Chapter 230

ZONING

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[HISTORY: Adopted by the Board of Supervisors of Freedom Township 4-8-2020 by Ord. No. 2020-01. Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 230-1. Short title.

This chapter shall be known as and may be cited as the "Freedom Township Zoning Ordinance."

§ 230-2. Authority.

This chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, "The Pennsylvania Municipalities Planning Code," adopted July 31, 1968, as amended.[1]

§ 230-3. Purpose.

This chapter is enacted for the following purposes:

A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, the provision of adequate light and air, police protection, vehicle parking and loading space,

1. Editor's Note: See 53 P.S. § 10101 et seq.

transportation, water, sewerage, schools, public grounds, and other public requirements; as well as;

B. To prevent one or more of the following: overcrowding of land, blight, danger, and congestion in travel and transportation, loss of health, life, or property from fire, flood, panic, or other dangers. This chapter is made in accordance with an overall program, and with consideration for the character of the Township, its various parts, and the suitability of the various parts for particular uses and structures.

§ 230-4. Community development goals and objectives.

To promote and to foster the community development goals and objectives as contained in the Southwest Adams Joint Comprehensive Plan, dated 2015 and approved in 2019.

ARTICLE II
Terminology

§ 230-5. Word usage.

The following words are defined in order to facilitate the interpretation of this chapter for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

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

B. Words used in the present tense include the future tense.

C. The singular includes the plural.

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

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

F. The term "shall" is always mandatory.

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

§ 230-6. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

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

ACCESSORY APARTMENT — An independent dwelling unit incorporated within an existing single-family detached dwelling without any substantial external modification.

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

ACT — The Pennsylvania Municipalities Planning Code, Act 247, as amended.[2]

ADULT BUSINESSES — An establishment consisting of, including, or having the characteristics of any or all of the following:

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

B. ADULT CABARET —

(1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas;

(2) A cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

C. ADULT MINI MOTION-PICTURE THEATER — An enclosed building with a capacity for fewer than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas.

D. ADULT MOTION-PICTURE THEATER — An enclosed building with a capacity for 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

AGRIBUSINESS — Intensive agricultural uses that include, but are not necessarily limited to:

A. Slaughter areas;

B. Areas for the storage and processing of manure, garbage, or spent mushroom compost;

C. A poultry operation in excess of one animal unit per acre;

D. A swine operation in excess of 1.75 animal units per acre; and

E. All other livestock in excess of two animal units per acre.

AGRICULTURAL TOURISM — Recreation, entertainment, education, and tourism events and activities that are associated with and provide support for the ongoing conduct of agricultural operations on a farm or farm property.

2. **Editor's Note: See 53 P.S. § 10101 et seq.**

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

A. Field crops, including barley, corn, hay, oats, potatoes, rye, sorghum, soybeans, and sunflowers.

B. Livestock, including dairy and beef cattle, game birds, goats, hogs, horses, poultry, sheep, and other animals, excluding dogs.

C. Livestock products, including butter, cheese, eggs, fur, honey, meat, and milk.

D. Horticultural and silvicultural products.

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

AMENDMENT — A change in use in any district which includes revisions to this chapter text and/or the Official Zoning Map.

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

ANIMAL UNIT — 1,000 pounds live weight of livestock, regardless of the actual number of animals comprising the unit.

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

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

BANQUET HALL — A room, building, or business with the primary purpose of hosting parties, banquets, weddings, receptions, or other social events.

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

BED-AND-BREAKFAST ESTABLISHMENT — A home occupation providing for compensation, sleeping accommodations, and breakfast for transient guests.

BILLBOARD SIGN — A permanent, off-premises, freestanding sign installed on a property by an entity other than the property owner, renter, or other occupant, and where the installing entity leases or rents said sign to another entity other than the property owner, renter, or other occupant.

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

BREWERY — An establishment where beer is produced and often served or sold commercially.

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

BUILDING ENVELOPE — A three-dimensional space on which a structure is permitted to be built on a lot and which is defined by maximum height regulations and yard setbacks.

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

BUILDING LINE — A line formed by the intersection of a horizontal plane and a vertical plane that coincides with the exterior surface of a building or structure on any side. In the case of a cantilevered or projected section of a building, not greater than 12 inches, the vertical plane will coincide with the most projected surface. This line defines the required front, side, and rear yards.

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

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

BUILDING SETBACK LINE — A line parallel to and the distance from a public or private street or an adjoining property line as specified in this chapter, which determines the minimum distance permitted between a building or structure and the street right-of-way line or adjoining property lines.

BUS PASSENGER STATION — Any premises for the loading and unloading of passengers other than school buses.

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

CARPORT — A covered space, open on at least three sides, for the storage of one or more vehicles and accessory to a principal or accessory building.

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

CHILD/ADULT DAY CARE FACILITY — Any dwelling, building, or portion thereof in which child or adult day care services other than babysitting are provided, including any on-site outdoor play area. Child and adult day care facilities shall be further differentiated by the following three classifications.

A. FAMILY DAY CARE HOME — Any premises or dwelling unit, other than the home of the child or adult, where the day care areas are being used as a family residence, operated for profit or not for profit, in which day care is provided on a regular basis to a combined total of four to six children or adults per day, who are not relatives of the person giving care.

B. GROUP DAY CARE HOME — A facility in which care is provided for a combined total of more than six but fewer than twelve children or adults per day, other than the home of the child or adult, where the day care areas are being used as a family residence. (This definition shall include such facilities caring for more than 12 persons, provided that the Pennsylvania Department of Human Services has granted a special exception under the Department's group day care facility regulations.)

C. DAY-CARE CENTER — A facility which provides care for a combined total of seven or more children or adults per day, where the child or adult care areas are not being used as a residence.

CIDERY — An establishment where hard cider is produced and often served or sold commercially.

CLUB and/or LODGE — A building and/or structure utilized as a private club offering food and/or drink privileges.

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

COMMON OPEN SPACE — A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

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

CONSERVATION AREA — Environmentally sensitive areas with characteristics such as steep slopes, wetlands, floodplains, high-water tables, forest areas, endangered species habitat, dunes, or areas of significant biological productivity or uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance or character. **[Amended 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03]**

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

COTTAGE INDUSTRY — A home-based business which does not meet the definition of a "no-impact home-based business."

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

DAY-CARE CENTER — Any dwelling, building, or portion thereof in which child or adult day care services other than babysitting are provided, including any on-site outdoor play areas.

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

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

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

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

DISTILLERY — An establishment where liquor is produced and often sold or served commercially.

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

A. CONVERSION APARTMENT — An existing dwelling unit that is or was converted to a dwelling for more than one family, without substantially altering the exterior of the building.

B. INDUSTRIALIZED HOUSING — Any structure which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation on the building site, in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage, or destruction.

C. MOBILE HOME — A transportable, single-family detached 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.

D. MULTIFAMILY — A building used by three or more families living independently of each other and doing their own cooking, such as apartment houses.

E. SINGLE-FAMILY DETACHED — A building used by one family, having only one dwelling unit and two side yards.

F. SINGLE-FAMILY ATTACHED — A building containing at least three but not more than six dwelling units, attached side by side by the use of a common wall, with end units having a side yard, such as a townhouse.

G. SINGLE-FAMILY, SEMIDETACHED — A building used by one family, having one side yard and one party wall common with another dwelling.

H. TWO-FAMILY DETACHED — A building used by two families, with one dwelling unit arranged over the other and having two side yards.

I. ZERO LOT LINE — A single-family detached dwelling with the building positioned on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

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

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

ENVIRONMENTALLY SENSITIVE AREA — An area with one or more of the following environmental characteristics:

A. Slopes over 25%;

B. Floodplain;

C. Soils classified as highly erodible, subject to erosion, or highly acidic as identified within the Soil Survey of Adams County, Pennsylvania;

D. Wetlands;

E. Mature forest.

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

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

FARM MARKET — An establishment located on a farm or other property where agricultural operations are conducted and providing for the sale of horticultural and agricultural products or agriculturally-related products that are either produced on the farm or are directly related to agricultural products produced within Adams County or surrounding counties.

FARM STAND — A booth or stall under 1,000 square feet in size on private property from which agricultural products produced on said property are sold to the general Public.

FARM WORKER HOUSING — A dwelling unit or dwelling units located on a farm and occupied by persons who are employed on said farm or occupied by families with at least one family member who is employed on said farm.

FARM-RELATED OCCUPATIONS — A business accessory to and operated on a farm.

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

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

FLOODPLAIN — A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation and is further defined and regulated by Chapter 101, Floodplain Management, of the Code of Freedom Township, as amended.

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

FLOOR AREA, NET RETAIL — All that space relegated to use by the customer and the retail employee to consummate retail sales, including display areas used to indicate the variety of goods available for the customer, but not to include office space, storage space, and other general administrative areas.

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.

FUNERAL HOME — A building used for the preparation of the deceased for display prior to burial and associated rituals.

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

GARAGE, PUBLIC — Any structure, other than a private garage, which is used for storage of motor vehicles for compensation.

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

GOVERNING BODY — The Freedom Township Board of Supervisors, Adams County, Pennsylvania.

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

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

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

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

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

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

HISTORIC STRUCTURE — Any structure that is:

A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a local inventory of historic places, at either the county or Township level, that has been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior.

HOME OCCUPATION — A business conducted within a dwelling or a single building accessory to the dwelling by the inhabitants thereof and which is clearly incidental and subordinate to the primary residential use of the property.

HORTICULTURE — Activities or practices related to garden cultivation or management.

HOSPITAL — An institution, licensed in the commonwealth as a hospital, which renders inpatient and outpatient medical care for a twenty-four-hour-per-day basis and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. This definition does not include an animal hospital.

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

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

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

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

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

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

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

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

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

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

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

LOT OF RECORD — A lot which has been recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania.

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

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

MATURE FOREST — An area of plant material covering one acre or more and consisting of 30% or more canopy trees having a sixteen-inch or greater caliper, or any grove consisting of eight or more trees having an eighteen-inch or greater caliper. Trees shall be measured at 4.5 feet from ground level.

MEDICAL MARIJUANA — Marijuana for certified medical use as set forth in Pennsylvania Act 16 of 2016.

MEDICAL MARIJUANA DELIVERY VEHICLE OFFICE — Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

MEDICAL MARIJUANA DISPENSARY — A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana.

MEDICAL MARIJUANA DISPENSARY FACILITY — An indoor, enclosed, permanent, and secure building from which a medical marijuana dispensary may dispense medical marijuana.

MEDICAL MARIJUANA GROWER/PROCESSOR — A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Pennsylvania Department of Health to grow and process medical marijuana.

MEDICAL OFFICE OR CLINIC — Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health care practitioners, medical and dental laboratories, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services.

MOBILE HOME LOT — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

MOBILE HOME PARK — A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

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

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

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

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 this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE — A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this chapter or amendment or prior to the application of this chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

ON-SITE WATER SERVICE — On-site water service is a potable supply of water used for consumption by a single-family user from a private well.

OPEN SPACE — The unoccupied space open to the sky on the same lot with the building, not including parking lots.

PARENT TRACT — When used in determining the maximum number of lots which may be subdivided, or dwellings or other principal nonagricultural buildings erected in the Agricultural District, all contiguous land held in single and separate ownership, regardless

whether such land is divided into one or more lots, parcels, purparts or tracts; whether such lands were acquired by the landowner at different times or by different deeds, devices, petitions, or otherwise; whether such land is bisected by public or private streets or rights-of-way, which was held by the landowner or his predecessor in title prior to the adoption of this chapter.

PARTY WALL — A common shared wall between two separate structures, buildings, or dwelling units.

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

PLANNED COMMUNITY DEVELOPMENT (PCD) — A form of development that permanently preserves 40% of the tract in an open space system; encourages the development of a town center; encourages provision for elder care facilities and utilizes residential cluster design principles.

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

PLANNING COMMISSION — The Planning Commission of Freedom Township, Adams County, Pennsylvania.

PRIVATE OPEN SPACE — Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for private use or enjoyment of owners, occupants, and their guests. Private golf courses shall be considered private open space.

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

PUBLIC GROUNDS — Public grounds include the following:

A. Public parks, playgrounds, trails; paths, other recreational areas, and other public areas;

B. Sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities; and

C. Publicly owned or operated scenic and historic sites.

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

PUBLIC MEETING — A forum held pursuant to notice under the Act of October 15, 1998 (P.L. 729, No. 93), known as the "Sunshine Act," 65 Pa.C.S.A. § 701 et seq. **[Amended 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03]**

PUBLIC NOTICE — A notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC UTILITY FACILITIES — Public utility transmission and distribution facilities including substations and the like.

PUBLIC WATER SYSTEM — A potable supply of water subject to either the Pennsylvania Public Utility Commission jurisdiction or other appropriate regulating agency.

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

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

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

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

RETREAT — A facility owned and operated by a nongovernmental entity for the purpose of providing a rural setting in which temporary lodging, camping and/or conferences, meeting, and event facilities are provided with or without compensation.

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

RURAL EVENTS VENUE — An establishment that is leased on a temporary basis for private functions, including but not limited to banquets, weddings, receptions, business and organizational meetings, and other similar functions. Such establishments may include kitchen facilities, areas for dining and entertainment, and temporary lodging.

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

SELF-SERVICE STORAGE FACILITY — A structure intended for lease for the sole purpose of storing household goods, motor vehicles, or recreational equipment.

SIGN — Any permanent or temporary structure, or part thereof, or any device attached, painted, or represented directly or indirectly on a structure or other surface that displays or includes any letter, word, insignia, flag, or representation used as, or which is used in the nature of an advertisement, announcement, visual communication, or direction, or is otherwise designed to attract the eye or bring the subject to the attention of the public.

A. CONTRACTOR SIGN — A temporary, on-premises, freestanding sign placed on the property during periods of time when a contractor is participating in a construction project on the property.

B. DEVELOPMENT ANNOUNCEMENT SIGN — A temporary on-premises sign, either freestanding or attached, erected at or near the primary entrance to a commercial, industrial, or residential development, or similar facility, and placed on the property during periods of time when a development is initially offered for sale, rent, or other occupation.

C. FLAG — A permanent, on-premises, freestanding or attached sign, make of a flexible material, such as cloth, and mounted either on a solid pole or affixed to another structure. Does not include government flags or comparable official insignias.

D. GARAGE SALE SIGN — A temporary on-premises sign, either freestanding or attached, placed on the property during periods of time when the short-term sale of personal goods by the occupant is being conducted. Garage sale signs includes signs for yard sales.

E. GOVERNMENT SIGN — A sign placed by a governmental unit and designed to identify a governmental use, property, or purpose. Includes, but is not limited to, traffic signs, street signs, and signs identifying governmental offices and facilities.

F. HOME OCCUPATION SIGN — A sign placed at the location of a residential property containing a home occupation.

G. INCIDENTAL SIGN — A permanent on-premises sign, either freestanding or attached, that provides information regarding a property or use of a property, and that includes no commercial message or logo. Includes, but is not limited to, signs conveying message such as "enter," "open," "closed," "rest rooms," "no trespassing," "warning," hours of operation, accessible parking spaces, and similar messages.

H. OFF-PREMISES DIRECTIONAL SIGN — A temporary, off-premises sign, either freestanding or attached, that is placed on a property or properties nearby to a property upon which a special event is scheduled to occur.

I. PUBLIC/SEMIPUBLIC USE SIGN — A permanent on-premises sign, either freestanding or attached, and placed on a property where public or semipublic uses or entities perform public or semipublic services in accordance with applicable governmental regulations. Includes signs for schools, parks, fire stations, police stations, churches, service clubs, public utilities, and telephone companies.

J. REAL ESTATE SIGN — A temporary on-premises sign, either freestanding or attached, placed on a property during periods of time when the property is offered for sale, rent, or other occupation.

SIGN AREA — The entire area within a single continuous perimeter enclosing all elements of a sign, which form an integral part of the display, including the perimeter border, and calculated in the manner prescribed in this chapter.

SIGN HEIGHT — A measurement of the distance from the average grade below the sign to that portion of the sign the furthest distance from the ground.

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

SOLAR FARM — A solar panel or array composed of multiple solar panels on ground-mounted rack or poles which are one of the primary use(s) for the parcel of land on which it is located, or any solar energy system that has a primary purpose for wholesale or retail sale of generated electricity, or occupies greater than 21,780 square feet, or 1/2 acre of surface area.

SPECIAL EVENTS — An event defined and in accordance with Chapter 177, Special Events, of the Code of Freedom Township, as amended. There shall be a maximum of two special events on any parcel of property in a calendar year.

STEEP SLOPE — Land area where the inclination of the land's surface from the horizontal plane is greater than 15%.

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. Fences are excluded from this definition

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

SUBSTANTIAL DAMAGE — Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

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

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

SURFACE MINING — The extraction of minerals from the earth, from waste or stockpiles, or from pits, or banks, by removing the strata or material that overlies or is above or between them or otherwise exposing and retrieving them from the surface; including, but not limited to, stripping of topsoil, strip mining, auger mining, dredging, quarrying, and leaching, and all

surface activity connected with surface or underground mining; including, but not limited to, exploration, site preparation, entry, tunnel, drift, slope, shaft and borehole drilling, and construction and activities related thereto; but it does not include those mining operations carried out beneath the surface by means of shafts, tunnels, or other underground mine openings.

SWIMMING POOL — A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches, designed, used, and maintained for swimming and bathing.

TASTING ROOM — A building, or part thereof, designated for the promotion of hard cider, wine, mead, or other similar spirits produced by a winery, cidery, brewery or distillery of the tasting room's proprietor, by providing samples of such cider or wine to the public and for the sale of such spirits at retail for consumption on the premises and for sale in closed packages for consumption off the premises.

TEMPORARY USE — A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

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

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

A. PERMITTED USES - ACCESSORY USE — A use customarily incidental and subordinate to the principal use of the main building or land and located on the same lot with such principal use or main building.

B. PERMITTED USES - BY RIGHT — A use permitted in a particular zoning district upon showing that such use in a specified location will comply with the district regulations for the location or operation of the use as specified and authorized in this chapter.

C. PERMITTED USES - CONDITIONAL USE — A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all conditions and standards for the location or operation of the use as specified in this chapter and authorized by the Freedom Township Board of Supervisors.

D. PERMITTED USES - SPECIAL EXCEPTION — A use permitted in a particular zoning district pursuant to express standards and criteria.

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

VACATION RENTAL — A structure being rented for less than 30 days without concurrently being occupied by the owner/operator where the short-term lodging is provided for compensation.

VARIANCE — Relief granted pursuant to the provisions of this chapter.

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

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

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

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

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

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

WIRELESS TELECOMMUNICATIONS FACILITY — The antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics, and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications service.

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

A. FRONT YARD — The yard between a structure and a street right-of-way line and extending the entire length of the street right-of-way line. In the case of a corner lot, the yards extending along all street right-of-way lines are front yards. In the case of a lot other than a corner lot that fronts on more than one street, the yards extending along all street right-of-way lines are front yards.

B. REAR YARD — The yard between a structure and the rear lot line and extending the entire length of the rear lot line. In the case of a corner lot, the yard opposite from and parallel to the street on which the structure fronts shall be considered the rear yard. In the case of an irregularly shaped lot, the rear yard shall be measured from that point where a line 10 feet in length can be drawn between two lot lines, which ten-foot line is parallel to the right-of-way line of the street upon which the structure fronts.

C. SIDE YARD — A yard between a structure and a side lot line, extending from the front yard to the rear yard; in the case of a corner lot, the yard which is not a front yard or a rear yard.

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

ZONING MAP — The Map setting forth the boundaries of the zoning districts of the Township which shall be a part of this chapter.

ZONING OFFICER — The duly constituted municipal official designated to administer and enforce this chapter in accordance with its literal terms.

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

ARTICLE III
Nonconforming Uses, Structures and Lots

§ 230-7. Continuance.

Unless otherwise specifically provided in this article, nonconforming uses and structures that were otherwise lawful on the effective date of this chapter may be continued.

§ 230-8. Nonconformance.

All lawful uses of land or of a building or other structure existing on the effective date of this chapter may be continued, altered, restored, reconstructed, sold, or maintained even though such use may not conform to the use, building height, setback, area, and other regulations of the district in which it is located, providing such nonconforming uses shall comply with the provision of this article.

A. Alterations and reconstruction.

(1) Repairs and structural alterations not constituting extensions, expansions, or enlargements may be made to a nonconforming structure or to a structure occupied by a nonconforming use.

(2) A nonconforming structure which is damaged, destroyed, or destructed by fire, explosion, or natural disaster may be repaired, rebuilt, or reconstructed and used for the same purpose, provided that:

(a) The reconstruction of the structure is commenced within one year from the date of the destruction of the structure and is carried to completion without undue delay.

(b) The reconstructed structure does not exceed the height, area, and volume of the structure destroyed.

(c) The reconstructed structure shall be located within the footprint of the structure that was destroyed.

B. Extension, expansion, and enlargement of nonconforming uses.

(1) 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 chapter.

(a) The extension of a nonconforming use of land upon a lot occupied by such use.

(b) The extension, expansion, or enlargement of a conforming building occupied by a nonconforming use.

(2) The foregoing extension, expansions, and enlargements of such nonconforming uses shall be subject to the following conditions.

(a) The extension, expansion, or enlargement shall conform to the use, building height, setback, and coverage regulations of the district in which the use would ordinarily be permitted.

(b) The criteria of § 230-8B(1) notwithstanding, the extension, expansion, or enlargement of the nonconforming use shall not exceed an increase of 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.

(c) The entire use shall be provided with off-street parking and loading spaces as required by Article XIV. Where the design of current off-street parking lots and loading facilities do not comply with current standards of Article XIV, such parking lots and loading facilities shall be redesigned to comply.

(d) The extension, expansion, or enlargement does not replace a conforming use.

(e) The extension, expansion, or enlargement of the nonconforming use shall not be permitted to extend into land adjacent to the initial parcel of existing land occupied on the effective date of this chapter.

C. Extension, expansion, and enlargement of nonconforming structures.

(1) Where an existing structure is nonconforming with regard to one or more applicable dimensional standards, such structure may be extended, expanded, or enlarged as a matter of right, provided that the degree of nonconformity is not increased.

(2) Where an existing structure is nonconforming with regard to one or more applicable dimensional standards, and an extension, expansion, or enlargement of said building is proposed that would increase the degree or nonconformity, such extension, expansion, or enlargement shall be subject to variance approval from the Zoning Hearing Board.

D. Change of use. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

E. Abandonment and discontinuance. If a nonconforming use of a structure or land ceases or is discontinued for a continuous period of one year or more, the nonconforming use shall be considered to be abandoned, and subsequent use of such structure or land shall be in conformity with all the provisions of this article. This standard shall not apply in cases where the cessation or discontinuance was caused by circumstances beyond the control of the owner.

F. Nonconforming lots. Any lot held in single and separate ownership at the effective date of this chapter and which does not conform to one or more of the applicable dimensional regulations in the district in which it is located shall be considered nonconforming. A building may be erected upon a nonconforming lot and a use may be established upon a nonconforming lot, provided a zoning permit is obtained in accordance with the provisions of this chapter. Such development shall comply with the following provisions:

(1) The proposed use is permitted by right within the district in which it is located.

