

BOROUGH OF ABBOTTSTOWN

ZONING ORDINANCE

ORDINANCE NO. 2015-001

ADOPTED
January 15, 2015

THE ZONING ORDINANCE OF ABBOTTSTOWN BOROUGH

TABLE OF CONTENTS

ARTICLE I: GENERAL PROVISIONS

Section 101: Short Title 1
 Section 102: Authority..... 1
 Section 103: Purpose and Community Development Objectives..... 1

Article II: DEFINITIONS

Section 201: Interpretation 3
 Section 202: Definitions 3

ARTICLE III: DESIGNATION OF DISTRICTS

Section 301: Purpose 25
 Section 302: Zoning Map 25
 Section 303: District Boundaries 25
 Section 304: Conflict between Zoning Ordinance Standards 25

ARTICLE IV: LOW DENSITY RESIDENTIAL (LDR) DISTRICT

Section 401: Statement of Intent 27
 Section 402: Use Regulations 27
 Section 403: Area and Bulk Regulations 28
 Section 404: Community Design Regulations 29

ARTICLE V: MODERATE DENSITY RESIDENTIAL (MDR) DISTRICT

Section 501: Statement of Intent 31
 Section 502: Use Regulations 31
 Section 503: Area and Bulk Regulations 32
 Section 504: Community Design Regulations 33

ARTICLE VI: TOWN CENTER RESIDENTIAL (TCR) DISTRICT

Section 601: Statement of Intent 35
 Section 602: Use Regulations 35
 Section 603: Area and Bulk Regulations 36
 Section 604: Community Design Regulations 37

ARTICLE VII: TOWN CENTER MIXED USE (TCMU) DISTRICT

Section 701: Statement of Intent 39
 Section 702: Use Regulations 39
 Section 703: Area and Bulk Regulations 41
 Section 704: Community Design Regulations 41

ARTICLE VIII: COMMERCIAL/INDUSTRIAL (CI) DISTRICT

Section 801: Statement of Intent	43
Section 802: Use Regulations	43
Section 803: Area and Bulk Regulations	45
Section 804: Community Design Regulations	46

ARTICLE IX: GENERAL REGULATIONS

Section 901: Intent of General Regulations	47
Section 902: General Use Regulations	47
Section 903: Landscaping Regulations	55
Section 904: Lighting Regulations	62
Section 905: Performance Standards for Commercial/Industrial District Uses	64
Section 906: Community Greens	69

ARTICLE X: PERFORMANCE STANDARDS

Section 1001: Intent of Performance Standards for Specific Uses	71
Section 1002: Performance Standards for Specific Uses	71

ARTICLE XI: SIGN STANDARDS

Section 1101: Statement of Intent	103
Section 1102: Administration	103
Section 1103: Permitted Signs	104
Section 1104: Prohibited Signs	105
Section 1105: Design Regulations for Signs	106
Section 1106: General Regulations for Signs	114
Section 1107: Permitted Sign Types by Zoning District	115

ARTICLE XII: PARKING AND LOADING STANDARDS

Section 1201: Statement of Intent	119
Section 1202: Parking Area Location and Access Standards	119
Section 1203: Parking Area Design Standards	121
Section 1204: Parking Space Requirements by Use	123
Section 1205: Maximum Number of Parking Spaces	125
Section 1206: Standards for Reducing the Number of Required Parking Spaces	126
Section 1207: Standards for Shared Parking	126
Section 1208: Off-street Loading Areas	127
Section 1209: Handicap Accessible Parking Spaces	128

ARTICLE XIII: NON-CONFORMING BUILDINGS AND USES

Section 1301: Statement of Intent	131
Section 1302: Alterations and Reconstructions	131
Section 1303: Extensions, Expansions, Enlargements and/or Continuations	131
Section 1304: Change of Use	132
Section 1305: Non-conforming Lots	133

Section 1306: Non-conforming Signs 133
 Section 1307: Abandonment and Discontinuance 133

ARTICLE XIV: ADMINISTRATION AND ENFORCEMENT

Section 1401: Appointment and Powers of the Zoning Officer 135
 Section 1402: Enforcement 135
 Section 1403: Permits 135
 Section 1404: Fees 136
 Section 1405: Inspection by the Zoning Officer 137
 Section 1406: Certificate of Non-Conformance 137
 Section 1407: Conditional Use Applications 137
 Section 1408: Hearings on Conditional Use Applications 138
 Section 1409: Decisions on Conditional Use Applications 139
 Section 1410: Appeals and Applications 140
 Section 1411: Violations 140
 Section 1412: Appointment of a Zoning Hearing Board 143
 Section 1413: Organization of the Zoning Hearing Board 143
 Section 1414: Jurisdiction of the Zoning Hearing Board 144
 Section 1415: Requirements for Variances 145
 Section 1416: Requirements for Special Exceptions 145
 Section 1417: Hearings on Zoning Hearing Board Applications 146
 Section 1418: Decisions on Zoning Hearing Board Applications 148
 Section 1419: Parties Appellant before the Zoning Hearing Board 148
 Section 1420: Time Limitations 149
 Section 1421: Stay of Proceedings 149

ARTICLE XV: LEGAL PROVISIONS

Section 1501: Interpretation 151
 Section 1502: Severability 151
 Section 1503: Conflict with other Laws 151
 Section 1504: Repealer 152
 Section 1505: Effective Date 152

APPENDIX A: TABLE OF USES

APPENDIX B: LANDSCAPING MATERIALS

APPENDIX C: ENFORCEMENT DIAGRAMS

APPENDIX D: ABBOTTSTOWN BOROUGH ZONING MAP

ARTICLE I
GENERAL PROVISIONS

Section 101: Short Title.

This ordinance shall be known and may be cited as "The Zoning Ordinance of Abbottstown Borough."

Section 102: Authority

A. **Statutory Authority.** Section 601 of the Pennsylvania Municipalities Planning Code, (Act of 1968, P.L. 805, No. 247, as reenacted and amended) provides that the Abbottstown Borough Council may enact and amend a zoning ordinance to implement community development objectives established by the Borough Council. The Eastern Adams Joint Comprehensive Plan has been adopted by the Abbottstown Borough Council and establishes specific policies and community development objectives that the Borough Council seeks to implement through the adoption of the Abbottstown Borough Zoning Ordinance.

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

Section 103: Purpose and Community Development Objectives.

In accordance with the Eastern Adams Joint Comprehensive Plan adopted by the Abbottstown Borough Council on May 17, 2012, there is hereby established a new Comprehensive Zoning Plan for the Borough, which is set forth in the text and map that constitute this ordinance. The Plan is adopted in the interest of protecting and promoting the public health, safety, morals, and general welfare, and shall be deemed to include the following objective, among others as may be stated in the Eastern Adams Joint Comprehensive Plan.

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

1. The public health, safety, morals, and general welfare.
2. Coordinated and practical community development and appropriate density of population.
3. Emergency preparedness and operation.
4. Provision of adequate light and air.

5. Access to solar energy, police protection, vehicle parking and loading spaces, transportation, water service, sewer service, schools, recreation facilities, and public grounds.
6. Provision of a safe, reliable, and adequate water supply for domestic, commercial, agricultural, and industrial use.
7. Preservation of the natural, scenic, and historic values in the environment and the preservation of forests, wetlands, aquifers, and floodplains.
8. Prevention of: overcrowding of land, blight, danger, and congestion in travel and transportation.
9. Prevention of loss of health, life, or property from fire, panic, or other dangers.
10. Provision for the residential use of land within Abbottstown Borough for various dwelling unit types encompassing all basic forms of housing including single-family dwellings, two-family dwellings, multi-family dwellings, and mobilehome parks.
11. Accommodation of reasonable overall community growth, including population and employment growth and economic development.

B. This Ordinance provides the legal basis and framework for future development and redevelopment in Abbottstown Borough. Its provisions are guided by the policies and community development objectives established in the Eastern Adams Joint Comprehensive Plan.

ARTICLE II
GENERAL PROVISIONS

Section 201: Interpretation.

As used in this chapter, words expressed in their singular include their plural meanings, and words expressed in plural include their singular meanings. The word "person" includes a corporation, an unincorporated association, a partnership, as well as an individual. The words "building" and "street" are used generally and shall be construed as if followed by the phrase "or part thereof". The word "may" is permissive; the words "shall" and "will" are mandatory. Words used in the present tense include the future tense. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".

Section 202: Definitions.

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

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

Accessory Structure - A structure detached from, subordinate to, and on the same lot with the principle structure, and used for purposes customarily incidental thereto. Accessory structures shall include car ports, private garages, gazebos, pet houses, utility or storage buildings, and swimming pools, as defined herein.

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

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

Administrative Activities - Any business function in which there is no regular contact with the general public and no materials, products, goods, or prepared foods are stored except for office consumption.

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

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

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

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

Agriculturally Related Product – Items sold at a Farm Market to attract customers and promote the sale of agricultural products. Such products are associated with agricultural products either produced on the farm where the Farm Market is located or on other farms within Adams or York Counties.

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

Alternative Energy System - A structure or group of structures such as a windturbine or solar collecting array designed and intended to produce energy from natural forces such as wind or sunlight.

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

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

Apartment Building – A residential building consisting of three or more apartments where each apartment is accessed from a common internal hallway or an external walkway and where at least one apartment is located above another apartment.

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

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

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

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

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

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

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

Block - An area bounded by three (3) or more streets.

Borough Council – The Borough Council of the Borough of Abbottstown, Adams County.

Building - A combination of materials to form a permanent structure having walls and a roof, including, but not limited to, all mobile homes and trailers.

Building Height - The vertical distance between the average elevation of the proposed finished grade along the entire front of the building, and the highest point of the roof for flat roofs, and the deck lines for mansard roofs, and the mean height between eaves and ridges for gable, hip and gambrel roofs, but not including chimneys, towers, spires, elevator penthouses, tanks, railings and similar projections.

Building Line – A line, drawn parallel to a front, side, or rear property line that depicts the closest distance of an existing building to said front, side, or rear property line.

Building Setback Line - A line, parallel to the street right-of-way line for front yards, and parallel to the lot lines for side and rear yards, designating the minimum distance from the right-of-way and/or lot lines that a building may be erected under the various land requirements of this Ordinance.

Bulk - A term describing the size of buildings or other structures and their relationship to each other, to open areas such as yards and to lot lines and includes: the size, height, and floor area of buildings or other structures, the relationship of the number of dwelling units in a residential building to the area of the lot (usually called density); and all open areas in yard space relating to buildings and other structures.

Business Park – A planned development with a unified design of business uses located in pedestrian scale structures arranged in a campus-like setting of usable open space providing such passive recreational amenities as hiking and bicycle paths, nature trails, picnic areas, wooded areas, and ponds.

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

Canopy – A permanently roofed shelter projecting over a sidewalk, driveway, entry, window or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, pole, or braces extending from the ground. Any roof overhang extending more than two feet from the face of the building shall be considered a canopy.

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

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

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

Certificate of Occupancy - A certificate issued and enforced by the Zoning Officer, Building Permit Office, or their designee, upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certified that all requirements and regulations as provided herein, as well as all other applicable requirements, have been satisfied.

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

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

Commercial Recreation Facility - Any commercial use whose main purpose is to provide the general public with an amusing or entertaining activity, and where tickets are sold or fees are collected for the activity:

1. Indoor Commercial Recreational Establishment - An establishment operated as a gainful business, open to the public, for the purpose of leisure time activities, public recreation or entertainment, including, but not limited to, arcade, arena, assembly hall, bingo parlor, bowling alley, gymnasium, miniature golf course, skating rink, swimming pool, tennis courts, or theatre, when operated within a completely enclosed building. For

purposes of this Ordinance, this use excludes a health and fitness club and indoor shooting range.

2. **Outdoor Commercial Recreational Establishment** - An establishment operated as a gainful business and open to the public upon open land, wholly or partially outside of a building, for the purpose of leisure time activities, public recreation or entertainment such as a swimming pool, tennis court, batting and pitching cages, go-cart track, and skating rinks, but also including amusement rides or regular live entertainment. For purposes of this Ordinance this use excludes a park, golf course and an outdoor shooting range.

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

Continuing Care Retirement Community (“CCRC”) – A residential community designed to provide independent and assisted living arrangements for person(s) aged fifty-five (55) years and older as part of a planned community, where said planned community may also include nursing services, medical services, and other health and lifestyle related services.

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

Cottage Industry – An occupation or trade conducted entirely within a detached residential accessory structure which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes.

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

County - The County of Adams, Pennsylvania.

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

Cross Walk - A crosswalk shall be defined as:

1. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of the roadway, the part of a roadway included within the extension of the lateral lines of the sidewalk at right angles to the center line; or

2. Any portion of a roadway at an intersection or elsewhere distinctly indicated as a pedestrian crossing by pavement marking lines on the surface, which might be supplemented by contrasting pavement texture, style, or color.

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

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

Developer - Any landowner, agent of such landowner, or tenant with the permission of such landowner, or one authorized and empowered by a landowner, who makes or causes to be made a subdivision of land or a land development or a resubdivision.

Density - The number of dwelling units per acre of land.

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

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

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

Drive-through Service – A service made available by any establishment which, by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway – The vehicular entrance and exit for land use.

Duplex – See Dwelling, Single Family Semi-detached.

Dwelling - Any building which is designed for human living quarters, but not including hotels, boarding houses, tourist cabins, motels and other accommodations used for transient occupancy.

Dwelling, Multi-family –A building containing three (3) or more dwelling units, designed for rental or condominium ownership of the individual dwelling units, and where access to individual dwelling units are provided in common interior hallways.

Dwelling, Single-Family Attached - A building designed for two or more dwelling units attached by common or party walls, commonly identified as twin homes when two units are attached or town houses or row houses when three or more units are attached together in a structure.

Dwelling, Single Family Detached - A building containing one dwelling unit, and having no party wall in common with adjacent property.

Dwelling, Single Family Semi-detached - A building containing one (1) dwelling unit, and having one vertical party wall in common with an adjacent property, aka "Duplex".

Dwelling, Two Family - A building containing two (2) dwelling units, arranged either in a side-by-side fashion sharing one (1) common party wall or with one unit arranged over the other.

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

Dwelling Unit, Accessory (ADU) – A suite, either attached to or detached from the primary dwelling unit on the lot, for occupation by the following members of the lot owner’s family:

- a. A parent, grandparent, adult child over age 18, and/or a spouse, partner or sibling of one of those relatives.
- b. A family relative, by blood, marriage, adoption or foster relationship who requires continuous care due to injury, illness or a serious physical or mental disability that substantially impairs or restricts one or more such activities as walking, seeing, hearing, speaking, working, or learning.
- c. A licensed, permanent caregiver for the occupants of the primary dwelling unit on the lot.

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

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

Easement – The right of a person, governmental agency, or public entity to use public or private land owned by another for a specific purpose.

Emergency Services – facilities and structures, including fire, ambulance, and police services

Engineer - A professional engineer registered by the Commonwealth of Pennsylvania.

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

Evergreen Tree – A woody, perennial tree which retains its foliage for more than one growing season, and which has a mature height exceeding fifteen (15) feet.

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

Façade, Front - The facade parallel or nearly parallel to the public or private street upon which the building has its primary frontage. The front facade contains the primary entrance to the building.

Façade, Side - The facade parallel or nearly parallel to the side property line of the building.

Farm – A parcel, which may include a residence, farm-related buildings, and surrounding land, and which is devoted to the production of agricultural products.

Farm Market – An establishment located on a farm or other property where agricultural operations are conducted and providing for the sale of horticultural and agricultural products or agriculturally-related products that are either produced on the farm or are directly related to agricultural products produced within Adams or York Counties.

Financial Institution - A bank, savings and loan association, credit union, finance or loan company, or similar establishment.

Fitness/Health Center – a facility providing fitness, health and dietary instruction and training by certified professionals. Aerobic, cardio-vascular and weight training instruction and equipment may be available as well as martial arts instruction, aquatic activities, and massage and other physical therapy.

Footcandle – A measure of light falling on a surface. One (1) footcandle is equal to the amount of light generated by one (1) candle shining on one (1) square foot surface located one (1) foot away.

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.

Full Cut-Off Fixture – A light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree angle measured horizontally from the base of the housing.

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

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

Gasoline Service Station - Any parcel, and associated structure thereon, used for (1) the retail sale of motor fuel and lubricants and incidental services, such as lubrication and handwashing of motor vehicles, and (2) the sale, installation, or minor repair of tires, batteries, or other automotive accessories.

Gazebo - A freestanding, roofed temporary or permanent structure, usually open-sided, providing a shady resting or gathering place.

Group Home - A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for no more than ten (10) residents and such supervisory personnel as required by the licensing agency. Such facilities may provide supervisory and rehabilitative services, but medical care or nursing supervision shall not be provided.

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

Governing Body - The Borough Council of Abbottstown.

Government Facilities – Any local, county, state or federal government building, office or facility designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments or its designee, including but not limited to administration uses, post offices, community centers, libraries, offices for public utilities and other similar uses.

Height of Sign - The vertical distance measured from ground level to the highest point on the sign, or its supporting structure.

Home Occupation - Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, provided that the use is clearly incidental and secondary to the use of the dwelling for residential purposes.

Home Office – A use conducted entirely within a dwelling and carried on by the inhabitants residing therein, provided that the use is clearly incidental and secondary to the use of the dwelling for residential purposes, and that the use generates no customer or delivery traffic.

Hospital - An institution, licensed in the Commonwealth as a hospital, which renders inpatient and outpatient medical care for a twenty-four (24) hour per day basis; and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital use can also include attached and detached accessory uses, provided that all uses are contained upon the hospital property. This definition does not include an animal hospital.

Hotel - A building containing individual sleeping units or rooms and used primarily for transient travelers, together with off-street parking facilities, and where access to individual units is from hallways internal to the building..

Impervious Lot Coverage – The area of any lot covered by impervious materials. This shall include pervious surfaces such as porous concrete or pavers in the impervious lot coverage calculation.

Impervious Material – A material that prevents the infiltration of water into the ground. Impervious materials, surfaces and areas include but are not limited to roofs, additional indoor living spaces, patios and decks, garages, storage sheds and similar structures, streets, driveways, access drives, parking areas, and sidewalks. Any areas designed to be covered by loose surfacing materials such as gravel, stone and/or crushed stone, and intended for storage of and/or travel by vehicles, or pedestrians shall be considered impervious. Any material not specifically listed in this definition shall be considered pervious.

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

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

Kennel, Commercial – The boarding, breeding, raising, grooming, or training of two or more dogs, cats, or other household pets of any age, primarily for commercial gain.

Land Development - Any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a. a group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - b. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.
3. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 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 he is authorized under the lease to exercise the rights of the landowner, or other person having proprietary interest in land.

Landscape Architect - A professional landscape architect registered by the Commonwealth of Pennsylvania.

Landscape Plan – A Plan prepared to demonstrate the additions of trees, plants, and other natural and decorative features to the land, as may be required by this Ordinance.

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

Light Trespass – Light from an artificial light source that intrudes into an area where it is not wanted or does not belong.

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

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

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

Lot Area - The area contained within the property lines of a lot, excluding any street right-of-way or driveway easement providing access to an adjoining property, or officially designated floodplain located on the lot.

Lot, Corner - A lot abutting on, and at the intersection of, two (2) or more streets.

Lot, Depth – The horizontal distance measured between the street right-of-way line and the closest rear property line measured perpendicular along straight street rights-of-way and measured radially along curved street rights-of-way. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way of the street of address to the directly opposite property line.

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

Lot, Interior - Any lot which is not a corner lot.

Lot, Through - An interior lot having frontage on two (2) parallel or approximately parallel streets. The lot shall not be considered a Through Lot if the street the lot fronts on is an Alley/Service Street, as defined in this Ordinance.

Lot, Width - The horizontal distance between side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line. On corner lots, lot width shall be measured between the right-of-way line for the

non-address street and the directly opposite property line along the minimum building setback line, and at the street right-of way line along the street of address.

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

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

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

Lot Lines – The lines bounding a lot.

Luminaire – A complete lighting unit, often referred to as a “Light Fixture.” A Luminaire consists of the light source, optical reflector and housing, and electrical components for safely starting and operating the source.

Major Deciduous Tree – A deciduous tree with a mature height exceeding thirty-five (35) feet.

Manufacturing, Heavy – The manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

Manufacturing, Light – The manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing.

Manufacturing, Medium – The processing and manufacturing of materials or products predominately from extracted or raw materials. These activities may include outdoor assembly and storage of products. Outdoor manufacturing of raw materials into compost, primarily for commercial resale, is a medium manufacturing activity. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process.

Mediation - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

Medical Office or Clinic - A place, building, or portion of a building used exclusively by physicians, optometrists, chiropractors, dentists, physical therapists, massage therapists, or other drugless practitioners involving non-surgical treatment, care, examination and diagnosis, and preventive health services, including inoculation and educational services to outpatients.

This definition includes Medical Laboratories used in the taking, analyzing and testing of physical samples and specimens for the diagnosis and treatment of patients.

Minor Deciduous Tree – A deciduous tree with a mature height of between fifteen (15) feet and thirty-five (35) feet.

Mobile Home - A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. A Recreation Vehicle that can be moved under its own power and without assistance from another vehicle shall not qualify as a mobile home.

Mobile Home Lot - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park - A parcel or contiguous parcels of land which has been designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

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

Motel - See Hotel.

Municipality – The Borough of Abbottstown, Adams County, Pennsylvania.

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

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

No-Impact Home-Based Business – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

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

Nonconforming Structure – A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Ordinance, or an amendment

thereto, where such structure lawfully existed prior to the enactment of this Ordinance, or an amendment thereto. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use - A use, whether of land or of structure, which does not comply with the applicable provisions of this Ordinance, or an amendment thereto, where such use was lawfully in existence prior to the enactment of this Ordinance, or an amendment thereto.

Nursing or Residential Care Facilities – A residential community designed to provide assisted living arrangements including nursing services, medical services and other health and continuing care services for person(s) aged fifty-five (55) years and older.

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

Open Space – Any parcel or area of land or water, or a combination of land and water, within a development site that is free of non-recreation related improvements and impervious surfaces. Open space may or may not be designed or intended for the use and enjoyment of, and direct access by, residents of the development and shall not include areas devoted to buildings, structures, driveways, access drives, parking lots, street rights-of-way, and areas set aside for public facilities. Open space may include both active and passive recreation activities.

1. OPEN SPACE, ACTIVE - Land which is set aside for use as active recreational areas, such as playfields, playgrounds, skating rinks, swimming pools, tennis courts, and areas for water management (storm, waste, potable supply).
2. OPEN SPACE, PASSIVE - Land used for passive recreation, agriculture, resource protection, amenity, or buffers and protected from future development by the provisions of this Ordinance to insure that it remains as open space.

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

Parcel - See lot.

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

Park – A facility designed to serve the recreational needs of the residents of the community.

Parking Space - The space within a building or on a lot or parking lot for the parking or storage of one motor vehicle off the right-of-way of a public street or road

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

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

Planning Commission – The Planning Commission of the Borough of Abbottstown, Adams County, Pennsylvania.

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

- One (1) Major Deciduous Tree, or
- Three (3) Minor Deciduous Trees, or
- Three (3) Evergreen Trees, or
- Six (6) Shrubs.

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

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

Private - Any procedure, activity, or use limited to members of an organization or to persons specifically invited where no advertisement or inducement has been made to the general public.

Projecting Rib – A continuous molding between adjoining plane surfaces.

Public - Any procedure, activity, or use in which the general public is or may be involved.

Public Grounds – Public Grounds shall include:

1. Parks, playgrounds, trails, paths and other recreations areas and other public areas.
2. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
3. Publicly owned or operated scenic and historic sites.
4. Plazas, squares, courtyards, urban gardens and other public spaces

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

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

Public Notice - Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication

shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

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

Public Utility - A use which is operated, owned or maintained by a public utility corporation and regulated by the Pennsylvania Public Utility Commission in accordance with the requirements of the Pennsylvania Public Utility Code, 66 Pa. C.S. 101 et seq., or which is operated, owned or maintained by a municipality or a municipal authority organized under the laws of the Commonwealth of Pennsylvania to provide public water service, public sewer service, or similar services. A "public utility" shall not include cellular telephone transmission or receiving facilities and similar facilities of entities which are not governmentally owned and operated or are not regulated by the Pennsylvania Public Utility Commission.

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

Religious Institution – A building, structure, or group of buildings or structures, designed, intended, and used for the assembly of individuals engaging in religious practices. This definition shall include, but is not limited to, churches, temples, chapels, cathedrals, synagogues, and mosques. This definition does not include educational or day-care facilities, but may include a rectory for one (1) family.

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

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

Reveal – A continuous groove between adjoining plane surfaces.

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

1. **Existing Right-of-Way** - The legal right-of-way as established by the Commonwealth, or other appropriate governing authority, and currently in existence.
2. **Ultimate Right-of-Way** - The right-of-way as shown on the Street Classification Map, as appropriate to provide adequate width for future street improvements.

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

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

Self-Storage Facility – A building or group of buildings in a controlled access and fenced compound, and that contains individual, compartmentalized, and controlled access stalls or lockers for the storage of customer’s goods or wares.

Sexual Activities – Activities including any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
3. Masturbation, actual or simulated.
4. Excretory functions, as part of or in connection with any of the activities set forth in this definition.

Shrub – A low, multi-stemmed woody plant, whether evergreen or deciduous, with a mature height of no more than fifteen (15) feet.

Shopping Center - A grouping of four (4) or more retail business and/or service uses planned and designed to function as a unit, and having off-street parking and a landscaping plan as an integral part of the unit.

Sign - Any device, fixture, placard, or structure that uses any color, form, graphic, illustration, symbol, or writing to advertise, announce, the purpose of, or to communicate information of any kind to the public.

Sign, Awning – Any sign that is painted on, applied to or attached to a structure made of cloth, canvas, or similar material which is affixed to and projects from a building on or near the front entryway of a business. A marquee shall not be considered a canopy.

Sign, Billboard - Any sign that communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located. Such signs shall not include Off-premise Directional Signs, as defined herein.

Sign, Canopy – A sign affixed to the visible vertical surface of an attached or freestanding canopy.

Sign, Directional - A sign located for the purpose of providing directions towards or indication of use not readily visible.

Sign, Directory - A type of freestanding or wall sign designed to identify the name and location of multiple occupants on the same lot, commercial or industrial in character, with or without an accompanying map, in order to aid in the internal pedestrian circulation within the lot.

Sign, Drive-through Menu Boards – A permanently installed sign affixed to a pole, post, or column, or to a wall of a principal building or accessory structure, consisting of a list of products and/or services offered for sale and/or pictorial displays of product offered for sale which may include the price of products and/or services, which list and/or pictorial display is posted on the premises of a business near the point of ordering.

Sign, Fascia - A sign attached to, placed upon, or hung from any structure projecting from and supported by a building and which extends beyond the façade of the building (such as a canopy, an awning, etc.)

Sign, Freestanding - Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Sign, Off-Premise Directional – A sign, not including billboard signs as defined herein, located for the purpose of providing directions to a use not readily visible and not located on the lot where the sign is erected.

Sign, Pennant, Feather, Streamer, Flag and Inflatable – Any lightweight object made of plastic, fabric or other material, whether or not containing a message of any kind, designed to move in the wind. This definition shall not be construed to include government flags or insignias.

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

Sign, Residential Development/Neighborhood – A freestanding sign affixed to the ground by a base that extends, at a minimum, the full width of the sign face.

Sign, Sandwich Board – An A-frame sign that is not permanently attached to the ground or other permanent structure.

Sign, Temporary - A sign which placed on a lot and used only for a limited period of time, and including real estate signs advertising the sale or rental of the premises, contractor signs, yard or garage sale signs, and political signs.

Sign, Wall - Any sign attached parallel to, but within six (6) inches of, a wall painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. Such signs shall not include roof signs as defined herein.

Sign, Window - Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Street – An existing or platted way dedicated for the use of the general public, graded and paved or to be graded and paved, in order that the general public has the right to pass and to use it at all times, for the purposes of travel, transportation or parking to which it is adopted, devoted, and not otherwise restricted. Streets are further defined and classified as follows:

1. Arterial - Major regional highways, with full or partial access control, designed for a large volume of through traffic.
2. Collector - Streets designed to provide access between Residential Subcollector streets and Arterial street. Access is controlled by limiting curb cuts and providing marginal access areas.
3. Residential Subcollector - Streets providing connection between local residential streets and collector street. An average daily traffic (ADT) count of up to one thousand (1,000) trips is expected.
4. Local Residential - Streets used primarily to provide access to more heavily traveled streets for abutting properties in internally developed areas. An average daily traffic (ADT) count of up to five hundred (500) trips is expected.
5. Residential Cul-de-Sac – A local residential street with only one vehicular traffic outlet. An average daily traffic (ADT) count of up to two hundred fifty (250) trips is expected.
6. Alley/Service Street – A minor way, whether or not legally dedicated, intended and used primarily for vehicular access to the rear or side of properties which abut on a street, and not intended for the purpose of through vehicular traffic, And be determined as such based on the dimensions of Article V, Section 501.C for Right of Way and Cartway no matter the naming convention used and frontage of structures shall be prohibited.

Street Right-of-Way Line – A line defining the edge of a street right-of-way and separating the street from abutting property or lots, commonly known as the “right-of-way line”.

Special Exception - A use permitted in a particular zoning district pursuant to the provisions of Article XIV of the Zoning Ordinance of the Borough of Abbottstown.

Specific Anatomical Areas – Areas including any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Storage Building – See Utility Building.

Story - That portion of a building, other than the basement (as defined), including between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

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

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

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

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

Terminal Island - A landscaped area constructed at the end of a row, or adjoining rows, or parking spaces within a parking lot.

Townhouse - A series of three (3) or more single family dwelling units attached by one or more vertical common walls.

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

Twin – See Dwelling, Single Family Semi-Detached.

