated by the temporary use. If necessary, the Applicant shall arrange for the provision of fire police or other persons to direct traffic to the temporary off-Street parking facilities.
 - e. The temporary use shall contribute to the welfare of the Borough and its residents, and shall not adversely affect the health, safety or welfare of adjoining residents or the uses permitted within the zone in which the temporary Use is proposed.
6. Failure to cease operation on the date specified in the temporary Zoning Permit or failure to remove all temporary Structures and Temporary Signs shall constitute a violation of this Chapter.

§ 27-112 Building Permits and Certificate of Occupancy

- (A) Building Permits. A building permit shall be obtained from the Zoning Officer, or designee, for any construction, addition, alteration, relocation, or conversion or removal or demolition of any building or structure, or the installation of equipment for the operation of a building or structure.
- (B) Certificate of Occupancy. No building or structure shall be occupied or used, and no change in use shall occur in whole or in part, until a Certificate of Occupancy is obtained from the Borough or designee.

§ 27-113 Zoning Certification Letter

- (A) A Zoning Certification Letter shall be issued upon a request to certify the correct zoning classification and if the proposed use is permitted within the zoning district(s).

- (B) Requests for a Zoning Certification Letter shall be accompanied by a Site Plan, as defined under § 27-111(B)1 d., of this Chapter, when, in the opinion of the Zoning Officer, such information is required to accurately certify the requested documentation.
- (C) Payment of Fees. No Zoning Certification Letter shall be issued until the fees prescribed under § 27-114 of this Chapter are paid to the Borough.

§ 27-114 Fees

- (A) Borough Council may, by resolution, establish fees for the administration of this Chapter. All fees shall be determined by a schedule that is made available to the general public. Borough Council may reevaluate the fees schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Chapter and may be adopted at any public meeting of the Borough Council.
- (B) Such fees shall be payable to the Borough. Until all applicable fees, charges and expenses have been paid in full, the applications shall be considered incomplete, and no action shall be taken on any application or appeal.

§ 27-115 Violations and Penalties

- (A) Any Person, partnership, or corporation who or which has violated the provisions of this Chapter or of the MPC, as amended, upon being found liable thereof in a civil enforcement proceeding commenced by the Borough, shall pay a judgment of not less than one hundred dollars (\$100.00) but no more than five hundred dollars (\$500.00) plus court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the Determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the Person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of this Chapter shall be paid over to Borough.
- (B) The Court of Common Pleas, upon petition, may grant an order to stay, upon cause shown, tolling the per diem fine, pending a final adjudication of the violation and agreement.
- (C) Nothing contained in this Chapter shall be construed or interpreted to grant any Person or entity other than the Borough the right to commence any action for enforcement of this Chapter.

§ 27-116 Appeals and Applications

- (A) An appeal or application for an amendment or variance from the terms of this Chapter shall be filed with the Zoning Officer and shall contain the following information:
 1. The name, address, and contact information of the Applicant.
 2. The name, address, and contact information of the Owner of the real estate to be affected by such proposal.

3. A brief description and location of the real estate to be affected by such proposal.
4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present Use.
5. A statement of the Part of this Chapter under which the appeal or application is filed and reasons why it should be granted or a statement of the Part of this Chapter governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal.
6. An accurate description of the present improvements and the additions intended to be made under the application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a site plan of the real estate to be affected, as required to accompany applications for permits as outlined in § 27-111(B)1d., of this Chapter.

§ 27-117 Zoning Hearing Board

(A) Creation and Appointment.

1. Members. Pursuant to Article IX of the MPC, the Borough Council hereby creates a Zoning Hearing Board and appoints five (5) members who shall be residents of the Borough. Members of the Zoning Hearing Board shall be appointed by resolution of the Borough Council. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. Members of the Zoning Hearing Board shall hold no other office, elected, or appointed, in the Borough.
2. Alternates. Pursuant to Article 903(b) of the MPC, Borough Council may appoint by resolution at least one (1) but no more than three (3) residents of the Borough to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. Alternates shall hold no other office, elected, or appointed, in the Borough.

(B) Removal of Members. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Borough Council which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if requested in writing.

(C) Organization of Zoning Hearing Board. The Zoning Hearing Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Zoning Hearing Board, but where two (2) members are disqualified from acting in a particular matter, the remaining member may act for the Zoning Hearing Board. The Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided in § 27-117(E) of this Chapter. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business and shall submit a report of its activities to the Borough Council as requested.

(D) Expenditures for Services. Within the limits of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for

the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to members of the Borough Council.

(E) Hearings. A hearing conducted by the Zoning Hearing Board shall be held within sixty (60) days from the date of the Applicant's request unless the Applicant has agreed in writing to an extension of time. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements.

1. Notice. Public Notice shall be given, and written notice shall be given to the Applicant, the Borough Secretary, the Zoning Hearing Board, and to any Person who has made timely request for the same. Written notices shall be given at such time and in such a manner as shall be prescribed by the Zoning Hearing Board and the requirements of the MPC 53 P.S. §10101 et seq., provided that the notices conform to the following:
 - a. Written notices shall state the time, date, and location of the proposed hearing, along with a description of the nature of the of the matter to be considered.
 - b. Written notice shall be conspicuously posted on the affected parcel of land at least seven (7) calendar days prior to the hearing.
 - c. At least seven (7) business days prior to the hearing, the Borough shall provide written notice by U.S. Mail to all Landowners within two hundred (200) feet of the affected parcel of land. Landowners are determined by the then-current Adams County tax records. Provided, however, that failure to give notice as required by this Part shall not invalidate any action taken by the Zoning Hearing Board.
2. Conduct of Hearing. The hearings shall be conducted by the Zoning Hearing Board, or the Zoning Hearing Board may appoint any member as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Zoning Hearing Board, but the parties may waive the decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
 - a. The parties to the hearing shall be Gettysburg Borough and any Person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other Person including civic, or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing.
 - b. The chairperson of the Zoning Hearing Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
 - c. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
 - d. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
 - e. The Zoning Hearing Board or the hearing officer shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the Applicant and the Zoning Hearing Board. The cost of the original

transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer. It shall be paid by the Person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the Person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

- f. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

3. Decision.

- a. The Zoning Hearing Board or the hearing officer shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) calendar days after the last hearing before the Zoning Hearing Board or hearing officer.
- b. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons, therefore. Conclusions based on any provisions of this act or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- c. If the hearing is conducted by a hearing officer, and there has been no stipulation that the officer's decision or findings are final, the Zoning Hearing Board shall make its report and recommendations available to the parties within forty-five (45) calendar days, and the parties shall be entitled to make written findings to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) calendar days after the decision of the hearing officer.
- d. Where the Zoning Hearing Board has power to render a report and the Zoning Hearing Board or the hearing officer as the case may be, fails to render the same within the period required by this subsection, or fails to hold the required hearing within sixty (60) calendar days from the date of the Applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the Applicant unless the Applicant has agreed in writing to an extension of time.
- e. When a decision has been rendered in favor of the Applicant because of the failure of the Zoning Hearing Board to meet or render a decision, the Zoning Hearing Board shall give Public Notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in § 27-111(E)1., If the Zoning Hearing Board fails to provide such notice, the Applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such a decision is erroneous.
- f. A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the Applicant personally or mailed to them not later than the next business day following its date. To all other persons who have filed their name and

address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(F) Jurisdiction. The Zoning Hearing Board shall have exclusive Jurisdiction to hear and render final adjudications in the following matters:

1. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to Sections 609.1 and 916.1 of the MPC.
2. Appeals from the Determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease-and-desist order or the registration or refusal to register any Nonconforming Use, Structure or parcel.
3. Appeals from a Determination by the Floodplain Administrator with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a Land Use ordinance.
4. Applications for Variances from the terms of this Chapter pursuant to Article 910.2 of the MPC.
5. Applications for Special Exceptions under this Chapter pursuant to Article 912.1 of the MPC.
6. Appeals from the Zoning Officer's Determination under Article 916.2 of the MPC.
7. Appeals from the Determination of the Zoning Officer or the Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications under Article V or VII of the MPC.
8. Appeals from the Determination of the Planning Commission regarding computation of parking spaces.

(G) Borough Council. Borough Council shall have exclusive jurisdiction to and render final adjudications in the following matters:

1. All applications for approvals of planned residential development under Article VII of the MPC pursuant to the provisions of Section 702 of the MPC.
2. Applications for a curative amendment to this Chapter or pursuant to Sections 609.1 and 916.1(a) of the MPC.
3. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Article 609 of the MPC.
4. Appeals from the Determination of the Zoning Officer or the Borough Engineer in the administration of any Land Use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to applications for Land Development under Articles V and VII of the MPC. Where such Determination relates only to development not involving an Article V or VII application, the appeal from such Determination of the Zoning Officer or the Borough Engineer shall be to the Zoning Hearing Board pursuant to this Part. Where the applicable Land Use ordinance

vests jurisdiction for final administration of Subdivision and Land Development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission, and all appeals from the decision of the Planning Commission shall be to court.

(H) Zoning Hearing Board Functions.

1. Variations. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the Applicant. The Zoning Hearing Board may grant a variance provided the following findings are made where relevant in each case.
 - a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of parcel size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Chapter in the zoning district in which the property is located.
 - b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
 - c. That such necessary hardship has not been created by the appellant.
 - d. That the variance, if authorized, shall not alter the essential character of the zoning district in which the property is located, nor substantially or permanently impair the appropriate Use or development of an adjacent property, nor be detrimental to the public welfare.
 - e. That the variance, if authorized, shall represent the minimum variance that shall afford relief and shall represent the least modification possible of the regulation in issue.
 - f. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and this Chapter.
2. A Variance shall be effective for a period of two (2) years from the date of its approval. An extension may be granted upon a determination by the Zoning Hearing Board provided that any conditions and safeguards that may have been prescribed by the Zoning Hearing Board in conjunction with the issuance of the original variance is being complied with. In such cases, a period of up to one (1) year shall be granted the applicant for full compliance prior to the revocation of said variance at the conclusion of the one (1) year extension if the variance has not been acted upon.
3. Special Exceptions. See § 27-118 of this Chapter.

- (I) Parties Appellant Before Zoning Hearing Board. Appeals under § 27-116 of this Chapter may be filed with the Zoning Hearing Board in writing by the landowner affected or any officer or agency of the Borough, or any Person aggrieved. Requests for a variance under § 27-117(H) and for Special Exceptions under § 27-118 of this Chapter may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

- (J) Time Limitations. The time limitations for raising certain issues and filing certain proceedings with the Zoning Hearing Board shall be the following:
1. No Person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate Borough officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such Person alleges and proves that they had no notice, knowledge, or reason to believe that such approval had been given. If such Person has succeeded their interest after such approval they shall be bound by the knowledge of their predecessor in interest.
 2. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan, or from an adverse decision by a Zoning Officer on a challenge to the validity of this Chapter or Zoning Map shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
 3. All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.
- (K) Stay of Proceedings. Upon filing of any proceeding with the Zoning Hearing Board and during its pendency before the Zoning Hearing Board all Land Development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the Applicant, the Applicant may petition the court having jurisdiction of zoning appeals to order such persons to post a bond as a condition to continuing the proceedings before the Zoning Hearing Board. The question of whether such petition should be granted, and the amount of the bond shall be within the sound discretion of the court.

§ 27-118 Special Exception Use Procedures

- (A) General.
1. this section provides special controls and regulations for particular uses which may, under certain conditions, be conducted within the various zoning districts established in Part 2 of this Chapter.
 2. Where the Borough Council has stated, under Part 3 of this Chapter, Special Exceptions to be granted or denied by the Zoning Hearing Board pursuant to the standards and criteria specified below, the Zoning Hearing Board shall hear and decide requests for such Special Exceptions in accordance with such standards and criteria. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter.
- (B) Application. Each application for a Special Exception use shall be accompanied by a proposed Site Plan as specified under § 27-111 of this Part.

(C) Referral to Gettysburg Borough Planning Commission.

1. In its review of the Special Exception application, the Borough Planning Commission shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may recommend appropriate conditions and safeguards as may be required in order that the result of its recommendation may, to the maximum extent possible, further the expressed intent of this Chapter and the accomplishment of the following objectives in particular.
 - a. That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.
 - b. That the proposed use shall be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
 - c. That, in addition to the above, in the case of any use located in, or directly adjacent to, a Residential District:
 - (1) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said Residential District or conflict with the normal traffic of the neighborhood; and
 - (2) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
 - (3) Planning Commission Recommendation. Within thirty (30) calendar days of the submission of the Special Exception application to the Borough, the Planning Commission shall forward its written recommendations to the Zoning Hearing Board. The Commission may recommend approval, disapproval, or modification. In the case of disapproval or modification the Commission shall set forth the reasons for the recommendation in writing.

(D) Standards and Criteria. In any instance where the Zoning Hearing Board is required to consider a Special Exception to this Chapter in accordance with the provisions of this Chapter, the Zoning Hearing Board shall, among other things, consider the following standards and conditions that have been provided in writing by the applicant to the Zoning Hearing Board:

1. The proposed use is consistent with the purpose of the Part whereby it is permitted, and the overall purposes contained in Part 1 of this Chapter.
2. The proposed use and its location are generally consistent with the Comprehensive Plan and the current Gettysburg Borough Zoning Map.

3. The proposed use complies with the Lot requirements and the building height of the district where it is proposed.
 4. The proposed use is consistent with the general and supplemental regulations set forth in Part 15, and the design standards of Part 19 of the Code of Ordinances of the Borough of Gettysburg.
 5. The proposed use will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of the adjacent property is adequately safeguarded. Further, the proposed use, located on the proposed property, with the present and proposed characteristics of each, and considering the present and proposed characteristics of the neighboring properties, will not cause negative impacts over and above those typically associated with such uses located and operated in a usual manner.
 6. Where determined by the Zoning Hearing Board to be applicable, the proposed use will provide a fence or a planting screen and/or additional yard or open space area to reduce the effect of the proposed use upon adjacent properties.
 7. The proposed use will promote preservation or adaptive reuse of the sites and structures identified by the Local Historic District Regulations [Chapter 11 of the Code of Ordinances of the Borough of Gettysburg].
 8. The proposed use complies with the required off-Street parking and loading regulations in Part 13 of the Code of Ordinances of the Borough of Gettysburg.
 9. The proposed use will provide safe and adequate access to streets and that the applicant will make any improvements needed to guarantee compatibility with adjacent streets as recommended by the Borough Engineer.
 10. The proposed use will provide for pedestrian access to the site.
 11. The proposed use will not adversely affect public facilities and utilities, such as water, sewer, police and fire protection, schools, etc.
 12. The proposed use will comply with the signage regulations of Chapter 19 of the Code of Ordinances of the Borough of Gettysburg.
- (E) Zoning Hearing Board Action. The Zoning Hearing Board shall conduct a public hearing on each application for a Special Exception use in accordance with the public hearing procedures outlined under § 27-117(E) of this Chapter.
- (F) Conditions and Safeguards of Special Exception Permits. A Special Exception use permit shall be effective for a period of two (2) years from the date of its issuance. An extension may be granted upon a determination by the Zoning Hearing Board provided that any conditions and safeguards that may have been prescribed by the Zoning Hearing Board in conjunction with the issuance of the original permit are being complied with. In such cases, a period of up to one (1) year shall be granted the applicant for full compliance prior to the revocation of said permit at the conclusion of the one (1) year extension if the permit has not been acted upon.
- (G) Effect of Special Exception Approval. Any use for which a Special Exception use permit may be granted shall be deemed to be a conforming use in the zoning district in which such use is located provided that such permit shall be deemed to affect only the Lot or portion thereof for which such permit shall have been granted.

§ 27-119 Enforcement Notification

- (A) Whenever the Zoning Officer or other authorized Borough representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, or of any regulation adopted pursuant thereto, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Part.
- (B) The enforcement notice shall be sent to the Owner of record of the parcel on which the violation has occurred, to any Person who has filed a written request to receive enforcement notices regarding that parcel, and to any other Person requested in writing by the Owner of record.
- (C) An enforcement notice shall state at least the following:
1. The name of the Owner of record and any other Person against whom the Borough intends to take action.
 2. The location of the property in violation.
 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
 4. The date before which the steps for compliance shall be commenced, not to exceed thirty (30) days from receipt of notice, and the date before which the steps shall be completed.
 5. An outline of remedial action which, if taken, shall affect compliance with the provisions of this Chapter, or any part thereof, and with any regulations adopted pursuant thereto.
 6. A statement indicating that the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time, in accordance with procedures set forth elsewhere in this Chapter.
 7. A statement indicating that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- (D) In any appeal of an enforcement notice to the Zoning Hearing Board, the Borough shall have the responsibility of presenting its evidence first.
- (E) Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.
- (F) Causes of Action. In case any Building, Structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of any ordinance enacted by the Borough or prior enabling laws, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved Owner or tenant of real property who shows that his property or Person shall be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such Building, Structure, landscaping or land, or prevent, in or about such premises, any act, conduct, business or Use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint to the Borough Council. No such action may be maintained until such notice has been given.

- (G) Supplementary Provisions. No Zoning Permit, Building Permit, Certificate of Use, or any other permit referenced in this Chapter shall be issued with respect to a property unless the Owner(s) of that property is/are in compliance with all other ordinances, laws, and regulations of federal and state government, the Borough, Gettysburg Municipal Authority, and Gettysburg Borough Storm Water Authority. Additionally, no such permit shall be issued where a charge for drinking water, wastewater, and stormwater Use, real estate taxes, or other municipal charges associated with the Use or ownership of the property have not been paid and are past due.

§ 27-120 Amendments

(A) General.

1. Borough Council Action.
 - a. The Borough Council may, from time to time, amend, supplement, or repeal any of the regulations and provisions of this Chapter.
 - b. Before voting on the enactment of an amendment, the Borough Council shall hold a Public Hearing thereon, pursuant to Public Notice. In addition, if the proposed amendment involves a Zoning Map change, notice of said Public Hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the parcel to notify potentially interested citizens. The affected parcel or area shall be posted at least one (1) week prior to the date of the hearing.
 - c. In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
2. Report of the Planning Commission. In making such report on a proposed amendment, the Planning Commission shall make inquiry and recommendation including the items specified below:
 - a. Concerning a proposed amendment to or change in the text of this Chapter:
 - (1) Whether such change is consistent with the aims and principles embodied in this Chapter as to the particular zoning district(s) concerned.
 - (2) Which areas, land uses, Structures and establishments in the Borough shall be directly affected by such change, and in what way they shall be affected.
 - (3) The indirect implications of such a change in its effect on other regulations.
 - (4) Whether such proposed amendment is consistent with the aims of the Borough Comprehensive Plan.
 - b. Concerning a proposed amendment involving a change in the Zoning Map:

- (1) Whether the uses permitted by the proposed change would be appropriate in the area concerned.
 - (2) Whether adequate public-school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed because of such change.
 - (3) Whether the proposed change is in accord with any existing or proposed plans in the vicinity.
 - (4) The effect of the proposed amendment upon the growth of the Borough as envisioned by the Comprehensive Plan.
 - (5) Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Borough and the probable effect thereof.
3. Referral to County Planning Commission. Borough Council shall at least thirty (30) days prior to the Public Hearing, refer the proposed amendment to the Adams County Planning Commission for recommendations.
 4. Borough Council Public Hearing. By motion adopted at a public meeting of the Borough Council, the Borough Council shall fix the time and place of a Public Hearing on the proposed amendment pursuant to Public Notice.
 5. If, after any Public Hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another Public Hearing, pursuant to Public Notice, before proceeding to vote on the amendment.
 6. Within thirty (30) days after enactment, a copy of the amendment to this Chapter shall be forwarded to the county planning agency.

(B) Procedure for Landowner Curative Amendments.

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision thereof, which prohibits or restricts the Use or development of land in which the landowner's interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in Article 916.1 of the MPC. The curative amendment and challenge shall be referred to the Planning Commission, and the Adams County Planning Commission provided in MPC Section 609 and notice of the hearing thereon shall be given as provided in Articles 610 and 916.1 of the MPC.
2. The hearing shall be conducted in accordance with Article 908 of the MPC and all references therein to the Zoning Hearing Board shall, for purposes of this Part, be references to the Borough Council. If the Borough does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity of this Chapter and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
3. Borough Council, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative

amendment that shall cure the challenged defects. Borough Council shall consider the curative amendments, plans, and explanatory material submitted by the landowner and shall consider:

- a. The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities.
- b. If the proposal is for residential Use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Zoning Map.
- c. The suitability of the site for the intensity of Use proposed by the site's soils, slopes, woodlands, Wetlands, floodplains, aquifers, natural resources, and other natural features.
- d. The impact of the proposed Use on the site's soils, slopes, woodlands, Wetlands, floodplains, natural resources, and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development, and any adverse environmental impacts.
- e. The impact of the proposal on the preservation of agriculture and other land uses, which are essential to public health and welfare.

(C) Procedure for Municipal Curative Amendments.

1. If the Borough determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:
 - a. The Borough shall declare by formal action, this Chapter or portions hereof substantially invalid, and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days of such declaration and proposal, the Borough Council shall:
 - (1) By resolution, make specific findings setting forth the declared invalidity of this Chapter which may include:
 - (a) References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - (b) Reference to a class of Use or uses which requires revision; or,
 - (c) Reference to this Chapter which requires revisions.
 - (2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.
2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Borough shall enact a curative amendment to validate or reaffirm the validity of this Chapter pursuant to the provisions of Article 609 of the MPC, to cure the declared invalidity of this Chapter.
3. Upon the initiation of the procedures, as set forth in § 27-120(C)1., the Borough Council shall not be required to entertain or consider any landowner's curative amendment filed under

Article 609.1 of the MPC, nor shall the Zoning Hearing Board be required to give a report requested under Article 909.1 or 916.1 of the MPC subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by § 27-120(C)1.a.(1). Upon completion of the procedures as set forth in § 27-120.C.(1) and § 27-120(C)2.,, no rights to a cure pursuant to the provisions of Articles 609.1 and 916.1 of the MPC shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment pursuant to this Part.

4. The Borough, having utilized the procedures set forth in this Chapter, may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment or reaffirmation of the validity of this Chapter. Provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Borough by virtue of a change in statute or a Pennsylvania Appellate Court decision to propose a curative amendment to this Chapter to fulfill said duty or obligation.

- (D) Applicability of Ordinance Amendments. When an application for a Special Exception has been respectively filed with the Zoning Hearing Board and the subject matter of such application would ultimately constitute either a Subdivision or Land Development as defined in Part 5 of this Chapter, no change or amendment of this Chapter shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. Provided, further, should such an application be approved by the Zoning Hearing Board the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six (6) months or longer as may be approved by the Zoning Hearing Board following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before the Zoning Hearing Board. If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of MPC Section 508(1) through (4), and specifically to the time limitations of MPC Section 508(4) which shall commence as of the date of filing such land development or subdivision plan.

PART 2 ZONING DISTRICTS

§ 27-201 Establishment of Zoning Districts

The following zoning districts are hereby established in the Borough.

BASE ZONING DISTRICTS	OVERLAY DISTRICTS
<p>RESIDENTIAL DISTRICTS</p> <ul style="list-style-type: none"> Low Density Residential (R-1) Preservation Residential (R-1A) Moderate Density Residential (R-2) <p>MIXED USE DISTRICTS</p> <ul style="list-style-type: none"> Low Impact Neighborhood Commercial (NC-1) Historic Corridor Neighborhood Commercial (NC-2) Neighborhood Commercial (NC-3) Carlisle Street Neighborhood Commercial (NC-4) General Commercial (GC) Old Town (OT) Revitalization (REV) <p>SPECIAL DISTRICTS</p> <ul style="list-style-type: none"> Civic Institution (CI) Institution (INS) Healthcare (HC) Industrial (IND) 	<p>Floodplain Overlay (FO)</p> <p>Historic Overlay (HO)</p>

§ 27-202 Zoning Map

The base zoning districts established by § 27-201 are delineated on the Borough’s official Zoning Map, which is adopted, and incorporated herein in its entirety, as part of this Chapter and included hereto as Exhibit A.

- (A) Promptly following enactment of this Chapter, the Zoning Officer shall place the following legend on the official Zoning Map adopted as part of this Chapter, the Borough Council President shall execute the same on behalf of the Council and the Borough Manager shall attest to the same: “On <DATE>, by official action of Borough Council, the map bearing this legend was adopted as the official Zoning Map of the Borough by enactment of the Zoning Ordinance of Gettysburg Borough, Adams County, Pennsylvania.”
- (B) No changes of any nature shall be made in the official Zoning Map except in conformity with the procedures set forth in §27-120 Amendments of this Chapter. Any unauthorized change of whatever kind by any Person or Persons shall be considered a violation of this Chapter.
- (C) A certified Zoning Map shall be filed with the Borough Manager, Borough Planning Commission, and the Adams County Planning Commission.

§ 27-203 Rules for Interpretation of Zoning District Boundaries

Where uncertainty exists as to the boundaries of zoning districts as shown on the official Zoning Map, the following rules shall apply:

- (A) Boundaries indicated as approximately following the centerlines of Streets, highways, and Alleys shall be construed to follow such centerlines.
- (B) Boundaries indicated as approximately following the center of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- (C) Boundaries indicated as approximately following property lines or platted parcel lines, shall be construed as following such lines.
- (D) Boundaries indicated as approximately following Borough boundaries shall be construed as following Borough boundaries.
- (E) Boundaries that are in un-subdivided property or where a zoning district boundary divides a parcel shall be determined using the map scale as shown thereon.

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§ 27-204 Low Density Residential District (R-1)

(A) Purpose.

The purpose of the R-1 District is to provide for certain areas of the Borough to be maintained as residential areas primarily for single-family detached housing.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Part 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

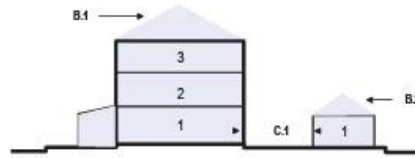
(C) Building Form Regulations. Figure 204 specifies the district's Building Form Regulations.

FIG 204

LOW DENSITY RESIDENTIAL **R-1**

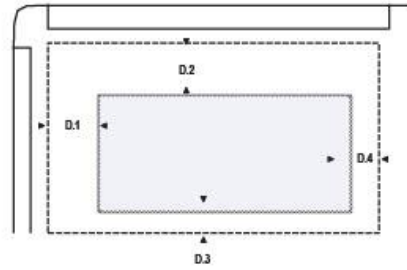
A. USE (See Table 3.01)	
B. BUILDING HEIGHT	
1. Principal Building ¹	45' max
2. Accessory Building ²	25' max
C. LOT CONFIGURATION	
1. Building Separation	10' min
2. Impervious Coverage	65% max
3. Green Area	35% min
4. Lot Width	60' min at front setback
5. Lot Area	No minimum lot area
D. SETBACKS - PRINCIPAL BUILDING	
1. Build-To Line ³	25' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	10' min
4. Rear Setback	10' min
E. SETBACKS - ACCESSORY BUILDING	
1. Front Setback	25' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	5' min
4. Rear Setback	5' min
F. PARKING PLACEMENT	
No off-street parking shall be permitted within the minimum setback of any required Side Setback or in any space between the Lot Frontage and the Build-To Line.	
G. SUPPLEMENTAL REGULATIONS	
All uses permitted within this District must also comply with the Supplemental Regulations contained in Part 4 of this Chapter.	
NOTE: Standards in bold above are illustrated in the graphics on the right.	

BUILDING HEIGHT AND CONFIGURATION



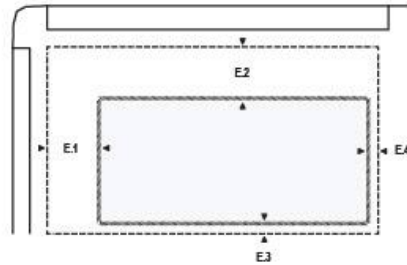
SETBACKS - PRINCIPAL BLDG

The Building Faces of Principal Buildings must be distanced from the Lot lines as specified in the table (D) and as shown:



SETBACKS - ACCESSORY BLDG

The Building Faces of any Accessory Building must be distanced from the Lot lines as specified in the table (E) and as shown:



¹ Chapter 11 Historic District specifies the height of any new buildings or structures shall not exceed the height of the tallest adjacent building or structure by more than 10%. This requirement shall also apply to any proposed modifications to existing buildings or structures. However, the Historic Architectural Review Board may recommend grant of a variance from this height limitation where it determines that an unnecessary hardship is caused thereby and that grant of the recommended variance will not have an inappropriate effect on either the building or structure involved or on the general historic and architectural nature of the district, provided that if the building or structure is constructed to a height taller than any adjacent building or structure, no building or structure adjacent to it shall thereafter be constructed to a still greater height without the grant of variance as herein provided.

² The height limitations contained in the district regulations do not apply to spires, belltowers, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually located above the roof of a building or structure.

³ § 27-402 specifies 25 ft. as the maximum height for all accessory buildings and structures.

⁴ § 27-403 specifies Build-To Line requirements.

§ 27-205 Preservation Residential District (R-1A)

(A) Purpose.

The purpose of the R-1A District is to provide for certain areas of the Borough that contain large residential dwellings to be maintained as single-family dwellings, but to allow bed-and-breakfast uses to be conducted in those buildings to provide income to maintain the large dwellings without conversion to other uses that are not owner-occupied, such as conversion apartments.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Part 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

(C) Building Form Regulations. Figure 205 specifies the district's Building Form Regulations.

FIG 205

PRESERVATION RESIDENTIAL **R-1A**

A. USE (See Table 3.01)

B. BUILDING HEIGHT

1. Principal Building ¹	45' max
2. Accessory Building ²	25' max

C. LOT CONFIGURATION

1. Building Separation	10' min
2. Impervious Coverage	55% max
3. Green Area	45% min
4. Lot Width	75' min at front setback
5. Lot Area	7,500 sq. ft. min

D. SETBACKS - PRINCIPAL BUILDING

1. Build-To Line ³	35' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	10' min
4. Rear Setback	30' min

E. SETBACKS - ACCESSORY BUILDING

1. Front Setback	35' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	5' min
4. Rear Setback	5' min

F. PARKING PLACEMENT

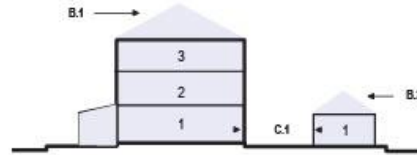
No off-street parking shall be permitted within the minimum setback of any required Side Setback or in any space between the Lot Frontage and the Build-To Line.

G. SUPPLEMENTAL REGULATIONS

All uses permitted within this District must also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

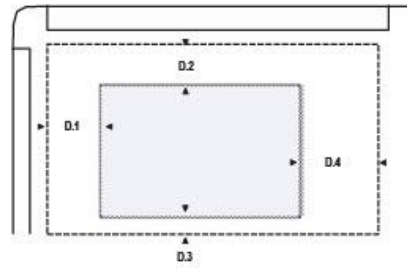
NOTE: Standards in bold above are illustrated in the graphics on the right.

BUILDING HEIGHT AND CONFIGURATION



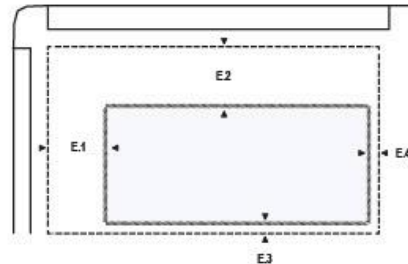
SETBACKS - PRINCIPAL BLDG

The Building Faces of Principal Buildings must be distanced from the Lot lines as specified in the table (D) and as shown:



SETBACKS - ACCESSORY BLDG

The Building Faces of any Accessory Building must be distanced from the Lot lines as specified in the table (E) and as shown:



¹ Chapter 11 Historic District specifies the height of any new buildings or structures shall not exceed the height of the tallest adjacent building or structure by more than 10%. This requirement shall also apply to any proposed modifications to existing buildings or structures. However, the Historic Architectural Review Board may recommend grant of a variance from this height limitation where it determines that an unnecessary hardship is caused thereby and that grant of the recommended variance will not have an inappropriate effect on either the building or structure involved or on the general historic and architectural nature of the district; provided that if the building or structure is constructed to a height taller than any adjacent building or structure, no building or structure adjacent to it shall thereafter be constructed to a still greater height without the grant of variance as herein provided.

² The height limitations contained in the district regulations do not apply to spires, bellies, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually located above the roof of a building or structure.

³ § 27-402 specifies 25 ft. as the maximum height for all accessory buildings and structures.

⁴ § 27-403 specifies Build-To Line requirements.

§ 27-206 Moderate Density Residential District (R-2)

(A) Purpose.

The purpose of the R-2 District is to provide for the development of certain areas of the Borough into residential neighborhoods that contain a mix of residential dwellings and create walkable access to goods and services in the Downtown and other destination areas within the Borough.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Part 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

(C) Building Form Regulations. Figure 206 specifies the district's Building Form Regulations.

FIG 206

MODERATE DENSITY RESIDENTIAL **R-2**

A. USE (See Table 3.01)

B. BUILDING HEIGHT

1. Principal Building ¹	a. 24' min b. 45' max
2. Accessory Building ²	25' max

C. LOT CONFIGURATION

1. Building Separation	5' min
2. Impervious Coverage	80% max
3. Green Area	20% min
4. Lot Width	20' min at front setback
5. Lot Area	No minimum lot area

D. SETBACKS - PRINCIPAL BUILDING

1. Build-To Line ³	10' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	5' min 0' permitted for attached dwellings
4. Rear Setback	5' min

E. SETBACKS - ACCESSORY BUILDING

1. Front Setback	10' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	0' min
4. Rear Setback	0' min

F. PARKING PLACEMENT

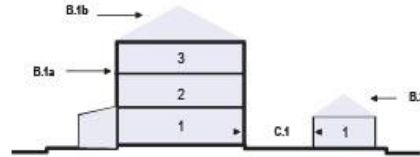
No off-street parking shall be permitted within the minimum setback of any required Side Setback or in any space between the Lot Frontage and the Build-To Line.

G. SUPPLEMENTAL REGULATIONS

All uses permitted within this District must also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

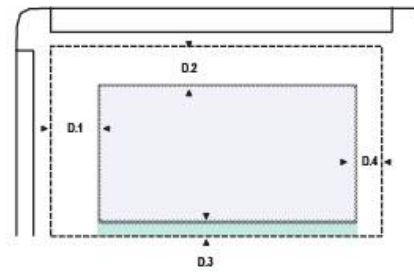
NOTE: Standards in bold above are illustrated in the graphics on the right.

BUILDING HEIGHT AND CONFIGURATION



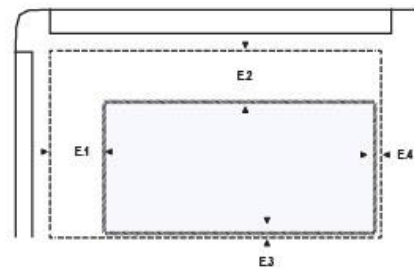
SETBACKS - PRINCIPAL BLDG

The Building Faces of Principal Buildings must be distanced from the Lot lines as specified in the table (D) and as shown:



SETBACKS - ACCESSORY BLDG

The Building Faces of any Accessory Building must be distanced from the Lot lines as specified in the table (E) and as shown:



¹ Chapter 11 Historic District specifies the height of any new buildings or structures shall not exceed the height of the tallest adjacent building or structure by more than 10%. This requirement shall also apply to any proposed modifications to existing buildings or structures. However, the Historic Architectural Review Board may recommend grant of a variance from this height limitation where it determines that an unnecessary hardship is caused thereby and that grant of the recommended variance will not have an inappropriate effect on either the building or structure involved or on the general historic and architectural nature of the district; provided that if the building or structure is constructed to a height taller than any adjacent building or structure, no building or structure adjacent to it shall thereafter be constructed to a still greater height without the grant of variance as herein provided.

² The height limitations contained in the district regulations do not apply to spires, bellies, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually located above the roof of a building or structure.

³ § 27-402 specifies 25 ft. as the maximum height for all accessory buildings and structures.

⁴ § 27-403 specifies Build-To Line requirements.

§ 27-207 Low Impact Neighborhood Commercial District (NC-1)

(A) Purpose.

The purpose of the NC-1 District is to provide for certain areas of the Borough that contain a mix of higher density attached (two-family) and detached residential dwellings with interspersed neighborhood scaled businesses. Expansion of such businesses is to be limited to preserve the existing predominant residential character of these neighborhoods.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Part 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

(C) Building Form Regulations. Figure 207 specifies the district's Building Form Regulations.

FIG 207

LOW IMPACT NEIGHBORHOOD COMMERCIAL **NC-1**

A. USE (See Table 3.01)

B. BUILDING HEIGHT

1. Principal Building ¹	a. 24' min b. 48' max
2. Accessory Building ²	25' max

C. LOT CONFIGURATION

1. Building Separation	5' min
2. Impervious Coverage	90% max
3. Green Area	10% min
4. Lot Width	16' min at front setback
5. Lot Area	No minimum lot area

D. SETBACKS - PRINCIPAL BUILDING

1. Build-To Line ³	a. 0' min b. 10' max
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	0' min
4. Rear Setback	0' min

E. SETBACKS - ACCESSORY BUILDING

1. Front Setback	10' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	0' min
4. Rear Setback	0' min

F. PARKING PLACEMENT

No off-street parking shall be permitted within the minimum setback of any required Side Setback or in any space between the Lot Frontage and the Build-To Line.

G. SCREENS AND BUFFERS

When the Low Impact Neighborhood Commercial District abuts any R-1, R-1A, or R-2 Districts, a buffer yard at least 5' wide along the property line separating the two districts shall be planted with trees and shrubs and maintained at all times.

H. SUPPLEMENTAL REGULATIONS

All uses permitted within this District must also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

NOTE: Standards in bold above are illustrated in the graphics on the right.

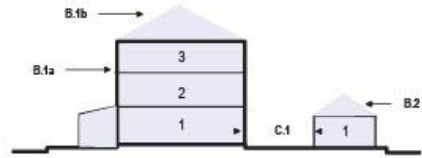
¹ Chapter 11 Historic District specifies the height of any new buildings or structures shall not exceed the height of the tallest adjacent building or structure by more than 10%. This requirement shall also apply to any proposed modifications to existing buildings or structures. However, the Historic Architectural Review Board may recommend grant of a variance from this height limitation where it determines that an unnecessary hardship is caused thereby and that grant of the recommended variance will not have an inappropriate effect on either the building or structure involved or on the general historic and architectural nature of the district, provided that if the building or structure is constructed to a height taller than any adjacent building or structure, no building or structure adjacent to it shall thereafter be constructed to a still greater height without the grant of variance as herein provided.

² The height limitations contained in the district regulations do not apply to spires, bellies, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually located above the roof of a building or structure.

³ § 27-402 specifies 25 ft. as the maximum height for all accessory buildings and structures.

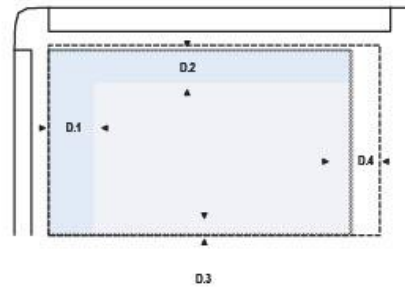
⁴ § 27-403 specifies Build-To Line requirements.

BUILDING HEIGHT AND CONFIGURATION



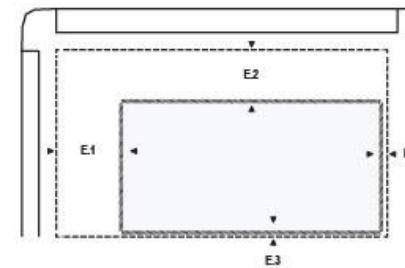
SETBACKS - PRINCIPAL BLDG

The Building Faces of Principal Buildings must be distanced from the Lot lines as specified in the table (D) and as shown:



SETBACKS - ACCESSORY BLDG

The Building Faces of any Accessory Building must be distanced from the Lot lines as specified in the table (E) and as shown:



§ 27-208 Historic Corridor Neighborhood Commercial District (NC-2)

(A) Purpose.

The purpose of the NC-2 District is to provide for offices, select businesses, residential uses, and other compatible uses within the historic, mixed use Baltimore Street Corridor in a manner that respects and preserves the special character of this area. Adaptive reuses that preserve the viability of the larger structures within these areas are encouraged.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Part 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

(C) Building Form Regulations. Figure 208 specifies the district's Building Form Regulations.

FIG 208 HISTORIC CORRIDOR NEIGHBORHOOD COMMERCIAL **NC-2**

A. USE (See Table 3.01)	
B. BUILDING HEIGHT	
1. Principal Building ¹	a. 24' min b. 48' max
2. Accessory Building ²	25' max
C. LOT CONFIGURATION	
1. Building Separation	5' min
2. Impervious Coverage	90% max
3. Green Area	10% min
4. Lot Width	16' min at front setback
5. Lot Area	No minimum lot area
D. SETBACKS - PRINCIPAL BUILDING	
1. Build-To Line ³	a. 0' min b. 10' max
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	0' min
4. Rear Setback	5' min
E. SETBACKS - ACCESSORY BUILDING	
1. Front Setback	10' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	0' min
4. Rear Setback	0' min
F. PARKING PLACEMENT	

No off-street parking shall be permitted within the minimum setback of any required Side Setback or in any space between the Lot Frontage and the Build-To Line.

G. SCREENS AND BUFFERS
When the Historic Corridor Neighborhood Commercial District abuts any R-1, R-1A, or R-2 Districts, a buffer yard at least 5' wide along the property line separating the two districts shall be planted with trees and shrubs and maintained at all times.