(2) The proposed building and use shall comply with all applicable area, building height, and bulk regulations of the district other than the regulation(s) that result in the lot being considered to be nonconforming. zoning permit approval shall not be granted for lots that are nonconforming with regard to minimum lot area where the underlying zoning district applies a minimum lot area standard for a specific use that exceeds the generally required minimum lot area standard for the zoning district as a whole.

G. Nonconforming signs.

(1) Signs in existence at the effective date of this chapter may be continued subject to the requirements contained in Article XV of this chapter.

(2) If and when a nonconforming sign is replaced, the new sign shall comply with the requirements of Article XV of this chapter. "Replacement" shall refer to structural replacement and/or relocation of the sign but shall not include simply revising the text or color of the sign.

H. Substitution of nonconforming use. Substitution of nonconforming use - The Zoning Hearing Board, by special exception, may permit the substitution of another nonconforming use in accordance with the following criteria and limitations:

(1) The proposed use shall not generate more traffic than the existing nonconforming use.

(2) The proposed use, if commercial or industrial in nature, shall not have longer hours of operation than the existing nonconforming use.

(3) The proposed use shall not generate higher levels of noise, smoke, or glare off the property than the existing nonconforming use.

(4) The proposed use shall not be more detrimental to the neighboring properties and uses than the existing nonconforming use.

ARTICLE IV
Designation of Districts

§ 230-9. Zoning districts.

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

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

§ 230-10. Zoning Map.

A. The boundaries of the AG, RC, RL, RM, CC, MU and IL Districts shall be as shown on the map attached to and made a part of this chapter. The "Freedom Township Zoning Map" and all the notations, reference and other data shown are incorporated by reference into this chapter as Appendix A.[3]

B. The boundaries of the Floodway and Flood Fringe shall serve as regulatory overlays to the underlying districts as shown on the Official Zoning Map, and as specifically described in the Floodway Data Table and 100-year flood delineation in the Flood Insurance Study (FIS) prepared for the Township by the Flood Insurance Administration (FIA) dated July 22, 2020. The said study and accompanying maps, notations, references and other data are incorporated by reference into this chapter as if all were fully described herein. **[Amended 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03]**

§ 230-11. District boundaries.

A. The boundaries between these districts are, unless otherwise indicated, either the center lines of streets, alleys, rights-of-way, lot lines, or such lines extended, or parallel.

B. Where figures are shown on the Zoning Map between a street, alley, right-of-way, or lot line, and a district boundary line, such figures indicate that the district boundary line runs parallel to that line at a distance equivalent to the number of feet indicated.

C. Where district boundaries are not clearly fixed by the above methods, such boundaries shall be determined by the use of the scale of the Zoning Map.

D. Should any other uncertainty exist, the Zoning Officer shall interpret the intent of this chapter and Map as to the exact location of district boundaries.

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3. Editor's Note: The Zoning District Map is included as an attachment to this chapter.

E. When a district boundary line divides a lot held in single and separate ownership at the effective date of this chapter, the regulations of either abutting district may be construed by the owner to be applicable to the portion of such lot in the other abutting district for a distance of not more than 50 feet beyond the district boundary line.

§ 230-12. Table of uses.

Uses in each zoning district are cross-referenced in a "Freedom Township Table of Uses," attached to and made part of this chapter. The said table is hereby incorporated by reference into this chapter as if it were fully described herein. The "Freedom Township Table of Uses" is provided as Appendix B.[4] In the event of inconsistencies between the "Freedom Township Table of Uses" and the permitted uses listed in the text of any zoning district, the text of the zoning district shall control.

ARTICLE V
Agricultural District (AG)

§ 230-13. Intended purpose.

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

§ 230-14. Uses permitted by right.

A. Agricultural uses and buildings, including farm dwellings.

B. Farm-related occupations, in accordance with § 230-62A(21).

C. Forestry.

D. Municipal facility.

E. No-impact home-based business, in accordance with § 230-62A(38).

F. Single-family detached dwellings.

G. Uses and buildings customarily accessory and incidental to any permitted use.

§ 230-15. Permitted accessory uses.

A. Accessory apartments, in accordance with § 230-62A(1).

B. Farm market, in accordance with § 230-62A(20).

C. Farm stand.

D. Signs, in accordance with Article XV.

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4. **Editor's Note: The Table of Uses is included as an attachment to this chapter.**

E. Wireless communications facility — co-location — inside public right-of-way, in accordance with § 230-62A(57).

F. Wireless communications facility — co-location — outside public right-of-way, in accordance with § 230-62A(58).

§ 230-16. Permitted conditional uses.

A. Agribusinesses, in accordance with § 230-62A(3).

B. Agricultural tourism operation, in accordance with § 230-62A(4).

C. Animal hospital, in accordance with § 230-62A(5).

D. Bed-and-breakfast establishments, in accordance with § 230-62A(8).

E. Cemeteries, in accordance with § 230-62A(12).

F. Cottage industry, in accordance with § 230-62A(18).

G. Farm worker housing, in accordance with § 230-62A(22).

H. Home occupation, in accordance with § 230-62A(28).

I. Kennels, in accordance with § 230-62A(32).

J. Places of worship, in accordance with § 230-62A(40).

K. Public utility facility, in accordance with § 230-62A(41).

L. Solar farm, in accordance with § 230-62A(48).

M. Tasting room/winery/cidery/brewery/distillery, either as a principal use or as an accessory to a farm or agricultural use, in accordance with § 230-62A(51).

N. Wireless communications facility - tower-based - inside public right-of-way, in accordance with § 230-62A(57).

O. Wireless communications facility - tower-based - outside public right-of-way, in accordance with § 230-62A(58).

§ 230-17. Density and dimensional regulations.

A. Number of dwelling units and lots.

(1) In order to preserve agricultural tracts, it is the expressed intent of this provision that the subdivision of lots from farms for the development of nonagricultural uses and structures on existing farms shall be limited. In addition, it is the expressed intent of this article that the maximum size of lots created for any use other than agriculture shall be limited in order to provide for the retention of tracts of sufficient size to be used for agricultural purposes.

(2) The maximum number of lots which may be created from a parcel of land for nonagricultural purposes shall be based on the acres of contiguous land held in

single and separate ownership (parent tract) as of the adoption of this chapter. The following scale shall be used to determine the permissible subdivision:

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

(3) The existing dwelling unit of the parent tract shall not be included in the calculation of any future subdivision capabilities defined in the above scale.

(4) A subdivision to create a lot which will be transferred to the Township, a municipal authority created by the Township, or other governmental entity shall not be included when computing the permissible number of lots to be subdivided from a tract.

B. Lot regulations:

(1) Agricultural uses and buildings including farm dwellings: minimum lot area shall be 10 acres.

(2) Single-family detached dwelling (nonagricultural). Minimum lot area is one acre with maximum of three acres. However, the lot area may need to be increased if, after completing soil testing and any hydrogeologic studies required by the Township and/or DEP, a larger lot area is required to accommodate an individual on-lot sewage disposal system.

(3) All other nonagricultural uses. Lot area shall be based upon required setbacks, impervious coverage, parking and loading/unloading area standards, but in no instance shall be less than one acre nor greater than three acres. However, the maximum lot area may be increased if, after completing soil testing and any hydrogeologic studies required by the Township and/or DEP, a larger lot area is required to accommodate an individual on-lot sewage disposal.

(4) The minimum lot width of all uses shall not be less than 150 feet at the minimum building setback line and 50 feet at the dedicated right-of-way.

(5) Impervious coverage shall not exceed 10%.

C. Setback regulations:

(1) Front yard depth shall be 35 feet.

(2) Side yard width shall be 20 feet.

(3) Rear yard depth shall be 40 feet.

D. Height regulations:

(1) The height of a nonagricultural principal building shall not exceed 35 feet.

(2) The height of a nonagricultural accessory structure shall not exceed 15 feet.

(3) No height restrictions shall be placed upon agricultural structures.

E. Placement regulations:

(1) All uses shall be located on nonprime farmland (Soil Capability Classes III through VIII), when such land is available; or on lands which cannot feasibly be farmed, due to existing features of the site, such as rock outcropping, or that the size or shape of the area suitable for farming is insufficient to permit the efficient use of farm machinery.

(2) Generally, the placement of structures shall be in accordance with the overlay standards contained in § 230-59.

§ 230-18. Off-street parking/access.

Off-street parking/access and loading/unloading shall be provided in accordance with Article XIV and Chapter 195, Subdivision and Land Development, of the Code of Freedom Township, as amended.

ARTICLE VI
Rural Conservation District (RC)

§ 230-19. Intended purpose.

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

§ 230-20. Uses permitted by right.

A. Agricultural uses (except agribusinesses).

B. Cluster development, in accordance with § 230-62A(15).

C. Conservation areas and structures.

D. Forestry.

E. Municipal facility.

F. No-impact home-based business, in accordance with § 230-62A(38).

G. Recreation, passive.

H. Single-family detached dwellings.

I. Special events pursuant to Chapter 177, Special Events, of the Code of the Township of Freedom.

J. Vacation rental, in accordance with § 230-62A(55).

§ 230-21. Permitted accessory uses.

A. Accessory apartment, in accordance with § 230-62A(1).

B. Farm market, in accordance with § 230-62A(20).

C. Farm stand.

D. Signs, in accordance with Article XV.

E. Uses and buildings customarily accessory and incidental to any permitted use.

F. Wireless communications facility — co-location — inside public right-of-way, in accordance with § 230-62A(57).

G. Wireless communications facility — co-location — outside public right-of-way, in accordance with § 230-62A(58).

§ 230-22. Permitted conditional uses.

A. Agricultural tourism operation, in accordance with § 230-62A(4).

B. Campgrounds and facilities, in accordance with § 230-62A(10).

C. Cottage Industry, in accordance with § 230-62A(18).

D. Farm-related occupations, in accordance with § 230-62A(21).

E. Farm worker housing, in accordance with § 230-62A(22).

F. Golf course, in accordance with § 230-62A(25).

G. Public utility facilities.

H. Recreation, active.

I. Retreat, in accordance with § 230-62A(44).

J. Rural events venue, either as a principal use or as an accessory to a farm or agricultural use, in accordance with § 230-62A(45).

K. Solar farm, in accordance with § 230-62A(48).

L. Tasting room/winery/cidery/brewery/distillery, either as a principal use or as an accessory to a farm or agricultural use, in accordance with § 230-62A(51).

§ 230-23. Density and dimensional regulations.

A. Density. The maximum residential density shall be one dwelling unit per five acres. However, for voluntary use of cluster development concepts, the permitted density shall be 1.5 dwelling units per five acres.

B. Lot regulations.

(1) The minimum lot area is 40,000 square feet subject to any required soil testing and/or hydrogeologic studies.

(2) Impervious coverage shall not exceed 15%.

C. Setback regulations.

(1) For new subdivisions (see § 230-58).

(a) Minimum spacing between building envelopes and public rights-of-way: 50 feet.

(b) Minimum spacing between building envelopes on adjacent lots: 50 feet.

(c) No building envelope shall be placed closer than 20 feet to any lot line.

(d) Minimum spacing of building envelope from on-site public rights-of-way: 35 feet.

(e) Minimum setback of building envelope from waterways, lakes or ponds: 100 feet.

(2) Setback regulations for existing lots of record and agricultural structures:

(a) Front yard depth shall be 35 feet.

(b) Side yard width shall be 20 feet.

(c) Rear yard depth shall be 40 feet.

D. Height regulations.

(1) The height of a principal structure shall not exceed 35 feet.

(2) The height of an accessory structure shall not exceed 30 feet.

(3) Farm structures shall be exempt from height regulations.

E. Placement regulations. The placement of structures shall be in accordance with the overlay standards contained in § 230-59.

§ 230-24. Off-street parking/access.

Off-street parking/access and loading/unloading shall be provided in accordance with Article XIV and Chapter 195, Subdivision and Land Development, of the Code of Freedom Township, as amended.

ARTICLE VII
Residential Low-Density District (RL)

§ 230-25. Intended purpose.

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

§ 230-26. Uses permitted by right.

A. Cluster development, in accordance with § 230-62A(15).

B. Forestry.

C. Group home, in accordance with § 230-62A(26).

D. Municipal facility.

E. No-impact home-based business, in accordance with § 230-62A(38).

F. Single-family detached dwellings.

G. Vacation Rental, in accordance with § 230-62A(55).

§ 230-27. Permitted accessory uses.

A. Accessory apartments, in accordance with § 230-62A(1).

B. Agriculture, horticulture, or floriculture, as an accessory use in a greenhouse.

C. Signs, when erected and maintained in accordance with the provisions of Article XV.

D. Uses and buildings customarily accessory and incidental to any permitted use.

E. Wireless communications facility — co-location — inside public right-of-way, in accordance with § 230-62A(57).

F. Wireless communications facility — co-location — outside public right-of-way, in accordance with § 230-62A(58).

§ 230-28. Permitted conditional uses.

A. Antennas, in accordance with § 230-62A(6).

B. Cottage industry, in accordance with § 230-62A(18).

C. Family day care home.

D. Golf courses, in accordance with § 230-62A(25).

E. Home occupation, in accordance with § 230-62A(28).

F. Places of worship.

G. Public utility facility.

H. Recreation, active and passive.

I. Schools.

§ 230-29. Density and dimensional regulation.

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

B. Lot regulations.

(1) Minimum lot area is 40,000 square feet subject to any required soil testing and/or hydrogeologic studies.

(2) Minimum lot width is 150 feet at the building setback line and 50 feet at the dedicated right-of-way.

(3) Impervious coverage shall not exceed 25%.

C. Setback regulations.

(1) Front yard depth shall be 35 feet.

(2) Side yard width shall be 20 feet.

(3) Rear yard depth shall be 40 feet.

D. Height regulations.

(1) The height of a principal building shall not exceed 35 feet.

(2) The height of an accessory structure shall not exceed 15 feet.

§ 230-30. Off-street parking/access.

Off-street parking/access and loading/unloading shall be provided in accordance with Article XIV and Chapter 195, Subdivision and Land Development, of the Code of Freedom Township, as amended.

ARTICLE VIII

Residential Medium Density District (RM)

§ 230-31. Intended purpose.

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

§ 230-32. Uses permitted by right.

A. Cluster development, in accordance with § 230-62A(15).

B. Forestry.

C. Group home, in accordance with § 230-62A(26).

D. Multifamily dwelling, in accordance with § 230-62A(37).

E. Municipal facility.

F. No-impact home-based business, in accordance with § 230-62A(38).

G. Single-family attached dwelling, in accordance with § 230-62A(47).

H. Single-family detached dwelling.

I. Single-family semidetached dwelling.

J. Two-family detached dwelling.

§ 230-33. Permitted accessory uses.

A. Accessory apartments, in accordance with § 230-62A(1).

B. Noncommercial agricultural and horticultural uses and structures, such as greenhouses, when accessory to a residential use.

C. Signs, when erected and maintained in accordance with the provisions of Article XV.

D. Uses and buildings customarily accessory and incidental to any permitted uses.

E. Wireless communications facility — co-location — inside public right-of-way, in accordance with § 230-62A(57).

F. Wireless communications facility — co-location — outside public right-of-way, in accordance with § 230-62A(58).

§ 230-34. Permitted conditional uses.

A. Antennas, in accordance with § 230-62A(6).

B. Boardinghouse, in accordance with § 230-62A(9).

C. Child/adult day care facility, in accordance with § 230-62A(13).

D. Club and/or lodge, in accordance with § 230-62A(14).

E. Conversion apartments, in accordance with § 230-62A(17).

F. Cottage industry, in accordance with § 230-62A(18).

G. Elder care facility, in accordance with § 230-62A(19).

H. Golf courses, in accordance with § 230-62A(25).

I. Group care facilities.

J. Halfway house, in accordance with § 230-62A(27).

K. Home occupation, in accordance with § 230-62A(28).

L. Mobile home parks, in accordance with § 230-62A(36).

M. Places of worship.

N. Public utility facility.

O. Recreation, active and passive.

P. Schools.

Q. Temporary uses, in accordance with § 230-62A(52).

§ 230-35. Density and dimensional regulations.

A. Density. The maximum permitted density shall be two units per acre.

B. Lot regulations:

(1) Any lot with on-lot water and/or sewer systems shall have a minimum lot area of one acre to any required soil testing and/or hydrogeologic studies.

(2) Residential lots with public water and public sewer are subject to the following regulations.

Dwelling Type	Lot Area/Dwelling Unit (square feet)	Lot Width At Setback (feet)	Max Impervious Coverage (%)
Single-family detached	15,000	80	40%
Single-family semidetached	5,000	50	50%
Single-family attached	3,000	20	50%
Two-family detached	5,000	100[1]	50%
Multifamily	2,000	—	50%
Accessory apartment	2,500	100[1]	50%
Conversion apartment	5,000	100[1]	50%

[1] Per building

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

C. Setback regulations (see § 230-58).

(1) Front yard depth shall be 20 feet.

(2) Side yard width shall be 15 feet, which may be reduced to eight feet with public sewer and water.

(3) Rear yard depth shall be 40 feet, which may be reduced to 25 feet with public sewer and water.

(4) For multiyard and/or attached dwellings of one or two stories, there shall be a front yard, two side yards and a rear yard each of not less than 30 feet. For each story over two, five feet of width or depth shall be added to each yard.

D. Height regulations.

(1) The height of a principal structure shall not exceed 35 feet.

(2) The height of an accessory structure shall not exceed 15 feet.

§ 230-36. Off-street parking/access.

Off-street parking/access and loading/unloading shall be provided in accordance with Article XIV and Chapter 195, Subdivision and Land Development, of the Code of Freedom Township, as amended.

ARTICLE IX
Commercial Corridor District (CC)

§ 230-37. Intended purpose.

A. Provide for functional, safe, and visually attractive development along the Emmitsburg Road Corridor.

B. Minimize traffic congestion and enhance public safety by controlling ingress and egress to new development along the Emmitsburg Road Corridor.

C. Provide a range of commercial and service-oriented uses designed in ways which minimize traffic congestion and which visually complement the historic and scenic values associated with the Gettysburg National Military Park and its related historic districts.

D. Encourage the development of a visually attractive setting for residents, visitors, and tourists entering Freedom Township specifically, and the Gettysburg Region in general, by offering alternatives to typical strip commercial development patterns.

E. Encourage the development of a functionally and visually compatible set of business uses at locations accessible to potential customers.

F. Include requirements that will concentrate higher intensity, regionally oriented, automobile intensive commercial uses near the Route 15/Emmitsburg Road Interchange while allowing a range of lower intensity, community oriented commercial uses along those portions of the Corridor that are somewhat removed from the Interchange.

§ 230-38. Uses permitted by right.

A. Any form of agriculture, horticulture, or floriculture excluding intensive agribusiness.

B. Any retail business, excluding adult businesses, whose principal activity is the sale of merchandise in an enclosed building, provided the sales area of the business does not exceed 3,000 square feet.

C. Boardinghouse, in accordance with § 230-62A(9).

D. Business and professional offices.

E. Florists, greenhouses, or nurseries, provided that pesticides, fertilizers, and empty cans are kept within a building.

F. Forestry.

G. Medical marijuana dispensary facility, in accordance with § 230-62A(34).

H. Medical marijuana transport vehicle office, in accordance with § 230-62A(35).

I. Municipal facility.

J. No-impact home-based business, in accordance with § 230-62A(38).

K. Personal service establishments, excluding drive-through service.

L. Single-family detached dwellings.

M. Studios.

N. Tasting room/winery/cidery/brewery/distillery, either as a principal use or as an accessory to a farm or agricultural use, in accordance with § 230-62A(51).

O. Within 2,500 lineal feet of the Route 15/Emmitsburg Road Interchange, measured from the intersection of the center lines of Emmitsburg Road and the Route 15/Emmitsburg Road Interchange off-ramps, the following uses are permitted by right.

(1) Any retail business, excluding adult businesses, whose principal activity is the sale of merchandise in an enclosed building, provided the sales area of the business does not exceed 5,000 square feet.

(2) Convenience stores, excluding fuel sales, in accordance with § 230-62A(16).

(3) Financial establishment, excluding drive-through-window service, in accordance with § 230-62A(23).

(4) Fitness center.

(5) Funeral homes.

(6) Hospital, in accordance with § 230-62A(29).

(7) Medical office or clinic.

(8) Motels and hotels, not exceeding 20 units.

(9) Recreation, active.

(10) Restaurants, excluding drive-through-window service.

(11) Theaters.

§ 230-39. Permitted accessory uses.

A. Accessory apartments, in accordance with § 230-62A(1).

B. Home occupation, in accordance with § 230-62A(28).

C. Outdoor storage and display when accessory to a permitted use.

D. Signs, when erected and maintained in accordance with the provisions of Article XV.

E. Uses and buildings customarily accessory and incidental to any permitted use.

F. Wireless communications facility - co-location - inside public right-of-way, in accordance with § 230-62A(57).

G. Wireless communications facility — co-location — outside public right-of-way, in accordance with § 230-62A(58).

H. Within 2,500 lineal feet of the Route 15/Emmitsburg Road Interchange, measured from the intersection of the center lines of Emmitsburg Road and the Route 15/Emmitsburg Road Interchange off-ramps, the following uses are permitted as accessory uses.

(1) Signs, when erected and maintained in accordance with the provisions of Article XV.

(2) Uses and buildings customarily accessory and incidental to any permitted use.

§ 230-40. Permitted conditional uses.

The following uses may be permitted as conditional uses within 2,500 feet from the Route 15/Emmitsburg Road Interchange, measured from the intersection of the center lines of Emmitsburg Road and the Route 15/Emmitsburg Road Interchange off-ramps, pursuant to standards and criteria as set forth in this chapter.

A. Antennas, in accordance with § 230-62A(6).

B. Any retail business whose principal activity is the sale of merchandise in an enclosed building, where the sales area exceeds 5,000 square feet.

C. Banquet hall, in accordance with § 230-62A(7).

D. Convenience stores, including fuel sales, in accordance with § 230-62A(16).

E. Cottage industry, in accordance with § 230-62A(18).

F. Financial establishments with drive-through service, in accordance with § 230-62A(24).

G. Hotels and motels, exceeding 20 guest rooms.

H. Indoor recreational facility, in accordance with § 230-62A(30).

I. Planned shopping centers.

J. Public utility facilities, in accordance with § 230-62A(41).

K. Restaurants with drive-through service, in accordance with § 230-62A(43).

§ 230-41. Site design requirements (single-family detached dwellings are excluded).

A. Buildings shall be constructed, to the maximum extent feasible, at the front yard setback line.

B. No parking is permitted to be placed in the front yard area between the front face of the building (the side of the building parallel to the road right-of-way) and the road right-of-way. Only landscaping, permitted signage, and permitted access driveways are permitted to be located in the front yard area.

C. Required parking shall be located to the side or rear of the principal structure on the lot. The parking lot shall be designed in accordance with the landscaping standards established in this section, and any other standards required by this district.

D. Outdoor refuse areas shall be enclosed by walls or opaque fencing designed to be architecturally compatible with the principle building(s). Wall or fencing shall be designed to shield the refuse areas from direct view of any adjacent property and shall be at least six feet high.

E. Land development plans with more than one structure, or more than one space available for rent or sale, shall be designed as an integrated whole.