Uniformity Ratio – A ratio indicating how evenly light is distributed across a surface.

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

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

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

Veterinary or Animal Hospital – Any building or portion of a building designed or used for the medical or surgical care and treatment of domestic animals. This use may exist on the same premises with a commercial kennel use, as defined in this chapter.

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

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

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

Wireless Communications Tower – A structure, other than a building, but including monopole towers, self-supporting towers, or guyed towers, designed to be used to support Wireless Communications Antennae.

Wheel Guard – A formed concrete or synthetic material block shaped in the form of a street curb, permanently affixed to the parking lot surface, and placed to prevent the movement of vehicles beyond the delineated parking space area.

Yard - A space which is open to the sky and unoccupied by any building, structure or merchandise for display or sale, and which is located on the same lot with a building or structure.

Yard, Front - A yard on the same lot with a main building extending the full width of the lot, and situated between the lot line and the front building setback line.

Yard, Rear - A yard on the same lot with a main building, extending the full width of the lot and situated between the rear lot line and the required rear building line.

Yard, Side - A yard on the same lot with a main building, situated between a side line and the corresponding building line, and located between the front yard and the rear yard.

Yard Line - A line drawn parallel to the corresponding lot lines at a distance specified for the required depth of yard in each respective case.

Zoning Map - The map establishing the boundaries of the zoning districts of the Abbottstown Borough Zoning Ordinance, which map shall be and is a part of this Ordinance.

Zoning Officer - The municipal official duly appointed by the Borough Council of the Borough of Abbottstown to administer and enforce the Zoning Ordinance of the Borough of Abbottstown.

Zoning Ordinance - The Zoning Ordinance of Abbottstown Borough, as amended.

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

ARTICLE III
DESIGNATION OF DISTRICTS

Section 301: Purpose

For the purpose of this Ordinance, the land and water courses contained within the boundaries of the Borough of Abbottstown, and determined by the Borough Council of Abbottstown to be subject to this Zoning Ordinance, is hereby designated into the following districts:

LDR:	Low Density Residential
MDR:	Moderate Density Residential
TCR:	Town Center Residential
TCMU:	Town Center Mixed Use
CI:	Commercial Industrial

Section 302: Zoning Map

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

Section 303: District Boundaries

When uncertainty exists as to boundaries of any district as shown on said map, the following rules shall apply:

- A. District boundary lines are intended to follow or be parallel to the center line of streets, streams, railroads, and lot or property lines as they exist on plans of record at the time of the adoption of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where said boundary approximately follows a lot line, and where it does not scale more than ten (10) feet therefrom, such lot line shall be construed to be such boundary line unless specifically shown otherwise. In case of any uncertainty, the Zoning Officer shall interpret the intent of the map and determine the location of district boundaries.

Section 304: Conflict between Zoning Ordinance Standards

If the provisions contained in the zoning districts or any other regulations found in this Ordinance are determined by the zoning officer to be in conflict with another provision of this ordinance, the least restrictive regulations shall be applied, unless otherwise stated.

ARTICLE IV
LOW DENSITY RESIDENTIAL (LDR) DISTRICT

Section 401: Statement of Intent

It is hereby declared to be the intent of the LDR District to establish reasonable standards to provide for a mix of residential and limited commercial and office uses. Furthermore, it is the intent of the Article to:

- A. Preserve the quiet and uncongested neighborhoods that currently exist in Abbottstown's single-family residential areas.
- B. Exclude incompatible commercial, industrial, and high density residential uses from locating in lower density residential neighborhoods.
- C. Provide for single-family detached residential neighborhoods within walking distance of amenities such as schools, churches, social clubs, and shopping opportunities in the mixed-use area of the historic core of Abbottstown.
- D. Encourage the use of innovative residential design techniques, such as cluster development or village development, which may result in the retention of open space resources and/or development of Borough extensions that exhibit village character.
- E. Encourage residential development at a density sufficient to allow for the efficient provision of public water and sewer service.

Section 402: Use Regulations

The following uses are permitted within the LDR District.

- A. **Uses Permitted By-Right**
 - 1. Single-family detached dwellings.
 - 2. Single-family semi-detached dwellings (Duplex).
 - 3. Accessory dwelling units, per Section 1002.A.
 - 4. Home occupations, per Section 1002.P.
 - 5. No-impact home-based businesses, per Section 902.G.
 - 6. Cottage industries, per Section 1002.K.
 - 7. Religious Institutions and their associated uses.
 - 8. Private recreation uses.
 - 9. Public spaces.
 - 10. Government facilities.
 - 11. Emergency Service facilities and structures.
 - 12. Public or Private Schools.
 - 13. Agriculture.
 - 14. Residential accessory buildings, structures and uses, per Section 902.C.
 - 15. Wireless communications antennas, per Section 1002.KK.

- 16. Alternative Energy Systems, per Section 902.F.
- 17. Forestry.
- 18. Nursing and Residential Care Facilities, per Section 1002.Y.

B. Uses Permitted by Conditional Use

- 1. Continuing Care Retirement Community, per Section 1002.H
- 2. Group Homes, per Section 1002.O.
- 3. Wireless communications towers, per Section 1002.LL.

Section 403: Area and Bulk Regulations

The following standards shall apply all uses, subdivisions, and land development plans within the LDR District.

- A. **Minimum Lot Size:** The following lot sizes shall apply unless otherwise noted in this ordinance.

Dwelling Unit Type	Minimum Lot Size (per unit)
Single-family Detached	10,000 square feet
Single-family Semi-detached (Duplex)	5,000 square feet

- B. **Minimum Lot Width:** The following lot widths shall apply unless otherwise noted in this ordinance.

Dwelling Unit Type	Minimum Lot Width (per unit)
Single-family Detached	80 feet
Single-family Semi-detached (Duplex)	40 feet

- C. **Minimum Yard Setbacks:** The following setbacks shall apply to all structures and uses unless otherwise noted in this ordinance.

Yard	Principal Structure	Accessory Structures
Front Yard	25 feet	Not Permitted in front yard
Side Yards	10 feet	5 feet
Rear Yard	10 feet	5 feet

- D. **Minimum Development Density:** The minimum development density for development projects involving five (5) or more dwelling units proposed initially or cumulatively from the effective date of this Ordinance shall be two (2) dwelling units per acre.

- E. **Maximum Development Density:** The maximum development density for development projects involving five (5) or more dwelling units proposed initially or cumulatively from the effective date of this Ordinance shall be five (5) dwelling units per acre.

- F. **Maximum Lot Coverage:** 50%

- G. **Maximum Building Height:** 35 feet

Section 404: Community Design Regulations

The following standards shall apply all uses, subdivisions, and land development plans within the LDR District.

- A. All dwellings or structures to be used for human occupancy shall be connected to public sewer and public water.
- B. The standards of Article IX: General Regulations shall apply to all properties and uses in the LDR District.
- C. The standards of Article X: Performance Standards shall apply to all properties and uses in the LDR District.
- D. The standards of Article XI: Sign Regulations shall apply to all properties and uses in the LDR District.
- E. The standards of Article XII: Parking and Loading Regulations shall apply to all properties and uses in the LDR District.

ARTICLE V
MODERATE DENSITY RESIDENTIAL (MDR) DISTRICT

Section 501: Statement of Intent

It is hereby declared to be the intent of the MDR District to establish reasonable standards to provide for a mix of residential and limited commercial and office uses. Furthermore, it is the intent of the Article to:

- A. Preserve the quiet and uncongested environments that currently exist in Abbottstown's neighborhoods devoted to single-family detached and semi-detached residential uses.
- B. Exclude incompatible commercial, industrial, and high density residential uses from locating in lower density residential neighborhoods.
- C. Provide for moderate density residential neighborhoods within walking distance of amenities such as schools, churches, social clubs, and shopping opportunities in the mixed-use area of the historic core of Abbottstown.
- D. Allow for the development of higher density residential uses, such as townhouses and apartments, in accordance with specified development standards.

Section 502: Use Regulations

The following uses are permitted within the MDR District.

- A. **Uses Permitted By-Right**
 1. Single-family detached dwellings.
 2. Single-family semi-detached dwellings (Duplex).
 3. Single-family attached dwellings (Town or Row Houses), per Section 1002.FF.
 4. Two-family dwellings.
 5. Planned townhouse community, per Section 1002.FF.
 6. Multi-family development, per Section 1002.X.
 7. Accessory dwelling units, per Section 1002.A.
 8. Mobile home park, per Section 1002.W.
 9. Home occupations, per Section 1002.P.
 10. No-impact home-based businesses, per Section 902.G.
 11. Cottage industries, per Section 1002.K.
 12. Public spaces.
 13. Government facilities.
 14. Emergency Service facilities and structures.
 15. Public or Private Schools.
 16. Residential accessory buildings, structures and uses, per Section 902.C.

- 17. Alternative Energy Systems, per Section 902.F.
- 18. Forestry.

B. Uses Permitted by Conditional Use

- 1. Group Homes, per Section 1002.O.

Section 503: Area and Bulk Regulations

The following standards shall apply all uses, subdivisions, and land development plans within the MDR District.

- A. **Minimum Lot Size:** The following lot sizes shall apply unless otherwise noted in this ordinance.

Dwelling Unit Type	Minimum Lot Size
Single-family Detached	8,000 square feet per unit
Single-family Semi-detached (Duplex)	4,000 square feet per unit
Single-family Attached – Each Unit on Individual lots	4,000 square feet per unit
Single-family Attached – Multiple Units on One lot	1 acre
Two-family	12,000 square feet
Multi-family	25,000 square feet

- B. **Minimum Lot Width:** The following lot widths shall apply unless otherwise noted in this ordinance.

Dwelling Unit Type	Minimum Lot Size
Single-family Detached	80 feet per unit
Single-family Semi-detached (Duplex)	40 feet per unit
Single-family Attached – Each Unit on Individual lots	Interior Units: 25 feet per unit End Units: 40 feet per unit
Single-family Attached – Multiple Units on One lot	125 feet
Two-family	60 feet
Multi-family	125 feet

- C. **Minimum Yard Setbacks:** The following setbacks shall apply to all structures and uses unless otherwise noted in this ordinance.

Yard	Principal Structure	Accessory Structures
Front Yard	20 feet	Not Permitted in front yard
Side Yards	10 feet or equal to the distance of a pre-existing structure on the property.	
Rear Yard	10 feet or equal to the distance of a pre-existing structure on the property.	

- D. **Minimum Development Density:** The minimum development density for development projects involving five (5) or more dwelling units proposed initially or cumulatively from the effective date of this Ordinance shall be two (2) dwelling units per acre.
- E. **Maximum Development Density:** The maximum development density for development projects involving five (5) or more dwelling units proposed initially or cumulatively from the effective date of this Ordinance shall comply with the following table.

Number of Different Dwelling Unit Type (minimum 5 dwelling units per type)	Maximum Development Density
1	6 dwelling units per acre
2	7 dwelling units per acre
3	8 dwelling units per acre
4	10 dwelling units per acre
5	12 dwelling units per acre

- F. **Maximum Lot Coverage:** 65%
- G. **Maximum Building Height:** 40 feet

Section 504: Community Design Regulations

The following standards shall apply all uses, subdivisions, and land development plans within the MDR District.

- A. All dwellings or structures to be used for human occupancy shall be connected to public sewer and public water.
- B. The standards of Article IX: General Regulations shall apply to all properties and uses in the MDR District.
- C. The standards of Article X: Performance Standards shall apply to all properties and uses in the MDR District.
- D. The standards of Article XI: Sign Regulations shall apply to all properties and uses in the MDR District.
- E. The standards of Article XII: Parking and Loading Regulations shall apply to all properties and uses in the MDR District.

ARTICLE VI
TOWN CENTER RESIDENTIAL (TCR) DISTRICT

Section 601: Statement of Intent

It is hereby declared to be the intent of the TCR District to establish reasonable standards to provide for a mix of residential and limited commercial and office uses. Furthermore, it is the intent of the Article to:

- A. Apply the TCR District to those portions of Abbottstown's core which do not have direct access to King Street.
- B. Encourage the formation and continuance of a quiet, compatible, and uncongested neighborhood where a variety of residential dwelling types intermingle harmoniously.
- C. Discourage the encroachment of commercial establishments or other uses which may adversely affect the residential character of the TCR District.
- D. Provide for development that will create a transitional area between the contemporary residential neighborhoods and the more intensely developed, mixed-use areas of Abbottstown's Historic Core.
- E. Require any new infill development or building additions or expansions to be consistent with the general architectural styles, setbacks, height, bulk, and placement of structures located on adjoining properties.
- F. Promote the reuse of existing structures in a manner that maintains Abbottstown Borough's visual character and architectural scale.

Section 602: Use Regulations

The following uses are permitted within the TCR District.

- A. **Uses Permitted By-Right**
 - 1. Single-family detached dwellings.
 - 2. Single-family semi-detached dwellings (Duplex).
 - 3. Two-family dwellings
 - 4. Single-family attached dwellings, per Section 1002.FF.
 - 5. Accessory dwelling units, per Section 1002.A.
 - 6. Home occupations, per Section 1002.P.
 - 7. No-impact home-based businesses, per Section 902.G.
 - 8. Cottage industries, per Section 1002.K.
 - 9. Religious Institutions and their associated uses.
 - 10. Public spaces.
 - 11. Government facilities.
 - 12. Emergency Service facilities and structures.
 - 13. Residential accessory buildings, structures and uses, per Section 902.C.

- 14. Alternative Energy Systems, per Section 902.F.
- 15. Forestry.

B. Uses Permitted by Conditional Use

- 1. Conversion Apartments, per Section 1002.J.
- 2. Group Homes, per Section 1002.O.

Section 603: Area and Bulk Regulations

The following standards shall apply all uses, subdivisions, and land development plans within the TCR District.

- A. **Minimum Lot Size:** The following lot sizes shall apply unless otherwise noted in this ordinance.

Dwelling Unit Type	Minimum Lot Size
Single-family Detached	7,000 square feet per unit
Single-family Semi-detached (Duplex)	3,500 square feet per unit
Single-family Attached – Each Unit on Individual lots	3,000 square feet per unit
Single-family Attached – Multiple Units on One lot	1 acre
Two-family	10,000 square feet

- B. **Minimum Lot Width:** The following lot widths shall apply unless otherwise noted in this ordinance.

Dwelling Unit Type	Minimum Lot Size
Single-family Detached	60 feet per unit
Single-family Semi-detached (Duplex)	30 feet per unit
Single-family Attached – Each Unit on Individual lots (3 or more units)	Interior Units: 25 feet per unit End Units: 40 feet per unit
Single-family Attached – Multiple Units on One lot	125 feet
Two-family	60 feet

- C. **Minimum Yard Setbacks:** The following setbacks shall apply to all structures and uses unless otherwise noted in this ordinance.

Yard	Principal Structure	Accessory Structures
Front Yard	15 feet	Not Permitted in Front Yard
Side Yards	5 feet or equal to the distance of a pre-existing structure on the property.	
Rear Yard	5 feet or equal to the distance of a pre-existing structure on the property.	

- D. **Minimum Development Density:** The minimum development density for development projects involving five (5) or more dwelling units proposed initially or cumulatively from the effective date of this Ordinance shall be two (2) dwelling units per acre.
- E. **Maximum Development Density:** The maximum development density for development projects involving five (5) or more dwelling units proposed initially or cumulatively from the effective date of this Ordinance shall comply with the following table.

Number of Different Dwelling Unit Type (minimum 5 dwelling units per type)	Maximum Development Density
1	6 dwelling units per acre
2	8 dwelling units per acre
3	10 dwelling units per acre
4	12 dwelling units per acre

- F. **Maximum Lot Coverage:** 70%
- G. **Maximum Building Height:** 40 feet

Section 604: Community Design Regulations

The following standards shall apply all uses, subdivisions, and land development plans within the TCR District.

- A. All dwellings or structures to be used for human occupancy shall be connected to public sewer and public water.
- B. The standards of Article IX: General Regulations shall apply to all properties and uses in the TCR District.
- C. The standards of Article X: Performance Standards shall apply to all properties and uses in the TCR District.
- D. The standards of Article XI: Sign Regulations shall apply to all properties and uses in the TCR District.
- E. The standards of Article XII: Parking and Loading Regulations shall apply to all properties and uses in the TCR District.

ARTICLE VII
TOWN CENTER MIXED USE (TCMU) DISTRICT

Section 701: Statement of Intent

It is hereby declared to be the intent of the TCMU District to establish reasonable standards to provide for a mix of residential and limited commercial and office uses. Furthermore, it is the intent of the Article to:

- A. Encourage economic development through the establishment of flexible standards that maintain the traditional Main Street environment and Abbottstown Borough's unique identity.
- B. Encourage the retention of the historic Main Street streetscape by preserving the existing buildings to the greatest extent possible.
- C. Promote the reuse of existing structures in a manner that maintains Abbottstown Borough's visual character and architectural scale.
- D. Ensure that new buildings, additions, and renovations are consistent with and enhance the surrounding streetscape.
- E. Encourage lively, human-scaled activity areas and gathering places for the community through encouraging a mix of uses.
- F. Establish a walkable community by promoting pedestrian orientation of streets and buildings and providing a safe and convenient interconnected sidewalk network.
- G. Accommodate parking in a convenient manner that does not interfere with the rhythm of the street.

Section 702: Use Regulations

All uses, activities, and development occurring within the TCMU District shall be undertaken only in strict compliance with the provisions of this Section and with all other applicable local, county, and state regulations, codes, and ordinances.

- A. **Uses Permitted By-Right**
 - 1. Single-family detached dwellings.
 - 2. Single-family semi-detached dwellings (Duplex).
 - 3. Two-family dwellings.
 - 4. Accessory dwelling units, per Section 1002.A.
 - 5. Personal Service Shops.
 - a. Including shops such as a as tailor, barber, beauty salon, shoe repair, dressmaker, dry cleaner; or other similar personal service shops, excluding adult-oriented massage parlors.
 - 6. Business Offices.

- a. Including offices such as real estate sales, travel agency, insurance sales, advertising, retail copying and printing services, or other similar business offices.
7. Professional Offices.
 - a. Including offices such as those for the practice of medicine or other health services, or for law, engineering, architecture, accounting, or other similar professional offices.
8. Specialty Retail Shops
 - a. Includes establishments for the sale of dry goods, variety and general merchandise, clothing, food, drugs, household supplies, beverages, hardware, furnishings, antiques, baked goods, greeting cards, plants and flowers; and the sale and repair of jewelry, watches, clocks, optical goods, musical, professional or scientific instruments, or other similar specialty retail shops. This use shall not include a convenience store.
9. Food Service Establishments.
 - a. Including establishments serving food or beverages to the general public, such as or similar to a restaurant, café, taproom, tavern, retail bakery, confectionery or ice cream shop, including walk-up windows, outdoor dining and pedestrian take-out windows, but excluding drive through facilities per Section 1002.M
10. Financial Institutions, per Section 1002.L.
11. Religious Institutions and their associated uses.
12. Private Clubs and Fraternal Organizations.
13. Commercial Daycare Facilities, per Section 1002.G.
14. Instructional studios for the study or instruction of dance, music, art, photography or other similar uses.
15. Galleries and Museums.
16. Theaters, including motion picture and stage plays.
17. Bed and Breakfast Inns and Houses, per Section 1002.D.
18. Hotels.
19. Undertaking establishments, per Section 1002.HH.
20. Funeral homes, per Section 1002.N.
21. Farmer's Markets.
22. Mixed Use Structures, including any mix of the above uses in a single structure, per the requirements of Section 1002.V.
23. Public spaces.
24. Government facilities.

25. Emergency Service facilities and structures.
26. Home occupations, per Section 1002.P.
27. No-impact home-based businesses, per Section 902.G.
28. Cottage industries, per Section 1002.K.
29. Accessory buildings, structures and uses, per Section 902.C.
30. Alternative Energy Systems, per Section 902.F.
31. Forestry.

B. Uses Permitted by Conditional Use

1. Conversion Apartments, per Section 1002.J.
2. Adaptive Re-Use of Industrial Structures, per Section 1002.B.

Section 703: Area and Bulk Regulations

The following standards shall apply all uses, subdivisions, and land development plans within the TCMU District.

- A. **Minimum Lot Size:** 3,500 square feet
- B. **Minimum Lot Width:** 35 feet
- C. **Minimum Front Yard Depth:** 5 feet from the street right-of way line.
- D. **Maximum Front Yard Depth:** 15 feet from the street right-of way line.
- E. **Minimum Side and Rear Yard Setbacks:** 5 feet or equal to the distance of a pre-existing structure on the property.
- F. **Maximum Development Density:** The maximum development density for projects involving five (5) or more dwelling units proposed initially or cumulatively from the effective date of this Ordinance shall be twelve (12) dwelling units per acre.
- E. **Maximum Lot Coverage:** 70%
- F. **Maximum Building Height:** 45 feet

Section 704: Community Design Regulations

The following standards shall apply all uses, subdivisions, and land development plans within the TCMU District.

- A. All dwellings or structures to be used for human occupancy shall be connected to public sewer and public water.
- B. The standards of Article IX: General Regulations shall apply to all properties and uses in the TCMU District.
- C. The standards of Article X: Performance Standards shall apply to all properties and uses in the TCMU District.

- D. The standards of Article XI: Sign Regulations shall apply to all properties and uses in the TCMU District.
- E. The standards of Article XII: Parking and Loading Regulations shall apply to all properties and uses in the TCMU District.

ARTICLE VIII
COMMERCIAL / INDUSTRIAL (CI) DISTRICT

Section 801: Statement of Intent

It is hereby declared to be the intent of the CI District to establish reasonable standards to provide for a mix of residential and limited commercial and office uses. Furthermore, it is the intent of the Article to:

- A. Ensure that automobile-oriented uses, customarily associated with commercial areas along major roadways, are provided only in locations outside Abbottstown's historic core and surrounding residential areas.
- B. Create industrial development patterns that are efficient in design and which will minimize hazardous traffic conditions on roads leading to and from Abbottstown.
- C. Allow for the development of a variety of land uses within the commercial / industrial area of Abbottstown, thus providing flexibility within areas of the Borough containing both commercial and industrial uses and large vacant land parcels.
- C. Encourage, whenever possible, the creation of common access driveways and parking areas serving adjoining commercial uses, thereby preventing excessive curb cuts, providing spacing between access point, and enhancing public safety.
- C. Maintain and enhance attractive gateways along Route 30 forming entrances to the existing historic core area.
- D. Provide for appropriate buffering, landscaping and onsite improvements in commercial and industrial areas to minimize off-site impacts and ensure that aesthetic and environmental qualities are maintained and enhanced.
- E. Require appropriate building setbacks to allow for future road expansion, if necessary, and to provide an adequate buffer from nearby residential areas.

Section 802: Use Regulations

The following uses are permitted within the CI District.

- A. **Commercial Uses Permitted By-Right**
 - 1. Any non-residential use permitted by right by Section 702.A of this Ordinance.
 - 2. Automobile, motorcycle, boat and other similar vehicle sales, service and/or repair, per Section 1002.II.
 - 3. Florists, Nurseries, Greenhouses and Garden Supply Stores.
 - 4. Food Service Establishments.
 - a. Including establishments serving food or beverages to the general public, such as or similar to a restaurant, café, taproom, tavern, retail

bakery, confectionery or ice cream shop, including walk-up windows, outdoor dining and pedestrian take-out windows, including drive through facilities per Section 1002.M.

5. Commercial Recreation and Personal Fitness Facilities.
6. Convenience Stores, per Section 1002.I.
7. Shopping Centers, per Section 1002.EE.
8. Hospitals, per section 1002.Q.
9. Medical/Dental Offices.
10. Business Park, per section 1002.F.
11. Kennels.
12. Animal Shelter.
13. Laundromats and Dry Cleaning.
14. Nightclubs, Bars, Pubs.
15. Nursing and Residential Care Facilities, per Section 1002.Y.
16. Repair Services, including vehicles, per Section 1002.CC.
17. Retail Businesses.
18. Self-Storage Facilities, per Section 1002.DD.
19. Undertaking Establishments, per Section 1002.HH
20. Crematorium Establishments, per Section 1002.HH
21. Veterinary and Animal Hospitals, per Section 1002.JJ
22. Accessory buildings, per Section 902.C.
23. Alternative Energy Systems, per Section 902.F.
24. Forestry.

B. Industrial Uses Permitted By-Right

1. Light manufacturing and related accessory uses per Section 1002.T.
 - i. Including, electronic goods, food and bakery products, non-alcoholic beverages, paper imprinting, household appliances, leather products, jewelry, food and bakery products, clothing apparel, and other similar uses.
2. Medium manufacturing and related accessory uses per Section 1002.U.
 - i. Including, alcoholic beverages, glue, carpet, porcelain products for bathroom and kitchen fixtures, bleaching products, food additives and dyes, welding, furniture, sporting goods, and other similar uses.
3. Distribution and parcel delivery facilities, per Section 1002.GG.
4. Service industries.
5. Building Material and Contractor Supply Stores and Storage Yards, per Section 1002.E.
6. Scientific and Commercial Testing Laboratories.

7. Home Related Fuel Sales.
8. Industrial Park, per Section 1002.F.
9. Accessory buildings, per Section 902.C
10. Alternative Energy Systems, per Section 902.F.

C. **Commercial Uses Permitted by Conditional Use**

1. Adult-oriented uses, per Section 1002.C.
2. Adaptive Re-Use of Industrial Structures, per Section 1002.B.
3. Continuing Care Retirement Community, per Section 1002.H

D. **Industrial Uses Permitted by Conditional Use**

1. Adaptive Re-Use of Industrial Structures, per Section 1002.B.
1. Warehousing and wholesaling operations, per Section 1002.GG.
2. Heavy manufacturing uses, per Section 1002.S.
 - a. Including, concrete, tile, or brick manufacturing, automobile, truck, and tire assembly, ammonia, chlorine or other chemical production, metal casting or foundries, gas manufacturing, grain milling or processing, metal or metal ore production, refining, smelting, or alloying, petroleum or petroleum product refining, boat, pool and spa production, slaughtering of animals; glass production, paper production, wood or lumber processing, and other similar uses.
3. Junkyards, per Section 1002.G.
4. Truck Terminals, per Section 1002.GG.
5. Recycled Materials Collection and Processing Facility, per Section 1002.AA.

Section 803: Area and Bulk Regulations

The following standards shall apply all uses, subdivisions, and land development plans within the CI District.

- A. **Minimum Lot Size:** The following lot sizes shall apply in the CI District unless otherwise noted in this ordinance.
 1. Commercial Uses, per sections 802.A and 802.C: 20,000 square feet
 2. Industrial Uses, per sections 802.B and 802.D: 1 acre
- B. **Minimum Lot Width:** 120 feet
- C. **Minimum Yard Setbacks:** The following setbacks shall apply to all structures and uses in the CI District unless otherwise noted in this ordinance.

Yard	Commercial Uses (Sections 802.A & 802.C)	Industrial Uses (Sections 802.B & 802.D)
Front Yard	30 feet	40 feet
Side Yards	20 feet	20 feet
Rear Yard	25 feet	40 feet

- D. **Maximum Building Coverage:** 40%
- E. **Maximum Lot Coverage:** 75%
- F. **Maximum Building Height:** The following maximum building heights shall apply to all structures and uses in the CI District unless otherwise noted in this ordinance.
 - 1. Commercial Uses, per sections 802.A and 802.C: 35 feet
 - 2. Industrial Uses, per sections 802.B and 802.D: 45 feet

Section 804: Community Design Regulations

The following standards shall apply all uses, subdivisions, and land development plans within the CI District.

- A. All dwellings or structures to be used for human occupancy shall be connected to public sewer and public water.
- B. The standards of Article IX: General Regulations shall apply to all properties and uses in the CI District.
- C. The standards of Article X: Performance Standards shall apply to all properties and uses in the CI District.
- D. The standards of Article XI: Sign Regulations shall apply to all properties and uses in the CI District.
- E. The standards of Article XII: Parking and Loading Regulations shall apply to all properties and uses in the CI District.

ARTICLE IX
GENERAL REGULATIONS

Section 901: Intent of General Regulations

The purpose of this Section is to provide additional requirements applicable to all uses in all zoning districts. These regulations are intended to supplement the district regulations contained in Articles IV through VIII. These regulations are in addition to the Performance Standards, Parking and Loading Standards, and Sign Standards and all other applicable Borough regulations and ordinances, as well as any other local, State, and/or Federal regulations and statutes. If the provisions contained in the zoning districts or any other regulations found in this Ordinance are determined to be in conflict with the following, the least restrictive regulations shall be applied, unless otherwise stated.

Section 902: General Use Regulations

A. Setback Modifications.

1. **Corner Lots.** For a corner lot, each yard that abuts a public street, excluding alleys, shall be considered a front yard and meet the requirements for minimum front yard setback. The remaining sides of the lot shall be side yards with side yard setbacks.
2. **Through Lots.** Where public street frontage exists only along both the rear and front of a lot only, the applicable front yard setbacks shall apply only to the street along which the lot is addressed. The remaining sides of the lot shall be side yards with side yard setbacks and a rear yard opposite the designated front yard with rear yard setbacks.
3. **Lots with 3 or more Frontages.** When a lot fronts on three or more public streets, excluding alleys, each yard that abuts a public street shall be considered a front yard and meet the requirements for minimum front setback. Any remaining sides of the lot shall be side yards with side yard setbacks.
4. **Existing Small Lots.** A lot owned individually and separately and separated in ownership from any adjoining tracts of land on the effective date of this Ordinance, which has a total lot area or lot width dimension less than prescribed in this Ordinance, may be used provided any proposed building, structure or use change does not increase the degree of non-conformity with applicable setback and/or lot coverage standards.
5. **Single-family Semi-detached and Single-family attached.** The minimum side yard setback requirement shall not apply along the commonly shared property line between single-family units.