H. SUPPLEMENTAL REGULATIONS
All uses permitted within this District must also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

NOTE: Standards in **bold** above are illustrated in the graphics on the right.

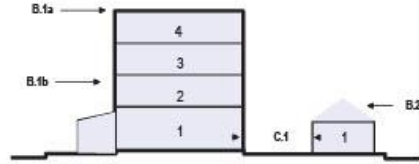
¹ Chapter 11 Historic District specifies the height of any new buildings or structures shall not exceed the height of the tallest adjacent building or structure by more than 10%. This requirement shall also apply to any proposed modifications to existing buildings or structures. However, the Historic Architectural Review Board may recommend grant of a variance from this height limitation where it determines that an unnecessary hardship is caused thereby and that grant of the recommended variance will not have an inappropriate effect on either the building or structure involved or on the general historic and architectural nature of the district; provided that if the building or structure is constructed to a height taller than any adjacent building or structure, no building or structure adjacent to it shall thereafter be constructed to a still greater height without the grant of variance as herein provided.

¹ The height limitations contained in the district regulations do not apply to spires, bellies, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually located above the roof of a building or structure.

² § 27-402 specifies 25 ft. as the maximum height for all accessory buildings and structures.

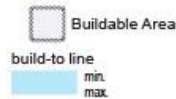
³ § 27-403 specifies Build-To Line requirements.

BUILDING HEIGHT AND CONFIGURATION



SETBACKS - PRINCIPAL BLDG

The Building Faces of Principal Buildings must be distanced from the Lot lines as specified in the table (D) and as shown:



SETBACKS - ACCESSORY BLDG

The Building Faces of any Accessory Building must be distanced from the Lot lines as specified in the table (E) and as shown:



§ 27-209 Neighborhood Commercial District (NC-3)

(A) Purpose.

The purpose of the NC-3 District is to provide for the development of compact segments of existing Street and road frontages for neighborhood-scaled commercial establishments and activities that are readily accessible by Motor Vehicles, while also maintaining safe pedestrian access and passage through a well-connected and maintained sidewalk network.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Part 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

(C) Building Form Regulations. Figure 209 specifies the district's Building Form Regulations.

FIG 209

NEIGHBORHOOD COMMERCIAL **NC-3**

A. USE (See Table 3.01)	
B. BUILDING HEIGHT	
1. Principal Building ¹	a. 24' min b. 48' max
2. Ground Floor Height	12' min
3. Accessory Building ²	25' max
C. LOT CONFIGURATION	
1. Building Separation	5' min
2. Impervious Coverage	90% max
3. Green Area	10% min
4. Lot Width	16' min at front setback
5. Lot Area	No minimum lot area for residential use
D. SETBACKS - PRINCIPAL BUILDING	
1. Build-To Line ³	a. 0' min b. 10' max
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	0' min
4. Rear Setback	5' min
E. SETBACKS - ACCESSORY BUILDING	
1. Front Setback	10' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	0' min
4. Rear Setback	0' min
F. PARKING PLACEMENT	
No off-street parking shall be permitted within the minimum setback of any required Side Setback or in any space between the Lot Frontage and the Build-To Line.	
G. SCREENS AND BUFFERS	
When the Neighborhood Commercial District abuts any R-1, R-1A, or R-2 Districts, a buffer yard at least 5' wide along the property line separating the two districts shall be planted with trees and shrubs and maintained at all times.	
H. SUPPLEMENTAL REGULATIONS	
All uses permitted within this District must also comply with the Supplemental Regulations contained in Part 4 of this Chapter.	
NOTE: Standards in bold above are illustrated in the graphics on the right.	

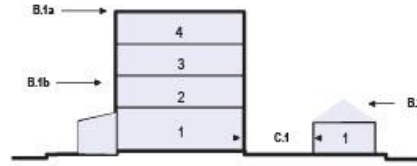
¹ Chapter 11 Historic District specifies the height of any new buildings or structures shall not exceed the height of the tallest adjacent building or structure by more than 10%. This requirement shall also apply to any proposed modifications to existing buildings or structures. However, the Historic Architectural Review Board may recommend grant of a variance from this height limitation where it determines that an unnecessary hardship is caused thereby and that grant of the recommended variance will not have an inappropriate effect on either the building or structure involved or on the general historic and architectural nature of the district; provided that if the building or structure is constructed to a height taller than any adjacent building or structure, no building or structure adjacent to it shall thereafter be constructed to a still greater height without the grant of variance as herein provided.

¹ The height limitations contained in the district regulations do not apply to spires, bellies, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually located above the roof of a building or structure.

² § 27-402 specifies 25 ft. as the maximum height for all accessory buildings and structures.

³ § 27-403 specifies Build-To Line requirements.

BUILDING HEIGHT AND CONFIGURATION



SETBACKS - PRINCIPAL BLDG

The Building Faces of Principal Buildings must be distanced from the Lot lines as specified in the table (D) and as shown:



SETBACKS - ACCESSORY BLDG

The Building Faces of any Accessory Building must be distanced from the Lot lines as specified in the table (E) and as shown:



§ 27-210 Carlisle Street Neighborhood Commercial District (NC-4)

(A) Purpose.

The purpose of the NC-4 District is to provide for the development of the 200 and 300 Blocks of Carlisle Street and Paxton Hall as a residential transition zone from Gettysburg College properties to residential neighborhoods

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Part 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

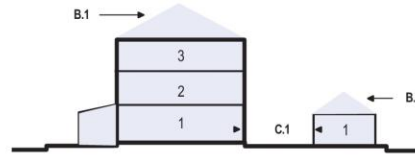
(C) Building Form Regulations. Figure 210 specifies the district's Building Form Regulations.

FIG 210

Carlisle Street Neighborhood Commercial **NC-4**

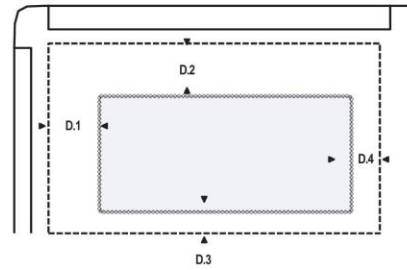
A. USE (See Table 3.01)	
B. BUILDING HEIGHT	
1. Principal Building ¹	45' max
2. Accessory Building ²	25' max
C. LOT CONFIGURATION	
1. Building Separation	10' min
2. Impervious Coverage	65% max
3. Green Area	35% min
4. Lot Width	60' min at front setback
5. Lot Area	No minimum lot area
D. SETBACKS - PRINCIPAL BUILDING	
1. Build-To Line ³	25' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	10' min
4. Rear Setback	10' min
E. SETBACKS - ACCESSORY BUILDING	
1. Front Setback	25' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	5' min
4. Rear Setback	5' min
F. PARKING PLACEMENT	
No off-street parking shall be permitted within the minimum setback of any required Side Setback or in any space between the Lot Frontage and the Build-To Line.	
G. SUPPLEMENTAL REGULATIONS	
All uses permitted within this District must also comply with the Supplemental Regulations contained in Part 4 of this Chapter.	
NOTE: Standards in bold above are illustrated in the graphics on the right.	

BUILDING HEIGHT AND CONFIGURATION



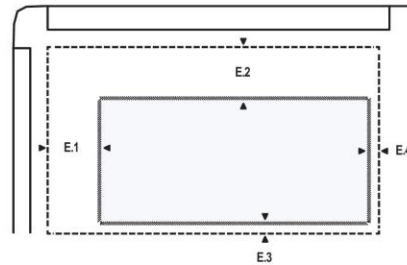
SETBACKS - PRINCIPAL BLDG

The Building Faces of Principal Buildings must be distanced from the Lot lines as specified in the table (D) and as shown:



SETBACKS - ACCESSORY BLDG

The Building Faces of any Accessory Building must be distanced from the Lot lines as specified in the table (E) and as shown:



¹ Chapter 11 Historic District specifies the height of any new buildings or structures shall not exceed the height of the tallest adjacent building or structure by more than 10%. This requirement shall also apply to any proposed modifications to existing buildings or structures. However, the Historic Architectural Review Board may recommend grant of a variance from this height limitation where it determines that an unnecessary hardship is caused thereby and that grant of the recommended variance will not have an inappropriate effect on either the building or structure involved or on the general historic and architectural nature of the district; provided that if the building or structure is constructed to a height taller than any adjacent building or structure, no building or structure adjacent to it shall thereafter be constructed to a still greater height without the grant of variance as herein provided.

² The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually located above the roof of a building or structure.

³ § 27-402 specifies 25 ft. as the maximum height for all accessory buildings and structures.

⁴ § 27-403 specifies Build-To Line requirements.

§ 27-211 General Commercial District (GC)

(A) Purpose.

The purpose of the GC District is to provide for the commercial development of existing Street and road frontage for auto-oriented commercial establishments and activities, while accommodating safe pedestrian accessibility. Such businesses serve the greater Gettysburg area and include larger commercial establishments including the tourism-based businesses along Steinwehr Avenue and service businesses along York St./Rd.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Part 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

(C) Building Form Regulations. Figure 211 specifies the district's Building Form Regulations.

FIG 211

GENERAL COMMERCIAL GC

A. USE (See Table 3.01)

B. BUILDING HEIGHT

1. Principal Building ¹	a. 24' min b. 48' max
2. Accessory Building ²	25' max

C. LOT CONFIGURATION

1. Building Separation	5' min
2. Impervious Coverage	85% max
3. Green Area	15% min
4. Lot Width	20' min at front setback
5. Lot Area	No minimum lot area for residential use

D. SETBACKS - PRINCIPAL BUILDING

1. Build-To Line ³	15' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	10' min
4. Rear Setback	5' min

E. SETBACKS - ACCESSORY BUILDING

1. Front Setback	15' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	5' min
4. Rear Setback	5' min

F. PARKING PLACEMENT

No off-street parking shall be permitted within the minimum setback of any required Side Setback or in any space between the Lot Frontage and the Build-To Line.

G. SCREENS AND BUFFERS
When the General Commercial District abuts any R-1, R-1A, or R-2 Districts, a buffer yard at least 5' wide along the property line separating the two districts shall be planted with trees and shrubs and maintained at all times.

H. SUPPLEMENTAL REGULATIONS
All uses permitted within this District must also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

NOTE: Standards in bold above are illustrated in the graphics on the right.

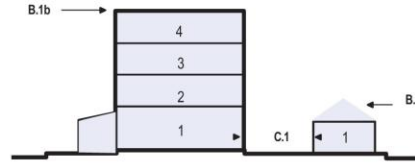
1 Chapter 11 Historic District specifies the height of any new buildings or structures shall not exceed the height of the tallest adjacent building or structure by more than 10%. This requirement shall also apply to any proposed modifications to existing buildings or structures. However, the Historic Architectural Review Board may recommend grant of a variance from this height limitation where it determines that an unnecessary hardship is caused thereby and that grant of the recommended variance will not have an inappropriate effect on either the building or structure involved or on the general historic and architectural nature of the district; provided that if the building or structure is constructed to a height taller than any adjacent building or structure, no building or structure adjacent to it shall thereafter be constructed to a still greater height without the grant of variance as herein provided.

1 The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually located above the roof of a building or structure.

2 § 27-402 specifies 25 ft. as the maximum height for all accessory buildings and structures.

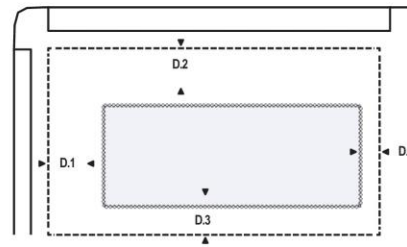
3 § 27-403 specifies Build-To Line requirements.

BUILDING HEIGHT AND CONFIGURATION



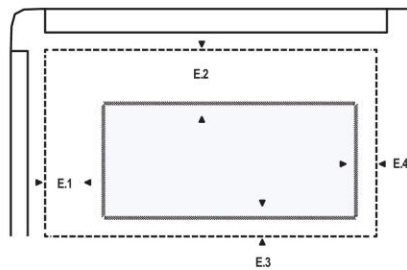
SETBACKS - PRINCIPAL BLDG

The Building Faces of Principal Buildings must be distanced from the Lot lines as specified in the table (D) and as shown:



SETBACKS - ACCESSORY BLDG

The Building Faces of any Accessory Building must be distanced from the Lot lines as specified in the table (E) and as shown:



§ 27-212 Old Town District (OT)

(A) Purpose.

The purpose of the OT District is to continue and strengthen the role of Downtown Gettysburg as a diversified, multipurpose, people-oriented center. Retail stores, services, offices, and public activities in this district will serve local and regional residents, visitors, and businesses. Upper-floor apartments and other forms of housing will complement Downtown commerce and help support sustained economic activity.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Part 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

(C) Building Form Regulations. Figures 212-A and 212-B specify the district's Building Form Regulations.

FIG 212-A

OLD TOWN **OT**

A. USE (See Table 3.01)

B. BUILDING HEIGHT

1. Principal Building¹	a. 24' min b. 48' max
2. Accessory Building²	25' max

C. LOT CONFIGURATION

1. Building Separation³	5' min
2. Impervious Coverage	100% max
3. Green Area	No min
4. Lot Width	16' min at front setback
5. Lot Area	No minimum lot area for residential use

D. SETBACKS - PRINCIPAL BUILDING

1. Build-To Line³	a. 0' min b. 10' max
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	0' min
4. Rear Setback	5' min

E. SETBACKS - ACCESSORY BUILDING

1. Front Setback	10' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	0' min
4. Rear Setback	0' min

F. PARKING PLACEMENT

No off-street parking shall be permitted within the minimum

G. SCREENS AND BUFFERS

When the Old Town District abuts any R-1, R-1A, or R-2 Districts, a buffer yard at least 5' wide along the property line separating the two districts shall be planted with trees and shrubs and maintained at all times.

H. SUPPLEMENTAL REGULATIONS

All uses permitted within this District must also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

NOTE: Standards in **bold** above are illustrated in the graphics on the right.

See regulations continued on next page.

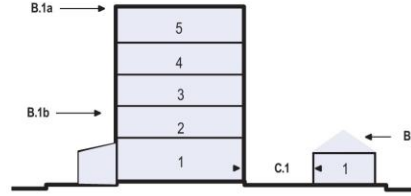
¹ Chapter 11 Historic District specifies the height of any new buildings or structures shall not exceed the height of the tallest adjacent building or structure by more than 10%. This requirement shall also apply to any proposed modifications to existing buildings or structures. However, the Historic Architectural Review Board may recommend grant of a variance from this height limitation where it determines that an unnecessary hardship is caused thereby and that grant of the recommended variance will not have an inappropriate effect on either the building or structure involved or on the general historic and architectural nature of the district; provided that if the building or structure is constructed to a height taller than any adjacent building or structure, no building or structure adjacent to it shall thereafter be constructed to a still greater height without the grant of variance as herein provided.

² The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually located above the roof of a building or structure.

³ § 27-402 specifies 25 ft. as the maximum height for all accessory buildings and structures.

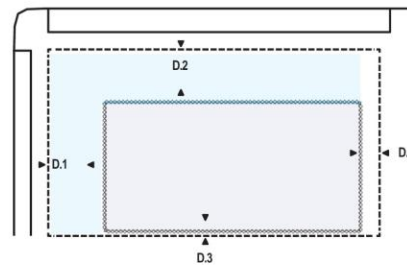
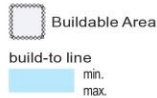
³ § 27-403 specifies Build-To Line requirements.

BUILDING HEIGHT AND CONFIGURATION



SETBACKS - PRINCIPAL BLDG

The Building Faces of Principal Buildings must be distanced from the Lot lines as specified in the table (D) and as shown:



SETBACKS - ACCESSORY BLDG

The Building Faces of any Accessory Building must be distanced from the Lot lines as specified in the table (E) and as shown:

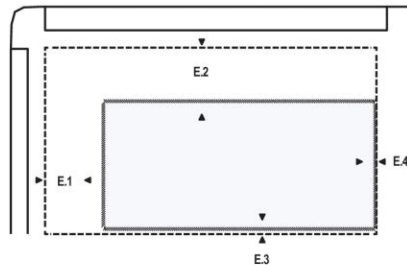


FIG 212-B

OLD TOWN **OT**

Continued from previous page.

I. MASSING

1. Primary Building Face Main Facade Width	50' max
2. Required Height Variation	50% Building Face Height variation is required if building is more than 30' wide
3. Additional Building Width	Buildings must visually articulate the Building Face at maximum 30' intervals.
4. Vertical Articulation	Primary Building Face must have Articulation that creates a base, middle, and top level.
5. Roof Forms	Roofs may be flat or pitched. Roof terrace is Permitted.
6. Storefront Articulation	The base level of all Primary Building Faces must include signage and wall-mounted lighting fixtures.

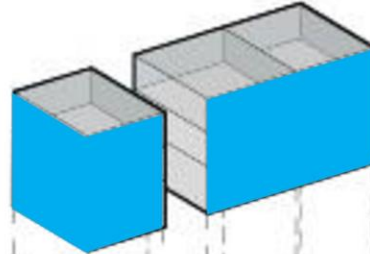
J. BUILDING FACE TRANSPARENCY

1. Transparency requirements apply to the Primary Building Face. In the case of corner lots, it applies to the Main Frontage only.	
2. Ground Floor Transparency	70% min
3. Upper Floors	20% min
4. Horizontal Spacing	Transparent openings must be spaced no more than 15' apart

NOTE: Standards in **bold** above are illustrated in the graphics on the right.

VERTICAL FORM

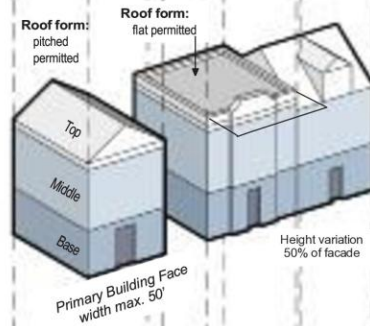
Primary Building Face



MASSING

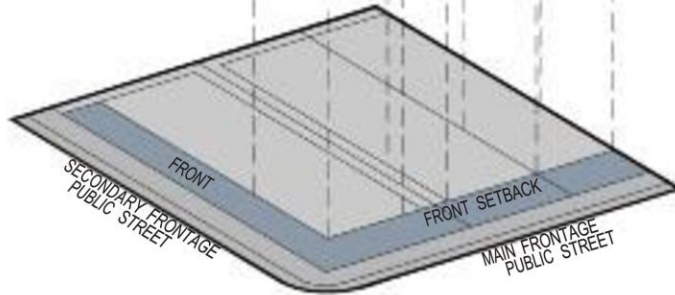
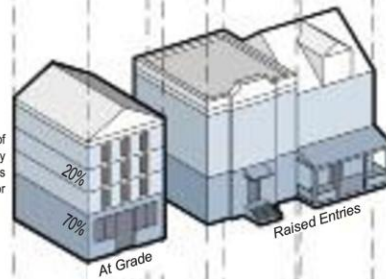
- Vertical articulation and massing must delineate a base, middle, and top level.

Top Level
Middle Level
Base Level



TRANSPARENCY

example of transparency proportions per floor



§ 27-213 Revitalization District (REV)

(A) Purpose.

The purpose of the REV District is to promote the revitalization of existing structures and development of underutilized or vacant parcels adjacent to the Downtown core. The REV District is sensitive to the Downtown area's historic and pedestrian-oriented center and recognizes the linkage that the district has with the Downtown, Gettysburg College, and surrounding residential neighborhoods.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Part 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

(C) Building Form Regulations. Figures 213-A and 213-B specifies the district's Building Form Regulations.

FIG 213-A

REVITALIZATION **REV**

A. USE (See Table 3.01)	
B. BUILDING HEIGHT	
1. Principal Building ¹	a. 24' min b. 48' max ²
2. Accessory Building ³	25' max
C. LOT CONFIGURATION	
1. Building Separation	5' min
2. Impervious Coverage	100% max
3. Green Area	No min
4. Lot Width	16' min at front setback
5. Lot Area	No minimum lot area for residential use
D. SETBACKS - PRINCIPAL BUILDING	
1. Build-To Line ⁴	a. 0' min b. 10' max
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	0' min
4. Rear Setback	5' min
E. SETBACKS - ACCESSORY BUILDING	
1. Front Setback	10' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	0' min
4. Rear Setback	0' min
5. Rear Street Setback	secondary frontage qualifies as a front
F. PARKING PLACEMENT	
No off-street parking shall be permitted within the minimum setback of any required Side Setback or in any space between the Lot Frontage and the Build-To Line.	
G. SCREENS AND BUFFERS	
When the Revitalization District abuts any R-1, R-1A, or R-2 Districts, a buffer yard at least 5' wide along the property line separating the two districts shall be planted with trees and shrubs and maintained at all times.	
H. SUPPLEMENTAL REGULATIONS	
All uses permitted within this District must also comply with the Supplemental Regulations contained in Part 4 of this Chapter.	
NOTE: Standards in bold above are illustrated in the graphics on the right.	

See regulations continued on next page.

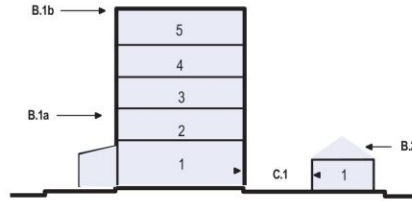
1 Chapter 11 Historic District specifies the height of any new buildings or structures shall not exceed the height of the tallest adjacent building or structure by more than 10%. This requirement shall also apply to any proposed modifications to existing buildings or structures. However, the Historic Architectural Review Board may recommend grant of a variance from this height limitation where it determines that an unnecessary hardship is caused thereby and that grant of the recommended variance will not have an inappropriate effect on either the building or structure involved or on the general historic and architectural nature of the district; provided that if the building or structure is constructed to a height taller than any adjacent building or structure, no building or structure adjacent to it shall thereafter be constructed to a still greater height without the grant of variance as herein provided.

1 The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually located above the roof of a building or structure.

2 § 27-402 specifies 25 ft. as the maximum height for all accessory buildings and structures.

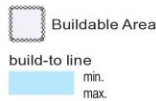
3 § 27-403 specifies Build-To Line requirements.

BUILDING HEIGHT AND CONFIGURATION



SETBACKS - PRINCIPAL BLDG

The Building Faces of Principal Buildings must be distanced from the Lot lines as specified in the table (D) and as shown:



SETBACKS - ACCESSORY BLDG

The Building Faces of any Accessory Building must be distanced from the Lot lines as specified in the table (E) and as shown:



FIG 213-B

REVITALIZATION **REV**

Continued from previous page.

I. MASSING

1. Primary Building Face Main Facade Width	48' Max
2. Required Height Variation	50% Building Face Height variation is required if building is more than 30' wide
3. Additional Building Width	Buildings must visually articulate the Building Face at maximum 50' intervals.
4. Vertical Articulation	Primary Building Face must have Articulation that creates a base, middle, and top level.
5. Roof Forms	Roofs may be flat or pitched. Roof terrace is Permitted.
6. Storefront Articulation	The base level of all Primary Building Faces must include signage and wall-mounted

J. BUILDING FACE TRANSPARENCY

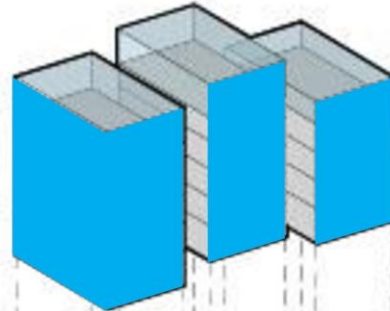
1. Transparency requirements apply to the Primary Building Face. In the case of corner lots, it applies to the Main Frontage only.

2. Ground Floor Transparency	70% min
3. Upper Floors	20% min
4. Horizontal Spacing	Transparent openings must be spaced no more than 15-feet apart.

NOTE: Standards in **bold** above are illustrated in the graphics on the right.

VERTICAL FORM

Primary Building Face

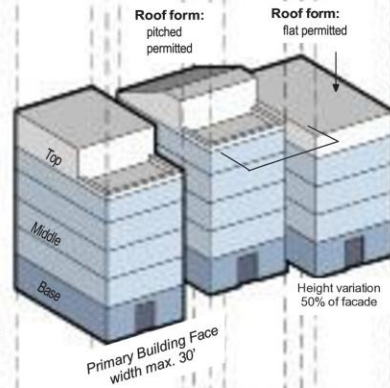


MASSING

Vertical articulation and massing must delineate a base, middle, and top level.

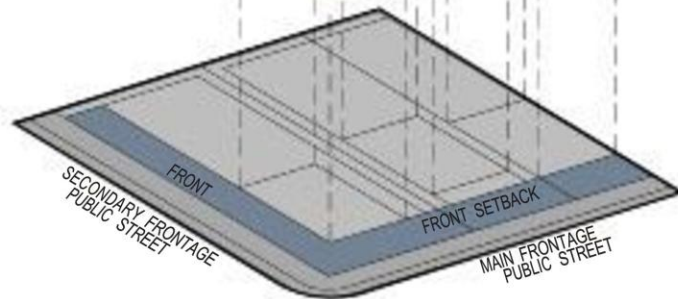
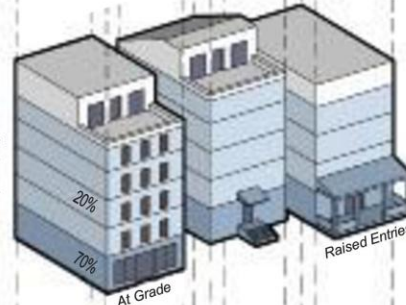
Top Level
Middle Level
Base Level

Articulation may use changes in plane, material, or color; horizontal banding; or other design features.



TRANSPARENCY

example of transparency proportions per floor



§ 27-214 Civic Institution District (CI)

(A) Purpose.

The purpose of the CI district is to provide for the continued use and preservation of those areas of the Borough where major publicly owned and managed parklands are located. Permitted uses under this district are those directly related to and necessary for the park facilities' operations. Uses include the Gettysburg Area Recreation Authority (GARA) parks and recreation facilities and the National Park Service Gettysburg National Military Park.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Part 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

(C) Building Form Regulations. Figure 214 specifies the district's Building Form Regulations.

FIG 214

CIVIC INSTITUTION **CI**

A. USE (See Table 3.01)

B. BUILDING HEIGHT

1. Principal Building ¹	48' max ²
2. Accessory Building ³	25' max

C. LOT CONFIGURATION

1. Building Separation	5' min
2. Impervious Coverage	40% max
3. Green Area	40% min
4. Lot Width	No minimum lot width
5. Lot Area	No minimum lot area

D. SETBACKS - PRINCIPAL BUILDING

1. Build-To Line ⁴	20' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	15' min
4. Rear Setback	20' min

E. SETBACKS - ACCESSORY BUILDING

1. Front Setback	20' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	10' min
4. Rear Setback	10' min

F. PARKING PLACEMENT

No off-street parking shall be permitted within the minimum setback of any required Side Setback or in any space between the Lot Frontage and the Build-To Line.

G. SUPPLEMENTAL REGULATIONS

All uses permitted within this District must also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

¹ Chapter 11 Historic District specifies the height of any new buildings or structures shall not exceed the height of the tallest adjacent building or structure by more than 10%. This requirement shall also apply to any proposed modifications to existing buildings or structures. However, the Historic Architectural Review Board may recommend grant of a variance from this height limitation where it determines that an unnecessary hardship is caused thereby and that grant of the recommended variance will not have an inappropriate effect on either the building or structure involved or on the general historic and architectural nature of the district; provided that if the building or structure is constructed to a height taller than any adjacent building or structure, no building or structure adjacent to it shall thereafter be constructed to a still greater height without the grant of variance as herein provided.

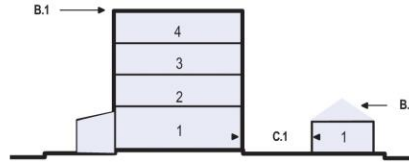
² The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually located above the roof of a building or structure.

³ § 27-408 specifies a building may be erected to a greater height and a greater number of stories than that specified for the district, provided that the required front and side yard requirements are increased one foot for every one foot of additional height, up to a maximum total building height of 75 ft. and five stories.

⁴ § 27-402 specifies 25 ft. as the maximum height for all accessory buildings and structures.

⁵ § 27-403 specifies Build-To Line requirements.

BUILDING HEIGHT AND CONFIGURATION



SETBACKS - PRINCIPAL BLDG

The Building Faces of Principal Buildings must be distanced from the Lot lines as specified in the table (D) and as shown:



SETBACKS - ACCESSORY BLDG

The Building Faces of any Accessory Building must be distanced from the Lot lines as specified in the table (E) and as shown:



§ 27-215 Institution District (INS)

(A) Purpose.

The purpose of the INS district is to provide for the continued use and preservation of those areas of the Borough where major private and publicly owned and managed educational institutional uses are located. Permitted uses under this district are those directly related to and necessary for each institution's operations, which include supporting residential and non-residential uses that are necessary to sustain their respective academic missions. Uses include the Gettysburg College, Lutheran Theological Seminary, and Gettysburg Area School District.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Part 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

(C) Building Form Regulations. Figure 215 specifies the district's Building Form Regulations.

FIG 215

INSTITUTION **INS**

A. USE (See Table 3.01)

B. BUILDING HEIGHT

1. Principal Building¹	60' max ²
2. Accessory Building³	25' max

C. LOT CONFIGURATION

1. Building Separation	5' min
2. Impervious Coverage	60% max
3. Green Area	40% min
4. Lot Width	No min
5. Lot Area	8,000 sq. ft. min

D. SETBACKS - PRINCIPAL BUILDING

1. Build-To Line⁴	20' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	15' min
4. Rear Setback	20' min

E. SETBACKS - ACCESSORY BUILDING

1. Front Setback	20' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	10' min
4. Rear Setback	10' min

F. PARKING PLACEMENT

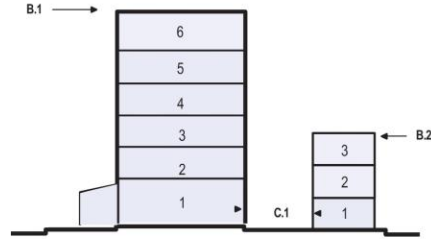
No off-street parking shall be permitted within the minimum setback of any required Side Setback or in any space between the Lot Frontage and the Build-To Line.

G. SUPPLEMENTAL REGULATIONS

All uses permitted within this District must also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

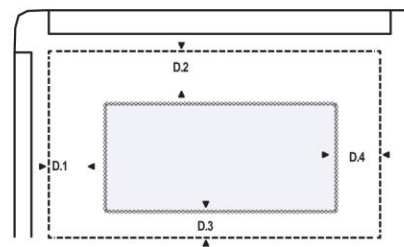
NOTE: Standards in **bold** above are illustrated in the graphics on the right.

BUILDING HEIGHT AND CONFIGURATION



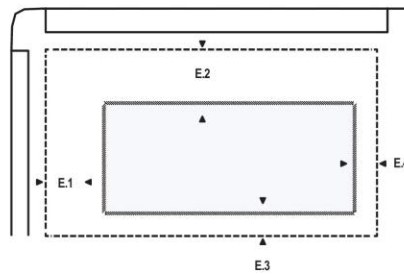
SETBACKS - PRINCIPAL BLDG

The Building Faces of Principal Buildings must be distanced from the Lot lines as specified in the table (D) and as shown:



SETBACKS - ACCESSORY BLDG

The Building Faces of any Accessory Building must be distanced from the Lot lines as specified in the table (E) and as shown:



¹ Chapter 11 Historic District specifies the height of any new buildings or structures shall not exceed the height of the tallest adjacent building or structure by more than 10%. This requirement shall also apply to any proposed modifications to existing buildings or structures. However, the Historic Architectural Review Board may recommend grant of a variance from this height limitation where it determines that an unnecessary hardship is caused thereby and that grant of the recommended variance will not have an inappropriate effect on either the building or structure involved or on the general historic and architectural nature of the district; provided that if the building or structure is constructed to a height taller than any adjacent building or structure, no building or structure adjacent to it shall thereafter be constructed to a still greater height without the grant of variance as herein provided.

² The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually located above the roof of a building or structure.

³ In the INS and HC Districts, a building may be erected to a greater height and a greater number of stories than that specified for the district, provided that the required front and side yard requirements are increased one (1) foot for every one (1) foot of additional height, up to a maximum total building height of seventy-two (72) feet.

⁴ § 27-402 specifies 25 ft. as the maximum height for all accessory buildings and structures.

⁵ § 27-403 specifies Build-To Line requirements.

§ 27-216 Healthcare District (HC)

(A) Purpose.

The purpose of this district is to provide for the continued maintenance of those areas of the Borough where campus-style health-care facilities are presently located and to provide for select residential and commercial uses that are compatible with existing uses in the area.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Part 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

(C) Building Form Regulations. Figure 216 specifies the district's Building Form Regulations.

FIG 216

HEALTHCARE **HC**

A. USE (See Table 3.01)

B. BUILDING HEIGHT

1. Principal Building ¹	60' max ²
2. Accessory Building ³	25' max

C. LOT CONFIGURATION

1. Building Separation	5' min
2. Impervious Coverage	60% max
3. Green Area	40% min
4. Lot Width	No minimum lot width
5. Lot Area	No minimum lot area

D. SETBACKS - PRINCIPAL BUILDING

1. Build-To Line ⁴	20' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	15' min
4. Rear Setback	20' min

E. SETBACKS - ACCESSORY BUILDING

1. Front Setback	20' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	10' min
4. Rear Setback	10' min

F. PARKING PLACEMENT

No off-street parking shall be permitted within the minimum setback of any required Side Setback or in any space between the Lot Frontage and the Build-To Line.

G. SCREENS AND BUFFERS

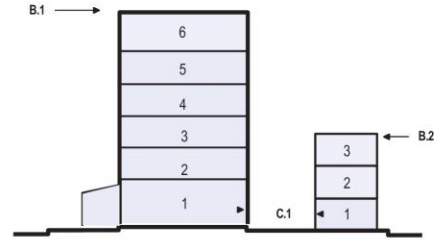
When the Healthcare District abuts any R-1, R-1A, or R-2 Districts (other than in a street or alley), a buffer yard at least 20' wide along the property line separating the two districts shall be planted with trees and shrubs and maintained at all times.

H. SUPPLEMENTAL REGULATIONS

All uses permitted within this District must also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

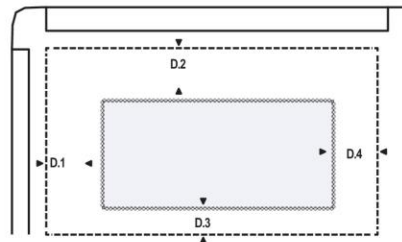
NOTE: Standards in **bold** above are illustrated in the graphics on the right.

BUILDING HEIGHT AND CONFIGURATION



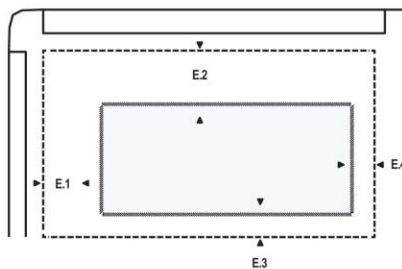
SETBACKS - PRINCIPAL BLDG

The Building Faces of Principal Buildings must be distanced from the Lot lines as specified in the table (D) and as shown:



SETBACKS - ACCESSORY BLDG

The Building Faces of any Accessory Building must be distanced from the Lot lines as specified in the table (E) and as shown:



¹ Chapter 11 Historic District specifies the height of any new buildings or structures shall not exceed the height of the tallest adjacent building or structure by more than 10%. This requirement shall also apply to any proposed modifications to existing buildings or structures. However, the Historic Architectural Review Board may recommend grant of a variance from this height limitation where it determines that an unnecessary hardship is caused thereby and that grant of the recommended variance will not have an inappropriate effect on either the building or structure involved or on the general historic and architectural nature of the district, provided that if the building or structure is constructed to a height taller than any adjacent building or structure, no building or structure adjacent to it shall thereafter be constructed to a still greater height without the grant of variance as herein provided.

² The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually located above the roof of a building or structure.

³ In the INS and HC Districts, a building may be erected to a greater height and a greater number of stories than that specified for the district, provided that the required front and side yard requirements are increased one (1) foot for every one (1) foot of additional height, up to a maximum total building height of seventy-two (72) feet.

⁴ § 27-402 specifies 25 ft. as the maximum height for all accessory buildings and structures.

⁵ § 27-403 specifies Build-To Line requirements.

§ 27-217 Industrial District (IND)

(A) Purpose.

The purpose of the IND District is to provide for a limited range of industrial or manufacturing activities in areas that will be both suitable for the proposed use and compatible with the community.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Part 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

(C) Building Form Regulations. Figure 217 specifies the district's Building Form Regulations.

FIG 217

INDUSTRIAL **IND**

A. USE (See Table 3.01)

B. BUILDING HEIGHT

1. Principal Building ¹	48' max ²
2. Accessory Building ³	25' max

C. LOT CONFIGURATION

1. Building Separation	5' min
2. Impervious Coverage	80% max
3. Green Area	15% min
4. Lot Width	100' min
5. Lot Area	No minimum lot area

D. SETBACKS - PRINCIPAL BUILDING

1. Build-To Line ⁴	35' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	10' min
4. Rear Setback	20' min
5. Side Setback Residential Compatibility	35' min
6. Rear Setback Residential Compatibility	35' min

E. SETBACKS - ACCESSORY BUILDING

1. Front Setback	35' min
2. Secondary Street Front Setback	secondary frontage qualifies as a front
3. Side Setback	10' min
4. Rear Setback	10' min

F. PARKING PLACEMENT

No off-street parking shall be permitted within the minimum setback of any required Side Setback or in any space between the Lot Frontage and the Build-To Line.

G. SCREENS AND BUFFERS

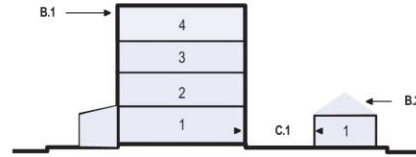
When the Industrial District abuts any R-1, R-1A, or R-2 Districts, a buffer yard at least 5' wide along the property line separating the two districts shall be planted with trees and shrubs and maintained at all times.

H. SUPPLEMENTAL REGULATIONS

All uses permitted within this District must also comply with the Supplemental Regulations contained in Part 4 of this Chapter.

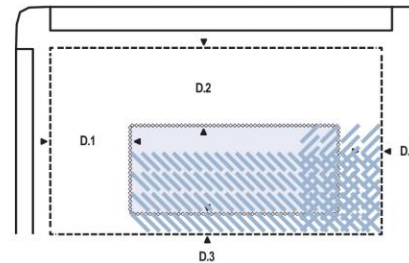
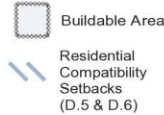
NOTE: Standards in **bold** above are illustrated in the graphics on the right.

BUILDING HEIGHT AND CONFIGURATION



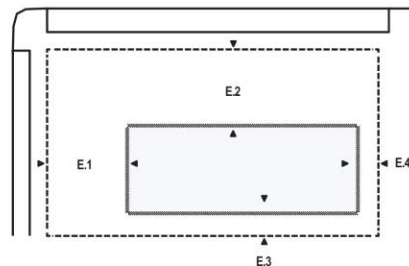
SETBACKS - PRINCIPAL BLDG

- The Building Faces of Principal Buildings must be distanced from the Lot lines as specified in the table (D) and as shown:



SETBACKS - ACCESSORY BLDG

- The Building Faces of any Accessory Building must be distanced from the Lot lines as specified in the table (E) and as shown:



¹ Chapter 11 Historic District specifies the height of any new buildings or structures shall not exceed the height of the tallest adjacent building or structure by more than 10%. This requirement shall also apply to any proposed modifications to existing buildings or structures. However, the Board may recommend grant of a variance from this height limitation where it determines that an unnecessary hardship is caused thereby and that grant of the recommended variance will not have an inappropriate effect on either the building or structure involved or on the general historic and architectural nature of the district, provided that if the building or structure is constructed to a height taller than any adjacent building or structure, no building or structure adjacent to it shall thereafter be constructed to a still greater height without the grant of variance as herein provided.

² The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually located above the roof of a building or structure.

³ The building height limit may be increased to a maximum height of 60 ft. only if the Zoning Hearing Board decides that the increased height of the proposed building will not interfere with light, air, airways and views of historic sites and areas.

⁴ § 27-402 specifies 25 ft. as the maximum height for all accessory buildings and structures.

⁵ § 27-403 specifies Build-To Line requirements.