F. Landscaping requirements.

(1) Standards for landscaping within off-street parking areas containing 25 or more parking spaces shall be as follows:

(a) A terminal island shall be provided at both ends of all rows of parking spaces. Each terminal island shall measure at least five feet in width and 15 feet in length. Each terminal island shall include at least one tree, with the remaining area landscaped with appropriate ground cover or grass.

(b) A divider strip between abutting rows of parking shall be provided. At least one tree shall be planted at twenty-foot intervals within the divider strip. The remaining area of the divider strip shall be landscaped with appropriate ground cover or grass.

(2) Standards for landscaping the perimeter of off-street parking areas shall be as follows:

(a) A landscaping strip shall be provided around the perimeter of all parking lots, except for the side of the parking lot bounded by the principal structure of a lot.

(b) The minimum width of the perimeter landscaping strip along a front property line shall be 10 feet, measured outward from the edge of the parking lot. The minimum width of the perimeter landscaping strip along side and rear property lines shall be five feet, measured outward from the edge of the parking lot.

(c) At least one tree shall be planted at twenty-foot intervals within the perimeter landscaping strip.

(3) Standards for landscaping the borders of properties shall be as follows:

(a) Perimeter landscaping strips shall be provided around the perimeter of the property. Landscaping strips alongside boundary lines may be exempted if the bordering properties both contain commercial uses and share an access driveway.

(b) The minimum width of the perimeter landscaping strip along the front property line shall be 10 feet, measured inward from the street right-of-way line. The minimum width of the perimeter landscaping strip along the side and rear property lines shall be five feet, measured inward from the property line.

(c) At least one tree shall be planted at twenty-five-foot intervals within the perimeter landscaping strip.

(4) Standards for landscaping materials shall be as follows:

(a) All required trees shall be a minimum of eight feet in height and shall have a minimum caliper of two inches, measured at three feet above the ground line, immediately upon planting.

(b) All required trees shall be deep-rooted species capable of withstanding automobile emissions and the salts used in snow melting and removal operations.

(c) Within any required landscaping area, any plant which dies shall be replaced with another plant of the same or similar species within one month of the death of the original plant, provided that climatic conditions allow for planting.

§ 230-42. Dimensional regulations.

A. Lot regulations.

(1) Minimum lot area is one acre subject to any required soil testing and/or hydrogeologic studies.

(2) Minimum lot width is 100 feet at the building setback line.

(3) The maximum impervious coverage shall be 65%.

(4) At least 15% of the lot area shall be maintained with a vegetative cover with appropriate landscaping.

B. Setback regulations (see § 230-58).

(1) Front yard: 30 feet, subject to the Gateway Corridor standards in Article XII.

(2) Side yards: 10 feet. No side yard shall be required where structures abut one another. Where shared parking lots are proposed, which use a shared access driveway for access, between adjoining lots, one side yard requirement per lot may be waived to accommodate the shared parking lot and access driveway.

(3) Rear yards: 20 feet.

C. Height regulations.

(1) The height of a principal structure shall not exceed 40 feet.

(2) The height of an accessory structure shall not exceed 20 feet.

D. Use location. If inadvertently a property is divided when applying the distance of 2,500 feet from the Route 15/Emmitsburg Road Interchange, the property owner after consultation with the Zoning Officer may utilize the permitted use pursuant to the standards and criteria as set forth in this chapter.

§ 230-43. Off-street parking/access and loading/unloading.

Off-street parking/access and loading/unloading shall be provided in accordance with Article XIV and Chapter 195, Subdivision and Land Development, of the Code of Freedom Township, as amended.

ARTICLE X
Mixed Use District (MU)

§ 230-44. Intended purpose.

A. Provide opportunities for residents to reside in community settings that are designed to reflect development patterns typical of traditional small American villages and towns.

B. Promote development patterns which encourage pedestrian activity within and between different components, use areas, and neighborhoods comprising the community.

C. Provide a mixture of compatible land uses including residential, limited commercial, recreational, and institutional uses.

D. Promote variety and affordability in housing types to provide opportunities for citizens of various ages and income groups to reside in Freedom Township.

§ 230-45. Uses permitted by right.

A. Agricultural tourism operation, in accordance with § 230-62A(4).

B. Agricultural uses.

C. Business and professional offices.

D. Cluster development, in accordance with § 230-62A(15).

E. Forestry.

F. Group home, in accordance with § 230-62A(26).

G. Municipal facility.

H. No-impact home-based business, in accordance with § 230-62A(38).

I. Single-family detached dwellings.

J. Tasting room/winery/cidery/brewery/distillery, either as a principal use or as an accessory to a farm or agricultural use, in accordance with § 230-62A(51).

§ 230-46. Permitted accessory uses.

A. Accessory apartments, in accordance with § 230-62A(1).

B. Farm market, in accordance with § 230-62A(20).

C. Farm stand.

D. Signs, when erected and maintained in accordance with the provisions of Article XV.

E. Uses and buildings customarily accessory and incidental to any permitted use.

F. Wireless communications facility - co-location - inside public right-of-way, in accordance with § 230-62A(57).

G. Wireless communications facility - co-location - outside public right-of-way, in accordance with § 230-62A(58).

§ 230-47. Permitted conditional uses.

A. Banquet hall, in accordance with § 230-62A(7).

B. Bed-and-breakfast establishments, in accordance with § 230-62A(8).

C. Cottage industry, in accordance with § 230-62A(18).

D. Halfway house, in accordance with § 230-62A(27).

E. Home occupation, in accordance with § 230-62A(28).

F. Planned community development.

G. Rural events venue, either as a principal use or as an accessory to a farm or agricultural use, in accordance with § 230-62A(45).

H. Solar farm, in accordance with § 230-62A(48).

§ 230-48. Density and dimensional regulations for conventional subdivisions.

A. Density.

(1) The maximum permitted density shall be one dwelling unit per two acres based on total gross acreage.

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

B. Lot regulations.

(1) The minimum lot area for single-family detached dwellings is one acre, subject to required soil testing and/or hydrogeologic studies.

(2) Minimum lot width is 150 feet at the building setback line and 50 feet at the dedicated right-of-way.

(3) Impervious coverage shall not exceed 25%.

C. Setback regulations.

(1) The minimum front yard depth shall be 35 feet.

(2) The minimum side yard width shall be 20 feet.

(3) The minimum rear yard depth shall be 40 feet.

D. Height requirements.

(1) The height of a principal building shall not exceed 35 feet.

(2) The height of an accessory structure shall not exceed 20 feet.

(3) Clock towers, church steeples, water towers, silos, and other structures not designated for human occupation shall not exceed 60 feet.

§ 230-49. Planned community development standards (PCD).

A. General requirements.

(1) The applicant shall have at least 30 acres under his/her control.

(2) Publicly or privately developed centralized water and wastewater systems, approved by the Pennsylvania Department of Environmental Protection, must be provided.

(3) Any PCD proposal shall be located within a mixed-use village area as delineated by the Southwest Adams Joint Comprehensive Plan, dated 2015 and approved in 2019.

B. Density requirements.

(1) The base residential density of this district shall be one dwelling unit per two acres based upon the total gross acreage of the tract.

(2) Density bonuses may be granted by the Board of Supervisors, provided that the following community development and design objectives are met by the applicant:

(a) Provision of open space; provided that the requirements of § 230-49C are met, the Board of Supervisors may grant a density bonus of 0.5 dwelling units per acre.

(b) Provision of an elderly housing component as part of the residential mix. Provided that the requirements of § 230-49D are met, the Board of Supervisors may grant a density bonus of up to 0.5 dwelling units per acre. If proposed, an elderly care facility shall be developed during one of the first two phases of a PCD.

(c) Provision of town center: Provided that the requirements of § 230-49E are met, the Board of Supervisors may grant a density bonus of one dwelling unit per acre. If proposed, a town center shall be developed during one of the first two phases of a PCD.

(3) Assuming all bonus development criteria can be achieved, the maximum permitted density for a Planned Community Development shall be 3.5 dwelling units per acre based on total gross acreage.

C. Open space requirements.

(1) An applicant shall maintain at least 40% of a tract proposed for a Planned Community Development as a permanently preserved open space system. For all open space areas which meet the criteria for open space and which are deemed appropriate by the Board of Supervisors, the applicant shall submit to the Adams County Recorder of Deeds a deed restriction prohibiting the subdivision and nonrecreational development of the required open space.

(2) If the required open space is dedicated to but not accepted by the Board of Supervisors, the applicant shall make arrangements for the permanent maintenance of the required open space through the formation of a homeowners' association. The open space shall be transferred to the homeowners' association, and the required deed restrictions shall be recorded prior to the beginning of construction of the phase within which the open space is located.

(3) Environmentally sensitive areas shall be incorporated into an open space system designed to be integrated with and supportive of the planned community development. In addition, lands not considered environmentally sensitive, but which are necessary to provide visual buffers between surrounding roadway corridors and properties and the developed portion of the planned community development, shall be included. The buffer shall also help to protect adjacent agricultural operations from potentially incompatible activities that may be developed in association with a supportive open space system for a planned community development.

(4) The open space system serving and supporting the planned community development shall be designed to create a peripheral or circumferential open space buffer surrounding the developed areas of the planned community. At least 50% of the area comprising the peripheral or circumferential space buffer shall be devoted to either passive recreation uses or preservation of open space in a natural state. Up to 50% of the circumferential open space buffer may be devoted to active recreation uses.

(a) Passive recreation uses may include hiking, walking, equestrian or bicycling trails, wildlife sanctuaries, fishing areas, and wildlife observation areas, and areas suitable picnicking and other similar passive recreation activities.

(b) Active recreation uses may include baseball, softball, or soccer fields, tennis, basketball, or volleyball courts, and other similar active recreation activities.

(5) All noncommercial recreation areas, either active or passive, shall be open to all residents of the planned community development. Commercially operated, active recreation uses incorporated into the required open space system shall be available for use by the public.

(6) A trail network shall link components of the open space system, including all recreation areas. The network shall also link these recreation areas with residential neighborhoods and with the town center.

(7) Residential neighborhoods shall be located either adjacent to the perimeter of the town center or shall be connected to the town center by the trail system. These neighborhoods may contain a variety of housing types based on market demands and density limitations as outlined in this chapter.

(8) Any open space established by the creation of residential neighborhoods shall be incorporated into the open space network and may be included in meeting the percentage requirements of the tract.

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

(1) The applicant shall demonstrate that at least 20% of the household units proposed within the planned community development are associated with an elderly care facility or a residential facility designed expressly to accommodate elderly or disabled persons. Elderly care facilities may include nursing homes, congregate

living facilities, assisted-living apartments or single-family cottages, and independent-living cottages. Elderly care facilities shall be licensed by appropriate state and/or federal regulatory agencies, when applicable. In determining the number of household units within an elderly care facility, the following calculation shall be made:

(a) The number of bedrooms within any nursing home component of an elderly care facility shall be multiplied by a factor of 0.6.

(b) The number of congregate living facilities and assisted living apartments within any elderly care facility shall be multiplied by a factor of 0.8.

(c) The number of assisted living cottages and independent living cottages within an elderly care facility shall be multiplied by a factor of one.

(2) An elderly care facility may be incorporated into a town center of a PCD, if proposed, or within the residential areas of a PCD.

(3) Any elderly care facility shall be designed using an integrated design motif.

(4) Pedestrian access shall be provided from any elderly care facility to all other components of a PCD.

(5) If the applicant's property contains at least 250 acres and the applicant demonstrates that at least 40% of the proposed household units are associated with an elderly care facility, the Board of Supervisors may grant an additional density bonus of 0.5 dwelling units per acre.

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

(1) Provision of a "common green":

(a) The common green" shall be a minimum of one acre in size. The common green shall be surrounded by vehicular streets on at least three sides. The common green may be designed to resemble a traditional town square or plaza area.

(b) A landscaping plan, designed by a registered landscape architect, shall be submitted for the common green. At a minimum, landscaping shall be provided around the perimeter of the common green as well as internally within the common green. Perimeter landscaping shall include street trees and shrubs. Internal landscaping shall include shade trees and shrubs and shall be placed to enhance the appearance of amenities placed within the common green.

(c) Common green amenities, such as information kiosks and benches, shall be included within the common green. At least one major focal point, such as a bandshell, gazebo, or clock tower, is required within the common green.

(d) Pedestrian linkages shall be created to provide accessibility to the common green. Pedestrian linkages shall include sidewalks for pedestrian paths

lining the common green, to the surrounding town center, and the adjoining residential neighborhoods. A network of pedestrian paths within the common green shall also be provided and shall be shown on the landscaping plan.

(e) If the applicant chooses to apply for the density bonus for open space as permitted by § 230-49C, the common green area shall be included in calculating the percentage of open space in accordance with the open space percentage requirements of § 230-49C. Deed restrictions shall be recorded to restrict further development of the common green. Such deed restrictions shall be reviewed and approved by the Township Solicitor and shall be filed in the Office of the Adams County Recorder of Deeds. If the common green is not accepted by Freedom Township, the applicant shall make arrangements for the permanent maintenance of the common green through the formation of a homeowners' association. The common green shall be transferred to the homeowners' association, and the required deed restrictions shall be recorded prior to the beginning of construction of the phase which includes the town center.

(2) Provision of a town center.

(a) An applicant shall demonstrate that the proposed development includes an area surrounding the common green, designed to resemble the mixed-use centers of older Pennsylvania towns or villages.

(b) A street network shall be developed for the town center and shall be generally based on the grid pattern typical of older Pennsylvania townships. The grid pattern of streets shall surround the common green on at least three sides. The grid pattern of streets shall extend for a minimum of one block from the common green and may extend for a maximum of three blocks from the common green.

(c) Blocks shall be of sufficient depth to allow for lots to be arranged on both sides of a rear access alley. Blocks shall be a minimum of 400 feet and a maximum of 800 feet in length.

(d) Sidewalks, constructed to standards contained in the Township's Subdivision and Land Development Ordinance in Chapter 195 of the Code, shall be provided along both sides of all streets within the Town Center. A three-foot-wide planting strip shall be provided between the street cartway and the sidewalk.

(e) Street trees shall be planted within all planting strips required by this section. Such street trees shall be planted no further than 30 feet apart. At the time of planting, the street trees shall have a minimum height of 10 feet and a minimum caliper of two inches, measured at the four-foot level.

(f) Within the town center, a build-to line of 12 feet shall establish required building placement. At least 50% of all principal structures within the town center shall be constructed at the build-to line. At the discretion of the applicant, up to 25% of all principal structures may be constructed up to six feet behind the build-to line. At the discretion of the applicant, up to 25%

of all principal structures may be constructed up to two feet or beyond the build-to line. All build-to lines shall be shown on preliminary final plan submissions.

(g) Where a yard area is created between the front of a structure and the sidewalk, the yard area shall be planted with ground cover, which may include gardens, grass, shrubs, and shade trees. Fencing and low walls (up to two feet in height), designed to reflect the architectural style of the principal structure, are strongly encouraged.

(h) Within the town center, the applicant shall provide a range of lot areas and lot widths to encourage a variety of building sizes and styles. In no case shall the minimum lot area and lot width on any lot be less than the following.

[1] Single-family detached: 4,000 square feet with a minimum lot width of 40 feet.

[2] Single-family attached: 2,000 square feet with a minimum lot width of 20 feet.

[3] Mixed-use/nonresidential: 6,000 square feet with a minimum lot width of 60 feet.

(i) Building architecture and materials shall be consistent with those found in older Pennsylvania towns and villages. A majority of buildings within the town center, including nonresidential buildings, shall have either front or side gabled roofs, and shall be at least two stories tall. Roof pitches of between eight by eight to eight by 12 shall be provided.

(j) Parking required for commercial or business use shall be provided, to the maximum extent possible, on the street system of the town center. When additional parking is needed in excess of the parking capacity of the street network, planned parking areas may be proposed.

(k) Within the town center, off-street parking shall be located to the rear of properties. In addition, the following standards shall be met.

[1] Access to all parking areas shall be from the alley network.

[2] All parking areas shall be paved in accordance with Township standards.

[3] Perimeter landscaping shall be provided for all parking areas. Such perimeter landscaping shall include, at a minimum, a shade tree planted at five-foot intervals. Such shade tree shall be a minimum of five feet in height and have a minimum caliper of 1.5 inches at three feet.

[4] A minimum of 10% of the area of all parking areas over 10 spaces shall be devoted to interior landscaping. Such landscaping shall be located on planting islands with a minimum area of 25 square feet. Planting island landscaping shall include, at a minimum, one shade

tree and two shrubs. The shade tree shall be a minimum of five feet in height and have a minimum caliper of 1.5 inches measured at three feet.

(l) Decorative streetlighting shall be provided along all public streets and alleys. Streetlights are required along both sides of all streets within the town center and along one side of all alleys within the town center. At a minimum, one streetlight shall be installed for every 100 feet.

(m) All air-conditioning units, exhaust systems, satellite dishes, fire escapes, elevator housings, and other similar building elements shall be located to the rear of structures within the town center. Landscaping and/or other screening devices shall be used to soften the view of these features from adjoining properties.

(n) Trash disposal and pick-up areas shall be located in the rear yard of all properties within the town center. Such areas may be designed to accommodate either individual trash cans or a dumpster, depending on the intensity of use of the property. Trash disposal and pickup areas shall be screened on all sides by a six-foot-tall fence. Shrubs shall be planted around the perimeter of the screening, excluding the alley side to allow access.

(o) Residential apartments are encouraged to be located above commercial establishments within the town center. Where such apartments are proposed, they shall meet the minimum habitable floor area standards established in Article XIII.

(p) Within residential neighborhoods adjoining or within walking distance of the town center, a minimum front yard setback of 15 feet is established.

(q) Minimum size yard in the town center shall be five feet. Where attached buildings are proposed, the side yard requirements shall not apply. At the discretion of the applicant, the minimum side yard requirements may be reduced on up to 25% of the lots by up to 40% to allow additional flexibility for building placement. In no case may the distance between two detached structures be less than eight feet.

(r) Minimum rear yard setback for principal structures in the town center shall be 25 feet. Minimum rear yard setback for accessory structures shall be five feet.

(s) Maximum impervious lot coverage on any property within the town center shall be 75%.

(t) Due to the unique nature of the town center design criteria, the standards and design requirements contained in this section may differ from those found in Chapter 195, Subdivision and Land Development, of the Code of Freedom Township. In such instances of conflict, the provisions in this chapter shall take precedence.

(u) The following uses are permitted within the town center core area:

[1] Single-family detached dwellings.

[2] Specialty retail shops.

[3] Professional offices.

[4] Personal service establishment.

[5] Farm market, in accordance with § 230-62A(20).

[6] Food court.

[7] General retail establishments, provided that the establishment does not exceed 3,000 square feet of retail sales area.

[8] Hotels, provided that the establishment includes no more than 75 rooms.

[9] Restaurants, excluding drive-in or drive-through establishments.

[10] Banks, excluding drive-through establishments.

[11] Two-family, three-family, and four-family dwellings, designed to resemble:

[a] Large single-family dwellings from the exterior, or

[b] Rowhouses or townhouses typical of older Pennsylvania towns and villages.

[12] Residential apartments located on the second or third floors of a structure where the first floor is occupied by a specialty retail, professional office, or personal service shop as permitted by this section.

[13] Bed-and-breakfast establishments, in accordance with § 230-62A(8).

[14] Mixed-use buildings, including two or more of the uses permitted by this section, provided the appropriate standards for each use within a mixed-use building are met.

[15] Semipublic and community facilities, including places of worship, governmental offices, post offices, and community clubs and civic organizations.

F. Residential neighborhood requirements.

(1) Stormwater management shall be provided in accordance with the design criteria established in Chapter 195, Subdivision and Land Development. Easements and stormwater management areas shall not be calculated as part of any required open space.

(2) The maximum net density of any residential cluster shall be eight dwelling units per acre.

(3) Of the total number of dwelling units, the proportion for each dwelling type shall be limited to the following:

(a) Single-family detached, a minimum of 50%.

(b) Single-family attached, a maximum of 35%.

(c) Multi family, a maximum of 20%.

(d) Single-family semidetached, a maximum of 25%.

(4) To maximize flexibility in lot layout and design, side setbacks shall be calculated based on maintaining a minimum unobstructed distance between structures of 20 feet.

(5) The applicant shall provide a range of lot areas and lot widths to encourage a variety of building sizes and styles. In no case shall the minimum lot area and width be less than the following:

(a) Single-family detached, 4,000 square feet with a minimum lot width of 40 feet.

(b) Single-family attached, 2,000 square feet with a minimum lot width of 20 feet.

(c) Mixed-use/nonresidential, 6,000 square feet with a minimum lot width of 60 feet.

(6) All lots and structures shall have access only to an interior street network designed in accordance with Chapter 195, Subdivision and Land Development.

(7) The minimum front and rear yard setbacks for residential structures shall be 20 feet. All buildings shall be set back a minimum of 15 feet from any interior access drive or parking facility. All buildings shall be set back at least 75 feet from any perimeter boundary of the development site with appropriate buffering.

(8) Off-street parking and access shall be provided in accordance with the standards contained in Article XIV of this chapter.

(9) Generally, the placement of structures shall be in accordance with the overlay standards contained in Article XII of this chapter.

(10) The Board of Supervisors may allow reasonable modifications of any regulation upon findings that other factors preclude strict implementation of existing requirements and may jeopardize an otherwise well designed open space community. In granting modification, the BOS may impose such conditions as will secure the objectives and purpose of this section.

G. Phasing requirements.

(1) The common open space and/or recreational facilities shall be developed and/or allocated on any final plan in proportion to the number of dwelling units intended to be developed during any given phase.

(2) At no time during the construction shall the number of dwelling units per acre of developed land exceed the overall gross density per acre established by this chapter.

(3) At least 15% of the total dwelling units given tentative approval shall be included in the first phase. All subsequent phases shall contain at least 50 to 100 dwelling units in order to constitute an economically sound unit for development.

(4) The landscaping for each approved phase must be 80% complete before proceeding to the construction of the next phase. No more than two phases may be incomplete at any time.

(5) All improvement guarantees, release of improvement guarantees, maintenance guarantees, and other remedies for completion of improvements shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.[5]

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

ARTICLE XI
Industrial Light District (IL)

§ 230-50. Intended purpose.

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

§ 230-51. Uses permitted by right.

A. Agriculture, horticulture or floriculture, and any accessory uses or structures, including farm-based businesses.

B. Any manufacturing, wholesaling, or distributing use which meets the performance standards as set forth in Article XIII.

C. Blacksmiths and machine shops.

D. Bus passenger stations.

E. Forestry.

F. Laundries, cleaning, dyeing, carpet and rug cleaning.

G. Medical marijuana dispensary facility, in accordance with § 230-62A(34).

H. Medical marijuana transport vehicle office, in accordance with § 230-62A(35).

I. Municipal facility.

J. No-impact home-based business, in accordance with § 230-62A(38).

5. **Editor's Note: See 53 P.S. § 10101 et seq.**

K. Public utility facilities.

L. Self-service storage facilities.

M. Single-family detached dwellings.

N. Vehicle garages.

O. Vehicle sales establishment.

P. Vehicle wash.

§ 230-52. Permitted accessory uses.