B. Maximum Height Modification. The maximum height limitations of the zoning districts within this Ordinance shall not apply to the following: water towers, clock or bell towers, steeples and religious symbols attached to a place of worship, electrical transmission

lines, elevator shafts, skylights, chimneys, heating/ventilating/air conditioning equipment, industrial mechanical equipment areas that are not occupied by humans, roof mounted solar panels, antennae and communication towers that meet the requirements contained in this Ordinance, and other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. Where conflicting maximum height standards may appear in this ordinance, the maximum height standards in Article IV through VIII shall apply.

C. **Accessory Structures.** Accessory structure attached to the principal building shall be considered a part of the principal building for all regulatory purposes. The following standards shall apply to all such structures within the Borough of Abbottstown.

1. A zoning permit shall be obtained from the Abbottstown Borough Zoning Officer for all accessory structures **except** for the following which shall be exempt from all zoning permits actions. However, they shall meet all applicable Uniform Construction Code (UCC) standards where applicable:
 - a. Sheds and/or other storage building under 80 square feet.
 - b. Playground equipment, swing sets and other similar recreation facilities on a residential lot. This shall not include swimming pools.
 - c. Tree houses.
 - d. Dog houses.
 - e. Swimming pools with a surface area of less than fifty (50) square feet or with a depth of less than two (2) feet.
2. Accessory structures shall not be located within a designated front yard.
3. An accessory use or structure shall not be established or constructed on a lot without a principal use or structure present.

D. **Fences.** The following standards shall apply to all fences within Abbottstown Borough.

1. The maximum height for fences located within front yards for all zoning districts shall be four (4) feet.
2. The maximum height for fences located within side and rear yards for all zoning districts shall be eight (8) feet.
3. No fence shall be located in a manner that obstructs vision at street intersections. Clear sight triangles shall be provided at all street intersections. Within such triangles, no fence shall be permitted which obscures vision above the height of 30 inches. Such triangles shall be established as follows:

- a. Seventy-five (75) foot clear sight triangles shall be provided at any street intersections involving one or more major street. Major streets shall be deemed to include King Street, Queen Street, Fleet Street, Water Street and High Street.
 - b. Fifty (50) foot clear sight triangles shall be provided at all other street intersections.
 4. Fences may be located up to, but not on top of, a property line.
 5. Fences that include barbed wire or razor wire are prohibited. Electrified fences are prohibited. However, this standard shall not apply to any designated long-term correctional facilities.
- E. **Swimming Pools.** The following standards shall apply to all pools with a surface area of fifty (50) square feet or greater or with a depth in excess of two (2) feet within the Borough of Abbottstown. Pools shall also meet any applicable requirements of the *Uniform Construction Code*, as applied in the Borough.
1. The pool shall be located in a side or rear yard. The pool and associated deck, walkway areas, and structures shall meet side and rear setbacks of the District in which the use is located.
 2. A public swimming pool shall comply with setback requirements of the zoning district or shall be setback at least twenty (20) feet from property lines, whichever is greater.
 3. When a swimming pool is a principal use, it shall be regulated as a Commercial Recreation Facility.
 4. All swimming pools with a surface area of one hundred (100) square feet or more or a depth in excess of two (2) feet shall be completely surrounded by a fence or wall not less than four (4) feet in height. However, a fence shall not be required for pools more than four (4) feet above the ground level if it is provided with a lockable, retractable ladder.
 5. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching locking device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
 6. Water from the pool shall not be discharged across neighboring properties.
 7. Approved filtration systems and circulators must be provided for all pools, except such exempt or non-exempt wading pools as are emptied on a daily basis as hereinafter provided. All pool installations shall conform to all applicable building

codes. Conventional pools with less than the area and depth requirements in subsection 5 above shall be exempt from fencing and filtration requirements.

8. In no case shall water in the pool or pool area be permitted to emit an offensive odor or create any unhealthful condition.
9. No pool shall be located under any electric power lines (including service lines), and the pool must be located at least ten (10) feet (measured horizontally) from such power lines.
10. No water shall be placed in the pool until a fence, as required by this section, has been completed.

F. **Alternative Energy Systems.** All by-right, special exception, and conditional uses shall be permitted: one (1) alternative energy system that can be comprised of any combination of the following; a) one (1) wind energy system; and/or b) any number of roof-mounted solar collectors; and/or c) no more than five hundred (500) square feet of ground mounted solar panels. Such systems shall be permitted as accessory uses in all zoning districts and shall comply with the following standards.

1. General Standards

- a. All accessory alternative energy systems shall be designed for private use. However, this shall not prohibit a residential system from sending excess generated electricity back into the grid.
- b. This section shall not apply to closed loop and single pass or “pump and pump” geothermal heat pump systems.

2. Solar Panels – Roof Mounted: Roof mounted solar panels shall be permitted in accordance with the following standards.

- a. Roof mounted solar panels shall comply with the maximum building height requirements of the zoning district where the installation of the solar panel is proposed.
- b. On pitched roofs, roof mounted solar panels shall be installed as close to parallel as possible to the pitch of the roof while not sacrificing the efficiency of the solar panel.
- c. On flat roofs, roof mounted solar panels may be installed at an angle to improve the efficiency of the solar panel with regard to the predominant sun angle provided that the solar panel is placed in a manner to minimize its visibility from street level. In no case may solar panels extend more than five (5) feet above the top of a flat roof.

3. Solar Panels – Ground Mounted: Ground mounted solar panels shall be permitted in accordance with the following standards.

- a. Ground mounted solar panels shall comply with the setback requirements of the district where the installation of the solar panel is proposed.
 - b. Ground mounted solar panels shall not be permitted by-right in any front yard. The Zoning Hearing Board may authorize, by special exception, the installation of a ground mounted solar panel in a front yard if the applicant demonstrates that, due to solar access limitations, no location exists on the property other than the front yard where the solar panel can perform effectively.
 - c. Ground mounted solar panels shall not exceed a height of ten (10) feet in height at maximum angle.
 - d. Glare from ground mounted solar panels shall be directed away from adjoining properties or street rights-of-way. Fences or vegetative screens may be utilized to prevent glare from impacting adjoining properties or street rights-of-way.
4. Wind Energy Systems (including Wind Turbines) shall meet the following standards:
- a. Pole or tower mounted wind energy system shall not be located on a parcel less than 20,000 square feet.
 - b. All wind energy systems, except single pole structures, shall be enclosed by a fence in compliance with this Ordinance. Such fence shall be located at least five (5) feet from the base of such a system. Guy wires may be located outside the fenced area
 - c. No wind energy system for private use shall be greater than one hundred (100) kW.
 - d. No wind energy system for private use shall be greater than one hundred (100) feet in height.
 - e. No wind energy system shall be permitted which is designed to have any vane, sail or rotor blade to pass within thirty (30) feet of the ground.
 - f. wind energy system shall not be permitted in any front yard.
 - g. All electrical wiring leading from a wind energy system shall be located underground.
 - h. Wind energy system may be located within the required rear or side yards provided they are no closer than 1.1 times their height from the nearest occupied building not located on the same parcel as the wind energy system.

G. **No-Impact Home-Based Businesses.** The following standards shall apply to all districts where a residential dwelling is permitted by-right.

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 2. The business shall employ no employees other than family members residing in the dwelling.
 3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.
 8. The business may not involve any illegal activity.
- I. **Storage of Junked, Abandoned, or Discarded Vehicles.** The storage of junked, abandoned, or discarded vehicles as defined in this Ordinance shall be only in enclosed buildings on residential lots and shall be fully screened when stored on commercial or industrial lots.
- J. **Outdoor Display and Sales Area.** Permitted commercial uses may have outdoor display and sales areas as follows:
1. Outdoor storage and/or display of products for sale shall be prohibited in the LDR, MDR, and TCR Districts.
 2. Outdoor storage and/or display of products for sale shall be permitted in the TCMU District during business hours only. All products, whether for sale or not, shall be stored inside when the business is closed.
 3. Passenger vehicles, motorcycles, boats, recreational vehicles and similar items that do not exceed fifteen (15) feet in width and thirty (30) feet in length may be displayed outdoors. Such display area shall be no closer than ten (10) feet to all property lines and right-of-way lines.

4. Vehicles, boats, recreational vehicles, and similar items that are larger than fifteen (15) feet by thirty (30) feet may be displayed outdoors. Such display areas shall be located no closer than twenty (20) feet to all property lines and right-of-way lines.
5. The above setbacks shall be maintained with a vegetative ground cover or landscaping.
6. No display area may be located within the existing or future street right-of-way, a sidewalk or similar pedestrian area, or an area used for required parking or loading. No display area shall be located within or hinder or affect a clear sight triangle.
7. Outdoor display and/or sales areas shall be landscaped in accordance with Section 903.

K. **Outdoor Storage.**

1. **Outdoor storage and stockpiling.** The following standards shall apply to all properties within the Borough.
 - a. In all zones, no outdoor storage or stockpiling of any material is permitted within the front yard.
 - b. In the LDR, MDR, TCR, and TCMU Districts, the outdoor stockpiling of materials for more than 3 months is prohibited. Firewood to be used on the lot on which it is stored may be stockpiled in a side or rear yard for an indefinite period of time.
 - c. Outdoor storage of raw materials, finished products, or merchandise shall be surrounded by an opaque fence, wall, or screening that meets the requirements of this Ordinance.
2. **Recreational vehicles, boats, trailers.** Recreational vehicles, boats, trailers and similar items may be stored on a lot occupied by the owner of the item, provided the item shall not be stored within the front yard and shall be located no closer than ten (10) feet from all other property lines and right-of-way lines.
3. **Temporary storage pods, temporary dumpsters.** Temporary storage pods, temporary dumpsters, and similar items may be placed on a property in any yard provided that they are not located within a street right-of-way or clear sight triangle. They shall remain on the property for no longer than 30 days.
4. **Dumpster and Trash Storage Areas:** All areas proposed for the location of trash dumpsters, or for trash storage pending pickup shall be designed to meet the requirements of Section 903. Additionally, unless otherwise authorized by this ordinance, no outdoor accumulation of trash, garbage, refuse, or junk is permitted for a period exceeding 15 days. Dumpsters and other trash storage equipment shall be located no closer than five (5) feet to all property lines and right-of-way lines.

5. All Outdoor Storage shall be in full compliance with all applicable Borough Nuisance Ordinances.
6. Outdoor storage may be permitted, unless specifically prohibited above, provided the following requirements are met:
 - a. Outdoor storage shall be designed as an integral component of the commercial establishment. Under no circumstances may temporary outdoor storage or sales facilities be constructed as a component of a commercial establishment.
 - b. Outdoor storage areas shall be enclosed by opaque fencing designed to be architecturally compatible with the principle building(s).
 - c. Outdoor storage areas shall not be located within any required setback or landscaping area.
 - d. Where outdoor storage areas are used as display space for products for sale, such outdoor storage space shall be included in calculating building coverage and the required number of parking spaces.
7. **Propane Tank Storage.** Areas for the sale or rental of propane tanks shall conform to the following requirements.
 - a. Storage areas for cylinders shall be enclosed at all times.
 - b. Storage areas for cylinders shall have a physical barrier placed between the storage facility and all areas with vehicular access. This barriers shall consist of concrete filled steel posts with the following dimensional standards:
 - i. Posts shall not be less than 4" in diameter.
 - ii. The distance between posts shall not exceed 4' on center.
 - iii. The top of the posts shall be a minimum of 3' above ground level.
- L. **Temporary Retail Sales.** A permit shall be issued for temporary retail sales subject to the following additional provisions:
 1. The permit shall expire after ninety (90) days, unless an extension is authorized by the Zoning Hearing Board.
 2. All structures or other facilities associated with the temporary use shall be removed completely upon expiration of the permit without cost to the Borough.
 3. Only one (1) Temporary Retail Sales event may take place on a lot at any given time.
 4. Temporary Retail Sales hours of operation shall be limited to the hours of 6:00 a.m. to 10:00 p.m.

5. Temporary retail sales may take place in parking areas provided that the number of parking spaces remaining on site meets the combined minimum number of spaces for all uses located on that site.
6. Temporary Retail Sales shall not disrupt the daily operations of the principal business located on the lot.

M. **Outdoor Wood-Fired Boilers.** The use of outdoor wood-fired boilers shall be prohibited in all zoning districts. This prohibition does not apply to charcoal grills, fire pits, or other burning conducted in accordance with applicable Borough requirements.

N. **Clear Sight Triangles.** No building, structure, sign, fence, landscape planting, or other property improvement regulated by this ordinance may be located within the required clear sight triangle at any street intersection. Clear sight triangles shall be established in accordance with Section 501.F of the Abbottstown Borough Subdivision and Land Development Ordinance.

Section 903: Landscaping Regulations

This section shall apply to all nonresidential land developments, and to any residential subdivision or land development which includes five or more new residential units. A landscaping plan shall be prepared and shall strictly conform to the following standards. All landscape design shall be performed by a qualified landscape architect, horticulturist, or similar landscaping professional.

A. **Landscape Plans.** When a project is proposed which requires landscaping in accordance with this Section, landscape plans shall be prepared. Landscape plans shall meet the following requirements:

1. Landscape plans shall be drawn to scale, and shall include appropriate dimensions and distances to afford a complete understanding of the proposed layout.
2. Landscape plans shall delineate any existing and proposed parking spaces or other vehicular areas, driveways, building footprints, and similar features.
3. Landscape plans shall designate by name and location the plant material to be installed or preserved in accordance with this Section.
4. Landscape plans shall identify and describe the location and characteristics of all other landscape materials to be used.
5. Landscape plans shall contain a table displaying information relevant to evaluating the compliance of the landscape plan with the provisions of this Section. At a minimum, such a table shall include the following
 - a. Calculation of minimum Planting Units required.
 - b. Calculation of Planting Units provided.

- c. Biological and Common Name of all plants.
 - d. Size of all plants at time of planting.
 - e. Size of all plants at maturity.
6. Specific landscaping or planting approaches that may be required in other Sections of this Chapter shall be incorporated into the landscape plan required by this Section.

B. Standards for Landscape Materials.

1. Landscape elements shall meet the following minimum dimensions immediately upon planting.

Plant Type	Minimum Size at Planting	Minimum Height at Maturity	Maximum Height at Maturity
Major Deciduous Tree	2 inch caliper	35'	N/A
Minor Deciduous Tree	2 inch caliper	15'	35'
Evergreen Tree	6 feet	15'	N/A
Evergreen and Deciduous Shrubs	24 inches	4'	15'

- a. The minimum caliper size at planting for all deciduous trees shall be measured at a spot twelve inches (12") above the ground surface.
 - b. The minimum size for evergreen trees and all shrubs shall be measured as height above the ground surface.
2. When more than ten (10) trees or shrubs are required, a mixture of species shall be planted. The number of species required shall vary according to the following scale:

Required Number of Trees	Minimum Number of Species
11-20	2
21-30	3
31 or more	5

3. All required trees shall be deep-rooted species capable of withstanding automobile emissions and the salts used in snow melting and clearing operations.
4. All required landscaped areas not dedicated to trees shall be landscaped and maintained with grass, shrubs, mulch or other ground cover, or other appropriate landscape treatment. Sand and/or pavement or other similar materials shall not be considered appropriate landscape treatments.
5. No more than twenty-five percent (25%) of the trees in any landscaping plan shall be

evergreen trees.

6. The type of deciduous trees, evergreen trees, shrubs, and other vegetation planted shall comply with the provisions in Appendix B.

C. **Requirements for Specific Projects.**

1. *Residential Development.* The following requirements shall be applicable to residential projects:
 - a. Two (2) planting units shall be required for each dwelling unit. A minimum of one (1) of the required planting units shall be a major deciduous tree.
 - b. Additionally, two (2) street trees shall be required for every 100 linear feet of new street measured along the centerline. These trees shall be major deciduous trees.
 - c. The spacing of trees shall be based on the size of the tree canopy at maturity with trees spaced no closer than 30 feet on center if the tree canopy is less than 30 foot spread at maturity, spaced 30-60 feet on center if the tree canopy is 30 to 50 feet spread at maturity, and spaced 50-100 feet on center if the tree canopy is over 50 feet spread at maturity.
 - c. All trees required in a residential development shall also comply with Section 507 of the Abbottstown Borough Subdivision and Land Development Ordinance as well.
2. *Nonresidential Development.* The following requirements shall be applicable to all nonresidential projects:
 - a. Three (3) Planting Units shall be required for every one thousand (1000) square feet, or fraction thereof, of building coverage. A minimum of one (1) out of every three (3) of the required planting units shall be a major deciduous tree.
 - b. A landscaped area, planted in such a manner to provide a visual screen of fifty percent (50%) opacity, shall be provided along any property line that borders a residential zone, regardless of whether or not the residentially zoned parcel is developed. The opacity percentage is defined as the percentage of the normal line of sight that is obscured by the visual screen. Landscaping shall also be provided on any portion of the site not used for buildings, structures, parking, loading areas or storage areas.
 - c. The landscaped area shall be a minimum of twenty (20) feet wide, measured inward from the property line.
 - d. Landscaping materials shall include a mixture of the following: trees, grass, shrub, mulch, or other suitable landscaping material not including sand or

pavement or other similar material.

- e. For the length of the landscaped area, a tree shall be planted at no less than twenty (20) foot intervals. For the entire area to be landscaped, at least one tree shall be planted for every one thousand (1000) square feet of the landscape area.
3. *Off-Street Parking Areas.* The following requirements shall be applicable to all new or expanded off-street parking areas:
- a. Interior landscaping of all off-street parking areas containing twenty-five (25) or greater parking spaces shall be required.
 - b. Terminal islands shall be provided at both ends of all rows of parking spaces. Terminal islands shall be designed to protect parked vehicles, to help define the traffic circulation pattern of the parking lot, and to provide landscaping area.
 - c. Each terminal island shall measure not less than five (5) feet in width and fifteen (15) feet in length.
 - d. Each terminal island shall include at least one (1) deciduous tree, with the remaining area landscaped with appropriate ground cover, including grass, shrubs, flowering plants, or landscaped and integrated stormwater management facilities.
 - e. A divider strip between abutting rows of parking shall be provided. Divider strips shall be designed to help define the traffic circulation pattern, to provide visual breaks within the parking area, and to help separate pedestrian and automobile traffic.
 - f. Curbing or wheel guards shall be provided around the divider strip to prevent vehicular encroachment.
 - g. At least one (1) deciduous tree shall be planted for every twenty (20) foot interval within the divider strip. The remaining area of the divider strip shall be landscaped with appropriate ground cover or grass.
4. *Perimeter of Off-Street Parking Areas.* The following requirements shall be applicable to the perimeter of all new or expanded off-street parking areas:
- a. Perimeter landscaping strips shall be provided around the perimeter of all parking areas, except where the one side of the parking area is bounded by the commercial structure.
 - b. The minimum width of the perimeter landscaping strip around all parking areas shall be ten (10) feet for parking lots with twenty-five (25) or more parking spaces and five (5) feet for parking lots with less than twenty-five

(25) parking spaces. The landscaping strip shall be measured outward from the edge of the parking lot.

- c. At least one (1) deciduous tree shall be planted for every twenty (20) feet of parking lot perimeter. All trees shall be planted within the perimeter landscaping strip.
- d. Area within the perimeter landscaping strip not devoted to trees shall be landscaped with grass, shrubs, flowering plants, or landscaped and integrated stormwater management facilities.
- e. The required trees shall be planted within the perimeter landscaping strip in a manner providing visual buffering between adjoining properties and the parking lot. Applicants are strongly encouraged to develop a landscape design using groupings of trees and variable tree spacing rather than a rigid design approach.

5. *Buffer Zones.* The following requirements shall be applicable to all nonresidential projects that abut a residential use or district:

- a. The Buffer Zone shall be measured from the District Boundary Line or a Property Line or Right-of-Way, if not co-existent with the District Boundary Line.
- b. A minimum Buffer Zone of 50 feet in width shall be provided along any common property line with a residential use or district.
- c. The Buffer Zone shall be maintained and kept clean of debris, rubbish, weeds, and other unsightly features.
- d. No building, structure, or physical improvement shall be permitted in the Buffer Zone except:
 - 1. An access drive;
 - 2. A stormwater facility; and
 - 3. A permitted sign.
- e. No less than the exterior half of the buffer area shall be planted and maintained with grass or ground cover, massed evergreens, and deciduous trees and shrubs or such species and size as will produce, within two (2) growing seasons, a screen at least four feet (4') in height and of such density as will obscure, throughout the full course of the year, all of the glare of automobile headlights emitted from the premises. The preservation of all natural wooded tracts, rock outcroppings, or topographic features shall be an integral part of said plans regardless of their proximity to required Buffer Zones.

1. Massed evergreens used in screen planting shall be at least four feet (4') in height when planted and produce a complete visual screen year-round.
2. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one (1) year.
3. The screen planting shall be so placed that at maturity, it will be no closer than three feet (3') from any street or property line.
4. A clear-sight triangle shall be maintained at all street intersections and at all points where private accessways intersect public streets.
5. The screen planting shall be broken only at points of vehicular and pedestrian ingress and egress.
6. No screen planting shall be required along street frontage.

6. *Community Greens.* The following requirements shall be applicable to all Community Greens:

- a. Ten (10) planting units shall be provided for each acre, or portion thereof, within a Community Green.
- b. Where a residential subdivision or land development plan is required to have more than one (1) Community Green, the total number of required planting units shall be calculated based on the cumulative acreage of all Community Greens within the subdivision or land development plan. However, the total number of required planting units shall be split equally between the required Community Greens.
- c. Where the site design retains existing major or minor deciduous trees, said trees may contribute to meeting this quantity requirement.

D. **Credit for Existing Vegetation.** Credit for up to fifty (50%) percent of the minimum landscaping quantity requirements may be given for retaining existing major deciduous trees on site, provided that the following conditions are met:

1. That such trees are in good health, as certified by a horticulturist or similar professional.
2. That such trees are located within 75 feet of the structure(s) wherein the principal use of the property is located, or within 25 feet of a parking lot, access drive, loading area, dumpster location, or accessory structure associated with such principal use.
3. If the applicant proposes to apply existing major deciduous trees to the credit for existing vegetation provision permitted by this Section, the applicant shall agree to replace any such major deciduous trees that die within two (2) years of the date of

issuance of the zoning permit allowing the establishment of the principal use of the property. Such major deciduous trees shall be replaced with an equal number of healthy major deciduous trees.

E. **Dumpster and Trash Storage Areas.** All areas proposed for the location of trash dumpsters, or for trash storage pending pickup for more than one residential unit or any non-residential unit, shall be screened with a fence of no less than six (6) feet in height, or shall be screened with plant material that will form a dense vegetated barrier, and which contains plantings reasonably expected to attain a height of six (6) feet within three (3) years of planting. The plantings used to achieve this requirement shall not count toward meeting the landscaping quantity requirements of this Section.

F. **Installation Standards.** The following requirements shall govern the installation of all plantings required in accordance with this Section:

1. The landscape contractor shall furnish and install all plant material shown on the landscape plan approved by the Borough pursuant to this Section.
2. Plants taken from cold storage are not acceptable to meet the requirements of this Section.
3. Planting of deciduous material may occur during winter months, provided that there is no frost in the ground and frost free topsoil planting mixtures are used. A professional horticulturist or similar professional should be consulted to determine the proper time to move and install plant material so that stress to the material is minimized.
4. All plant pits, hedge trenches, and shrub beds shall be excavated as follows:
 - a. All pits shall be generally circular in outline, and shall have vertical sides. Tree pits shall be deep enough to allow one-eighth of the root ball to be above the finish grade, and shall be a minimum of 10 inches larger on every side than the ball of the tree.
 - b. If areas are designated as shrub beds or hedge trenches, they shall be cultivated to at least 18 inches in depth.
5. After cultivation, all plantings shall be mulched with a minimum 3-inch layer of organic mulch or other similar material over the area of the planting.
6. All clear sight triangles, as may be required by the Abbottstown Borough Subdivision and Land Development Ordinance or otherwise, shall remain clear, and any plant which could endanger safety, such as unstable limbs, shall be removed and the plant material replaced.

7. No plant materials may be substituted for that shown on the approved landscape plan without first having received approval from the Abbottstown Borough Zoning Officer upon recommendation from the Borough Planning Commission.

G. Maintenance Standards for Landscaped Areas.

1. Within landscaped areas, grass shall be mowed and other vegetation shall be trimmed and/or pruned at regular intervals.
2. The applicant shall, within any landscaped area, replace any tree which dies with another tree of the same or similar species, within one (1) month of the death of the original tree. The applicant shall be responsible for performing this replacement, if applicable, for a period of eighteen (18) months from the date of zoning permit issuance for the improvements requiring a landscaped area.
3. Any garbage or other waste and/or refuse which accumulate within any landscaped area shall be promptly removed and disposed of.

H. Financial Security. The installation of required landscaping in accordance with the approved landscape plan required by this Section shall be guaranteed by financial security in the form and manner prescribed by the Abbottstown Borough Subdivision and Land Development Ordinance.

Section 904: Lighting Regulations

Exterior lighting shall be provided in the following areas of all residential and non-residential developments, including parking areas, pedestrian sidewalks and walkways, driveways, loading areas, and nonresidential driveway intersections. These lighting systems shall meet the following requirements.

- A. The lighting system shall maintain a uniformity ratio of 15:1 or better.
- B. Locations with a higher level of night activity (such as automatic teller machines and gasoline pumping stations) may require luminance levels greater than those indicated in this section. Where higher luminance levels are requested by a developer, the design may be approved by the Zoning Officer, upon recommendation by the Planning Commission, provided the lighting system complies with all other requirements of this section.
- C. Pole mounted lighting fixtures shall be located in coordination with the landscaping plan, existing trees, and future tree growth so as to minimize shadowing.
- D. Lighting fixtures shall be selected to minimize upward light that contributes to sky glow and wastes energy. Outdoor lighting fixtures shall be a full cutoff fixture type, in accordance with American National Standards Institute/Illuminating Engineering Society of North America (ANSI/IESNA) Classification, with the exception of floodlights as allowed by special exception. Floodlights are permitted to be used to illuminate landscape features or building facades, as long as such floodlights are shielded and aimed so that the light is directed toward the

functional area being illuminated and in a manner that direct glare on adjoining properties does not result.

E. These lighting requirements provide appropriate standards to ensure adequate nighttime safety and security while minimizing the spillover of light and glare on operators of motor vehicles, along pedestrians and land uses near the light source. However, it is the safety, welfare, nuisance and hazardous aspects of lighting that form the basis of these regulations.

F. Exterior lighting shall be provided in residential developments, parking areas, pedestrian sidewalks and walkways and nonresidential driveway intersections in accordance with the following standards. Lighting used for security purposes shall also conform to the following standards. Exterior lighting shall meet one of the following standards:

1. It shall be the responsibility of the developer to provide lighting in the development. The lighting shall meet the requirements of the criteria listed herein and shall illuminate both the sidewalk area and the adjoining roadway.
 - a. Full Cutoff Fixtures: Where a fixture is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five feet above the ground at the point where the cutoff angle intersects the ground, then the range of permitted average illuminance and the maximum permitted luminaire height shall be:

Zoning District	Range of Permitted Average Illuminance (footcandles)	Maximum Permitted Height of Luminaire (feet)
Low Density Residential (LDR)	0.5 – 1.0	25
Medium Density Residential (MDR)	0.75 – 1.5	30
Town Center Residential (TCR)	2.0 – 3.0	30
Town Center Mixed Use (TCMU)	2.0 – 3.0	30
Commercial Industrial (CI)		
- Commercial Uses	2.0 – 3.0	35
- Industrial Uses	3.0 – 5.0	60

- H. Alternative Standards for Specified Uses.
1. Because of their unique requirements for night time visibility and their limited hours of operation, public and private recreational uses such as ball diamonds, playing fields, tennis courts and volleyball courts are exempt from the above requirements.
 2. Outdoor public and private recreational uses specified above shall not exceed a maximum permitted post height of 100 feet.

3. Outdoor public and private recreational uses may exceed a total cutoff angle of 90 degrees, provided that the luminaire is shielded to prevent light and glare spillover to adjacent residential uses.
 4. Low-level pedestrian lighting (bollards) for sidewalks should be provided but will not be required provided that the lighting levels are consistent with the criteria listed above and listed in this paragraph. The lighting shall be provided for safety and security up to the entrance/exit of the non-residential building.
 5. Low-level sidewalk illumination for residential uses shall be exempt from these standards.
- I. Additional Requirements.
1. Flickering or flashing lights shall not be permitted.
 2. Light sources or luminaires shall not be located within buffer yard areas except for pedestrian walkways.
- J. Any lighting plan submitted for review shall contain at a minimum the following information:
1. Fixture details, including: Manufacturer with part number, pole height, lamp wattage, etc...
 2. Fixture schedule that includes all fixture types and mounting arrangements.
 3. Statistical table, including: max/min ratio, avg/min ratio, average value, maximum value, minimum value.
 4. Photometric plan, including: Footcandle values at the property line and footcandle values in the parking, driving and walking areas.
- K. Exterior lighting, except for overhead street lighting and warning, emergency, or traffic signals, shall be installed in such a manner that the light source will be sufficiently obscured to prevent glare on public streets and walkways or into any residential area. The installation or erection of any lighting which, may be confused with warning signals. Emergency signals or traffic signals shall be unlawful. No lighting installation shall cause illumination in excess of five-tenths (0.5) footcandles measured at the property line.
- L. Measurement. Lighting levels shall be measured in footcandles. Measurement shall be taken with a direct reading portable light meter or by light-reading equipment as recommended by the Borough Engineer.
- M. Method. Upon notice of a potential violation, readings shall be taken by qualified personnel so that the light-reading meter has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the

maximum permitted illumination at the property line at ground level. This procedure eliminates the effects of moonlight and other ambient light.