§ 27-218 Floodplain Overlay District (FO)

- (A) Purpose. The purpose of the Floodplain Overlay (FO) District is to:
1. Regulate the permitted use of flood-prone areas.
 2. Where there happens to be any conflict between the provisions or requirements of any of the floodplain districts and those of any underlying district the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
 3. In the event any provisions concerning a floodplain district is declared inapplicable, as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provision shall remain applicable.
 4. Require the utilization of appropriate construction practices and design standards in order to prevent or minimize flood damage in the future.
 5. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing the unwise Use and development of property in areas subject to flooding.
- (B) Authority. Subparagraphs 604 and 605 of the MPC and the Pennsylvania Floodplain Management Act (Act 166-1978) grant municipalities the authority to identify flood-prone areas subject to periodic flooding and regulate with specific control the Permitted Use, type of construction and Height of floor levels above base flood elevation permitted in the area to lessen or avoid the hazards to persons and damage to property resulting from the accumulation of storm or flood waters.
- (C) Applicability. Except as modified by the FO, the provisions of the applicable base zoning district(s) shall apply to all development within the boundary of the designated area. If regulations conflict, the applicable FO regulations shall prevail. Whenever the FO District is established, any subsequent application to change the base zoning district shall not be construed to be an application to eliminate the FO District for the property covered by the application. An intent to eliminate the FO District on a given property shall be expressly stated to be part of the application.
- (D) Floodplain Management Ordinance. Chapter 8 Floodplains of the Borough of Gettysburg Code of Ordinances establishes the requirements for floodplain management including general provisions, interpretations and definitions, establishes floodplain areas, boundary disputes, alternations, criteria for Building and site plan approval, administration, appeals and penalties, government actions, and municipal liability.
- (E) Boundaries of District.
1. To the extent the Zoning Map and Chapter 8 Floodplains of the Borough of Gettysburg Code of Ordinances identifies areas prone to or otherwise at risk of flood, including without limitation by reference to a Flood Insurance Rate Map or FEMA Flood Insurance Study, such areas shall be deemed identified as flood-prone areas for purposes of this Chapter and included within the FO District.
 2. Boundaries indicated as approximately following the center lines of Street or Alley rights-of-way shall be construed to follow such center lines;
 3. Boundaries indicated as parallel to, or extensions of features indicated in the above shall be so construed;

4. Where physical or cultural features existing on the ground are different with those shown on the Flood Insurance Rate Map, or in other circumstances not covered by the above, the Zoning Officer shall interpret the FO District boundaries; and
5. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

(F) Interpretation of Ordinance Provisions. In interpreting the language of the FO District and the extent of underlying zoning district regulation upon use of property, where doubt exists between regulations, the stricter regulation shall govern. Any challenges to the Borough's interpretation of the applicability of the FO District shall be appealed in accordance with the requirements outlined in § 27-116 Appeals and Applications of this Chapter and Article IX, Zoning Hearing Board and Other Administrative Proceedings, of the MPC.

§ 27-219 Historic Overlay District (HO)

- (A) Purpose. The purpose of the Historic Overlay (HO) District is to:
1. To safeguard Gettysburg's historic identity as it is represented in structures, streetscapes and sites of historical, architectural and archaeological value within the Historic District.
 2. To awaken in residents an interest in Gettysburg's cultural, economic, social, political and architectural history, and consequently an understanding that the appearance of the Historic District is a valuable but fragile resource which must be protected and preserved.
 3. To stabilize and improve property values in the Historic District.
 4. To strengthen the Borough's economy through recognition that visitors are interested in Gettysburg's historic buildings and streetscapes as a part of the context of the Gettysburg National Military Park.
 5. To encourage proper enforcement of the Borough's building, housing and property maintenance codes, particularly as they apply to properties in the Historic District.
 6. To discourage demolition and other inappropriate changes to historic structures by providing advice or other assistance for their stabilization, preservation, rehabilitation or restoration so as to perpetuate their usefulness.
 7. To ensure that the size, scale, and design of new construction within the Historic District is in harmony with the old.
 8. To discourage excavations which could disturb potentially important archaeological sites.
- (B) Authority. Article VI, Section 603(g)(2) of the MPC mandates that "zoning ordinances shall provide for the protection of natural and historic features and resources." Article VI also provides for the regulation of "places having unique historical, architectural or patriotic interest or value" through the creation of specific zoning classifications.
- (C) Applicability. This Section chapter applies to all properties located within the Historic Overlay District as further described below in Subsection (E) below.
- (D) Historic District Ordinance. Chapter 11 Historic District of the Borough of Gettysburg Code of Ordinances as authorized under Act 167, P.L. 252, No. 167, establishes the "Gettysburg Historic District" and among other provisions regulates the erection, reconstruction, alteration, restoration, demolition, or razing of buildings within the historic districts.
- (E) Boundaries of Historic Overlay District.
1. The Gettysburg Historic District, as regulated under Chapter 11 of the Borough of Gettysburg Code of Ordinances and as delineated on the Zoning Map, is hereby adopted by reference and declared to be a part of this Chapter.
 2. The HO District shall function as an overlay zoning district to the existing zoning districts. All of the provisions of the underlying zoning districts shall remain in full effect, except that the additional procedures and requirements of this Section shall also apply.

3. If, in accordance with the Amendment procedures specified under § 27-120 of this Chapter, changes are made to the Gettysburg Historic District boundaries such changes shall be entered on the Zoning Map promptly after the amendment has been approved by Borough Council and certified by the Pennsylvania Historical and Museum Commission.
 4. Where uncertainty exists as to the boundaries of the Gettysburg Historic Districts as shown on the Zoning Map, the following rules shall apply:
 - a. Boundaries indicated as approximately following the center lines of Street or Alley rights-of-way shall be construed to follow such center lines;
 - b. Boundaries indicated as parallel to, or extensions of features indicated in the above shall be so construed;
 - c. Boundaries indicated as approximately following plotted Lot lines shall be construed as following such Lot lines; and
 - d. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- (F) Boundaries of District. The boundaries of the Gettysburg Historic District are specified under § 11-103, Limits of the Historic District, and are depicted on the Zoning Map.
- (G) Interpretation of Ordinance Provisions. In interpreting the language of the HO District and the extent of underlying zoning district regulation upon use of property, where doubt exists between regulations, the stricter regulation shall govern. Any challenges to the Borough's interpretation of the applicability of the HO District shall be appealed in accordance with the requirements outlined in § 27-116 Appeals and Applications of this Chapter and Article IX, Zoning Hearing Board and Other Administrative Proceedings, of the MPC.

PART 3 ZONING USES

§ 27-301 General Provisions

The following general provisions apply to the uses outlined in this Part.

- (A) No residential parcel shall have erected upon it more than one (1) principal Building.
- (B) Unless otherwise prohibited by this Chapter, more than one (1) principal Mixed-Use or non-residential use may be erected on a single parcel provided that all parcel and Yard requirements, standards, and other requirements of this Chapter shall be met for each Structure, as though it were on an individual parcel.
- (C) No Building, Structure, or Land shall be used in any way other than the uses permitted in the zoning district in which the Building, Structure, or Land is located, with the exception of the Continuation of Existing Uses specified in Paragraph (D) below.
- (D) Continuation of Existing Uses. The continuation of any Use existing and permitted at the time of adoption of these regulations is permitted, subject to the Nonconformities standards specified under § 27-409, Nonconformities, of this Part.

§ 27-302 Applicability

- (A) Table 3.01, Table of Uses, identifies the Principal, Accessory, and Temporary Uses allowed in each zoning district and are defined in this Chapter.
- (B) Principal, Accessory, and Temporary Uses are given one of the following designations specified in Table 3.01.
 - 1. Permitted by Right ("R"). These Uses are permitted automatically by right in the zoning districts in which they are listed are subject to the general regulations under this Chapter.
 - 2. Permitted by Special Exception ("SE"). These Uses are not permitted by right but are subject to the Special Exception standards and criteria specified in § 27-118 of this Chapter.
 - 3. Uses Not Permitted in Specified Districts. Uses not permitted (whether expressly permitted or permitted upon interpretation and classification by the Zoning Officer) within a zoning district shall be deemed excluded. The Zoning Officer shall make a Determination of the classification of all land Uses within the context and intent of this Chapter and may issue a Determination regarding whether a particular Use is permitted or excluded in a zoning district, all in accordance with this Chapter.
- (C) Permitted Uses are grouped into general categories, which are further broken into subcategories and specific Use types that are specifically defined in this Chapter.

§ 27-303 Unlisted Uses

- (A) If a Use is clearly not provided for in this Chapter, whether as Permitted by Right or Permitted by Special Exception, within any Zoning District within the Borough, then the proposed Use shall be considered a Special Exception and shall be approved pursuant to the requirements specified under § 27-118 of this Chapter. In addition to such requirements, the proposed Use shall also be approved based on the following Use character eligibility standards:

1. The proposed Use shall be consistent with and meet the stated purpose and intent of the zoning district within which the Use is being proposed.
 2. The proposed Use shall be consistent with and uphold the general form, function, and design character of the neighborhood within which the Use is being proposed.
 3. The Use shall be similar to and compatible with the permitted uses in the zone in which the subject property is located, is not permitted in any other zone under the terms of this Chapter, and in no way is in conflict with the general purposes and intent of this Chapter.
 4. The Use shall consider the community development goals and objectives of the Gettysburg Borough Comprehensive Plan.
- (B) The burden of proof shall be upon the Applicant to demonstrate that the proposed Use meets the foregoing criteria and would not be detrimental to the public health, safety, and welfare of the Borough and its residents.
- (C) For the purposes of this section, a specifically denied Use shall be considered a Use that is not a permitted Use in the zone in question but is a permitted Use in another zoning district.

§ 27-304 Prohibited Uses

- (A) In no instance shall any use or activity be permitted which, by reason of noise, dust, odor, appearance, smoke or other objectionable factor, creates a nuisance, hazard, or other adverse effect upon the value or reasonable enjoyment of the surrounding properties.
- (B) In no instance shall the operation of any business, commonly known as a "head shop," which involves, in whole or in part, the sale, lease, trade or display for sale of any and all types of drug paraphernalia, as defined herein, be permitted in any district.
- (C) In no instance shall the operation of any business which has obscene materials, as defined herein, as a substantial or a significant portion of its stock-in-trade be permitted in any district.
- (D) In no instance shall the operation of a massage parlor in which any of the following activities are carried on be permitted in any district:
1. The massage treatment of any person by one or more persons who do not belong to any nationally recognized massage therapy association or by persons who are not graduates of any recognized training school in massage therapy with a minimum of 500 hours of training, evidence of which shall be in the form of a certificate or diploma on display on the premises. The requirements of this provision shall not apply to treatments given in the residence of a patient, the office of a licensed physician, osteopath, or registered physical or massage therapist, or chiropractor, or in a regularly established and licensed hospital or sanitarium.
 2. The massage of, or physical contact with, the sexual or genital parts of one person by any other person.
 3. The exposure of the sexual or genital parts of the body of any person.

Table 3.01, Table of Uses.

R = Permitted by Right SE = Permitted by Special Exception Blank Cell = Use Not Permitted in Specified District(s)	MAPPED ZONING DISTRICTS													
	R-1	R-1A	R-2	NC-1	NC-2	NC-3	NC-4	GC	OT	REV	CI	INS	HC	IND
PRINCIPAL USES (§ 27-305)														
RESIDENTIAL USES [§ 27-305 PARAGRAPH (A)]														
Community Residence, Group Home	R	R	R	R	R	R	R		R					SE
Community Residence, Sober Living Facility/Recovery House			SE	R		R	SE	R	R				R	SE
Dwelling, Multi-Family, Apartment			R	R	R	R	R	R	R	R				SE
Dwelling, Multi-Family Conversion	SE	SE	R	R	R	R	R		SE					SE
Dwelling, Single Family Detached	R	R	R	R	R	R	R		R					SE
Dwelling, Single Family Semi-Detached, Duplex	SE	SE	R	R	R	R	R		R					SE
Dwelling, Single Family Semi-Attached, Townhouse			R	R	R	R	R		R	R				SE
Dwelling, Staff Housing			R	R	R		R			R		R	R	SE
Dwelling, Student Housing			SE	SE	SE		SE		SE	R		R		SE
Dwelling, Student Housing, Institutional			SE	SE	SE		SE		SE	R		R		SE
Manufactured Home	SE	SE	SE	SE			SE							
Manufactured Home Community			SE				SE							
LODGING USES [§ 27-305 PARAGRAPH (B)]														
Bed and Breakfast		R	SE	R	R	R	SE	R	R					
Community Residence, Halfway House				SE	SE									
Hotel						R		R	R	R				SE
Inn				R	R	R		R	R				R	SE
Motel			SE			R	SE	R						

R = Permitted by Right SE = Permitted by Special Exception Blank Cell = Use Not Permitted in Specified District(s)	MAPPED ZONING DISTRICTS													
	R-1	R-1A	R-2	NC-1	NC-2	NC-3	NC-4	GC	OT	REV	CI	INS	HC	IND
Rooming House / Boardinghouse				SE		SE			SE					
Vacation Rental		R			R	R		R	R					
Temporary Shelter Facility				SE					SE					
CIVIC AND INSTITUTIONAL USES [§ 27-305 PARAGRAPH (C)]														
Assembly, Neighborhood		SE		SE		SE		R	R		R	R		
Cemetery								R			R	R		
Government Facility		SE	SE	SE	SE	SE		SE	R		R	R		
Hospital								SE					R	
Library/Museum				R	R	R	R	R	R	R		R		
Places of Worship			R	R	R	R		R	R			R		
Police/Fire/EMS	R	R	R	R	R	R	R	R	R	R	R	R	R	R
School, Public or Private							R					R		
Stadium/Arena												R		
FORESTRY AND OPEN SPACE USES [§ 27-305 PARAGRAPH (D)]														
Forestry	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Recreation Facility, Commercial or Private							R	R			R	R		R
Recreation Facility, Public			R				R	R			R	R		R
Shooting Range, Indoor								R						R
COMMERCIAL USES [§ 27-305 PARAGRAPH (E)]														
Adult Day Care Center													R	
Adult Establishments														SE
Assisted Living Facility						SE		SE					R	
Automobile / Truck Repair Garage								R						R
Automobile Car Wash								R						R
Automobile Fueling Service								R						R

R = Permitted by Right SE = Permitted by Special Exception Blank Cell = Use Not Permitted in Specified District(s)	MAPPED ZONING DISTRICTS													
	R-1	R-1A	R-2	NC-1	NC-2	NC-3	NC-4	GC	OT	REV	CI	INS	HC	IND
Betting Use, Large														SE
Betting Use, Small				SE				SE	SE	SE				
Brew Pub				SE	R	R		R	R	R				
Child Care Center				R		R		R	R					
Commercial Equipment and Supply								R						R
Community Service				R	R	R	R	R	R	R				
Convenience Store							SE	R	R	R				
Drinking Place				SE	R	SE		R	R	R				
Eating Place w/Drive-Thru								R	SE					
Eating Place w/o Drive-Thru				SE	R	SE	SE	R	R	R				
Electronic Cigarette / Vaporizer Store / Smoking Places								R						
Event Venue		SE		R	R	R	SE	R	R	R		R		R
Farmers Market								R	R	R	R	R	R	R
Family Child Care Home						R	SE	R	SE					
Funeral Home				R		R	SE	R	R					
General Commercial Service Uses				R	R	R	SE	R	R	R				
Grocery Store								R	R	R				
Group Child Care Home				SE				SE	SE					
Kennel														R
Long-Term Care Facility							SE		R	R			R	
Massage Establishment				R	R	R	SE	R	R					
Medical Clinic				R		R	SE	R	SE	SE			R	
Medical Marijuana Dispensary								R	SE					

R = Permitted by Right SE = Permitted by Special Exception Blank Cell = Use Not Permitted in Specified District(s)	MAPPED ZONING DISTRICTS													
	R-1	R-1A	R-2	NC-1	NC-2	NC-3	NC-4	GC	OT	REV	CI	INS	HC	IND
Methadone / Suboxone Treatment Facility				SE		SE		SE						
Microbrewery / Microdistillery / Microwinery				SE	R	R		R	R	SE				R
Office Uses			SE	R	R	R	SE	R	R	R		R	R	
Outdoor Sales								R						R
Pawn Shop/Check Cashing Establishment					R	SE		R	R					
Private Club				R	R	R		R	R					
Public Market							SE	R	R	R				
Self-Storage Facility														R
Tattoo/Piercing Parlor				SE	R	R		R	R	R				
Tour Operator				SE	SE	SE	SE	SE	SE	SE	R	SE		SE
INFRASTRUCTURE USES [§ 27-305 PARAGRAPH (F)]														
Parking Structure								SE	SE	SE		SE	SE	SE
Principal Solar Energy Systems (PSES)														R
Transportation and Essential Services				R	R	R	R	R	R	R	R	R	R	R
Wireless Communications Facilities, Small Wireless Communications Inside the Public Rights-of-Way	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Wireless Communications Facilities, Small Wireless Communications Outside the Public Rights-of-Way											SE	R	R	R
Wireless Communications Facilities, Tower-Based														SE

R = Permitted by Right SE = Permitted by Special Exception Blank Cell = Use Not Permitted in Specified District(s)	MAPPED ZONING DISTRICTS													
	R-1	R-1A	R-2	NC-1	NC-2	NC-3	NC-4	GC	OT	REV	CI	INS	HC	IND
INDUSTRIAL USES [§ 27-305 PARAGRAPH (G)]														
Automotive Dismantler and Recycler														SE
Brewery, Distillery, Winery														R
Craftsman Industrial								R						R
Junkyards														SE
Manufacturing														R
Medical Marijuana Grower / Processor Facility														R
Outdoor Storage Yard														R
Truck Terminal														SE
Truck Trailer Parking														SE
Warehouse/Distribution														R
Yard Waste Composting Facility														R
ACCESSORY USES [§ 27-306]														
Accessory Dwelling Unit	SE	R	R	R	R	R	SE		R					
Child Care Center (as an Accessory Use to a Residential Use)	R	R	R	R	R	R	R							
Heliport/Vertiport														SE
Helistop													SE	SE
Home Occupation	SE	SE	SE	SE	SE	SE	SE		SE	SE				
No-Impact Home-Based Business	SE	SE	SE	SE	SE	SE	SE		SE	SE				
Parking, Commercial Use Only				R	R	R		R	R	R	R	R	R	R
TEMPORARY USES (§ 27-307)														
Temporary Outdoor Event	SE	SE	SE	R	R	R	R	R	R	R	R	R	R	R
EXTENDED BUILDING HEIGHT (§ 27-308)														
Extended Height Building										SE				

§ 27-305 Principal Uses

(A) Residential Uses. A category of Uses for residential accommodations.

1. Community Residence, Group Home. A residential facility, also sometimes referred to as a “community living arrangement,” licensed by the Commonwealth of Pennsylvania, that provides a home for not more than ten (10) persons with a disability, as defined by the Fair Housing Amendments Act, 42 U.S.C. §§ 3601 *et seq.*, or elderly individuals, excluding staff who do not reside on the property, who live and cook together as a single housekeeping unit. This definition shall not include a facility housing persons released from or under the jurisdiction of a government bureau of corrections or similar institution. This definition does not include persons occupying a hotel, dormitory, lodge, halfway house, sober living facility/community residence, boarding house or institution. A Group Home shall be a stable living environment which anticipates, contemplates, expects, and projects that occupants thereof shall reside in the group home for a term of not less than one (1) year in duration. The following supplemental Use regulations shall apply:
 - a. In a narrative form, a statement of the proposed use, including its location, number of residents, name, telephone number, and contact person of the sponsoring agency.
 - b. A statement that all required approvals, permits, and licenses have been granted from the Federal, State, and County governments or other public agencies.
 - c. Accommodations in a Group Home shall be provided for no more than the maximum number of occupants or residents as permitted by the applicable Building code, fire code, and any other similar code that sets forth a maximum occupancy limit for a dwelling or Building. Applications for a group home shall specify the maximum number of residents or occupants to be housed or cared for at the facility.
 - d. The Group Home shall comply with all zoning regulations in the district in which the Group Home is located. If the Group Home is within a residential district, the building shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition and character to the other residential structures in the area. No exterior signs or other features visible from the exterior shall identify the type of use.
 - e. The Group Home shall maintain a similar appearance, condition, and character to the existing dwellings in the immediate vicinity of the Group Home.
 - f. Occupants of the Group Home facilities shall live as a single housekeeping unit.
 - g. Group Home facilities shall have twenty-four (24) hour-per-day on-site supervision by qualified staff.
 - h. Off-Street parking areas of more than four (4) spaces shall be buffered from adjacent existing single-family dwellings by a planting screen suitably planted with trees and shrubs and maintained at all times.
 - i. Under no circumstances shall any uses qualifying for or falling under the definition of halfway house or Sober Living Facility/Recovery House/recovery house be considered a Group Home.

2. Community Residence, Sober Living Facility/Recovery House. A residential facility used by four (4) or more individuals residing together voluntarily or by court requirement to recover from drug, alcohol, and/or substance abuse and that does not include the current illegal use of or addition to a controlled substance as defined in 21 U.S. Code §802. Such facilities must also serve as a transitional environment between rehabilitation facilities and reintegration into their future lives. This definition shall include sober houses, recovery houses, or sober living environments, but are not required to be licensed by Pennsylvania Department of Drug and Alcohol Programs. This term specifically excludes individuals and groups occupying: a boarding or rooming house, a lodging house; a club; a group home; a fraternity; a hotel; or a similar living environment. The following supplemental Use regulations shall apply.
 - a. Registration with the Commonwealth and compliance with all regulations for licensure or certification as promulgated by the Department of Drug and Alcohol Programs in accordance with 71 P.S. § 613.13, as amended, or such other commonwealth agency or department as authorized by law. In the event that the Sober Living Facility/Recovery House is not registered and is not required to be licensed or certified by the Commonwealth, then the Sober Living Facility/Recovery House shall provide either:
 - (1) Documentation that it would comply if subject to licensure and certification; or
 - (2) Documentation that the Sober Living Facility/Recovery House is a member in good standing and in compliance with all rules and/or regulations of a recognized countywide, statewide, or nationwide Association of Recovery Homes or equivalent professional accrediting organization.
 - b. Prior to issuance of a Certificate of Occupancy by the Building Code Official, proof of licensure must be provided to the Zoning Officer. Additionally, and annually on January 31st of each year thereafter each operator must provide similar proof of Commonwealth registration and compliance or continued status as a member in good standing and in compliance with all the rules and/or regulations of a recognized county, state, or national professional association.
 - c. Residents of a Sober Living Facility/Recovery House shall maintain a single housekeeping unit with shared use of living areas, eating areas, bathrooms, food preparation, and serving areas and shall share mealtimes and housekeeping responsibilities.
 - d. A Sober Living Facility/Recovery House shall be directly affiliated with a parent institution or organization who shall provide full-time supervision and administration to the residents of the house.
 - e. Property shall be served by public water and public sewer.
 - f. Accommodations in a Sober Living Facility/Recovery House shall be provided for no more than the maximum number of occupants or residents as permitted by the applicable Building code, fire code, and any other similar code that sets forth a maximum occupancy limit for a dwelling or Building. Applications for a Sober Living Facility/Recovery House shall specify the maximum number of residents or occupants to be housed or cared for at the facility.

- g. Off-Street parking must be adequate to accommodate the needs of the residents and staff of the Sober Living Facility/Recovery House. Parking shall be provided in accordance with the § 27-412 of this Chapter.
 - h. A Sober Living Facility/Recovery House shall not alter the essential character of the neighborhood or zoning district in which it is located.
 - i. A minimum of four hundred (400) square feet of outdoor Open Space shall be provided per each resident.
 - j. In addition to the Special Exception review requirements specified under § 27-118 of this Chapter, each Special Exception application shall be accompanied with a statement describing the following:
 - (1) The nature and character of the Sober Living Facility/Recovery House;
 - (2) The policies and the goals of the Sober Living Facility/Recovery House;
 - (3) The management and administration structure;
 - (4) The history of the parent institution and the characteristics of the residents, along with the number of residents to be served; and
 - (5) All other facts relevant to the operation of the Sober Living Facility/Recovery House.
3. Dwelling Unit. One (1) or more rooms, with separate cooking and bath facilities, used or designed for use by one (1) or more persons maintaining a common household, with access directly from outdoors or through a common entrance. The following are permitted Dwelling Unit types:
- a. Multi-Family Dwelling, Apartment. A Building used by three (3) or more families living independently of each other, with their own cooking and bath facilities, including apartment houses and Condominiums. The following supplemental Use regulations apply:
 - (1) Property shall be served by public water and public sewer.
 - (2) A landscaping plan for the entire parcel shall be required. A landscape architect licensed by the Commonwealth of Pennsylvania shall be retained to complete such a plan to ensure the proper species, use, and arrangement of plant materials. All areas of the development not covered by impervious surfaces shall be landscaped and maintained with suitable ground cover and plants. Existing vegetation is encouraged to be preserved for landscaping purposes.
 - (3) The minimum separation between multi-family buildings shall be twenty (20) feet.
 - (4) All multifamily buildings shall be designed to provide complex massing configurations with a variety of different wall planes and roof planes. Plain, monolithic structures with long, monotonous, unbroken wall and roof surfaces of fifty (50) feet or more are prohibited. At least every fifty (50)

linear feet, wall and roof planes shall contain offsets or setbacks with a differential in horizontal plane of at least four (4) feet.

(5) Multi-family Dwelling Accessory Buildings.

(a) Detached garages and other accessory Structures, including, but not limited to, grouped mailboxes, storage and maintenance facilities, recreational facilities, picnic shelters, and gazebos, shall incorporate compatible materials and scale as the primary multifamily buildings, except that flat and shed roofs are prohibited.

(b) Rear walls of detached garages and other accessory Structures as specified above that back onto the Street shall be articulated through the use of windows, trellises, or a variety of roof planes.

(6) Adaptive Reuse. The following requirements shall also apply for reusing a Building initially constructed and occupied for a nonresidential use:

(a) The Building must be located within a Zoning District that permits residential housing.

(b) The foregoing standards for multiple-family dwellings in this section shall apply, except that the number of dwelling units per Building shall be permitted not to exceed the maximum permitted density set forth in controlling zoning district(s).

(c) A swimming pool, fitness center, or other indoor or outdoor areas of active or passive recreation shall be provided on the property.

b. Multi-Family Conversion. An existing Single-Family Detached Dwelling that has been converted or shall be converted to individual dwellings for two (2) or more families without substantially altering the exterior of the Building. The following supplemental Use regulations shall apply:

(1) Minimum apartment size shall conform to the following scale:

(a)	<u>Number of Bedrooms</u>	<u>Usable Living Area</u>
	1	500 Square Feet
	2	650 Square Feet
	3	850 Square Feet

(2) Only existing, single-family detached dwellings may be converted for conversion apartment Use.

(3) A maximum of four (4) units may be created by the conversion of a single-family detached Structure.

c. Single-Family Detached Dwelling. A Building used by one (1) Family, having only (1) Dwelling Unit and surrounded by Open Space or yards and which is not attached to any other Building by any means. Only one (1) Single-Family Detached Dwelling shall be permitted for each legally subdivided Building parcel.

- d. Single-Family Semi-Detached, Duplex. One of two (2) Buildings arranged or designed as a Dwelling, located on abutting Lots and separated from each other by a solid partition—without openings—extending from the Basement floor to the highest point of the Roof along the dividing parcel line and separated from any other Building or Structures by space on all sides.

- e. Single-Family Semi-Attached, Townhouse. A Single-Family Attached Dwelling unit in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each is separated from any other unit by one (1) or more vertical common fire-resistant walls. The following supplemental Use regulations shall apply:
 - (1) Maximum number of continuous attached dwelling units: Seven (7).

 - (2) Variety in Design. Developments of more than forty (40) dwelling units should include a variety of complimentary designs and colors between buildings or clusters of buildings to avoid extreme repetition. Extreme design and color variations on different parts of the same building are discouraged. Variation in rooflines of structures is strongly encouraged.

 - (3) Changes in Facade. For every attached grouping of four (4) or more townhouses, a minimum of two changes in the front wall plane shall be provided. Such a change shall involve a minimum variation or offset of four (4) feet. This requirement may be met by differing setbacks between an attached garage and a dwelling, or differing setbacks among different dwellings, or differing setbacks along the front of a dwelling.

 - (4) Buffer Yard. A ten (10) foot-wide buffer yard with screening shall be provided by the developer of the townhouses or low-rise apartments between any townhouse or low-rise apartment principal buildings and any of the following features that are at least partially within one hundred (100) feet of such buildings:
 - (a) Any abutting existing Single-family Detached Dwelling;
 - (b) The Right-of-Way of an expressway; or
 - (c) The Right-of-Way of an Arterial Street that abuts the rear of townhouse units.

 - (5) To avoid incompatible structures in a higher-density environment, townhouse developers are strongly encouraged to establish deed restrictions or Homeowners' Association regulations controlling the general types and materials of attached decks, fences and accessory structures that may be added or constructed in the future.

 - (6) Minimum Width of Townhouses. Each townhouse dwelling unit shall have a minimum width of eighteen (18) feet, except that the minimum width shall be twenty-four (24) feet for any townhouse that:
 - (a) Has two (2) or more off-street parking spaces located within twenty (20) feet of the front of the townhouse.

- (b) Has garage door(s) for two (2) or more motor vehicles facing onto a Street.
- (7) Minimum Private Area.
- (a) For each townhouse, there shall be a yard, balcony, patio or other outdoor area other than a driveway immediately adjacent to the front, back or side of each dwelling of not less than two hundred (200) square feet for the exclusive use of the occupants of that dwelling. If townhouses are subdivided into individual lots, the minimum lot area shall be the building footprint plus these two hundred (200) square feet.
 - (b) Design measures shall be used to seek an appropriate level of privacy in any rear yards. Such measures might include landscape screening, compatible fencing or earthen berming. The intent is to avoid the placement of incompatible fencing by individual lot owners in the future.
 - (c) Storage. If the maintenance of grass yards in front of or behind a townhouse were the responsibility of an individual homeowner, a small storage area suitable for storing lawn maintenance equipment shall be provided with appropriate outside access.
- (8) Architectural Renderings. Preliminary architectural renderings, models or photos are required for any garden apartment or townhouse development of more than fifteen (15) units. Such information shall be provided to the Planning Commission for an advisory review but shall not be the basis for any approval or denial by the Borough.
- (9) Paved Area Setback. All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, of principal buildings approved after the adoption of this chapter shall be set back a minimum of eight feet from any dwelling.
- (10) Garages. It is strongly recommended that all townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
- (11) Mailboxes. Any mailboxes provided within the future Street Right-of-Way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are discouraged.
- (12) Access. Vehicular access points onto all Arterial and Collector Streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of five or more dwelling units shall have its own driveway entering onto an arterial street.

- (13) Utilities. Both public sewage and public water service shall be provided to each dwelling unit. All utilities within the development, including cable television, shall be placed underground.
- f. Staff Housing. Housing for bona-fide full-time employees of a college, university, seminary, or health-care facility.
- g. Student Housing. A multifamily Dwelling with rooms for rental to students. The owner, or person responsible, 21 years of age or over, shall live on the premises.
- (1) Fraternity. A form of student housing in which a group of male students, formally organized under a charter from a national or local Greek organization, holds regular meetings and has formal membership requirements. This form of student housing contains sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity members and their guests and is affiliated with a college or like-type institution of higher learning.
- (2) Sorority. A form of student housing in which a group of female students, formally organized under a charter from a national or local Greek organization, holds regular meetings and has formal membership requirements. This form of student housing contains sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for sorority members and their guests and is affiliated with a college or like-type institution of higher learning.
- h. Student Housing, Institutional. A Dwelling in accordance with § 27-1524: Additional Requirements for Certain Specific Principal Uses , § 27-1524(2)(II)(1), that is owned or managed by a public or private educational institution or school for academic instruction, with rooms for use by students, such as a dormitory, sorority or fraternity, whether located on-campus or off-campus.
4. Manufactured Home. Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Manufactured homes placed on fee-simple Lots shall be considered Single Family Detached Dwellings and be bound by the requirements there-imposed. The following supplemental Use regulations shall apply to a Manufactured Home placed on a single fee-simple lot or as part of a Manufactured Home Community.
- a. Shall be constructed in accordance with Manufactured Home Safety and Construction Standards of the United States Department of Housing and Urban Development.
- b. Shall have a site graded to provide a level, stable and well-drained area.
- c. Shall have wheels, axles and hitch mechanisms removed.
- d. Foundation. The Manufactured Home shall be securely attached to the ground in such a way as to prevent overturning, shifting or uneven settling of the home. This shall involve the following method, unless the applicant proves to the satisfaction of the Zoning Officer that another method will be used that is recommended by

the manufacturer of the home or by the manufactured housing industry or is specified by the Pennsylvania Uniform Construction Code:

- e. The foundation system shall consist of ten-inch diameter concrete piers, concrete footing perpendicular to the main longitudinal frame, or equivalent and shall be installed from ground level to below the frost line (36 inches minimum). This foundation system shall be placed on eight-foot centers (unless another length is specified by the manufacturer) along each of the two main longitudinal frames for each section of the home, with no more than three (3) feet of overhang at each end of the section. The Borough Building Inspector may approve other appropriate equivalent foundation methods, such as concrete trench piers placed perpendicular to the main longitudinal frame or concrete slabs under the entire home footprint.
- f. One-half-inch (1/2) diameter by twelve (12) inches long eyebolts, u-shaped bars or equivalent metal bars shall be cast in place at each corner and at two midpoints in the concrete piers, concrete footing, slab or equivalent. Concrete blocks shall be used to support the home on the foundation system, and wood shims may be used for final leveling. The concrete support blocks shall not be wider than the support foundation.
- g. Shall be securely anchored or tied down with cable and turn buckles or equivalent connecting the frame to the cast-in-place eyebolts on at least four (4) corners and two (2) midpoints. The tie-down shall also be in accordance with the manufacturer's recommendations furnished with each home.
- h. Shall not be placed more than four (4) feet above the supporting ground area.
- i. Shall be enclosed from the bottom of the home to the ground or stand using either:
 - (1) Industry-approved skirting material compatible with the home; or
 - (2) If a slab foundation is used, masonry walls underneath the home with soil backfill to result in the surrounding ground level to be flush or one normal step in height below the first-floor elevation. If this alternative is used, a service access area through the masonry wall shall be installed.
- j. Shall have a pitched instead of a flat roof.
- k. Shall be located with the longest side facing the public Street.
- 5. Manufactured Home Community. A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more manufactured homes for non-transient residential use. The individual manufactured homes may be individually owned. A development of manufactured homes that is subdivided into individual Lots shall be regulated in the same manner as a subdivision of site-built homes and shall not be considered to be a "Manufactured Home Community." The following supplemental Use regulations apply:
 - a. A Manufactured Home Community shall comply with all of the provisions of the Code of Ordinances, Borough of Gettysburg, Chapter 22 Subdivision and Land Development, including the submission, approval and improvements provisions, and other provisions.
 - b. The placement of each manufactured home unit shall require a Building permit.

(B) Lodging Uses. A category of Uses for overnight accommodations.

1. Bed and Breakfast. The use of a Single-family Detached Dwelling and/or accessory Structure which includes the rental of transient lodging accommodations and bathroom access, with a maximum of ten (10) rooms, which does not provide any cooking facilities or the provision of meals for guests other than breakfast, and which use is operated by a person or persons who maintain a permanent residency on or at the property, parcel or Lot where the use is conducted. The following supplemental Use regulations apply:
 - a. The use shall have a residential appearance and character and shall not alter the residential nature of the neighborhood and/or the residential character of district.
 - b. Kitchen facilities shall comply with 7 PA Code Ordinance 46, Pennsylvania Food Code, as administered by the Pennsylvania Department of Agriculture or its successor agency.
 - c. Access to guestrooms shall be via a main entrance, lobby, or foyer within the Building. No guestroom shall have separate exterior access, except as may be required by applicable fire or Building codes.
 - d. No employees who are not otherwise eligible to be a member of the same household with the Owner of the Bed and Breakfast may live on-site.
 - e. The off-street parking spaces for the Bed and Breakfast shall be located:
 - (1) To the rear of the principal building;
 - (2) Screened from the Street and abutting dwellings by evergreen screening; or
 - (3) On another Lot within the requirements of § 27-412, Parking, Loading, and Unloading Standards.
 - f. At least one (1) full bathroom shall be provided for every four (4) sleeping rooms.
 - g. The use shall be operated by permanent residents of the subject property.
 - h. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted by the district regulations.
 - i. The use of any amenities provided by the bed-and-breakfast, such as a swimming pool or tennis court, shall be restricted in use to the clientele and permanent residents of the establishment and their occasional invited guests, unless commercial recreation is also permitted by the district regulations.
 - j. Any required exterior improvements to the building, such as those required to meet applicable fire safety requirements, shall be located to the rear of the building and shall not detract from the residential character of the building.
 - k. The operator of a bed-and-breakfast use must demonstrate registration with the Adams County Treasurer's Office in compliance with County Ordinance No. 2 of 2018, as amended, for the payment of hotel room rental tax.

2. Community Residence, Halfway House. A dwelling occupied by not more than eight (8) transitionally institutionalized individuals that are inmates in prerelease status or inmates granted parole by the Pennsylvania Board of Probation and Parole who need specialized housing, treatment and/or counseling that provides supervised housing as an alternative to imprisonment, including but not limited to pre-release, work-release, probationary programs, or active criminal rehabilitation for the supervision of who have violated the law and who are sent to a halfway house upon release from, or in lieu of being sent to, a penal institution or juvenile detention center. The following supplemental Use regulations shall apply.
- a. A halfway house must be licensed where required by an appropriate government agency (agencies) and shall comply with all applicable rules and regulations of the licensing body (bodies). A copy of any required license must be delivered to the Borough before beginning the use.
 - b. A halfway house shall be directly affiliated with a parent institution or organization that shall provide full-time supervision and administration to the residents of the house.
 - c. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
 - d. The residents of the halfway house shall reside on-premises to benefit from the services provided.
 - e. Property shall be served by public water and public sewer.
 - f. The halfway house shall not be located within 1,000 feet of any religious structure, public recreation facility, school facility, daycare center, or public library.
 - g. The halfway house shall not be located with 1,000 feet from another halfway house.
 - h. A minimum of four hundred (400) square feet of outdoor Open Space shall be provided per each resident.
 - i. In addition to the Special Exception review requirements specified under § 27-118 of this Chapter, each application shall be accompanied by a statement describing the following:
 - (1) The character of the halfway house;
 - (2) The policies and goals of the halfway house and the means proposed to accomplish those goals;
 - (3) The characteristics of the residents and the number of residents to be served;
 - (4) The operating methods and procedures to be used; and
 - (5) Any other facts relevant to the proposed operation of the halfway house.

- j. Any Special Exception granted for the halfway house shall be bound to the type and number of offenders listed on the application. Any change in the type or number of offenders being housed shall require a new Special Exception.
3. Hotel. A Building consisting of individual rooms designed and used primarily for transient lodging, where such lodging is provided for compensation (with or without meals), in which provisions for cooking are generally not made in individual rooms or suites, and where individual rooms or suites are accessed from hallways internal to the building. Any such use that customarily involves the housing of persons for periods of time longer than thirty (30) days shall be considered a "Boarding House" and shall meet the requirements of that use as set forth herein. See also a Bed and Breakfast use as defined herein. A Hotel may include a restaurant, convention center/meeting rooms, nightclub, newsstand or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations. The following supplemental Use regulations apply:
- a. Minimum Lot Size. 10,000 square feet.
 - b. Recreational facilities limited to guests of the use.
 - c. A private lobby shall be included.
 - d. Rooms shall be accessed from the interior of the Building, including from interior courtyards, lobbies, or halls.
 - e. The operator of a Motel must demonstrate registration with the Adams County Treasurer's Office in compliance with County Ordinance No. 2 of 2018, as may be amended, for the payment of hotel room rental tax.
4. Inn. A public accommodation that may or may not consist of a private dwelling, which contains twenty (20) or fewer bedrooms, used for providing transient lodging accommodations and which does not provide any cooking facilities for guests. A public accommodation that may or may not consist of a private dwelling, which contains twenty (20) or fewer bedrooms, used for providing transient lodging accommodations and which does not provide any cooking facilities for guests. The following supplemental Use regulations shall apply:
- a. The off-street parking spaces for an Inn use shall be:
 - (1) Located to the rear of the principal Building;
 - (2) Screened from the Street and abutting dwellings by evergreen screening;
or
 - (3) On another Parcel consistent with the requirements of § 27-412, Parking, Loading, and Unloading.
 - b. At least one (1) full bathroom shall be provided for every four (4) sleeping rooms.
 - c. The Use shall have a residential appearance and character.
 - d. The Use shall be operated by a person or persons who maintain a permanent residency on or at the property, parcel or Parcel where the use is conducted or who reside within a ten (10) mile radius of the facility, or alternatively, the Inn shall

provide on-site staff and employee presence at all times when guests are present at the facility.

- e. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted by the district regulations.
 - f. The use of any amenities provided by the Inn, such as food service or meeting rooms, may be provided to the public if those or similar commercial uses, as determined by the Zoning Officer, are also permitted in the underlying zoning district.
 - g. Any required exterior improvements to the building, such as those required to meet applicable fire safety requirements, shall be located to the rear of the building and shall not detract from the residential character of the building.
 - h. The operator of an Inn must demonstrate registration with the Adams County Treasurer's Office in compliance with County Ordinance No. 2 of 2018, as may be amended, for the payment of hotel room rental tax.
5. Motel. A Building or group of Buildings, whether detached or in connected units, containing individual rooms designed and used primarily for transient lodging, together with accessory off-Street parking facilities, and where such individual rooms are accessed from the sidewalks or walkways on the exterior of the building. Any such use that customarily involves the housing of persons for periods of time longer than thirty (30) days shall be considered a "Boarding House" and shall meet the requirements of that use as set forth herein. See also Bed and Breakfast use as defined herein. A Motel may include a restaurant, nightclub, newsstand or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations. The following supplemental Use regulations shall apply:
- a. Minimum Lot Size. 10,000 square feet.
 - b. Recreational facilities limited to guests of the use.
 - c. A private lobby shall be included.
 - d. Individual rooms shall be accessed from the sidewalks or walkways on the exterior of the Building.
 - e. The operator of a Motel must demonstrate registration with the Adams County Treasurer's Office in compliance with County Ordinance No. 2 of 2018, as may be amended, for the payment of hotel room rental tax.
6. Rooming House (or) Boardinghouse. A residential use in which:
- a. Individual rooms that do not meet the definition herein of a dwelling unit are rented for habitation by a total of one (1) or more persons.
 - b. A Dwelling unit that includes more than the permitted maximum number of unrelated persons. A boardinghouse shall not include a use that meets the definition of an Adult Day Care Center, Bed and Breakfast, Hotel, Assisted Living Facility, Group Home, Hotel, Motel, and Student Housing as defined herein. A Rooming House/Boardinghouse may either involve or not involve the providing of meals to

residents. This use shall only involve renting living accommodations for minimum periods of thirty (30) consecutive days. The following supplemental Use regulations shall apply.