A. Accessory apartments, in accordance with § 230-62A(1).

B. Signs, when erected and maintained in accordance with the provisions of Article XV.

C. Uses and buildings customarily accessory and incidental to any permitted use.

D. Wireless communications facility - co-location - inside public right-of-way, in accordance with § 230-62A(57).

E. Wireless communications facility - co-location - outside public right-of-way, in accordance with § 230-62A(58).

§ 230-53. Permitted conditional uses.

A. Adult businesses, in accordance with § 230-62A(2).

B. Antennas, in accordance with § 230-62A(6).

C. Cottage Industry, in accordance with § 230-62A(18).

D. Crematoriums.

E. Day-care centers as accessory to a principal use.

F. Junkyard, in accordance with § 230-62A(31).

G. Landfills, in accordance with § 230-62A(33).

H. Lumber and coal yards, building material storage yards, contractor equipment and storage yards, and wholesale and retail sales for each as an accessory use.

I. Outdoor storage and display when accessory to a permitted use, in accordance with § 230-62A(39).

J. Recycling center, in accordance with § 230-62A(42).

K. Sawmill.

L. Solar farm, in accordance with § 230-62A(48).

M. Surface mining, in accordance with § 230-62A(49).

N. Vehicular body shops, in accordance with § 230-62A(56).

§ 230-54. Dimensional regulations.

A. The minimum lot area is one acre, subject to any required soil testing and/or hydrogeologic studies. The minimum lot width is 100 feet at the building setback line.

B. Maximum impervious coverage: 60%.

C. At least 15% of the lot shall be maintained in a vegetative cover.

D. Height regulations.

(1) No structure shall exceed 40 feet in height.

(2) The height of an accessory structure shall not exceed 30 feet in height.

E. Setback regulations.

(1) Front yard depth shall be 45 feet.

(2) Side yard width shall be 15 feet.

(3) Rear yard depth shall be 40 feet.

§ 230-55. Off-street parking/access and loading/unloading.

Off-street parking/access and loading/unloading shall be provided in accordance with Article XIV and Chapter 195, Subdivision and Land Development, of the Code of Freedom Township, as amended.

ARTICLE XII
Special Overlay Provisions

§ 230-56. Floodplain Overlay.

A. Intent. The Floodplain Overlay is intended to encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future, minimize danger to public health by protecting water supply and natural drainage, reduce financial burdens imposed on the Township and their residents by preventing excessive development in areas subject to flooding and comply with federal and State Floodplain management requirements.

B. Regulations. All uses, activities, and development occurring within the FO District shall comply with Chapter 101, Floodplain Management, as may be amended, of the Freedom Township Code. All zoning permit approvals issued in accordance with this chapter shall be subject to compliance with the applicable provisions of Chapter 101, Floodplain Management. No zoning permit approval for a use, activity, or development that is also subject to the provisions of Chapter 101, Floodplain Management, shall be

issued until such time that all permitting required by Chapter 101, Floodplain Management, is obtained by the applicant.

§ 230-57. Historic Property Overlay.

A. Intent. The Historic Property Overlay is intended to preserve for posterity significant architecture, natural sites and other historic sites within the boundaries of Freedom Township where appropriate.

B. Classification. These historic properties are defined as follows:

(1) Certified historic structures.

(2) Contributing resources (buildings, sites, structures) which have been filed with the National Register of Historic Places.

(3) Buildings, sites, and structures which have received a determination of eligibility.

(4) Those properties not meeting National Register criteria but determined to be of historical or architectural significance to Freedom Township and appropriately documented.

C. Use provisions.

(1) Historic properties may not be rehabilitated, expanded, demolished, or altered without review by the Zoning Hearing Board as a special exception. In general, no historic property may be enlarged beyond what is minimally necessary to accommodate uses permitted in the district.

(2) Plans for any rehabilitation, restoration, alteration, or enlargement deemed necessary by the applicant to utilize the historic property shall be submitted to the Zoning Officer for review.

(3) Any subdivision which contains a historic property shall be accomplished in such a manner that any lot containing a historic resource will be large enough to preserve the integrity of the setting.

(4) Any proposed rehabilitation, alteration, or enlargement of a historic resource shall be in substantial compliance with the Secretary of the U.S. Department of the Interior's standards for rehabilitation.

§ 230-58. Gateway Corridor Overlay.

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

B. General provisions.

(1) Landowners are encouraged to limit the number of access points for any tract in this corridor.

(2) As appropriate, each new and/or expanded development shall be required to plan for and provide points of interconnection to adjoining parcels.

(3) In general, all new development shall be set back at least 30 feet or the minimum front yard setback as applicable from the edge of the right-of-way and shall be buffered with landscaping including shade trees, flowering shrubs, and perennials arranged in a park-like fashion.

(4) No parking is permitted in the buffered area.

(5) The setback acreage for the corridor will become part of any minimum open space requirements of the underlying district. Ultimate density will not be affected by these corridor buffer requirements.

(6) Whenever feasible, existing mature trees and hedge rows that may already exist in the proposed buffer area shall be retained and incorporated into the new planting schemes.

§ 230-59. Building Placement Overlay.

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

(1) Along the top of a ridge line;

(2) In an open field without vegetative screening; or

(3) Without consideration of environmentally sensitive areas.

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

§ 230-60. Airport Overlay.

A. Purpose. The purpose of the Airport Overlay (AO) is to prevent the creation or establishment of a hazard within an airport hazard area, to regulate the land uses permitted within the territorial limits of such airport hazard area, to regulate the height to which structures may be erected or objects of natural growth may be allowed to grow, pursuant to the authority conferred by 1984 Pa. Laws 164, codified at 74 Pa.C.S.A. § 5101 et seq., hereinafter "Aviation Code," and 74 Pa.C.S.A. § 5911 et seq., hereinafter "Airport Zoning Act," as amended or reauthorized. **[Amended 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03]**

B. Regulated area. The lands within Freedom Township subject to the Airport Overlay District are those contained within the defined Airport Hazard Area of the Mid-Atlantic Soaring Center (the airport), located at 154 Pecher Road in Liberty Township, Adams County. The Airport Hazard Area is defined by the Mid-Atlantic Soaring Center

Airport Surface Areas Map, as may be updated or amended, and as prepared by the Pennsylvania Department of Transportation (PennDOT) Bureau of Aviation. The map is hereby included by reference as a component of "The Freedom Township Zoning Map - Airport Overlay," and is included as Appendix A.[6]

C. Airport surface zones. In order to carry out the provisions of this section, there are hereby created and established certain zones which include all of the land lying beneath the Airport Hazard Area associated with the airport. Three zones cover land within Freedom Township. Therefore, the following listing of zones is limited to those zones necessary to establish the required regulations within the Freedom Township portion of the Airport Hazard Area:

(1) Airport elevation. The airport elevation is hereby established as 565 feet above sea level.

(2) Primary Surface Zone. The Primary Surface Zone is centered longitudinally on the center line of the runway and extends 200 feet beyond the end of said runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point of the runway center line. As such, the Primary Surface Zone is also established at 565 feet above sea level.

(3) Approach Surface Zone. The Approach Surface Zone is centered longitudinally on the extended runway center line and extends outward and upward from each end of the Primary Surface Zone. The Approach Surface Zone is applied to each end of the runway based on the planned approach. The inner edge of the Approach Surface Zone is the same width as the Primary Surface Zone and expands uniformly to a width of 1,250 feet. The Approach Surface Zone extends for a horizontal distance of 5,000 feet from the Primary Surface Zone, and upward at a slope of 20 horizontal to one vertical. As such, Approach Surface Zone extends from an elevation of 565 feet above sea level at the Primary Surface Zone to an elevation of 815 feet above sea level at the point 5,000 feet from the Primary Surface Zone.

(4) Horizontal Surface Zone. The perimeter of the Horizontal Surface Zone is constructed by swinging arcs of 5,000 feet radii from the center of each end of the surface of the runway and by connecting said arcs by drawing lines tangent to those arcs. The Horizontal Surface Zone is established beneath the horizontal surface to a height of 150 feet above the airport elevation. As such, the Horizontal Surface Zone is established at an elevation of 715 feet above sea level.

(5) Conical Surface Zone. The Conical Surface Zone is established at the periphery of the horizontal surface and extends outward therefrom a distance of 4,000 feet. The Conical Surface Zone extends upward in all directions from the Horizontal Surface Zone at a slope of 20 horizontal to one vertical. As such, the Conical Surface Zone extends from an elevation of 715 feet above sea level at the Horizontal Surface Zone to 915 feet above sea level at the point 4,000 feet from the Horizontal Surface Zone.

D. Permitted uses. The following uses are permitted in the zones set forth above:

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6. Editor's Note: See the Zoning District Map, which is an attachment to this chapter.

(1) Approach Surface Zone. All uses in the underlying zoning district shall be permitted in accordance with the bulk, area, and performance standards associated with said uses unless otherwise indicated herein.

(2) Horizontal Surface Zone. All uses in the underlying zoning district shall be permitted in accordance with the bulk, area, and performance standards associated with said uses unless otherwise indicated herein.

(3) Conical Surface Zone. All uses in the underlying zoning district shall be permitted in accordance with the bulk, area, and performance standards associated with said uses unless otherwise indicated herein.

E. Use restrictions. The following general restrictions shall apply to all Airport Surface Zones. No use may be made of land or water within any zone that would result in the following:

(1) Building height or tree height that extends into the Airport Surface Zones.

(2) Electrical interference with navigational signals or radio communications between the airport and the aircraft.

(3) Lighting interference making it difficult for pilots to distinguish between airport lights and others.

(4) Impairment to visibility as a result of glare in the eyes of pilots using the airport or in the vicinity of the airport.

(5) Attraction of birds and creation of bird strike hazards.

(6) In any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

F. Nonconforming uses. The following regulations shall apply to nonconformities within the Airport Overlay District. These shall be in addition to the regulations of Article XIII:

(1) The regulations of this section shall not be construed to require the removal, lowering, or other change in any structure or tree not conforming to the requirements of this section as of the effective date of this section, or otherwise interfere with the continuance of any nonconforming use, except as provided herein.

(2) Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which has begun prior to the effective date of this section.

(3) Before any nonconforming structure may be replaced, substantially altered, or rebuilt, or before any nonconforming tree may be allowed to grow higher or replanted, a zoning permit must be secured from Freedom Township authorizing such change. No zoning permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the

effective date of this section or any amendments thereto or than it was when the application for a zoning permit was made.

(4) Nonconforming uses abandoned or destroyed. Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than 80% torn down, physically deteriorated, or decayed, no zoning permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this section.

G. Airport Overlay disclosures.

(1) Every deed conveying property located in the Airport Overlay District shall contain the following language:

(a) "This real property, hereinafter "property," which may or may not be part of a larger development, is conveyed to <<name of conveyee>> with the understanding that there is an airport located in close proximity to portions of the property. The airport is located at 154 Pecher Road in Liberty Township, Adams County, Pennsylvania, and is designated in Federal Aviation Administration records as W73."

(b) "<<Name of conveyee>> hereby receives this property with the understanding of the above disclosure and hereby covenants and agrees for him/herself, his/her heirs, assigns, and successors in interest to accept the flight operations of the airport, including reasonable future expansion of the airport and activities related thereto and change of ownership of the airport, and not take or participate in any action adverse to the flight operations of the airport as disclosed herein."

(2) Where the property to be developed includes multiple lots or uses proposed by a developer, the following acknowledgement of the airport flight operations shall be included in the public offering statement, and the following shall be incorporated in each individual deed.

(a) "This real property is acquired with the understanding that there is an airport located in close proximity to the development of which this property is a part. The airport is located at 154 Pecher Road in Liberty Township, Adams County, Pennsylvania, and is designated in Federal Aviation Administration records as W73. Departures and arrivals may cross over substantial portions of the development."

ARTICLE XIII
Supplementary District Regulations

§ 230-61. General provisions.

A. Slope. In those areas of the Township where the natural slope of the land exceeds 15%, no structure will be erected which will unduly disturb existing grade and natural soil conditions. A statement must be prepared by a registered architect, engineer, or landscape architect in regard to the building method used in overcoming foundation

problems, the maintenance of the natural watershed, the means for prevention of soil erosion and the required extent of stripped vegetation. A plan showing topography and contours at two-foot intervals shall be provided as part of the required statement.

B. Habitable floor area.

(1) The minimum habitable floor area of a dwelling unit with the exception of mobile homes constructed in accordance with the Federal Manufactured Home Construction and Safety Standards, effective June 15, 1976, shall be as follows:

(a) Rooming unit (designed for one person): 250 square feet.

(b) Efficiency unit: 500 square feet.

(c) One-bedroom unit: 600 square feet.

(d) Two-bedroom units: 750 square feet.

(e) Three-bedroom units: 900 square feet.

(f) Four-bedroom units: 1,050 square feet.

(g) For five or more bedrooms, an additional 150 square feet per bedroom.

(2) The minimum habitable floor area for units within lodging establishments for transients shall be 200 square feet for each room used for sleeping purposes.

C. Uses not provided for.

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

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

§ 230-62. Use standards.

A. Use standards are as follows.

(1) Accessory apartments.

(a) Up to two accessory apartment units may be created in a single-family detached dwelling; the appearance of the building will remain intact, and the owner will occupy the residence. In general, any new entrance shall be located to the side or rear of the home. Off-street parking must be provided in accordance with Article XIV.

(b) If accessory apartments are added to a dwelling served by an on-lot sewer system, a sewage permit must be secured from the Township Sewage Enforcement Officer prior to securing a building permit.

(2) Adult businesses.

(a) The lot of such business shall not be located within 200 feet of any residence, residential use, or residential zoning district.

(b) The lot of such business shall not be located within 500 feet of any religious structure, school facility, day-care center, or public library.

(c) The lot of such business shall not be located within 500 feet of another adult-oriented business.

(d) There shall be no display of adult-oriented materials that can be seen from the exterior of the building.

(e) No unlawful sexual activity or conduct shall be performed or permitted.

(3) Agribusiness.

(a) Structures used for housing and/or feeding animals which represent an intensive agricultural use shall not be located closer than the following minimum setbacks.

[1] Seventy-five feet from all street right-of-way lines.

[2] Fifty feet from all property lines.

[3] Five hundred feet from all RL, RM, and PC Zoning Districts.

[4] Five hundred feet from all dwellings located on adjacent properties or any lots of record less than three acres in size.

(b) A minimum lot size of 50 acres is required.

(c) An approved nutrient management plan in accordance with the PA Nutrient Management Law shall be required.

(d) Notwithstanding anything contained in this chapter to the contrary, all manure and agricultural facilities and buildings, including poultry houses and livestock facilities, shall be managed in a manner so as to prevent pollution and in accordance with all existing and future environmental statutes and regulations, including the Pennsylvania Clean Streams Law.[7]

7. **Editor's Note: See 35 P.S. § 691.1 et seq.**

(4) Agricultural tourism operation.

(a) Agricultural tourism is deemed to include a variety of activities designed to provide recreation, entertainment, education, and/or tourism opportunities within an agricultural setting. Agricultural tourism includes hay rides, corn or hay mazes, petting zoos comprised of farm animals, farm tours or stays, historical or living history farms, farm museums, you-pick operations, tree farms, or other operations deemed by the Board of Supervisors, upon Planning Commission review and recommendation, to be of the same general nature as the above uses. Agricultural tourism uses may be operated as an accessory use to a farm or agricultural operation.

(b) The owner of the agricultural tourism use shall be the owner of the farm upon which the agricultural tourism use is located.

(c) Agricultural tourism uses shall be located on a farm or on a property on which agricultural products are grown or produced.

(d) The maximum floor area of any structure devoted to an agricultural tourism use shall be 15,000 square feet of publicly accessible sales activity area.

(e) The amount of off-street parking for agricultural tourism uses to be provided shall be determined by the Board of Supervisors in accordance with testimony provided by the applicant regarding the anticipated volume of customer traffic associated with the agricultural tourism use.

(5) Animal hospital (includes veterinarian office).

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

(b) All buildings in which animals are housed or provided care shall be located at least 200 feet from all lot lines. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines of any dwellings.

(c) Outdoor animal runs may be provided for small animals so long as the runs are at least 200 feet from any existing dwelling.

(d) A commercial kennel shall only be an accessory and not a principal use, unless a kennel is permitted in that district and the applicable requirements are met.

(6) Antennas and wireless communications. Antennas, subject to licensing and/or regulation by the Federal Communications Commission, shall be permitted as accessory structures, provided that:

(a) Any freestanding antenna shall be located at least 15 feet from any dwelling unit or principal structure on the lot.

(b) Antennas and associated structures which do not exceed 30 feet in height shall be located at least 15 feet from any property line. Antennas which exceed 30 feet in height shall provide an additional one foot of clearance for every one foot of height in excess of 30 feet.

(c) Antennas shall not be permitted in any front yard.

(d) The antenna and associated structures shall be securely anchored in a fixed position on the ground and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other forces.

(e) The antenna and its associated supports, such as guy wires, or the yard area containing the structure, shall be protected and secured to guarantee the safety of the general public. Associated supports and guy wires shall not be located any closer than five feet to any property line.

(f) In granting the use, the Board of Supervisors may attach reasonable conditions warranted to protect the public health, safety, and welfare, including, but not limited to, fencing, screening, and increased setbacks.

(7) Banquet hall.

(a) Sufficient staff shall be provided to monitor patron behavior upon their exit of the building into the surrounding areas.

(b) Handicapped parking spaces shall be provided in accordance with ADA[8] requirements. All other parking may be provided with appropriate materials that perform in a durable, dust-free manner.

(c) Sufficient Screening shall be provided between the use, including parking and any outdoor activity areas, and adjacent residential uses or lots.

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

(8) Bed-and-breakfast establishment. Bed-and-breakfast establishments shall meet the following requirements:

(a) Sleeping accommodations shall be located only within the principal dwelling and shall be limited to no more than five rooms for rent with a total size not to exceed 35% or 1,250 square feet of the dwelling, whichever is less.

(b) Not more than 10 adult guests may be accommodated at any one time. The length of stay per guest shall be limited to 15 days.

(c) Off-street parking shall be provided in accordance with Article XIV.

(d) Breakfast/brunch shall be provided only to guests of the establishment.

(e) No more than one bed-and-breakfast establishment is permitted per lot.

8. **Editor's Note: See 42 U.S.C. § 12101 et seq.**

(f) No modification to the external appearance of the buildings which would alter its residential character shall be permitted.

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

(9) Boardinghouses.

(a) Accommodations shall be limited to no more than 10 guest rooms for rent.

(b) Not more than 20 guests may be accommodated at any one time.

(c) Meals for compensation shall be provided only to boarding home guests. No cooking facilities shall be provided or permitted in the individual guest rooms.

(d) Guest rooms shall contain a minimum of 200 square feet of habitable floor area per unit.

(e) Off-street parking shall be provided.

(10) Campgrounds.

(a) There shall be a minimum lot area of 15 acres with a maximum impervious coverage of 10%.

(b) Setbacks - all campsites shall be located at least 50 feet from any side or rear property line and at least 100 feet from any public street right-of-way line.

(c) Each campsite shall be at least 1,000 square feet in size and shall either provide parking space for one automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area.

(d) An internal road system shall be provided. All roads shall be paved up to the site's internal road system or a distance of 100 feet, whichever is less. The width of one-way access drives shall be at least 14 feet and the width of two-way access drives shall be at least 24 feet. On-drive parallel parking shall not be permitted.

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

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

(g) Any accessory retail or service commercial uses shall be set back a minimum of 100 feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining parcels used for residential purposes.

(h) All campgrounds containing more than 100 campsites shall have vehicular access to an arterial or collector street.

(i) A minimum of 20% of the gross area of the campground shall be devoted to active and passive recreational facilities. Responsibility for maintenance of the recreation area shall be with the landowner.

(j) During operation every campground shall have an office in which shall be located the person responsible for operation of the campground.

(k) All water facilities, sewage disposal systems, rest rooms, solid waste disposal, and vector control shall be approved and maintained in accordance with the requirements of the PA DEP.

(l) All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

(11) Cellular phone tower.

(a) Evaluation of siting opportunities. The applicant shall demonstrate compliance with the following requirements:

[1] The applicant shall demonstrate that the proposed facility is needed at the proposed location. The applicant shall provide an existing coverage analysis demonstrating a "dead spot" at or near the proposed tower location.

[2] The applicant shall demonstrate that it contacted owners of all existing structures in excess of 50 feet in height, within a 1/4 mile radius of the proposed site, asked for permission to install the cellular antenna on those structures. Installation opportunities include, but are not limited to, smokestacks, water towers, agricultural silos, stall buildings, towers operated by other cellular phone companies, and the communications towers (fire, police, etc.). If the applicant can demonstrate that no siting opportunities exist except for the proposed site, then the applicant may proceed with the proposed site, provided all other requirements can be achieved.

[3] The applicant shall provide an analysis that assesses potential negative impacts on neighboring residents and properties, and how negative impacts will be effectively mitigated.

(b) Tower height. The applicant shall demonstrate that the tower is the minimum height required to function satisfactorily. The applicant shall

provide coverage analyses for a sufficient range of tower heights to demonstrate the relationship between tower height and coverage "dead spots."

(c) Siting requirements. Where the construction of a new tower is proposed, the following siting criteria are required:

[1] The minimum distance between the base of a tower, or any anchoring guy wires, and any public road right-of-way shall be 30% of the tower height.

[2] The minimum distance between the base of a tower, or any anchoring guy wires, and residential, church, or school property shall be 200 feet.

[3] Where feasible, the applicant shall use one or more of the following natural features as siting opportunities: tree stands, sides of hills, etc.

(d) Tower safety. The applicant shall demonstrate that the proposed tower will not negatively affect surrounding areas as a result of support structure failure, falling ice or other debris, or radius frequency interference. All towers shall be fitted with anticlimbing devices, as approved by the manufacturers.

(e) Tower type. Where the construction of new support structure is proposed, the applicant shall use a single pole or davit construction where the proposed site meets one or more of the following locational criteria:

[1] Within one mile of a site or district listed in the National Register of Historic Places.

[2] Within one mile of a site or district deemed eligible by the State Historic Preservation Office for listing in the National Register of Historic Places.

[3] Within the Agricultural (AG), Rural Conservation (RC), Residential Low Density (RL), Residential Medium Density (RM), Commercial Corridor (CC), or Planned Community (PC) District as defined in this chapter.

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

(f) Landscaping. Where the construction of a new tower is proposed, the applicant shall demonstrate compliance with the following landscaping requirements:

[1] The base of the tower, any supporting cables or guy wires, maintenance buildings, and parking areas, shall be enclosed by a protective fence. The protective fence shall be a minimum of six feet in height.

[2] An evergreen screen shall be planted around the external perimeter of the protective fence. Evergreen trees shall be a minimum of six feet at planting and shall reach a minimum height of 15 feet at maturity. Any trees which die within a year of planting shall be replaced by the applicant.

(g) Color. Where a specific color pattern is not required by the Federal Aviation Administration (FAA), tower colors shall meet the following requirements:

[1] The tower shall be painted green or brown from the base of the tower to the average height of surrounding vegetation.

[2] The tower shall be painted light blue or light gray from the average height of surrounding vegetation to the top of the tower.

(h) Parking. One off-street parking space for a maintenance vehicle shall be provided.

(i) Tower removal agreement. The applicant shall sign a legal agreement stating that when the use of towers to transmit cellular calls becomes obsolete, the tower will subsequently be removed at the applicant's expense. The agreement shall be written in language acceptable to the Freedom Township Solicitor.