Section 905: Performance Standards for Commercial/Industrial District Uses

This section shall apply to all uses permitted within the Commercial Industrial District. Compliance with these performance standards shall be the on-going responsibility of the Industrial or Commercial land owner. Further, failure to maintain compliance with these performance standards shall result in action being taken as prescribed in Section 1411.

A. **Industrial Use Standards.** The following standards shall apply to all, or other similar uses in Section 802.B and 802.D. Where any of these standards conflict with a State or Federal law or regulation, the State or Federal law or regulation shall take precedent.

1. All buildings, structures or physical improvements shall comply with the landscaping and lighting requirements of Section 903 and 904 of the Borough Zoning Ordinance.
2. *Drainage:* No stormwater or natural drainage which originates on the property or water generated by the activity, e.g. air conditioners, swimming pools, shall be diverted across property lines unless transported in an approved or existing drainage system.
3. *Electricity:* Electric or electronic equipment shall be shielded so there is not interference with any radio or television reception at the lot line or beyond as the result of the operation of such equipment.
4. *Glare:* No use shall produce a strong dazzling light or a reflection of a strong dazzling light or glare beyond its lot lines. Exterior lighting shall be shielded, buffered, and directed so that glare will not become a nuisance to adjoining properties, adjoining districts, or streets.
5. *Radioactivity:* A proposed activity in this district shall not emit any dangerous radioactivity as determined by applicable current State and Federal Regulations at any point of the site.
6. *Vibration:* There shall be no vibration which is discernable to the human sense of feeling beyond the immediate site on which such use is conducted.
7. *Fire and Explosion Hazard:* All activities shall be carried out in buildings, structures, and improvements which conform to the standards of the National Board of Fire Underwriters. Furthermore, protection against fire and explosion shall be based upon the advice of the Adams County Fire Marshal and the Local Fire Company serving the area of the site.
8. *Traffic Control:* All design traffic volumes shall be determined by accepted procedures of the Pennsylvania Department of Transportation. The design hourly volume and the average annual daily traffic count data shall be used as a basis of

computation. Geometric design features shall be consistent with the design speeds and capacities of the streets serving the site. Minimum stopping, turning, and passing site distances shall be determined. Grade, alignments, lanes, slopes, clearances, and other street standards shall be consistent with the Abbottstown Borough SALDO, and all State and/or Federal street and traffic safety design regulations. Anticipated traffic generation shall not exceed the design volume of the street or streets serving the site and surrounding area, unless appropriate provisions to upgrade and construct necessary street provisions consistent with Borough road specifications.

9. *Storage of Explosives or Flammable Substances and Waste Disposal:*

- a. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above the ground except in structures according to the Commonwealth and Federal Specifications.
- b. All outdoor storage facilities for fuel shall be enclosed by an approved safety fence to prevent access thereto by unauthorized individuals.
- c. All materials or wastes which might cause fumes, constitute a fire hazard, or attract rodents or insects may only be stored if enclosed in buildings or containers which are adequate to eliminate such hazards.
- d. Areas for the sale or rental of propane tanks shall conform to the requirements of Section 902.K.7.

10. *Noise Control:* The sound level of any use within this district shall not exceed, at any point along the boundary of the lot on which the use is to be undertaken, Federal Standards, except for emergency alarm systems. Sound levels shall be projected in accordance with similar or identical operations or uses and shall be measured with a sound level meter and associated octave band analyzer manufactured according to Standards prescribed by the American Standards Association. Measurements shall be made using the same measuring system which may now or hereafter be utilized by State or Federal agencies for similar or identical measurements.

11. *Odor Control:* There shall be no emission of odorous gases or other odorous material of any nature in such quantities as to be offensive. Similar operations or processes may be compared to determine compliance with this Subsection. This Subsection shall not apply to the storage or application of manure by agricultural operations in this district. For measurement of the amount of particles discharged as set forth above, measurement procedures shall follow those employed by the Pennsylvania Department of Environmental Protection for similar or identical measurements.

12. *Dust, Fumes, Vapor, and Gas Control*: The emission of dust, dirt, flyash, fumes, vapors, or gases of any nature which can cause any damage to human health, to animals, or to vegetation or other forms of property, or which can cause soiling or staining of persons or property at any point beyond the lot line of the use creating such emission is hereby prohibited. Similar processes or facilities may be compared to determine compliance with this Subsection. For measurement for the amount of particles discharged as set forth above, measurement procedures shall follow those employed by the Pennsylvania Department of Environmental Protection for similar or identical measurements.

13. *Liquid and Solid Waste*: No operation shall discharge wastes of any kind into a surface water or groundwater source. All methods of waste disposal shall be approved by the Department of Environmental Protection. Such evidence of approval shall be provided.

B. **Non-Residential Building Design Standards.** The following design standards shall apply to commercial and office buildings that exceed twenty thousand (20,000) gross square feet of floor area.

1. **Façades and Exterior Walls**

- a. Façades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of a least three (3) percent of the length of the façade and extending at least twenty (20) percent of the length of the façade. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet.
- b. *Detail Features*: Building façades must include a repeating pattern that includes no less than three (3) of the following elements, with a least one (1) of the following elements (a), (b) or (c) repeating horizontally:
 1. Color change.
 2. Texture change.
 3. Material module change.
 4. An expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib.
- c. For retail establishments, ground floor façades that face public streets shall have arcades, awnings/canopies, fascias, display windows, entry areas, or other such features along no less than sixty (60) percent of their horizontal length.

2. **Windows.** For retail establishments, all building façades facing a public right-of-way must adhere to the following window requirements:
 - a. All first story building façades shall be a minimum thirty percent (30%) window coverage.
 - b. All other stories of building façades shall be a minimum fifteen percent (15%) window coverage.
 - c. All windows shall be transparent or translucent.
3. **Roofs.** Roofs shall have no less than two (2) of the following features:
 - a. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment.
 - b. Overhanging eaves, extending no less than three (3) feet past the supporting walls.
 - c. Sloping roofs.
 - d. Three (3) or more roof slope planes.
 - e. Green roofs. If this option is selected, no other roof option is required.
4. **Materials and Colors.**
 - a. Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, sandstone, other native stone, and tinted/textured concrete masonry units.
 - b. Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors are prohibited.
 - c. Building trim and accent areas may feature brighter colors, including primary colors.
 - d. Exterior building materials shall not include smooth-faced concrete block, pre-cast concrete panels (tilt-up concrete panels) that are not exposed aggregate, hammered, embossed, imprinted, sandblasted or covered with a cement-based acrylic coating, or prefabricated metal panels with a depth of less than one inch or a thickness less than U.S. Standard twenty-six (26) gauge.

5. **Entryways.** Every retail establishment shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:
 - a. Canopies or porticos.
 - b. Overhangs.
 - c. Recesses/projections.
 - d. Arcades.
 - e. Raised corniced parapets over the door.
 - f. Peaked roof forms.
 - g. Arches.
 - h. Outdoor patios.
 - i. Display windows.
 - j. Architectural details such as tile work and moldings which are integrated into the building structure and design.
 - k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
6. **Mechanical Equipment.**
 - a. To the maximum extent practical, all roof-mounted and ground mounted mechanical equipment shall be screened from view or isolated so as not to be visible from any public right-of-way or residential district or uses within one-hundred fifty (150) feet of the subject property, measured from a point five (5) feet above grade. Roof screens, when used, shall be coordinated with the building to maintain a unified appearance.
 - b. Mechanical equipment and open storage areas shall be screened from public streets, alleys, paths, private streets and abutting lots to a maximum height of six (6) feet. When solid screening is used, the materials shall be compatible with the building.

Section 906: Community Greens. This section shall apply to all new residential developments involving twenty (20) or more new residential dwelling units.

- A. Community Greens shall be provided in accordance with the following standards.

Number of Proposed Dwelling Units	Minimum Width	Minimum Area	Number of Required Community Greens
20 – 39	200 feet	1 acre	1
40 and over	200 feet	1 acre	1 per 20 dwelling units or portion thereof

- B. Community Greens shall be designed to achieve the following requirements.
1. The ratio of length to width or width to length of a Community Greens shall not exceed 2:1.
 2. Community Greens shall be incorporated into a grid street pattern and must be surrounded on at least three (3) sides by neighborhood streets and by dwelling units that face said Community Green.
 3. The sidewalk system of the proposed residential development shall be designed in a manner that connects it to the Community Green area from all sides.
 4. Community Greens shall be designed to resemble a traditional town square or plaza area. Within each Community Green, at least one (1) major focal point, such as a band shell, gazebo, community garden, sculpture garden, fountain, picnic shelter, or similar feature that can serve as a community gathering place shall be provided.
 5. Community Greens shall not include stormwater management facilities unless said facility is integrated into the landscaping plan for the community.
 6. Documentation shall be provided that demonstrates, to the satisfaction of the Borough Solicitor, how all Community Greens will be owned and maintained and that confirms who will perform said ownership and maintenance function.
- C. A landscaping plan shall be submitted for all Community Greens in accordance with Section 903. Vegetative landscaping shall be provided throughout the Community Green. Said landscaping shall be placed to enhance the appearance of the Community Green.

ARTICLE X
PERFORMANCE STANDARDS

Section 1001: Intent of Performance Standards for Specific Uses

In addition to the general provisions for uses within a particular zoning district established in Articles IV through VIII, and the additional general regulations for all uses in Article IX and elsewhere in the Ordinance, these Performance Standards for Specific Uses set forth the specific standards that shall be applied to each use identified herein. These performance standards must be satisfied prior to approval of any application for a zoning permit, conditional use, special exception or variance.

Section 1002: Performance Standards for Specific Uses

The following performance standards are established to provide additional requirements applicable to certain permitted, accessory, special exception and conditional uses in all zoning districts. These regulations are intended to supplement the district regulations contained in Articles IV through VIII as well as General Standards, Parking and Loading Standards, and Sign Standards and all other applicable Borough regulations and ordinances, as well as any other local, State, and Federal regulations and statutes.

A. **Accessory Dwelling Units (ADU).**

1. No more than one (1) ADU shall be permitted on any property.
2. The maximum number of occupants of the ADU shall be two (2) persons. Minor children under age eighteen (18) and related to the occupants of the ADU by blood, adoption or foster relationship shall not count towards this limit.
3. The ADU shall not exceed fifty percent (50%) of the total residential living area of the existing dwelling or one thousand (1,000) square feet, whichever is less. The ADU shall not be less than four hundred (400) square feet.
4. The ADU shall meet the following architectural standards:
 - a. Attached ADUs shall be designed to maintain the architectural design, style, appearance and character of the existing dwelling as a single-family residence. Such an addition shall be consistent with the existing facade, roof pitch, siding and windows.
 - b. Detached ADUs (including manufactured dwelling units) shall be designed to maintain the architectural design, style, appearance and character of the existing primary dwelling on the lot.
 - c. Applicants shall submit a photo, rendering, or plan depicting the exterior of the proposed ADU.

- d. Attached ADUs shall have a separate entrance from the entrance to the primary residence. This entrance may not be part of the front façade of the primary residence.
5. The height of a detached ADU shall not exceed the height of the principal dwelling unit on the lot.
6. Each ADU shall have a kitchen and full bath.
7. The applicant shall contact the Adams County Tax Services Office to obtain an address for the ADU (whether attached or detached) and the applicant shall provide this information to the Zoning Officer prior to Zoning Permit approval.
8. The applicant shall provide proof from the appropriate sewer and water providers that sufficient EDU's and/or capacity exists to accommodate the additional sewage flow and water usage.
9. The applicant shall record, at the cost of the applicant, a memorandum indicating that the occupancy of the ADU shall be limited to permitted occupants as stated in Section 202, that the ADU shall not be rented to persons who are not related to the occupants of the principal dwelling, and that detached ADUs shall be removed when it is no longer used by persons to related to the occupants of the principal dwelling or converted to a non-residential accessory use in accordance with the underlying Zoning District within one hundred eighty (180) days.
10. All ADUs shall adhere to the following permitting requirements:
 - a. Zoning Permits for ADUs shall be issued for a period not longer than one (1) year and must be renewed at the end of the first term of issuance and every such period thereafter.
 - b. Renewal of said permits requires inspection of the ADU by the Zoning Officer or his/her designee.
 - c. If a permit for an ADU is not renewed, all rights granted to the Landowner under such permit expire, and the Landowner must re-apply for the issuance of a new Zoning Permit under the then current standards for the issuance of such permits.
 - d. Zoning Permits for ADUs shall be renewed when a change of occupancy is proposed.

B. Adaptive Re-Use of Industrial Structures.

1. The following uses, or a mixture of the following uses, are permitted within a structure for which the adaptive re-use plan has been approved as a conditional use by the Abbottstown Borough Council.
 - a. Apartments, per Section 1002.X.
 - b. Business and Professional Offices.
 - c. Personal Service Shops.
 - d. Nursing or Residential Care Facilities, per Section 1002.y.
 - e. Light Manufacturing, per Section 1002.T.
 - f. Galleries, Museums and Theaters.
 - g. Community Centers.
2. The adaptive re-use of industrial structures may be permitted as a conditional use by the Abbottstown Borough Council, in accordance with the following standards:
 - a. Off-street parking and loading shall be provided in accordance with Article XII.
 - b. A landscaping plan for the property shall be submitted in accordance with Section 903.
 - c. Access to and from residential units shall be independent of access to and from any non-residential use located within the structure. Independent access may be provided externally to the building or from an internal system of hallways and staircases. Under no circumstances should residents be required to gain access to a residential unit through non-residential uses.
 - d. The property owner shall supply all residential and non-residential units with fire alarms and fire extinguishers, kept in working condition by the property owner at all times. In addition, the property owner shall provide each hallway serving independent units with fire alarms and fire extinguishers, kept in work condition by the property owner at all times.
 - e. The property owner shall provide exit signs in all hallways providing access to individual uses, kept in working condition by the property owner at all times.
 - f. The outdoor storage of raw or finished materials or products shall not be permitted.
 - g. The applicant shall demonstrate that public sewer and public water service has been secured.

C. Adult Oriented Uses.

1. No more than one (1) adult-oriented use shall be permitted in any one building.
2. No adult-oriented use shall be located within two hundred fifty (250) feet of any building within which is located another adult entertainment use.
3. No adult-oriented use shall be located within five hundred (500) feet of the LDR or TCMU District.
4. No adult-oriented use shall be located within one thousand (1,000) feet of any lot upon which is located a school, place of worship, child care facility, public park or playground.
5. The landscaping standards of this Ordinance shall be met.
6. The building occupied as an adult-oriented use shall have an opaque covering over all windows and/or glass doors to prevent items and/or services from being visible from outside the building.
7. No sign shall be erected on the premises depicting or giving a visual representation of the types of items and/or services offered within the establishment.

D. Bed and Breakfast Inns and Houses.

1. A maximum of ten (10) rooms or suites are permitted in a Bed and Breakfast Operation.
2. Meals served at Bed and Breakfast Operations shall be limited to breakfasts.
3. Cooking facilities are prohibited in all guest rooms.
4. Common restrooms are permitted in Bed and Breakfast Operations. If used, a minimum of one (1) common restroom shall be provided for every two (2) guest rooms.
5. Any required exterior improvements to the building, such as those required to meet applicable fire safety requirements, shall be located, to the maximum extent possible, to the rear of the building and shall not detract from the residential character of the building.
6. Either the Bed and Breakfast Operation owner or a designated operator shall maintain a permanent residence within the Bed and Breakfast Operation.
7. Within a Bed and Breakfast Operation, common rooms may be used for the following accessory use purposes: gallery for local artists; sales of antiques, collectibles, or similar products; sales of locally produced crafts, artwork, or similar products; or coffee or tea room where coffee, tea, and light refreshments are

served. No accessory use shall be permitted within rooms used as guest rooms. Where a permitted accessory use is proposed, hours of operation shall be limited to 11:00 AM to 6:00 PM.

8. All area and bulk regulations of the underlying zoning district shall apply.

E. **Building Material and Contractor Supply Stores and Storage Yards.**

1. All materials and supplies shall be stored inside an enclosed structure.

F. **Business or Industrial Park.**

1. Business or Industrial Parks may include the following and other similar uses.

- a. Printing, lithography, and publishing.
- b. Scientific and commercial testing laboratories.
- c. Business and professional offices.
- d. Corporate headquarters.
- e. Data processing services.
- f. Postal delivery services.
- g. Assemblage and light manufacturing.
- h. Industrial or business park support uses intended to serve the needs of employees and visitors of the tenants of the industrial or business park, including but are not necessarily limited to newsstands, coffee shops, fitness centers, and day care centers.

G. **Commercial Daycare Facilities.**

1. The operator shall provide proof that both the provider and structure have been licensed by the appropriate County and State Agencies.
2. The operator shall provide a plan showing the location of all fenced, outdoor play areas associated with the daycare use. These areas shall not be located in any designated front yards.
3. No portion of a Commercial Daycare Facility shall be located within a 300 foot distance from any potentially hazardous land use or activity which could pose a threat to the safety and welfare of the children, staff, and other occupants at the facility. Hazardous land uses or activities include, but shall not be limited to, gasoline service stations, heavy industrial operations, storage of flammable or high pressure underground pipelines, truck or rail loading areas, or other similar uses.

H. Continuing Care Retirement Communities.

1. *Permitted Uses.* The following types of uses shall be authorized to be included within a CCRC:
 - a. *Residential Uses.* The following forms of residential arrangements shall be provided within a CCRC. Authorized residential arrangements include independent living, assisted living, and nursing or skilled units, and may be provided in accordance with the following:
 1. Independent living units may be of the single-family detached, single-family semi-detached, or multi-family dwelling unit types.
 2. Assisted living units may be of the multi-family dwelling unit type.
 3. Nursing or skilled care units shall be located within a licensed facility providing medical care and related services.
 - b. *Common Uses.* The following common uses shall be permitted to be located within a CCRC:
 1. Dining facilities, including central kitchens and dining areas for on-site preparation and serving of meals.
 2. Recreation facilities, including but not limited to activity rooms, auditoriums, lounges, and libraries.
 3. Health care facilities, including but not limited to physical therapy facilities and services, exercise room with equipment, swimming pools.
 4. Retail sales uses intended to serve the residents and employees of the CCRC, provided that such retail sales uses do not exceed 10 percent of the total floor area within the CCRC.
 5. Personal service uses intended to serve the residents of the CCRC, provided that such personal service uses do not exceed 5 percent of the total floor area within the CCRC.
 6. Professional office uses intended to serve the residents of the CCRC, provided that such professional office uses do not exceed 10 percent of the total floor area within the CCRC. Floor area devoted to medical or care services offered directly within a nursing or skilled care facility shall not be included in calculating this percentage.
 7. Chapels.

2. *Bulk and Area Regulations.* The following regulations shall be observed for CCRC developments:
- a. *Maximum Development Density.* The maximum residential density of a CCRC development shall be defined by the density authorized in the zoning district where the CCRC development is proposed. The following weighting factors shall be employed when calculating project density.
 1. Each independent living unit shall be counted as one dwelling unit.
 2. Each assisted living unit shall be counted as 0.75 of a dwelling unit.
 3. Each nursing or skilled unit shall be counted as 0.50 of a dwelling unit.
 - b. *Minimum Lot Size :* 5 acres.
 - c. *Maximum Impervious Coverage:* 65%.
 - d. *Maximum Building Height:* Maximum building height shall be defined by the zoning district where the CCRC development is proposed.
 - e. *Building Placement.* A CCRC development shall be designed as a campus-like setting. Dimensional requirements are not established for individual residential or nonresidential use types, provided that the overall project density requirements established for CCRC developments are achieved and that the following dimensional requirements for the CCRC development are applied to the CCRC parcel as a whole.
 1. Minimum front setback: 25 feet.
 2. Minimum side setback: 10 feet.
 3. Minimum rear setback: 25 feet.
 4. Minimum lot width: 200 feet.
 - f. *Minimum Building Separation.* The following minimum building separation distances shall be applied to all buildings within the CCRC development:
 - a. Front to front: 50 feet.
 - b. Front to side: 25 feet.
 - c. Side to side: 15 feet.
 - d. Side to rear: 25 feet.
 - e. Rear to rear: 50 feet.

3. *Design Requirements.* A CCRC development shall be subject to the following design standards:
 - a. *Dwelling Unit Standards.* The following standards shall be applied to all dwelling units within a CCRC development:
 1. *Single Floor Dwellings.* A minimum of 50 percent of the dwelling units within a CCRC development shall provide a single-story living arrangement. For the purpose of this Section, an apartment unit on a second or third floor shall not be considered to have a single-story living arrangement unless elevator service is provided. Nursing or skilled units shall not be included in this calculation.
 2. *Accessible Dwellings.* A minimum of 25 percent of the dwelling units within a CCRC development shall be designed to be accessible to disabled or handicapped residents.
 3. *Single-Family Attached Dwellings.* All single-family attached dwellings shall meet the design requirements established in Section 1002.FF.
 4. *Apartment Dwellings and Nursing or Skilled Unit Buildings.* All apartment dwellings shall meet the design requirements established in Section 1002.X.
 - b. *Nonresidential Use Standards.* The following standards shall be applied to all nonresidential uses within a CCRC development:
 1. All nonresidential uses within a CCRC development shall be located in a central location within the community. The location of the nonresidential uses shall be connected to the pedestrian system within the development and shall be easily accessible for all residents.
 2. Nonresidential uses may be integrated into buildings devoted to assisted living units and/or nursing or skilled units.
 3. Where nonresidential uses are located in a building or buildings separate from residential buildings, the building(s) with the nonresidential uses shall have an architectural design that is consistent with and reflective of the architectural character of the residential buildings within the CCRC. Architectural renderings shall be submitted to document the required consistency.
 - c. *Parking.* Off-street parking shall be provided in accordance with Article XII.
 - d. *Pedestrian Facilities.* A pedestrian network shall be provided within the CCRC development to connect all dwelling units with all activity centers, designated open space, and any common facilities. The pedestrian network

shall be comprised of sidewalks and/or asphalt walkways constructed to the requirements of the Abbottstown Borough SALDO. The pedestrian network shall include benches and shelters at minimum intervals of 500 feet. The pedestrian network within a CCRC development shall be connected to the existing pedestrian network and facilities surrounding the development site to allow for convenient pedestrian access to services and amenities in close proximity to the development site.

- e. A landscaping plan shall be prepared for the entire CCRC development site in accordance with Section 903. Three planting units shall be provided for every dwelling unit within the CCRC development.

I. **Convenience Stores.**

1. The use shall be located on a lot abutting an arterial street.
2. Convenience stores may include fuel pumps, which shall be at least twenty-five (25) feet from any existing and required future road right-of-way or fifty (50) feet from the road centerline, whichever is greater.
3. All services not normally associated with vehicular refueling shall be performed within a completely enclosed building.
4. The outdoor display of products for sale at the establishment shall not be permitted except for under following conditions:
 - a. Propane tank and DVD kiosks shall be permitted year round.
 - b. The temporary sale of flowers no more than one week before Easter or Mother's Day.
 - c. The temporary sale of fireworks no more than one week before the Fourth of July.
 - d. All remnants of these temporary sales, including but not limited to product, tents, trash receptacles and temporary signage shall be removed no later than three (3) days following Easter, Mother's Day or the Fourth of July respectively.
 - e. The required number of parking spaces for the convenience store use shall be maintained at all times. Under no circumstances shall these temporary sale events reduce the available number of parking spaces below the minimum amount required by this ordinance.
5. A site circulation plan shall be devised that separates those vehicles waiting fueling service from those awaiting other services.

6. A site plan shall be provided to the Zoning Officer for review. The site plan shall show building dimension and placement, internal circulation, landscaping, location and size of signage, and all other pertinent design information.
7. Signage shall be in compliance with the provisions of Article XI of this Ordinance.
8. Any outdoor lighting shall comply with the provisions of this Ordinance.
9. Areas for the sale or rental of propane tanks shall conform to the requirements of Section 902.K.7.

J. **Conversion Apartments.**

1. The lot shall meet all area and bulk regulation for the underlying zoning district.
2. Only existing, single-family detached dwellings may be converted for conversion apartment use.
3. A maximum of four (4) units may be created by the conversion of a single-family detached structure.
4. The first dwelling unit contains a minimum of eight hundred and fifty (850) square feet of usable living space, and each successive unit contains a minimum of seven hundred (700) square feet of usable living space.
5. Any unit with cooking facilities on the third floor level of a structure must provide a fire escape at the rear of the structure.
6. Parking areas shall be provided in accordance with the applicable standards of Article XII of this Ordinance.
7. Access to each unit must be reviewed and approved by an appropriate local fire protection official. The property owner shall provide each unit with fire alarms, kept in working condition by the property owner at all times.
8. The property owner shall provide exit signs in all hallways leading to and from second and third floor apartments. In addition, the property owner shall provide each hallway serving independent units with fire alarms, kept in working order by the property owner at all times.

K. **Cottage Industries.**

1. A cottage industry is deemed to include, but is not necessarily limited to, all occupations permitted under Section 1002.P.1 as well as the following or similar types of occupations: handicraft manufacturing, cabinet shops, photographic studios, brewing, distilling, repair of outdoor fishing and hunting equipment (excluding motorized vehicles), and welding shops. Other occupations in addition to those listed above may be considered to be cottage industries provided it is

determined that such occupations are of the same general character as those occupations listed above.

2. Not more than one (1) cottage industry shall be allowed in or on the same premises. The presence of a home occupation in the primary dwelling unit shall not preclude the establishment of a cottage industry, provided that all applicable requirements for both cottage industries and home occupations are met.
3. The cottage industry shall be considered an accessory use to the main residence and shall be operated fully within an accessory building on the lot. No more than five hundred (500) square feet of floor area in the accessory building may be devoted to the cottage industry. The cottage industry shall not occupy more than one (1) building.
4. The cottage industry shall conform to the area and bulk requirements of the underlying zoning district.
5. The person conducting the cottage industry shall reside within the dwelling located on the lot.
6. No more than four (4) persons other than family members who reside within the dwelling may be employed by the cottage industry.
7. A business sign in accordance with Article XI is permitted.
8. A minimum of two off street parking spaces must be provided, plus one additional space for each employee.
9. The cottage industry shall comply with any nuisance ordinances adopted or in effect by the Borough of Abbottstown. No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, or electrical interference to the detriment of the quiet use and enjoyment of adjoining and surrounding property.
10. Retail sales shall be limited to the following: products produced or repaired on site, items collected, traded and/or occasionally sold by hobbyists, such as coins, stamps, and antiques, incidental sales directly associated with the cottage industry, and internet sales.
11. No on-site customer service or business shall be conducted before 8:00 am or after 8:00 pm.
12. The outdoor storage of good and/or materials of any kind is prohibited.

L. **Financial Institutions.**

1. Space for a minimum of six (6) occupied vehicles is required for those patrons waiting in line for drive-through service. This distance shall be measured from the

point at which drive-through patron receive banking services at bank teller windows or remote teller stations.

2. The required space reserved for the drive-through line shall be separated from parking spaces for non-drive-through customers and from pedestrian walkways and shall be incorporated into an overall circulation plan for the site.
3. The drive-through facility, including teller windows and remote teller stations, and the driveway shall be located along the side or rear of the financial institution. In no event shall the drive-through facility be permitted along the front of the financial institution, between the principal structure and the adjoining public road.
4. A site plan shall be provided to the Zoning Officer for review. The site plan shall show building dimension and placement, internal circulation, landscaping, location and size of signage, and all other pertinent design information.

M. **Food Service Establishments.**

1. Including Drive-thru Facilities
 - a. Space for a minimum of six (6) occupied vehicles is required for those patrons waiting in line for drive-through service. This distance shall be measured from the point at which drive-through patrons receive food service at service windows.
 - b. The required space reserved for the drive-through line shall be separated from parking spaces for non-drive through customers and from pedestrian walkways and shall be incorporated into an overall circulation plan for the site.
 - c. The drive-through facility, including service windows and remote ordering stations, and the driveway shall be located along the side or rear of the establishment. In no event shall the drive-through facility be permitted along the front of the establishment, between the principal structure and the adjoining public road.
 - d. A site plan shall be provided to the Zoning Officer for review. The site plan shall show building dimension and placement, internal circulation, landscaping, location and size of signage, and all other pertinent design information.
 - e. Outdoor seating areas shall be considered patron floor area for the calculation of the required number of parking spaces.
 - f. Outdoor seating areas may be located in the front yard area, provided that a minimum four (4) foot pedestrian path is maintained between the defined edge of the outdoor seating area and any street or parking areas.

- g. Hours of operation shall be limited to no earlier than 6:00 a.m. or later than 10:00 p.m. for establishments without a license to serve alcohol issued by the Pennsylvania Liquor Control Board or its successor agencies. Hours of operation for establishments with a license to serve alcohol issued by the Pennsylvania Liquor Control Board or its successor agencies shall be governed by applicable requirements of said license or applicable state law.
- h. Landscaping, including any trash containers, shall be provided in accordance with Section 903.
- i. All signage shall be designed in accordance with Article XI.

2. Excluding Drive-thru Facilities

- a. Kitchen exhaust shall be vented through a vertical exhaust system. For restaurants located in a two (2) or three (3) story building, all kitchen exhaust shall be vented to an exhaust outlet located no lower than the second floor of the building. For restaurants located in a single story building, all kitchen exhaust shall be vented to an exhaust outlet located on the roof of the building.
- b. Outdoor seating areas shall be considered patron floor area for the calculation of the required number of parking spaces.
- c. Outdoor seating areas may be located in the front yard area, provided that a minimum four (4) foot pedestrian path is maintained between the defined edge of the outdoor seating area and any street or parking areas.
- d. Hours of operation shall be limited to no earlier than 5:00 a.m. or later than 12:00 a.m. for establishments without a license to serve alcohol issued by the Pennsylvania Liquor Control Board or its successor agencies. Hours of operation for establishments with a license to serve alcohol issued by the Pennsylvania Liquor Control Board or its successor agencies shall be governed by applicable requirements of said license or applicable state law.
- e. Landscaping, including any trash containers, shall be provided in accordance with Section 903.
- f. All signage shall be designed in accordance with Article XI.