- (1) Minimum Lot Size. 20,000 square feet.
 - (2) Minimum Front Yard Setback. 25 feet. Minimum setback from all other Lot lines shall be forty (40) feet.
 - (3) Minimum Parcel Width. 125 feet.
 - (4) Density. A minimum of 2,000 square feet of Lot area per sleeping room or rental unit, whichever is more restrictive.
 - (5) Each sleeping room shall be limited to two (2) persons each. A minimum of one (1) full bathroom shall be provided for every four (4) sleeping rooms.
 - (6) A fifteen (15) foot wide buffer yard with screening meeting § 27-416, Screens and Buffers shall be provided between any Rooming House/Boardinghouse building and any abutting single-family detached dwelling that is within one hundred (100) feet of the proposed Rooming House/Boardinghouse Building.
 - (7) Interior space: a minimum of two hundred fifty (250) square feet of interior floor area per resident.
 - (8) Maximum Number of Residents. Twenty (20).
 - (9) See also standards for personal care homes, which are a separate use.
 - (10) Signs shall be limited to one (1) wall sign with a maximum of two (2) square feet per side.
 - (11) Rooms shall be rented for a minimum period of thirty (30) consecutive days.
7. Vacation Rental. The principal Use of a Building where, for compensation and where the Dwelling Unit is not concurrently occupied by the operator of the use Short Term Lodging is provided for transient guests and meals are not provided. The following Use regulations shall apply:
- a. The operator of a vacation rental use shall, at all times while the property is being used as a Vacation Rental, maintain a contact person/entity on record with the Borough within a fifteen (15) minute drive of the property. The contact person or entity must be available via telephone twenty-four (24) hours per day, seven (7) days per week, to respond to complaints regarding vacation rental use.
 - b. A written notice shall be conspicuously posted inside each vacation rental unit setting forth the name, address and telephone number of the contact person required herein. The notice shall also set forth the address of the vacation rental use, the maximum number of vehicles permitted to park on-site, and the day(s) established for garbage collection.

- c. Only one (1) rental booking shall occur per dwelling unit per night. Multiple separate overnight accommodations in a single dwelling shall be prohibited.
 - d. Food, drink, or meals shall not be provided for compensation.
 - e. On-site advertising of a vacation rental use shall be limited to one sign with a maximum size of four (4) square feet.
 - f. Any required exterior improvements to the building, such as those required to meet applicable fire safety requirements, shall be located to the rear of the building and shall not detract from the residential character of the building.
 - g. The operator of a vacation rental use must demonstrate registration with the Adams County Treasurer's Office in compliance with County Ordinance No. 2 of 2018, as may be amended, for the payment of Hotel Room Rental Tax.
8. Temporary Shelter Facility. A facility providing temporary, emergency housing, and social, health, and related services for families and/or individuals eighteen (18) years of age or older, who are without resources and access to shelter. The following supplement Use regulations shall apply:
- a. The maximum number of residents of the lodging shall be based upon a ratio of one (1) person for every fifty (50) square feet of interior space devoted to sleeping area, not to exceed one hundred (100) residents total.
 - b. The facility shall have staffing on-site during all hours of operation.
 - c. At least one toilet and shower shall be provided for every fifteen (15) shelter beds.
 - d. New Temporary Shelter facilities shall not be located within two thousand (2,000) feet of another Temporary Shelter, Group Home, Residential Board and Care Home, Rooming House/Boarding House, Medical Clinic, Hospital, School, or Park.
 - e. The Temporary Shelter facility shall be open to the individuals it serves for twenty-four (24) hours per day, including the provision of an indoor waiting area for Use by individuals when a portion of the facility is not open for operation. Lodging shall be provided on a reservation or referral basis so that clients shall not be required or allowed to queue for services outdoors.
 - f. All functions associated with the Temporary Shelter facility, except for children's play areas, outdoor recreation areas, and parking shall take place within the Building housing the shelter.
- (C) Civic and Institutional Uses. A category of Uses related to fulfilling the needs of day-to-day community life including assembly, public services, educational facilities, and Hospitals.
- 1. Assembly, Neighborhood. Facility that has organized meetings, or programs to benefit, educate, or promote discourse amongst the residents of the community in a public or private setting. Includes such uses as community centers, auditoriums, civic centers, convention centers, performing arts facilities, and recreation centers. This use shall not include and, by this definition specifically excludes Event Venues. The following supplemental Use regulations apply:

- a. The use shall occupy a Building with ten thousand (10,000) square feet or less GFA.
 - b. A forty (40) foot buffer yard shall completely separate the structure and all off-Street parking areas from any Lot line of any residential use or undeveloped residentially zoned Lot.
 - c. The Use shall have a minimum Lot size of one (1) acre for each one hundred and fifty (150) persons of capacity.
 - d. Any such use that allows the consumption of alcohol and that has a capacity of two hundred fifty (250) or more persons shall be set back a minimum of three hundred (300) feet from any residential Lot line.
2. Cemetery. Land used or intended to be used for the burial or resting place of the deceased. The following Use regulations shall apply:
- a. All burial plots or structures shall be located at least twenty (20) feet from any property line or Street line.
 - b. Documentation shall be provided that water supplies of surrounding properties shall not be contaminated by burial activity within the proposed cemetery.
 - c. No burial plots or facilities are permitted in the 100-year flood zone.
3. Government Facility. A single-purpose public facility used for civic functions, which includes a place for public assembly in a portion of the facility, for the executive, legislative, or judicial branches of the State or a political subdivision thereof. Includes Borough Hall, Board of Supervisors chambers, Federal facilities and courts. Does not include office Buildings occupied by a government entity that are also utilized by private or non-governmental occupants.
4. Hospital. A Pennsylvania Department of Health-licensed institution providing medical care and health services to the community, primarily ill or injured patients. These services may be located in one Building or clustered in several Buildings, one of which shall provide emergency services, and may include additional hospital-affiliated Accessory Uses such as laboratories, in- and out-patient facilities, training facilities, medical offices, staff sleeping quarters (but not full-time residences), food service, heliports, pharmacies, laundry facilities, florists, vendors of medical equipment, opticians, and gift shops. The following performance standards shall apply:
- a. The property shall front on an Arterial or Collector Street and shall be served by at least two (2) accessways or driveways with a minimum width of twenty (20) feet. One (1) of these accesses shall be from an arterial or collector Street. The second access may be limited to emergency vehicles.
 - b. Reasonable consideration shall be given to design methods that may be able to minimize serious noise conflicts from emergency sirens in the vicinity of a residential district.
 - c. Where more than one Building occupies a parcel, the interior Yard requirements specified under § 27-424 of this Chapter shall apply.

- d. Emergency entrances shall be located on a Building wall which faces away from adjoining residences or residential zones or is set back a minimum of five hundred (500) feet from the residences or residential zones.
 - e. The institution shall submit a copy of its emergency operations plan (EOP) to the Borough Emergency Management Agency or Coordinator. The EOP shall include detailed information regarding solid, medical and hazardous materials and waste handling including a listing of all medical and hazardous materials and wastes used and generated on site and evidence indicating the disposal of all materials and wastes shall be accomplished in a manner that compiles with State and Federal regulations.
 - f. Screening shall be provided in accordance with the standards specified in § 27-416 of this Chapter.
5. Library/Museum. A use open to the general public that houses educational, cultural, artistic, or Historic information, resources, and exhibits. Includes such uses as libraries, museums, aquariums, planetariums, and exhibitions. May also include such accessory uses including, but not limited to, theater space, food service, gift shop, and meeting rooms.
6. Places of Worship. Any Building used for the purposes by an established religious organization where such Building is primarily intended to be used as a place of worship. The term includes, but is not necessarily limited to church, temple, synagogue, and mosque. The following supplemental Use regulations shall apply:
- a. Minimum Lot Size. 30,000 square feet.
 - b. Weekly religious education rooms and meeting rooms are permitted accessory uses, provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the place of worship. A primary or secondary school and/or a child or adult day-care center are permitted on the same Lot as a place of worship as long as requirements for such uses are also met. Noncommercial buses used primarily to transport persons to and from religious services or a permitted school on the parcel may be parked on the parcel, provided that the minimum number of required parking spaces are not impacted.
 - c. One (1) dwelling unit may be accessory to a place of worship on the same parcel.
 - d. All Places of Worship shall have vehicular access to an Arterial or Collector Street.
 - e. All off-Street parking areas shall be in the rear yard, set back at least ten (10) feet from the closest property line and screened from adjoining properties.
 - f. The Use of any Building for religious worship is not regulated under this Chapter and is permitted by right in all districts.
 - g. Places of Worship may be used as temporary shelters for the indoor, overnight housing of people that are homeless. In no instance shall the grounds of a Place of Worship be used to establish temporary overnight housing in tents or other similar camping-style accommodations.
 - h. Places of Worship-Related Residences (Rectories and Convents).

- (1) All residential uses shall be accessory and located upon the same parcel or directly adjacent to a parcel containing a house of worship.
 - (2) All residential uses shall be governed by the location, Height and bulk standards imposed upon other residences within the underlying zoning district, except that any number of persons of a convent and/or seminary may share group quarters.
- i. Places of Worship-Related Cemeteries.
- (1) All burial plots or structures shall be located at least twenty (20) feet from any property line or Street line.
 - (2) No burial plots or facilities are permitted in the 100-year flood zone.
7. Police/Fire/EMS. A use from which public safety, and emergency operations and training services are delivered and may include storage space for emergency service vehicles. Training rooms, locker rooms, kitchens, and limited overnight accommodation may also be included within the facility.
8. School, Public or Private. Buildings, including grounds, where there are training facilities for the teaching of students or offering instruction in a classroom or organized basis for any branch of knowledge, including public, private, parochial, eleemosynary, vocational or any institution intended, that offers teaching instruction for pre-school, kindergarten through 12th grade, vocational educational training, and post-secondary education that grants associates, bachelors, masters, and/or doctoral degrees. The following supplemental Use regulations shall apply:
- a. For public schools, the Applicant shall meet all requirements of the Commonwealth of Pennsylvania Code, Title 25, Ordinance 171, Schools and State and Federal requirements for the construction, remodeling or alteration, or conversion of an existing property to an educational facility.
 - b. Minimum Lot Area. 30,000 square feet, unless a larger acreage is required by another section of this Chapter.
 - c. No children's play equipment, basketball courts or illuminated recreation facilities shall be within twenty-five (25) feet of a residential Lot line or residential district.
9. Stadium/Arena. A Building or Structure seating more than one thousand (1,000) spectators in tiered seating at sporting events, concerts, meetings, and gatherings of large groups. A stadium/arena may be in the open air or covered by either a fixed or retractable Roof. The following supplemental Use regulations apply:
- a. Major Entrances. A stadium/arena shall have multiple public entrances, including one major entrance on the Facade designated by the property Owner as the front setback. Such entrances shall be well-marked to cue access and Use through means of enhancement that may include but are not limited to architectural, landscape, or graphic treatments. Where possible, major entrances shall take advantage of prominent intersection locations.
 - b. School Stadium. A Stadium/Arena is a permitted Accessory Use to a School.

(D) Forestry and Open Space Uses. A category of Uses generally applicable to the use of the land and may not require Buildings or other facilities uses for forestry, and/or active or passive, public, or private, outdoor recreation, education, or entertainment.

1. Forestry. The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development. The following Use regulation shall apply:
 - a. To encourage maintenance and management of forested or wooded Open Space and promote the conduct of forestry as a sound and economically viable use of forested land and forestry activities, including, but not limited to timber harvesting, and to be in compliance with the MPC, as amended, Forestry shall be a permitted Use by right in all zoning districts as stipulated in Table 3.01, Table of Uses.
2. Recreation Facility, Commercial or Private. A privately-owned and operated indoor and/or outdoor facility used for arcade games, swimming, bowling, tennis club, rink, track, Alley, cage, course, field throwing, or other similar types of uses in which the patrons pay a fee and/or are members to participate in or view a recreational or entertainment physical activity, including activities which include motorized vehicles and the like.
3. Recreation Facility, Public. A facility owned by the Borough, or a public or quasi-public body designed for the preservation of historic or scenic property or recreational use by the general public. Public recreation facilities include Open Space and parks for public access, public parks, public gathering spaces, and Borough-owned recreation areas and playgrounds.
4. Shooting Range, Indoor. A commercial business where for a fee firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery crossbows, etc.) can be shot indoors for recreation, competition, skill development, training, or any combination thereof. May include Retail Sales. The following Use regulations shall apply:
 - a. The facility shall not be located within one hundred (100) feet of any residentially zoned property.
 - b. The facility shall have frontage and access to an Arterial or Collector Street.
 - c. The facility shall be designed according to the indoor range design criteria specified in the U.S. Department of Energy Office of Health, Safety and Security's "Range Design Criteria" publication dated 6/4/2012. These design criteria shall be the minimum criteria used to design a commercially owned and operated indoor shooting range.

(E) Commercial Uses. A category of Uses involving the sale of goods and provision of services to the public for personal or household consumption. Visibility and accessibility are important to these uses, as most businesses typically rely heavily on walk-in customers and scheduled appointments.

1. Adult Day Care Center. A Use providing supervised care and assistance primarily to people who, because of physical or mental infirmity, cannot themselves meet these needs, but who do not require twenty-four (24) hour nursing care. This Use does not include services provided for persons whose needs are such that they can only be met in a long-term care facility on an inpatient basis receiving professionally supervised nursing care and related medical and other health services. In addition, the Use shall not include persons who need oversight because of behavior that is criminal or violent to others. This use may involve

occasional overnight stays but shall not primarily be a residential use. The use shall involve typical stays of less than a total of sixty (60) hours per week per person. The following supplemental Use regulations shall apply:

- a. The Use shall be fully licensed and permitted to operate by the Pennsylvania Department of Aging and any successor agency of the Commonwealth and a copy of such license shall be furnished to the Borough Zoning Officer.
- b. The Use shall include constant supervision during all hours of operation.
- c. The Use shall not meet the definition of a Group Home, Sober Living Facility/Recovery House, or Methadone / Suboxone Treatment Facility.

2. Adult Establishments. Shall be defined as any of the following:

- a. Any commercial establishment, including but not limited to Adult Book Stores, Adult Motion Picture Theaters, Adult Mini-Motion Picture Theaters, Adult Entertainment Cabaret, or other adult entertainment establishments, in which is offered for sale ten (10) percent or more of its stock in trade video cassettes, movies, books, magazines, or other periodicals or other media which are distinguished or characterized by their emphasis on nudity or sexual conduct or activities which if presented in live presentation would constitute adult entertainment.

(1) Adult Bookstore. An establishment having as a substantial or significant portion of its stock in trade motion pictures, video recordings, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to Obscene activities for observation by patrons thereof or an establishment with a segment or section devoted to the sale, rental or display of such material.

(2) Adult Cabaret. A nightclub, bar, Restaurant or similar establishment that regularly features live performances that are characterized by the exposure of specific anatomical areas or by Specified Sexual Activities, or films, motion pictures, video cassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depiction or description of specified activities or anatomical areas.

(3) 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 matters depicting, describing, or relating to Obscene activities for observation by patrons therein.

(4) Adult Motion Picture Theater. An enclosed Building with a capacity of fifty (50) or more Persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to Obscene activities for observation by patrons therein.

- b. Any commercial establishment that offers for a consideration physical contact in the form of wrestling or tumbling between Persons of the opposite sex.

- c. Any commercial establishment that offers for consideration activities between male and female Persons and/or Persons of the same sex when one or more Persons are nude or Semi-Nude.
- d. Any commercial establishment that offers for a consideration nude human modeling.
- e. The following supplemental Use regulations shall apply to an Adult Establishment:
 - (1) Proximity to Certain Uses. No Building or Premises shall be used, and no Building shall be erected or altered, which is arranged, intended or designed to be used for an Adult Establishment if any part of such Building or Premises is situated on any part of a parcel within a five hundred (500) foot radius in any direction of any parcel used for, or upon which is located any Building used for any Residential Use; Places of Worship, Medical Clinic, medical office, Hospital, school, facility attended by Persons under the age of eighteen (18) (including but not limited to school programs, children's museums, camps, and athletic leagues), or a public park. The applicant shall provide receipts showing that they have mailed, by certified mail, a written notice of the proposed Special Exception hearing date to all property owners of record within five hundred (500) feet of the subject property at least ten (10) days prior to the hearing date.
 - (2) No such use shall be located within 1,500 linear feet of any other existing or approved Adult Establishment.
 - (3) No more than five (5) percent of the parcel may be covered by Buildings or accessory Buildings.
 - (4) A thirty (30) foot buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines in accordance with § 27-416, but with plantings of an initial minimum height of six feet.
 - (5) No pornographic material, displays, or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
 - (6) The applicant must prove to the satisfaction of the Zoning Hearing Board that such use would not in any way adversely affect the character of the surrounding area, including property values.
 - (7) No such use shall be used for any purpose that violates any federal, state or Borough law. Any violation of this zoning requirement involving a serious criminal offense that the proprietor has continuing knowledge of and allows to occur shall be sufficient reason for the Borough to revoke Borough permits.
 - (8) No such use shall be allowed in combination with the sale of alcoholic beverages.
 - (9) The use shall not include the sale or display of obscene materials, as defined by state law, as may be amended by applicable court decisions.

- (10) These uses are specifically prohibited in all districts except where specifically permitted.
 - (11) For public health reasons, private or semiprivate viewing booths of any kind are prohibited. This specifically includes but is not limited to booths for viewing adult movies or nude dancers. No room of any kind accessible to customers shall include less than one hundred fifty (150) square feet, other than the required restrooms.
 - (12) No use may include live actual or simulated sex acts or any sexual contact between entertainers or between entertainers and customers.
 - (13) Only lawful massages, as defined by state court decisions, shall be performed in a massage parlor.
 - (14) All persons within any adult use other than a permitted adult live entertainment use shall wear nontransparent garments that cover their genitals and the female areola.
 - (15) Adult Use Owners and Managers. The applicant shall submit a written list of all people having an ownership interest of more than one (1) percent in the business, including shareholders and partners of any corporation. The applicant shall also submit the name of the manager who is responsible for ensuring that all Borough and state regulations are enforced on a day-to-day basis. Such a manager shall reside within a twenty-five (25) mile radius of the use. Such information shall include the person's business and home addresses and phone numbers and shall be a matter of public record. Such information shall be kept up to date. Failure to keep such information up to date shall be a violation of this chapter and be reason for the suspension of Borough permits.
3. Assisted Living Facility. A Use in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the facility in the event of an emergency or medication prescribed for self-administration. The following supplemental Use regulations shall apply:
- a. The Use shall be fully licensed and permitted to operate by the Pennsylvania Department of Human Services and any successor agency of the Commonwealth and a copy of such license shall be furnished to the Borough Zoning Officer.
 - b. The Use shall include constant supervision during all hours of operation.
 - c. The Use shall not meet the definition of a Group Home, Sober Living Facility/Recovery House, or Methadone Treatment Center.
4. Automobile / Truck Repair Garage. A Building and/or land where repairs, improvements and installation of parts and accessories for Motor Vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include but not be limited to any use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an auto service station is also permitted as part of an auto repair garage. This use shall

not include a use meeting the definition of a "Truck Stop." The following supplemental Use regulations shall apply:

- a. All major repair, welding and paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings.
 - b. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent Lots.
 - c. Outdoor storage of autos and other vehicles shall be suitably screened and buffered in accordance with § 27-416. Screens and Buffers and shall not be closer than twenty (20) feet from a Lot line of an existing dwelling.
 - d. Overnight outdoor storage of junk, other than Nonrepairable Vehicles, shall be prohibited within view of a public Street or a dwelling.
 - e. An individual Nonrepairable Vehicle shall not be stored within view of a public Street or a dwelling for a total of more than twenty (20) days. No Nonrepairable Vehicles shall be stored within twenty (20) feet of an existing Street right-of-way line. A maximum of six (6) Nonrepairable Vehicles may be parked on a Lot outside of an enclosed building at any one time.
 - f. Service bay doors shall not face directly towards an abutting dwelling, not including a dwelling separated from the garage by a Street.
 - g. A use that is primarily intended to serve trucks with three (3) or more axles or tractor-trailer trucks shall have a minimum Lot area of one (1) acre; and all areas used for repairs, fueling and serving of such vehicles shall be set back a minimum of two hundred fifty (250) feet from a residential Lot line.
5. Automobile Car Wash. A Building or Structure with accompanying open-air stations designed and used primarily for the automatic, semiautomatic, or hand washing, drying, polishing, and vacuuming of automobiles. The following supplemental Use regulations shall apply:
- a. Car washes shall include a water reclamation system for the purpose of recycling water.
 - b. Centralized sewage disposal facilities and centralized water supply facilities shall be provided. Filtration of wastewater shall be conducted before discharge to a sanitary sewer system.
 - c. A National Pollutant Discharge Elimination System (NPDES) permit from the Pennsylvania Department of Environmental Protection is required to discharge wastewater directly into a surface water body or to a storm sewer that discharges to a surface water body.
 - d. Residual sludge shall be disposed of in accordance with the Pennsylvania Department of Environmental Protection requirements and standards.
 - e. On-site traffic circulation channels and parking areas shall be clearly marked.

- f. Adequate provision shall be made for the proper and convenient disposal of refuse.
 - g. Water from the car wash operation shall not flow onto sidewalks or Streets, to prevent hazards from ice.
6. Automobile Fueling Service. A Building and/or land where gasoline is sold, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections. This use may include the sale of ready-to-eat food for consumption off the Lot and of common household products as a clear accessory use. An accessory use providing only motor fuel to vehicles operated by that business shall not be considered to be an auto service station. This use shall not include a use meeting the definition of a "Truck Stop." The following supplemental Use regulations shall apply:
- a. All repair, lubrication and other facilities, except fuel pumps, shall be completely enclosed within a Building.
 - b. Fuel pumps shall be at least twenty-five (25) feet from the existing Street Right-of-Way. The minimum Lot width shall be at least one hundred fifty (150) feet.
 - c. Overnight outdoor storage of junk and Vehicle parts, other than permitted whole Nonrepairable Vehicles, shall be prohibited within view of a public Street or dwelling.
 - d. An individual Nonrepairable Vehicle shall not be stored within view of a public Street or a dwelling for more than a total of twenty (20) days. No Nonrepairable Vehicles shall be stored within twenty (20) feet of an existing Street right-of-way. No more than three nonrepairable Vehicles shall be stored on the Lot outside of an enclosed building at any point in time.
 - e. There shall be an ability for a minimum of three (3) vehicles to be serviced at each cluster of gasoline pumps, or to be lined up behind cars being serviced, without obstruction of access into or out of the driveways from public streets.
 - f. Environmental Controls for Accessory Automobile Car Wash.
 - (1) Automobile Car Washes, which shall be accessory to the principal Use, shall include a water reclamation system for the purpose of recycling water.
 - (2) Centralized sewage disposal facilities and centralized water supply facilities shall be provided. Filtration of wastewater shall be conducted before discharge to a sanitary sewer system.
 - (3) A National Pollutant Discharge Elimination System (NPDES) permit from the Pennsylvania Department of Environmental Protection is required to discharge wastewater directly into a surface water body or to a storm sewer that discharges to a surface water body.
 - (4) Residual sludge shall be disposed of in accordance with the Pennsylvania Department of Environmental Protection requirements and standards.

7. *Betting Use, Large.* A place where more than fifty (50) percent of the GFA of the Building is used for lawful gambling activities, including but not limited to off-track pari-mutuel betting and any use of electronic gambling devices. This term shall regulate state lottery sales or establishments having twenty (20) or more lawful games of chance. The following supplemental Use regulations shall apply:
- a. *Minimum Lot Size.* One (1) acre.
 - b. A Betting Use shall have frontage on either an Arterial or Collector Street.
 - c. No Betting Use shall be located within five hundred feet (500) of another Betting Use.
 - d. Betting Use shall be located within five hundred (500) feet of any parcel of land which contains any one or more of the following specified land uses:
 - (1) Residential Use or Residential Zoning District
 - (2) Public Park, including Playgrounds
 - (3) K-12 or Vocational School
 - e. No more than one (1) Betting Use may be located within one Building or shopping center.
 - f. The applicant must furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter.
 - g. The applicant shall furnish expert evidence as to how the use will be controlled to not constitute a nuisance due to noise or loitering outside of the building.
 - h. All Betting Uses shall comply with the Pennsylvania Horse and/or Harness Racing Commission's Rules and Regulations pertaining to operation.
8. *Betting Use, Small.* A place where less than fifty (50) percent of the GFA of the Building is used for lawful gambling activities, including but not limited to off-track pari-mutuel betting and any use of electronic gambling devices. This term shall regulate state lottery sales or establishments having less than twenty (20) lawful games of chance. The supplemental Use regulations specified for Betting Use, Large shall apply.
9. *Brew Pub.* An Eating Place, as defined herein, that includes as an accessory use the on-premises production of alcoholic beverages—including beer, wine, cider, and distilled liquors—and primarily sells its beverages on-site, either for on- or off-premises consumption. The area used for brewing, distilling, bottling, and kegging shall not exceed thirty (30) percent of the total gross leasable GFA. The following supplemental Use regulations shall apply:
- a. A Brew Pub shall be licensed by the Pennsylvania Liquor Control Board and any successor agency of the Commonwealth, and a copy of such license shall be furnished to the Borough Zoning Officer.
10. *Child Care Center.* A Use involving the supervised care of seven (7) or more children under age sixteen (16) at any one time who are not relatives of the primary operator of children

outside of the children's own home primarily for periods of less than eighteen (18) hours during the average day. This use may also include educational programs that are supplementary to state-required education, including a nursery school. The following supplemental Use regulations shall apply:

- a. A Child Care Center shall be licensed by the Pennsylvania Department of Human Services (DHS) and a copy of such license shall be provided to the Zoning Officer.
- b. The Use shall not meet the definition of a Family Child Care Home.
- c. Outdoor play areas shall not be located in the Front Yard.
- d. Outdoor play areas shall be screened from adjoining residentially zoned properties pursuant to the screen and buffer requirements specified under § 27-416 of this Chapter.
- e. Any vegetative materials located within the outdoor play areas shall be of a non-poisonous and non-invasive type.
- f. All outdoor play areas shall provide a means of shade, such as shade trees or pavilions.

- 11. Commercial Equipment and Supply. A category of Use involving the large-scale sale of goods to residents or businesses within the region. The goods or merchandise sold may be of the same type or a variety of types and typically occupy a space greater than ten thousand (10,000) square feet GFA. This Use may include bulk sales and typically involves frequent commercial vehicle and consumer traffic. This Use is primarily located indoors but may also include accessory outdoor storage of goods. This includes such uses as those listed in Table 3.02, Typical Commercial Equipment and Supply Uses.

Table 3.02, Typical Commercial Equipment and Supply Uses.

Bottled Gas (such as propane) Sales and Supply Heating & Air Conditioning Supply, Sales and Service Building Materials, Hardware, and Lumber Supply Machine Sales and Rental Cabinet Supply (display only) Electrical Supply Plumbing Sales and Service Farm Equipment and Supply Wholesale Trade

- 12. Community Service. A service or activity undertaken to advance the welfare of citizens in need that provides food and goods distribution to private citizens.
- 13. Convenience Store. Any retail store with a wide mix of goods typically used daily, including household goods, prepared and made-to-order foods, personal health items, cosmetics, Motor Vehicle products, candy, and tobacco products. The use may or may not include Automobile Fueling Service.
- 14. Drinking Place. An established licensed and permitted location under the Pennsylvania Liquor Control Board to sell alcoholic beverages, including beer, wine, and liquor for on-site consumption. The following supplemental Use regulation shall apply:
 - a. The Use shall not meet the definition of a Brew Pub or Eating Place.

15. Eating Place with Drive-Thru. A public restaurant whose business features the sale of quickly prepared or ready-to-eat foods, primarily for takeout, as opposed to a restaurant that prepares food to order primarily for in-house consumption. The following supplemental Use regulation shall apply:
- a. The Use shall not meet the definition of a Brew Pub or Drinking Place. However, an Eating Place may sell alcoholic beverages, including beer, wine, and liquor for on-site consumption as permitted through the Pennsylvania Liquor Control Board or its successor agency.
 - b. Dumpster and waste containers shall be suitably screened.
 - c. If a drive-thru is provided, a maximum of two (2) outdoor menu boards are permitted, beyond the signs normally permitted, with a maximum sign area of forty (40) square feet each, if the words on such signs are not readable from beyond the Lot line.
 - d. Traffic circulation onto, within and off the Lot shall be clearly marked. A drive-thru use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site.
 - e. The applicant shall provide the following information regarding the restaurant use:
 - (1) Floor plan, which includes location of tables and seating areas and number of seats;
 - (2) Number of employees;
 - (3) Proposed delivery hours; and
 - (4) Proposed hours of operation.
 - f. The applicant shall provide sidewalks to accommodate pedestrian traffic and constructed according to requirements in Chapter 21: Streets and Sidewalks, Part 2 Sidewalks of the Borough Code of Ordinances.
 - g. The primary entrance to the restaurant shall be located in a manner that minimizes detrimental traffic impacts, both pedestrian and vehicular.
 - h. The applicant shall meet the parking requirements under § 27-412 for a restaurant on the Lot. The applicant may fulfill the parking requirement subject to criteria in § 27-412, Location of Parking. If the applicant requests a Special Exception to meet the parking requirement under § 27-412, Location of Parking, that designated parking area or areas shall meet the parking requirement for all properties and uses the parking area serves.
16. Eating Place without Drive-Through. A public restaurant where the principal business is the sale of made to order food and beverages primarily for in-house consumption. The following supplemental Use regulations shall apply:
- a. See supplemental Use regulations for Eating Place with a Drive-Thru.

17. Electronic Cigarette / Vaporizer Store / Smoking Places. A business establishment for which more than fifty (50) percent of the GFA is dedicated to the storage, mixing, display, on-site consumption, and/or retail sale of tobacco products and/or electronic cigarette devices, nicotine-enriched solutions, and/or liquid products that are manufactured for Use with electronic cigarettes.
18. Event Venue. The commercial use of a Building and related facilities for the purpose of leasing the same on a temporary basis for private functions, meetings, cultural or celebratory events or gatherings, family events or gatherings, artistic, educational, and similar functions. This use shall not include and, by this definition specifically excludes functions that are solely outdoor music performances or concerts, and uses that meet the definition of General Assembly, Neighborhood Assembly, Private Club, or Places of Worship. The following supplemental Use regulations shall apply:
- a. Minimum Parcel Size. All Event Venue uses shall be conducted on real property with a minimum parcel size of one half (.5) acres if there are to be any outdoor components to the accessory activities associated with the use.
 - b. It is intended that an event venue use shall be conducted primarily within the principal building or buildings comprising the use, and that all outdoor activities associated with such use shall occur with less frequency than indoor events.
 - c. Temporary Accessory Structures. All temporary accessory structures shall be subject to the following: (
 - (1) Front and Side Setback: Ten (10) feet with screening when adjacent to a residential use or residential zoning district.
 - (2) All tents, canopies, and similar temporary structures shall be erected no more than forty-eight (48) hours before an event and shall be dismantled and removed no more than forty-eight (48) hours after an event.
 - d. Areas used for dumpsters and/or waste containers for the disposal of trash and recycling storage and pickup must be screened with a fence of no less than five (5) feet in height, or with plant material that will form a dense screen and which contains materials reasonably expected to attain a height of five (5) feet within three (3) years of planting.
 - e. Operational Requirements.
 - (1) There shall be employee presence during all times in which there is client or customer presence, during all loading and setup activities, and throughout all events.
 - (2) Maximum attendance for outdoor events shall be one hundred (100) people, including staff.
 - (3) All outdoor activities associated with an event must cease by 11:00 PM prevailing time, including the setup and cleanup activities for the event.

- (4) No operating, playing, or permitting the operation or playing of any radio or audio equipment (including from a vehicle), sound amplifier, television, musical instrument, or similar device which produces, reproduces, or amplifies sound outdoors after 9:00 PM prevailing time on Sunday through Thursday, and after 10:00 PM prevailing time on Friday and Saturday.
 - f. Standing Vehicles. Any vehicles used to transport or shuttle attendees may only make temporary stops on the public right of way for the limited purposes of loading and unloading passengers. Parking of transport and shuttle vehicles on the alley, Street, or in Street parking spaces dedicated for the Residential Parking Program shall be prohibited.
19. Farmers Market. An indoor or outdoor market for the retail sale of new or used merchandise, produce or other farm products, whether operated by a single vendor or composed of stalls, stands or spaces rented or otherwise provided to vendors. The term does not include the outside display of merchandise as an incidental part of retail activities regularly conducted from a permanent Building or other areas immediately adjacent to, and upon the same Parcel as, such Building. The term also does not include merchandise sold at festivals or other special events, temporary in duration, at which the display and sale of merchandise is incidental to the primary cultural, informational, or recreational activities of such festival or special event. The following Use regulations shall apply:
- a. A plan depicting the layout of the site, including dimensions, of the sales area, accessways, parking areas and location of trash receptacles;
 - b. Specific days and hours of operation; and
 - c. The means, such as stalls, tables or other structures, by which merchandise is to be displayed.
 - d. Vehicle parking shall be provided on-site and shall comply with the Parking, Loading, and Unloading standards specified § 27-412 of this Chapter.
 - e. There shall be no less than one (1) trash receptacle per one thousand (1,000) feet of sales area, all trash receptacles shall be emptied regularly so as not to overflow, and litter and debris shall not be permitted to accumulate.
 - f. Merchandise, stalls or other materials shall not be stored outdoors when the use is not open for business.
 - g. The operation shall not disturb the tranquility of residential areas or other areas in close proximity or otherwise interfere with the reasonable use and enjoyment of neighboring property by reason of excessive noise, traffic or overflow parking.
 - h. A certificate of insurance shall be provided showing: (a) general liability insurance for bodily injury and property damage in the minimum amount of \$250,000.00 per Person and \$1,000,000.00 per occurrence to cover any loss that might occur as a result of the Permitted use of the local and state rights of way or private property that might otherwise arise out of or be connected with the Farmers Market; (b) occurrence-based coverage; and (c) the Borough and applicable public and private

Landowners named as the additional insured. The Applicant warrants the information in the insurance certificate is accurate.

- i. A minimum Parcel Area of one hundred (100) square feet per stand shall be provided.
- j. Farmers Market vendors shall obtain a Retail Food License from the Pennsylvania Department of Agriculture to operate a food facility at a farmers' market, whether the market is inside or outside. Each individual stand is considered its own retail food facility and shall obtain its own license to operate.

20. Family Child Care Home. A facility that provides services for which the Pennsylvania Department of Human Services (DHS) has promulgated licensure or approval regulations. A Family Child Care Home is a facility in which four (4), five (5) or six (6) children unrelated to the operator receive childcare services. A family care home shall be located in a habitable residential Building that meets Borough Building and fire code regulations. In addition to the requirements specified in DHS licensure or approval regulations. The following Use regulations shall apply:

- a. A Family Child Care Home shall be located in a residential home and must have a certificate of compliance (license) from DHS in order to operate. A copy of such license shall be provided to the Zoning Officer.
- b. The Use shall not meet the definition of a Child Care Center.
- c. Outdoor play areas shall not be located in the Front Yard.
- d. Outdoor play areas shall be screened from adjoining residentially zoned properties pursuant to the screening requirements specified in § 27-416 of this Chapter.
- e. Any vegetative materials located within the outdoor play areas shall be of a non-poisonous and non-invasive type.
- f. All outdoor play areas shall provide a means of shade, such as shade trees or pavilions.
- g. Refuse shall be collected on a regular basis by a commercial waste contractor.

21. Funeral Home. A place or premise approved by the Pennsylvania State Board of Funeral Directors wherein a licensed funeral director conducts the professional practice of funeral directing including the care and preparation for burial, disposition, or transportation of dead human bodies, or any specifically designated location or address where any person or persons shall hold forth that he, she, or they are engaged in the licensed practice of mortuary science, embalming, cremation services, or funeral directing. A Funeral Home may include crematoriums, visitation rooms, and administrative offices. The following supplemental Use regulations shall apply:

- a. Parcel Size. The minimum Parcel area shall be 30,000 square feet.
- b. Traffic circulation on the parcel shall be designed to provide for the queuing of vehicles on the property without obstructing the free flow of traffic on adjoining Streets.

22. General Commercial Service Uses. A category of Uses for commercial retail and services for patrons’ personal use and consumption. The businesses typically rely on walk-in customers to sell and/or provide their respective goods and services. General Commercial Service Uses include Uses such as those listed in Table 3.03 Typical Commercial Service Uses. In the event a specific General Commercial Service Use is not identified in Table 3.03, the Zoning Officer shall have the authority to review the proposed Use and the Applicant shall submit to the Zoning Officer such additional information as the Zoning Officer deems necessary to render a Zoning Certification Letter as specified under § 27-113 of this Chapter.

Table 3.03, Typical Commercial Service Uses.

Antique Shop	Laundromat
Apparel, Shoes, and/or Accessory Store	Locksmith
Appliance Sales	Luggage and/or Leather Goods
Aquatic Facilities	Magazine and/or Newspaper Store
Arcades and Billiards	Mailing and Delivery Services
Art and/or Education Supplies Bakery with no distribution	Medical Supply Store
Art Gallery and Sales	Miniature Golf Courses
Automotive Supply (no service)	Motorcycle and Motor Scooter Sales, limited outdoor display
Barber Shop, Beauty Salon, and Spas	Music and/or Musical Instruments
Batting Cages	Nursery
Beer/Wine/Liquor Sales	Office Machines and Supply
Bicycle and Accessory Sales	Optical Goods
Boarding, Daycare, & Training (interior only)	Outdoor Recreation Equipment
Book &/or Video Store	Paint and Wallpaper Store
Bowling Alleys	Pet and/or Pet Supplies Shop
Camera and Photo Supply Store	Secondhand sales of any item permitted for sale new
China and/or Glassware	Small Appliance Store
Coffee Shop	Specialty Food (Candy, Fish, Produce, Prepared Foods, etc.)
Coin and/or Philatelic Store	Sporting Goods
Computer Software Sales and Leasing	Stationery and Paper Store
Craft Store	Motion Picture Theaters
Department Store	Pet Grooming
Discount Variety Store (e.g., dollar stores or five and dime stores)	Phone Sales and Service
Drug and/or Cosmetics Store, except Medical Marijuana Dispensary	Photocopying and Printing
Dry Cleaning (pick-up/outlet only)	Photography Studio with Supplies
Electronics Sales	Post Office, limited distribution
Fabric and Sewing Supply Store	Rental of any good permitted to be sold in the district
Financial Depository Institutions/Banks, chartered and excluding Check Cashing Establishments	Repair of any good permitted to be sold in the district
Firearms Sales and Service	

Fitness Club, Athletic Club, Dance Studio, Yoga Studio and Gym Florist Framing Shop Garden Supply and/or Nursery Gift, Novelty and Souvenir Shop Hardware Store Home Furnishings and Accessories Home Furniture and Equipment Repair Jewelry and/or Gem Store	Skating Rink Tailor or Seamstress Tanning Salon Therapeutic Massage establishment, licensed proprietor Toy and/or Baby Supplies Travel Agency, Ticketing, Veterinary Services/Animal Hospital
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23. Grocery Store. Any store commonly known as a supermarket, food store, or grocery store, with at least sixty (60) percent of gross square footage dedicated to the retail sale of fresh and/or frozen meat, seafood, poultry, fruits and vegetables; and dairy and bakery products. The following supplemental Use regulation shall apply:
- a. The Use shall have frontage and access to an Arterial or Collector Street.
24. Group Child Care Home. A facility that provides services for which the Pennsylvania Department of Human Services (DHS) has promulgated licensure or approval regulations. A facility in which seven (7) to twelve (12) children unrelated to the operator receive Child Care services. In addition to the requirements specified in DHS licensure or approval regulations, the following supplemental Use regulations shall apply:
- a. Outdoor play areas shall not be located in the Front Yard.
 - b. Play areas shall be located and designed so as not to disrupt normal activities of adjoining uses permitted within the zoning district(s) identified in Table 2.01.
 - c. Outdoor play areas shall be screened from adjoining residentially zoned properties pursuant to the screening requirements specified in § 27-416.
 - d. Any vegetative materials located within the outdoor play areas shall be of a non-poisonous and non-invasive type.
 - e. All outdoor play areas shall provide a means of shade, such as shade trees or pavilions.
25. Kennel. Any establishment available to the general public where a dog or dogs are housed or trained for compensation by the day, week, or a specified or unspecified time. The term shall not include a kennel where the practice of veterinary medicine is performed if the kennel is covered by the provisions of the act of December 27, 1974 (P.L.995, No.326), known as the "Veterinary Medicine Practice Act." The term kennel shall include any establishment available to the general public that, for consideration, takes control of a dog from the owner for a portion of a day for the purposes of exercise, day care or entertainment of the dog. For the purpose of this term, each time a dog enters the kennel it shall be counted as one dog. This term does not include an establishment engaged only in dog grooming or dog training. The term shall also include any kennel operated for the purpose of breeding, buying and selling or in any way transferring dogs for non-research purposes. The following supplemental Use regulations shall apply:

- a. All Kennels shall be licensed by the Pennsylvania Department of Agriculture and shall be constructed and maintained in accordance with the applicable standards. The Applicant shall demonstrate compliance with all State requirements.
 - b. Minimum Lot Area. Two (2) acres.
 - c. All buildings in which animals are housed and all runs shall be located at least one hundred fifty (150) feet from all residential Lot lines and thirty (30) feet from all other Lot lines.
 - d. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any adjacent dwelling.
 - e. No animal shall be permitted to use outdoor runs from 8:00 PM to 8:00 AM prevailing time that are within three hundred (300) feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.
 - f. An evergreen screen shall be required between any outdoor animal runs and any residential Lot line.
26. Long-Term Care Facility. A facility that provides either skilled or intermediate nursing care or both levels of care to two (2) or more patients, who are unrelated to the licensee, for a period exceeding twenty-four (24) hours. Intermediate care facilities exclusively for the mentally retarded, commonly called ICF/MR, shall not be considered Long-Term care nursing facilities for the purpose of this act and shall be licensed by the Department of Public Welfare. The following supplemental Use regulations shall apply.
- a. The Use shall be fully licensed and permitted to operate by the Pennsylvania Department of Health and any successor agency of the Commonwealth and a copy of such license shall be furnished to the Borough Zoning Officer.
 - b. A minimum of ten (10) percent of the Parcel shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.
 - c. The maximum density shall not exceed more than one (1) resident or bed per one hundred (100) square feet of total Lot area.
 - d. Principal and accessory Buildings shall be set back a minimum of twenty (20) feet from a residential Lot line.
27. Massage Establishment. Any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where a person who does belong to any nationally recognized massage therapy association or is not a graduate of any recognized training school in massage therapy engages in or carries on the practice of massage. The following supplemental Use regulations shall apply:
- a. In no instance shall the operation of a Massage Establishment in which any of the following activities are carried on be permitted in any district:
 - (1) The massage treatment of any person by one or more persons who do not belong to any nationally recognized massage therapy association or by persons who are not graduates of any recognized training school in

massage therapy with a minimum of five hundred (500) hours of training, evidence of which shall be in the form of a certificate or diploma on display on the premises. The requirements of this provision shall not apply to treatments given in the residence of a patient, the office of a licensed physician, osteopath, or registered physical or massage therapist, or chiropractor, or in a regularly established and licensed hospital or sanitarium.