(j) Land development approval. The applicant shall obtain land development approval from the local municipality. Proof of land development approval shall accompany the application for the zoning permit.

(12) Cemeteries and monument sales.

(a) No monuments or other merchandise shall be placed in the front yard of a monument sales use.

(b) Sufficient off-street parking shall be provided to prevent the blockage of traffic on adjacent streets.

(c) The internal access drives within a cemetery shall provide for the safe movement of vehicles and shall provide safe points of ingress and egress.

(d) No grave sites shall be located within 50 feet of ail adjoining property line.

(e) A crematorium shall be set back a minimum of 200 feet from all lot lines.

(f) The use shall include an appropriate system for perpetual maintenance of the property.

(13) Child/adult day care facility. Day-care centers, family day care homes, and group day care homes may be established subject to the following conditions:

(a) Operators are responsible for compliance with all Pennsylvania Department of Human Services licensing/registration requirements and any other local, state, or federal regulations.

(b) For facilities with more than eight children or eight adults, an outdoor play recreation area shall be provided. Off-street parking areas shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and shall be completely enclosed by a four-foot-high fence.

(c) Family day care home and group day care home facilities shall be permitted only in single-family detached dwelling units.

(d) Facilities utilizing or proposing to utilize an on-lot sewage disposal system shall obtain a written statement from the Township Sewage Enforcement Officer certifying that the system is properly designated to accommodate the use and that there are no apparent signs of system failure.

(e) Enrollment shall be defined as the largest number of students and/or children under care supervision at any one time during a seven-day period.

(f) Passenger dropoff and pickup areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.

(14) Clubs and/or lodge.

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

(b) A buffer yard/screen planting of no less than 10 feet in depth shall be maintained along all property lines abutting a residential use.

(c) The use will not overburden existing facilities including water, sewer, public roads, storm drainage, etc.

(d) Off-street parking and loading facilities will be provided.

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

(a) Lot area, setback requirements, and impervious coverage requirements may be reduced up to 35% of the applicable district dimensional regulations.

(b) A community sewer system approved and permitted by the Department of Environmental Protection is required.

(c) Land remaining after creating the cluster shall remain under the control of a homeowners' association in perpetuity.

(d) Lots, to the maximum extent feasible, shall be clustered in areas of the tract which are relatively free of environmentally sensitive features.

(e) Access to all lots shall be from interior roads rather than ~~ex~~isting roads along the periphery of the tract.

(f) Wherever feasible, disturbance to existing woodland, hedgerows, mature trees, and other significant vegetation shall be minimized.

(g) Maximum density shall be in accordance with the applicable district standards.

(h) Streets shall be designed to standards appropriate for a rural area as defined in Chapter 195, Subdivision and Land Development.

(i) All lots and/or units shall have direct or visual access to the required open space.

(j) As a minimum, 20% of the gross land area must remain as open space. Open space shall include all irreplaceable natural features.

(16) Convenience stores, including fuel sales.

(a) A site circulation plan shall be devised that separates those patrons awaiting fueling service from those patrons awaiting other services to the maximum extent feasible. At a minimum, parking shall not be permitted between the main entrance of the establishment and the refueling bays. Where the area between the main entrance and the parking bays is paved, a "no parking" lane shall be established.

(b) A site plan shall be provided showing building dimension and placement, internal circulation, landscaping, location and size of signage, and all other pertinent design information needed for the Board of Supervisors complete review of the project.

(c) Canopies shall be located no less than 10 feet from the right-of-way line.

(d) Fuel pumps shall be located at least 25 feet from any public right-of-way or 50 from the street center line, whichever is greater.

(17) Conversion apartment.

(a) The proposed conversion shall conform to the regulations for the district in which it is located. The minimum habitable floor area of such converted dwelling unit shall be provided in accordance with § 230-62.

(b) There shall be no exterior evidence of change in the building except as required by applicable Building or Housing Codes.

(c) Adequate off-street parking shall be provided in accordance with Township ordinances.

(d) An approved means of sewage disposal and water supply shall be provided. Conversion apartment utilizing or proposing to utilize an on-lot sewage disposal system shall obtain a written statement from the Township Sewage Enforcement Officer certifying that the system is properly designed to accommodate the use without expansion of the system and there are no apparent signs of system failure.

(e) Separate cooking and sanitary facilities shall be provided for each apartment unit.

(18) Cottage industry.

(a) Background. The Township recognizes the need to establish regulations pertaining to home-based occupations as a result of the increased need for diversity of income. Such regulations must be developed in a manner which protects adjacent uses from adverse effects. Since home-based occupations in sparsely populated areas do not typically represent a significant threat to adjacent property owners, the Township has created regulations for cottage industries. For the purposes of this chapter, a "cottage industry" is defined as an occupation or business conducted by a resident in a dwelling or building accessory to the dwelling as an accessory use which is clearly subordinate to the residential use. It is permitted by conditional use in all zoning districts.

(b) Conditions. All properties containing a cottage industry shall comply with the following regulations.

[1] The person primarily responsible for the cottage industry shall be a full-time resident.

[2] No more than two persons not in residence in the dwelling shall be employed in the cottage industry.

[3] The cottage industry shall be conducted entirely within the dwelling and/or accessory building on the same lot as the dwelling.

[4] The total floor area of the cottage industry shall not exceed 2,000 square feet.

[5] A cottage industry shall not be located on a lot which is less than five acres in size.

[6] An accessory building utilized for a cottage industry shall comply with all lot coverage and yard requirements contained in the applicable zoning district regulations for single-family detached dwellings.

[7] No more than one cottage industry shall be permitted on any lot.

[8] No displays or change in the building facade shall indicate from the exterior that the dwelling or accessory building is being utilized for purposes other than a dwelling or accessory building.

[9] To prevent on-street parking, the resident responsible for the cottage industry shall provide adequate off-street parking.

[10] Storage of materials, finished products, or machinery used for the cottage industry shall be wholly enclosed by the dwelling or accessory building, within the maximum floor area previously defined, and shall not be visible from any adjacent lot or street.

[11] Deliveries shall not restrict traffic circulation.

[12] No traffic shall be generated by the cottage industry in greater volumes than would normally be expected in a rural area.

[13] A cottage industry shall not produce noise, obnoxious odors, vibrations, lighting glare, fumes, smoke, or electrical interference detectable to normal sensory perception outside the structure.

[14] There shall be no illegal discharge of any materials, fluids, or gases into the sewage disposal facilities or in any other manner which would be in violation of any applicable government code.

[15] Sales of goods on the premises shall be limited to goods made on the premises or goods relating to services performed on the premises.

[16] Any accessory structure utilized in a cottage industry shall be architecturally and structurally compatible with the residence on the property.

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

(a) All accessory uses for elder care facilities shall be limited to facilities serving employees, residents, and guests of residents. Accessory uses may include offices, maintenance facilities, recreational facilities, libraries, chapels, health care facilities, gift shops, banks, snack bar, village stores, pharmacies, barbershops, beauty shops, and other personal services.

(b) The density of an elder care facility shall not exceed six units per acre. For the purpose of this section, one unit shall be equivalent to:

[1] One independent dwelling unit;

[2] One apartment housing unit; or

[3] Eight personal, skilled, or nursing care beds.

(c) The maximum impervious lot coverage shall be 50%.

(d) The facilities shall be licensed by appropriate state and federal regulatory agencies.

(e) Bulk, setback and building separation requirements.

[1] Bulk and setback requirements:

[a] Minimum lot area: 20 acres.

[b] Minimum front area: 100 feet.

[c] Minimum side area: 50 feet.

[d] Minimum rear yard: 50 feet.

[e] Minimum lot width: 250 feet.

[2] Separation of buildings.

[a] Side to side: 20 feet.

[b] Side to rear: 30 feet.

[c] Side to front: 50 feet.

[d] Front to front: 50 feet.

[e] Front to rear: 50 feet.

[f] Rear to rear: 50 feet.

[g] Corner to corner: 20 feet.

(f) An evergreen screening, with trees having a minimum size of six feet in height at the time of planting, shall be provided along all adjacent property lines (excluding property lines along public roads). In addition, storage areas for trash and recyclable materials shall be screened from view of adjacent properties.

(g) Lighting facilities shall not produce direct glare on adjacent properties.

(h) The applicant proposing an elder care facility shall obtain documentation from appropriate providers of ambulance service indicating the ability to provide service to the site.

(i) Interior drives, alleys, or streets shall be designed to prevent the blockage of vehicles entering or leaving the site. The minimum cartway width of interior drives shall be 12 feet for one-way streets and 20 feet for two-way streets. In addition, all elder care facilities shall have two means of access for emergency vehicles.

(j) Pedestrian walkways shall be accessible from the entrance of each residential structure.

(k) The applicant shall demonstrate that the proposed use will be provided with an adequate supply of water and means of sewage disposal.

(l) Adequate and usable open space areas shall be provided.

(m) The maximum height of buildings shall be 35 feet.

(n) The following minimum parking standards shall apply to elder care facilities:

[1] Independent dwelling unit: one space for each unit plus one visitor space for every five units.

[2] Assisted living/nursing care unit: one space for every four beds.

[3] Staff parking: one space for each staff member working the largest shift.

(20) Farm market.

(a) A farm market shall be intended to offer for sale primarily agricultural products produced either on the farm where the farm market is located or on other farms located within Adams County, as well as other agriculturally related products. A minimum of 25% of the sales from the farm market shall be agricultural or agriculturally related products produced either on the farm or on surrounding farms within Adams County. A maximum of 75% of the sales from the farm market may be from products produced outside Adams County.

(b) The owner of the farm market shall be the owner of the farm upon which the farm market use is located.

(c) Farm markets shall be located on a farm or on a property of at least five acres in size on which agricultural products are grown or produced.

(d) The maximum floor area of any structure devoted to a farm market shall be 15,000 square feet of publicly accessible sales activity area.

(e) Within the Agricultural Preservation (AP) District, a farm market use shall contribute to the total number of uses or lots that may be developed on a property in accordance with the scale established in § 230-17A(2) of this chapter. **[Amended 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03]**

(21) Farm-related occupation.

(a) Not more than two farm-related occupations per farm shall be permitted.

(b) Not more than a total of 2,400 square feet of structure floor area shall be utilized for all farm-related businesses. Such space shall be physically partitioned from the principal use or other accessory uses.

(c) Not more than 600 square feet of total outdoor display space for all farm-related businesses shall be permitted. Outdoor display shall be limited to daylight hours and must be removed after dusk.

(d) Not more than one person other than residents of the farm shall be employed.

(22) Farm worker housing.

(a) The occupants of the farm worker housing facility shall be employed as laborers on the farm or agricultural operation where the farm worker housing facility is located.

(b) The owner of the property shall not lease the farm worker housing facility dwelling unit(s) to persons not employed by the farm or agricultural operation.

(c) The owner of the property shall maintain the farm worker housing facility in compliance with any applicable Pennsylvania Department of Agriculture requirements or other state requirements for farm labor housing.

(23) Financial establishment. A site plan shall be provided to the Township for use during the conditional use hearing during which the project will be reviewed. The site plan shall show building dimension and placement, internal circulation, landscaping, location and size of signage, and all other pertinent design information needed for the Zoning Hearing Board's complete review of the project.

(24) Financial establishment with drive-through service.

(a) Space for a minimum of eight occupied vehicles is required for those patrons waiting in line for drive-through service. This distance shall be measured from the point at which drive-through patrons receive banking services through bank teller windows.

(b) The required space for the drive-through line shall be separated, to the maximum feasible extent, from parking spaces for non-drive-through customers and from pedestrian walkways and shall be incorporated into an overall circulation plan for the site.

(c) The drive-through facility, including teller windows and intercom, and the driveway shall be located along the side or rear faces of the bank or financial institution. In no event will the drive-through facility be permitted along the front face of the bank or financial institution, between the principle structure and the adjoining public road.

(d) A site plan shall be provided to the Township for use during the conditional use hearing during which the project will be reviewed. The site plan shall show building dimension and placement, internal circulation, landscaping, location and size of signage, and all other pertinent design information needed for the Zoning Hearing Board's complete review of the project.

(25) Golf course.

(a) The minimum lot area shall be as follows:

[1] Regulation eighteen-hole: 6,000 to 7,000 yards in length, 130 acres.

[2] Executive eighteen-hole: 3,000 to 4,000 yards in length, 60 acres.

[3] Nine-hole: 3,100- to 3,500 yards in length, 60 acres.

[4] Par three - eighteen-hole: 2,000 to 2,500 yards in length, 45 acres.

(b) The course shall be designed so that golf balls will not be driven across any building, road or parking lot.

(c) There shall be a minimum setback of 150 feet from the center line of the fairway to any adjacent residential structure.

(d) Any points where the golf course crosses a road shall be signed warning motorists and pedestrians.

(e) A clubhouse, tennis facilities, pool, retail sales of golf supplies or restaurant may be permitted as an accessory use if located a minimum of 250 feet from any exterior lot line.

(f) No outdoor storage of maintenance equipment shall be permitted.

(g) Maximum impervious coverage is 10%.

(h) Fairways and greens shall be set back a minimum of 40 feet from the lot line of any abutting property or the existing right-of-way line of any street.

(26) Group home.

(a) The group home must involve persons functioning as a common household and/or family.

(b) May involve providing nonroutine support services and oversight to persons who need such assistance to avoid being placed within an institution because of a physical disability, old age, mental disability, or other handicap as defined by applicable federal law.

(c) The provider and the structure shall be licensed by the appropriate county and/or state agencies and shall comply with all applicable rules and regulations.

(d) No more than 12 residents shall occupy a group home at one time.

(e) There shall be twenty-four-hour resident supervision by people qualified by training and experience in the field for which the group home is intended.

(f) Any medical or counseling services provided shall be done so only for residents of the group home.

(g) The lot on which a group home is located shall be at least 1,000 feet from the lot on which another group home or halfway house is located. Such distance shall be measured in a horizontal straight line from the nearest point on one lot to the nearest point on the other lot.

(h) There shall be no alteration to the outside of the structure that would alter the single-family character of the dwelling, be inconsistent with the basic architecture of the dwelling, or be incompatible with surrounding dwellings.

(i) No sign for the group home shall be displayed.

(j) The use shall not meet the definition of "halfway house" in § 230-6 of this chapter.

(k) The use shall not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety to others.

(27) Halfway house.

(a) No more than six residents shall occupy a halfway house at one time.

(b) The provider and the structure shall be licensed by the appropriate county and/or state agencies and shall comply with all applicable rules and regulations.

(c) Any medical or counseling services provided shall be done so only for residents of the halfway house.

(d) The lot on which a halfway house is located shall be at least 1,000 feet from the lot on which another halfway house or group home is located. Such distance shall be measured in a horizontal straight line from the nearest point on one lot to the nearest point on the other lot.

(e) No sign for the halfway house shall be displayed.

(f) The applicant shall provide a written description of all types of residents the use is intended to include over the life of the permit. Any future additions or modifications to this list shall require approval of the Board of Supervisors as a conditional use.

(g) The applicant shall prove, with the full burden of proof upon the applicant, to the satisfaction of the Board of Supervisors, that such use will involve adequate supervision and security measures to protect public safety.

(h) The Board of Supervisors may place conditions on the use as necessary to protect public safety, including conditions on the types of residents and security measures.

(28) Home occupation.

(a) The home occupation shall be carried on completely within the dwelling unit or an accessory structure.

(b) Not more than 35% of the habitable floor area of the dwelling unit, excluding attached accessory structures, shall be utilized for all home and farm occupations. Attached structures, including, but not limited to garages, outbuildings, sheds, carports and enclosed or unenclosed walkways; or detached accessory structures, may be used for the home occupation.

(c) Articles sold or offered for sale shall be limited to those produced on the premises, sold as part of a home party sales operation, for food served as part of a bed-and-breakfast establishment, or for a licensed distributorship conducted by the resident.

(d) Outdoor display shall be restricted to daylight hours and must be removed after dusk.

(e) There shall be no exterior indications of the home occupation or variation of the residential character of the main building.

(f) The home occupation shall not cause any external impact such as increased noise, excessive lighting, or offensive odor.

(g) Home occupations may include the following: dance studio, antique shop, professional offices, etc.

(29) Hospital.

(a) A hospital shall be located on a lot abutting and having direct vehicular access onto an arterial or collector road as defined in § 195-8 of this Code. **[Amended 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03]**

(b) A minimum of two access drives shall be provided from such arterial or collector road as defined in § 195-8 of this Code. 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. **[Amended 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03]**

(c) 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:

[1] Medical and administrative offices.

[2] Medical laboratory or blood donor station.

[3] Patient hostel.

[4] Hospital staff dormitory.

[5] Ambulance service.

[6] Methadone clinics and drug rehabilitation facilities.

[7] Pharmacy.

[8] Gift shop.

[9] Teaching facilities.

[10] Research facilities.

[11] Interior service and convenience uses.

(d) The principal and accessory uses comprising the hospital may be located in a single building or may consist of several buildings located on one or more lots.

(e) The hospital shall be in single ownership and shall consist of harmonious groupings of buildings, service and parking lots, circulation, and open space.

(f) Setback requirements shall not be applied along internal lot lines of the hospital for common parking lots serving buildings on multiple lots. All parking lots shall be suitably paved with permanent hard-surface coverings.

(g) All buildings within a hospital development shall be provided with centralized sewer and water services.

(h) The facility shall comply with all applicable federal, state, county, and local regulations and shall be licensed as required by the state.

(i) Lighting for buildings, accessways and parking lots shall comply with the requirements of this chapter.

(j) Any patient or hospital staff dormitory shall comply with the following requirements:

[1] Permitted accessory uses may include laundry facilities. These accessory uses shall be intended only for use by the residents of the patient hostel or the hospital staff dormitory.

[2] Any hospital staff dormitory shall be located a minimum of 150 feet from any lot line of an existing dwelling or boundary of a residential district.

[3] Any hospital staff dormitory shall have a maximum capacity of one resident per 500 square feet of lot area and shall be restricted to hospital staff members.

(30) Indoor recreational facilities.

(a) Indoor recreational facilities shall be located at least 1,000 feet from school buildings, school playgrounds, and church buildings.

(b) The facility, if accessory to a principal use, shall be located in a separate room, separate from other uses on the premises and from pedestrian circulation to and from such other uses.

(c) Readily visible signs shall be installed, with their location, size, and text shown in plans submitted as part of the application for the conditional use, prohibiting the use of amusement devices by persons under 16 years of age during normal school hours, and, where the premises are used primarily for the serving or consumption of alcohol, prohibiting the use of such amusements by persons under 21 years of age at all times.

(31) Junkyards.

(a) Junk/salvage shall be stored in piles not exceeding eight feet in height and shall be arranged so as to permit easy access for firefighting purposes.

(b) All operations shall be screened from all rights-of-way and adjoining properties by a buffer yard and screen planting of no less than 20 feet in depth established along the perimeter lot line.

(c) No open burning shall be permitted.

(d) Operations shall be conducted in compliance with applicable standards. **[Amended 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03]**

(e) All junkyards shall meet the licensing and screening requirements of Pennsylvania Act 4 of Special Session Number 3 of 1966, prohibiting junk from being located within 1,000 feet from the right-of-way of any interstates or primary roads (roads conveying traffic from one municipality to another). All other yards shall be provided in accordance with the regulations of the district in which the facility is located.

(32) Kennels.

(a) All kennels shall be licensed by the Commonwealth of Pennsylvania and shall be constructed and maintained in accordance with the Pennsylvania Code, Title 7, Part II, Chapter 21 entitled, General Provisions; Kennels; Licensure; Dog-Caused Damages, as amended.

(b) All buildings in which animals are housed and all runs shall be located at least 200 feet from all lot lines. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot line.

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

(33) Landfills.

(a) Landfills shall be constructed, licensed, and operated in accordance with the Adams County Solid Waste Plan and/or all applicable local, county and commonwealth laws and regulations.

(b) Operations shall be conducted in compliance with applicable standards. **[Amended 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03]**

(c) All activities shall be buffered and screened from adjoining properties and public rights-of-way by a width of 20 feet along the property line.

(34) Medical marijuana dispensary facility.

(a) The Medical marijuana dispensary must be legally registered in the commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health.

(b) The medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building.

(c) The medical marijuana dispensary may not operate on the same site as a medical marijuana grower/processor facility.

(d) The medical marijuana dispensary facility shall have a single secure public entrance and shall implement security measures to prevent the unauthorized entrance into areas containing medical marijuana.

(e) The medical marijuana dispensary facility shall not include any of the following functions or features.

[1] Drive-through service or facilities.

[2] Outdoor seating areas.

[3] Outdoor vending machines.

[4] Direct or home delivery service.

(f) The medical marijuana dispensary facility shall prohibit the administration of or the consumption of medical marijuana on the premises.

(g) The medical marijuana dispensary facility may not be located within 1,000 feet of the property line of an educational institution or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located.

(h) The medical marijuana dispensary facility shall be separated by a minimum distance of 1,000 feet from any other medical marijuana dispensary facility. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the medical marijuana dispensary facilities are conducted or proposed to be conducted, regardless of the municipality in which it is located.

(35) Medical marijuana transport vehicle service.

(a) Any Medical marijuana storage, including temporary storage, at a medical marijuana transport vehicle service facility shall be secured to the same level as that for a medical marijuana grower/processor facility.

(b) Transport vehicles associated with a medical marijuana transport vehicle service shall be equipped with a locking cargo area.

(c) Transport vehicles associated with a medical marijuana transport vehicle service shall have no markings that would identify the vehicle as being used to transport medical marijuana.

(36) Mobile home park. All applications for mobile home parks shall comply with the design and performance standards for mobile homes and mobile home parks as established in Chapter 195, Subdivision and Land Development, of the Code of Freedom Township.

(37) Multifamily dwelling unit.

(a) There shall be no more than eight dwelling units per building.

(b) No building shall be in excess of two stories in height.

(c) A visual structural break shall be provided between every four dwelling units.

(d) Lot area per dwelling unit shall be in accordance with the area required by the applicable district.

(e) Setbacks between buildings or property lines shall be as required by the applicable district.

(38) No-impact home-based business.

(a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

(b) The business shall employ no employees other than family members residing in the dwelling.

(c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

(e) The business activity may not use any equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

(f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

(39) Outdoor storage and display.

(a) Outside storage or product display shall not occupy any part of the street right-of-way and no other area intended or designed for pedestrian use, required parking areas, nor required front yard.

(b) Outside storage areas excluding product display areas, shall be shielded from view from public streets.

(c) Roadside produce stands and plant nurseries shall be exempted from outdoor storage limitations.

(40) Place of worship.

(a) A minimum of two and a maximum of six acres of land shall be devoted to such use for structures, parking, storage, display, setbacks, and landscaping.

(b) No more than 40% of the area devoted to a place of worship shall be covered by buildings, parking lots, or any other impervious surface.

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

(a) Front yards shall be provided in accordance with the regulations of the district in which the facility is located. Side yards shall be a minimum of 10 feet.

(b) Height restrictions shall be as required by the district regulations.

(c) Unhoused equipment shall be enclosed within a chain link fence eight feet in height topped with barbed wire.

(d) When equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in accordance with the district in which facility is located.