N. **Funeral Home.**

- 1. A funeral home, which shall not include a crematorium, shall meet all applicable state and federal regulations. A copy of any license and/or permit required to operate shall be provided to the Borough prior to approval.

O. Group Homes.

1. The provider and the structure shall be licensed by the appropriate County and/or State Agencies and shall comply with all applicable rules and regulations.
2. No more than six (6) residents shall occupy a group home at one time.
3. There shall be twenty-four (24) hour resident supervision by personnel qualified by training and experience in the field for which the group home is intended.
4. Any medical or counseling services provided shall be performed only for residents.
5. The lot on which a group home is located shall be at least one thousand (1,000) feet from the lot on which another group home is located. Such distance shall be measured in a horizontal straight line from the nearest point on one lot to the nearest point on the other lot.
6. There shall be no alteration to the outside of the structure that would alter the single-family character of the dwelling, be inconsistent with the basic architecture of the dwelling, or be incompatible with surrounding dwellings.
7. No sign for the group home shall be displayed.
8. Off-street parking shall be provided in accordance with Article XII of this Ordinance.

P. Home Occupations.

1. A home occupation is deemed to include, but is not necessarily limited to, the following types of occupations: barber; hairdresser; dressmaker; milliner; professional office of attorney, architect, landscape architect, community planner, engineer, accountant, physician, dentist, realtor, insurance agent, clergyman, teacher, artist, horticulturist, or surveyor; clerical, typing and/or word processing services; specialty "Homemade Food" products, which require licensing for home production by a State and/or local health agency; and appliance repair, provided that no work may be performed out of doors and no appliances may be stored out of doors. Other occupations in addition to those listed above may be considered to be home occupations provided it is determined that such occupations are of the same general character as those occupations listed above.
2. Not more than one (1) home occupation shall be allowed in per parcel. The presence of a cottage industry in an accessory structure shall not preclude the establishment of a home occupation, provided that all applicable requirements for home occupations and cottage industries are met.
3. The person conducting the home occupation shall reside within the dwelling located on the lot.

4. No more than two (2) persons other than family members who reside within the dwelling may be employed by the home occupation.
5. The home occupation shall be operated entirely within the dwelling unit. No more than twenty-five percent (25%) of the livable floor area of the dwelling may be devoted to the home occupation. The applicant shall submit floor plans of the dwelling or the accessory building devoted to home occupation use. Said floor plans shall clearly depict the portion of the building devoted to home occupation use.
6. A business sign in accordance with Article XI is permitted.
7. The dwelling in which the home occupation is conducted shall retain a residential design and character. The applicant shall submit photographs of the existing building and shall submit architectural drawings of said building if an addition is proposed in support of the home occupation use. Said photographs and / or architectural drawings shall demonstrate that residential design and character will be retained.
8. A minimum of two off street parking spaces must be provided, plus one additional space for each employee.

Q. **Hospitals.**

1. A hospital shall have a minimum tract size of ten (10) acres. Each lot within a hospital development shall comply with the minimum lot area and width requirements of the zoning district within which it is located.
2. A hospital shall be located on a lot abutting and having direct vehicular access onto an arterial or collector street as defined in this Ordinance.
3. A minimum of two (2) access drives, complying with the requirements of Section 504 of the Borough Subdivision and Land Development Ordinance, shall be provided from such arterial or collector road. However, the hospital shall make the maximum use possible of interior roads or access drives, as opposed to numerous driveways entering onto existing public roads.
4. A hospital may include various accessory uses that are customarily incidental to and in direct support of the primary health care mission of the hospital. Such accessory uses could include the following facilities, which shall be integrated with the hospital facilities:
 - a. Medical and administrative offices.
 - b. Medical laboratory or blood donor station.
 - c. Patient hostel.
 - d. Hospital staff dormitory.

- e. Ambulance service.
 - f. Methadone clinics and drug rehabilitation facilities.
 - g. Pharmacy.
 - h. Gift shop.
 - i. Teaching Facilities
 - j. Research Facilities
 - k. Interior service and convenience uses.
5. The principal and accessory uses comprising the hospital may be located in a single building or may consist of several buildings located on one (1) or more lots.
 6. Regardless of the number of buildings on a lot, all front, rear, and side yard building setbacks for the zoning district within which it is located shall apply.
 7. The hospital shall be in single ownership and shall consist of harmonious groupings of buildings, service and parking areas, circulation, and open space.
 8. Off-street parking shall be permitted in the areas required for front, side, and rear yard setbacks up to a point of twenty-five (25) feet from any front, side, or rear lot line of the hospital. This setback shall not be applied along internal lot lines of the hospital for common parking areas serving buildings on multiple lots. All parking areas shall be suitably paved with permanent hard-surface coverings.
 9. Where a hospital contains any of the accessory uses listed above, the number of parking spaces required shall be the sum of the parking requirements for each separate principal and accessory use.
 10. All buildings within a hospital development shall be provided with centralized sewer and water services.
 11. The facility shall comply with all applicable Federal, State, County, and local regulations and shall be licensed as required by the State.
 12. Lighting for buildings, access ways and parking areas shall comply with the requirements of this Ordinance.
 13. Any patient hostel or hospital staff dormitory shall comply with the following requirements:
 - a. Permitted accessory uses include off-street parking, indoor vending machines and laundry facilities. These accessory uses shall be intended only for use by the residents of the patient hostel or the hospital staff dormitory.

- b. Any hospital staff dormitory shall be located a minimum of one hundred fifty (150) feet from any lot line of an existing dwelling or boundary of a residential district.
- c. Any hospital staff dormitory shall have a maximum capacity of one (1) resident per five hundred (500) square feet of lot area and shall be restricted to hospital staff members.

R. **Junkyards.**

1. Junkyards shall be in conformance with the Abbottstown Borough Junkyard Ordinance.

S. **Manufacturing, Heavy.**

1. Proposed heavy manufacturing uses shall provide to the Borough copies of all applicable State and Federal emission, disposal, operation, transportation and other permits required by State and/or Federal law before a zoning permit will be issued.
2. The outdoor storage of raw or finished materials or products shall be permitted provided that all materials and/or products are fully screened from view by any adjoining residential parcels. Where a fence is used as part of this screening, landscaping shall be provided along the outside edge of the fence. All such screening shall be done in accordance with Section 903.
3. Materials shall not be piled or stacked higher than the screening, landscaping and/or fence.
4. Where the site abuts a residential zone or district permitting residential use, the building wall facing such lots shall not have any service door openings or loading docks oriented toward the residential zone.
5. Proposed heavy manufacturing uses shall comply with all requirements of Sections 903, 904 and 905.

T. **Manufacturing, Light.**

1. All light manufacturing activities shall be conducted within completely enclosed structures.
2. No outdoor storage of raw or finished materials or products shall be permitted.
3. Where the site abuts a residential zone or district permitting residential use, the building wall facing such lots shall not have any service door openings or loading docks oriented toward the residential zone.
4. Proposed light manufacturing uses shall comply with all requirements of Sections 903, 904 and 905.

U. Manufacturing, Medium.

1. The outdoor storage of raw or finished materials or products shall be permitted provided that all materials and/or products are fully screened from view by any adjoining residential parcels. Where a fence is used as part of this screening, landscaping shall be provided along the outside edge of the fence. All such screening shall be done in accordance with Section 903.
2. Materials shall not be piled or stacked higher than the screening, landscaping and/or fence.
3. Where the site abuts a residential zone or district permitting residential use, the building wall facing such lots shall not have any service door openings or loading docks oriented toward the residential zone.
4. Proposed medium manufacturing uses shall comply with all requirements of Sections 903, 904 and 905.

V. Mixed Use Structures.

1. Mixed-use structures shall consist of two (2) or more limited specialty retail, business office, professional office, or food service establishment uses or one (1) or more specialty retail, business office, professional office, or food service establishment uses and one (1) or more residential units.
2. Commercial uses outlined in Section 1002.W.1 may be located on the first floor of the structure, and also, when access is approved by appropriate local fire protection officials, on the second floor of the structure.
3. Professional Office or Business Offices uses outlined in Section 1002.W.1 may be located on the first and second floors of a structure. The third floor of a structure may also be used for Professional Offices or Business Offices provided that the office space on the third floor is an extension of a Professional Office or Business Office business which has its primary office space on the first or second floors.
4. Residential apartments, if proposed as part of a mixed-use structure, shall be located on the second and third floors provided that the minimum apartment sizes conform to the scale presented in Section 1002.J and that off-street parking is provided according to the scale presented in Section 1204.
5. Access to and from residential units shall be independent of access to and from any non-residential use located within the mixed-use structure. Independent access may be provided externally to the building or from an internal system of hallways and staircases. Under no circumstances should residents be required to gain access to a residential unit through commercial, business office, or professional office spaces.

6. Access to second and third floor uses, whether residential, commercial or professional office in nature, shall be approved by appropriate local fire protection officials. The property owner shall supply all residential units and each floor of commercial or professional office space with fire alarms, kept in working condition by the property owner at all times.
7. The property owner shall provide exit signs in all hallways leading to and from second and third floor uses. In addition, the property owner shall provide each hallway serving independent units and each use area with fire alarms, kept in working condition by the property owner at all times.

W. **Mobile Home Park.**

1. All mobile home park proposals shall meet the applicable standards contained in the Abbottstown Borough Subdivision and Land Development Ordinance.

X. **Multi-family Development.**

1. No Multi-family Dwelling shall include more than sixteen (16) dwelling units.
2. In addition to the setback and yard requirements of the underlying zoning district, every Multi-family Dwelling shall meet the following building separation requirements.
 - a. The front façade of a Multi-family Dwelling shall be no closer than fifty (50) feet to any façade of any other Multi-family Dwelling.
 - b. The side and rear facades of a Multi-family Dwelling shall be no closer than thirty (30) feet to the side and rear facades of any other Multi-family Dwelling.
3. All Multi-family Dwelling shall comply with the following architectural requirements:
 - a. Windows shall constitute a minimum of fifteen percent (15%) of the total area of every external wall.
 - b. A minimum roof pitch of no less than 4/12 shall be used.
4. Off-street parking shall not be located between the front façade of the building and the adjoining street right-of-way or access drive. Such parking shall be provided in one or more of the following locations.
 - a. In a common parking lot located to the rear of the building.
 - b. In a common garage located underneath the building and accessed from the rear of the building.

- c. In garage spaces dedicated to individual dwelling units and accessed from the side or rear of the building.
 - d. A maximum of two access driveways are permitted to provide access a common parking area from public streets or main internal circulation driveways.
5. Architectural styles and building materials shall be similar to those found in surrounding residential areas. An architectural rendering shall be supplied showing all architectural elements and indicating construction materials.
 6. Landscaping, including around trash disposal and pick-up areas, shall be provided in accordance with Section 903.

Y. **Nursing or Residential Care Facilities.**

1. *Permitted Uses.* The following types of uses shall be authorized to be included within Nursing or Residential Care Facilities:
 - a. *Residential Uses.* At least one of the following forms of residential arrangements shall be provided within a Nursing or Residential Care Facility.
 1. Assisted living units shall be of the multi-family dwelling unit type.
 2. Nursing or skilled units shall be located within a licensed facility providing medical care and related services.
 - b. *Common Uses.* The following common uses shall be permitted to be located within a Nursing or Residential Care Facility:
 1. Dining facilities, including central kitchens and dining areas for on-site preparation and serving of meals.
 2. Recreation facilities, including but not limited to activity rooms, auditoriums, lounges, and libraries.
 3. Health care facilities, including but not limited to physical therapy facilities and services, exercise room with equipment, swimming pools.
 5. Personal service uses intended to serve the residents of the CCRC, provided that such personal service uses do not exceed 5 percent of the total floor area within the Nursing or Residential Care Facility.
 6. Professional office uses intended to serve the residents of the Nursing or Residential Care Facility, provided that such professional office uses do not exceed 10 percent of the total floor area within the Nursing or Residential Care Facility. Floor area devoted to medical or

care services offered directly within a nursing or skilled care facility shall not be included in calculating this percentage.

7. Chapels.

2. *Bulk and Area Regulations.* The following regulations shall be observed for Nursing or Residential Care Facility developments:
- a. *Maximum Development Density.* The maximum residential density of a Nursing or Residential Care Facility development shall be defined by the density authorized in the zoning district where the Nursing or Residential Care Facility development is proposed. The following weighting factors shall be employed when calculating project density.
 1. Each assisted living unit shall be counted as 0.75 of a dwelling unit.
 2. Each nursing or skilled unit shall be counted as 0.50 of a dwelling unit.
 - b. *Minimum Lot Size:* 3 acres.
 - c. *Maximum Impervious Coverage:* 65%.
 - d. *Maximum Building Height:* Maximum building height shall be defined by the zoning district where the Nursing or Residential Care Facility development is proposed.
 - e. *Building Placement.* A Nursing or Residential Care Facility development shall be designed as a campus-like setting. Dimensional requirements are not established for individual residential or nonresidential use types, provided that the overall project density requirements established for Nursing or Residential Care Facility developments are achieved and that the following dimensional requirements for the CCRC development are applied to the Nursing or Residential Care Facility parcel as a whole.
 1. Minimum front setback: 25 feet.
 2. Minimum side setback: 10 feet.
 3. Minimum rear setback: 25 feet.
 4. Minimum lot width: 200 feet.
 - f. *Minimum Building Separation.* The following minimum building separation distances shall be applied to all buildings within the Nursing or Residential Care Facility development:
 1. Front to front: 50 feet.
 2. Front to side: 25 feet.

3. Side to side: 15 feet.
 4. Side to rear: 25 feet.
 5. Rear to rear: 50 feet.
3. *Design Requirements.* A Nursing or Residential Care Facility development shall be subject to the following design standards:
- a. *Dwelling Unit Standards.* The following standards shall be applied to all dwelling units within a Nursing or Residential Care Facility development:
 1. *Accessible Dwellings.* A minimum of 25 percent of the dwelling units within a Nursing or Residential Care Facility development shall be designed to be accessible to disabled or handicapped residents.
 2. *Single-Family Attached Dwellings.* All single-family attached dwellings shall meet the design requirements established in Section 1002.ff.
 3. *Apartment Dwellings and Nursing or Skilled Unit Buildings.* All apartment dwellings shall meet the design requirements established in Section 1002.x.
 - b. *Parking.* Off-street parking shall be provided in accordance with Article XII.
 - c. A landscaping plan shall be prepared for the entire development site in accordance with Section 903. Three planting units shall be provided for every dwelling unit within the development.
- Z. **Public or Private Schools.**
1. A site circulation plan that separates the bus loading and drop off zone(s) from student, employee and/or visitor parking areas shall be provided. Under no circumstances shall pedestrian facilities for students, employees or visitors be allowed to cross through the bus loading and drop-off zone(s).
- AA. **Recycled Material Collection and Processing Facilities.**
1. All operations, including collection, shall be conducted within a wholly enclosed building.
 2. There shall be no outdoor storage of materials collected, used, or generated by the operation.
 3. The applicant shall provide a written explanation of the scope of the operation and any measures used to mitigate problems associated with noise, fumes, dust, and litter.

4. The applicant will assure regular maintenance and the immediate collection of stray debris.
5. The lot shall have direct access onto a roadway deemed adequate by the Borough Engineer as having adequate structural and geometric characteristics to accommodate the anticipated future truck traffic.
6. The facility shall not be located within five hundred (500) feet of any residential use or district.

BB. Residential Daycare Facilities.

1. The operator shall provide proof that both the provider and structure have been licensed by the appropriate County and State Agencies.
2. No more than five (5) persons shall receive care at any one time
3. The operator shall provide a plan showing the location of all fenced, outdoor play areas associated with the daycare use. These areas shall not be located in any designated front yards.
4. No portion of a Residential Daycare Facility shall be located within a 300 foot distance from any potentially hazardous land use or activity which could pose a threat to the safety and welfare of the children, staff, and other occupants at the facility. Hazardous land uses or activities include, but shall not be limited to, gasoline service stations, heavy industrial operations, storage of flammable or high pressure underground pipelines, truck or rail loading areas, or other similar uses.

CC. Repair Services.

1. This use shall not include any vehicular related repair services.
2. All materials associated with the repair services shall be stored in an enclosed building.

DD. Self-storage Facilities.

1. Structures containing self-storage units shall be limited to one (1) story and shall not exceed twelve (12) feet in height.
2. Each individual storage unit shall abut a paved access aisle at least twenty (20) feet wide.
3. A security fence at least six (6) feet high shall surround a self-storage facility, and access through such fence shall be by way of an automatic gate, security guard, or similar means.

4. A buffer yard at twenty-five (25) feet in width, including a planting screen, shall be provided when a self-storage facility abuts an existing residential use or a residential district and shall be in accordance with the standards for such. Within the buffer yard, the developer shall provide vegetation to provide visual screening. The screening shall contain various types and sizes of plant species, arranged in such a manner to establish an effective visual barrier.
5. The use of individual storage units shall be restricted to household goods and business equipment, supplies, and records. No storage of perishable items or hazardous, explosive, or highly flammable materials, or materials that emit noxious odors shall be permitted. No business activities including, but not limited to, equipment servicing or repair, shall be conducted on the site. Storage units shall not be used as areas for rehearsals by musical groups.
6. No storage outside of individual units shall be permitted.
7. No outdoor storage of recreational vehicles, boats, or similar vehicles shall be permitted, except in approved vehicle storage areas.
8. No outdoor storage of unlicensed vehicles shall be permitted.
9. A self-storage facility may include an office/residence for an on-site manager/caretaker as part of the principal use. This building shall not be used solely as a residence, but must serve, in part, as an office for the self-storage facility. The building may be occupied as a dwelling by only manager/caretaker and his/her family.
10. Parking shall be provided in accordance with Article XII.
11. All access drives, aisles, parking, and loading areas shall be constructed in accordance with applicable requirements of the Abbottstown Borough Subdivision and Land Development Ordinance.
12. Lighting shall be permitted in accordance with this Ordinance.

EE. **Shopping Centers.**

1. A shopping center shall contain a minimum of four (4) separate uses.
2. Off-street parking shall be provided in accordance with Article XII of this ordinance.
3. The developer shall design the plaza at a pedestrian scale, such that the arrangement of buildings creates a cluster of commercial uses surrounding a center court. Parking areas shall be located to the sides or rear of the property. Under no circumstances will the typical "strip" development, with buildings arranged parallel to the road and parking located in front of the buildings, be permitted.

4. An architectural rendering showing the appearance of store facades, including all signage, building materials, and colors, shall be submitted with the site plan.
5. Only one primary ingress and egress point shall be permitted. The access shall be located on a road classified as an arterial road.
6. A secondary ingress and egress point shall be permitted as well, provided it is limited to right-in, right-out turning movements. The access shall not be located on the same road as the primary ingress and egress point.
7. The applicant shall work with the Borough, the County, and the State, as applicable, to determine the most suitable placement of all ingress and egress points. The applicant shall be responsible for any traffic control devices required as a result of the development.

FF. **Single-family Attached Dwellings.**

1. No building consisting of Single-Family Attached Dwellings shall include more than eight (8) dwelling units.
2. In addition to the setback and yard requirements of the underlying zoning district, Single-Family Attached Dwellings shall meet the following building separation requirements.
 - a. The front façade of a building consisting of Single-Family Attached Dwellings shall be no closer than thirty (30) feet to any façade of any other building consisting of Single-Family Attached Dwellings.
 - b. The side and rear facades of a building consisting of Single-Family Attached Dwellings shall be no closer than twenty (20) feet to the side and rear facades of any other building consisting of Single-Family Attached Dwellings.
3. Within any building consisting of Single-Family Attached dwellings, no adjacent Single-Family Attached units shall have a building footprint placed at the same distance from the front lot line, the street line, access drive line, or other feature defining the front of the property. The building footprint of adjacent dwellings shall vary by no less than two (2) feet and no more than four (4) feet to create a “staggered” appearance of the individual Single-Family Attached units. Further, the roof plane shall vary from dwelling unit to dwelling unit in a manner consistent with the variation in the location of the front and rear of the building footprint.
4. There shall be, for any building consisting of Single-Family Attached dwellings, at least three (3) different architectural plans having substantially different designs, building materials, and exterior and floor elevations.
5. All Single-Family Attached units shall comply with the following architectural requirements:

- a. Windows shall constitute a minimum of fifteen percent (15%) of the total area of every front and rear wall, and ten percent (10%) of the total area of every side wall.
 - b. A minimum roof pitch of no less than 4/12 shall be used.
 - c. Eaves shall be provided on all Single-Family Attached buildings. The use of eaves in coordination with additional architectural features, such as dentils, brackets, and decorative moldings, is strongly encouraged.
 - d. An architectural feature, such as but not limited to vertical bands, shall be used to delineate the individual dwelling units of a building consisting of Single-Family Attached dwelling units. In no event shall the building façade transition from one dwelling unit to another without a distinct visual or architectural break between the two units.
6. On any building consisting of Single-Family Attached dwelling units, all individual dwelling units shall share a common roofing material and color.
 7. Off-street parking shall be provided in accordance with Article XII.

GG. **Truck Terminals, Warehousing, Wholesaling and/or Distribution Facilities.**

1. These provisions shall not apply to wholesale buying or membership clubs that are open to the public.
2. There shall be a two (2) acre minimum lot size.
3. A one-hundred (100) foot setback line shall be required along any boundary line that separates the site from a zoning district that permits residential development or from an existing residential property.
4. A twenty (20) foot buffer yard shall be provided along the exterior lot lines, except for vehicular and pedestrian access areas traversing the yard areas.
5. Within the buffer yard, the developer shall provide vegetation to provide visual screening. The screening shall contain various types and sizes of plant species, arranged in such a manner to establish an effective visual barrier.
6. Loading and unloading docks shall be located on the side of the building furthest removed from the closest residential structure.
7. The loading and unloading areas shall be designed such that all truck maneuvering can be accomplished on the property inside all road rights-of-way.
8. A site plan shall be submitted to the Borough Council for use at the Conditional Use hearing during which the project will be reviewed. The site plan shall show building

dimension and placement, internal circulation, landscaping, and all other pertinent design information needed for the complete review of the project.

9. Truck or rail access and operations shall not conflict with the convenience and safety of vehicular traffic and parking.
10. No storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, or similar items shall be permitted.

HH. **Undertaking and Crematorium Establishments.**

1. Undertaking and crematorium establishments, which may be combined or separate uses, may also include a funeral home component and shall meet all applicable state and federal regulations. A copy of any license and/or permit required to operate shall be provided to the Borough prior to approval.

II. **Vehicle Sales, Service and/or Repair.**

1. All services not normally associated with vehicular sales, including but not necessarily limited to major vehicular repair, shall be performed within a completely enclosed building.
2. A site circulation plan that separates those patrons awaiting vehicle repair from those patrons awaiting other services shall be prepared. At a minimum, parking shall not be permitted between the service bays and any other component of the operation. A "No Parking" lane shall be established in front of the entrance to the service bays.
3. All repair and paint work shall be performed within an enclosed building.
4. All provisions shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.
5. Outdoor storage of vehicles shall not exceed three (3) times the indoor repair area, shall only be back of the front building setback line and shall be no closer than twenty (20) feet from side and rear lot lines.
6. All dismantled vehicles and vehicle parts are to be located within an enclosed building. Outdoor storage of vehicle parts and junk shall be prohibited.
7. Main or accessory buildings shall not be located closer than fifty (50) feet to any residential district or the lot line of any existing principally residential use.
8. No more than five (5) vehicles in non-drivable condition shall be stored within view of a public road or adjacent lot.
9. Any vehicle on the premises longer than fourteen (14) days shall be deemed to be a stored vehicle. No vehicle shall be stored in excess of forty-five (45) days.

10. No recreational vehicle that is under repair at a repair station shall be utilized for temporary dwelling purposes during the time that it is stored at the repair station.

JJ. **Veterinary and Animal Hospitals.**

1. A minimum lot size of at least one (1) acre shall be required for those animal hospitals treating small animals (such as dogs, cats, and birds). A minimum lot size of at least three (3) acres shall be required for those animal hospitals treating large animals (such as cattle, horses, and other livestock).
2. All buildings in which animals are housed or provided care shall be located at least fifty (50) feet from all lot lines. Buildings shall be adequately soundproofed so that sounds outside the building will be minimized and not result in a nuisance.
3. Outdoor animal runs may be provided for small animals so long as a visual barrier at least four (4) feet in height is provided between the runs and a double evergreen screen at least six (6) feet in height is provided around the runs. No animal shall be permitted to use the outdoor runs from 10:00 p.m. to 7:00 a.m.
4. An animal hospital shall not include the sheltering of stray, abandoned or unwanted animals.
5. Animals may be kept overnight on a limited basis, usually for a single night as a follow-up to specific treatment that requires such a stay. Animals that are kept overnight must remain inside the building and may be taken outside for a limited time only by office staff.

KK. **Wireless Communications Antennas.** These standards apply to wireless communications antennas mounted on an existing Public Utility Transmission Tower, Building, or Other Structure, along with associated Communications Equipment Buildings.

1. Building mounted Wireless Communications Antennas shall not be located on any single family detached dwelling.
2. Building mounted Wireless Communications Antennas shall not be permitted to exceed the height of the structure it is mounted on by more than twenty (20) feet. Omnidirectional or whip Wireless Communications Antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter.
3. Directional or panel Wireless Communications Antennas shall not exceed five (5) feet in height and three (3) feet in width.
4. Any applicant proposing Wireless Communications Antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

5. Any applicant proposing Wireless Communications Antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the enforcement officer for compliance with all Codes and applicable law.
6. Any applicant proposing Wireless Communications Antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Wireless Communications Equipment Building can be accomplished.
7. Wireless Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
8. Wireless Communications Antennas shall not cause radio frequency interference with other communications facilities located in Abbottstown Borough.
9. Any Wireless Communications Equipment Building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.
10. The owner or operator of the Wireless Communications Antennas shall be licensed by the Federal Communications Commission to operate such antennas.

LL. **Wireless Communications Towers.** The following standards shall be applicable to the erection of a new, or an enlargement of an existing, wireless communication tower.

1. Evaluation of Siting Opportunities: An applicant seeking Zoning Permit approval to erect a wireless communications tower or enlarge an existing wireless communications tower shall demonstrate compliance with the following requirements.
 - a. An applicant shall demonstrate that all structures in excess of fifty (50) feet in height within a one (1) mile radius of the proposed site have been evaluated as an alternative site. Installation opportunities include, but are not limited to, smoke stacks, water towers, agricultural silos, tall buildings, towers operated by other wireless communication companies, and other communications towers (fire, police, etc.). The applicant shall provide a site alternative analysis describing the location of other sites that were considered, the availability of those sites, the extent to which other sites do or do not meet the provider's service or engineering needs, and the reason why the alternative site was not chosen. Where an alternative site is not chosen, supplementary evidence shall include one (1) or more of the following reasons for not proposing to install wireless communications antenna on the alternative site:

- i. The proposed antennas and related equipment would exceed the structural capacity of the existing structure, as certified by an engineers licensed in the Commonwealth of Pennsylvania, and that appropriate reinforcement cannot be accomplished.
 - ii. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment, as certified by an appropriate technical expert, and that the interference cannot be effectively mitigated.
 - iii. The existing structure does not possess appropriate location, space, or access, to accommodate the proposed antennae and equipment or to allow the antennae and equipment to perform their intended function.
 - iv. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure that exceeds applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. Such a determination shall be certified by an appropriate technical expert.
 - v. A commercially reasonable agreement could not be reached with the owners of such structures. Where such an agreement is not reached, the applicant shall indicate why any offers or counter-offers made were deemed to be unreasonable.
 - b. If the applicant claims that no structures in excess of fifty (50) feet exist within the study area, the applicant shall provide evidence detailing how such determination was made. Such written evidence shall be submitted, and deemed to be complete, before approval for the erection of a wireless communications tower may occur.
 - c. An applicant shall demonstrate that the proposed facility is needed at the proposed location. The applicant shall provide an existing coverage analysis demonstrating a “dead spot” at or near the proposed tower location.
 - d. An applicant shall provide a written analysis that identifies potential negative impacts on neighboring residents and properties, and indicates how negative impacts will be effectively mitigated.
2. Where the applicant has demonstrated that no opportunities exist to site wireless communications antenna on an existing structure and that a wireless communications tower is necessary, the following siting criteria must be met:

- a. The minimum distance between the base of the wireless communications tower, or any anchoring guy wires, and any property line or public road right-of-way, shall be a minimum of thirty percent (30%) of the tower height.
 - b. The minimum distance between the base of the tower, or any anchoring guy wires, and residential, place of worship, or school property shall be two hundred (200) feet.
 - c. Where such features exist, the applicant shall use one or more of the following or similar natural features to minimize the visibility of the wireless communications tower:
 - i. Groves of Trees
 - ii. Sides of Hills
3. An applicant must demonstrate that a proposed wireless communications tower is the minimum height required to function satisfactorily. The maximum height of a wireless communications tower shall be one hundred twenty (120) feet, exclusive of any antennas or other equipment attached thereto. The maximum height of a wireless communications tower including any antennas or other equipment attached thereto shall be one hundred thirty (130) feet.
4. An applicant shall demonstrate that the proposed tower will not negatively affect surrounding areas as a result of structural failure, falling ice or other debris, or radio frequency interference. All wireless communications towers shall be fitted with anti-climbing devices, as approved by the manufacturers.
5. The applicant shall use the monopole, or davit-pole, type of wireless communications tower. Lattice type wireless communications towers shall be prohibited.
6. The applicant shall demonstrate compliance with the following landscaping requirements:
 - a. The base of the wireless communications tower, any supporting cables or guy wires, maintenance buildings, and parking areas, shall be enclosed by a protective fence. The protective fence shall be a minimum of six (6) feet in height.
 - b. An evergreen screen shall be planted around the external perimeter of the protective fence. Evergreen trees shall be a minimum of six (6) feet at planting, and shall reach a minimum height of fifteen (15) feet at maturity. Any trees which die within a year of planting shall be replaced by the applicant. Where the tower site is either fully or partially located within a grove of existing trees, the evergreen screen requirement may be waived

along any portion of the protective fence that is blocked from view from beyond the property line hosting the facility by said grove of trees.