- (2) The massage of, or physical contact with, the sexual or genital parts of one person by any other person.
- (3) The exposure of the sexual or genital parts of the body of any person.

28. Medical Clinic. A licensed institution providing same-day, walk-in, or urgent medical care and health services to the community, primarily ill or injured out-patients, which is not a hospital, and which is not a medical office, and which shall not include methadone or drug rehabilitation clinics. Provision of an indoor waiting area for use by individuals when a portion of the facility is not opened for operation is required, so that clients shall not be required or allowed to queue for services outdoors.

29. Medical Marijuana Dispensary. A Person, including a natural Person, corporation, partnership, association, trustor other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana pursuant to Pennsylvania's Medical Marijuana Act, Act of April 17, 2016, P.L. 84, No. 16. The following use regulations apply:

- a. A Medical Marijuana Dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure Building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other Motor Vehicle.
- b. A Medical Marijuana Dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
- c. A Medical Marijuana Dispensary shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.
- d. Permitted hours of operation of a dispensary shall be 8:00 AM to 8:00 PM prevailing time (of the same calendar day).
- e. A Medical Marijuana Dispensary shall comply with the setback, parking, landscaping, coverage, and Building Height requirements of the applicable zoning district to determine the Building envelope and maximum allowable GFA. A Medical Marijuana Dispensary shall have an interior customer waiting area equal to a minimum of twenty-five (25) of the GFA.
- f. A Medical Marijuana Dispensary shall:
 - (1) Not have outdoor seating areas;
 - (2) Not have outdoor vending machines;

- (3) Prohibit the administering of, or the consumption of, medical marijuana on the premises; and
 - (4) Not offer direct or home delivery service.
 - g. A Medical Marijuana Dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
 - h. A Medical Marijuana Dispensary may not be located within 1,000 feet of the property line of a public, private or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the Building or portion thereof in which the business is conducted or proposed to be conducted to the closest property line of the protected use, regardless of the municipality in which it is located.
 - j. Any Medical Marijuana Dispensary lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or a day-care center.
 - k. All external lighting serving a Medical Marijuana Dispensary must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
 - l. Parking requirements shall follow the parking schedule found in § 27-412 Parking, Loading, and Unloading of this Chapter.
 - m. Screening and buffering are required where a Medical Marijuana Dispensary adjoins a residential use or Residential Zoning District . The required screening and buffering shall be provided in accordance with § 27-416 of this Chapter.
 - n. Entrances and driveways to a Medical Marijuana Dispensary must be designed to accommodate the anticipated vehicles used to service the facility.
 - (1) All accesses must secure the appropriate highway occupancy permit (state or Borough).
 - (2) The Visual Obstructions requirements specified under § 27-423 of this Chapter must be considered and maintained.
 - (3) Driveways shall be constructed in accordance with the design and improvement standards specified under § 22-1012 of Chapter 22, Subdivision and Land Development, of the Borough Code of Ordinances.
 - o. Loading and off-loading areas within the Building are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment.
30. Methadone / Suboxone Treatment Facility. A facility licensed by the Department of Health to use the drug methadone/ suboxone in the treatment, maintenance, or detoxification of persons. The following supplemental Use regulations shall apply:
- a. A Methadone / Suboxone Treatment Facility shall have frontage on and direct access to a principal Arterial or Collector Street.

- b. For any Building (or portion thereof) which is proposed to contain a Methadone / Suboxone Treatment Facility, the parcel upon which such Building (or portion thereof) sits shall not be located closer than five hundred (500) feet (or the then current Pennsylvania statutory- provided distance, whichever is greater) to a parcel utilized for an existing school, public playground, public park, residential housing area, residential parcel, single- family dwelling, Child Care facility, church, meeting house or other actual place of regularly scheduled religious worship established prior to the proposed methadone/ suboxone treatment.
 - c. Notwithstanding Subsection b. above, a Methadone / Suboxone Treatment Facility may be established and operated closer than five hundred (500) feet (or the then current Pennsylvania statutory-provided distance, whichever is greater) to a parcel utilized for an existing school, public playground, public park, residential housing area, residential parcel, single-family dwelling, Child Care facility, church, meeting house or other actual place of regularly scheduled religious worship established prior to the proposed methadone treatment, if, by majority vote, the governing body approves a use for said facility at such location. At least fourteen (14) days prior to any such vote by the governing body, one or more public hearings regarding the proposed Methadone / Suboxone Treatment Facility location shall be held within the municipality pursuant to public notice. All owners of real property located within five hundred (500) feet of the proposed location shall be provided written notice of said public hearing(s) at least thirty (30) days prior to said public hearing(s) occurring.
 - d. All Buildings proposed to contain a Methadone / Suboxone Treatment Facility shall fully comply with the requirements of the PA Uniform Construction Code.
 - e. In addition to the otherwise required number of parking spaces specified by § 27-412 of this Chapter, additional parking shall be required specifically for the Methadone / Suboxone Treatment Facility at a rate of one additional parking space for each two hundred (200) feet of area devoted to the Methadone / Suboxone Treatment Facility.
 - f. Each Building or portion thereof proposed for use as a Methadone / Suboxone Treatment Facility shall have a separate and distinct entrance utilized solely for direct entrance into the Methadone / Suboxone Treatment Facility. Access to the Methadone / Suboxone Treatment Facility shall not be permitted via a shared Building entrance or from a shared interior corridor within the Building in which it is located.
31. Microbrewery / Microdistillery / Microwinery. A facility for the production, packaging and sampling of alcoholic beverages—including beer, wine, cider, mead, and distilled liquors—for retail or wholesale distribution, for sale or consumption on- or off -premises, and which produces less than 100,000 gallons of such beverages per year. It may include a restaurant (i.e., Eating Place), tasting room and retail space to sell the product on site. "Nanobreweries" shall be included under this definition. The Microbrewery / Microdistillery / Microwinery shall be licensed by the Pennsylvania Liquor Control Board and any successor agency of the Commonwealth.
32. Office Uses. A category of Uses for businesses that involve the transaction of affairs and/or the training of a profession, service, industry, or government. Patrons of these businesses usually have set appointments or meeting times; the businesses do not typically rely on walk-in customers. Office Uses include those listed in Table 3.04, Typical Employment Uses

(Typical Office Uses). In the event a specific Office Use is not identified in Table 3.04, the Zoning Officer shall have the authority to review the proposed Use and the Applicant shall submit to the Zoning Officer such additional information as the Zoning Officer deems necessary to render a Zoning Certification Letter as specified under § 27-113 of this Chapter.

Table 3.04, Typical Office Uses.

Architecture/Engineering/Design	Management Services
Broadcasting, Recording, and Sound Studio	Medical and Dental Offices (other than in hospitals or on a hospital campus, and other than clinics)
Business Consulting	News Agency
Construction Trade and Contractor (office only)	Physical Therapy/Physical Rehabilitation
Charitable Institutions	Public Relations and Advertising
Computer Programming and Support	Property Development
Data Processing	Real Estate and Apartment Finders
Detective Services	Research and Development
Educational Services (tutor and testing)	Research Agency
Employment Agency	Support Offices for other uses
Financial and Insurance	Surveying
Government Offices and Facilities	Trade Schools
Laboratories, Medical, Dental, Optical	Training Center
Legal Services	

33. Outdoor Sales. A Use involving the sale of goods or merchandise to businesses and/or the general public, where the majority of the goods are stored or displayed outdoors. Outdoor Sales include such uses as: the sale and rental of automobiles, equipment, trucks, trailers, boats, and recreational vehicles; and the outdoor sale of Building materials, landscape materials, and garden supplies. The following supplemental Use regulations apply:

- a. All Outdoor Sales Lots shall comply with applicable state laws including 49 Pa. Code § 19.19. Standards of Licensure for Retail or Public Auction.
- b. Any site used for the sale, parking and/or storage of more than one hundred fifty (150) vehicles shall front solely upon an Arterial or Collector Street
- c. Driveways shall be in a safe relationship to sight distance and barriers to vision in accordance with the Visual Obstructions requirements specified under § 27-423 of this Chapter.
- d. Driveways shall be constructed in accordance with the design and improvement standards specified under § 22-1012 of Chapter 22, Subdivision and Land Development, of the Borough Code of Ordinances.
- e. Vehicles shall be parked and/or stored in a horizontally stacked configuration.
- f. All lighting shall be designed and constructed so as not to cast glare on adjoining Street and/or properties.

- g. The sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display areas, stands, booths, tables, or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale.
 - h. The retail sales area shall be set back at least fifty (50) feet from all residential zoning district or residential use.
 - i. Any exterior lighting and amplified public address system shall be arranged and designed to prevent impacts on adjoining properties. The Street Lighting standards specified under § 22-1015 of Chapter 22, Subdivision and Land Development, of the Borough Code of Ordinances shall apply.
 - j. The reconditioning, demolition, or junking of vehicles is prohibited.
 - k. The Applicant shall furnish evidence that the disposal of all materials shall be accomplished in a manner that complies with all applicable State and Federal regulations.
34. Pawn Shop/Check Cashing Establishment. An establishment primarily engaged in the businesses of lending money on the security of pledged goods left in pawn; purchasing tangible personal property to be left in pawn on the condition that it may be redeemed or repurchased by the seller; or providing cash to patrons for, payroll, personal, and bank checks.
35. Private Club. An establishment that operates for the good of the club's membership for legitimate purposes of mutual benefit, entertainment, fellowship, or lawful convenience. A Private Club shall reserve its facilities for members and shall have genuinely exclusive membership criteria. A Private Club shall adhere to its constitution and bylaws, hold regular meetings open to its members, conduct its business through officers who are regularly elected, admit members by written application, investigation and ballot, charge and collect dues from elected members, and maintain records as required by law. The sale of alcohol shall be secondary to the actual reason for the club's existence and be licensed by the Pennsylvania Liquor Control Board. The Borough may conduct routine inspections of the Premises to ensure the absence of illegal activity on the Premises, adequate maintenance of the interior and exterior of the Premises, the absence of public disturbance or Nuisance, and compliance with the zoning and other applicable regulations. The following supplemental Use regulations shall apply:
- a. All Private Clubs shall front and have access to an Arterial or Collector Street.
 - b. All off-Street parking shall be provided between the front face of the Building and a point twenty-five (25) feet from the Right-of-Way line of adjoining Street. Parking Lots shall also be set back a minimum of fifty (50) feet and screened from any parcel lines of adjoining residences.
 - c. All outdoor recreation/activity areas shall be set back at least fifty (50) feet from any property line.
 - d. A forty-foot buffer yard shall completely separate the structure and all off-Street parking areas from any Lot line of any residential use or undeveloped residentially zoned Lot.

- e. Any such use that allows the consumption of alcohol and that has a capacity of two hundred fifty (250) or more persons shall be set back a minimum of three hundred (300) feet from any residential Lot line.
36. Public Market. An indoor or covered, open-air permanent Building dedicated to the sale of local and regional food, flowers, baked goods, and small crafts, excluding secondhand goods.
37. Self-Storage Facility. Any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such space for the purpose of storing and removing personal property. No occupant shall use a self-service storage facility for residential purposes. The following supplemental Use regulations shall apply:
- a. Minimum parcel area shall be not less than one (1) acre.
 - b. At least forty (40) feet of clear, unobstructed driveway depth shall be provided from the road to the primary access gate or principal entry point of the facility.
 - c. Interior drive aisle widths shall not be less than twenty-five (25) feet.
 - d. Buildings shall be designed and located so that overhead doors and the interior driveways within such facilities are not visible from the adjacent public Right-of-Way. This provision does not apply to overhead doors that are within an enclosed self-storage Building and that are visible only through windows of the Building.
 - e. No door openings for any storage unit shall be visible at ground level from any residentially zoned property or residential use.
 - f. All fences or walls visible from the public Right-of-Way shall be constructed of decorative Building materials such as slump stone masonry, concrete block, wrought iron, or other similar materials.
 - g. Boats, campers, recreational vehicles, and travel trailers may be stored outside of an enclosed Building, but only in an area designated for such outside storage on an approved site plan and not visible from the public Right-of-Way or adjacent property when viewed from the ground level.
 - h. The following uses are prohibited and all Self-Storage Facilities' rental and/or use contracts shall specifically prohibit the same:
 - (1) Residential use and/or occupancy.
 - (2) Bulk storage of flammable, combustible, explosive, or hazardous materials. Nothing in this Part is meant to prohibit the storage of Motor Vehicles, motor craft, or equipment that contain a normal supply of such fuels for their operation.
 - (3) Repair, construction, reconstruction, or fabrication of any item, including but not limited to, any boats, engines, Motor Vehicles, lawn mowers, appliances, bicycles, or furniture.
 - (4) Auctions, except as provided for the in the Self-Service Storage Facilities Act (Act of Dec. 20, 1982, P.L. 1404, No. 325), commercial wholesale or

retail sales not related to the storage activity on the premises or garage sales. Retail sales of supplies associated with the rental of storage units and/or rental of vehicles shall be permitted, such as boxes, packing tape, locks, and similar items.

- (5) The operation of power tools, spray-painting equipment, compressors, welding equipment, kilns, or other similar tools or equipment.
 - (6) Any business activity within the storage units.
- i. On-site management shall be provided for a minimum of twenty (20) hours per week, during the hours of 8:00 AM and 7:00 PM prevailing time. Contact information for management during the remaining hours of the day shall be prominently posted on the premises.
 - j. The maximum size for any storage unit shall be twenty (20) feet by forty (40) feet for a total maximum of eight hundred (800) square feet.
38. Tattoo/Piercing Parlor. Establishments primarily in the business of applying lettering, art, and other images with permanent and semi-permanent inks, paints, pigments, or piercings to the body of patrons.
39. Tour Operator. Any Person, corporation, or other entity engaged in the business of providing tours to customers via means of Tour Guide lead or self-guided tours of the Borough and nearby attractions by means of walking, biking, Horse Drawn Carriages, Pedicabs, and/or Electrical Personal Assistive Mobility Device (EPAMD) to customers. The following supplemental Use regulations shall apply:
- 1. Minimum Lot Area. 7,000 sq. ft.
 - 2. Stabling of Livestock. The facility from which the Tour Operator is conducted may not be used to stable livestock.
 - 3. Indemnification. A Tour Operator shall hold the Borough, its officers, agents, and employees harmless against any and all liability, loss, damages or expense which may accrue to the city by reason of negligence, default or misconduct of the company in connection with the rights granted to such company hereunder. Nothing in this Part shall be considered to make the Borough, its officers, agents, servants or employees liable for damages because of any negligent act or omission or commission by any horse-drawn carriage company, its servants, agents, tour guides or other employees, during the operation by the company of a horse drawn carriage business or service, either in respect to injury to persons or with respect to damage to property which may be sustained.
 - 4. Insurance Required. A Tour Operator shall give and maintain a policy of indemnity from an insurance company authorized to do business in the Commonwealth state for each tour vehicle and/or apparatus in use. The minimum coverage shall be \$100,000.00 for bodily injury to any one person, \$300,000.00 for injury to more than one person which is sustained in the same accident, and \$25,000.00 for property damage resulting from one accident. The indemnity insurance shall inure to the benefit of any person who shall be injured or who shall sustain damage to property caused by the negligence of a Tour Operator company, its employees or agents.

5. Hours of Operation. Tour operations shall be limited to the hours of 6 AM to 11 PM, prevailing time, Sunday – Saturday.

(F) Infrastructure Uses. A category of Uses for the provision of public and private infrastructure to support other uses and/or the conveyance of people, goods, and services. Infrastructure Uses may not include a principal Building meeting the Building type requirements. Accessory Structures may be included.

1. Parking Structure. A Structure that is primarily used for the exclusive parking of vehicles, but may also integrate other non-parking uses, such as retail, office, and service uses. The following supplemental Use regulations apply:

- a. Corner Parcel. A Corner parcel shall not be used solely for parking.
- b. Adjacent Parking Facilities. Two (2) principal parking facilities shall not be located directly adjacent to one another, except for a new Structured parking facility replacing an existing parking Lot.

2. Principal Solar Energy System (PSES). An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. A PSES is designed as the primary use on a parcel, wherein the power generated is used primarily for off-site consumption. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and Buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures. The following Use regulations shall apply:

- a. Regulations Applicable to All Principal Solar Energy Systems.

- (1) A noise study shall be performed and included in the application. The noise study shall be performed by an independent noise study expert and paid for by the Applicant. Noise from a PSES shall not exceed 50 dBA, as measured at the property line.

- (2) The PSES Owner and/or operator shall maintain a phone number and identify a Person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Borough. The PSES Owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.

- (3) Decommissioning.

- (a) The PSES Owner and/or operator is required to notify the Borough immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such a system for a period of twelve (12) continuous months.

- (b) The PSES Owner and/or operator shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to Buildings, cabling, electrical components, roads, foundations and other associated facilities

from the property. If the Owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality shall complete the decommissioning at the Owner's expense with the financial security posted.

- (c) At the time of issuance of the permit for the construction of the PSES, the Owner and/or operator shall provide financial security in the form and amount acceptable to the Borough to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original. The financial security amount shall be based on a cost estimate provided by the Owner that is reviewed and approved by the Borough Engineer.

(4) Land Development Plan.

- (a) PSES shall comply with the land development application and approval requirements of the Chapter 22, Subdivision and Land Development, of the Borough Code of Ordinances. The installation of PSES shall comply with all applicable permit requirements, codes, and regulations.

- (b) The PSES Owner and/or operator shall repair, maintain, and replace the PSES and related solar equipment during the term of the permit as needed to keep the PSES in good repair and operating condition.

b. Ground Mounted Principal Solar Energy Systems.

- (1) Minimum Lot Size. One (1) acre.

(2) Setbacks.

- (a) A PSES shall comply with the setbacks of the underlying zoning districts for principal structures, except the Setbacks shall be a minimum of fifty (50) feet when adjacent to a residential use or residential district.

- (b) The PSES shall be set back a minimum of twenty-five hundred (2,500) feet from a Historic Resource, Historic Structure, or Historic Site; and Important Bird Areas as identified by Pennsylvania Audubon and at least five hundred (500) feet from identified wetlands.

- (3) Height. Ground mounted PSES shall not exceed twenty (20) feet in Height.

- (4) Impervious Coverage. The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district:

- (a) Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.

- (b) All mechanical equipment of PSES including any Structure for batteries or storage cells.
 - (c) Gravel or paved access roads servicing the PSES.
 - (5) Ground mounted PSES shall be screened from adjoining residential uses or zones according to the standards found in § 27-416 of this Chapter.
 - (6) Security.
 - (a) All ground mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
 - (b) A clearly visible warning Sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding the PSES informing individuals of potential voltage hazards.
 - (7) Access.
 - (a) Vehicle access to the site shall be provided pursuant to Chapter 22, Subdivision and Land Development, of the Borough Code of Ordinances. The subject site shall have access to an Arterial or Collector Street.
 - (b) A minimum twenty (20) foot wide Cartway shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.
 - (8) The ground mounted PSES shall not be artificially lit except to the extent required for safety or applicable federal, state, or local authority.
 - c. Roof and Wall Mounted Principal Solar Energy Systems.
 - (1) For roof and wall mounted systems, the PSES Owner and/or operator shall provide evidence that the plans comply with the PA Uniform Construction Code and that the roof or wall is capable of holding the load imposed on the Structure.
 - (2) PSES mounted on the roof or wall of any Building shall be subject to the maximum Height regulations of the underlying zoning district.
3. Transportation and Essential Services. A Use that is primarily utilized for the public infrastructure needs and essential services. Transportation and Essential Services include such Uses as Street Rights-of-Way, rail Rights-of-Way, public transportation services, electric or gas services, sewage treatment, water treatment and storage, pumping stations, transmission and receiving stations, and energy conversion systems, and any equipment or facilities as defined under Title 66 Pa. C.S.A. Public Utilities. Transportation includes the following public transportation service uses:

- a. Transit Bus Stops. Uses include both sheltered and non-sheltered infrastructure facilities that provide passengers safe access to both fixed-route and demand responsive public transportation services. The following Use regulations shall apply:
 - (1) Bus stop infrastructure, including ADA loading pads, bus passenger benches, and bus shelters, as well as bus stop location Signs and bus stop passenger information Signs, shall be permitted by right in all zoning districts and shall be considered an Accessory Use/Structure that can stand alone without the accompanying Principal Use.
 - (2) Bus stop infrastructure shall be exempt from minimum parcel size, Open Space, yards, and setback requirements of the governing zoning district(s).
 - (3) The location and design of the bus stop infrastructure shall be reviewed and approved by the applicable transit agency and Borough. The transit agency shall provide written documentation certifying that a location is an existing or potential future bus stop.
 - (4) Whenever an ADA loading pad, bench for a bus stop, and/or bus shelter is provided, the applicable off-Street parking requirements for the parcel's Principal Use may be reduced by one or more vehicular parking space(s) for each bus stop location.
 - (5) Bus stop location Signs and bus stop passenger information Signs installed and maintained by the transit agency shall be permitted within the public Right-of-Way and on private property and shall be exempt from the sign requirements specified under Chapter 19 of the Borough Code of Ordinances.

 - b. Transit Facility. Any motor bus, rapid transit, or other ground transportation system having as its primary purpose the regularly scheduled movement of passengers and goods through fixed route, shared ride, non-medical assistance, or medical assistance transportation services between locations within the territorial boundaries of a regional transit authority, including all Rights-of-Way, rolling stock, equipment, machinery, terminals, buildings, administration and maintenance and repair facilities, and supporting parking energy facilities, that are reasonably necessary for the comfort and accommodation of the users of transit facilities; or any combination of the foregoing.
4. Wireless Communications Facilities (WCF). An antenna facility or a wireless support Structure that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services. The following supplemental Use regulations shall apply:
- a. Purpose.
 - (1) The purpose of these standards is to govern the use, construction, and location of wireless communications facilities in recognition of the nature of wireless communications systems and the Federal Telecommunications Act. These regulations are intended to:

- (a) Accommodate the need for wireless communications facilities to ensure the provision for necessary services while preserving the character of the Borough;
 - (b) Minimize the adverse visual effects and the number of such facilities through proper design, locating, screening, material, color, and finish and by requiring that competing providers of wireless communications services collocate their telecommunication and wireless communications antennas and related facilities;
 - (c) Address new wireless technologies, including, but not limited to, distributed antenna systems, data collection units, and other WCFs;
 - (d) Ensure the structural integrity of wireless communications facilities through compliance with applicable industry standards and regulations; and
 - (e) Promote the health, safety, and welfare of the residents and property owners within the Borough.
- b. Regulations Applicable to All Wireless Communications Facilities. The following regulations shall apply to all Wireless Communications Facilities (WCFs).
- (1) Wireless communications facilities shall be permitted within the Borough as follows:
 - (a) Tower-Based Wireless Communications Facilities shall be permitted as specified in Table 3.01, provided that the proposed Wireless Communications Facilities comply with the applicable requirements of this Chapter.
 - (b) Small Wireless Communications Facilities Inside Public Rights-of-Way shall be permitted as specified in Table 3.01, provided that the proposed Wireless Communications Facilities comply with the applicable requirements of this Chapter.
 - (c) Small Wireless Communications Facilities Outside Public Rights-of-Way shall be permitted as specified in Table 3.01, provided that the proposed Wireless Communications Facilities comply with the applicable requirements of this Chapter.
 - (2) Standard of Care. All WCFs shall meet all applicable standards and provisions of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate wireless communications facilities, the latest National Electrical Safety Code (NESC), American National Standards Institute (ANSI) Code, and the structural standards of the American Association of State Highway and Transportation Officials or any other industry standard applicable to the Structure. In case of conflict, the most stringent requirements shall prevail. All necessary certifications shall be obtained by the WCF Applicant and provided to the Borough.
 - (3) Engineer Signature. All plans and drawings included in an application for a WCF shall contain a seal and signature of a Registered Design Professional.

- (4) Eligible Facilities Requests.
 - (a) WCF Applicants proposing the Modification or Replacement of an existing WCF shall be required only to obtain a zoning permit from the Borough Zoning Officer. In order to be considered for such a permit, the WCF Applicant shall submit a permit application to the Borough Zoning Officer in accordance with applicable permit policies and procedures. Such permit application shall clearly state that the proposed Modification or Replacement constitutes an Eligible Facilities Request pursuant to the requirements of 47 CFR § 1.6100. The permit application shall clearly detail all dimensional changes being made to the WCF and Wireless Support Structure and certify that such changes are in compliance with the requirements of 47 CFR § 1.6100.
- (5) Substantial Change. Any Substantial Change to a WCF shall be treated as an application for a new WCF in accordance with this Chapter and applicable FCC rules and orders. Substantial Change shall be defined according to Section 6409(a) of the Spectrum Act, aka, Middle Class Tax Relief and Job Creation Act of 2012.
- (6) Aviation Safety. All WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
- (7) Public Safety Communications. WCFs shall not interfere with public safety communications, or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
- (8) Radio Frequency Emissions. A WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. The WCF Applicant shall submit proof of compliance with all applicable standards relating to radio frequency emissions as part of any complete WCF application.
- (9) Noise. WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and as stipulated in Section 4.20 of this Chapter, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only as permitted by the Borough.
- (10) Non-conforming Wireless Support Structures. WCFs shall be permitted to collocate upon existing non-conforming Wireless Support Structures. Collocation of WCFs upon existing Wireless Support Structures is encouraged even if the Wireless Support Structure is non-conforming as to use within a zoning district.
- (11) Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a WCF, as well as related

inspection, monitoring, and related costs. Such permit fees shall be established by the Borough fee schedule.

- (12) Indemnification. Each Person that owns or operates a WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees, and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the WCF. Each Person that owns or operates a WCF shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death or property damage, was caused by the construction, installation, operation, maintenance, or removal of a WCF. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs, and all other costs of indemnification.
- (13) Non-commercial Usage Exemption. Borough residents utilizing satellite dishes, citizen and/or band radios, and Antennas for the purpose of maintaining television, phone, and/or internet connections at their residences shall be exempt from the regulations enumerated in this Part.
- (14) Abandonment. In the event that the use of a WCF is to be discontinued, the Owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. A WCF not operated for a period of six (6) months shall be considered abandoned. Discontinued or abandoned WCFs, or portions of WCFs, shall be removed as follows:
- (a) All abandoned or unused WCFs and Accessory Equipment shall be removed within ninety (90) days of the cessation of operations at the site or receipt of notice that the WCF has been deemed abandoned by the Borough unless a time extension is approved by the Borough.
 - (b) If the WCF or Accessory Equipment is not removed within ninety (90) days of the cessation of operations at a site or receipt of notice that the WCF has been deemed abandoned by the Borough, or within any longer period approved by the Borough, the WCF and/or associated facilities and equipment may be removed by the Borough and the cost of removal assessed against the Owner of the WCF.
- (15) Maintenance. The following maintenance requirements shall apply:
- (a) Structures and facilities deployed by a wireless provider shall be constructed, maintained and located in a manner as to not obstruct, endanger or hinder the usual travel or public safety on a Right-of-Way, damage or interfere with other utility facilities located within a Right-of-Way or interfere with the other utility's use of the utility's facilities located or to be located within the Right-of-Way.

- (b) The construction and maintenance of structures and facilities by the wireless provider shall comply with the 2017 National Electrical Safety Code and all applicable laws, ordinances and regulations for the protection of underground and overhead utility facilities.
 - (c) An Applicant or the Applicant's affiliate shall ensure that a contractor or subcontractor performing construction, reconstruction, demolition, repair or maintenance work on a small wireless facility deployed meets and attests to all of the following requirements:
 - i. Maintain all valid licenses, registrations or certificates required by the Federal Government, the Commonwealth or a local government entity that is necessary to do business or perform applicable work.
 - ii. Maintain compliance with the Workers' Compensation Act, 77 P.S. § 1, *et seq.*, the Unemployment Compensation Law, 43 P.S. § 751, *et seq.*, and bonding and liability insurance requirements as specified in the contract for the project.
 - iii. Has not defaulted on a project, declared bankruptcy, been debarred or suspended on a project by the Federal Government, the Commonwealth or a local government entity within the previous three years.
 - iv. Has not been convicted of a misdemeanor or felony relating to the performance or operation of the business of the contractor or subcontractor within the previous 10 years.
 - v. Has completed a minimum of the United States Occupational Safety and Health Administration's 10-hour safety training course or similar training sufficient to prepare workers for any hazards that may be encountered during their work on the small wireless facility.
- (16) Landscaping. The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground-level features (such as a building), and in general soften the appearance of the personal wireless service facility site. The Borough Board of Supervisors may permit any combination of existing vegetation, topography, walls, decorative fences, or other features instead of landscaping if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure and other equipment is housed inside an existing structure, landscaping shall not be required.
- (a) An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted three (3) feet on center maximum) or a row of evergreen trees (planted ten (10) feet on center maximum). The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum of fifteen (15) feet at maturity.

- (b) In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- c. Small Wireless Communications Facilities. The following regulations shall apply to Small Wireless Communications Facilities:
 - (1) Application Requirements.
 - (a) Small WCFs located inside public Rights-of-Way are a permitted use in all Borough zoning districts as specified under Table 3.01, subject to the requirements of this Chapter and generally applicable permitting as required by the Borough. Applications for Small WCFs shall be submitted to the Borough Zoning Officer.
 - (b) Small WCFs located outside public Rights-of-Way are permitted by right in all Borough zoning districts except residential zoning districts as specified in Table 3.01, subject to the requirements of this Chapter and generally applicable permitting as required by the Borough. Applications for Small WCFs shall be submitted to the Borough Zoning Officer.
 - (c) An application for a Small WCF shall include the following:
 - i. Documentation that includes construction and engineering drawings demonstrating compliance with the requirements of this Part;
 - ii. Self-certification that the filing and approval of the application is required by the WCF Applicant to provide additional capacity or coverage for wireless services;
 - iii. Documentation demonstrating compliance with the requirements of the *Small Wireless Communications Facility Design Manual* (See Appendix).
 - iv. If the Small WCF shall require the installation of a new Wireless Support Structure, documentation showing that the WCF Applicant has made a good faith determination that it cannot meet the service reliability and functional objectives of the application by Collocating on an existing Wireless Support Structure. Such determination shall be based on whether the WCF Applicant can meet the service objectives of the application by collocating on an existing Wireless Support Structure on which:
 - [1] The WCF Applicant has the right to Collocation;
 - [2] The Collocation is Technically Feasible and would not impose substantial additional cost; and
 - [3] The Collocation would not obstruct or hinder travel or have a negative impact on public safety.

- v. Documentation showing that the Small WCF does not materially interfere with the safe operation of traffic control equipment, sight lines, or clear zones for transportation or pedestrians or compliance with the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) or similar Federal or State standards regarding pedestrian access or movement; and
- vi. A report prepared by a Registered Design Professional, which shows that the Small WCF shall comply with all applicable FCC regulations, including but not limited to those relating to radio frequency emissions.

(2) Applications Not Required. The Borough shall not require an application for:

- (a) Routine maintenance or repair work;
- (b) The replacement of Small WCFs with Small WCFs that are substantially similar or the same size or smaller and still qualify as a Small WCF; or
- (c) The installation, placement, maintenance, operation, or replacement of Micro Wireless Facilities that are strung on cables between existing utility poles by or for a WCF Applicant that is authorized to occupy the ROW, in compliance with the National Electrical Safety Code.

(3) Location and Development Standards.

- (a) All Small WCFs shall comply with the applicable requirements of the Americans with Disabilities Act and Borough Code of Ordinances.
- (b) No Small WCF shall be located on a private parcel in a residential district or on any single-family detached residences, single-family attached residences, semi-detached residences, duplexes, or any other residential Structure.
- (c) All Small WCFs shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the ROW.

(4) Design Standards. All Small WCFs in the Borough shall comply with the requirements of the Borough *Small Wireless Communications Facility Design Manual* as provided in the appendix to this Chapter.

(5) Time, Place, and Manner. The Borough shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all Small WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.

(6) Private Property. If a Small WCF is to be located outside of the public ROW, or if any part of a Small WCF located in the public ROW shall encroach upon private property, the WCF Applicant shall provide the

Borough Zoning Officer with evidence that the Owner of such private property has granted permission for the construction of the Small WCF.

- (7) Minimum Setbacks. The minimum distance between the base of a Small WCF, located outside of the public ROW, which requires the installation of a new Wireless Support Structure, and any adjoining property line or Street ROW line shall be equal to one hundred (100) percent of the Height of the Small WCF.
- (8) Historic Buildings. No Small WCF may be located within one hundred (100) feet of any property, or on a Building or Structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, located within the Borough of Gettysburg's Historic District, or is included in the official historic structures list maintained by the Borough.
- (9) Third-Party Property. Where a Small WCF is proposed for Collocation on a Wireless Support Structure, located on private property, or other property that is not owned by the WCF Applicant, the WCF Applicant shall present evidence to the Zoning Officer that the Owner of the Wireless Support Structure has authorized construction of the proposed Small WCF.
- (10) Graffiti. Any graffiti on a Small WCF, including the Wireless Support Structure and any Accessory Equipment, shall be removed at the sole expense of the Owner within thirty (30) days of notification by the Borough.
- (11) Timing of Approval.
 - (a) Within ten (10) calendar days of the date that an application for a Small WCF is filed with the Borough Zoning Officer, the Borough shall notify the WCF Applicant in writing of any information that may be required to complete such an application.
 - (b) Within sixty (60) days of receipt of an application for Collocation of a Small WCF on a pre-existing Wireless Support Structure, and subject to applicable tolling procedures as established by federal law, the Borough Zoning Officer shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision.
 - (c) Within ninety (90) days of receipt of an application for a Small WCF requiring the installation of a new or replacement Wireless Support Structure, and subject to applicable tolling procedures as established by federal law, the Borough Zoning Officer shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision.
 - (d) If the Borough denies an application for a Small WCF, the Borough shall provide the WCF Applicant with written documentation of the basis for denial within five (5) business days of the denial.
 - (e) The WCF Applicant may cure the deficiencies identified by the Borough and resubmit the application within thirty (30) days of receiving the written basis for the denial without being required to pay an additional application fee. The Borough shall approve or

deny the revised application within thirty (30) days of the application being resubmitted for review.

(12) Consolidated Application.

- (a) A WCF Applicant may submit a consolidated application for Collocation of multiple Small WCFs. The consolidated application shall not exceed twenty (20) Small WCFs.
- (b) A WCF Applicant may not submit more than one consolidated application in a single thirty (30) day period.
- (c) If a WCF Applicant submits more than one consolidated application in a forty-five (45) day period, the applicable processing deadline shall be extended fifteen (15) days in addition to the processing deadline specified in Subparagraph (11) above.

(13) Repair and Restoration.

- (a) The WCF Applicant shall repair all damage to the ROW or any other land so disturbed, directly caused by the activities of the WCF Applicant or the WCF Applicant's contractors and return the ROW to as good of condition as it existed prior to any work being done in the ROW by the WCF Applicant or the WCF Applicant's contractors.
- (b) If the WCF Applicant fails to make the repairs required by the Borough within thirty (30) days after written notice, the Borough may perform those repairs and charge the WCF Applicant the reasonable, documented cost of the repairs plus a penalty of \$500.
- (c) The Borough may suspend the ability of the WCF Applicant to receive new permits until the WCF Applicant has paid the amount assessed for the repair costs and the assessed penalty.

(14) Relocation or Removal of Facilities.

- (a) Within sixty (60) days of suspension or revocation of a permit due to noncompliance with the requirements of the Borough, the WCF Applicant shall remove the Small WCF and any Accessory Equipment, including the Wireless Support Structure, if the WCF Applicant's WCF(s) are the only facilities on the Wireless Support Structure.
- (b) Within ninety (90) days of the end of a permit term, the WCF Applicant shall remove the Small WCF and any Accessory Equipment, including the Wireless Support Structure, if the WCF Applicant's WCF(s) are the only facilities on the Wireless Support Structure.
- (c) Following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter

period in the case of an emergency, the WCF Applicant shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Small WCF when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:

- i. The construction, repair, maintenance, or installation of any Borough or other public improvement in the ROW;
- ii. The operations of the Borough or other governmental entity in the ROW;
- iii. Vacation of a Street or road or the release of a utility easement; or
- iv. An emergency as determined by the Borough.

(15) Reimbursement for ROW Use. In addition to permit fees as described in this section, every Small WCF in the ROW is subject to the right to fix annually a fair and reasonable fee as stipulated in the Borough's adopted Fee Schedule to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Borough's actual ROW management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the Borough. The Owner of each Small WCF shall pay an annual fee to the Borough to compensate the Borough for the Borough's costs incurred in connection with the activities described above. Such fees shall comply with the applicable requirements of the Federal Communications Commission.

d. Tower-Based Wireless Communications Facilities. The following regulations shall apply to all Tower-Based Wireless Communications Facilities.

(1) Small WCF Exemption. Tower-Based WCFs that meet the definition of a Small WCF shall be exempt from the requirements of this Section. Such Small WCFs shall be subject only to applicable permitting and the requirements of Subparagraphs (H)6.b. and (H)6.e.

(2) Special Exception Required. Tower-Based WCFs are permitted outside the public Rights-of-Way as a Special Exception and at a Height necessary to satisfy their function in the WCF Applicant's wireless communications system, subject to the requirements of this Part.

(a) Upon submission of an application for a Tower-Based WCF and the scheduling of the public hearing upon the application, the WCF Applicant shall send via First Class Mail notice to all owners of every property within five hundred (500) feet of the proposed facility, advising of the subject matter and date of such hearing. Such notice shall be sent at least ten (10) days in advance of the scheduled public hearing. The WCF Applicant shall provide proof of the notification to the Zoning Hearing Board along with the list of return receipts received.

- (b) The Special Exception application shall include a site plan, drawn to scale, showing property boundaries, power location, total Height of the Tower-Based WCF, guy wires and anchors, existing structures, elevation drawings, typical design of proposed structures, parking, fences, landscaping and existing uses on adjacent properties.
- (c) The Special Exception application shall be accompanied by a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF Applicant, the power in watts at which the WCF Applicant transmits, and any relevant related tests conducted by the WCF Applicant in determining the need for the proposed site and installation.
- (d) The Special Exception application shall include evidence that a significant gap in wireless coverage or capacity exists in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Zoning Hearing Board's decision on an application for approval of Tower-Based WCF.
- (e) Where the Tower-Based WCF is located on a property that is not owned by the WCF Applicant, the Special Exception application shall include evidence to the Zoning Hearing Board that the Owner of the property has granted an easement or other property right, if necessary, for the proposed WCF and any vehicular access that shall be provided to the facility.
- (f) The Special Exception application shall include a written certification by a Registered Design Professional of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the Structure.
- (g) The Special Exception application shall include evidence demonstrating that the proposed Tower-Based WCF cannot be accommodated on an existing Wireless Support Structure. The Zoning Hearing Board may deny an application to construct a new Tower-Based WCF if the WCF Applicant has not made a good faith effort to mount the Antenna(s) on an existing Wireless Support Structure. The WCF Applicant shall demonstrate that it contacted the owners of all potentially feasible structures, Buildings, and towers within a thousand (1,000) foot radius of the site proposed, sought permission to install an Antenna on those structures, Buildings, and towers, and was denied for one of the following reasons:
 - i. The proposed WCF would exceed the structural capacity of the existing Building, Structure, or tower, and its

reinforcement cannot be accomplished at a reasonable cost.

- ii. The WCF would cause radio frequency interference with other existing equipment for that existing Building, Structure, or tower, and the interference cannot be prevented at a reasonable cost.
 - iii. Such existing Buildings, structures, or towers do not have adequate location, space, access, or Height to accommodate the proposed equipment or to allow it to perform its intended function.
 - iv. A reasonable agreement could not be reached with the Owner of such Building, Structure, or tower.
- (h) The Special Exception application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all applicable provisions of this Chapter.