(e) If adjacent to a residential district, buffer yards and screened plantings shall be required in accordance with Chapter 195, Subdivision and Land Development.

(f) The external design of the building shall be in character with existing buildings in the respective district.

(g) No structure shall be used as an everyday work area.

(h) The facility shall comply with applicable standards. **[Amended 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03]**

(42) Recycling center.

(a) All facilities shall be operated and licensed in accordance with Pennsylvania Department of Environmental Protection rules and regulations.

(b) All operations shall be screened from all rights-of-way and adjoining properties by a buffer yard and screen planting of no less than 10 feet in depth, established along lot lines.

(c) The site shall be maintained free of litter and other undesirable materials and cleaned of loose debris daily.

(d) Outside storage of materials shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Outside storage, excluding truck trailers, shall not be visible above the height of the screen planting.

(e) Front, side, and rear yards shall be provided in accordance with the regulations of the district in which the facility is located.

(f) Off-street loading spaces or berths shall be provided on site for three vehicles or the anticipated peak customer load, whichever is greater, to circulate and to deposit recyclable materials. All loading spaces and berths shall be designed in accordance with Article XIV.

(g) Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for

efficient temporary storage and shipment of material may be permitted in accordance with applicable standards established herein. **[Amended 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03]**

(h) Containers provided for after-hours donation of recyclable materials shall be located at least 50 feet from any property zoned, occupied, or planned for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; be secure from unauthorized entry or removal of materials; and be clearly marked to identify the type of materials that may be deposited within them.

(i) Outside storage shall be no greater than eight feet in height; a minimum twelve-foot gravel aisle shall be established between rows of containers; and a fence eight feet in height shall be constructed around the storage area.

(43) Restaurants with drive-through service.

(a) Space for a minimum of eight occupied vehicles is required for those patrons waiting in the drive-through line for service. This distance shall be measured from the point at which food orders may be taken.

(b) The required space for the drive through line shall be separated, to the maximum feasible extent, from parking spaces for non-drive-through customers and from pedestrian walkways and shall be incorporated into an overall circulation plan for the site.

(c) The drive-through facility, including intercom and menu, driveway, and service windows, shall be located along the side or rear faces of the restaurant. In no event will the drive-through facility be permitted along the front face of the restaurant, between the restaurant and the adjoining public road.

(d) A site plan shall be provided to the Township for use during the conditional use hearing during which the project will be reviewed. The site plan shall show building dimension and placement, internal circulation, landscaping, location and size of signage, and all other pertinent design information needed for the Board of Supervisor's complete review of the project.

(44) Retreat.

(a) The minimum acreage for a retreat shall be five acres.

(b) The maximum floor area for all areas used in connection with the retreat shall be no greater than 5% of the total lot area.

(c) Overnight accommodations shall be accessory to the primary use of the property proposed as a retreat and shall not be open to the general public as a standalone use. The maximum length of stay for any guest(s) shall be seven consecutive days per singular event.

(d) Adequate off-street parking shall be provided in accordance with Township ordinances.

(45) Rural events venue.

(a) A proposed rural events venue shall be of a scale and intensity so that the use is compatible with existing or proposed uses on adjacent parcels, or in the immediate vicinity. Adequate setbacks and Buffers must be provided so as to prevent adverse impacts on adjoining parcels.

(b) For event barns and rural events venues on agricultural or formerly agricultural lots, the use must not interfere with the ability of the property to return to an agricultural use in the future.

(c) Handicapped parking spaces shall be provided in accordance with ADA[9] requirements. All other parking may be provided as reinforced grass, or similar method so as not to interfere with any future return of the property to an agricultural use.

(d) The lot on which the rural events venue is located shall be a minimum of 25 acres.

(e) The maximum floor area for all permanent structures associated with the rural events venue shall be no more than 15% of the total lot area.

(f) The maximum permitted occupancy for all rural events venues shall be 199 persons.

(g) All buildings, parking, loading, and other indoor or outdoor use areas shall be located a minimum of 200 feet from existing residential dwellings on adjacent parcels, and shall be buffered as deemed appropriate by the Board of Supervisors.

(h) Events and activities must cease by 11:00 p.m. on Friday and Saturday, and 9:00 p.m. Sunday through Thursday, unless further restricted by the Board of Supervisors in accordance with Subsection A(45)(k) of this § 230-62. **[Amended 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03]**

(i) Overnight accommodations shall be accessory to the principal use of the property as an events venue and shall not primarily be open to the general public as a stand-alone use. The maximum length of stay for any guest(s) shall be seven consecutive days per singular event.

(j) Approval of application with Sewage Enforcement Officer is a prerequisite to issuance of a zoning permit.

(k) The Board of Supervisors shall have the authority to further limit hours of operation, number of events per year, number of attendees, etc., on a case-by-case basis.

(46) Shopping centers.

(a) A planned shopping center shall contain a minimum of six separate uses.

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9. **Editor's Note: See 42 U.S.C. § 12101 et seq.**

(b) Parking lots shall be designed with an easily discernible circulation pattern and shall meet the following requirements.

[1] Aisles of parking shall be arranged perpendicularly from the front face of the center.

[2] Terminal islands shall be installed at both ends of each row of parking. Terminal islands shall be a minimum of 15 feet long and a minimum of five feet wide. The terminal islands shall be landscaped.

[3] Divider strips shall be placed between adjoining rows of parking to prevent traffic movements across parking aisles. The divider strips shall be landscaped.

[4] The minimum distance between the sidewalk adjacent to the main entrances of establishments and the parking area shall be 30 feet. The developer shall prove, to the satisfaction of the Board of Supervisors and Township Engineer that sufficient spaces will exist between the sidewalk and the parking area to allow two-way traffic, and a pick-up/ fire lane; parking shall not be permitted in the required pickup/fire lane.

(c) The planned shopping center shall be designed in accordance with a unified architectural theme. Similar and complimentary building dimensions, materials, and rooflines shall be designed for all proposed uses within the planned shopping center.

(d) In addition to the sign permitted by Article XV for each business on a lot, the planned shopping center shall be permitted one monument-style sign located near the entrance to the planned shopping center. The sign may identify the name of the planned shopping center and the individual businesses within the planned shopping center. The sign shall not exceed 100 square feet in size on each side of the sign.

(e) A site plan shall be provided to the Township for use during the conditional use hearing during which the project will be reviewed. The site plan shall show building dimension and placement, internal circulation, landscaping, location and size of signage, and all other pertinent design information needed for the Board of Supervisors' complete review of the project.

(47) Single-family attached dwelling unit.

(a) There shall be no more than six attached units in a row.

(b) A visual structural break either in the roof line or front facade shall be provided between every other dwelling unit.

(c) No building composite shall exceed 140 feet in length.

(d) Setbacks between buildings or property lines shall be required by the applicable district.

(e) Lot area per dwelling unit shall be in accordance with the area required by the applicable district.

(48) Solar farm. A solar farm shall not be considered an accessory use, but may operate as a principal use on a lot with other principal uses, provided the following standards are met:

(a) The facility shall receive land development plan approval from the Township in accordance with Chapter 195, Subdivision and Land Development. Should conditional use review of the facility occur prior to land development plan submission, conditional use approval shall include a condition that the applicant achieve land development plan approval.

(b) The facility shall be situated as to minimize impacts to wetlands, threatened and endangered species, woodlands, and to minimize vegetation clearing, grading, and soil compaction. In no event shall wooded acreage comprising more than 2% of the deeded acreage of the lot be removed.

(c) Facilities located within the Floodplain Overlay (FO) District of this chapter or within a designated wetland shall be subject to permitting and inspections with regard to applicable local, state, or federal environmental regulations. Issuance of any required permitting shall be listed as a condition of approval for the zoning permit required by this chapter.

(d) The location of solar arrays and all other accessory structures and buildings shall be subject to fifty-foot setbacks from all property lines, or to the setback requirements of the underlying zoning district, whichever is greater.

(e) Solar arrays shall not exceed 20 feet in height. For fixed solar arrays, height shall be measured at the highest point of the solar array above ground level. For solar arrays designed to rotate, height shall be measured with the solar array oriented at maximum tilt.

(f) The facility shall be exempt from the maximum lot coverage standard of the underlying zoning district within which the facility is proposed.

(g) Solar panels shall have a surface that minimizes glare and shall be shielded, buffered, and directed so that glare will not become a nuisance to adjoining properties, adjoining districts, or streets.

(h) The facility shall not be artificially illuminated except to the extent required by safety or by any applicable federal, state or local authority.

(i) All utility lines, including power and communications lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.

(j) Fencing shall be subject to setback standards of the underlying zoning district, and all fencing shall be buffered with a mix of evergreen, deciduous, and shrub plantings for screening. state or federal requirements regarding height and hazardous attachments shall supersede requirements herein. **[Amended 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03]**

(k) To prevent erosion, manage run-off, and provide ecological benefit, the facility shall be planted with low-profile native pollinator ground cover with high infiltration rates, using a mix appropriate for the region and soil conditions. Prior to construction, the operator shall prepare a landscape monitoring and maintenance plan to ensure the establishment and continued maintenance of the native pollinator species, all installed landscape screening, and all existing vegetation that provides required landscape screening. Alternatively, the operator may permit livestock grazing on the solar farm grounds.

(l) Consultation from the Adams County Conservation District is required at the time of the conditional use application to evaluate potential for environmental impact and proposed landscaping and maintenance plans. The proposed Solar farm plan shall comply with recommendations of the Conservation District regarding environmental impact reduction, drainage, plantings and Landscaping, and maintenance of said plantings and landscaping.

(m) A sign shall be posted providing the name of the operator, the facility's complete 911 address, and a twenty-four-hour contact number.

(n) Damaged solar panels shall be removed, repaired, or replaced within 60 days of the damage. The ground shall remain free of debris from damaged solar panels at all times.

(o) Decommissioning.

[1] The solar farm owner is required to notify the Township immediately upon cessation or abandonment of the operation. The solar farm shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of 12 continuous months.

[2] The solar farm owner shall then have 12 months in which to dismantle and remove the solar farm, including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations, solar facility connections and other associated facilities.

[3] To the extent possible the materials shall be resold or salvaged. Materials that cannot be resold or salvaged shall be disposed of at a facility authorized to dispose of such materials by federal or state law.

[4] Any soil exposed during the removal shall be stabilized in accordance with applicable erosion and sediment control standards.

[5] Any access drive paved aprons from public roads shall remain for future use.

[6] The solar farm area shall be restored to its preexisting condition, suitable for its prior use, except the landowner may authorize, in writing, any buffer landscaping or access roads installed to accommodate the Solar farm to remain.

[7] Any necessary permits, such as erosion and sedimentation and NPDES permits, shall be obtained prior to decommissioning activities.

[8] At the time of issuance of the permit for the construction of the SEF, the owner shall provide financial security in the form and amount acceptable to the Township to secure its obligations under this section.

[a] The SEF developer shall, at the time of application, provide the Township with an estimate of the cost of performing the decommissioning activities required herein, together with an administrative and inflation factor of 25% to account for the cost of obtaining permits to complete said activities. The estimate may include an estimated salvage and resale value, discounted by a factor of 20%. The decommissioning cost estimate formula shall be gross cost of decommissioning activities + administrative factor of 25% - salvage and resale credit of 80% = the decommissioning cost estimate.

[b] On every fifth anniversary of the date of providing the decommissioning financial security, the solar farm owner shall provide an updated decommission cost estimate, utilizing the formula set forth above with adjustments for inflation and cost and value changes. If the decommissioning security amount changes, the solar farm owner shall remit the increased financial security to the Township within 30 days of the approval of the updated decommissioning security estimate by the Township.

[c] Decommissioning security estimates shall be subject to review and approval by the Township and the solar farm developer/ owner shall be responsible for administrative, legal, and engineering costs incurred by the Township for such review.

[d] At no time shall the financial security be an amount less than $500,000.

[e] The decommissioning security may be in the form of cash, letter of credit, or an investment grade corporate guarantee rated BBB-/Baa3 or better by S&P, Moody's, or AM Best, as applicable.

[f] Prior to approval of any plan or permit for a solar farm, the solar farm developer shall enter into a decommissioning agreement with the Township outlining the responsibility of the parties under this agreement as to the decommissioning of the solar farm.

(49) Surface mining.

(a) The minimum lot area shall be five acres.

(b) A fifty-foot vegetative buffer is required adjacent to all property lines. The Board of Supervisors may also require secure fencing in locations where needed to protect public safety.

(c) Unless otherwise provided for by the Pennsylvania Department of Environmental Protection, the following setback regulations shall apply:

[1] Activities shall not be nearer than 100 feet of any property line or public street.

[2] Activities shall not be nearer than 300 feet of an occupied dwelling unit, or commercial or industrial building, unless released by the owner thereof.

[3] Activities shall not be nearer than 300 feet of a public building, school, community or institutional building, or a public park.

[4] Activities shall not be nearer than 100 feet of a cemetery.

[5] Activities shall not be nearer than 100 feet of a bank of a perennial or intermittent waterway.

[6] All activities shall be protected by a fence or wall six feet high and shall have openings no larger than six inches.

[7] Quarry walls shall not be readily visible from public streets or adjacent developed properties, except for ingress and egress roads.

(d) All activities shall comply with applicable standards. **[Amended 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03]**

(e) The ZHB may reasonably limit the hours of operation of use and related trucking and blasting operations to protect the character of adjacent uses.

(f) After areas are used for mineral extraction, they shall be reclaimed in phases to a nonhazardous and environmentally sound state permitting some economically productive future use.

(g) It is not the intent of the Township to unlawfully preempt any federal or state law or regulation. If a preemption of this chapter would exist, the most strict and least permissive requirements shall be in effect where a conflict might exist.

(50) Swimming pools.

(a) The pool is over 18 inches in depth, is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located, including guests.

(b) Hot tubs, whirlpool baths and tubs, and Jacuzzi-type tubs or baths shall not be considered swimming pools if located outdoors or designed to be located outdoors, and are provided with permanent outdoor water plumbing.

(c) Pools and accessory structures shall be subject to the setback regulations of the appropriate district.

(d) All permanent swimming pools hereafter constructed, installed, established, or maintained shall be enclosed by a permanent fence of durable material at least four feet but not more than six feet in height and shall be constructed so as not to have openings, mesh, or gaps larger than four square inches in any direction. All gates used in conjunction with the fence shall meet the same specifications as to the fence itself and shall be equipped with approved locking devices.

(e) A dwelling unit or an accessory building may be used as part of such enclosure. However, height requirements for a fence shall not apply to the building.

(f) The provisions regulating fencing shall not apply to pools having sides extending four feet above grade, provided that the stairs, or other means of access to the pool, are removed or locked in such a position as to make it readily inaccessible when not in use.

(g) Water may not be discharged from a swimming pool directly onto adjacent properties or rights-of-way.

(h) Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that only diffused or reflected light, enters adjoining properties.

(51) Tasting room/winery/cidery/brewery/distillery.

(a) Sales of spirits shall be limited to those produced on site or at another facility by or for the proprietor of the establishment.

(b) Samples of spirits may be given complimentary or for a fee. Related novelties may also be sold at retail.

(c) May include food preparation facilities and food service.

(d) May include occasional special events or event rentals, provided such events and rentals are clearly secondary to the tasting room/winery/cidery/brewery/distillery.

(e) If a winery, cidery, tasting, or brewery is located within 200 feet from existing residential dwellings on adjacent parcels not associated with the establishment, additional buffering, restrictions on hours of operation, frequency of events, and noise may be required through the conditional use process.

(52) Temporary uses.

(a) There shall be no more than two yard sales per property within a period of 12 months.

(b) The duration of the sale shall not exceed two days.

(c) The person conducting the yard sale shall make certain that the traffic on adjacent streets is not obstructed.

(d) Signs advertising the yard sale shall not block the view of oncoming traffic and shall be removed within 24 hours after the sale.

(53) Tennis courts.

(a) Private tennis courts shall be permitted within side or rear yards, provided that such facility, including fences, shall not be less than 10 feet from side or rear property lines.

(b) Lighting fixtures, if provided, shall not create objectionable glare on abutting properties.

(54) Utility buildings.

(a) No utility building shall be erected in the front yard.

(b) The combined floor area of all utility buildings shall not exceed 200 square feet of floor area. This provision does not apply to farm structures such as barns, stables, etc.

(c) No utility building shall be located closer than five feet to the rear or side property lines or any easement unless more stringent requirements are contained in a specific district of this chapter.

(d) A utility building shall not have a permanent foundation or be more than one story in height.

(55) Vacation rental.

(a) Any proposed vacation rental shall be compatible with the neighborhood in which it is located in terms of landscaping, scale and architectural character. The use shall be harmonious and compatible with the existing uses within the neighborhood.

(b) The operator of the vacation rental shall, at all times while the property is being used as a vacation rental, maintain a contact person/entity within a fifteen-minute drive of the property. The contact person or entity must be available via telephone 24 hours a day, seven days a week, to respond to complaints regarding the use of the vacation rental.

(c) A written notice shall be conspicuously posted inside each vacation rental unit setting forth the name, address and telephone number of the contact person. The notice shall also set forth the address of the vacation rental, the maximum number of vehicles permitted to park on site, and the day(s) established for garbage collection.

(d) The number of overnight occupants shall be limited to two persons per bedroom and two additional persons, up to a maximum of six persons. A bedroom shall meet the minimum size requirements as defined in the Pennsylvania Uniform Construction Code.

(e) On-site advertising of the vacation rental is prohibited.

(f) The operator of the vacation rental must demonstrate that they have registered with the Adams County Treasurer's Office in compliance with County Ordinance No. 2 of 2018, as may be amended, for the payment of hotel room rental tax.

(56) Vehicular body shop.

(a) All repair and paint work shall be performed within a structure.

(b) Buffer yard/screen plantings shall be provided in accordance with Chapter 195, Subdivision and Land Development.

(c) Stored and/or repaired vehicles shall remain no longer than 60 days from the date of arrival.

(d) No outdoor storage of equipment, lubricants, fuel, or other materials used for repair shall be permitted.

(e) All materials discarded as part of the service operation shall be contained within wholly enclosed dumpster equipment or within a solid fenced enclosure.

(f) The demolition or storage of junked vehicles is prohibited.

(57) Wireless communications facilities - co-location - inside public right-of-way.

(a) Location. An applicant may co-locate one or more wireless communications facilities on existing poles, including but not limited to existing tower-based wireless communications facilities, telephone and/or electric utility poles, and light poles. Multiple small wireless facilities proposed to be deployed at multiple locations shall be considered to be one application for the purpose of this review and approval process.

(b) Siting requirements. Co-location of wireless communications facilities shall meet the following siting criteria:

[1] The co-location of the communications facility and related equipment shall not cause any physical or visual obstruction to pedestrian or vehicle traffic and shall not create safety hazards to pedestrians or motorists.

[2] The facility and equipment shall not limit the public use of the right-of-way.

[3] The facility and equipment shall not be located within two feet of the street cartway.

[4] Any related equipment that cannot be placed underground shall be screened through the use of landscaping or other decorative features.

(c) Stealth technology. The most current stealth technology available shall be used to minimize aesthetic impact of co-located wireless communications

facility within the surrounding environment. The stealth technology chosen by the applicant shall be subject to approval by the Township.

(d) Time, place, and manner. The Township shall have the ability to determine the time, place, and manner of construction, maintenance, repair, and/or removal of all co-located wireless communications facilities within the rights-of-way of Township roads or other Township rights-of-way. Such ability shall be based on public safety, traffic management, physical burden on the right-of-way, and related considerations. Within public utility rights-of-way, the Township's decision regarding time, place, and manner of work shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.[10]

(e) Removal or relocation. The Township shall have the ability to require the removal or relocation of co-located wireless communications facilities from within the rights-of-way of Township roads or other Township rights-of-way. Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, the owner of co-located wireless communications facility shall, at its own expense, temporarily or permanently remove or relocate said facility. The Township may, consistent with its police powers and applicable Public Utility Commission regulations, require such removal or relocation under the following circumstances:

[1] The construction, repair, maintenance, or installation of any Township or other public improvements in the right-of-way.

[2] The operations of the Township or other governmental entity in the right-of-way.

[3] Vacation of a road or release of a utility easement.

[4] An emergency as determined by the Township.

(f) Reimbursement for right-of-way use. The Township shall have the ability to subject the owner of every co-located communications facility in a public right-of-way to a fair and reasonable use an occupancy fee as may be fixed annually by the Township. Such compensation for right-of-way use shall be directed related to the Township's actual right-of-way management costs, including, but not limited to, the costs of reviewing, inspecting, permitting, supervising, and other right-of-way management activities of the Township. The owner of each co-located wireless communications facility shall pay an annual fee to the Township to compensate the Township for costs incurred in connection with such management activities.

(g) Review period. The review and approval period shall be those expressed in "Accelerating Wireless and Wireline Broadband Deployment by Removing

10. **Editor's Note: See 66 Pa.C.S.A § 101 et seq.**

Barriers to Infrastructure Investment," or subsequent rulemaking by the Federal Communications Commission, and specifically as follows.

[1] Small wireless facility: 60 days from date of application. This time frame includes multiple deployments on existing poles within public right-of-way and on existing structures outside the public right-of-way.

[2] Applications for multiple deployments that contain small wireless facilities on existing structures within public right-of-way and small wireless facilities in any other location as regulated by this chapter: 90 days from date of application.

[3] Facility other than a small wireless facility: 90 days from date of application.

(58) Wireless communications facilities - co-location - outside public right-of-way.

(a) Location. An applicant may co-locate one or more wireless communications facilities on existing poles, including but not limited to existing tower-based wireless communications facilities, telephone and/or electric utility poles, and light poles. Such facilities may also be co-located on buildings and structures. Multiple small wireless facilities proposed to be deployed at multiple locations shall be considered to be one application for the purpose of this review and approval process.

(b) Screening. Any related equipment that cannot be placed underground shall be screened through the use of landscaping or other decorative features.

(c) Stealth technology - co-location on wireless communications tower. Any stealth technology employed on the existing wireless communication tower must be expanded to encompass the new wireless communication facility to be co-located on said tower.

(d) Stealth technology - co-location on other towers, poles, structures, or buildings. Stealth technology shall be employed to minimize the visual impact of the wireless communications facility within the surrounding environment. Specific requirements are as follows.

[1] Buildings. Stealth technology shall be employed that encloses the wireless communications facility in structure that is architecturally compatible with the host building.

[2] Poles and other structures. Stealth technology shall be employed such that the wireless communications facility is installed either within the pole or structure, or flush on the external surface of the pole or structure.

(e) Height. The following height requirements shall be applied:

[1] Co-location on existing wireless communications tower: Co-location on an existing wireless communications tower shall not result in a

wireless communications tower height that exceeds that authorized by this chapter.

[2] Co-location on poles and other structures: Co-location on other poles and other structures shall not result in the wireless communications facility exceeding the height of the pole or structure.

[3] Co-location on buildings. Co-location on an existing building may result in the wireless communication facility exceeding the building height by no more than 10 feet. However, in no case shall the height of the wireless communication facility exceed the maximum building height of the underlying zoning district by more than five feet.

(f) Review period. The review and approval period shall be those expressed in "Accelerating Wireless and Wireline Boardband Deployment by Removing Barriers to Infrastructure Investment," or subsequent rulemaking by the Federal Communications Commission, and specifically as follows.