7. Where a specific color pattern is not required by the Federal Aviation Administration (FAA), wireless communications tower colors shall be a light grey or galvanized metal color. Towers shall be finished, treated and maintained in a manner that prevents the formation of rust.
8. Off-street parking shall be provided in accordance with Article XII.
9. Access to a wireless communications tower facility shall be provided by an access driveway located within an easement of at least twenty (20) feet in width. The access driveway shall be a minimum of ten (10) feet in width, and shall be constructed with a dust-free, all weather surface for its entire length.
10. An applicant shall obtain land development and/or all other approvals/permits from the Borough prior to Zoning Permit approval.
11. A list of the contents of the equipment building or box, with specific attention to any potentially unsafe or toxic substances, including batteries, to be located in the facility, shall be provided. Documentation demonstrating how any spills of unsafe or toxic material will be contained within the equipment building or box shall also be provided.
12. Information regarding the intended power supply and auxiliary power supply for the facility shall be provided.

ARTICLE XI
SIGN STANDARDS

Section 1101: Statement of Intent

In expansion of the Community Development Objectives in Section 102 of this Ordinance, it is hereby declared to be the intent of this Section to place reasonable standards on the erection and maintenance of signs within the Borough of Abbottstown. Furthermore, it is the intent of this Section to:

- A. Maintain and enhance the aesthetic qualities of the historic, mixed use core of Abbottstown by encouraging signs to be designed of sizes, shapes, colors, and styles complimentary to the historic character of Abbottstown.
- B. Allow signs in all zoning districts that balance the needs of individual property owners with the desire of the community to perpetuate an attractive, livable environment.
- C. Maintain adequate traffic safety standards by minimizing the negative sensory impacts of excessive signage as well as minimizing signage conflicts with necessary traffic control signs and equipment.
- D. Encourage signage that will meet the needs of pedestrians and occupants of moving vehicles traveling at speeds of 20 to 30 miles per hour.

Section 1102: Administration

A. **Sign Permits.** No Sign shall be erected, enlarged, or relocated until a permit for doing so has been issued by the Zoning Officer. All applications for a Sign Permit shall be made to the Zoning Officer and shall conform to the following requirements.

- 1. Name, address and telephone number of applicant.
- 2. Scaled drawings indicating:
 - a. Location of building, structure, or lot to or upon which the sign is to be attached or located.
 - b. Position of the sign in relation to nearby buildings or structures.
 - c. A rendering of the sign including its shape, size and text and/or image copy.
- 3. Name of the person, firm, corporation, or associations erecting the sign.
- 4. Written consent of the owner of the building, structure, or land to or on which the sign is to be located.
- 5. Other information as required by the Zoning Officer to demonstrate full compliance with this and all other codes and ordinances of the Borough of Abbottstown.

6. All applicable Permits Fees, as established by resolution by The Borough Council of The Borough of Abbottstown, shall be paid.
- B. **Changes to Installed Signs.** If there is any change in location or dimensions of any sign, then a new sign permit shall be obtained in accordance with the requirements of Sections 1102.A and 1103 through 1107.
- C. **Revocation of Permits.** All permits shall be subject to revocation upon fifteen (15) days written notice for violation of any provision or upon change of information provided in the application. Revocation of a permit shall not be cause for refund of the permit fee.
- D. **Non-conforming Sign Standards.** Any sign lawfully existing at the time of the passage of this ordinance that does not conform with the regulations of the district in which such sign is located shall be considered non-conforming. Said signs shall be subject to the following conditions:
1. The requirements of Section 1305 shall apply.
 2. Any parcel containing a non-conforming sign of any type, regardless of the nature of the non-conformity, shall not be permitted to erect any additional signage until all signage on site is brought into conformity with the requirements of this ordinance.
- E. **Abandoned Signs.** A sign and its structure shall be considered abandoned when:
1. The sign is associated with an abandoned use.
 2. The sign remains after the termination of a business. A business is presumed to have ceased operation if it is closed to the public for at least one (1) calendar year. Seasonal businesses are exempt from this determination.

Section 1103: Permitted Signs

The following types of signs shall be authorized within the Borough of Abbottstown.

- A. Permanent Signs.
1. Awning Signs
 2. Billboard Signs
 3. Canopy Signs
 4. Directory Signs
 5. Drive-through Menu Boards
 6. Fascia Signs
 7. Freestanding Signs
 8. Home Occupation / Cottage Industry Sign
 9. Hours of Operation Signs
 10. Open/Closed Signs
 11. Pennant, Feather, Streamer, Flag and Inflatable Signs
 12. Projecting Signs

- 13. Residential Development/Neighborhood Signs
- 14. Revolving Barbershop Poles
- 15. Sandwich Board Signs
- 16. Wall Signs
- 17. Window Signs
- B. Directional Signs
 - 1. Non-Residential Establishment Entrance and Exit Signs
 - 2. Off-Premise Directional Signs
- C. Temporary Signs
 - 1. No Trespassing or Private Property Signs.
 - 2. Real Estate Signs
 - 3. Contractor Signs
 - 4. Developer Signs
 - 5. Yard or Garage Sale Signs
 - 6. Business Grand Opening Signs
 - 7. Special Event Signs
- D. Exempt Signs
 - 1. Official Street and Traffic Signs
 - 2. Other Signs required by State or Federal Law
 - 3. Political Signs
 - 4. Street Number and Nameplate Signs
 - 5. Governmental Flags or Insignias
 - 6. Public Service Signs
 - 7. Legal Notices
 - 8. Vending Machine Signs
 - 9. Memorial Signs or Historical Signs or Markers

Section 1104: Prohibited Signs

The following types of signs and/or sign design features are prohibited in all districts.

- A. Flashing signs and/or flashing and/or rotating lights.
- B. Revolving, rotating, or otherwise moving signs.
- C. Animated signs.
- D. Animated and/or changeable copy signs except when copy is changed manually. Signs with the express purpose of displaying the time and/or temperature or the price of gasoline are exempted from this requirement.
- E. Electronic signs advertising a business name and/or products for sale on-site or off-site.
- F. Portable signs, excluding Sandwich Board Signs and signs authorized per Sections 1105.C and 1105.D.

- G. Any sign located in or extending into a public right-of-way, except official street and traffic signs and other signs required by State or Federal Law.
- H. Any sign attached to a trailer or a vehicle, where any such trailer or vehicle is allowed to remain parked in the same location or in the same vicinity at frequent times, or for extended periods of time (longer than one week), and is exposed to view from a public road, shall be considered a sign subject to the provisions of this Chapter. This provision does not restrict the use of identification signs on vehicles actively used for delivery service, interstate commerce, or any bona fide transportation activity, or which are parked within an enclosure or screened area blocking them from view from a public road.
- I. Any sign which uses the words “stop”, “look”, “danger”, or any other word or character which attempts or appears to attempt to direct the movement of traffic or which interferes with or resembles any official traffic sign, signal, or device.
- J. Open flames used to attract public attention to a place of business or to an advertising sign.
- K. Signs within the center circle portion of the Abbottstown Square or any public road or street right-of-way.
- L. Signs that include words, phrases or pictures which are considered to be vulgar, obscene or pornographic. This prohibition only applies to signs which, taken as a whole appeal to the prurient interest in sex; which portray sexual conduct in a patently offensive way; and which taken as a whole, do not have serious literary, artistic, political or scientific value.
- M. Pennant, Feather, Streamer, Flag and Inflatable Signs shall not be permitted within the LDR, MDR, TCR and TCMU Districts.

Section 1105: Design Regulations for Signs

The following design standards shall apply for signs within the Borough of Abbottstown, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance.

- A. **Permanent Signs.**
 - 1. **Awning Signs**
 - a. The copy area of an awning sign shall not exceed an area equal to 25% of the background area of the awning surface to which such sign is affixed.
 - 2. **Billboard Signs**
 - a. Billboard signs are permitted by Conditional Use.
 - b. Billboard signs shall only be permitted on properties within the CI District with road frontage on Route 30.

- c. The maximum angle between two sides of a billboard sign shall be 60°.
- d. The maximum area of any one side of a billboard sign shall not exceed one hundred fifty (150) square feet.
- e. The total area of all sides of a billboard sign shall not exceed three hundred (300) square feet.
- f. The maximum height of a billboard sign shall not exceed twenty-five (25) feet.
- g. The minimum clearance height of a billboard sign shall be seven (7) feet.
- h. All billboard signs shall be set back a minimum of fifty feet from all public road rights-of-way.

3. **Canopy Signs**

- a. The permanently fixed copy area of canopy signs shall not exceed an area equal to 25% of the face of the canopy, marquee or architectural projection upon which such sign is applied.
- b. Graphic striping, patterns or color bands on the face of a building, canopy, marquee or architectural projection shall not be included in the computation of sign copy area.

4. **Directory Signs**

- a. One sign may be erected for each major parking area or each main entrance to a building.
- b. The maximum area of a directory sign shall be one (1) square foot for each linear foot of building façade up to a maximum of 25 square feet per side.
- c. Directory signs may be wall-mounted or freestanding.
- d. Freestanding directory signs shall have a maximum height of twelve (12) feet, including any supporting structure components.
- e. Freestanding directory signs shall have a maximum of four (4) sides.

5. **Drive-through Menu Boards**

- a. The drive-through menu board shall be located adjacent to the Drive-through lane.
- b. All drive-through menu boards shall have a maximum sign area of 32 square feet, with no dimension more than 12 feet. However, drive-through menu board signs may increase the maximum permitted area by 50% if the height of the freestanding sign, including support structure, is no greater than eight feet.
- c. There shall be no more than one drive-through menu board per drive-through lane.

- d. The height of all drive-through menu boards, including any mounting or other support structures, shall be in no greater than 15 feet as measured from the average existing grade directly below the sign.
- e. The drive-through menu boards shall only be used to display those products and services offered at the on-site drive-through.

6. Fascia Signs

- a. A fascia sign shall have a minimum clearance of eight (8) feet from the sidewalk and shall not extend above the eaves of parapet of the building.
- b. The area of a fascia sign shall be limited by the width of the occupant's building façade.
- c. The maximum height of the text or image copy a fascia sign shall be two (2) feet.
- d. No text or image copy of a fascia sign shall extend within two (2) feet of the party or end wall of a building.

7. Freestanding Sign

- a. One (1) freestanding sign shall be permitted on a lot.
- b. The sign shall be set back at least eight (8) feet from the right-of-way line or twelve feet from the curb line, whichever is greater.
- c. The sign location shall meet the side and rear setbacks for the underlying zoning district. However, under no circumstances shall a sign be located less than five (5) feet from a side or rear lot line.
- d. Freestanding signs shall not be permitted on a site where a freestanding directory sign has already been erected.
- e. The area of the sign shall be one (1) square foot for each linear foot of the building façade up to a maximum of 25 square feet per side.
- f. The maximum height of the sign, including any supporting structure components, shall be twelve (12) feet.
- g. Freestanding signs shall not be permitted on any properties immediately adjacent to the Abbottstown Square.

8. Home Occupation / Cottage Industry Sign

- a. A maximum of one (1) sign per property shall be permitted for each home occupation and/or cottage industry operated on the property.
- b. These signs shall not display the name or logo of specific product brands for sale on the property.
- c. The area of the sign shall be a maximum of ten (10) square feet per side.
- d. The maximum height of the sign shall be six (6) feet.

9. Hours of Operation Sign

- a. A maximum of one (1) sign displaying the hours of operation shall be permitted for each non-residential use of a property.
- b. The area of the sign shall be a maximum of four (4) square feet.
- c. The sign shall be mounted on or in a window or door.

10. Open/Closed Sign

- a. A maximum of one (1) sign displaying its open or closed status shall be permitted for each non-residential use of a property.
- b. The area of the sign shall be a maximum of four (4) square feet.
- c. The sign shall be mounted on or in a window or door.

11. Pennant, Feather, Streamer, Flag and Inflatable Signs

- a. Such signs shall only be permitted within the CI District.
- b. A maximum of one (1) sign per tenant shall be permitted. However, no more than two (2) such signs shall be located on any one property.
- c. The maximum area of any one side of a sign shall not exceed twenty (20) square feet.
- d. The maximum height of each sign, including any supporting structure components, shall be ten (10) feet.

12. Projecting Signs

- a. One (1) projecting sign may be erected on a building and/or structure fronting onto a public right-of-way if that premises has a minimum of 50 linear feet of frontage onto the public right-of-way.
- b. The sign location shall at least five (5) feet from the end of the building or structure to which it is attached.
- c. The sign shall maintain a minimum clearance of eight (8) feet from the sidewalk and shall not extend above the eaves or parapet of the building.
- d. The sign shall not project more than four (4) feet beyond the outer building wall.
- e. The area of the sign shall be a maximum of twenty (20) square feet per side.

13. Residential Development/Neighborhood Signs

- a. A maximum of one (1) sign per street entrance shall be permitted.
- b. The maximum area of any one side of a sign shall not exceed twenty (20) square feet.
- c. The total area of the sign shall not exceed forty (40) square feet.

- d. The maximum height of each sign shall be eight (8) feet.
- e. The maximum height of the sign, including any supporting structure components, shall be ten (10) feet.

14. Revolving Barbershop Poles

- a. Barbershop poles may be freestanding or wall mounted. Freestanding barbershop poles are not permitted on a property where a Freestanding Sign exists or has been established per Section 1105.A.7.
- b. The maximum height of a freestanding barbershop pole shall be eight (8) feet, including any supporting structures.
- c. A wall mounted barbershop pole shall maintain a minimum clearance of eight (8) feet from the sidewalk and shall not extend above the eaves or parapet of the building.

15. Sandwich Board Signs

- a. Each non-residential use shall be permitted one (1) sandwich board sign along each public street the use fronts.
- b. Sandwich board signs shall not be permitted on a site where a freestanding sign or freestanding directory sign has already been erected.
- c. The maximum height of the sign shall be four (4) feet.
- d. The maximum width of the sign shall be two (2) feet.
- e. The sign shall be located directly in front of the business it is advertising.
- f. The sign shall not block a sidewalk, walkway or path.
- g. The sign may only be displayed during business hours.

16. Wall Signs

- a. The maximum area of a sign for all wall signs, excluding wall-mounted directory signs, shall not exceed 1.25 square feet of sign area per linear foot of building wall on the side of the building on which the sign is mounted.
- b. No text or image copy of a wall sign shall extend within two (2) feet of the party or end wall of a building.

17. Window Signs

- a. A window sign shall consist of words or a logo or both, but shall not have any painted background.
- b. Window signs shall not exceed 40% of the total area of the store-front window area.
- c. Window signs shall be transparent and shall not obstruct the view into the building from outside the window.

- d. No permanent window sign shall have any flashing lights or lighted displays.
- e. Signs advertising a specific manufacturer's labeled product are not permitted as window signs.
- f. Window signs meeting the above requirements are not counted towards the maximum number of permanent signs permitted on a building or lot.

B. **Directional Signs**

1. **Non-Residential Use Entrance and Exit Signs**

- a. A non-residential use shall be permitted to erect one (1) entrance and one (1) exit sign per public road frontage with an access drive. Lots with more than one use shall be limited to one (1) entrance and one (1) exit sign per public road frontage with an access drive for the entire property.
- b. The maximum area of any one side of a sign shall not exceed six (6) square feet.
- c. The total area of the sign shall not exceed twelve (12) square feet.
- d. The maximum height of the sign shall not exceed five (5) feet.

2. **Off-Premise Directional Signs**

- a. A maximum of one (1) off-premise directional sign shall be permitted per property.
- b. The maximum area of any one side of a sign shall not exceed twenty (20) square feet.
- c. The total area of the sign shall not exceed forty (40) square feet.
- d. The maximum height of the sign shall not exceed ten (10) feet.
- e. Off-premise directional signs shall not be permitted on any properties immediately adjacent to the Abbottstown Square.

C. **Temporary Signs.** The following temporary signs shall be exempt from the permitting requirements of Section 1102.A, provided the following standards are met.

1. **No Trespassing or Private Property Signs**

- a. The signs shall be separated by intervals of no less than 50'.
- b. The maximum area of any one side of a sign shall not exceed two (2) square feet.
- c. The total area of the sign shall not exceed four (4) square feet.
- d. The sign shall not be lighted in any manner.

2. Real Estate Signs

- a. Each separately deeded property shall be allowed one (1) such sign per public road frontage.
- b. The maximum area of any one side of a sign shall not exceed ten (10) square feet.
- c. The total area of the sign shall not exceed twenty (20) square feet.
- d. The maximum height of each sign shall be six (6) feet.
- e. The signs must be removed within five (5) business days following sale or rental of the property.

3. Contractor Signs

- a. A maximum of one (1) such sign per firm shall be permitted per separately deeded property.
- b. The maximum area of any one side of a sign shall not exceed eight (8) square feet.
- c. The total area of the sign shall not exceed sixteen (16) square feet.
- d. The maximum height of each sign shall be five (5) feet.
- e. The signs must be removed within one (1) day following completion of the work.

4. Developer Signs

- a. A maximum of one (1) such sign per street entrance shall be permitted.
- b. The maximum area of any one side of each sign shall not exceed twenty (20) square feet.
- c. The total area of each sign shall not exceed forty (40) square feet.
- d. The maximum height of each sign shall be eight (8) feet.
- e. The signs must be removed once all lots or units with the development site have been constructed.

5. Yard or Garage Sale Signs

- a. A maximum of two (2) signs shall be permitted per property.
- b. The maximum area of any one side of a sign shall not exceed four (4) square feet.
- c. The total area of the sign shall not exceed eight (8) square feet.
- d. The sign(s) shall not be displayed more than seven (7) days prior to the start of the event and shall be removed within one (1) day after the conclusion of the event.

6. Business Grand Opening Signs

- a. A maximum of one (1) such sign shall be permitted per business per public road frontage.
- b. The maximum area of any one side of a sign shall not exceed twenty (25) square feet.
- c. The total area of the sign shall not exceed forty (50) square feet.
- d. The sign(s) shall not be displayed for a period exceeding three (3) months out of every twelve (12) months.

7. Special Event Signs

- a. A maximum of one (1) special event sign shall be permitted per property.
- b. The maximum area of any one side of a sign shall not exceed twenty (20) square feet.
- c. The total area of the sign shall not exceed forty (40) square feet.
- d. The sign may be freestanding or wall mounted and shall conform to the height requirements in Section 1105 for Freestanding and Wall Signs.
- e. The sign(s) shall not be displayed more than fourteen (14) days prior to the start of the event and shall be removed within three (3) days after the conclusion of the event.

D. **Exempt Signs.** The following signs shall be exempt from the permitting requirements of Section 1102.A, provided the following standards are met.

1. Official Street and Traffic Signs

- a. There shall be no limits on the number, size or maximum height of Official Street and Traffic signs.

2. Other Signs required by State or Federal Law

- a. There shall be no limits on the number, size or maximum height of any non-street or traffic signs required by State or Federal Law.

3. Street Number and Nameplate Signs

- a. The area of the sign shall be a maximum of two (2) square feet.
- b. Each dwelling unit or establishment shall be permitted to erect one such sign per public road frontage.

4. Political Signs

- a. There shall be no restrictions on the size or number of political signs permitted on any property.
- b. All election signs shall be removed within five (5) days following the election date.

5. Government Flags or Insignias

- a. There shall be no restrictions on the size or number of government flags or insignias permitted on any property.
- b. All government flags intended for display overnight shall be lighted by external spotlight.

6. Public Service Signs

- a. Public service signs shall include those advertising availability of restrooms, telephones, or similar public conveniences, and directional signs for public safety directions.
- b. There shall be no restrictions of the number of such signs permitted on any property.
- c. The maximum area of the sign shall be four (4) square feet.
- d. Each sign shall be attached to a building or wall.

7. Legal Notices

- a. There shall be no restrictions on the size or number of legal notices permitted on any property.
- b. All such signs shall be removed within five (5) days following the date of the event.

8. Vending Machine Signs

- a. There shall be no restrictions on the size or number of vending machines or signs permitted on any property.
- b. Vending machines and signs shall not be located in the Front Yard of any property within the TCR or TCMU districts.

9. Memorial Signs or Historic Signs or Markers

- a. There shall be no restrictions of the number of such signs or markers permitted on any property.

Section 1106: General Regulations for Signs

The following general regulations shall apply to all signs within the Borough of Abbottstown, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance.

A. **Sign Location.** All signs shall comply with the following standards concerning sign location:

1. No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape. No sign shall be attached to a standpipe or fire escape.

2. No sign shall be erected at the intersection of streets so as to obstruct the clear sight triangle, established by the Borough Subdivision and Land Development Ordinance or applicable Penn DOT Highway Occupancy Permit (HOP) or other applicable State or Federal standards.
3. Unless specifically authorized elsewhere within this ordinance, no sign shall be erected within the legal right-of-way of any public or private street.

B. **Sign Illumination.** Unless specifically authorized elsewhere within this ordinance, no sign permitted within the ordinance shall be internally illuminated. Externally illuminated signs shall be done so using fully shielded or full-cutoff light fixtures.

C. **Sign Construction and Maintenance.** All signs shall comply with the following standards concerning construction and maintenance:

1. All signs shall be constructed of durable materials and kept in good condition and repair.
2. All lighting associated with any sign shall be done so in accordance with applicable Uniform Construction Code standards and the National Board of Fire Underwriters.
3. Whenever a sign becomes structurally unsafe or endangers the safety of the building or premise, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign must be made safe or removed within five (5) days.

D. **Sign Height.** The height of a sign shall be measured from the existing ground elevation at the base of the sign to the highest point of the sign structure.

E. **Calculating Sign Area.** For the purposes of this ordinance, the area of a sign shall be calculated as follows:

1. The area of the sign shall include the entire area within a single continuous perimeter enclosing the outer limits of the sign. The sign area shall not include any structural elements lying outside the limits of the sign and not forming an integral part of the display.
2. Unless otherwise stated by individual sign standards in Section 1105, in the case of an open sign made up of individual letters, attached to or painted on a building, wall, window, canopy, or awning, the sign area shall be that of the smallest rectangle or other geometric shape which encompasses all of the letters and symbols.
3. In computing the area of a double-faced sign, only one (1) face shall be considered, provided that both faces are identical in area. The maximum angle between sign faces shall be 60° for a sign to be considered a double-faced sign.

Section 1107: Permitted Sign Types by Zoning District

The following sign types shall be permitted with each zoning district as follows:

TABLE 1: SIGN TYPES BY ZONING DISTRICT

Zoning District	LDR	MDR	TCR	TCMU	CI	Notes
Number of Signs						
Signs per lot (Residential only)	1	1	1	1		Hours of Operations and Open/Closed Signs shall not count towards this limit.
Signs per lot (non-residential, single occupancy)			2	2	2	Window, Hours of Operations, and Open/Closed Signs, and Revolving Barbershop Poles shall not count towards these limits.
Signs per tenant (non-residential, multiple occupancy)			1	1	1	Window, Hours of Operations, and Open/Closed Signs, and Revolving Barbershop Poles shall not count towards these limits.
Signs per occupant of mixed-use structures			2	2	2	Window, Hours of Operations, and Open/Closed Signs, and Revolving Barbershop Poles shall not count towards these limits.
Signs for Home Occupations & Cottage Industries	1 each	1 each	1 each	1 each		Hours of Operations and Open/Closed Signs shall not count towards this limit
Permanent Signs						
Awning Signs				P	P	
Billboard Signs					CU	
Canopy Signs				P	P	
Directory Signs				P	P	
Drive-through Menu Boards					P	
Fascia Signs				P	P	
Freestanding Signs				P	P	
Home Occupation Sign	P	P	P			
Hours of Operation Signs	P	P	P	P	P	
Open/Closed Signs	P	P	P	P	P	
Projecting Signs				P	P	
Sandwich Board Signs				P	P	
Wall Signs				P	P	
Window Signs				P	P	
Residential Development/Neighborhood Signs	P	P	P			
Revolving Barbershop Pole	P	P	P	P		
Pennant, Feather, Streamer, Flag and Inflatable Signs					P	
Directional Signs						
Non-Residential Entrance and Exit Signs				P	P	
Off-Premise Directional Signs	P	P	P	P	P	

ARTICLE XII
PARKING AND LOADING STANDARDS

Section 1201: Statement of Intent

Off-street parking and loading facilities shall be provided to lessen congestion, to enhance safety, and to decrease the parking burden on and within public right-of-ways. The facilities required herein shall be available for the residents, occupants, patrons, or employees of the particular business or use for which such facilities are provided.

Section 1202: Parking Area Location and Access Standards

All off-street parking areas shall be designed to meet the following location and access standards.

- A. **Location of Off-Street Parking.** All off-street parking areas shall be located in accordance with the following standards.
1. Parking areas shall be located to the side or rear of the principal building.
 - a. For corner lots, parking shall not be permitted between the principal building and either street.
 2. Parking areas shall not be located between a building and the street.
 3. Parking areas shall be set back 10 feet from the legal right-of-way.
- B. **Vehicular Access.** Vehicular access to surface parking areas for non-residential uses shall be from an alley or side street, unless no such access exists. Access from arterial or collector street is prohibited unless no other means of street access exists. Parking areas shall be designed to prohibit vehicles from pulling through multiple parking spaces.
- C. **Pedestrian Access.** Safe provisions for pedestrian access to and through a parking lot shall be required. Surface parking areas and pedestrian walkways connecting to them shall be well-lit. All lighting fixtures shall be full cutoff fixtures.
- D. **Interconnection of Parking Areas.** Parking areas on abutting nonresidential lots shall be interconnected by access driveways. Each nonresidential lot shall provide cross access easements for its parking areas and access driveways guaranteeing access to adjacent lots. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.
- E. **Off-Street Parking for Single-family Detached, Semi-detached and Two-family Dwellings:** This section shall apply to any new residential subdivision or land development which includes five (5) or more new Single-family Detached, Semi-detached, and Two-family dwellings units. Within such subdivision or land developments, off-street parking shall be provided in accordance with the following requirements.
1. Front-loaded, side-loaded, or rear-loaded garages shall be designed in accordance with the following standards.

- a. Front-loaded garages shall be recessed a minimum of twelve (12) feet from the primary front façade of said dwelling units.
- b. Side-loaded garages shall be recessed a minimum of four (4) feet from the primary front façade of said dwelling units. The wall of a side-loaded garage that faces the street shall contain a minimum of one (1) window. Said window(s) shall comprise a minimum of five percent (5%) of the total area of the side wall facing the street. The area between the side wall of the garage and the front façade of the dwelling unit shall be landscaped.
- c. Rear-loaded garage shall be accessed by an alley designed to the specifications of the Abbottstown Borough SALDO. All rear-loaded garages shall meet the setback requirements for accessory structures of the underlying zoning district. A rear-loaded garage shall not be located closer than ten (10) feet from the street right-of-way line, regardless of the setbacks authorized in the underlying zoning district.

F. **Parking for Single-family Attached Dwellings:** This section shall apply to any new residential subdivision or land development which includes five (5) or more new Single-family Attached dwellings units. Within such subdivision or land developments, off-street parking shall be provided in accordance with the following requirements.

1. Off-street parking shall not be located between the front façade of the building and the adjoining street right-of-way or access drive. Such parking shall be provided in one or more of the following locations:
 - a. In a common parking lot located to the rear of the building.
 - b. In a common garage located underneath the building and accessed from the rear of the building.
 - c. In garage spaces dedicated to individual dwelling units and accessed from the side or rear of the building. All side-loaded garages shall be designed in accordance with Section 1202.E.
 - d. The only exception to this standard will be for a quadplex or similar form of single-family attached dwelling. In this case only, a parking space for one (1) of the units within the building may be accessed from the front of the overall building.

G. **Parking for Multi-family Buildings:** This section shall apply to any new Multi-family Attached dwellings units. Within such subdivision or land developments, off-street parking shall be provided in accordance with the following requirements.

1. Off-street parking shall not be located between the front façade of the building and the adjoining street right-of-way or access drive. Such parking shall be provided in one or more of the following locations:
 - a. In a common parking lot located to the rear of the building.
 - b. In a common garage located underneath the building and accessed from the rear of the building.
 - c. In garage spaces dedicated to individual dwelling units and accessed from the side or rear of the building. All side-loaded garages shall be designed in accordance with Section 1202.E.1.b
 - d. A maximum of two access driveways are permitted to provide access a common parking area from public streets or main internal circulation driveways.

Section 1203: Parking Area Design Standards

All off-street parking areas shall be designed to meet the following standards

- A. **Parking Space Dimensions.** All parking spaces shall be a minimum of 9 feet wide by 18 feet long. Handicap accessible spaces shall be designed in accordance with Section 1209.
- B. **Surface Materials.** All off-street parking areas shall meet the following requirements:
 1. All entrance and exit drives onto a public street shall be improved in accordance with PennDOT 408 specifications.
 2. All parking areas within the Commercial/Industrial (CI) District, and any parking lot serving multi-family dwellings, townhouses, and conversion units, shall be paved. Suitable paving material shall be asphalt or concrete.
 3. All parking areas other than those identified in Section 1203.B.2 shall be provided with a durable and dust free surface. Suitable paving material includes asphalt or concrete paving, compacted stone or millings, or other similar material that performs in a durable and dust free manner.
 4. Any parking spaces needed to meet ADA requirements for handicapped accessible parking shall be surfaced in accordance with ADA guidelines.
- C. **Circulation.** All off-street parking areas shall be designed to provide one-way travel provided the parking area has access to more than one street or alley.
 1. Internal circulation drives shall be uniform in width.
 2. All intersections and curves shall be 90 degree angles.
 3. Circulation control shall be designed to provide one way directional travel wherever possible. No parking shall be provided or permitted along any circulation drive or

entrance or exit drives. Drives shall be uniform in width and provide for ninety (90) degree intersections, whenever possible.