(3) Development Regulations.

- (a) Tower-Based WCFs shall not be located in or within seventy-five (75) feet of an area in which all utilities are located underground.
- (b) Sole use on a Parcel. A Tower-Based WCF may be permitted as the sole use on a parcel, provided the Tower-Based WCF and underlying parcel comply with all applicable requirements of this Chapter.
- (c) Combined with Another Use. A Tower-Based WCF may be permitted on a property with an existing use, except residential, subject to the following conditions:
 - i. The existing use of the property may be any permitted use in the applicable district and need not be affiliated with the WCF.
 - ii. Minimum Lot Size. The minimum parcel shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the Tower-Based WCF and Accessory Equipment, any guy wires, the equipment Building, security fence, and applicable screening.

(4) Design Regulations.

- (a) Anti-Climbing Device. A Tower-Based WCF shall be equipped with an anti-climbing device, as approved by the manufacturer.
- (b) Minimum Setbacks. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or Street ROW line shall be equal to one hundred (100) percent of the Height of the Tower-Based WCF. The underlying parcel shall be

large enough to accommodate related equipment, stormwater runoff mechanisms, and all other features typically found within the immediate area of a telecommunications tower.

(c) Surrounding Environs.

- i. The WCF Applicant shall ensure that the existing vegetation, trees, and shrubs located within proximity to the WCF Structure shall be preserved.

(d) Fence/Screen.

- i. A security fence with a maximum Height of eight (8) feet, with openings no greater than four (4) inches, shall completely surround any Tower-Based WCF, as well as guy wires or any Building housing Accessory Equipment.
- ii. The WCF Applicant shall comply with the screening requirements as specified § 27-416 of this Chapter.

(e) Accessory Equipment.

- i. Ground-mounted Accessory Equipment associated or connected with a Tower-Based WCF shall not be located within fifty (50) feet of a parcel in a residential use.
- ii. Accessory Equipment associated with a Tower-Based WCF shall be placed underground or screened from public view. All ground-mounted Accessory Equipment, utility Buildings, and accessory structures shall be architecturally designed to be concealed from public view to the maximum extent possible and be compatible with the architecture of surrounding Buildings, structures, or landscape.
- iii. Either one single-story wireless communications equipment Building not exceeding five hundred (500) square feet in area or its equivalent may be permitted for each unrelated company sharing Antenna space on the Tower-Based WCF.

(5) Additional Antennas. As a condition of approval for all Tower-Based WCFs, the WCF Applicant shall provide the Zoning Hearing Board with a written commitment that it shall allow other service providers to Collocate WCFs on the Tower-Based WCF where technically and economically feasible. To the extent permissible under state and federal law, the Owner of a Tower-Based WCF shall not install any additional WCFs without complying with the applicable requirements of this Part.

(6) FCC License. Each Person that owns or operates a Tower-Based WCF shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.

- (7) Signs. All Tower-Based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WCF shall be those required by the FCC or any other federal or state agency.
 - (8) Lighting. No Tower-Based WCF shall be artificially lit, except as required by law. If lighting is required, the WCF Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Borough Secretary.
 - (9) Storage. The storage of unused equipment, materials, or supplies is prohibited on any Tower-Based WCF site.
 - (10) Repair of Non-Conforming Tower-Based WCF. Non-conforming Tower-Based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but shall otherwise comply with the terms and conditions of this Part. The Collocation of Antennas is permitted on non-conforming structures.
 - (11) Insurance. Each Person that owns or operates a Tower-Based WCF shall provide the Borough Zoning Officer with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Tower-Based WCF.
- (G) Industrial Uses. A category of Uses for businesses involving assembly, production, storing, transferring and disposal of goods or products, and which may also include associated facilities such as offices, maintenance facilities, and fuel pumps and both indoor and outdoor activities and storage of goods.
- 1. The following supplemental Use regulations shall apply to all permitted Industrial Uses as part of the Zoning Permit application.
 - a. The Applicant shall provide a detailed written description of the proposed use in each of the following topics:
 - b. The nature of on-site processing operations, the materials used in the process, the products produced, and the generation and methods of disposal for any wastes and/or by-products. In addition, the Applicant shall furnish evidence that the storage and disposal of materials shall be accomplished in a manner that complies with all applicable state and federal regulations.
 - c. The general scale of the operation in terms of its specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.
 - d. Identify any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate negative impacts. The Applicant shall furnish expert evidence that the

impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including but not limited to those administered and enforced by the U.S. Environmental Protection Agency and PA DEP.

- e. The Zoning Officer may request additional information to ensure proper evaluation of such an application. Such information may include ventilation plans, materials characteristics, drainage plans, waste disposal plans, and chemical disposition plans.
 - f. All outdoor storage associated with Industrial Uses shall adhere to the Outdoor Storage Yard provisions specified below.
2. Automotive Dismantler and Recycler. Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled Motor Vehicles, or motor parts, or both. The following performance standards shall apply.
- a. Minimum Lot Size shall be ten (10) acres.
 - b. The outdoor area devoted to the storage of Junk shall be completely enclosed by an eight (8) foot high opaque fence which shall be set back at least fifty (50) feet from all property lines and one hundred (100) feet from residentially zoned or existing residential properties.
 - c. The setback area between the fence and the Parcel lines shall be kept free of weeds and all scrub growth.
 - d. All completely enclosed Buildings used to store Junk shall be set back at least fifty (50) feet from all property lines.
 - e. No material may be stored or stacked so that it is visible from adjoining properties and roads.
 - f. The operation shall be licensed pursuant to Title 67, PA Code, Ordinance 451, Control of Junkyards and Automotive Dismantlers and Recyclers and obtain and maintain all applicable permits.
 - g. All junk shall be stored or arranged to permit access to firefighting equipment and to prevent the accumulation of water, and with no Junk piled to a Height greater than eight feet.
 - h. No oil, grease, tires, gasoline, or other similar material shall be burned at any time.
 - i. Any Automotive Dismantler and Recycler or Junkyard shall be maintained in such a manner as to cause no public or private nuisance, not to cause any offensive or noxious sounds or odors, nor to the breeding or harboring of rats, flies, mosquitoes, or other vectors.
 - j. All junk vehicles shall be emptied of fuel, oil, and other liquids and batteries.
3. Brewery, Distillery, Winery. A facility for the production, packaging and sampling of alcoholic beverages – including beer, wine, cider, mead and distilled liquors for retail or wholesale distribution, for sale or consumption on- or off-premises, and which produces 100,000 gallons or more of such beverages per year. The Brewery, Distillery, Winery

shall be licensed by the Pennsylvania Liquor Control Board and any successor agency of the Commonwealth. The following supplemental Use regulations apply:

- a. Minimum Lot Size. Five (5) acres.
 - b. A Brewery, Distillery, Winery shall have at least one (1) loading berth, with an additional berth when the GFA exceeds 150,000 square feet.
 - c. Identify the nature of the on-site operations, the materials used in the process, the products produced, and the generation and methods for disposal of any wastes and/or by-products. In addition, the Applicant shall furnish evidence that the storage and disposal of materials shall be accomplished in a manner that complies with state and federal regulations.
 - d. Identify any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate negative impacts. The Applicant shall provide evidence that the impacts generated by the proposed use fall within acceptable levels regulated by applicable laws and ordinances.
 - e. Traffic Impact Study. A traffic impact study prepared by a Registered Design Professional pursuant to the requirements specified under Chapter 22, Subdivision and Land Development, of the Borough Code of Ordinances shall be reviewed and approved by the Borough Engineer.
4. Craftsman Industrial. A category of Uses that include a showroom or small retail outlet and production space, and involves small scale production, assembly, and/or repair with no noxious by-products. Craftsman Industrial includes such Uses as those found in Table 3.05, Typical Employment Uses (Typical Craftsman Industrial Uses). This Use may also include associated facilities such as offices and small-scale warehousing. In the event a specific Craftsman Industrial Use is not identified in Table 3.05, the Zoning Officer shall have the authority to review the proposed Use and the Applicant shall submit to the Zoning Officer such additional information as the Zoning Officer deems necessary to render a Zoning Certification Letter as specified under § 27-113 of this Chapter.
5. Junkyards. Any outdoor establishment, place of business, or activity which is maintained, used or operated for storing, keeping, buying or selling Junk; for the maintenance or operation of a garbage dump, sanitary landfill or scrap metal processor, or for the storage of ten or more junked vehicles. The performance standards specified under Subparagraph (l)2c (Automotive Dismantler and Recycler) above shall apply.

Table 3.05, Typical Craftsman Industrial Uses.

Agricultural Growing, such as Aquaculture	Ice
Apparel and Finished Fabric Products	Jewelry, Watches, Clocks, and Leather Products (no tanning)
Botanical Products	Meat and Fish Products, no processing
Brooms and Brushes	Musical Instruments and Articles
Canning and Preserving Food	Pottery, Ceramics, and Related Products
Commercial Scale Copying and Printing	Printing, Publishing and Allied Industries
Cut Stone and Cast Stone	

Electronics Assembly	Shoes and Boots
Electrical Fixtures	Signs and Advertising
Engraving	Silverware
Fabricated Metal Products	Smithing
Film Making	Taxidermy (with incidental tanning)
Firearms and Ammunition	Textile, Fabric, Cloth
Furniture and Fixtures	Toys and Athletic Goods
Glass	Upholstery
Household Textiles	Woodworking

6. Manufacturing - Light Industry. A Use involving the production of goods from raw materials or the assembly of finished products that can result in limited negative external effects, noise, and other non-noxious by-products. Light Industry Uses includes all Typical Light Industrial Uses identified in Table 3.06, Typical Industrial Uses. The Zoning Officer may request additional information to ensure proper evaluation of such an application. These uses have less than one (1) million square feet of floor area. Such information may include ventilation plans, materials characteristics, drainage plans, waste disposal plans, and chemical disposition plans.

Table 3.06, Typical Industrial Uses.

Typical Light Industrial Uses	Typical Warehousing/Distribution Uses
Any Craftsman Industrial Use with or without retail outlet and with significant distribution	Exterminating and Disinfecting Service
Agricultural Processing, unless otherwise listed	Food Distribution Facility, with or without public market
Aircraft Assembly and Testing	Freight Forwarding Service
Apparel, Finished Products from fabric	Fuel Distribution
Automobile, Truck, Boat, Recreational Vehicle and Trailer Manufacturing	Mail and Parcel Sorting & Distribution
Bicycle Manufacturing	Mail Order House and Warehousing
Biomaterials	Newspaper Distribution Facilities
Contractor – Landscape and Construction	Packing and Crating
Cotton Wadding	Petroleum Bulk Station
Electrical Fixtures	RV and Large Equipment Storage Yard
Electronic Equipment/Component Manufacturing	Recycling Center (Collection & Sort)
Engines and Motors Manufacturing/Rebuilding	Tow or Impound Parcel
Lasers and Optics	Vehicle Staging and Storage (Ambulance, Bus, Limousine, Livery, Taxi, etc.)
Laundering, Dry Cleaning, Dyeing	Warehousing and Storage (Refrigeration or General)
Lumber Mill	Water Distribution
Machinery Manufacturing	Wholesale Trade of Goods
Medical Equipment Manufacturing	Printing, Publishing and Allied Industries
Metal Products Manufacturing	Stone Cutting and Distribution
Mobile/Manufactured Homes Manufacturing	Tool and Die Shop
Motor Testing	Plumbing and Heating Products
Pharmaceuticals	

7. Medical Marijuana Grower / Processor Facility. A Person, including a natural Person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Pennsylvania Department of Health (DOH) to grow and process medical marijuana pursuant to Pennsylvania's Medical Marijuana Act, Act of April 17, 2016, P.L. 84, No. 16. The following supplemental Use regulations apply:
- a. A Medical Marijuana Grower/Processor may only grow medical marijuana in an indoor, enclosed, and secure Building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other Motor Vehicle.
 - b. The GFA of a Medical Marijuana Grower/Processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation, and marijuana-related materials and equipment used in production and cultivation or for required laboratory testing.
 - c. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.
 - d. Marijuana remnants and by-products shall be secured and properly disposed of in accordance with the Pennsylvania Department of Health (DOH) policy and shall not be placed within any unsecure exterior refuse containers.
 - e. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at Medical Marijuana Grower/Processor facilities.
 - f. Growers/processors may not be located within one thousand (1,000) feet of the property line of a public, private, or parochial school or day-care center.
 - g. All external lighting serving a Medical Marijuana Grower/Processor must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
 - h. Where a Medical Marijuana Grower/Processor adjoins a residential use or the Revitalization District, a buffer yard shall be required pursuant to the requirements of § 27-416 this Chapter.
 - i. Entrances and driveways to a Medical Marijuana Grower/Processor must be designed to accommodate the anticipated vehicles used to service the facility.
 - j. Loading and off-loading areas within the Structure are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment.
 - k. Medical Marijuana Transport Vehicle Service. In addition to the above requirements, the following regulations shall also apply to medical marijuana transport vehicle services:

- (1) All external lighting serving a medical marijuana transport vehicle service must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
 - (2) Entrances and driveways to a medical marijuana transport vehicle service must be designed to accommodate the anticipated vehicles used to enter and exit the premises.
 - (3) All accesses must secure the appropriate highway occupancy permit (PennDOT or Borough).
- l. If for some reason a medical marijuana product is to be temporarily stored at a medical marijuana transport vehicle service facility, the facility must be secured to the same level as a medical marijuana grower/producer and dispensary.
8. Outdoor Storage Yard. A Parcel used primarily for the outdoor storage of construction equipment parts, materials and supplies, and parking of wheeled construction equipment. This Use does include associated on-site offices and indoor storage as an accessory use to the principal use. The following supplemental Use regulations apply:
 - a. The Outdoor Storage Yard shall be secured and screened from view of the front Parcel line. Level 3 screening shall be required pursuant to Section 4.03 of this Chapter.
 - b. Loose materials shall not be stacked higher than twenty (20) feet.
 - c. Loose materials shall at a minimum be stored in a three (3)-sided shelter and shall be covered.
 - d. Materials shall be set back a minimum of five (5) feet from any Parcel line.
9. Truck Terminal. A facility to accommodate the fueling, routine maintenance and storage of trucks and other motorized equipment and trailers and that may provide warehousing and transfer facilities as accessory uses. The following supplemental Use regulations apply:
 - a. The site shall have frontage on and direct vehicular access to an Arterial Street.
 - b. No point on the site boundary shall be located within three hundred (300) feet of any property line of a property containing a residential dwelling.
 - c. Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion.
 - d. All materials and equipment shall be stored within a completely enclosed Building, as defined herein.
 - e. No repair of vehicles shall be permitted outside a completely enclosed Building, as defined herein.
10. Truck or Truck Trailer Parking. A parcel of land, or portion thereof, used by commercial trucks for the purpose of dropping or picking up loaded and/or unloaded trailers, including the incidental short-term or daily storage of Trucks and storage of loaded and/or unloaded trailers, for transfer to other points or jurisdictions. The use may include an accessory guardhouse or similar type structure to allow for Trailers to be checked in and

out. The use does not include the breakdown or aggregation into smaller or larger loads. Commonly referred to as a "Drop Lot." The following supplemental Use regulations apply:

- a. The Use shall be located on a parcel of no less than ten (10) acres in size.
- b. The Use Shall have direct access to an Arterial Street and ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion.
- c. No point on the site boundary shall be located within three hundred (300) feet of any residential zoning district or residential property line.
- d. The applicant shall furnish a traffic impact study prepared in accordance with the requirements specified under Chapter 22, Subdivision and Land Development, of the Borough Code of Ordinances and be reviewed and approved by the Borough Engineer.
- e. The entire perimeter of the facility shall be lit according to the private lighting standards specified under § 22-1015 of the Borough Code of Ordinances.
- f. The Use shall be secured via a minimum twelve (12) foot high chain link fence and have a secure gated access that is accessible only by authorized users of the parking facility. Authorized access shall include Borough officials, including designated zoning and code enforcement, police, fire, and EMS personnel.
- g. The owner/operator of the Use shall have a hazardous material spill plan approved by the Adams County Department of Emergency Services and a designated safety officer responsible for monitoring and reporting any suspected or known hazardous materials spills occurring from the use of the parking facility.
- h. The use shall not be used for overnight sleeping in Trucks or as a Truck Stop Rest area.
- i. Other than storage within Trailers using the parking facility, the site shall not have any Buildings or Structures used for the storage of materials.
- j. Overnight Truck idling is prohibited within the Borough limits. No person shall allow the primary propulsion engine of a Motor Vehicle to idle for more than ten (10) consecutive minutes when the Motor Vehicle is not in motion. Truck stop facilities shall provide signage indicating overnight idling is prohibited. Such signage must be located at the entrance of overnight parking Lots in a visible manner to Truck drivers.

11. Warehouse/Distribution. A Use involving large-scale indoor storage of goods, packaging of goods, and distribution typically between production and the market. May include a small ancillary retail facility. Warehouse/Distribution Uses also include substantial commercial vehicle access, storage, and intermodal exchanges. Warehouse/Distribution Uses includes such Uses as those identified in Table 3.06, Typical Industrial Uses. The following supplemental Use regulations apply:

- a. Minimum Lot Size. The subject property shall have a minimum Parcel area of ten (10) acres and a minimum of three hundred (300) feet of frontage on an Arterial or Collector Road.

- b. Required Setback. Parking, staging, and loading/unloading areas, and Buildings shall be located no closer than five hundred (500) feet from a residential use and/or property containing a school, daycare facility, park, playground, library, hospital, or nursing or retirement home, except where such parking, staging, and loading/unloading areas, and Buildings are separated from such other uses by an Interstate Highway.
- c. Maximum Parcel Coverage. When served by public sewer and public water and any portion of the subject property is located less than 1,320 feet from an Interstate Highway interchange (as measured from the nearest highway ramp terminal to any contiguous portion of the property), a maximum Parcel coverage of fifty (50) percent and a maximum Impervious Coverage of sixty-five (65) percent shall be permitted.
- d. Buffer Screening. Screen buffers shall be provided in accordance with § 27-416 of this Chapter.
- e. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the amount of noise levels of the use, as measured at each Parcel lines.
- f. Electric hookups shall be installed to reduce idling of main auxiliary engines when Trucks are in a stationary position.
- g. Access, Parking, and Loading.
 - (1) The use shall have direct access to an Arterial Street.
 - (2) A minimum of five (5) percent of the required total Tractor and Trailer parking spaces shall be reserved for outbound trucks which are required to layover or rest due to federal hours of service regulations. Such spaces must be made available to tractor-trailers during and/or after the facility's operating hours as necessary.
 - (3) All trucks awaiting access to a loading/unloading dock/doorway shall park in the designated tractor trailer parking spaces unless all such spaces are already occupied.
 - (4) The site shall be provided with sufficiently long stacking lanes and on-site loading/unloading facilities so that Trucks or Trailers or other vehicles waiting to park, or be loaded/unloaded, will not back up onto public Streets.
 - (5) Each Warehouse/Distribution use shall provide off-street loading facilities which meet the minimum requirements of § 27-412 of this Chapter and are sufficient to accommodate the maximum demand generated by the use. Each loading space and the needed maneuvering room shall be located entirely on the Parcel being served and be located outside of required buffer areas and Street Rights-of-Way. Each loading space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the Parcel. No facility shall be designed or used in such a manner that it creates a safety hazard, public nuisance or an impediment to traffic off the Parcel.

- h. Where gates, guard shacks or checkpoints are proposed at the entrance(s) to the facility, adequate queuing space shall be provided within the property boundaries to prevent stacking of vehicles on or along public Streets. Any entry gates into the loading dock/Truck court area shall be positioned after a minimum of one hundred forty (140) feet of total available stacking depth inside the property line. The stacking distance shall be increased by seventy (70) feet for every twenty (20) loading docks beyond fifty (50) docks. Queuing and circling of vehicles on public Streets immediately pre- or post-entry to a Truck Terminal is strictly prohibited unless queuing occurs in a deceleration lane or right turn lane exclusively serving the facility.
- i. Outdoor Storage.
 - (1) The outdoor storage of unlicensed and/or uninspected Trucks or Trailers is prohibited.
 - (2) No outdoor storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, animals, animal carcasses or skins or similar items shall be permitted.
- j. The use shall include an appropriate system to contain and properly dispose of any fuel, grease, oils, or similar pollutants that may spill or leak where such substances are stored or where vehicles are fueled, repaired or maintained.
- k. Signage and Traffic Patterns.
 - (1) Applicants shall submit to the Borough Engineer, and obtain approval of, all turning templates to verify Truck turning movements at entrance and exit driveways and Street intersections adjacent to a Warehouse/Distribution use prior to conditional use approval.
 - (2) Anti-idling signs indicating a three (3) minute diesel Truck engine idling restriction shall be posted at Warehouse/Distribution uses along entrances to the site and in the dock areas and shall be strictly enforced by the facility operator.
 - (3) The applicant shall establish and submit with its conditional use application a Truck routing plan to and from the state highway system. The plan shall describe proposed Truck routing to and from the Warehouse/Distribution facility to designated Truck routes that avoids passing sensitive receptors to the greatest extent possible. The plan shall include measures, such as signage and pavement markings, queuing analysis and enforcement, for preventing Truck queuing, circling, stopping, and parking on public Streets. The facility operator shall be responsible for enforcement of the plan. The Board of Supervisors shall have discretion to determine if changes to the plan are necessary including any additional measures to alleviate Truck routing and parking issues that may arise during the life of the facility.
 - (4) Signs shall be installed at all Truck exit driveways directing Truck drivers to the Truck route as indicated in the Truck routing plan and state highway system.
 - (5) Signs and drive aisle pavement markings shall clearly identify the on-site circulation pattern to minimize unnecessary on-site vehicular travel.

- (6) Facility operators shall post signs in prominent locations inside and outside of the Building indicating that off-site parking for any employee, Truck, or other operation related vehicle is strictly prohibited. The Borough may require the facility operator to post signs on surface or residential Streets indicating that off-site Truck parking is prohibited by this Chapter and as specified in the required Truck routing plan.
- I. Environmental and Community Impact Analysis. The applicant shall provide an environmental and community impact analysis. The environmental and community impact analysis shall include:
 - (1) A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials.
 - (2) A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waters of the Commonwealth, and cultural and historic resources on the property and within five (500) feet of the boundaries of the property.
 - (3) Evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
 - (4) An evaluation of the potential impacts of the proposed use, both positive and negative, upon:
 - (a) Emergency services and fire protection;
 - (b) Water supply;
 - (c) Sewage disposal;
 - (d) Solid waste disposal;
 - (e) School facilities and school district budget;
 - (f) Municipal revenues and expenses
 - (5) Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts including the performance standards specified in § 27-411 of this Chapter. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.
12. Yard Waste Composting Facility. A facility which yard waste and natural wood waste is received and processed to produce compost for off-site Use. Retail and wholesale sales of bulk compost, mulch, and earth products shall be permitted as an Accessory Use to a yard waste composting facility. The term does not include composting by a single-family

Parcel Owner for personal Use. The following supplemental Use regulations apply:

- a. Minimum Parcel size: Five (5) acres.
- b. Setbacks.
 - (1) The minimum composting activity setback shall be one hundred (100) feet from any property line abutting a non-residential Use or zoning district.
 - (2) The minimum composting activity setback two hundred (200) feet from any property line abutting a residential Use or zoning district.
- c. Operations.
 - (1) Compliance. A Yard Waste Composting Facility shall always be in full compliance with the statutes of the Commonwealth of Pennsylvania and the rules and regulations of the Department of Environmental Protection (DEP) and the provisions of this Part. In the event that any of these provisions are in conflict, then the requirements of the Department of Environmental Protection shall apply.
 - (2) Hazardous Waste Disposal. Hazardous waste as included on the list of hazardous waste as maintained by DEP shall not be disposed of in a composting facility.
 - (3) Management. Each permitted facility must have a certified compost operator on staff. This certification can be the Compost Specialization Certificate from the Professional Recyclers of Pennsylvania (PROP), or other DEP-approved certification courses.
 - (4) Site Maintenance. The entire area shall be kept clean and orderly.
- d. Site Access. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, every composting facility shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.

§ 27-306 Accessory Uses

(A) General Provisions.

1. Accessory Uses Allowed. Accessory Uses as listed in Table 3.01, Table of Uses, are allowed only in connection with the lawfully established Principal Uses.
2. Allowed Uses. Allowed Accessory Uses are limited to those expressly regulated in this Chapter as well as those that satisfy the following criteria:
 - a. They are customarily found in conjunction with the subject Principal Use(s) or Principal Structure;
 - b. They are subordinate and clearly incidental to the Principal Use(s) of the property; and

- c. They serve a necessary function for the comfort, safety, or convenience of occupants of the Principal Use(s).
 - 3. Accessory Structures. Refer to Section 4.01 of this Chapter.
 - 4. Time of Construction and Establishment. Accessory Uses may be established only after the Principal use of the subject property is in place.
 - 5. Location. Accessory Uses shall be located on the same Parcel as the Principal Use to which they are accessory.
- (B) Accessory Uses.
- 1. Accessory Dwelling Unit. A Dwelling Unit clearly subordinate to the principal Building on the same Parcel and serving a purpose customarily incidental to the principal residential Building. This unit will be considered an Accessory Dwelling Unit if it is 1) located in a separate structure or offers an independent entrance, 2) provides sleeping, cooking, and bathroom facilities independent from the principal dwelling, and 3) the unit is occupied by no more than two (2) people. The following supplemental Use regulations apply:
 - a. A property Owner shall file a Zoning Permit for an accessory dwelling unit prior to its recognition as an Accessory Dwelling Unit. The property proposed for an Accessory Dwelling Unit shall contain one (1), but no more than one (1), residential Structure occupied as a one-unit Dwelling.
 - b. The property shall be Owner-occupied, either in the Principal Structure or principal Dwelling Unit, or in the accessory Dwelling.
 - c. The Accessory Dwelling Unit shall be located either:
 - (1) In a newly constructed Accessory Dwelling Unit Structure;
 - (2) In an existing detached accessory Structure occupied, or formerly occupied, on the first floor by a garage, barn, or similar Accessory Use; or
 - (3) In a Principal Structure, provided that there is a separate entrance to the exterior or to an unconditioned porch type space.
 - d. Maximum Height. Twenty-five (25) feet in any residential district. (Historic District requirements shall be met.)
 - e. The Usable GFA of the Accessory Dwelling Unit shall not exceed fifty (50) percent of the Usable GFA of the principal dwelling unit or one thousand (1,000) square feet, whichever is less. Exterior patios, decks, porches, and staircases providing interior access from the principal unit to the Accessory Dwelling Unit shall not be counted toward the Usable GFA of the Accessory Dwelling Unit.
 - f. Parking. A minimum of one (1) off-Street parking spaces are required for an Accessory Dwelling Unit.
 - g. Pedestrian Access. An all-weather surface path to the Accessory Dwelling Unit shall be provided from the Street Frontage.
 - h. A separate numeric address for the Accessory Dwelling Unit is prohibited.

- i. No new, separate utility connection may be installed for the Accessory Dwelling Unit in a Principal Structure, unless more than one (1) utility connection already serves the Parcel, to the location of the proposed Accessory Dwelling Unit, at the time of the application for the Accessory Dwelling Unit.
 - j. At any one time, the number of residents of an Accessory Dwelling Unit shall be limited to:
 - (1) One (1) adult and minor children related to said adult by blood, marriage, adoption, custodianship, or guardianship; or
 - (2) Two (2) adults (in total) and minor children related to at least one (1) of the adults by blood, marriage, adoption, custodianship, or guardianship.
 - k. Wastewater Disposal. Certification that the Accessory Dwelling Unit can adequately connect to either the existing sewer line or septic system that is serving the principal use. In no case shall an Accessory Dwelling Unit be served by a separate septic system. Provided that the primary dwelling is connected to the public sewer system, an Accessory Dwelling Unit shall connect or tie into the primary dwelling's sewer line.
 - l. Parcel Non-severability. The Accessory Dwelling Unit may not be conveyed, or the title to the Accessory Dwelling Unit be transferred separate and apart from the rest of the property.
 - m. Mechanical Equipment. Mechanical equipment shall be located on the ground or contained within an Accessory Dwelling Unit and may not be located on the roof.
2. Child Care Center as an Accessory Use to a Residential Use. The following supplemental Use regulations shall apply:
- a. The following shall be the maximum number of children under age fifteen (15) that may be cared for in any dwelling unit:
 - (1) In a Single-family Detached Dwelling with a minimum lot area of 10,000 square feet and a ten (10) foot setback from all existing dwellings: a maximum of six (6) children who are not related to a permanent resident of the dwelling.
 - (2) In any other dwelling unit: a maximum of three (3) children beyond those children who are related to a permanent resident of the dwelling.
 - b. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
 - c. Any Child Care Center involving seven (7) or more children shall be considered a principal use and shall meet the standards of § 27-305(D)10. for such use, if permitted.
 - d. The use shall be actively operated by a permanent resident of the dwelling.
 - e. If four (4) to six (6) children who are not related to a permanent resident of the dwelling are cared for, then the following requirements shall be met:

- (1) Smoke detectors shall be provided throughout the building, an ABC-rated fire extinguisher shall be provided, and exit lights shall be provided at outdoor exits, and at least one exit/window shall be provided with an opening within six feet of the adjacent exterior grade level.
- (2) A minimum of one hundred (100) square feet of safe exterior play area shall be available.

2. Heliport/Vertiport.

a. Heliports. A take-off and landing area for helicopters with associated terminal and maintenance facilities. Heliports strictly adhere to the Federal Aviation Administration (FAA) regulations and include standard marking and lighting designs. The following supplemental Use regulations shall apply:

- (1) All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations.
- (2) The Applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application.
- (3) The proposed helistop would not be detrimental to the health, welfare and safety of the Borough residents and their property.

b. Vertiport. A designated area that supports take-off and landing operations of Electric Vertical Take-off and Land (eVTOL) aircraft and designed pursuant to FAA specifications. The design of a Vertiport has similar infrastructural elements to a Heliport, including a touchdown and lift-off (TLOF) area, a final approach and take-off (FATO) area, and visual aids. The supplemental Use regulations specified for a Heliport shall also apply.

3. Helistop. An accessory use permitted on a roof or on the ground to accommodate helicopters for the purpose of picking up and discharging passengers or cargo with no service facilities. The following use regulations apply:

- a. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations.
- b. The Applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application.
- c. The proposed helistop would not be detrimental to the health, welfare and safety of the Borough residents and their property.
- d. The takeoff and landing pad area shall have a minimum length and width (or diameter if circular) of one and one-half (1.5) times the overall length of the largest helicopter intended to use the facility. The pad shall be paved, level, and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
- e. At least two (2) approach lanes, or each landing pad shall be provided and maintained free of obstructions and shall be located not less than ninety (90)

degrees apart. Each approach lane shall be located within forty-five (45) degrees left or right of the prevailing winds and shall fan out at an angle of ten (10) degrees from the width of the landing pad to a width of one thousand (1,000) feet and shall have a glide angle slope of eight (8) to one (1) measured from the outer edge of the pad.

- f. An application for the helistop on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter shall be supported by the Structure.
 - g. No helicopter over six thousand (6,000) pounds gross weight shall use any helistop.
 - h. The helistop shall be located a minimum of one thousand (1,000) feet from any dwelling unit.
 - i. The Applicant shall furnish evidence of the obtainment of a license, if required, from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application.
 - j. It shall be unlawful for any Person to land, discharge, load or take off in a helicopter in any place within the Borough other than at a Heliport except:
 - (1) In conjunction with a special event as an athletic contest, holiday celebration, parade or similar activity.
 - (2) When necessary for police and/or fire training or when necessary for law enforcement purposes and for emergencies.
 - (3) In connection with a construction project where a helicopter is to be used to lift equipment in connection with such project.
 - (4) Spraying and dusting for agricultural purposes.
3. Home Occupations. A Use that is incidental or secondary to the residential use of a dwelling and which is conducted entirely within the dwelling by one of the residents. The following supplemental Use regulations shall apply:
- a. The activity or occupation shall be conducted entirely within the dwelling or existing accessory building by a resident of the dwelling.
 - b. The amount of floor area used for such occupation shall not exceed twenty-five (25) percent of the total floor area of the dwelling.
 - c. No more than four (4r) nonresidents shall be employed.
 - d. There shall be no displays nor any change on or to the exterior of the building indicating that the building is being used for anything other than a residence.
 - e. One Sign shall be permitted in accordance with the provisions of the Borough Sign Ordinance, Chapter 19 of the Borough Code of Ordinances.
 - f. Activities involving the industrial manufacture of products shall not be permitted.

4. No-Impact Home-Based Business. A business or commercial activity administered or conducted as an Accessory Use that is clearly secondary to the Use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the Premises, in excess of those normally associated with residential Use. The following supplemental Use regulations shall apply:
 - a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - b. The business shall employ no employees other than family members residing in the dwelling.
 - c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - d. There shall be no outside appearance of a business Use, including, but not limited to, parking, Signs or lights.
 - e. The business activity may not Use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - f. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential Use in the neighborhood.
 - g. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable GFA.
 - h. The business may not involve any illegal activity.

5. Parking; Commercial Use Only. A privately-owned parcel used for surface parking solely by the commercial use occupants in an adjacent Building located on the same Parcel. A parking Parcel may be uncovered or covered by a Structure. The following supplemental Use regulation shall apply:
 - a. In no cases shall an existing principal Building or Structure shall be removed for the sole purpose of creating surface parking.
 - b. In no case shall the parking be made available for public parking purposes.
 - c. The perimeter of the commercial parking area shall be landscaped in accordance with Chapter 22, Subdivision and Land Development, of the Borough Code of Ordinances.

§ 27-307 Temporary Uses

- (A) General.

1. Temporary Uses are limited to those expressly regulated in this Chapter as well as those that in the Determination of the Borough Board of Supervisors are deemed appropriate as a Temporary Use.
2. A Temporary Use that is conducted annually or on a similar recurring basis as determined by the Borough and has received Special Exception approval from the Borough Zoning Hearing Board. The temporary Use may be permitted to recur thereafter with approval from the Zoning Officer provided that the event location, format, and operations have not substantially changed from the original approval and that the conditions established in the original approval are deemed applicable. All other Temporary Uses shall receive Special Exception approval for each occurrence.

(B) Temporary Uses.

1. Temporary Outdoor Event and/or Retail Sales. A Temporary Outdoor Event and/or Retail Sales such as a carnival, circus, Street celebration, race, bazaar, market, procession, assemblage, temporary sales tents (e.g., fireworks, flowers, etc.) or other similar outdoor event. Such events may be on a Street, Open Space, or other public space in which public access is wholly or partially restricted. The event may include the sale of goods. The following supplemental Use regulations shall apply:
 - a. The Applicant shall indemnify, save harmless, and defend (if requested) the Borough and the Owner(s) of any private or public property upon which the event/activity will be held and their respective officers, agents, and employees from any and all claims, suits, or actions for injuries, death and/or property damage arising out of the Temporary Outdoor Event where the claim, suit, or action was caused by the Applicant, its officers, agents, and employees, the event participants, support staffs, event officials, volunteers, medical support, technical support, media vehicles, event communications staffs, the traveling public, general public, or spectators.
 - b. A certificate of insurance must be provided showing: (a) public liability insurance for bodily injury and property damage in the minimum amount of two hundred fifty thousand dollars (\$250,000) per Person and one million dollars (\$1,000,000) per occurrence to cover any loss that might occur as a result of the Permitted use of the local and state rights of way or private property that might otherwise arise out of or be connected with the event; (b) occurrence-based coverage; and (c) the Borough and applicable public and private Landowner's named as the additional insured. The Applicant warrants the information in the insurance certificate is accurate.
 - c. The event location or route shall be appropriately secured with proper security and safety measures taken to protect the event participants, support staffs, event officials, volunteers, medical support, technical support, media vehicles, vehicle escort services, maintenance and protection services, the traveling public, event communications staffs, the general public, and spectators. Proper emergency medical services shall be provided. Local fire departments, the general public, and the traveling public shall be notified in advance of the event.
 - d. Written authorization from the Pennsylvania Department of Transportation (PennDOT) via a Special Event Permit granting the Applicant permission to Use the Right-of-Way of a state roadway. The Applicant shall provide the Borough with a complete copy of the Special Event Permit and associated documentation. All information shall be submitted to the Zoning Officer.

- e. Written permission for use of any private property must be obtained from the Owner(s), or other Person with authority to grant same, and be submitted to the Zoning Officer.

§ 27-308 Extended Height Building

(A) General

Extended Height Building. A vertically mixed-use Building having two (2) or more different uses that is permitted, by Special Exception approval, to exceed the maximum permitted height of forty-eight (48) feet specified in the REV District by meeting certain incentive-based criteria as set forth in the following supplemental Use regulations:

1. An application for an Extended Height Building Use in the REV District shall be made to the Zoning Hearing Board by submission to the Zoning Officer. After setting a date for the zoning hearing, the Zoning Officer shall concurrently refer to the application for review to the Gettysburg Borough Planning Commission for the issuance of a written report with recommendations from other government bodies, if applicable.
2. Increased Height Incentive. The maximum Building Height set forth in the REV District for an Extended Height Building use may be increased or extended up to a maximum of seventy-two (72) feet. Use of any one incentive shall allow for the total building height to increase by twelve (12) feet, excluding Integrated Parking which shall permit total building height to increase by twenty-four (24) feet. Multiple incentives may be used for an Extended Height Building use to be increased or extended up to a maximum of seventy-two (72) feet.
 - a. Integrated Parking. To qualify for the increased or extended building height incentive, an applicant shall provide fifty (50) percent of the proposed parking area, pursuant to § 27-412 of this Chapter, within a building housing one (1) or more permitted uses.
 - b. Transit Center. If the existing transit center services operation and use is to be relocated, in order to qualify for the increased or extended building height incentive for this site improvement, an applicant must provide documentation and evidence at the Zoning Hearing Board hearing from the owner of the transit center services Lot confirming that an acceptable alternative site for the use has been ascertained and secured within the Borough on North Stratton Street south of Water Street or between Carlisle Street and North Stratton Street for the relocation of transit center services operations and public restrooms.
 - c. Green Area. In order to qualify for the increased or extended building height incentive for this site improvement, an applicant shall provide a minimum of twenty-five (25) percent Green Area on the subject Lot for a publicly accessible use, such as a market, outdoor restaurant seating, public square, or other similar uses excluding parking. This minimum twenty-five (25) percent Green Area may consist of the following:
 - (1) Landscaping;
 - (2) Lawns;
 - (3) Gardens;
 - (4) Active and passive parks;
 - (5) Vegetated surfaces, including vegetated stormwater management facilities;
 - (6) Green roofs; and
 - (7) Pervious surfacing or pavers.

- d. *Gettysburg Inner Loop.* In order to qualify for the increased or extended building height incentive for this site improvement, an applicant shall construct any segment(s) of the Gettysburg Inner Loop Trail Network that is located on the parent parcel of a proposed building site within the NC-1, NC-2, and NC-3 districts. Once constructed, the segment(s) of the Inner Loop Trail Network shall be dedicated to the Borough for public use.
 - e. *Inclusionary Housing.* In order to qualify for the increased or extended building height incentive for this site improvement, an applicant shall construct a minimum of one (1) affordable rental housing units for every ten (10) market rate units produced. Applicants shall coordinate its Inclusionary Housing proposal with the Adams County Housing Authority before presenting its proposal to the Borough Zoning Officer.
 - f. *Sustainable Building and Site Design.* In order to qualify for the increased or extended building height incentive for this site improvement the applicant will obtain Platinum, Gold, or Silver LEED Certification through the U.S. Green Building Council for the entirety of the project site.
 - g. *Channel Wall Restoration and Flood Mitigation.* In order to qualify for the increased or extended building height incentive for this site improvement applicants with property abutting a Stevens Run Channel Wall or located within a Special Flood Hazard Area Zone AE, X, or Floodway, as provided by the National Flood Insurance Program and administered by the Federal Emergency Management Agency. The applicant is responsible for the reconstruction of Stevens Run Channel Wall on a basis of one (1) linear foot of wall improvement for every one (1) linear foot of parcel frontage or total length of Stevens Run Channel Wall abutment, whichever is greater. The improvements to the channel wall will be coordinated with the Borough Engineer, with approval of the special exception requiring a recommendation of approval by the Borough Engineer.
3. All Extended Height Buildings will be massed to fit harmoniously into its surroundings and will respect and improve local character. It will minimize the impact on nearby buildings and open space by:
 - a. Massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned Street proportions;
 - b. Creating a transition in scale to nearby Buildings;
 - c. Providing adequate privacy, sunlight, and sky view ensuring adequate separation between building walls; and
 - d. Minimizing shadows and uncomfortable wind conditions on adjacent or nearby Lots and open spaces.
 4. For any Building exceeding forty-eight (48) feet in height above the ground surface elevation, the additional Building Height shall be contained within an area defined by measuring a forty-five (45) degree angular plane at the forty-eight (48) feet height of all building sides. The purpose of this measurement is to mitigate the shadowing impacts of the additional building story or stories on neighboring properties. Where this standard conflicts with other building height standards within this Chapter, the greater, more restrictive standard shall be applied.

PART 4 SUPPLEMENTAL REGULATIONS

Purpose. The purpose of these supplemental zoning regulations is to set specific performance standards related to the Use of a Lot including accessory Buildings and Structures; buffering and screening, off-Street parking, encroachments, outdoor storage, etc. Use requirements contained elsewhere in this Chapter apply to all Uses and Structures, whether specifically listed in this Part. Likewise, the provisions of this Part shall not be interpreted as relief from the requirements of this Chapter or any other requirements of the Borough. Certain of the following supplemental regulations or provisions thereof, to the extent specified therein, are applicable to any and all existing and proposed Uses of land, Buildings, or Structures.