[1] Small wireless facility: 60 days from date of application. This time frame includes multiple deployments on existing poles and other structures outside of public right-of-way and within public right-of-way and on existing structures inside the public right-of-way.

[2] Applications for multiple deployments that contain small wireless facilities on existing structures outside of public right-of-way and small wireless facilities in any other location as regulated by this chapter: 90 days from date of application.

[3] Facility other than a small wireless facility. 90 days from date of application.

(59) Wireless communications facility - tower-based - inside public right-of-way.

(a) Location. An applicant may co-locate one or more wireless communications facilities on new poles. Multiple small wireless facilities proposed to be deployed at multiple locations shall be considered to be one application for the purpose of this review and approval process.

(b) Evaluation of siting opportunities. An applicant seeking approval to erect or enlarge a tower-based wireless communications facility shall demonstrate compliance with the following requirements:

[1] An applicant shall demonstrate that all structures within the public right-of-way and within 0.5 mile of the proposed site have been evaluated as a co-location site. Co-location opportunities include, but are not limited to, existing tower-based wireless communications facilities, telephone and/or electric utility poles, and light poles. The applicant shall provide a site alternative analysis describing the location of potential co-location sites that were considered, the availability of those sites, the extent to which other sites do or do not meet the provider's service or engineering needs, and the reason why the alternative site was not chosen. Where a potential co-location site

is not chosen, supplementary evidence shall include one or more of the following reasons for not proposing to co-locate on the alternative site:

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

[b] The proposed antennas and related equipment would cause radio frequency interference with other existing equipment, as certified by an appropriate technical expert, and that the interference cannot be effectively mitigated.

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

[d] Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure that exceeds applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. Such a determination shall be certified by an appropriate technical expert.

[e] A commercially reasonable agreement could not be reached with the owners of such structures. Where such an agreement is not reached, the applicant shall indicate why any offers or counter-offers made were deemed to be unreasonable.

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

[1] The tower-based wireless communications facility and related equipment shall not cause any physical or visual obstruction to pedestrian or vehicle traffic and shall not create safety hazards to pedestrians or motorists.

[2] The facility and equipment shall not limit the public use of the right-of-way.

[3] The facility and equipment shall not be located within two feet of the street cartway.

[4] Any related equipment that cannot be placed underground shall be screened through the use of landscaping or other decorative features.

[5] The tower shall be set back from all property lines a distance equal to the height of the tower unless the tower is equipped with a structural

break point, in which case the tower shall be set back a distance equal to the height of the structural break point above ground level.

(d) Tower height. The tower-based wireless communications facility shall not exceed 40 feet in height.

(e) Tower safety. An applicant shall demonstrate that the proposed tower-based wireless communications facility will not affect surrounding properties or the public right-of-way as a result of structural failure, falling ice or other debris, or radio frequency interference.

(f) Tower type. The applicant shall a monopole tower type for the tower-based wireless communications facility.

(g) Stealth technology. The most current stealth technology available shall be used to minimize aesthetic impact of the tower-based wireless communications facility within the surrounding environment. The stealth technology chosen by the applicant shall be subject to approval by the Township.

(h) 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.

(i) Information regarding the intended power supply and auxiliary power supply for the facility shall be provided.

(j) Time, place, and manner. The Township shall have the ability to determine the time, place, and manner of construction, maintenance, repair, and/or removal of all tower-based wireless communications facilities within the rights-of-way of Township roads or other Township rights-of-way. Such ability shall be based on public safety, traffic management, physical burden on the right-of-way, and related considerations. Within public utility rights-of-way, the Township's decision regarding time, place, and manner of work shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.[11]

(k) Removal or relocation. The Township shall have the ability to require the removal or relocation of tower-based wireless communications facilities from within the rights-of-way of Township roads or other Township rights-of-way. Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, the owner of a tower-based wireless communications facility shall, at its own expense, temporarily or permanently remove or relocate said facility. The Township may, consistent with its police powers and applicable Public Utility

11. **Editor's Note: See 66 Pa.C.S.A. § 101 et seq.**

Commission regulations, required such removal or relocation under the following circumstances:

[1] The construction, repair, maintenance, or installation of any Township or other public improvements in the right-of-way.

[2] The operations of the Township or other governmental entity in the right-of-way.

[3] Vacation of a road or release of a utility easement.

[4] An emergency as determined by the Township.

(l) Reimbursement for right-of-way use. The Township shall have the ability to subject the owner of every tower-based communications facility in a public right-of-way to a fair and reasonable use an occupancy fee, as may be fixed annually by the Township. Such compensation for right-of-way use shall be directed related to the Township's actual right-of-way management costs including, but not limited to, the costs of reviewing, inspecting, permitting, supervising, and other right-of-way management activities of the Township. The owner of each tower-based wireless communications facility shall pay an annual fee to the Township to compensate the Township for costs incurred in connection with such management activities.

(m) Review period. The review and approval period shall be those expressed in "Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment," or subsequent rulemaking by the Federal Communications Commission, and specifically as follows.

[1] Small wireless facility: 90 days from date of application. This time frame includes multiple deployments on new poles within public right-of-way and in any other location as regulated by this chapter.

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

(60) Wireless communications facility - tower-based - outside public right-of-way.

(a) Location. An applicant may co-locate one or more wireless communications facilities on new poles. Multiple small wireless facilities proposed to be deployed at multiple locations shall be considered to be one application for the purpose of this review and approval process.

(b) Evaluation of siting opportunities. An applicant seeking approval to erect or enlarge a tower-based wireless communications facility shall demonstrate compliance with the following requirements.

[1] An applicant shall demonstrate that all structures in excess of 50 feet in height within a one-mile radius of the proposed site have been evaluated as a co-location site. Co-location opportunities include, but are not limited to, smokestacks, water towers, agricultural silos, tall buildings, towers operated by other wireless communications companies, and other communications towers (fire, police, etc.). The

applicant shall provide a site alternative analysis describing the location of potential co-location sites that were considered, the availability of those sites, the extent to which other sites do or do not meet the provider's service or engineering needs, and the reason why the alternative site was not chosen. Where a potential co-location site is not chosen, supplementary evidence shall include one or more of the following reasons for not proposing to co-locate on the alternative site:

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

[b] The proposed antennas and related equipment would cause radio frequency interference with other existing equipment, as certified by an appropriate technical expert, and that the interference cannot be effectively mitigated.

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

[d] Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure that exceeds applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. Such a determination shall be certified by an appropriate technical expert.

[e] A commercially reasonable agreement could not be reached with the owners of such structures. Where such an agreement is not reached, the applicant shall indicate why any offers or counteroffers made were deemed to be unreasonable.

[2] If the applicant claims that no structures in excess of 50 feet exist within the study area, the applicant shall provide evidence detailing how such determination was made. Such written evidence shall be submitted, and deemed to be complete, before approval for the erection of a wireless communications tower may occur.

[3] An applicant shall demonstrate that the proposed facility is needed at the proposed location. The applicant shall provide an existing coverage analysis demonstrating a "dead spot" at or near the proposed tower location.

[4] An applicant shall provide a written analysis that identifies potential negative impacts on neighboring residents and properties and indicates how negative impacts will be effectively mitigated.

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

[1] The tower shall be set back from all property lines a distance equal to the height of the tower unless the tower is equipped with a structural break point, in which case the tower shall be set back a distance equal to the height of the structural break point above ground level.

[2] The minimum distance between the base of the tower, or any anchoring guy wires, and residential, place of worship, or school property shall be 200 feet.

[3] 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:

[a] Groves of trees.

[b] Sides of hills.

(d) Tower height. An applicant must demonstrate that a proposed wireless communications tower is the minimum height required to function satisfactorily. In no case shall a wireless communications tower exceed 180 feet. The measurement of tower height shall include the tower itself as well as any antennas or other equipment attached thereto.

(e) Tower safety. An applicant shall demonstrate that the proposed tower will not affect surrounding properties as a result of structural failure, falling ice or other debris, or radio frequency interference.

(f) All wireless communications towers shall be fitted with anticlimbing devices, as approved by the manufacturers. A detail confirming the design of such features shall be included in the application for approval of the wireless communications tower.

(g) Tower type. The applicant shall use the monopole, or davit-pole, type of wireless communications tower.

(h) Landscaping. The applicant shall demonstrate compliance with the following landscaping requirements:

[1] The base of the wireless communications tower, any supporting cables or guy wires, maintenance buildings, and parking areas, shall be enclosed by a protective fence. The protective fence shall be a minimum of six feet in height.

[2] An evergreen screen shall be planted around the external perimeter of the protective fence. Evergreen trees shall be a minimum of six feet at planting, and shall reach a minimum height of 15 feet at maturity. Any trees which die within a year of planting shall be replaced by the applicant. Where the tower site is either fully or partially located

within a grove of existing trees, the evergreen screen requirement may be waived along any portion of the protective fence that is blocked from view from beyond the property line hosting the facility by said grove of trees.

(i) Color. Where a specific color pattern is not required by the Federal Aviation Administration (FAA), wireless communications tower colors shall be a light grey or galvanized metal color. Towers shall be finished or treated in a manner that prevents the formation of rust.

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

(k) Land development plan approvals. An applicant shall obtain land development approval from the Freedom Township Board of Supervisors in accordance with applicable provisions of Chapter 195, Subdivision and Land Development, of the Code of Freedom Township prior to zoning permit approval.

(l) A list of the contents of the equipment building or box, with specific attention to any potentially unsafe or toxic substances, including batteries, to be located in the facility, shall be provided. Documentation demonstrating how any spills of unsafe or toxic material will be contained within the equipment building or box shall also be provided.

(m) Information regarding the intended power supply and auxiliary power supply for the facility shall be provided.

(n) Review period. The review and approval period shall be those expressed in "Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment," or subsequent rulemaking by the Federal Communications Commission, and specifically as follows.

[1] Small wireless facility: 90 days from date of application. This time frame includes multiple deployments on new poles outside public right-of-way and in any other location as regulated by this chapter.

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

§ 230-63. Conditional use standards.

A. Conditional use approval required.

(1) When conditional uses are provided for in this chapter, the Board of Supervisors shall hear and decide applications for such conditional uses in accordance with the standards and criteria set forth in this chapter and any applicable law of the Commonwealth of Pennsylvania. In granting a conditional use, the Board of

Supervisors may attach such reasonable conditions as necessary to implement the purpose and goals of this chapter and the Comprehensive Plan. Prior to the consideration of a conditional use application by the Board of Supervisors, the application shall first be reviewed by the Freedom Township Planning Commission and may be reviewed by the Adams County Office of Planning and Development. A public hearing in regard to the application shall be held by the Board of Supervisors pursuant to public notice. If conditional use approval is granted, the applicant, if required, shall file any necessary land development or subdivision plan as required by applicable Township ordinances.

(2) The approval for a conditional use will expire within one year from the date of written authorization by the Board of Supervisors upon failure of the applicant to secure any necessary land development approval and any other necessary permits as required by state and/or Township laws. Upon written application to the Board of Supervisors and for good cause shown, the Board may extend the approval of the conditional use for additional periods of up to one year at a time.

B. Application procedure for a PCD.

(1) An application for a conditional use shall be submitted by the landowner to the Freedom Township Secretary with the appropriate filing fee.

(2) The information required in the application shall contain, as a minimum, the following:

(a) The location, size, and topography of the site and the nature of the landowner's interest in the land proposed to be developed;

(b) The density of land use to be allocated to parts of the site to be developed;

(c) The location and size of the open space system and the form of organization proposed to own and maintain the open space;

(d) The use and the approximate height, bulk, and location of buildings and other structures;

(e) The feasibility of proposals for water supply; the disposition of sanitary waste; and stormwater management;

(f) The substance of covenants, grants of easements, or other restrictions proposed to be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities;

(g) The provisions for parking of vehicles and the location and width of proposed streets and public ways;

(h) The required modifications in any land use regulations otherwise applicable to the subject property;

(i) A schedule showing the proposed times within which applications for preliminary and final approval of all plans are intended to be filed. This schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted;

(j) A traffic impact study which provides an evaluation of potential impacts on all intersections, points of driveway access, and various transportation modes, including vehicles associated with agriculture activities. The area of study is to be determined in consultation with the Township Engineer. All traffic generation calculations shall account for trips generated by the various uses proposed for the development and shall be based on current and projected traffic levels. Recommendations shall be provided for intersection improvements, roadway widening, traffic control devices, acceleration or deceleration lanes, traffic and lane markings and signs;

(k) An environmental assessment in accordance with § 195-25 of Chapter 195, Subdivision and Land Development, of the Code of Freedom Township.

(3) The application shall include a written statement by the landowner setting forth the reasons why, in his opinion, a planned community development would be in the public interest and would be consistent with the Comprehensive Plan for the development of the Township.

(4) The applicant shall inform the Board whether any structures on the property are listed upon the National Register of Historic Places, the Pennsylvania Register of Historic Sites and Landmarks or any other registry of historic structures.

(5) The Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of and insure compliance with the Municipalities Planning Code[12] and this chapter, which conditions may include plantings and buffers, harmonious designs of buildings and the elimination of noxious, offensive, or hazardous elements.

(6) Unless otherwise specified by the Board or by law, a conditional use for a PCD shall expire if the applicant fails to submit a preliminary plan for Phase 1 within one year from the date of granting the conditional use.

(7) Any conceptual site plan presented in support of the conditional use application shall become an official part of the record. Approval of the conditional use shall bind the use in accordance with the submitted conceptual site plan. The plan shall not be modified, revoked, or otherwise impaired by action of the Board pending applications for preliminary/final approval without the consent of the landowner, provided applications are filed within the periods of time specified in the official written communication granting conditional use approval.

(8) All preliminary and final plan applications of the PCD for each phase are subject to the requirements of the conditional use approval, this chapter, and Chapter 195, Subdivision and Land Development, as appropriate.

§ 230-64. Height regulation exemptions.

Chimneys, flues, towers, spires, cupola domes, pole masts, private-residence-mounted satellite dishes, television antennas, amateur radio equipment, barns, silos, and similar structures shall be exempt from the maximum height regulations of this chapter.

12. Editor's Note: See 53 P.S. § 10101 et seq.

ARTICLE XIV
Off-Street Parking

§ 230-65. Accessible parking space.

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

Total Parking Spaces	Required Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 plus 1 per 100 over 1,000

B. Design of accessible spaces shall be completed in accordance with the Americans with Disabilities Act[13] architectural guidelines and include the following:

(1) Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible structure. In parking facilities not serving a particular structure, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.

(2) Accessible parking spaces shall be at least 10 feet wide.

(3) One parking access aisle of no less than five feet in width shall be provided for each accessible parking space and shall be a part of the accessible route of no less than three feet in width to the building or facility entrance. A parking access aisle may be shared between two accessible parking spaces.

(4) Parking spaces and access aisles shall be level with surface slopes not exceeding 2% in all directions.

13. **Editor's Note: See 42 U.S.C. § 12101 et seq.**

(5) Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Such signs shall be located so as not to be obscured by a vehicle parked in the space.

§ 230-66. Parking space requirements.

A. This chapter by reference includes those requirements already delineated in § 195-20 of Chapter 195, Subdivision and Land Development, of the Code of Freedom Township. For purposes of additional information, this chapter supplements the requirements indicated above in the following manner:

Uses	Minimum Required Parking Spaces
Golf course	2 spaces for each green, plus 50% of the requirements for any other accessory use.
Retreat	1 space for every 6 people at maximum capacity of the main assembly room plus 1 space for every guest room or campsite.
Shopping centers	1 space per 500 square feet of floor area devoted to customer use

B. Uses not specifically defined. Required parking spaces shall be determined by a study to be prepared by the developer and approved by the Township. The study shall include the following:

(1) Type of use and estimated number of total trips generated during peak conditions (inbound and outbound).

(2) Estimated parking duration per vehicle trip (turnover rate).

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

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

ARTICLE XV
Signs

§ 230-67. General regulations.

The following regulations shall govern signs in all districts:

A. No sign shall be erected, enlarged, or relocated until a zoning permit for doing so has been issued by the Zoning Officer, or unless specifically exempted from permitting by § 230-68 below. Applications shall be on forms provided by the Township. All applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, colors, location on land or buildings, means of installation on land or building, and all other relevant information.

B. Signs, and the structure and equipment used in the erection and/or installation of such signs, shall be comprised of durable materials requiring little maintenance. All signs shall be permanently affixed to the ground or building, as appropriate, using generally accepted construction practices.

C. No sign shall be located so as to interfere with the clear sight distance regulations of Chapter 195, Subdivision and Land Development, of the Code of Freedom Township. Temporary real estate, contractor, and yard/garage sale signs are excluded from this requirement.

D. No sign shall be located within the right-of-way of any public or private street. Temporary real estate, contractor, and yard/garage sale signs are excluded from this requirement.

E. Signs may be illuminated in accordance with the following standards:

(1) Where sign illumination is limited in this chapter to external illumination, the light bulb or the lens covering the light bulb shall be hidden from vehicular and/or pedestrian view by a vegetative screen or a fixture surrounding the light that directs the light to the sign face. Indirect illumination shall not be permitted that either directly or indirectly produces glare affecting neighboring residential properties or any adjoining street.

(2) Where sign illumination is not limited in this chapter to external illumination, the sign may employ internal illumination.

§ 230-68. Signs exempt from permitting.

The following types of signs are exempted from the permitting requirements of this chapter, provided the sign meets all other applicable requirements of this section:

A. Official street and traffic signs and any other signs required by law.

B. Incidental signs, provided that such signs are spaced at intervals of no less than 100 feet and do not exceed two square feet in area.

C. Real estate signs, provided the following standards are met:

(1) The maximum area on any side of the sign shall not exceed six square feet.

(2) The total area of the sign shall not exceed 12 square feet.

(3) Not more than two signs are placed on a property under single ownership.

(4) Such signs shall be removed not more than five business days following the sale or rental of the premises.

D. Contractors signs, provided the following standards are met:

(1) The maximum area of any one side of the sign shall not exceed six square feet.

(2) The total area of the sign shall not exceed 12 square feet.

(3) Not more than one such sign for each contractor, painter, or similar artisan shall be erected on any property under single ownership.

(4) The sign shall be removed within five days of the completion of the work.

E. Garage sale signs, provided the following standards are met:

(1) Such signs shall not be displayed for more than 48 hours of each calendar month.

(2) The total area of such signs shall not exceed four square feet.

(3) Not more than two signs shall be displayed for any sale event.

F. Development announcement signs, provided the following standards are met:

(1) Sign illumination shall be limited to external illumination.

(2) Each side of the sign shall not exceed four square feet.

G. Government signs.

H. Flags, provided the following standards are met:

(1) Such flags shall be installed in a manner that provides a minimum of seven feet of clearance between the flag and any pedestrian walkway, including but not limited to public sidewalks.

(2) Such flags shall be removed at the end of the advertised business day.

§ 230-69. Prohibited signs.

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

A. Flashing signs.

B. Flashing and/or rotation lights.

C. Signs that resemble traffic control signs in terms of size, shape, or color.

D. Revolving, rotating, or otherwise moving signs. This prohibition shall not include feather signs or flags.

E. Animated signs, where a component of the sign structure is designed to physically move. This prohibition shall not include feather signs or flags.

F. Changeable copy signs, except when copy is changed manually. Electronic message center signs, when permitted in accordance with the standards of § 230-73, are excluded from this prohibition.

G. Portable signs, whether mounted on a trailer, vehicle, temporary base, or similar such devise.

H. Roof signs.

I. Streamers, pennants, inflatable, or lighter than air signs. This prohibition shall not include feather signs or flags.

J. Strings or light bulbs, search lights, or other lighting intended to attract attention to a nonresidential use, other than traditional holiday decorations.

§ 230-70. Signs permitted in all districts.

The following types of signs are permitted in all districts:

A. Off-premises directional signs:

(1) The maximum area of any one side of a sign shall not exceed 10 square feet.

(2) The total area of the sign shall not exceed 20 square feet.

(3) The maximum height of the sign shall not exceed 10 feet.

(4) Within the AG, RC, RL, and RM Districts, sign illumination shall be limited to external illumination.

(5) If three or more off-premises directional signs are proposed on the same property, consolidation of the individual signs on a single off-premises directional sign shall be required. Compatibly designed business logos shall be required. In addition, the following size requirements shall be required:

(a) The maximum area of any one side of a consolidated off-premises directional sign shall not exceed six square feet for each advertised use.

(b) The total area of a consolidated off-premises directional sign shall not exceed 12 square feet for each advertised use.

(6) Where the applicant for an off-premises directional sign does not own the property where said sign is proposed, the property owner shall be a coapplicant for the zoning permit necessary to authorize said sign.

B. Public/semipublic use signs:

(1) The maximum area of any one side of the sign shall not exceed 32 square feet.

(2) The maximum area of all sides of the sign shall not exceed 64 square feet.

(3) If a freestanding sign is used, the maximum height of the sign shall not exceed 10 feet.

(4) Sign illumination may include internal illumination.

(5) Changeable copy may be permitted, provided the changeable copy complies with the requirements of § 230-69F.

(6) Such signs may include an electronic message center component, provided that such component complies with the electronic message center standards established in § 230-73.

(7) Where the standards of § 230-70 conflict with other standards of Article XV, the standards of § 230-70 shall control.

§ 230-71. Signs permitted in AG, RC, RL and RM Districts.

Within the AG, RC, RL, and RM Districts, the following sign regulations shall apply.

A. Home occupation signs, provided that the following requirements are met:

(1) The maximum area of any one side of the sign shall not exceed four square feet.

(2) The total area of the sign shall not exceed eight square feet.

(3) Sign illumination shall be limited to external illumination.

(4) The maximum height of a freestanding sign shall not exceed six feet. Wall signs or projecting signs are permitted, provided that said sign does not extend above the eave of the building.

B. For individual nonresidential uses of property other than home occupations, the following sign standards shall apply:

(1) One freestanding sign shall be permitted in accordance with the following requirements:

(a) The maximum area of any one side of a freestanding sign shall not exceed 20 square feet.

(b) The total area of a freestanding or projecting sign shall not exceed 40 square feet.

(c) Any freestanding sign shall not exceed six feet in height.

(2) One wall sign shall be permitted in accordance with the following requirements:

(a) The maximum area of a wall sign shall be 80 square feet or 15% of the surface area of the wall, whichever is less.

(b) Wall signs shall not extend above the eave of the building and shall not be placed over windows.

§ 230-72. Signs permitted in CC and LI Districts.

Within the CC and LI Districts, the following sign regulations shall apply:

A. For a property with one nonresidential use, the following sign standards shall apply:

(1) One freestanding sign shall be permitted in accordance with the following requirements:

(a) The maximum area of any one side of a freestanding sign shall not exceed 20 square feet.

(b) The total area of a freestanding or projecting sign shall not exceed 40 square feet.

(c) Any freestanding sign shall not exceed six feet in height.

(2) One wall sign shall be permitted in accordance with the following requirements:

(a) The maximum area of a wall sign shall be 80 square feet or 20% of the surface area of the wall, whichever is less.

(b) Wall signs shall not extend above the eave of the building and shall not be placed over windows.

(3) Where the nonresidential use is located at the intersection of two public streets, excluding alleys, one sign meeting the requirements of § 230-72A(1) and one sign meeting the requirements of § 230-72A(2) may be erected along each street.