4. Parking access drives shall be provided as a means of vehicular travel to and from the entrance and exit drives and the parking spaces. Access drives shall be a minimum of twenty (20) feet wide where two-way directional travel is proposed and a minimum of twelve (12) feet wide where one-way directional travel is proposed.

D. **Landscaping of Parking Areas.** Parking areas shall be visually screened from existing and proposed streets by hedges, walls, buffer plantings, or similar site elements in accordance with the standards of Section 903.

E. **Stormwater Management.** All off-street parking areas shall be graded to provide for adequate drainage of stormwater from the parking areas and shall meet all applicable requirements of the Borough Subdivision and Land Development Ordinance and the Borough Stormwater Ordinance.

F. **Fire Lanes.** Fire lanes shall be provided whenever determined necessary by an appropriate Fire Chief.

G. **Parking Space Markers.** All parking spaces within all parking areas shall delineate the location of the parking spaces. Space delineation shall comply with the following requirements.

1. Parking spaces within parking areas surfaced with asphalt or concrete shall be delineated by four (4) inch wide painted lines or four (4) inch wide road surface tape. Paint or road surface tape shall be reapplied as necessary to ensure continuous visibility of the limits of each parking space.
2. Parking spaces within parking areas provided with a surface other than asphalt or concrete are not required to be delineated with paint or road surface tape. In such instances, a bumper block shall be used to define the location and orientation of each parking space. Bumper blocks shall be replaced at any time when said markings become damaged.

Section 1204: Parking Space Requirements by Use. All uses of land within the Borough of Abbottstown shall provide parking spaces in accordance with the following requirements. Where the calculation of the minimum number of required parking spaces for a specific use results in a fraction of a space, the minimum number of required spaces shall be rounded down (i.e. 2.45 spaces equals 2 spaces).

Use	Required Parking Spaces
Single-family Dwellings, including Attached, Detached, and Semi-Detached	2 per dwelling unit
Multi-family Dwellings, including Apartments and Duplexes	2 per dwelling unit
Townhouses	2 per dwelling unit
Mobile Home Park	2 per dwelling unit
All Other Residential Units	1 per dwelling unit
Bank/Financial Institution	4 per indoor teller window With a walk-up ATM, as above plus 2 per ATM. Other: 1 per 400 square feet of gross floor area
Bar, Nightclub, Pub or Tavern	1 per 100 square feet of patron floor area, plus 1 per employee on the largest shift.
Bed & Breakfast Inn and House	2 spaces plus 1 per guest or rental room
Contractor Offices, Supply Stores and Storage Yards (Building Materials, etc.)	1 per 500 square feet of gross floor area, plus 1 per employee, plus 1 per company vehicle
Business or Professional Office	None for the first 400 square feet of gross floor area, 1 space per each additional 300 square feet of gross floor area
Car Wash	Automatic: 3 per bay Self-Serve: 2 per bay
Commercial Day Care Facilities	1 space per employee on the largest shift, plus 1 per 10 children
Commercial Recreation Facilities*	Amusement Park: 1 per 200 square feet of gross floor area within enclosed buildings, plus 1 space per every 3 persons that the outdoor facilities are design to accommodate when used to the maximum capacity Bowling Alley: 4 spaces per lane, plus 2 per 100 square feet of gross floor area of accessory uses (i.e. bars, restaurants, game rooms, etc.) Ice Rink, Basketball Courts, other indoor fields: 4 spaces per rink, field or court, plus 1 per employee Miniature Golf Course: 1 per hole, plus 1 per employee on the largest shift Racquet Sports: 2 space per court, plus 1 per employee Other: 1 per 200 square feet of gross floor area
Convenience Store	1 per 300 square feet of gross floor area
Continuing Care Retirement Community / Nursing or Residential Care Facility	Independent Living: 1 per unit Assisted Living: 1 per every two (2) units Nursing or Skilled Care: 1 per every three (3) beds Common Facilities: per Section 1204

	Guest Parking: 1 per every five living units. Parking for multifamily dwellings and nonresidential uses shall be provided in a common parking lot located to the rear of the use to which it is associated.
Dry Cleaners	1 per 300 square feet of gross floor area
Florists, Nurseries, Greenhouses and Garden Supply Stores	1 per 300 square feet of gross floor area
Food Service Establishments	Drive-thru: No parking for the first 300 square feet of patron floor area, 1 space per each additional 75 square feet of patron floor area, plus 1 per employee on the largest shift Other: No parking for the first 400 square feet of patron floor area, plus 1 per each additional 100 square feet of patron floor area, plus 1 per employee on the largest shift
Funeral Homes / Undertaking Establishments	1 per 4 seats, plus 1 per every 2 employees, plus 1 per hearse, ambulance, and/or company vehicle
Galleries and Museums	1 per 850 square feet
Gas Station	1 per gas pump, plus 1 per 250 square feet of gross floor area
Golf Course	1 per 2 employees, plus 3 per golf hole
Golf Driving Range	1 per tee, plus 1 per employee on the largest shift
Government, Emergency Service and other Public Facilities	1 per 850 square feet of gross floor area
Home Occupation	1 per employee, plus 1 per 500 square feet of gross floor area
Hotel	1 space per rental unit, plus 1 space per 200 square feet of gross floor area in common or public use (lobby, bar, meeting rooms, etc.), plus 1 per employee on the largest shift
Instructional Studios (art, dance, etc.)	1 per every 5 students, plus 1 space per employee
Kennel	1 per employee, plus 1 per 500 square feet of gross floor area
Landscaping Business	1 per 500 square feet of gross floor area
Laundromat	1 per 300 square feet of gross floor area
Medical/Dental Offices	1 per 250 square feet of gross floor area
Motor Vehicle Sales	1 per 500 square feet of enclosed sales area
Mixed Use Structures	See Section 1207
Personal Service Shops	No parking for the first 300 square feet of gross floor area of space devoted to sales/service; 1 space per each additional 200 square feet of gross floor area of space devoted to sales/service; plus 1 space per employee on the largest shift.
Personal Fitness Centers	1 per 250 square feet of gross floor area
Post Office	1 per 300 square feet of gross floor area
Private Clubs or Fraternal Organizations	1 per 150 square feet above the first 2,400 square feet.

Religious Institutions	1 per 5 seats
Retail Businesses, excluding Specialty Retail Shops	Furniture Store: 1 per 600 square feet of gross floor area Grocery Store: 1 per 300 square feet of gross floor area Other: 1 per 300 square feet of gross floor area
Repair Services, Motor Vehicles	3 per service bay
Repair Services, Non-vehicular	1 per 300 square feet of gross floor area
Shopping Center	1 per 300 square feet of gross floor area
Self-Storage Facility	2 per 100 individual storage units, plus 1 for the manager, plus 1 per additional employee. A minimum of 4 spaces shall be provided.
Specialty Retail Shops	No parking for the first 400 square feet of gross floor area of space devoted to sales/service; 1 space per each additional 300 square feet of gross floor area of space devoted to sales/service; plus 1 space per employee on the largest shift.
Theaters	1 per 4 seats or 1 for every 4 persons of maximum occupancy capacity of the building, whichever is greater.
Warehousing	1 per 1,000 square feet of gross floor area
Wholesale business	1 per 500 square feet of gross floor area
Wireless Communications Towers	1 per tower
Veterinary and Animal Hospitals	1 per 250 square feet of gross floor area
All Industrial Uses	1 space per 600 square feet of gross floor area
Any other use not listed above	1 per 250 square feet of gross floor area.

Section 1205: Maximum Number of Parking Spaces

All uses shall comply with the minimum parking requirements required by Section 1204, except as adjusted below:

- A. For any non-residential use, the amount of parking that is provided shall not exceed 110% of the minimum parking that is required.
- B. On-street parking along the front property line of a lot may be counted to meet the minimum parking requirement for non-residential or multifamily uses on that lot. Unless otherwise marked, the minimum required dimensions for on-street parking spaces shall be 8'x22'.
- C. Required parking for a non-residential use may be located in a common parking facility or on an abutting lot, provided such spaces are located within 200 feet of the non-residential use.

Section 1206: Parking Space Reductions

A. Each use may reduce the number of required spaces up to 25 percent if public parking spaces are provided by two (2) of the following criteria.

1. The use is located within 400 feet walking distance from a public parking facility.
2. On-street parking is provided within 100 feet from the front of the building.
3. Shared parking meets the requirements of Section 1207.
4. The use is located within 250 feet of a transit facility.

B. Each use may reduce the number of required spaces up to 50 percent if public parking spaces are provided by three (3) or more of the following criteria.

1. The use is located within 400 feet walking distance from a public parking facility.
2. On-street parking is provided within 100 feet from the front of the building.
3. Shared parking meets the requirements of Section 1207.
4. The use is located within 250 feet of a transit facility.

Section 1207: Shared Parking Standards

A. Lots or parcels containing two or more uses shall be required to provide shared parking facilities. Uses on separate but adjoining parcels may provide shared parking facilities.

B. A Shared Parking Agreement (2 businesses) or District (more than 2 businesses) which involves contractual agreement between users is required. A shared parking agreement allows users an opportunity, if they choose, to redesign parking lots to be more efficient in serving multiple users. This may consist of making new curb cuts between parking lots, restriping lots, or redesigning internal traffic circulation and pedestrian walkways.

C. The minimum amount of shared parking required shall be calculated according to the following formula (see Table 2):

1. Calculate the minimum amount of parking required for each land use as if it were a separate use.
2. To determine peak parking requirements, multiply the minimum parking required for each proposed land 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 time periods.
4. The column (time period) with the highest value shall be the minimum parking requirement.

Table 2: Shared Parking Calculations

Uses	Monday – Friday			Saturday and Sunday		
	8 am – 6 pm	6 pm - Midnight	Midnight – 8 am	8 am – 6 pm	6 pm – Midnight	Midnight – 8 am
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%	70%	100%	20%
Movie Theater	40%	80%	10%	80%	100%	10%
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%

Section 1208: Off-street Loading Areas

A. **Location.** All loading areas and loading docks shall be located to the sides and rears of a building. Loading docks shall not be visible from public streets. All loading areas and loading docks shall be set back at least twenty-five (25) feet from residential property lines.

B. **Dimensions.** All loading areas and loading docks shall conform to the following dimensional standards

1. Each loading space shall be at least 16 feet wide, 70 feet long, and have 15 feet of vertical clearance.
2. For each loading space provided, there shall be a turning movement template provided showing that all potential delivery vehicles can maneuver into the loading space while still meeting the requirements of Section 1208.C.
3. All loading areas shall have a paved surface to provide safe and convenient access during all seasons.
4. Loading spaces shall not be constructed between the street right-of-way and building setback line

C. **Circulation.** All loading areas and loading docks shall conform to the following circulation standards:

1. Required off-street parking spaces, including access drives and aisles, shall not be uses for loading and unloading purposes.
2. All loading areas and loading docks shall be designed so trucks do not back into or out of, or park in, any public right—of-way.

3. No truck shall be allowed to stand in a right-of-way, an automobile parking space, including access drives and aisles, or in any way block the flow of persons or vehicles into, out of, or within the property.
4. Applicants must demonstrate that truck traffic will not be forced to travel through employee or customer parking spaces to access loading areas.

D. **Number of Required Loading Spaces.** A minimum of one (1) off-street loading space shall be provided for all commercial and/or industrial operation in excess of 3,500 square feet of gross floor area.

Section 1209: Handicap Accessible Parking Spaces. All parking areas shall provide handicap accessible parking spaces in accordance with the requirements of the *Americans with Disabilities Act*. Where the requirements of this ordinance may conflict with specific requirements of the *Americans with Disabilities Act*, the *Americans with Disabilities Act* standards shall apply.

A. **Number of Accessible Spaces.** All parking areas shall provide a minimum number of accessible parking spaces in accordance with the following:

Table 3: Accessible Parking Space Requirements

Total Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces Required
1 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5
151 – 200	6
201 – 300	7
301 – 400	8
401 – 500	9
501 – 1,000	2% of total parking provided in each lot
1,001 and over	20, plus 1 for each 100, or fraction thereof, over 1,000

B. **Number of Van-Accessible Spaces.** One (1) of every six (6) accessible parking spaces, or fraction thereof, must be “van-accessible”.

C. **Design Requirements for Accessible Spaces.** All handicap accessible parking spaces shall be design in accordance with the following requirements.

1. Accessible spaces shall have a minimum 60” wide access aisle.
2. Van-accessible spaces shall have a minimum 96” wide access aisle.

3. Access aisles shall be marked with diagonal yellow stripes and shall be part of an accessible route to the building or structure served by the parking area.
4. All accessible spaces shall be clearly marked with a sign displaying the Universal Symbol of Accessibility. Such signs shall not count against any sign limitation elsewhere in this ordinance.

ARTICLE XIII
NON-CONFORMING BUILDINGS AND USES

Section 1301: General

All lawful uses of land or of a building or other structure existing on the effective date of this ordinance may be continued, altered, restored, reconstructed, sold or maintained even though such use may not conform to the use, height, area, yard and other regulations of the district in which it is located, provided such non-conforming uses shall comply with the provisions of this Article.

Section 1302: Alterations and Reconstruction

- A. Repairs and structural alterations not constituting extensions, expansions or enlargements may be made to a non-conforming building or to a building occupied by a non-conforming use.
- B. A nonconforming building or a building occupied by a nonconforming use, which is damaged by fire, explosion, flood, tornado, or other natural phenomena beyond the control of the property owner, may be reconstructed and used for the same purposes in accordance with the following.
1. The reconstruction of the nonconforming building or the building occupied by a nonconforming use shall be commenced within one (1) year from the date of the destruction of the building. The reconstruction of the building shall be completed within two (2) years from the commencement of reconstruction unless an extension of time is authorized by the Zoning Officer following receipt from the property owner demonstrating just cause for such extension.
 2. The reconstructed building shall not exceed the height, area, and volume of the destroyed building.

Section 1303: Extensions, Expansions, Enlargements and/or Continuations

- A. The Zoning Hearing Board may authorize, as a Special Exception, the following types of extensions, expansions, and enlargements of nonconforming uses existing on the effective date of this Ordinance.
1. The extension or expansion of a nonconforming use of land upon a lot occupied by said nonconforming use.
 2. The extension, expansion, or enlargement of a building occupied by a nonconforming use.
 3. The expansion or extension of the hours and/or days of operation of a nonconforming use.

4. A nonconforming use may be continued by a parallel, similar, or less intensive nonconforming use.
- B. The extensions, expansions, and enlargements of nonconforming uses authorized in Section 1303.A shall be subject to the following conditions.
1. The extension, expansion, or enlargement shall conform to the height, area, yard, and coverage requirements of the zoning district in which the nonconforming use would be permitted as a matter of right. Where such use is permitted in more than one zoning district, the standards of the zoning district that affords the applicant the most design flexibility shall be applied.
 2. The extension, expansion, or enlargement of the non-conforming use shall not replace a conforming use.
 3. The extension, expansion, or enlargement of the non-conforming use shall not exceed an increase of fifty percent (50%) of the original area of the nonconforming use. Where the nonconforming use is fully conducted within a building, this standard shall apply to the total area of the building footprint. Where the nonconforming use is not fully conducted within a building, this standard shall apply to the total land area of the lot dedicated to the nonconforming use. The original area of the nonconforming use is the original building footprint or land area devoted to the nonconforming use on the date such nonconforming use became nonconforming.
 4. The extension, expansion, or enlargement of the nonconforming use shall be subject to the off-street parking and loading requirements of Article XII. Where the lot includes sufficient existing off-street parking and loading spaces to meet the minimum parking space and loading space requirements of Article XII, no upgrades to the parking lot or loading area shall be required. However, if the extension, expansion, or enlargement of the nonconforming use requires the owner of the nonconforming use to provide additional off-street parking and / or loading spaces, the entire parking lot and / or loading area shall be upgraded to meet current design requirements for said features.
 5. The extension, expansion, or enlargement of the nonconforming use shall not be permitted to extend onto a parcel of land adjacent to the parcel occupied by the nonconforming use on the effective date of this Ordinance.
 6. The extension, expansion, or enlargement of the nonconforming use shall be subject to reasonable conditions of the Zoning Hearing Board.

Section 1304: Change of Use

- A. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

B. A nonconforming use of land or a nonconforming use of a building or structure shall not be changed to any use other than a use permitted in the zoning district in which the property is located.

Section 1305: Non-conforming Lots

A. Any lot held in single and separate ownership at the effective date of this Ordinance which does not conform to one (1) or more of the applicable area regulations in the district in which it is located shall be considered non-conforming. A building may be erected upon any vacant non-conforming lot provided that the applicant does not own or control other adjoining property sufficient to comply with the provisions of this Ordinance. All such development shall comply with the following provisions:

1. The proposed use is permitted by right within the district in which it is located.
2. The proposed building shall comply with all applicable area, height, and bulk regulations, including, but not limited to, applicable district requirements and yard requirements.

Section 1306: Non-conforming Signs

A. Any sign lawfully existing at the time of the passage of this ordinance that does not conform with the regulations of the district in which such sign is located shall be considered non-conforming and may continue in their present location until any of the following conditions exist. The presence of any of the following conditions shall render the non-conforming status of a sign void and any new or replacement signage shall conform to the requirements of Article XI.

1. The sign is deemed by the Zoning Officer to be in violation of the standards of Section 1106.C
2. When seventy-five percent (75%) or greater of the sign area is changed in any way, including, but not limited to, relocation, wording, logo, design, lighting and/or material composition. Non-conforming signs approved by variance will also be subject to this section.
3. Relocation of the sign from its exact position prior to the adoption of this ordinance.

Section 1307: Abandonment and Discontinuance:

If a nonconforming use of a building or land is abandoned, ceases to operate, or is discontinued for a period of one (1) year or more, the nonconforming status of said nonconforming use shall be lost, and subsequent use of the property shall conform with all provisions of this Ordinance.

ARTICLE XIV
ADMINISTRATION AND ENFORCEMENT

Section 1401: Appointment and Powers of the Zoning Officer

For the administration of this Zoning Ordinance, a Zoning Officer, who shall not hold any elective office in the Borough, shall be appointed. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance.

Section 1402: Enforcement

It shall be the duty of the Zoning Officer, and the Zoning Officer is hereby given the power and authority, to enforce the provisions of this Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any change of use which does not conform to the Zoning Ordinance. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents, and make such reports as the Borough may require. Permits for construction and uses which are a special exception or variance to the requirements of this ordinance shall be issued only upon written order of the Zoning Hearing Board. Permits for a conditional use to the requirements of this Ordinance shall be issued only upon the written order of the Abbottstown Borough Council. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of employment.

Section 1403: Permits

A. **Requirement to Obtain a Permit.** It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use until a permit has been duly issued therefor. No such zoning permit shall be required in case of normal maintenance activities, minor repairs, and alterations which do not structurally change a building or structure. A zoning permit shall be required prior to any of the following actions.

1. The erection, addition, or alteration of any building or portion thereof.
2. The erection, addition, or alteration of a sign.
3. The use or change of use of a building or land.
4. The change or extension of a non-conforming use.

B. **Application for Permits.** All applications for a Permit shall be made to the Zoning Officer and shall conform to the following requirements. A copy of all permit application materials shall be returned to the applicant when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become public record after a permit is issued or denied.

1. Name, address and telephone number of applicant.
2. A note indicating what Zoning District(s) the property is located in.
3. Scaled drawings indicating:
 - a. The actual shape and dimensions of the lot to be built upon.
 - b. The exact size and location of any buildings existing on the lot.
 - c. The required building setback lines, per applicable section of the Zoning Ordinance.
 - d. The footprint and dimensions of any proposed building or structure, with its location on the lot accurately shown.
 - e. The existence and intended use of each building or part of a building.
 - f. The number of dwelling units the building is designed to accommodate.
4. Name of the person, firm, corporation, or associations erecting building, structure or use, if different from the applicant.
5. Written consent of the owner of the building, structure, or land to or on which the building, structure or use is to be located.
6. Other information as required by the Zoning Officer to demonstrate full compliance with this and all other codes and ordinances of the Borough of Abbottstown.
7. All applicable Permits Fees, as established by resolution by the Abbottstown Borough Council, shall be paid.

C. **Issuance of Permits.** No permit shall be issued until the Zoning Officer has certified that the proposed use of land, building, addition, alteration, sign, or other design feature complies with all the applicable provisions of this Ordinance, as well as the provisions of all other applicable ordinances. A zoning permit issued in error shall become null and void.

D. **Time Frame for Zoning Officer Action.** The Zoning Officer shall act upon a request within thirty (30) days following the submission of a complete application.

E. **Permit Validity.** Unless construction shall have been commenced within one (1) year of the permit issuance date, any permit issued hereunder shall become void twelve (12) months after said issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least thirty (30) days prior to the permit expiration date.

Section 1404: Fees

A. In accordance with Section 617.3(e) of the Pennsylvania Municipalities Planning Code, the Borough Council of Abbottstown shall establish reasonable fees with respect to the administration of this Ordinance, including but not limited to zoning permits, appeals, variances, special exceptions, conditional uses, amendments, bonds, and other matters pertaining to this Ordinance. Such fee schedule shall be adopted by resolution of the Borough Council, and may be amended, from time to time and shall be posted in the Borough Office.

B. Such fees shall be payable to the Borough, and until all applicable fees, charges, and expenses have been paid in full, the application shall be considered incomplete, and no action shall be taken on the applications.

C. Any fee 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.

Section 1405: Inspection by the Zoning Officer

It shall be the duty of the Zoning Officer, Building Permit Officer, or other qualified individual authorized by the Borough Council, to make the following minimum number of inspections of property for which a permit has been issued:

A. **Beginning of Construction.** A record shall be made indicating the time and date of inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the approved permit application. If the actual construction does not conform to the application, a written notice of violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

B. **Completion of Construction.** A record shall be made indicating the time and date of the inspection and the findings of the Zoning Officer in regard to conformance to this Ordinance.

Section 1406: Certificate of Non-conformance

A Certificate of Non-conformance may be issued by the Zoning Officer upon the request of the owner of any property that is identified as containing a non-conforming use or structure. The owner's property and the issuance date of such certificate shall be registered in the records of the Borough as follows:

A. The Certificate of Non-conformance shall set forth in detail all of the non-conforming conditions of said property.

B. A copy of the Certificate of Non-conformance shall be retained and filed by the Zoning Officer.

C. The Certificate shall be for the purposes of insuring the owner the right to continue a non-conforming use in accordance with the regulations of this Ordinance.

Section 1407: Conditional Use Applications

A. Where provided for in this Ordinance, the Borough Council shall hear and decide requests for conditional uses in accordance with stated standards and criteria. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance. The Board may grant approval of a conditional use provided that the applicant complies with the following standards for conditional uses as set forth in applicable sections of this Ordinance, and that the proposed conditional use shall not be detrimental to the health, safety, or welfare of the neighborhood.

B. The applicant shall submit eight (8) copies of a site plan, containing the required information, as part of the application for conditional use. Said site plans shall remain with the Borough Council and in the Borough's files for its use and review as necessary. The site plan shall contain sufficient information, studies, and other data to demonstrate compliance with all applicable regulations.

Section 1408: Hearings on Conditional Use Applications

The Borough Council shall conduct hearings and make decisions on conditional use applications in accordance with the following:

A. The Borough Council shall conduct hearings and make decisions in regard to applications for conditional use in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. Public notice shall be given of such hearing. In addition, notice shall be given to the applicant, the land owner, all owners of adjacent property, the zoning officer, such other persons as the Borough Council shall designate, and any person who has made timely requests for the same. Such notices shall be in writing and shall be given not more than thirty (30) days nor less than seven (7) days prior to the date and time set for such hearing. In addition, written notice shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

B. The Borough Council may establish reasonable fees for the holding of such hearing. Fees may include compensation for the secretary, the cost of advertising and giving notice, and other necessary administrative overhead connected with the hearing. The cost shall not include legal expenses in regard to the hearing, or expenses for engineering, architectural, or other technical consultants or expert witness costs.

C. The hearing shall be scheduled within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

D. The parties to the hearing shall be the applicant, Zoning Officer, any person affected by the application who has made timely appearance of record before the Borough Council, and any other person, including civic or community organizations permitted to appear by the Borough Council. The Borough Council shall have the power to require that all persons who wish to be considered parties enter appearances in writing.

E. The chairperson or acting chairperson of the Borough Council 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.

F. 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 to cross examine adverse witnesses on all relevant issues.

G. Formal rule of evidence shall not apply. However, irrelevant, immaterial, or unduly repetitious evidence may be excluded.

H. The Borough Council shall consider any and all recommendations from the Planning Commission on the Conditional Use application.

I. The Borough Council shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Borough Council. The cost of the original transcript shall be paid by the Borough Council if the transcript is ordered by them, or it shall be paid by the person appealing from the decision of the Borough Council if such an appeal is made. In either event, the cost of additional copies shall be paid by the person or persons requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

Section 1409: Decisions on Conditional Use Applications

A. The Borough Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the governing body. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. When the Borough Council fails to render a decision within the period required by this section or fails to hold the required hearing within sixty (60) 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 or on the record to an extension of time.

1. When a decision has been rendered in favor of the applicant because of the failure of the Borough Council to meet or render a decision as hereinabove provided, the Borough Council shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of the Pennsylvania Municipalities Planning Code. If the Borough Council shall fail to provide such notice, the applicant may do so.

B. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him or her not later than the day following its date. To all other persons who have filed their name and address with the Borough Council not later than the last day of the hearing, the Borough Council 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.

C. Nothing in Sections 1407, 1408, and/or 1409 shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

Section 1410: Appeals and Applications

A. An appeal, or application for an amendment, special exception, conditional use, or variance, from the terms of this Ordinance, shall be filed with the Zoning Officer and shall contain the following information:

1. Name, address and telephone number of the applicant.
2. Name, address and telephone number of the property owner(s) of the parcel(s) covered by the application.
3. A brief description and location of the parcel(s) covered by the application.
4. A statement of the present zoning classification of the parcel(s) covered by the application, the improvements thereon, and the present use thereof.
5. The Section of this Ordinance under which the appeal or application requested may be allowed and reasons way it should be granted; or a statement of the Section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal.
6. An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and location of improvements now erected, and proposed to be erected thereon.
7. Any other pertinent data required by the Zoning Hearing Board, Borough Council, and/or Zoning Officer, as appropriate to their individual authorities set forth in this Article.
8. The applicant shall submit ten (10) copies of a site plan, containing the required information, as part of an application for a variance or special exception. Said site plans shall remain with the Zoning Officer and in the Borough's files for its use and review as necessary. The site plan shall contain sufficient information, studies, and other data to demonstrate compliance with all applicable regulations.

Section 1411: Violations

Failure to comply with any provision of this Ordinance, or failure to secure permit or Zoning Hearing Board certification, when required, shall be violations of this Ordinance.

A. **Enforcement Notice.**

1. The Zoning Officer is hereby authorized and directed to enforce the provisions of this Ordinance and to institute civil enforcement when acting within the scope of his or her employment.

2. If it appears to the Borough that a violation of any zoning ordinance provision has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice, as provided by Section 616.1 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.
 3. The enforcement notice shall be sent to the owner of the record of the tract on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding said tract, and to any other person requested in writing by the owner of record.
 4. An enforcement notice shall state the following at a minimum:
 - a. The name of the owner of record and any other person against whom the Borough intends to take action.
 - b. The location of the property in violation.
 - c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
 - d. That the owner of record or other person against whom the Borough of Abbottstown intends to take action has fifteen (15) days to commence steps to comply with this ordinance and thirty (30) days within which to complete such steps to be in compliance with this ordinance, unless such times are extended in writing by the Zoning Officer, for shown cause.
 - e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of the date of the enforcement notice or not later than the expiration of any extension granted, in writing, by the Zoning Officer.
 - f. The 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.
 5. In any appeal of an enforcement notice to the Zoning Hearing Board, the Zoning Officer and the Borough shall have the responsibility of presenting its evidence first.
 6. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the municipality if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.
- B. **Causes of Action.** In case any building, structure, or land is, or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant or real property owner who shows that his or her property or person will 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 of land, or to prevent, in or about such premises,

any act, conduct, business, or use constituting a violation. Such action is instituted by a landowner or Borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint of the Borough Council.

C. **Enforcement Remedies.**

1. Any person, partnership, or corporation, who or which has violated or permitted the violation of the provisions of this Ordinance, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of or not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Borough and 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 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 person, partnership, or corporation violating the Ordinance to be believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth 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 shall be paid over to the Borough of Abbottstown.

2. The Court of Common Pleas, upon petition of the defendant, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.

4. All judgments, costs, and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Borough of Abbottstown.

D. **Preventive Remedies.**

1. In addition to other remedies provided for herein, the Borough of Abbottstown may institute and maintain appropriate actions in law or in equity to restrain, correct or abate violations, to prevent unlawful construction, recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument if transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

2. The Borough of Abbottstown, its zoning officer or other officers or officials, may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any provisions of this ordinance. This authority to deny any such permits or approvals shall apply to any of the following applicants:
 - a. The owner or record at the time of such violation.
 - b. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - c. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee has actual or constructive knowledge of the violation.
 - d. The vendee or lessee of the current owner of record who acquire the property subsequent to the time of violation without regard as to whether such vendee of lessee has actual or constructive knowledge of the violation.
3. No permit shall be issued nor shall any approval be granted to any applicant identified in subparagraph (B) above, unless such applicant complies with the conditions which would have been applicable to the property at the time the applicant acquired an interest in such real property, unless the Borough of Abbottstown waives such condition.