§ 27-401 Access to Structures

Every building or structure hereafter erected or moved shall be located on a lot that abuts a public street or road or with access to an acceptable private street or road, and all buildings and structures shall be located so as to provide safe and convenient access for servicing, fire protection and off-street parking.

§ 27-402 Accessory Buildings and Structures

(A) Detached Garages. Detached private garages shall be permitted in any zoning district, subject to the following requirements:

1. Maximum Capacity. Three (3) Vehicles permitted in the R-1, R-1A, and R-2 Districts.
2. Maximum Height. Twenty-five (25) feet.
3. Temporary detached garage buildings and structures are not permitted.
4. A detached garage shall not be located within any required minimum front yard area.
5. A detached garage located along or adjacent to an alley shall be exempt from the minimum rear and side yard setback requirements of the underlying zoning district, provided that all stormwater and snow runoff will be directed on-lot and will not discharge to neighboring properties.

(B) Other Accessory Buildings and Structures.

1. Maximum Height. Twenty-five (25) feet in any residential district. (Historic District requirements shall be met.)
2. Minimum Distance Between Buildings and/or Structures. Five (5) feet, except in the R-1 and R-1A Districts, where the minimum distance between buildings and structures shall be ten (10) feet.
3. Except as otherwise permitted herein (see setback provisions in sections regulating "private swimming pools" and "fences" set forth herein), no accessory Building or Structure shall be located within any required minimum front, side, or rear yard areas nor within five (5) feet of any property line. A residential accessory building located in the backyard of a Lot may be permitted within the minimum side yard a distance of up to two (2) feet from the side property line if the applicant submits a survey of the subject Lot prepared by a Professional Land Surveyor who is currently licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of land surveying. Under no circumstance shall any portion of the building, including its overhangs, gutters, or other architectural features, extend beyond the property line of the subject Lot and encroach upon the adjoining Lot.

4. Accessory buildings and/or structures shall meet the Lot coverage requirements for the regulating zoning district.

§ 27-403 Build-To Lines

- (A) Build-To Lines Established. Build-to lines are hereby established from the front parcel boundary. . Except as specifically provided in other sections of this chapter, no buildings shall be placed in the area between the Build-To Line and the street fronting parcel line of demarcation or otherwise identified Lot Frontage, except as permitted under Subsection (E) below. In situations involving a proposed public Street, the Build-To Line shall be as shown on the subdivision and/or land development plan.
- (B) Build-To Line Requirements. Distance requirements for zoning district Build-To Lines shall be as specified in the respective Building Form Regulations under Part 2 Zoning Districts of this Chapter.
- (C) On any corner Lot, the required Build-To Line shall be provided along both parcel boundaries that abut a public right-of-way.
- (D) The Build-To Line shall be considered a building setback line in all districts.
- (E) Whenever the majority of the existing buildings on an individual block have nonconforming Build-To Lines, the Build-To Line for new buildings may be modified to conform to such majority at the discretion of the Borough Zoning Officer.
- (F) The Build-To Line may vary with a recess or setback to the building, or to the Build-To Line itself, of up to four feet. However, the Build-To Line may have a greater recess or a setback to a building when: topographic or hydrologic conditions on a Lot warrant same; an ADA-accessible ramp is needed; or Zoning District height modifications are employed.
- (G) The Build-To Line may vary up to four (4) feet with a projection to a building or to the Build-To Line itself if no part of any building or sign encroaches upon the Street right-of-way and the required sidewalk can physically fit along the streetscape.

§ 27-404 Driveways

- (A) No single use or group of attached buildings on a single lot or uses designed as a single unit shall have more than two (2) driveways.
- (B) No driveway shall be located within fifty (50) feet of the intersection of any Street Right-of-Way lines.
- (C) Driveways between the Street Right-of-Way line and cartways shall be paved.
- (D) Driveways shall be no wider than thirty (30) feet.

§ 27-405 Existing Single-Family Attached Dwellings

When a Lot which is improved with existing single-family attached dwellings is the subject of a subdivision application for the purpose of enabling single-family residential development and usage on the subdivided Lot or Lots, the applicant shall not be required to meet the requirements of § 27-403, Build-To Lines, herein relative to Lot requirements. All other requirements of this Part shall apply to the development of the subdivided Lot or Lots and shall be enforced.

§ 27-406 Existing Single-Family Semidetached Dwellings

When a Lot, which is improved with existing single-family semidetached dwellings, is the subject of a subdivision application for the purpose of enabling single-family residential development and usage on the subdivided Lot or Lots, the applicant shall not be required to meet the requirements of § 27-403, Build-To Lines, herein relative to Lot requirements. All other requirements of this Part shall apply to the development of the subdivided Lot or Lots and shall be enforced.

§ 27-407 Fences

- (A) In residential districts, no fence shall be erected that is more than six (6) feet in height, except as stipulated under Subparagraph (B) below.
- (B) Fences shall not exceed four (4) feet in height in the front yard area between the parcel boundary and a street fronting exterior wall(s) of a structure.. Any fence located in the required front yard in an R-1, R-1A, R-2, NC-1, NC-2, NC-3, NC-4, or OT District shall have a minimum ratio of 1:1 of open to structural area.
- (C) The finished side of the fence material shall face towards the public Street.
- (D) A fence shall not be required to comply with minimum setbacks for accessory buildings and structures.

§ 27-408 Maintenance of Common Areas, Facilities and Open Spaced

- (A) A formal, binding Homeowners' Association shall be responsible for any commonly owned and/or maintained improvements or lands, such as common open space, parking areas, recreation facilities, sidewalks, streets, alleys, utilities, stormwater control facilities and other similar improvements. This Homeowners' Association shall be established and subject to the provisions of Section 705(f) of the State Municipalities Planning Code² and Title 68 of the Real and Personal Property Act, Part II, Real Property, Subpart B, Condominiums, as amended by Senate Bill 65, 1979.
- (B) Any such Condominium or Homeowners' Association agreement shall be provided to the Borough Solicitor for review a minimum of thirty (30) business days before the final plan is recorded. If, within those thirty (30) business days, the Borough Solicitor determines, in writing, that such a document is not in legally acceptable form with regard to the concerns of the Borough, the plan shall not be recorded until acceptable revisions are made.

§ 27-409 Nonconformities

- (A) Purpose. The following provisions shall apply to existing lawful uses, buildings, structures, and lots which do not conform to the requirements of this Chapter or any amendments thereto. The purpose of these provisions is to reasonably provide for such existing nonconformities. The conversion or reversion of such nonconformities, however, shall be encouraged whenever possible.
- (B) Nonconforming Buildings, Structures and Uses.
 - 1. Continuation. Any building, structure or lawful use existing at the Effective Date of this Chapter may be continued indefinitely.
 - 2. Extension.

- a. A building occupied by a nonconforming use shall not be enlarged, extended, or structurally altered (except as may be required by law to assure the structural safety of the building) and any nonconforming use shall not be enlarged or extended except for the following which may be authorized by Special Exception by the Zoning Hearing Board:
 - (1) The extension of a nonconforming use of a portion of a building to another portion of the building.
 - (2) The reasonable extension of a conforming building occupied by a nonconforming use on a conforming lot, provided that such extension is not detrimental to the character of the surrounding area or the interests of the Borough and that such extension shall conform to the area and height regulations of the district in which it is located.
 - b. A nonconforming building may be rebuilt or altered only:
 - (1) Where an existing building is nonconforming with regard to one or more applicable dimensional standards, such building may be extended, expanded, or enlarged as a matter of right, provided that the degree of nonconformity is not increased.
 - (2) Where an existing building is nonconforming with regard to one or more applicable dimensional standards, and an extension, expansion, or enlargement of said building is proposed that would increase the degree of nonconformity, such extension, expansion, or enlargement of the nonconformity may only be authorized by approval of a variance for the same granted by the Zoning Hearing Board.
 - (3) Pursuant to the provisions of Subsection (B)4., Restoration, of this Section.
 - 3. Change. A nonconforming use of a building or land may be changed to a nonconforming use of the same or more-restricted classifications, when authorized by the Zoning Hearing Board as a Special Exception. Whenever a nonconforming use of a building or land has been changed to a use of a more-restricted classification or to a conforming use, such use shall not thereafter be changed to a use of a less-restricted classification.
 - 4. Restoration. A nonconforming building, or a building occupied by a nonconforming use, which is wholly or partially destroyed by fire, explosion, flood or other phenomenon, or which has been legally condemned, may be reconstructed or repaired and/or used for the same nonconforming use, provided that such building reconstruction shall be commenced within one year from the date the building was destroyed or condemned and shall be carried on without interruption.
 - 5. Abandonment. If a nonconforming use of a building or land is voluntarily abandoned and ceases for a continuous period of one (1) year or more, subsequent use of such building or land shall be in conformity with the provisions of this Part.
- (C) Nonconforming Lots.
- 1. Held in Single and Separate Ownership. A building may be erected or altered on any lot held at the Effective Date of this Chapter in single and separate ownership which is not of the required minimum area or width or is of such unusual dimensions or shape that the owner would have difficulty in providing the required open spaces for the district in which such lot

is located, provided that the plans for the proposed building shall be approved by the Zoning Hearing Board after review of the plans to assure reasonable compliance with the intent of the regulations for the district.

2. Included in Approved Plans. Buildings may be erected on lots which are not held in single and separate ownership at the time this Part becomes effective, and which are not of the required area or width if such lots are included in a land subdivision plan which has been approved by the Borough Council prior to the Effective Date of this Part.

(D) Registration of Nonconformities.

1. The Zoning Officer may provide an applicant with a certificate of nonconformity if sufficient evidence is provided by the applicant.

§ 27-410 On-Lot Storage in Residential Districts

- (A) Except for licensed automobiles, no vehicle, machinery, trailer, mobile home, boat, or other similar equipment shall be parked or stored outside for more than seven (7) days in any residential district within any front yard area or within any required side yard areas. No more than one (1) such item shall be stored outside at any time on a single property.
- (B) The parking or storage of any licensed automobile in a front yard area shall occur only upon a driveway.

§ 27-411 Performance Standards

- (A) No use or activity shall be permitted that will create any dangerous, injurious, noxious, or otherwise objectionable situation. Specifically, a use or activity shall not:
 1. Constitute a nuisance or danger to human health and safety, livestock or plants, or any other property as a result of the emission or dissemination of any fumes, smoke, odor, or dust beyond the property line of the premises upon which such use or activity is located.
 2. Create any noise or vibration exceeding the average intensity of noise or vibration occurring from other sources at the property line.
 3. Endanger any surrounding area by reason of fire or explosion.
 4. Produce any objectionable heat or glare beyond the property line.
 5. Create any electrical disturbances or adversely affect the operation of equipment located off the premises.
 6. Discharge any dangerous or untreated effluent into any stream or other body of water or otherwise contribute to the pollution of surface or underground water.
 7. Create an undesirable or dangerous traffic condition on the Street or in a nearby area or generate a nuisance to any nearby property because of increased traffic.
 8. Create any other objectionable condition that will endanger public health and safety or be detrimental to the proper use of the surrounding area.

- (B) In order to determine that a proposed use or activity will comply with the above standards, the Zoning Officer or Zoning Hearing Board may:
1. Require the submission of impartial expert opinions or judgments from official agencies or private consultants.
 2. Require the submission of written assurances from the applicant.
 3. Require compliance with certain tests or provision of whatever safeguards may be considered necessary.

§ 27-412 Parking, Loading, and Unloading

(A) General Provisions.

1. Vehicular Parking.

- a. No building or structure shall hereafter be constructed, and no use or activity shall be expanded, unless provision is made on the same or adjacent premises for off-Street parking and loading facilities meeting the requirements of this Section and other applicable provisions of this Chapter.
- b. A single parking space shall have a minimum rectangular dimension of not less than nine (9) feet in width and eighteen (18) feet in length, exclusive of driveways, aisles, and other circulation areas.
- c. Parking areas shall be paved, except for private individual parking areas on residential lots, and shall be adequately drained in a manner approved by the Zoning Officer to provide for safe and convenient access at all times.
- d. Parking areas, except those designed for individual residential units, shall be designed so that each vehicle may access any parking space without requiring the movement or relocation of any other vehicle.
- e. Lots or parcels containing two (2) or more uses shall be required to provide parking spaces in accordance with Subparagraph (F), Shared Parking. Uses on separate but adjoining parcels may provide parking spaces in accordance with Subparagraph (F)5., Shared Parking.
- f. Off-Street parking areas of more than four (4) spaces shall be screened with hedges, walls, fences, or other landscaping at least thirty (30) inches in height if located in front or to the side of a building.

2. Bicycle Parking.

- a. A property owner shall provide and maintain all required bicycle parking so long as the use for which such parking spaces were designed to serve still exists. Maintenance of bicycle parking spaces shall include keeping all spaces and racks clear of snow, ice, and any other obstructions.
- b. Where required bicycle parking is provided as racks, the racks must meet the following standards:

- (1) A bicycle and one of its wheels can be locked to the rack with a high security U-shaped shackle lock without the removal of a wheel from the bicycle;
 - (2) A bicycle six (6) feet in length can be securely held with its frame supported in at least two places so that the bicycle cannot be pushed over or fall in any manner that would damage its wheels or components; and
 - (3) Racks shall be placed a minimum of thirty (30) inches on center from one another and a minimum of twenty-four (24) inches from any other obstructions; with a forty- eight (48) inch minimum aisle separating racks and a minimum clearance width of twelve (12) inches for each bicycle; and
 - (4) Each rack shall be securely anchored.
- c. Where not provided as racks, required bicycle parking facilities must be reviewed and approved by the Zoning Officer.

(B) Parking Space Requirements.

1. Maximum Spaces Permitted.

- a. In recognition of the need to strongly encourage new construction and the reuse of building spaces within the Borough, and recognizing the availability of existing parking lots, parking structures, and on-Street parking areas, Applicants are required to consider such existing parking and their availability to meet the maximum permitted number of spaces stipulated in in this Section and in Table 4.01. Any of the specified permitted uses or Buildings hereafter established, erected or enlarged; any use or Building hereafter converted into one of the following uses; and any Open Space hereafter used shall be provided with not more than the maximum permitted off-Street parking spaces as set forth in Table 4.01, together with adequate access drives, driveways or other means of circulation and access to and from a Street.
- b. Notwithstanding the maximum parking space requirements specified in subparagraph (B)1 above, the Applicant may be authorized additional parking subject to a Parking Analysis Report pursuant to Subsection (C) below and Special Exception approval by the Zoning Hearing Board.

Table 4.01, Maximum Required Off-Street Parking Space Requirements

USES	MAXIMUM PERMITTED OFF-STREET PARKING SPACES
<i>RESIDENTIAL USES</i>	
Community Residence, Group Home	1 space per 2 beds; plus 1 space per employee on the largest work shift
Community Residence, Sober Living Facility/Recovery House	1 parking space for each sleeping room to be occupied by residents plus 1 space for each dwelling unit on the premises, plus 1 space for every 2 employees not living on the premises
Dwelling, Multi-Family, Apartment	2 per unit
Dwelling, Multi-Family Conversion	2 per unit

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USES	MAXIMUM PERMITTED OFF-STREET PARKING SPACES
Dwelling, Single Family Detached	No maximum
Dwelling, Single Family Semi-Detached, Duplex	No maximum
Dwelling, Single Family Semi-Attached, Townhouse	No maximum
Dwelling, Staff Housing	2 per housing unit
Dwelling, Student Housing	1 per every 2 student residents
Dwelling, Student Housing, Institutional	1 per every 2 student residents
Manufactured Home	2 per unit
Manufactured Home Community	2 per lot
LODGING USES	
Bed and Breakfast	1 space per sleeping room, plus 2 per permanent residents
Community Residence, Halfway House	1 parking space for each sleeping room to be occupied by residents plus 1 space for each dwelling unit on the premises, plus 1 space for every 2 employees not living on the premises
Hotel	1 space for each guest room, plus 1 space for each 2 employees on the largest shift
Inn	1 space for each guest room, plus 1 space for each 2 employees on the largest shift
Motel	1 space for each guest room, plus 1 space for each 2 employees on the largest shift
Rooming House / Boardinghouse	1 parking space for each sleeping room to be occupied by boarders plus 1 space for each dwelling unit on the premises, plus 1 space for every 2 employees not living on the premises
Vacation Rental	1 per rented unit
Temporary Shelter Facility	1 per employee
CIVIC AND INSTITUTIONAL USES	
Assembly, Neighborhood	Parking Analysis Report pursuant to Subsection (C)
Cemetery	1 per each employee and accessways to the cemetery sections shall allow parallel parking on the accessway for gravesite services and visitations. Such parking shall not queue into the public Right-of-Way or Clear Sight Triangle
Government Facility	Parking Analysis Report pursuant to Subsection (C)
Hospital	Parking Analysis Report pursuant to Subsection (C)

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USES	MAXIMUM PERMITTED OFF-STREET PARKING SPACES
Library/Museum	Parking Analysis Report pursuant to Subsection (C)
Places of Worship	Parking Analysis Report pursuant to Subsection (C)
Police/Fire/EMS	1 space per 400 square feet of facility space, plus 1 space for each 50 square feet of assembly area, meeting room, conference, etc. Note these are outdoor parking spaces and do not account for the required spaces needed for indoor parking of emergency service vehicles.
School, Public or Private	Parking Analysis Report pursuant to Subsection (C)
Stadium/Arena	Parking Analysis Report pursuant to Subsection (C)
FORESTRY AND OPEN SPACE USES	
Forestry	N/A
Recreation Facility, Commercial or Private	Parking Analysis Report pursuant to Subsection (C)
Recreation Facility, Public	1 per each 5 acres of park land
Shooting Range, Indoor	1 per 1,500 sq. ft. of use area
COMMERCIAL USES	
Adult Day Care Center	1 per each employee on the maximum shift and 1 per each 2 of the maximum number of adults cared for at the center
Adult Establishments	1 per each employee on the maximum shift and 1 per each 2 of the maximum number of adults cared for at the center
Assisted Living Facility	1 per each employee on the maximum shift and 1 per each 2 of the maximum number of adults cared for at the center
Automobile / Truck Repair Garage	1 per each employee on the maximum shift and 1 per vehicle if drop off service is offered, plus vehicle queue area
Automobile Car Wash	1 parking space per employee of the largest shift. Stacking for 5 vehicles for automatic car wash lane, plus 2 drying spaces for each washing stall.
Automobile Fueling Service	1 per each employee on the maximum shift and 1 per vehicle if drop off service is offered, plus vehicle queue area
Betting Use, Large	1 per each 200 square feet of GFA
Betting Use, Small	1 per each 200 square feet of GFA
Brew Pub	1 per each 200 square feet of GFA

Borough of Gettysburg Zoning Ordinance, Chapter 27

USES	MAXIMUM PERMITTED OFF-STREET PARKING SPACES
Child Care Center	1 per each employee on the maximum shift and 1 per each 2 of the maximum number of children cared for at the center
Commercial Equipment and Supply	1 per each 200 square feet of GFA
Community Service	1 per each 200 square feet of GFA
Convenience Store	1 per each 200 square feet of GFA
Drinking Place	1 per each 200 square feet of GFA
Eating Place w/Drive-Thru	1 per each 200 square feet of GFA
Eating Place w/o Drive-Thru	1 per each 200 square feet of GFA
Electronic Cigarette / Vaporizer Store / Smoking Places	1 per each 200 square feet of GFA
Event Venue	Parking Analysis Report pursuant to Subsection (C)
Farmers Market	1 per each 200 square feet of GFA
Family Child Care Home	1 per each employee on the maximum shift and 1 per each 2 of the maximum number of children cared for at the facility
Funeral Home	1 per each 200 square feet of GFA
General Commercial Service Uses	1 per each 200 square feet of GFA
Grocery Store	1 per each 200 square feet of GFA
Group Child Care Home	1 per each employee on the maximum shift and 1 per each 2 of the maximum number of children cared for at the facility
Kennel	1 per each employee on the maximum shift and 1 per each 200 square feet of area devoted to the kennel area
Long-Term Care Facility	1 per each employee on the maximum shift and 1 per each 2 of the maximum number of adults cared for at the center
Massage Establishment	1 per each 200 square feet of GFA
Medical Clinic	1 per each 200 square feet of GFA
Medical Marijuana Dispensary	1 per each 200 square feet of GFA
Methadone / Suboxone Treatment Facility	1 per each 200 square feet of GFA
Microbrewery / Microdistillery / Microwinery	1 per 500 square feet of GFA
Office Uses	1 per each 200 square feet of GFA
Outdoor Sales	1 per each 2,000 square feet of Lot area for employee and customer parking (excludes vehicle display area)
Pawn Shop/Check Cashing Establishment	1 per each 200 square feet of GFA
Private Club	1 per each 200 square feet of GFA

USES	MAXIMUM PERMITTED OFF-STREET PARKING SPACES
Public Market	1 per each 200 square feet of GFA
Self-Storage Facility	1 per each 1,500 square feet of GFA
Tattoo/Piercing Parlor	1 per each 200 square feet of GFA
Tour Operator	1 per each 200 square feet of GFA
INFRASTRUCTURE USES	
Parking Structure	1 space per parking attendant employee, plus 1 space for the employee on the preceding shift
Principal Solar Energy Systems (PSES)	1 per each service vehicle
Transportation and Essential Services	Parking Analysis Report pursuant to Subsection (C)
Wireless Communications Facilities, Small Wireless Communications Inside the Public Rights-of-Way	N/A
Wireless Communications Facilities, Small Wireless Communications Outside the Public Rights-of-Way	N/A
Wireless Communications Facilities, Tower-Based	1 per each service vehicle
INDUSTRIAL USES	
Automotive Dismantler and Recycler	Parking Analysis Report pursuant to Subsection (C)
Brewery, Distillery, Winery	Parking Analysis Report pursuant to Subsection (C)
Craftsman Industrial	Parking Analysis Report pursuant to Subsection (C)
Junkyards	Parking Analysis Report pursuant to Subsection (C)
Manufacturing	Parking Analysis Report pursuant to Subsection (C)
Medical Marijuana Grower / Processor Facility	Parking Analysis Report pursuant to Subsection (C)
Outdoor Storage Yard	Parking Analysis Report pursuant to Subsection (C)
Truck Terminal	Parking Analysis Report pursuant to Subsection (C)
Truck Trailer Parking	Parking Analysis Report pursuant to Subsection (C)
Warehouse/Distribution	Parking Analysis Report pursuant to Subsection (C)
Yard Waste Composting Facility	Parking Analysis Report pursuant to Subsection (C)
ACCESSORY USES	
Accessory Dwelling Unit	1 per ADU
Child Care Center (as an Accessory Use to a Principal Residential Use)	Equivalent to the primary residential use requirement
Heliport/Vertiport	2 spaces per helistop/vertiport

USES	MAXIMUM PERMITTED OFF-STREET PARKING SPACES
Helistop	1 space per helistop pad (sized appropriately for EMS service use)
Home Occupation	Equivalent to the primary residential use requirement
No-Impact Home-Based Business	Equivalent to the primary residential use requirement
Parking, Commercial	Equivalent to the primary commercial use requirement
TEMPORARY USES	
Temporary Outdoor Event	Parking Analysis Report pursuant to Subsection (C)
USES NOT PROVIDED FOR	
In the case where a use is not provided for in Table 4.07, the Zoning Officer may make a determination on the applicable parking standards based on a comparable use. In the event such determination cannot be made, then the Applicant shall be subject to the requirements of Section 3.03 Unlisted Uses of this Chapter.	In addition to the reasonable standards applied by the Borough Council, the Borough shall require a Parking Analysis Report pursuant to Subsection D to determine the minimum required number of parking spaces.

2. On-Street Parking.

- a. On-Street parking requirements shall be as follows, except within the R-1 and R-1A districts:
 - (1) On-Street parking may be provided along streets only where parking is metered.
 - (2) Such on-street parking may be counted toward the required parking for nonresidential uses as set forth in Table 4.01 per a Parking Analysis Report. On-Street parking spaces may also be counted towards the number of parking spaces required consistent with Subsection (F), Shared Parking.
- b. On-Street parking areas may only be counted within thirty (30) feet of the lot frontage owned by the applicant or landowner, exclusive of any driveway or other curb cut, and exclusive of any existing cartway and perpendicular Street.
- c. A bona fide on-street parking space shall measure at least seven (7) feet in width and twenty-feet (20) feet in length, exclusive of any Street cartway, and shall be parallel to the Curbline.
- d. All eligible on-street parking areas shall be clearly depicted on a plan. Such parking areas shall not conflict with any turning movements off the cartway or obstruct access to any Street, driveway, sidewalk, crosswalk, other accessway, or fire hydrant.

3. ADA Parking Spaces. Notwithstanding the requirements of Subparagraphs (B) and (C) above, accessible off-street parking facility spaces shall be provided and designed pursuant to the 2010 ADA Standards for Accessible Design.

- a. Location. Parking spaces serving a particular building or facility shall be located on the shortest accessible route from parking to an entrance. Where parking serves more than one (1) accessible entrance, parking spaces shall be dispersed and located on the shortest accessible route to the accessible entrances. In parking facilities that do not serve a particular building or facility, parking spaces shall be located on the shortest accessible route to an accessible pedestrian entrance of the parking facility.”
- b. Minimum Size. Each required persons with an accessible parking space shall be a minimum of eight (8) by twenty (20) feet. In addition, each space shall be adjacent to a five (5) foot wide access aisle. Access aisles may be shared by two (2) accessible spaces by being placed the aisle between the accessible parking spaces.
- c. Dimensions. Accessible parking spaces must be at least ninety-six (96) inches wide with a clearly marked adjacent access aisle of sixty (60) inches in width; two spaces may share a common aisle. Said access aisle must connect directly to the accessible route.
- d. Signage. All accessible parking spaces must have an unobscured vertical sign that shows the universal symbol of accessibility. Such signage should state that a fine may apply for violation of the parking limitation.
- e. Slope. Accessible parking spaces shall be located in areas of less than two (2) percent slope in any direction.
- f. The minimum number of accessible parking spaces shall be as stipulated in Table 4.02.

Table 4.02, Minimum Number of Required Accessible Parking Spaces

Total Parking Spaces	Minimum Number of Required Accessible Parking Spaces		
	Standard Accessible	Van Accessible	Total (Standard + Van)
1 – 25	0	1	1
26 – 50	1	1	2
51 – 75	2	1	3
76 – 100	3	1	4
101 – 150	4	1	5
151 – 200	5	1	6
201 – 300	5	2	7
301 – 400	6	2	8
401 – 500	7	2	9
500 – 1,000	5 out of every 6 Accessible Parking Spaces	1 out of every 6 Accessible Parking Spaces	2% of total parking provided
1001 and over	5 out of every 6 Accessible Parking Spaces	1 out of every 6 Accessible Parking Spaces	20 plus 1 for each 100 over 1,000

*At least 1 in every 6 accessible slot or a fraction of 6.
 Source: 2010 ADA Standards for Accessible Design

(C) Computation of Off-Street Parking Spaces.

1. Where required under Table 4.01, and to ensure that certain developments provide adequate, but not excessive, vehicle parking, the Borough requires applicants thereof to submit a written computation of their required off-Street parking spaces based on the estimated parking demand of the proposed Use(s).
2. The Applicant shall prepare a Parking Analysis Report to propose the maximum and minimum numbers of required off-Street parking spaces required by the project. The Report shall be prepared by a Registered Design Professional. The Parking Analysis Report shall contain the following:
 - a. Site Plan. A Site Plan containing the following:
 - (1) Legal property boundary.
 - (2) Existing and proposed project layout.
 - (3) All existing and proposed uses and tenant spaces.
 - (4) All existing and proposed parking spaces.
 - b. Analysis of parking demand information from professional literature that is pertinent to the proposed development. Such information may include data or literature from the Urban Land Institute's (ULI) Shared Parking, Third Edition publication and/or the Institute of Transportation Engineers' (ITE) Parking Generation Manual, 6th Edition.
 - c. The actual number of parking spaces required shall be based on well-recognized sources of parking data such as the above cited ULI or ITE reports. If standard rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates. The information about the existing development and its parking demand shall include enough detail to evaluate similarities and differences between the existing development and the proposed development. Field surveys shall consider the seasonal peak period for the proposed land uses involved.
 - d. Propose a minimum and maximum parking ratio. For phased projects, and for projects where the tenant mix is unknown or subject to change, the Applicant may propose a range (low and high number of parking spaces) for each development phase and both a minimum and maximum number of parking spaces to be provided at buildout of the project.
 - e. Peak hours of operation and parking occupancy.
 - f. Final number of proposed required parking spaces with justification and summary of findings (Note: Where the calculation of minimum parking spaces does not result in a whole number, the result shall be rounded up to the next whole number).
3. Borough Approval.
 - a. As part of the Borough's required change of occupancy or subdivision or land development application approval process specified under Chapter 22 of the Borough Code, the Planning Commission and in consultation with the Borough Zoning Officer and Borough Engineer shall consider the final parking requirements

determination made in the Applicant's Parking Analysis Report. Based on the Applicant's materials and other data the Borough Engineer deems relevant, the Planning Commission shall set the requirements for minimum and maximum parking allowed. Conditions of approval may be placed on the Decision to ensure compliance with the parking determination.

- b. The Applicant may appeal the Planning Commission's Decision to the Zoning Hearing Board pursuant to Section 1.13 of this Chapter.

(D) Location of Parking.

1. Required off-street parking spaces shall be provided on the same lot as the principal use unless the applicant demonstrates to the Commission that a guaranteed long-term method of providing the spaces is available using an area of an adjacent or nearby lot located within 1,000 feet of the entrance of the principal use being served. If said off-premises lot does not have the same owner as the principal use, a Borough off-premises parking agreement form must be completed by the owners of both properties. Off-premises parking agreements are not subject to the shared parking calculation of the number of the required parking spaces to be made pursuant to Subsection (B) above.
2. No off-street parking shall be permitted within the minimum setback of any required side yard or in any space between the curb and the Build-To Line.
3. Parking areas shall not be located in any required Open Space area.
4. Any new off-Street parking areas shall be located behind or to the side of any buildings on a lot. Off-Street parking areas for residential uses which have no rear alley access may be located or constructed in the area between the front building facade of the dwelling and the public Street used to provide the Street address assigned to such dwelling.

(E) Shared Parking.

1. Required parking spaces may be provided through a shared parking arrangement involving two (2) or more new uses on a single lot. Shared parking requirements shall be as follows:
 - a. The number of required parking spaces shall be calculated according to the following formula (See Table 4.02):
 - (1) Calculate the minimum parking spaces required for each proposed use as if it were a separate use.
 - (2) Multiply the maximum parking spaces required for each proposed use by the corresponding percentage in the table below for each of the six time periods.
 - (3) Calculate the column total for each of the six (6) time periods.
 - (4) The column (time period) with the highest value shall determine the maximum number of required parking spaces.
 - b. Shared parking facilities shall meet all the requirements of this Section, as applicable.

- c. An executed shared parking agreement shall be provided between or among all parties using a shared parking facility or area in order to meet the required number of parking spaces of this Part if the lot is subsequently subdivided or converted to a condominium form of ownership, or if the principal uses and the parking area are not owned in common. Such an agreement shall include, at a minimum the following items:
- (1) A guarantee that all parties using the shared parking facility or area shall have continuous access to those spaces.
 - (2) A plan for the long-term maintenance of the proposed shared parking facility or area, including lighting and pedestrian facilities connecting the parking spaces to the proposed uses.

Table 4.03, Shared Parking Calculations

Uses	8:00 a.m. - 6:00 p.m.	6:00 p.m. - Midnight	Midnight to 8:00 a.m.	8:00 a.m. - 6:00 p.m.	6:00 p.m. - Midnight	Midnight to 8:00 a.m.
Residential	60%	100%	100%	80%	100%	100%
Office	100%	10%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	60%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	80%	100%	20%
Movie Theater	40%	80%	10%	80%	100%	50%
Entertainment	40%	100%	10%	80%	100%	50%
Institutional (non-religious institution)	100%	40%	5%	10%	10%	5%
Religious institution	20%	40%	5%	100%	50%	5%
Total spaces						

§ 27-413 Private Swimming Pools

- (A) All private swimming pools shall be constructed in conformance with the Pennsylvania Uniform Construction Code.
- (B) All pools shall be considered accessory structures and shall meet the requirements of § 27-401 of this Chapter, except that swimming pools may be allowed within a rear yard area, provided that the walls of the pool and any deck are set back at least ten (10) feet from the Lot line.

§ 27-414 Recreational Vehicle, Storage

- (A) A maximum of one (1) uninhabited recreational vehicle in transportable condition may be stored or parked in a legal off-street parking space outside of an enclosed building, within the following limitations:
 - 1. A recreational vehicle greater than twenty (20) feet in length shall not be stored or parked for more than four (4) days in any seven-(7) day period within a required front yard.

2. A recreational vehicle stored or parked on the lot of a single-family detached house shall be set back a minimum of three (3) feet from the lot line of an abutting single-family detached dwelling. A recreation vehicle shall not be stored within the existing right-of-way of a public Street.
 3. Any recreational vehicle that is required to be registered or licensed under state law to be operated and is not registered or licensed shall be kept out of view from any public Street or abutting dwelling.
 4. A recreational vehicle shall be parked on a driveway or asphalt, concrete or paving block area and not upon a grass yard.
- (B) Any recreation vehicle longer than twenty (20) feet stored on a lot shall be screened from view of any abutting single-family detached dwelling by attractive landscaping.
- (C) A maximum of one (1) recreational vehicle may be inhabited as a temporary accessory residence to a single-family detached dwelling for a maximum period of seven (7) days. Such use shall occur only once in a calendar year.

§ 27-415 Satellite Antennas

- (A) Purpose. To provide for reception of satellite communications, while assuring that such uses will not detract from the character of any area or adversely affect property values; to recognize that the solidness and visibility of satellite antennas can create a very strong visual impact on a neighborhood compared to most other noncommercial antenna.
- (B) Location and Number of Satellite Antennas.
1. Satellite antenna shall not be located within the required front yard area or front yard facing Building façade. However, when deemed unfeasible, a Special Exception may be granted to place the antenna in alternative locations on the parcel or Building notwithstanding the requirements of the Historic District standards specified in Chapter 11 of the Borough Code.
 2. A satellite antenna shall comply with the accessory setback requirements of the applicable district.
 3. A maximum of one (1) satellite antennas per unit shall be permitted in a residential district unless more antennas are required to receive over the air programming.
- (C) Size and Height.
1. A satellite antenna shall have a maximum diameter of three (3) feet.
 2. A ground-mounted satellite antenna shall have a maximum height of fifteen (15) feet above the average ground level.
- (D) Screening. Any satellite antenna that is ground-mounted and visible from a public Street shall be screened by appropriate evergreen plantings with a minimum height of three (3) feet between the antenna and any public Street, unless the applicant proves to the satisfaction of the Zoning Officer that screening in such a location would make it impossible to receive the electronic signals.
- (E) Colors. Earth tones are strongly encouraged.

- (F) Large Lot Exemption. If a satellite antenna is to be located a minimum of two hundred (200) feet from all exterior lot lines, the size, height and placement requirements of this section shall not be binding.
- (G) Mobile Stands. Satellite antennas on mobile stands are prohibited, except as may be initially needed to determine the best location for an antenna.

§ 27-416 Screens and Buffers

- (A) Where any commercial or industrial district abuts a R-1, R-1A, or R-2 Residential District, a buffer yard at least five (5) feet wide in the commercial or industrial district and along the property line separating the two districts shall be suitably planted with trees and shrubs and maintained at all times.
- (B) Where the Healthcare District abuts any residential district (other than in a Street or alley), a buffer yard at least twenty (20) feet in width in the Healthcare District and along the property line separating the two districts shall be planted with trees and shrubs and maintained at all times.
- (C) The buffer yard shall be a landscaped area free of structures (except for decorative fences and walls), dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display. No new driveways or streets shall be permitted in the buffer yards, except at points of approved perpendicular crossings for ingress or egress.
- (D) Fence. Any fence in a buffer yard shall be placed on the inside of any required evergreen screening.
- (E) Dumpsters. All bulk refuse collection dumpsters shall be screened on three (3) or four (4) sides by walls or evergreen landscaping from the view of existing dwellings, adjacent undeveloped residentially zoned lots and public streets.
- (F) Maintenance. In buffer yards, all areas not covered by trees and shrubs shall be well maintained in an all-season vegetative ground cover (such as grass) and shall be kept free of debris and rubbish and shall not include grass areas higher than eight inches.
- (G) Modifications. In situations where it would be impractical to develop a screen that would meet all Borough requirements or where an undue hardship would be created to an applicant, the Zoning Hearing Board may agree to modify these requirements to allow an acceptable alternative. Such alternative or alternatives may, for example, involve the development of a solid wooden fence that has been treated to be weather-resistant. Such modification shall only occur after a review by the Planning Commission.

§ 27-417 Side and Rear Yard Requirements

One (1) side yard and one (1) rear yard are also required, with the rear yard being located next to an alley, if any, or next to another Lot's rear yard; the side yard shall be located next to another Lot's side yard or next to the adjoining building's side if the side is built on the property line.

§ 27-418 Streetscape Design

(A) Purpose. The purpose of this Section is to maintain and improve the streetscape within the OT District and the neighborhoods throughout the Borough, which have a traditional block pattern and street and alley network as shown on the Zoning Map.

1. Lighting: Decorative Streetlights and Building Lights.

a. Legislative Intent.

- (1) Decorative streetlights are intended to be installed and maintained to enhance safety and wayfinding for drivers and pedestrians.
- (2) Decorative streetlights are intended to reinforce the traditional town character of Gettysburg.

b. Design Standards.

- (1) Pedestrian-scale decorative streetlights shall be provided on the streets (and/or sections thereof) specified in Table 4.04.
- (2) Pole height shall be no greater than twenty (20) feet.
- (3) There shall be no trespass glare.

Table 4.04, Required Decorative Street Light Installation Locations

All State Roads	Queen St. (between Johns Ave. and Steinwehr Ave.)
Breckenridge St.	Race Horse Alley (between Buford Ave. and Washington St.)
Constitution Ave.	Race Horse Alley (between Washington St. and Carlisle St.)
Culp St. (between Johns Ave. and Steinwehr Ave.)	S. Washington St.
E. High St.	Seminary Ridge
E. Middle St.	South St.
E. Water St.	Springs Ave.
Franklin St.	W. High St.
King St. (between Johns Ave. and Steinwehr Ave.)	W. Lincoln St.
Lefever St.	W. Railroad St.
Long Ln. (Gettys St. to Breckenridge St.)	W. Stevens St.
Mummasburg St.	W. Water St.
N. Fourth St.	West St.
N. Stratton St.	
N. Washington St.	

§ 27-419 Transit Bus Stops

Transit bus stops, which include both sheltered and non-sheltered infrastructure facilities that provide passengers safe access to both fixed-route and demand responsive public transportation services, shall comply with the requirements of this Chapter, as well as the following specific criteria:

- (A) Bus stop infrastructure, including ADA loading pads, bus passenger benches, and bus shelters, as well as bus stop location signs and bus stop passenger information signs, shall be permitted by right in all zoning districts, including within public Rights-of-Way, and shall be considered an accessory use that can stand alone without the accompanying principal use.
- (B) Bus stop infrastructure shall be exempt from minimum Lot size, Open Space, yards, and setback requirements of the governing zoning district(s).
- (C) The location and design of the bus stop infrastructure shall be reviewed and approved by the applicable transit agency, Borough, and in instances where the bus stop is proposed to be located within a state-owned Right-of-Way, PennDOT Engineering District 8-0. The transit agency shall provide written documentation certifying that a location is an existing or potential future bus stop. Such documentation should include an executed shelter location agreement with the property owner.
- (D) Whenever an ADA loading pad, bench for a bus stop, and/or bus shelter is provided, the applicable off-street parking requirements for the Lot's principal use may be reduced by one or more vehicular parking space(s) for each bus stop location.
- (E) Bus stop location signs and bus stop passenger information signs installed and maintained by the transit agency shall be permitted within the public Right-of-Way and on private property and shall be exempt from the Sign requirements specified under Chapter 19 of the Borough Code of Ordinances.

§ 27-420 Two or More Principal Buildings or Structures on One Lot

In any district, more than one Building or Structure having a permitted principal use may be erected on a single Lot, provided that all the applicable requirements of this Chapter shall be met for each building or structure as though it were on an individual Lot.

§ 27-421 Visual Obstructions

- (A) No wall, fence, sign or other structure shall be erected or altered, and no hedge, trees, shrubs, crops, etc., shall be maintained, which may cause danger to pedestrians or traffic by obstructing the view.
- (B) A Clear Sight Triangle shall be provided and maintained at all Street and/or alley intersections. Such Clear Sight Distance shall be maintained between two (2) and ten (10) feet above curb level. Such triangle shall be (15) feet along the right-of-way lines of the streets or alleys, measured from the intersection of such rights-of-way, with the third longer leg of the triangle connecting the two ends, unless a larger triangle is required by the state or by other local regulations. If the intersection is rounded, the triangle shall be measured from the extended ends of the rights-of-way.
- (C) Within such Clear Sight Triangle, no grading shall occur, or structures (such as buildings, fences or walls) be placed or expanded, or vegetation be permitted that would obstruct the vision of motorists of pedestrians and other traffic. The only obstructions permitted within a Clear Sight Triangle shall be transparent fences, vegetation regularly maintained at less than two (2) feet in height, mailboxes, sign or utility posts less than one foot in width and the trunks of deciduous trees.
- (D) If a driveway or accessway enters onto a Street, a required sight triangle as stated above shall be maintained, except that the length of the triangle shall be eight (8) feet long measured at the center line of the driveway or accessway and at the Street right-of-way line.