(4) The signs authorized in § 230-72A(1) above may include an electronic message center component, provided that such component complies with the electronic message center standards established in § 230-73.

B. For a property with more than one nonresidential use, the following sign standards shall apply:

(1) One freestanding sign shall be permitted in accordance with the following requirements:

(a) The maximum area of any one side of a freestanding sign shall not exceed 30 square feet.

(b) The total area of a freestanding or projecting sign shall not exceed 60 square feet.

(c) The freestanding sign shall not exceed eight feet in height.

(d) The freestanding sign shall be designed to accommodate signage for all nonresidential uses of the property.

(2) One wall sign shall for each nonresidential use be permitted in accordance with the following requirements:

(a) The maximum area of each wall sign shall be 30 square feet or 15% of the surface area of the wall, whichever is less.

(b) The cumulative area of all wall signs shall not exceed 60 square feet or 30% of the surface area of the wall, whichever is less.

(c) Wall signs shall not extend above the eave of the building and shall not be placed over windows.

(3) Where the nonresidential use is located at the intersection of two public streets, excluding alleys, one sign meeting the requirements of § 230-72B(1) and one sign for each nonresidential use meeting the requirements of § 230-72B(2) may be erected along each street.

(4) The signs authorized in § 230-72B(1) above may include an electronic message center component, provided that such component complies with the electronic message center standards established in § 230-73.

§ 230-73. Electronic message center standards.

Where authorized, electronic message centers shall comply with the following standards:

A. Where an electronic message center is authorized, the electronic message center shall be incorporated into an existing or proposed sign that complies with the sign type, sign height, and sign area requirements of the underlying zoning district. Under no circumstances shall an electronic message center be permitted to be incorporated into a nonconforming sign.

B. The electronic message center shall not exceed more than 50% of the total sign area of the sign into which the electronic message center is being incorporated.

C. No more than one electronic message center shall be permitted per property.

D. The electronic message center shall not employ streaming video.

E. The electronic message center shall not employ text or images which flash, pulsate, or scroll. The electronic message center may include animated graphics.

F. Each complete message must fit on one screen.

G. Any message on an electronic message center shall have a minimum hold time of eight seconds.

H. Message transitions on an electronic message center shall occur instantly, and no transition graphics (for example, fades or dissolves) may be employed.

I. The electronic message center shall be equipped with a default mechanism that will freeze the message when a malfunction in the electronic programming occurs.

J. Audio speakers on electronic message centers are prohibited.

K. Electronic message centers shall not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum of 500 nits (candelas per square meter) between dusk to dawn. The sign shall be equipped with an automatic dimmer control that produces a distinct illumination change from the higher allowed

illumination level to the lower allowed illumination level for the time period between a half hour before sunset and a half hour after sunrise.

L. The owner of every electronic message center shall coordinate with local authorities to display, when appropriate, emergency information important to the traveling public, including but not limited to amber alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

ARTICLE XVI
Administration and Enforcement

§ 230-74. Appointment and powers of Zoning Officer.

For the administration of this chapter, a Zoning Officer, who may not hold any elective office in the Township, shall be appointed by the Board of Supervisors. The Zoning Officer shall administer this chapter 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 this chapter.

§ 230-75. Enforcement.

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

§ 230-76. Permits.

A. Requirements of permits. A zoning permit shall be required prior to the erection, addition, or alteration of any building structure or portion thereof; prior to the use or change in use of a building, structure, or land; and prior to the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use until a permit has been duly issued.

B. Application for permits. All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings and structures existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate, and such information as may be necessary to determine compliance with this chapter and all other codes and ordinances. One copy of such plans shall be returned to the owner when such plans have been reviewed and acted upon by the Zoning Officer. All

applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

C. Issuance of permits.

(1) No permit shall be issued until the Zoning Officer has certified that the proposed building or structure, addition or alteration complies with all the provisions of this chapter, as well as the provisions of all other applicable codes and ordinances.

(2) The Zoning Officer shall act upon the request within 30 days following application.

(3) A permit shall become void 12 months after the issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least 30 days prior to the permit expiration date.

(4) A temporary permit may be authorized by the Zoning Officer for a structure or use, provided that such structure or use shall be completely removed upon expiration of the permit without cost to the Township. Such permits shall be issued for a specified period of time not to exceed 180 days and may be renewed no more than twice.

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

§ 230-77. Fees.

A. The Township Board of Supervisors shall establish a schedule of fees, charges, and expenses, as well as a collection procedure for zoning permits, certificates of use, appeals, variances, special exceptions, amendments, bonds, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Zoning Officer and may be amended only by the Township Board of Supervisors.

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

§ 230-78. Certificate of use and occupancy.

A. It shall be unlawful to use or occupy any building, structure, or land for which a zoning permit is required until a certificate of use and occupancy has been issued by the Zoning Officer. The Zoning Officer shall not issue said certificate unless he has inspected the building structure or land and has determined compliance with all provisions of this chapter and other applicable regulations.

B. The applicant is responsible for notifying the Zoning Officer when work is completed under the terms of the zoning permit.

C. If the work is not in accordance with the application for a zoning permit, the Zoning Officer, in writing, will give the reasons for disapproval and inform the applicant of the right of appeal to the Zoning Hearing Board.

D. A record of all certificates shall be kept on file in the office of the Zoning Officer.

§ 230-79. Appeals and applications.

An application for an amendment, special exception, variance, or appeal from the terms of this chapter shall be filed with the Zoning Officer, and shall contain:

A. The name and address of the applicant.

B. The name and address of the owner of the real estate to be affected by such proposal.

C. A brief description and location of the real estate to be affected by such proposal.

D. A statement of the present zoning classification of the real estate in question, the improvements and the land, and the present use of the tract.

E. A statement of the section of this chapter under which the appeal or application requested may be allowed, and reasons why it should be granted; or a statement of the section of this chapter governing the situation in which the alleged erroneous ruling is being appealed, and reasons for the appeal.

F. An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and location of improvements now erected, and proposed to be erected.

G. Any other pertinent data required by the Zoning Hearing Board, Township Board of Supervisors, and/or Zoning Officer, as appropriate to their individual authorities set forth in this article.

§ 230-80. Violations.

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

§ 230-81. Enforcement notice.

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

§ 230-82. Enforcement action.

If the enforcement notice is not complied with promptly, the Zoning Officer shall notify the Board of Supervisors. The Board of Supervisors may request the Township Solicitor to institute in the name of the Township any appropriate action or proceeding at law or in equity to prevent, restrain, correct, or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, landscaping, or land in violation of the provisions of this chapter or the order. The Board of Supervisors may also direct the Zoning Officer or Township Solicitor to institute a civil enforcement proceeding before a Magisterial District Judge.

§ 230-83. Violations and penalties; enforcement remedy.

Any person who has violated or permitted the violation of the provisions of this chapter shall, upon being found liable in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than $500 plus all court costs, including the reasonable attorneys' fee incurred by the Township. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorneys' fee collected for the violation of this chapter shall be paid over to the Township for the general use of the Township.

ARTICLE XVII
Zoning Hearing Board

§ 230-84. Membership; appointments.

The Zoning Hearing Board shall continue, with three members appointed by the Township Board of Supervisors, and have such powers and authority as set forth in the Pennsylvania Municipalities Planning Code (Act 247), as amended.[14] The duly established Zoning Hearing Board shall have the following functions.

§ 230-85. Jurisdiction.

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body.[15]

B. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure or lot.

C. Appeals from a determination by the Township Engineer or Zoning Officer with reference to the administration of any floodplain ordinance or such provisions within a land use ordinance.

D. Applications for variances from the terms of this chapter and or such provisions within a land use ordinance.

E. Applications for special exceptions under this chapter or floodplain ordinance or such provisions within a land use ordinance.

F. Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this chapter.

G. Appeals from the Zoning Officer's determination under procedure to obtain preliminary opinion.

H. Appeals from the determination of the Zoning Officer or Township 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 Articles V or VII of the Act.[16]

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14. **Editor's Note: See 53 P.S. § 10101 et seq.**

15. **Editor's Note: Original Subsection B, regarding challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which immediately followed this subsection, was repealed 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03.**

16. **Editor's Note: See 53 P.S. §§ 10501 et seq. and 10701 et seq., respectively.**

§ 230-86. Variances.

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may by rule prescribe the form of application and require application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided 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, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the district which the property is located.

B. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefor necessary to enable the reasonable use of the property.

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

D. That the variance, if authorized, will not alter the essential character of the district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

E. That the variance, if authorized, will represent the minimum variance that will afford relief and represent the least modification possible of the regulation in issue. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.

F. Unless otherwise specified by the Board, an authorization of a variance shall expire if the applicant fails to obtain a zoning permit within six months from the date of authorization by the Board.

§ 230-87. Special exceptions.

A. Special exceptions may be granted or denied by the Zoning Hearing Board pursuant to expressed standards and criteria contained in this chapter. The Board shall hear and decide requests for special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this chapter.

B. The Board will require a preliminary application to the Zoning Officer, who will determine the adequacy of the plans and documentation and forward same to the Board for use at the hearing. Special exception applications shall be reviewed according to the following minimum considerations:

(1) The specific site must be an appropriate location for such use.

(2) The use as developed will not adversely affect the district.

(3) There will be no nuisance or hazard to vehicles or pedestrians.

(4) Adequate and appropriate amenities will be provided.

(5) Lot requirements, yard requirements and height requirements are satisfied.

(6) All relevant provisions within the ordinance are complied with fully.

(7) The use meets all supplementary standards outlined in this chapter.

(8) Peak traffic generated by the use will be accommodated in a safe and efficient manner.

(9) The applicant shall inform the Board whether any structures on the property are listed upon the National Register of Historic Places, or any other registry of historic structures.

C. If the special exception application is approved by the Board, the applicant shall be entitled to proceed with the submission of a preliminary land development plan to the Township Planning Commission, if appropriate, or complete any erection, construction, reconstruction, alteration or change as authorized. The approval for a special exception will expire if the applicant fails to obtain a zoning permit within six months from the date of authorization by the Board. Upon written application and for reasonable cause, the Board may extend the approval of the specific exception for an additional period of up to one year.

§ 230-88. Hearings.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the Pennsylvania Municipalities Planning Code (Act 247), as amended.[17] Notice shall be given to the public, the applicant, the landowner, the Zoning Officer, such other persons as the Zoning Hearing Board shall designate and any person who has made timely request for the same. Notices shall be given at such time and in such manner prescribed by the adopted rules of the Zoning Hearing Board. The Township Board of Supervisors may establish reasonable fees, based on costs, to be paid by the applicant and persons requesting any notice or materials not required by ordinance.

§ 230-89. Judicial review.

Any party may appeal to the Court of Common Pleas of Adams County in the manner provided by the laws of the Commonwealth of Pennsylvania and the Pennsylvania Municipalities Planning Code.[18]

17. Editor's Note: See 53 P.S. § 10101 et seq.

18. Editor's Note: See 53 P.S. § 10101 et seq.

ARTICLE XVIII
Amendments

§ 230-90. Procedure.

The Township Board of Supervisors may, from time to time, amend, supplement or repeal any of the regulations and provisions of this chapter after public notice and hearing. Before the public hearing, each proposed amendment, except those coming from the Township Planning Commission, must be referred to the Township Planning Commission for its recommendations at least 30 days prior to the hearing on such amendment. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Township Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. At least 30 days prior to the hearing on the ordinance amendment by the Township Board of Supervisors, the Township Planning Commission shall submit the proposed ordinance or amendments to the Adams County Planning Commission for recommendations. Amendment procedures shall be in compliance with Section 609 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.[19]

§ 230-91. Procedure for curative amendments.

The procedure for curative amendments shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as amended, Section 609.1 and Section 609.2.[20]

§ 230-92. Publication, advertisement, and availability of ordinance.

A. Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Township Board of Supervisors shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the Township not more than 60 days nor less than seven days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

   (1) A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.

   (2) An attested copy of the proposed ordinance shall be filed in the Adams County Law Library or other county office designated by the County Commissioners,

19. **Editor's Note: See 53 P.S. § 10609.**

20. **Editor's Note: See 53 P.S. §§ 10609.1 and 10609.2, respectively.**

who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

B. In the event that substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Township Board of Supervisors shall, at least 10 days prior to enactment, advertise in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

§ 230-93. Zoning amendment application requirements.

The Township Board of Supervisors shall have the power to enact, by resolution, zoning change application requirements for those requesting a zoning change of a land area in the Township from one zoning classification to another zoning classification.

§ 230-94. Interpretation, purpose and conflict.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances, provided that, where this chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are imposed by such other rules, easements, covenants, restrictions, regulations or ordinances, the provisions of this chapter shall control.

§ 230-95. Validity.

Should any section or provision of this chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this chapter as a whole, or of any other part.

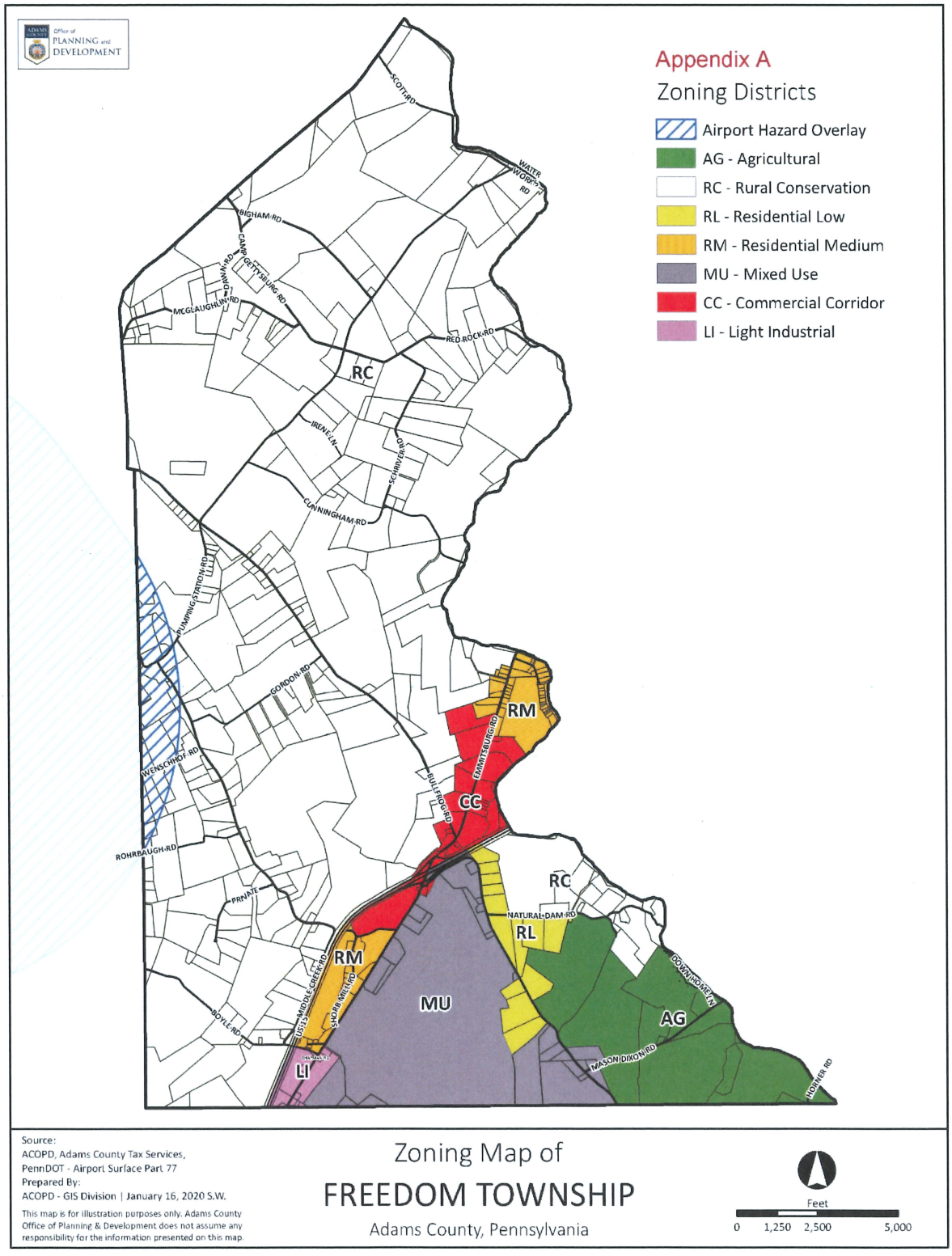
§ 230-96. Repealer.

All ordinances or part of ordinances inconsistent with this chapter are repealed.

§ 230-97. Effective date.

This chapter shall take effect on the eighth day of April, 2020.

230 Attachment 1



230 Attachment 2

Township of Freedom

Appendix B
Freedom Township Table of Uses

Use	AG	RC	RL	RM	CC	MU	IL	Use Specific Standards
Accessory Apartment	ACC	ACC	ACC	ACC	ACC	ACC	ACC	§ 230-62A(1)
Adult Businesses							C	§ 230-62A(2)
Agribusinesses	C						P	§ 230-62A(3)
Agricultural Tourism Operation	C	ACC				P		§ 230-62A(4)
Agricultural Uses	P	P				P	P	
Agriculture, Horticulture, or Floriculture, as an Accessory Use in a Greenhouse			ACC					
Animal Hospital	C							§ 230-62A(5)
Antennas			C	C	C		C	§ 230-62A(6)
Any form of Agriculture, Horticulture, or Floriculture Excluding Intensive Agribusiness.					P			
Any Manufacturing, Wholesaling, or Distributing Use							P	
Banquet Hall					C	C		§ 230-62A(7)
Bed and Breakfast Establishments	C					C		§ 230-62A(8)
Blacksmiths and Machine Shops							P	
Boarding House				C	P			§ 230-62A(9)
Bus Passenger Stations							P	
Business and Professional Offices				P	P			
Campgrounds and Facilities		C						§ 230-62A(10)
Cemeteries	C							§ 230-62A(12)
Child/Adult Day Care Facility				C				§ 230-62A(13)
Club and/or Lodge				C				§ 230-62A(14)
Cluster Development		P	P	P		P		§ 230-62A(15)
Conservation Areas and Structures		P						
Convenience Store, Excluding Fuel Sales*					P			

Use	AG	RC	RL	RM	CC	MU	IL	Use Specific Standards
Convenience Store, Including Fuel Sales					C			§ 230-62A(16)
Conversion Apartments				C				§ 230-62A(17)
Cottage Industry	C	C	C	C	C	C	C	§ 230-62A(18)
Crematoriums							C	
Day Care Center							ACC	
Elder Care Facility				C				§ 230-62A(19)
Family Day Care Home			C					
Farm Market	ACC	ACC				ACC		§ 230-62A(20)
Farm-Related Occupations	P	C						§ 230-62A(21)
Farm Stand	ACC	ACC				ACC		
Farm Worker Housing	C	C						§ 230-62A(22)
Financial Establishment, Excluding Drive-Through Service*					P			§ 230-62A(23)
Financial Establishment, Including Drive-Through Service					C			§ 230-62A(24)
Fitness Center*					P			
Florists, Greenhouses, or Nurseries					P			
Funeral Homes*					P			
Golf Course			C	C				§ 230-62A(25)
Group Care Facility				C				
Group Home			P	P		P		§ 230-62A(26)
Halfway House				C		C		§ 230-62A(27)
Home Occupation	C		C	C	ACC	C		§ 230-62A(28)
Hospital*					P			§ 230-62A(29)
Indoor Recreational Facility					C			§ 230-62A(30)
Junkyard							C	§ 230-62A(31)
Kennels	C							1§ 230-62A(32)
Landfill							C	1§ 230-62A(33)
Laundries, Cleaning, Dyeing, Carpet and Rug Cleaning							P	
Lumber and Coal Yards, Building Material Storage Yards, Contractor Equipment and Storage Yards							C	

Use	AG	RC	RL	RM	CC	MU	IL	Use Specific Standards
Medical Marijuana Dispensary Facility					P		P	§ 230-62A(34)
Medical Marijuana Transport Vehicle Office					P		P	§ 230-62A(35)
Medical Office or Clinic*					P			
Mobilehome Park				C				§ 230-62A(36)
Motels and Hotels, Exceeding 20 Guest Rooms					C			
Motels and Hotels, Not Exceeding 20 Guest Rooms*					P			
Multi-Family Dwelling				P				§ 230-62A(37)
Municipal Facility	P	P	P	P	P	P	P	
No-Impact Home-Based Business	P	P	P	P	P	P	P	§ 230-62A(38)
Non-Commercial Agriculture, Horticulture, or Floriculture, as an Accessory Use in a Greenhouse				ACC				
Outdoor Storage and Display					ACC			§ 230-62A(39)
Personal Service Establishments, Excluding Drive-Through Service					P			
Place of Worship	C		C	C				§ 230-62A(40)
Planned Community Development						C		
Public Utility Facility	C	C	C	C	C		P	§ 230-62A(41)
Recreation, Active		C	C	C	P			
Recreation, Passive		P	C	C				
Recycling Center							C	§ 230-62A(42)
Restaurants, Excluding Drive-Through Window Service*					P			
Restaurants, Including Drive-Through Window Service					C			§ 230-62A(43)
Retail Business Exceeding 5,000 sf					C			
Retail Business Not Exceeding 3,000 sf					P			
Retail Business Not Exceeding 5,000 sf*					P			
Retreat		C						§ 230-62A(44)
Rural Events Venue		C				C		§ 230-62A(45)
Sawmill							C	
Schools			C	C				
Self-Service Storage Facility							P	
Shopping Centers					C			§ 230-62A(46)
Signs	ACC	ACC	ACC	ACC	ACC	ACC	P	

Use	AG	RC	RL	RM	CC	MU	IL	Use Specific Standards
Single-Family Attached Dwellings				P				§ 230-62A(47)
Single-Family Detached Dwellings	P	P	P	P	P	P	P	
Single-Family Semi-Detached Dwellings				P				
Solar Farm	C	C				C		§ 230-62A(48)
Special Events		P						
Studios					P			
Surface Mining							C	§ 230-62A(49)
Tasting Room/Winery/Cidery/Brewery/ Distillery	C	C			P	P		§ 230-62A(51)
Temporary Uses				C				§ 230-62A(52)
Theaters*					P			
Two-Family Detached Dwelling				P				
Vacation Rental		P	P					§ 230-62A(55)
Vehicle Garages							P	
Vehicle Sales Establishment							P	
Vehicle Wash							P	
Vehicular Body Shops							C	§ 230-62A(56)
Wireless Communication Facilities-Co-location-Inside Public Right-of-Way	ACC	ACC	ACC	ACC	ACC	ACC	ACC	§ 230-62A(57)
Wireless Communication Facilities-Co-location-Outside Public Right-of-Way	ACC	ACC	ACC	ACC	ACC	ACC	ACC	§ 230-62A(58)
Wireless Communication Facilities-Tower Based-Inside Public Right-of-Way	C	C			C		C	§ 230-62A(59)
Wireless Communication Facilities-Tower Based-Outside Public Right-of-Way	C							§ 230-62A(60)

P = Permitted by-right as a principal use
ACC = Permitted as an accessory to the principal use
C = Conditional Use
* = Within 2,500 lineal feet of the Route 15/Emmitsburg Road Interchange