Section 1412: Appointment of a Zoning Hearing Board

The Abbottstown Borough Council shall, by resolution and in accordance with Section 903 of Act 247 of 1968, as amended, appoint a Zoning Hearing Board consisting of three (3) members, and in accordance with Section 906 of Act 247 of 1968, as amended, two (2) alternate members. Said Zoning Hearing Board shall have such duties, powers, jurisdiction, and authority as set forth in Article IX of Act 247 of 1968, as amended. Members and alternative members of the Zoning Hearing Board shall be residents of Abbottstown Borough and shall hold no other elected or appointed office in Abbottstown Borough.

Section 1413: Organization of the Zoning Hearing Board

A. The Zoning Hearing Board shall elect, from its own membership, its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board, as provided in Section 908 of Act 247 of 1968, as amended.

B. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairperson of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

C. The Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the municipality, and shall submit a report of its activities to the Borough Council upon its request.

Section 1414: Jurisdiction of the Zoning Hearing Board

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters, as set forth in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

A. Substantive challenges to the validity of a zoning ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of Act 247 of 1968, as amended.

B. Challenges to the validity of a zoning ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after effective date of said ordinance.

C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act of the application therefore, the issuance of any case and desist order or the registration or refusal to register any non-conforming use, structure, or lot.

D. Applications for variances from the terms of the Zoning Ordinance pursuant to Section 910.1 of the Act 247 of 1968, as amended.

E. Applications for special exceptions under the Zoning Ordinance pursuant to Section 912.1 of Act 247 of 1968, as amended.

F. Appeals from the determination of any Officer or agency charged with the administration of any performance density provisions of the Zoning Ordinance.

G. Appeals from the of the Zoning Officer's determination pursuant to Section 916.2 of Act 247 of 1968, as amended.

H. Appeals from the determination of the Zoning Officer or 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 and VII of Act 247 of 1968, as amended.

Section 1415: Requirements for Variances

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provision of the Zoning Ordinance inflicts unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case.

A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape; exceptional topography; or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.

B. That because of such physical circumstances or conditions, there is not possibility that the property can be developed in strict conformity with the provision of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. That such unnecessary hardship has not been created by the applicant.

D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, will not substantially or permanently impair the appropriate use of development of adjacent property, and will not be detrimental to the public welfare.

E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, and the Zoning Ordinance of the Borough of Abbottstown.

Section 1416: Requirements for Special Exceptions

Where the Borough Council of Abbottstown, in the Abbottstown Borough Zoning Ordinance have stated special exceptions to be granted or denied by the Zoning Hearing Board, pursuant to express standards and criteria, the Abbottstown Borough Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria.

A. Applications for any special exception shall be made to the Zoning Hearing Board through the Zoning Officer.

- B. The Zoning Officer shall concurrently refer the matter to the Abbottstown Borough Planning Commission for a report thereon as specified in this section.
- C. Application requirements shall be as follows:
1. The submittal of an Application for a Hearing before the Zoning Hearing Board,
 2. A plan drawing including the same elements as those required in Section 1403.B of this Ordinance.
- D. The Application shall provide information sufficient to evaluate conformance with the standards specified in the pertinent section of this Ordinance.
- E. In granting a special exception, the Board may attach such reasonable conditions and safeguards in additions to those expressed in the Zoning Ordinance as it may deem necessary to implement the purposes of the Municipalities Planning Code, the Abbottstown Borough Zoning Ordinance and to anticipate and ameliorate any negative impacts on the health, safety, and welfare of citizens residing nearby as well as the general public. In considering special exceptions, the Board shall utilize the following procedures:
1. The Board's decisions to approve or deny an application for a special exception use shall be made only after public notices and hearing as set forth in Section 1417 of this Ordinance.
 2. The Board shall consider any and all recommendations from the Planning Commission on the Special Exception application.

Section 1417: Hearings on Zoning Hearing Board Applications

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the Pennsylvania Municipalities Planning code, Act 247 of 1968, as amended. Written notice shall be given to the public, the applicant, the landowner, the Zoning Officer, all immediately adjacent property owners, and any other person who has made a written request for the same within fifteen days (15) of the scheduled hearing. Notices shall be given at such time and in such manner prescribed by adopted Rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said shall be conspicuously posted at least one (1) week prior to a scheduled hearing date. Such sign(s) shall be at least six (6) square feet in area and shall bear on its face, at a minimum, the name of the hearing body and a phone number to contact the Zoning Officer to gain additional information.
- B. The Borough Council may establish reasonable fees for the holding of such hearings. Fees may include compensation for the secretary and members of the Zoning Hearing Board, notices and advertising costs, and necessary administrative overhead connected with the hearing. The costs shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants, or expert witness costs.

- C. The hearing 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.
- D. The hearing shall be conducted by the Board or the 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 Board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing officer, waive the decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- E. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- F. The chairperson or acting chairperson of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and to cross-examine adverse witnesses on all relevant issues.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- I. Unless otherwise required by this Ordinance or Act 247 of 1968, as amended, the Borough shall have the responsibility of presenting its evidence first.
- J. The Board shall consider any and all recommendations from the Planning Commission on a Variance or Special Exception application.
- K. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the 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.

Section 1418: Decisions on Zoning Hearing Board Applications

- A. The Board or the hearing officer, as the case may be, shall render written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. 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.

B. If the hearing is conducted by a hearing officer and there has been no stipulation that his or her decision or findings are final, the Board shall make the hearing officer's report and recommendations available to the parties within forty-five (45) days. The parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.

C. Where the Board fails to render the decision within the period required by this section or fails to hold the required hearing within sixty (60) 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 or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of 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 this section. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

E. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him or her not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the 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.

Section 1419: Parties Appellant before the Zoning Hearing Board

A. Appeals under Section 909.1(a)(1), (2), (3), (4), (7), and (9) of Act 247 of 1968, as amended, may be filed with the Board in writing by the landowner affected, any officer or agencies of the Borough, or any person aggrieved. Requests for a variance under Section 910.2 of Act 247 of 1968, as amended, and for special exception under Section 912.1 of Act 247 of 1968, as amended, may be filed with the Board by any landowner or any tenants with the permission of such landowner.

Section 1420: Time Limitations

A. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Borough if such proceeding is designed to secure reversal or limit the approval in any manner unless such person alleges and proves that he or she failed to receive adequate notice of such approval. If such person has succeeded to his or her interest after such approval, adequate notice to his or her predecessor in interest shall be deemed adequate notice to him or her. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative

plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

B. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

C. Unless otherwise specified by the Zoning Hearing Board or by law, a variance and/or special exception shall expire if the applicant fails to obtain a zoning permit, and a building permit where applicable, within one (1) year from the date of authorization thereof by the Zoning Hearing Board or by the court. Unless otherwise specified by the Zoning Hearing Board or by law, a variance and/or special exception shall expire within two (2) years from the date of authorization thereof by the Borough Council or by the court, if the applicant fails to complete any erection, construction, reconstruction, alteration, or change in the use authorized by said variance and/or special exception approval.

D. Unless otherwise specified by the Borough Council or by law, a conditional use shall expire if the applicant fails to obtain a zoning permit, and a building permit where applicable, within one (1) year from the date of authorization thereof by the Borough Council or by the court. Unless otherwise specified by the Borough Council or by law, a conditional use shall expire within two (2) years from the date of authorization thereof by the Borough Council or by the court, if the applicant fails to complete any erection, construction, reconstruction, alteration, or change in the use authorized by said conditional use approval. Under either of the above circumstances, or for any good and reasonable cause, the Borough Council may extend the approval of a conditional use for an additional period of up to one (1) year upon the written request of the applicant.

E. Unless otherwise specified by the Zoning Officer or by law, an approved zoning permit shall become void one (1) year from the date of issuance unless construction work has commenced or the change in use has been accomplished.

Section 1421: Stay of Proceedings

A. Upon filing of any appeal proceeding before 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 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 to court having jurisdiction of zoning appeals to order such person to post bond as condition to

continuing the proceedings before the Board in accordance with Section 915.1 of Act 247 of 1968, as amended.

Section 1422: Role of the Planning Commission

- A. The Abbottstown Borough Planning Commission shall be afforded the opportunity to review and submit written recommendations on all Variance, Special Exception and Conditional Use applications submitted within the Borough of Abbottstown.
- B. No application shall be granted by the Zoning Hearing Board for any Variance or Special Exception application or by the Borough Council for any Conditional Use application until said board has received and considered any advisory reports or recommendations made prepared by the Abbottstown Borough Planning Commission with respect to the location of such use in relation to growth patterns within the Borough, and wherever appropriate, with reference to the adequacy of the site plan design and the arrangement of buildings, driveways, access points, parking areas, off-street loading spaces, signage, lighting and any other pertinent features of a site plan.
- C. The Planning Commission shall have thirty (30) days from the receipt of a Variance, Special Exception and Conditional Use application within which to file a report or recommendations thereon. In the event that said Commission shall fail to file its report within thirty (30) days, such application shall have deemed to have received a neutral review from said agency. The Planning Commission may have representation at the public hearing held by the Zoning Hearing Board.

ARTICLE XV
LEGAL PROVISIONS

Section 1501: Interpretation

In interpreting and applying the provisions of this Ordinance, all provisions shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance, or regulation shall be controlling. This Ordinance is not intended to interfere with, abrogate, or annul any easement, covenant, or other agreement between any party, including the Borough. However, where this Ordinance imposes greater restrictions than those imposed by such easement, covenant, or agreement, the provisions of this Ordinance shall govern. Where such easement, covenant, or agreement imposes greater restrictions than those imposed by this Ordinance, the provisions of such easement, covenant, or agreement shall govern.

Section 1502: Severability

If any article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance is declared for any reason to be illegal, unconstitutional, or invalid by any Court or competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the Zoning Ordinance. The Borough Council hereby declares that it would have adopted the Zoning Ordinance and each article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase and work thereof, irrespective of the fact that any one (1) or more of the articles, sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional, or invalid.

Section 1503: Conflict with other Laws

The provisions of this ordinance shall be deemed to meet the minimum requirements to meet the purposes stated herein. Where the provisions of this ordinance impose greater restrictions or more detailed submission requirements than those of any Federal, State, County, or local statute, rule, or regulation, the provisions of this ordinance shall prevail. Where the provisions of any Federal, State, County, or local ordinance impose greater restrictions than those of this ordinance, the provisions of such Federal, State, County, or Local statute rule, or regulations shall prevail.

Section 1504: Repealer

All Borough of Abbottstown ordinances or parts thereof in conflict with this Zoning Ordinance or inconsistent with the provision of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 1505: Effective Date

This Zoning Ordinance shall take effect immediately upon adoption and publication, according to law, by the Borough Council of the Borough of Abbottstown, County of Adams, Commonwealth of Pennsylvania.

Enacted and Ordained this 15th day of January, 2015.

Borough Council
Abbottstown Borough
Adams County, Pennsylvania

Attest:

Loreen Greer, Secretary
Abbottstown Borough

By: _____
April Trivitt, President

Mark Heisey, Vice-President

Travus Brown, Member

Dale Reichert, Member

Hugh Wellen, Member

Craig Peterson, Mayor

APPENDIX A: TABLE OF USES

Uses	LDR	MDR	TCR	TCMU	CI	Section
Residential Uses						
Single-family detached dwellings	P	P	P	P		
Single-family semi-detached dwellings (twins)	P	P	P	P		
Single-family attached dwellings		P	P			1002.FF
Two-family dwellings (duplexes)		P	P	P		
Multi-family development		P				1002.X
Planned townhouse community		P				
Mobile home park		P				1002.W
Conversion Apartments			CU	CU		1002.J
Group Homes	CU	CU	CU			1002.O
Commercial Uses						
Adult-oriented Uses					CU	1002.C
Agriculture	P					
Animal Shelter					P	
Bed and Breakfast Inns and Houses				P	P	1002.D
Business Offices				P	P	
Business Park					P	1002.F
Continuing Care Retirement Community (CCRC)	CU				CU	1002.H
Convenience Store					P	1002.I
Commercial Daycare Facilities				P	P	1002.G
Commercial Recreation and Personal Fitness Facilities					P	
Crematorium Establishments					P	1002.HH
Farmer's Markets				P	P	
Financial Institution				P	P	1002.L
Florists, Nurseries, Greenhouses and Garden Supply Stores					P	
Food Service Establishments				P	P	1002.M
Funeral Homes				P	P	1002.N
Forestry	P	P	P	P	P	
Galleries and Museums				P	P	
Hospitals					P	1002.Q
Hotels				P	P	
Instruction Studios				P	P	
Kennels					P	
Laundromats and Dry Cleaning					P	
Medical/Dental Offices					P	
Mixed Use Structures				P		1002.V
Nursing and Residential Care Facilities	P				P	1002.Y

APPENDIX A: TABLE OF USES

Uses	LDR	MDR	TCR	TCMU	CI	Section
Commercial Uses continued						
Personal Service Shops				P	P	
Private Recreation uses	P					
Professional Offices				P	P	
Residential Daycare Facilities				P	P	1002.BB
Retail Businesses					P	
Repair Services					P	1002.CC
Self-storage Facilities					P	1002.DD
Shopping Centers					P	1002.EE
Specialty Retail Shops				P	P	
Theaters				P	P	
Undertaking Establishments				P	P	1002.HH
Vehicle Sales, Service and/or Repair					P	1002.II
Veterinary and Animal Hospitals					P	1002.JJ
Industrial Uses						
Adaptive Re-use of Industrial Structures				CU	CU	1002.B
Building Material and Contractor Supply Stores and Storage yards					P	1002.E
Distribution Facilities					P	1002.GG
Home Related Fuels Sales					P	
Industrial Park					P	1002.F
Junkyards					CU	1002.R
Manufacturing, Heavy					CU	1002.S
Manufacturing, Light					P	1002.T
Manufacturing, Medium					P	1002.U
Parcel Delivery					P	
Recycled Material Collection and Processing Facilities					CU	1002.AA
Service Industries					P	
Truck Terminals					CU	1002.GG
Warehousing and Wholesaling Operations					CU	1002.GG
Any use not otherwise listed in the ordinance					CU	
Public or Institutional Uses						
Emergency Service Facilities	P	P	P	P		
Government Facilities	P	P	P	P		
Public Spaces	P	P	P	P		
Public or Private Schools	P	P				1002.Z
Religious Institutions	P		P	P		

APPENDIX A: TABLE OF USES

Uses	LDR	MDR	TCR	TCMU	CI	Section
Accessory Uses						
Accessory Dwelling Unit	P	P	P	P		1002.A
Alternative Energy Systems	P	P	P	P	P	902.F
Commercial Accessory Structures				P	P	902.C
Cottage industries	P	P	P	P		1002.K
Home Occupation	P	P	P	P		1002.P
Industrial Accessory Structures					P	902.C
No-impact Home-based business	P	P	P	P		902.G
Residential Accessory Structures	P	P	P	P		902.C
Wireless Communications Antennas	P	P	P	P	P	1002.KK
Wireless Communications Towers	CU				CU	1002.LL

P – Permitted by Right

CU – Conditional Use

SE – Special Exception

APPENDIX B: LANDSCAPING MATERIALS

A. **Invasive Plants:** The following is a list of invasive plants which shall not be used in any planting schedule:

1. Trees

- Norway Maple (*Acer platanoides*)
- Sycamore Maple (*Acer pseudoplatanus*)
- Tree-of-Heaven (*Ailanthus altissima*)
- Mimosa (*Albizia julibrissin*)
- European Black Alder (*Alnus glutinosa*)
- Japanese Angelica Tree (*Aralia elata*)
- Empress Tree (*Paulownia tomentosa*)
- Callery Pear (*Pyrus calleryana*)
- Siberian Elm (*Ulmus pumila*)

2. Shrubs

- Japanese Barberry (*Berberis thunbergii*)
- European Barberry (*Berberis vulgaris*)
- Russian Olive (*Elaeagnus angustifolia*)
- Autumn Olive (*Elaeagnus umbellata*)
- Winged Euonymus (*Euonymus alatus*)
- Border Privet (*Ligustrum obtusifolium*)
- Common Privet (*Ligustrum vulgare*)
- Tartarian Honeysuckle (*Lonicera tartarica*)
- Standish Honeysuckle (*Lonicera standishii*)
- Morrow's Honeysuckle (*Lonicera morrowii*)
- Amur Honeysuckle (*Lonicera maackii*)
- Bell's Honeysuckle (*Lonicera morrowii* x *tatarica*)
- Common Buckthorn (*Rhamnus catharticus*)
- Glossy Buckthorn (*Rhamnus frangula*)
- Wineberry (*Rubus phoenicolasius*)
- Multiflora Rose (*Rosa multiflora*)
- Japanese Spiraea (*Spiraea japonica*)
- Guelder Rose (*Viburnum opulus* var. *opulus*)

3. Grasses

- Cheatgrass (*Bromus tectorum*),
- Japanese Stilt Grass (*Microstegium vimineum*),
- Maiden Grass (*Miscanthus sinensis*),
- Common Reed (*Phragmites australis*),
- Reed Canary Grass (*Phalaris arundinacea*),
- Johnson Grass (*Sorghum halepense*),
- Shattercane (*Sorghum bicolor* ssp. *drummondii*)

4. Flowers

- Garlic Mustard (*Alliaria petiolata*),
- Goutweed (*Aegopodium podagraria*),
- Bull Thistle (*Cirsium vulgare*),
- Canada Thistle (*Cirsium arvense*),
- Musk Thistle (*Carduus nutans*),
- Jimsonweed (*Datura stramonium*),
- Goatsrue (*Galega officinalis*),
- Giant Hogweed (*Heracleum mantegazzianum*),
- Dame's Rocket (*Hesperis matronalis*),
- Purple Loosestrife (*Lythrum salicaria*, *L. virgatum*),
- Eurasian Water-Milfoil (*Myriophyllum spicatum*),
- Star-of-Bethlehem (*Ornithogallum nutans*, *umbellatum*),
- Japanese Knotweed (*Polygonum (Falopia) cuspidatum*/ *Polygonum sachalinense*),
- Wild Parsnip (*Pastinaca sativa*),
- Beefsteak Plant (*Perilla frutescens*),
- Lesser Celandine (*Ranunculus ficaria*),
- Water Chestnut (*Trapa natans*)

5. Vines

- Fiveleaf Akebia (*Akebia quinata*),
- Porcelain-Berry (*Ampelopsis brevipedunculata*),
- Oriental Bittersweet (*Celastrus orbiculatus*),
- Japanese Honeysuckle (*Lonicera japonica*),
- Kudzu (*Pueraria lobata*),
- Mile-a-minute Vine (*Polygonum perfoliatum*)

B. **Unsuitable Trees:** The following is a list of trees which shall not be used in any planting schedule due to characteristics unsuitable to urban settings:

- Ginkgo, female only (*Ginkgo biloba*)
- Sweetgum (*Liquidambar styraciflua*)
- Mossy Cup Oak (*Quercus macrocarpa*)
- Pin Oak (*Quercus palustris*)
- Arborvitae (*Thuja*)

C. **Street Trees:** Proposed major or minor deciduous street trees shall be limited to the following species or their cultivars:

- Miyabe Maple (*Acer miyabei*)
- Striped Maple (*Acer pensylvanicum*)
- Sugar Maple (*Acer saccharum*)
- River Birch (*Betula nigra*)
- European Hornbeam (*Carpinus betulus*)

- American Hornbeam (*Carpinus caroliniana*)
- Common Hackberry (*Cephalanthus occidentalis*)
- Eastern Redbud (*Cercis Canadensis*)
- American Yellowwood (*Cladrastis kentukea*)
- American Beech (*Fagus grandifolia*)
- Thornless Honeylocust (seed pods) (*Gleditsia triacanthos*)
- Tuliptree (*Liriodendron tulipifera*)
- Blackgum or Black Tupelo (*Nyssa sylvatica*)
- American Hophornbeam (*Ostrya virginiana*)
- Sycamore (*Platanus occidentalis*)
- London Planetree (*Platanus x acerifolia*)
- White Oak (*Quercus alba*)
- Swamp White Oak (*Quercus bicolor*)
- Southern Red Oak (*Quercus falcata*)
- Laurel Oak (*Quercus hemisphaerica*)
- Shingle Oak (*Quercus imbricaria*)
- Chestnut Oak (*Quercus montana*)
- Chinkapin Oak (*Quercus muehlenbergii*)
- Willow Oak (*Quercus phellos*)
- Red Oak (*Quercus rubra*)
- Shumard Oak (*Quercus shumardii*)
- Littleleaf Linden (*Tilia cordata*)
- Lacebark Elm (*Ulmus parvifolia*)

D. **Screening and Buffering Trees:** Major or minor deciduous trees proposed for use in screening and buffering shall be limited to those listed above as Street Trees as well as the following species or their cultivars:

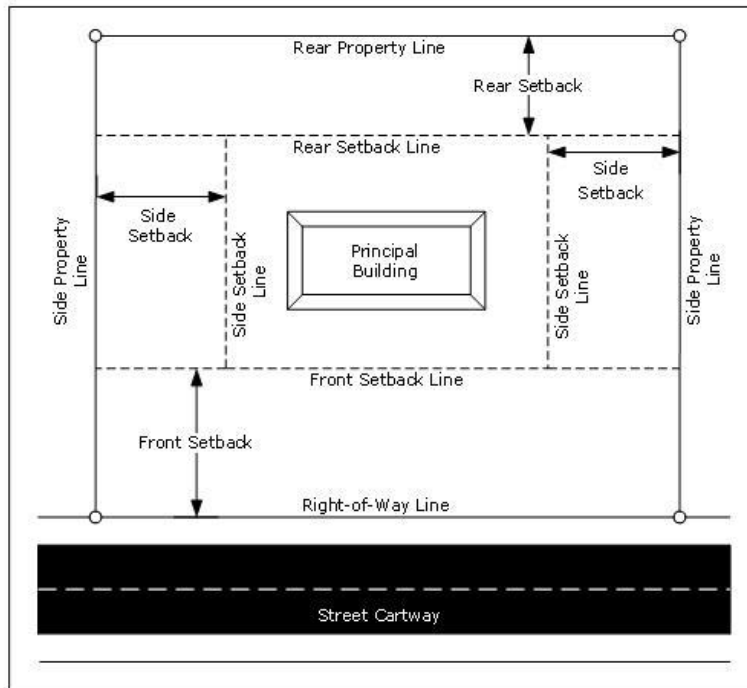
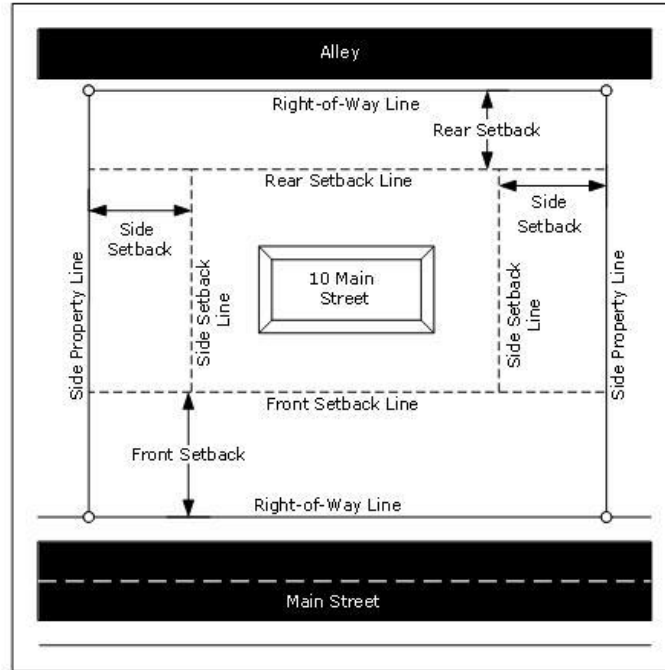
- Hedge Maple (*Acer campestre*)
- Red Maple (*Acer rubrum*)
- Silver Maple (*Acer saccharinum*)
- Purpleblow Maple (*Acer truncatum*)
- Katsuratree (*Cercidiphyllum japonica*)
- Atlantic White Cedar (*Chamaecyparis thyoides*)
- Flowering Dogwood (*Cornus florida*)
- Kousa Dogwood (*Cornus kousa*)
- Cornelian Cherry Dogwood (*Cornus mas*)
- Cockspur Hawthorn (*Crataegus crus-galli*)
- Washington Hawthorn (*Crataegus phaenopyrum*)
- Leyland Cypress (*x Cupressocyparis leylandii*)
- Ginkgo, male only (*Ginkgo biloba*)
- Foster's Holly (*Ilex x attenuata*)
- Nellie R. Stevens Holly (*Ilex x Nellie R. Stevens*)

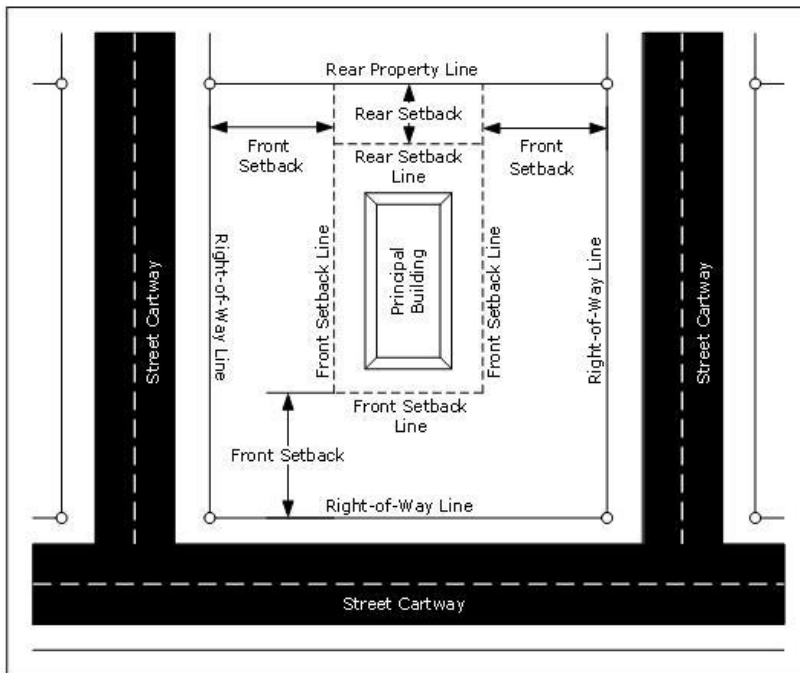
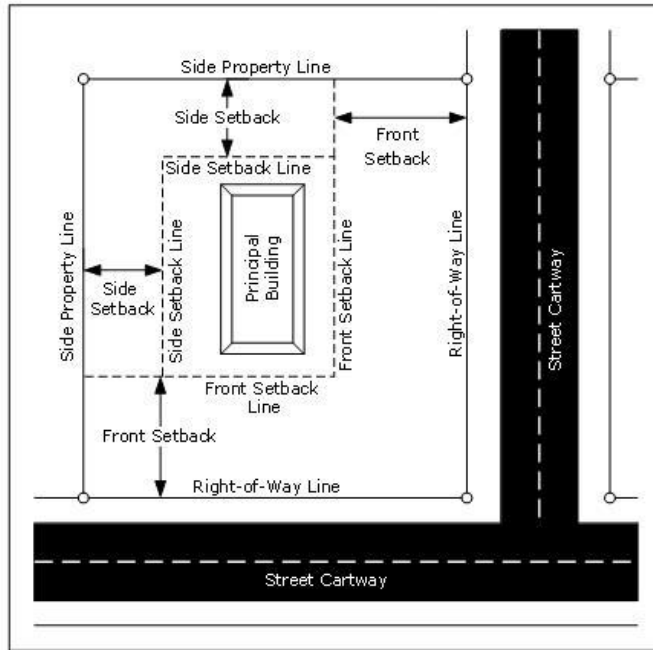
- American Holly (*Ilex opaca*)
- Eastern Red Cedar (*Juniperus virginiana*)
- Goldenraintree (*Koelreuteria paniculata*)
- Cucumbertree Magnolia (*Magnolia acuminata*)
- Southern Magnolia (*Magnolia grandiflora*)
- Sweet Bay Magnolia (*Magnolia virginiana*)
- Lily Magnolia (*Magnolia liliiflora*)
- Crabapple (*Malus coronaria*)
- Norway Spruce (*Picea abies*)
- White Spruce (*Picea glauca*)
- Black Spruce (*Picea mariana*)
- Blue Spruce (*Picea pungens*)
- Red Spruce (*Picea rubens*)
- Red Pine (*Pinus resinosa*)
- Eastern White Pine (*Pinus strobus*)
- Virginia Pine (*Pinus virginiana*)
- Myrobalan Plum (*Prunus cerasifera*)
- Sargent Cherry (*Prunus sargentii*)
- Higan Cherry (*Prunus subhirtella*)
- Sawtooth Oak (*Quercus acutissima*)
- Scarlet Oak (*Quercus coccinea*)
- Overcup Oak (*Quercus lyrata*)
- Swamp Chestnut Oak (*Quercus michauxii*)
- English Oak (*Quercus robur*)
- Post Oak (*Quercus stellata*)
- Japanese Tree Lilac (*Syringa reticulata*)
- Baldcypress (*Taxodium distichum*)
- American Linden (*Tilia Americana*)
- Eastern Hemlock (*Tsuga Canadensis*)
- Japanese Zelkova (*Zelkova serrata*)

E. **Evergreen and Deciduous Shrubs:** Evergreen or Deciduous Shrubs proposed for use in screening and buffering shall be limited to those listed in the following publication:

- *“A Guide for Selecting Shrubs for Pennsylvania Landscapes”*. Published by Penn State Cooperative Extension, College of Agricultural Sciences, 2009, as amended.

APPENDIX C: ENFORCEMENT DIAGRAMS





APPENDIX D: ABBOTTSTOWN BOROUGH ZONING MAP