§ 27-422 Yards

- (A) Space provided to satisfy the yard, area, and parking requirements for any building or structure, either existing or proposed, shall not be used to meet the yard, area, and parking requirements for any other building or structure.

PART 5 DEFINITIONS

§ 27-501 Rules of Interpretation

- (A) The following rules apply to the interpretation of this Chapter:
1. Words in the singular include the plural and those in the plural include the singular;
 2. Words used in the present tense include the future tense;
 3. The words “Person”, “Applicant”, “developer”, and “Owner” include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual engaged in the subject activity;
 4. The word “Building” includes Structure and shall be construed as if followed by the phrase “or part thereof”;
 5. The word “Watercourse” includes channel, creek, ditch, dry run, spring, Stream and river;
 6. The words “should” and “may” are permissive; the words “shall” and “will” are mandatory and directive;
 7. The word “Lot” includes the word plot or parcel; and
 8. 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.”

§ 27-502 Defined Words and Terms

- (A) Words and terms used in this Part shall have the meanings given in this herein. Unless expressly stated otherwise, any pertinent word or term not part of this listing but vital to the interpretation of this Chapter, shall be construed to have their legal definition, or in absence of a legal definition, their meaning as commonly accepted by practitioners including Registered Design Professionals and/or Certified Planners.

ABUT or ABBUTTING – To physically touch or border upon; or to share a common property line.

ACCESSORY BUILDING – A Building detached from and subordinate to the main building on the same lot and used for purposes customarily incidental to the main building.

ACCESSORY USE – A use customarily incidental and subordinate to the Principal Use of the lot or Building and located on the same Lot with such Principal Use of the Lot or Building.

ADAPTIVE REUSE – The development of a new use for an older building or for a building originally designed for a specific purpose which it no longer serves.

ADJACENT – Immediately contiguous to or abutting a neighboring property, lot or walkway, and excludes property, lots, or walkways across the street from, or diagonally opposite across an intersection from the subject property, lot, or walkway.

ALLEY – A minor public or private right-of-way providing a secondary means of access to abutting properties.

ALTERATION – As applied to any building, structure or sign, any change, rearrangement or relocation in the structural parts.

ANTENNA, PRIVATE – A device, partially or wholly exterior to a building, which is used for receiving and/or transmitting electronic signals or short-wave or citizens' band radio frequencies and which is not a commercial communications tower and other than a satellite antenna. This includes any accessory supporting structures.

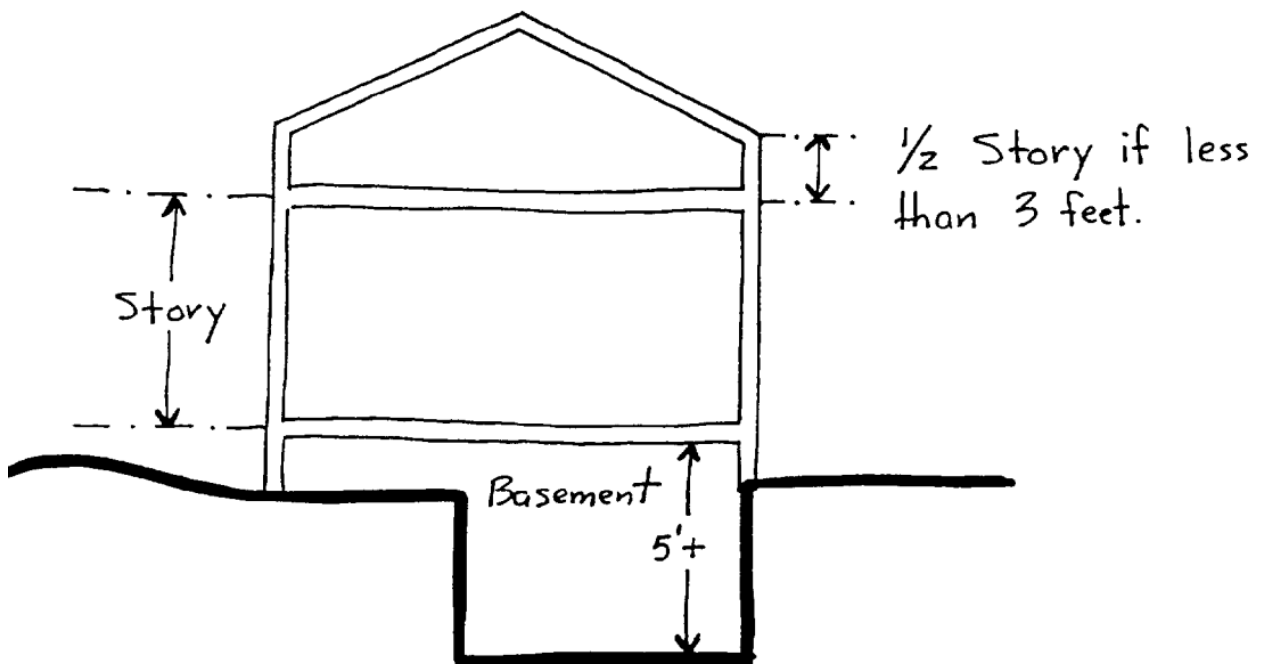
APPLICANT – The person(s), company, partnership, profit or nonprofit corporation, trust or other entity responsible for a particular application for an approval or permit under this Chapter, and his/her heirs, successors and assigns.

AREA (BUILDING) – The total area, taken on a horizontal plane, at the grade level of a building, exclusive of uncovered porches, terraces and steps.

AUTOMOBILE – Any motorized or electrified powered Vehicle.

BASEMENT – That portion of a Building that is partially or wholly below ground level. This portion serves as a substructure or foundation for a Building. 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 feet (See Figure 5.01).

Figure 5.01, Basement and Story



BICYCLE PARKING – A space for the temporary storage of a bicycle in the form of a rack, locker, or storage area used exclusively for the storage of bicycles.

BLOCK – A tract of land, lot, or group of lots, bounded by streets, alleys, public parks, railroad rights-of-way, watercourses or bodies of water, boundary lines of the Borough or any combination of the above.

BOARD – The Zoning Hearing Board of the Borough of Gettysburg, Adams County, Pennsylvania.

BOROUGH — The Borough of Gettysburg, Adams County, Pennsylvania.

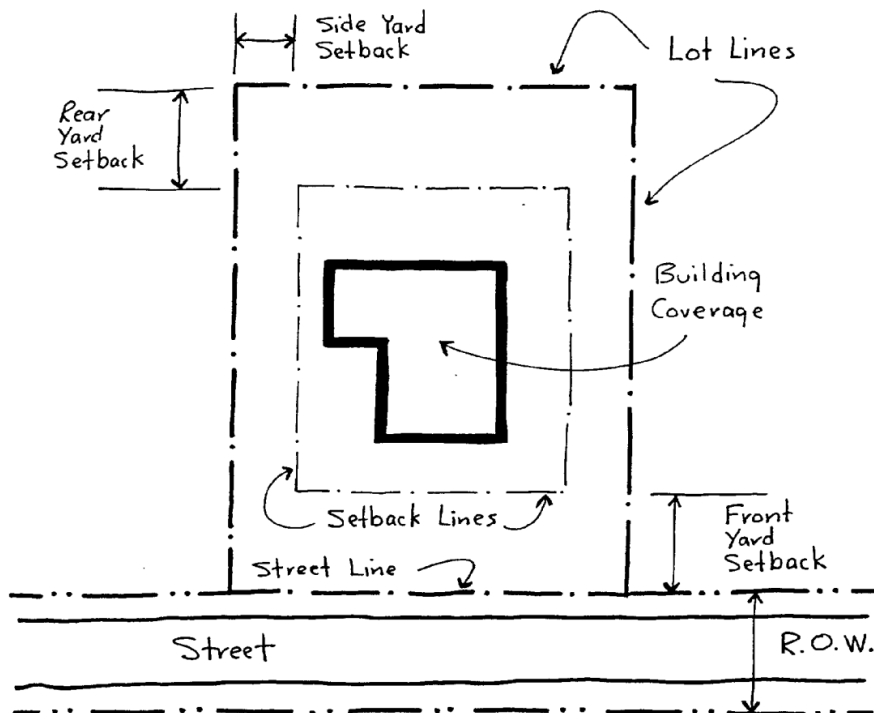
BOROUGH COUNCIL — The Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania.

BUILDING – Any enclosed structure having a roof and walls which has been designed and built for the shelter, housing enclosure or protection of individuals, animals, equipment or property of any kind.

BUILDING, PRINCIPAL – A Building in which is conducted the principal use of the lot on which it is located.

BUILDING COVERAGE – Total area of a Lot covered by Buildings. Measured from the outside of all exterior walls at ground level, it includes all exterior stairways, covered parking and walkways. (See Figure 5.02).

Figure 5.02, Building Coverage

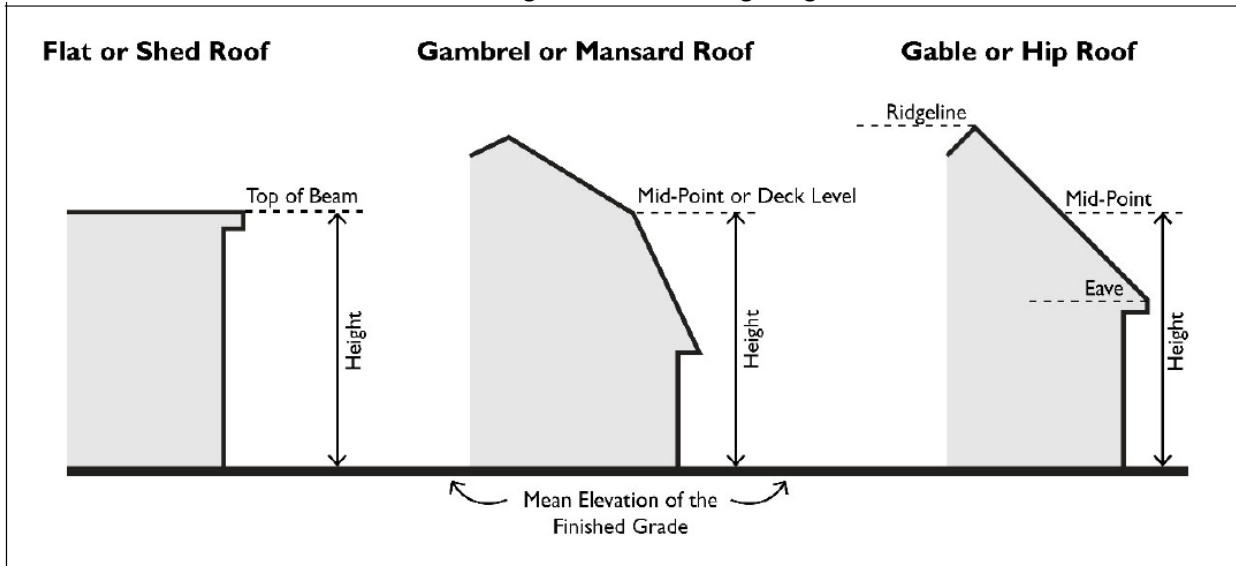


BUILDING FAÇADE – An exterior side of a Building.

BUILDING HEIGHT – The vertical distance calculated by subtracting the elevation of the highest point on the roof on flat or shed roofs and/or the elevation of the deck line on gambrel and

mansard roofs and/or the average height between eaves and ridges on gable or hip roofs from the average elevation of finished grades at the outside walls facing and/or nearest to the Front Yard Setback lines (See **Figure 5.03**).

Figure 5.03, Building Height



BUILD-TO LINE – A Building location line where the primary Facade of a Building is required to be constructed, usually in alignment with other Buildings on the block; a line parallel to and measured at a distance from Lot Frontage or otherwise front parcel boundary.

BUILDING SETBACK LINE – The line within which the principal building shall be located, bounding that portion of the Lot not contained within the required side and rear yards, and not contained within the space between the property line and the Build-To Line.

BUILDING, PRINCIPAL – A Building in which is conducted the principal use of the Lot on which it is located.

CARTWAY – The paved portion of a Street designed for vehicular traffic and paved areas intended for on-street parking.

COMMISSION — The Planning Commission of the Borough of Gettysburg, Adams County, Pennsylvania.

COLLOCATED WIRELESS COMMUNICATIONS FACILITY (COLLOCATED WCF) – Wireless communications facilities that are attached to existing structures, such as, but not limited to Buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles, and other similar structures that do not require the installation of a new or replacement wireless support Structure.

COLLOCATION – The mounting of one or more WCFs, including antennas, on a pre-existing Structure, or modifying a Structure for the purpose of mounting, or installing a WCF on that Structure.

COMPREHENSIVE PLAN — The document entitled the "Gettysburg Comprehensive Plan," or any part thereof, adopted by the Borough Council, as amended, pursuant to the Pennsylvania Municipalities Planning Code.

CONDOMINIUM – Real estate, portions of which is designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those separate portions, in accordance with the Pennsylvania Uniform Condominium Act (68 Pa. C.S. §§ 3101—3414).

CLEAR SIGHT TRIANGLE – A generally triangular area that defines a zone necessary for the clear view by the driver of a motor vehicle or a bicyclist of oncoming cross-street motor vehicle, bicycle, or pedestrian traffic or of a traffic control device, and includes street intersection sight triangles, alley intersection sight triangles and traffic control device sight triangles. The Clear Sight Triangle shall be determined by the intersecting Street center lines and a diagonal line connecting the two points, one at each center line. The distance of each point from the intersection of the street or driveway center lines, as applicable, shall be as specified by PennDOT's Intersection Sight Distance or Formula Sight Distance, in the latest edition of AASHTO "A Policy On Geometric Design of Highways and Streets" as applied by PennDOT.

CURBLINE – A line at the face of the curb nearest to the Street or roadway.

DECISION – A final adjudication of any board or other body granted jurisdiction under this Chapter do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from Determinations. All Decisions shall be appealable to the Court of Common Pleas of Adams County and applicable judicial district wherein the Borough lies.

DEMOLITION – The act of razing, tearing down or dismantling a preexisting building or other structure.

DENSITY – The total number of dwelling units proposed on a lot divided by the lot area, unless otherwise stated.

DISTRICT (or ZONING DISTRICT) – A land area within the Borough within which certain uniform regulations and requirements apply under the provisions of this Chapter.

EARTH DISTURBANCE ACTIVITIES – A construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, operation of animal heavy use areas, timber harvesting activities, road maintenance activities, oil and gas activities, well drilling, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

ELECTRICAL PERSONAL ASSISTIVE MOBILITY DEVICES (EPAMD) – A self-balancing device with two (2) wheels not in tandem, designed to transport only one (1) person by an electric propulsion system having a maximum speed on a paved level surface of less than twenty (20) miles per hour. For purposes of this Chapter, EPAMDs shall include but shall not be limited to the Segway® PT and shall not include electric or motorized wheelchairs and powerchairs shall not be considered EPAMDs.

ELECTRIC VEHICLE (EV) – Any Vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) – The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "Electric Vehicle Charging Station".

ELECTRIC VEHICLE CHARGING STATION – See Electric Vehicle Supply/Service Equipment (EVSE).

FAMILY – The term "Family" includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status: a single person, who may be an elderly person, disabled person, near-elderly person, or any other single person; or a group of persons residing together. Such group includes, but is not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a disabled family, a displaced family, or the remaining member of a tenant family.

A household consisting exclusively of two or more full-time college students does not qualify as a family unless each individual in the household satisfies the following conditions: The individual must have established a household separate from their parents or legal guardians for at least one year prior.

FENCE – A manufactured barrier, placed or arranged as a line of demarcation, an enclosure or a visual barrier, which is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Manufactured barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a wall. The term "wall" does not include engineering retaining walls, which are permitted uses as needed in all districts. The terms "fence" and "wall" do not include hedges, trees or shrubs.

FLOOR AREA, HABITABLE – The sum of the horizontal areas with at least seven-foot ceilings used for habitable space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. (See "Habitable Space")

GARAGE (PRIVATE) – An accessory building for the storage of motor vehicles owned and operated by the owner or occupants of the premises, provided that space for the storage of not more than two vehicles may be leased to nonresidents.

GARAGE SALE – The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character.

GREEN AREA – The portion of a lot that is not paved or covered by Buildings, Structures, or other like-type impervious surfaces, which is devoted to landscaping; lawns; gardens; active and passive parks; vegetated surfaces, including vegetated stormwater management facilities; green roofs; and pervious surfacing or pavers.

GROSS FLOOR AREA – The total number of square feet within the inside finished wall surface of the outer building walls of a structure, also referred to as Gross Square Feet and abbreviated as GFA.

HABITABLE FLOOR AREA – The aggregate of the horizontal area of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathroom, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling Height of not less than seven (7') feet and the floor area of that part of any room where the ceiling Height is less than five (5') feet shall not be considered as part of the habitable floor area.

HABITABLE SPACE – Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

HANDICAP – Means, with respect to a Person:

1. a physical or mental impairment which substantially limits one or more of such Person's major life activities,
2. a record of having such an impairment, or
3. being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).

HORSE DRAWN CARRIAGE – Any hackney or carriage which is operated by being drawn by a horse or mule for the transportation for hire of passengers.

HISTORIC RESOURCE, HISTORIC STRUCTURE, or HISTORICALLY SIGNIFICANT SITE- Any Structure or site that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. 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;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a County or local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved State program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without an approved program.

5. Individually listed on the most recent inventory of the Adams County Historical Society Register, the Adams County Planning Commission, or Borough inventory (whichever is determined to be the most complete and accurate).

HOMEOWNERS ASSOCIATION - A Homeowners' Association organized pursuant to the Uniform Planned Community Act (68 Pa C.S. §§ 5101—5414).

INCLUSIONARY HOUSING – Refers to municipal housing policies that require a given share of new construction to be affordable to people with low to moderate incomes. The term is broad and covers various policies enacted by local jurisdictions to increase the supply of affordable housing.

JUNK – Items or objects that are old, discarded, or not currently being used for the purpose or purposes for which they are designed or normally used, including but not limited to used or salvaged metals and their compounds or combination; used or salvaged rope; rubber; rotting wood; scrap iron; tires and snowmobile treads; parts for motor vehicles, boats, all-terrain vehicles, recreational vehicles, snowmobiles, and/or trailers; inoperable or dismantled refrigerators, stoves, dishwashers, dryers, washing machines, and furniture; and inoperable or dismantled lawn mowers, weed trimmers, snow blowers, snow plows, tractors, and any other machinery used for excavation, maintenance, or snow removal.

JUNKED MATERIALS – The accumulation of used and/or discarded materials with the potential for leaching pollutants into the groundwater, including, but not limited to, trash, appliances, machinery, vehicles, or parts thereof, whether on the land surface, into a sinkhole or into a stream, wetland or other water body.

LAND DEVELOPMENT – As defined by the Pennsylvania Municipalities Planning Code, as amended.

LANDOWNER – The legal or beneficial Owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if they are authorized under the lease to exercise the rights of the landowner, or other Person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Chapter.

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 area contained within the property lines of a lot, excluding space within the legal public right-of-way, but including the area of an easement.

LOT COVERAGE – The percentage of a lot covered by Buildings, paved areas, gravel areas, and other like-type surfaces through which water does not or cannot infiltrate.

LOT DEPTH – The horizontal distance measured between the Street Right-of-Way line and the rear property line. On corner Lots, reverse frontage Lots, and triangular or other irregularly shaped Lots, the depth shall be measured along the property line adjacent to the side yard which extends from the Street of address to the opposite property line. Where a rear yard is formed by angled or offset property lines, the Lot depth shall be measured as the weighted average distance from the Street Right-of-Way line to the farthest rear property line.

LOT FRONTAGE – The parcel's line of demarcation parallel to and abutting a public right-of-way where public mobility is permitted.

LOT LINE – A line of record which divides one (1) Lot from another Lot, or from a public or private road or any other public space. Where a Lot abuts a public Right-of-Way, the Lot line for regulatory purposes shall be the Right-of-Way line. Also known as road or Street line (see Figure 5.02).

NET SQUARE FEET – The total number of square feet within the inside finished wall surface of the outer Building walls of a structure, excluding major vertical penetrations of the floor (elevator and other mechanical shafts; stairwells), mechanical equipment, parking areas, common restrooms, common lobbies, and common hallways.

MOTOR VEHICLE – A Vehicle which is self-propelled except for an electric personal assistive mobility device or a vehicle which is propelled solely by human power.

OBSCENE – Displays or information that, taken as a whole, appeals to the prurient interest in sex and depicts or describes in a patently offensive manner nudity as sexual conduct and which, taken as a whole, does not have serious literary, artistic or scientific value, or otherwise qualifies as vulgar or indecent.

OFFICIAL ZONING MAP – The map as adopted by the Borough Council which designates the location and boundaries of Zoning Districts.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC or PA MPC) – Act 247 of 1968, P.L. 805; 53 P.S. § 10101.

PERMANENT RESIDENCY or RESIDENTIAL OCCUPANCY: Permanent, full-time habitation in a Dwelling Unit for a period of thirty (30) consecutive days or more.

PERSON – Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11 of the United States Code, receivers, and fiduciaries.

PRINCIPAL USE – The predominant use of the land or building to which all other uses are secondary.

PUBLIC – Owned, operated, or both, by the Borough, its authority, a municipal-supported fire company, or a municipal-supported ambulance association.

PUBLIC GREEN SPACE – A tract of land owned and maintained by private or semi-public persons, entities, groups, or a public-private partnership to provide active and/or passive recreational opportunities for the general public.

PUBLIC HEARING – A formal meeting held pursuant to public notice by the Gettysburg Borough Council or Zoning Hearing Board intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

PUBLIC MEETING – A forum held pursuant to notice under 65 Pa.C.S. Ch. 7 (relating to open meetings.)

PUBLIC NOTICE – Notice published once each week for two (2) successive weeks in a newspaper of general circulation in Gettysburg Borough. 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 thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. Public notice for rezoning, special exception, variance, or any combination thereof, requests shall also include the posting of

a sign(s) at a conspicuous location(s) upon the site to notify potentially interested citizens; this sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing.

REGISTERED DESIGN PROFESSIONAL – A professional engineer, land surveyor or professional geologist licensed by the State Registration Board for Professional Engineers, Land Surveyors and Geologists under the act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Land Surveyor and Geologist Registration Law," a landscape architect who is licensed by the State Board of Landscape Architects under the act of January 24, 1966 (1965 P.L. 1527, No. 535), known as the "Landscape Architect's Registration Law," or any corporation or association, including professional corporations, organized or registered under the act of December 21, 1988 (P.L. 1444, No.177), known as the "General Association Act of 1988," practicing engineering, landscape architecture or surveying in this Commonwealth.

RIGHT-OF-WAY (ROW) – An area acquired or reserved for Streets, Street trees (or landscaping), drainage, utilities and pedestrian ways owned by a public or private Person. When used in the regulation of Wireless Telecommunications Facilities, the surface of and space above and below any real property in the Borough in which the Borough has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all Streets, highways, avenues, roads, Alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the Borough, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility purposes, but excluding lands other than Streets that are owned by the Borough. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the right(s)-of-way.

ROOF – An Impervious Cover of a Building or Structure.

SETBACK – The minimum required horizontal distance between a setback line and a property or Street Right-of-Way line.

SETBACK LINE – A line parallel to the front, side or rear Lot line so as to provide the required yards. See Figure 5.02.

SETBACK, FRONT – The distance between the Lot Frontage parcel line of demarcation and the Building setback line projected the full width of the Lot. This area is identified as the Front Yard in this ordinance.

SETBACK, REAR – The minimum distance between the rear Lot line and the rear setback line projected the full width of the Lot. Commonly called "required rear yard".

SETBACK, SIDE – The minimum distance between the side Lot line and the side setback line projected from the front yard to the rear yard. Commonly called "required side yard".

SHORT TERM LODGING: Any dwelling unit or portion thereof that is available for use or is used for transient lodging, and where such lodging is provided for compensation for no more than thirty (30) consecutive days.

SIGHT DISTANCE – An area of unobstructed vision measured at the centerline of the Cartway to an object one and one-half (1½) feet above the pavement, from a Height of three and one-half (3½) feet and ten (10) feet from the edge of paving at the intersection. Sight distances shall be designed pursuant to Chapter 22, Subdivision and Land Development, of the Borough Code of Ordinances.

SMALL WIRELESS COMMUNICATIONS FACILITY – A wireless communications facility that meets the following criteria:

1. The wireless support Structure on which antenna facilities are mounted—
 - (a) Is fifty (50) feet or less in Height, or
 - (b) is no more than ten (10) percent taller than other adjacent structures, or
 - (c) is not extended to a Height of more than fifty (50) feet or by more than ten (10) percent above its pre-existing Height as a result of the Collocation of new Antenna facilities; and
2. Each Antenna associated with the deployment (excluding the accessory equipment) is no more than three cubic feet in volume; and
3. All accessory equipment associated with the wireless support Structure (excluding antennas) is cumulatively no more than 28 cubic feet in volume.
4. The wireless communications facility does not require antenna Structure registration under 47 CFR Section 17;
5. The wireless communications facility is not located on Tribal lands, as defined under 36 CFR 800.16(x); and
6. The wireless communications facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

SMALL WIRELESS FACILITIES DEPLOYMENT ACT – Act of Jun. 30, 2021, P.L. 232, No. 50.

SPECIAL EXCEPTION USE – A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this chapter, provided that the use complies with the conditions and standards required by this Chapter.

STREET – Any street, road, lane, court, cul-de-sac, public way, public square, alley, highway, or any other public place or way located in the Borough and as ordained or otherwise established for the use of the traveling public.

STREET LINE (RIGHT-OF-WAY LINE) – A line defining the edge of a Street Right-of-Way and separating the Street from abutting property or Lots (see Figure 5.02).

STRUCTURE – Any assembly of materials constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, any portion of which is above the natural surface grade, including, but not limited to Buildings, sheds, cabins, manufactured houses and trailers, pavilions, pagodas, tents, kennels, swimming pools, dumpsters, fences, dams, culverts, roads, railroads, bridges, storage tanks, and signs.

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 repair, reconstruction, or improvement of a Structure, the cost of which equals or exceeds fifty (50) percent of the fair market value of the Structure either (a) before the improvement or repair is started or (b) if the Structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the Structure commences, whether or not that alteration affects the external dimensions of the Structure.

TOTAL FLOOR AREA – The area of all floors in all Buildings measured to the outside of the exterior walls, excluding attics, basements, and open porches (measured in square feet). (Note: An “open porch” has a Roof but is not enclosed with screens or windows. Porches enclosed with screens or windows shall be counted toward Total Floor Area.)

TOUR GUIDE – Any person who drives or operates via pedestrian movement, a horse-drawn carriage, electric vehicle, motor vehicle, or velocipede, on the streets of Gettysburg Borough or who acts or offers to act as a guide for hire through any part of the Borough who serves as an actor during a tour for hire. “Tour guide” as used in this Chapter does not include any person acting or offering to act as a guide for hire, or an actor during a tour for hire, when the tour is to be conducted solely on private real property.

TRANSIENT LODGING – Lodging provided for compensation for periods of less than thirty (30) consecutive days.

TEMPORARY USE – A use or Structure on improved or unimproved real estate, which is of impermanent nature, and is used for less than ninety (90) days in a calendar year.

USE – The specific purpose for which land or a Building is designed, 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 Non-Conforming Use.

USE, PERMITTED – Means any Use allowed by right within a Zoning District, subject to the restrictions applicable to that Zoning District, and that is not a Special Exception Use.

USE, PRINCIPAL – The dominant purpose for which a Lot or Building is utilized.

USE, TEMPORARY – See Temporary Use.

VARIANCE – The permission granted by the Zoning Hearing Board following a Public Hearing that has been properly advertised as required by the Pennsylvania Municipalities Planning Code, as amended, for an adjustment to some regulation which, if strictly adhered to, would result in an unnecessary hardship and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Chapter.

VEHICLE – Every device in, upon or by which any person or property is or may be transported or drawn upon a Street, except devices used exclusively upon rails or tracks. The term does not include a self-propelled wheelchair, or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.

VEHICLE, ABANDONED – A Vehicle shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:

1. The vehicle is physically inoperable and is left unattended on a Street or other public property for more than forty-eight (48) hours.

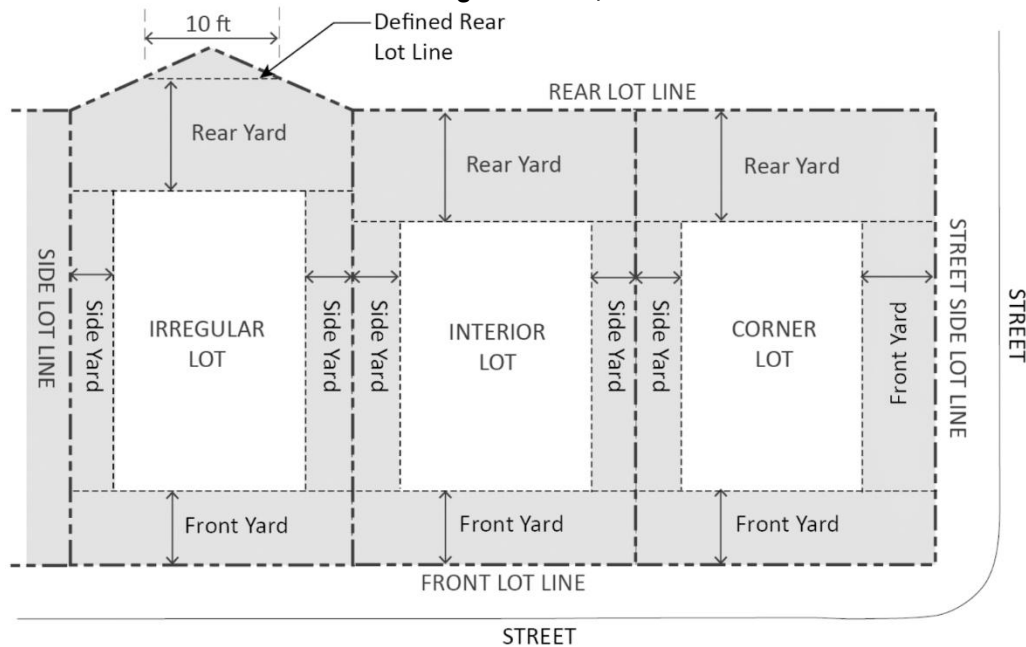
2. The vehicle has remained illegally on a highway or other public property for a period of more than forty-eight (48) hours.
3. The vehicle is left unattended on or along a highway or other public property for more than forty-eight (48) hours and does not bear all of the following:
 - a. A valid registration plate.
 - b. A current certificate of inspection.
 - c. An ascertainable vehicle identification number.
4. The vehicle has remained on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours.
5. The vehicle has remained on the private property of a salvor for twenty (20) days.

Vehicles and equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

VEHICLE, NONREPAIRABLE – An Abandoned Vehicle that is incapable of safe operation for use on roadways or highways and which has no resale value except as a source of parts or scrap only, a salvage vehicle issued a nonrepairable or non-rebuildable vehicle document by another state or a vehicle which a salvor or vehicle salvage dealer designates as a source for parts or scrap or which the owner irreversibly designates as a source for parts or scrap. Such vehicles may not be issued a certificate of title or certificate of salvage.

YARD – An area between the permitted structures and the property lines (see Figure 6.02.8).

Figure 6.02.8, Yards



VARIANCE – The permission granted by the Zoning Hearing Board following a Public Hearing that has been properly advertised as required by the Pennsylvania Municipalities Planning Code, as amended, for an adjustment to some regulation which, if strictly adhered to, would result in an unnecessary hardship and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.

YARD, FRONT – A yard nearest to the Street extending the full width of the lot, between the build-to line and the front lot line. Also, see "Build-to Line."

YARD, REAR – A yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the building setback line.

YARD, SIDE – A yard extending the full depth of the lot along the side lot line and extending in width from such lot line to the Building Setback Line.

ZERO-LOT-LINE DEVELOPMENT – A form of development where a building, usually a single-family detached or semidetached dwelling, is placed on a side lot line with no setback from that lot line and has only one side yard.

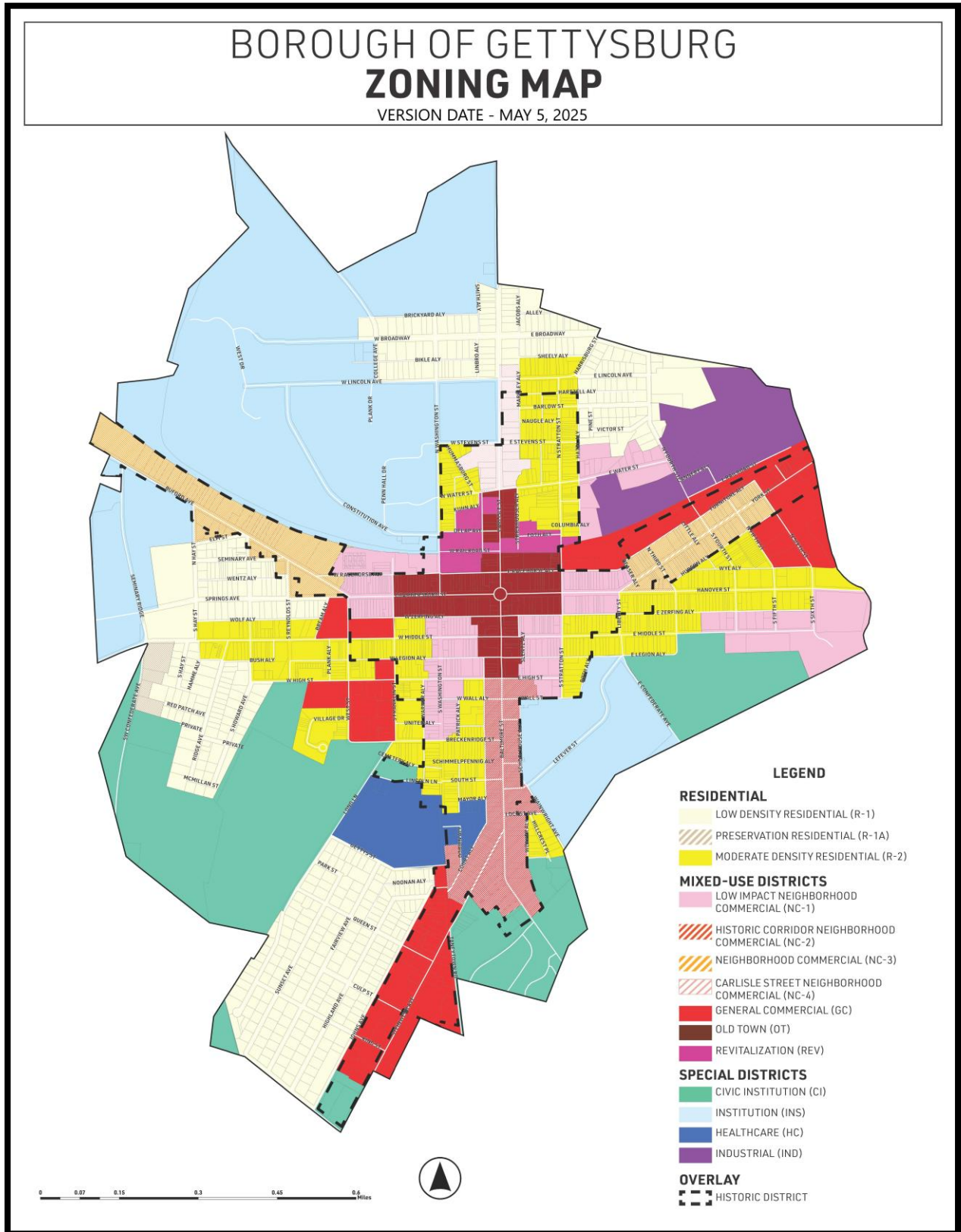
ZONING – The designation of specified districts within the Borough, reserving them for certain uses together with limitations on Lot size, heights of structures and other stipulated requirements.

ZONING MAP – The Official Zoning Map of Gettysburg Borough, Adams County, Pennsylvania.

ZONING OFFICER – The designated administrative officer who serves as the Zoning Officer for the Borough of Gettysburg and who is charged with the duty of enforcing the provisions of this Chapter.

ZONING ORDINANCE – Chapter 27 of the Code of Ordinances of the Borough of Gettysburg.

EXHIBIT A – ZONING MAP



APPENDIX A – SMALL WIRELESS COMMUNICATIONS FACILITY DESIGN MANUAL

Small Wireless Communications
Facility Design Manual

Section 1: Purpose and Intent

The purpose of this Wireless Facilities Design Manual is to provide the Borough with uniform design and aesthetic standards regarding the placement of Small Wireless Facilities within the Right-of-Way consistent with the Borough’s obligation to promote the public health, safety, and welfare; to manage the Right-of-Way; and to ensure that the public’s use is not obstructed or disturbed by the use of the Right-of-Way for Small Wireless Facilities. The Borough recognizes the importance of wireless telecommunications facilities to provide high-quality communications and internet access services to residents and businesses within the Borough. The Borough also recognizes its obligation to comply with applicable federal and state laws regarding the placement of wireless telecommunications facilities in the Right-of-Way including, without limitation, the Telecommunications Act of 1996, 47 U.S.C. § 151, *et seq.*, and Act 50 of 2021, 53 P.S. §§ 11704.1 – 11704.11.

Section 2: Definitions

The definitions contained in Part 5 of the Gettysburg Borough Zoning Code, Chapter 27 of the Borough Code of Ordinances, are incorporated into this policy by reference as though fully set forth herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular, and words in the singular include the plural.

Section 3: Aesthetic and Design Requirements for Small Wireless Facilities

The following aesthetic and design requirements shall apply to any person who installs, operates, Modifies, or maintains a Small Wireless Facility in the Right-of-Way:

1. An Applicant and/or Permittee shall use all design techniques possible to minimize the visual impact of a Small Wireless Facility on the public during and after the installation, Modification, or repair of a Small Wireless Facility.
2. Applicants and/or Permittees shall minimize the quantity and size of Accessory Equipment placed on Wireless Support Structures. Long and narrow Accessory Equipment, as opposed to wide and bulky Accessory Equipment, should be used. Accessory Equipment should be clustered together as much as possible and located toward the top of the Wireless Support Structure when possible.
3. No Applicant and/or Permittee shall install or attach flashing lights or unnecessary, distracting, non-essential or poorly placed signage or stickers, unless required by Applicable Codes or agreed upon by the Borough, on any Small Wireless Facility, Accessory Equipment, or Wireless Support Structure.
4. No Small Wireless Facility or Accessory Equipment shall have any exposed cables or wiring. All cables and wiring shall be concealed or contained within a Wireless Support Structure unless doing so is not Technically Feasible as determined by the Borough's engineer. If the cables and wiring cannot be contained within the Wireless Support Structure, then all cables and wires shall be contained within a conduit that is flush mounted to the Wireless Support Structure. All conduits shall be of a color that matches the Wireless Support Structure to which the Small Wireless Facility is attached and be non-reflective unless otherwise agreed upon by the Permittee and Borough.
5. Spools and/or coils of excess wires or cables shall not be stored on a Wireless Support Structure unless they are completely within the approved enclosures or conduits.

6. All cables and wiring shall be installed tautly and without excessive slack or extra cable storage on the Wireless Support Structure. Extra wiring shall not be attached to any Wireless Support Structure.
7. Exterior panel Antennas should not exceed the height of the Wireless Support Structure.
8. Antennas and Accessory Equipment should not extend further than twenty (20) inches from the Wireless Support Structure.
9. Applicants and/or Permittees shall avoid installing Small Wireless Facilities on Wireless Support Structures that are directly in front of dwelling units or businesses. Wireless Support Structures near Street corners, landscaped areas, or in Alleys shall instead be considered for installation first.
10. Small Wireless Facilities and Accessory Equipment shall be painted with graffiti-resistant paint which matches the Wireless Support Structure's color and surroundings.
11. Colors and materials for Small Wireless Facilities, Antennas, and Accessory Equipment shall be chosen to minimize visibility and be compatible with the surrounding environment. Muted colors, earth tones, and subdued hues, such as light green, brown, gray, or light blue, or a color that is more compatible with the surrounding architecture or environment only as approved by the Borough shall be used. Small Wireless Facilities, Antennas, and Accessory Equipment shall match the color of the Utility Pole or Municipal Pole that they are attached to if they are attached to such structure.
12. Advertisements are prohibited on a Wireless Support Structure, Accessory Equipment, or Small Wireless Facility. Likewise, all manufacturer decals, logos, and the like shall

- be removed or otherwise entirely concealed by the Applicant/Permittee from any Wireless Support Structure, Accessory Equipment, or Small Wireless Facility.
13. If technically feasible, all Accessory Equipment shall be entirely contained or enclosed within a single cabinet which has the smallest physical dimensions possible.
14. Any replacement Wireless Support Structure shall be placed as close as possible to the existing Wireless Support Structure that is being replaced.
15. Any replacement Wireless Support Structure shall substantially conform to the material and design of the existing Wireless Support Structure or to the adjacent Wireless Support Structures located within the contiguous Right-of-Way.
16. The height of any replacement Wireless Support Structure shall not extend more than 10 feet above the height of the existing Wireless Support Structure.
17. RESERVED.

Section 4: Updates

This Wireless Facilities Design Manual may be updated from time-to-time by resolution of Borough Council.

Section 5: Limitations

Nothing contained in this Wireless Facilities Design Manual shall be deemed to restrict or otherwise limit the lawful exercise of the discretion of Borough staff in approving and issuing a Permit that deviates from the strict application of these standards where, in the sole and exclusive judgment of the Borough, circumstances so warrant.

Section 6: Effective Date

This Wireless Facilities Design Manual shall be effective as of the date of the adoption of the enabling Resolution.