

**Borough of Gettysburg**

**Adams County, Pennsylvania**

**Zoning Ordinance Amendments**

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**Thomas Comitta Associates, Inc.  
Town Planners & Landscape Architects  
West Chester, PA**

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## PART 1

### Purpose: Community Development Objectives

#### §101. Title.

This Chapter shall be known and may be cited as the "Gettysburg Borough Zoning Ordinance."

#### §102. Purpose.

The purpose of the Chapter is:

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

#### §103. Statement of Community Development Objectives.

1. To have a better quality of life for all of those living, working, shopping, learning, etc. within the community.
2. To maintain a financially viable community. Broadly speaking, if we can maintain an attractive place to live and an attractive place to do business, the community will prosper. The presence of the Gettysburg College, the Gettysburg Seminary, the Gettysburg National Park with its related visitor activities, have the potential of bringing into the community enough new money to maintain a healthy economy and tax base. It therefore follows that the Borough, the College, the Seminary and the National Park Service should cooperate closely to maintain a healthy relationship. This spirit of cooperation must also be extended to Cumberland Township and Straban Township because many of the actions necessary to improve the quality of life within the Borough must necessarily involve the entire area surrounding the Borough. In fact, many of the actions that need to be taken are virtually impossible without the cooperation of the

entire area.

3. To protect our natural resources. It has been determined that our most important natural resources are the physical aspects of the land, that is, the overall appearance of the area, and our historical heritage – The Gettysburg Address, President Eisenhower's home and other historical events and places.
4. To protect natural and historic resources from exploitation and desecration. With the proper planning these resources can be protected.
5. To develop in the proper areas and regulate development so that it does not adversely impact our natural and historic resources.
6. To encourage the complete cooperation of the Borough, the Townships and the National Park Service. The first and most important is the development of an area-wide sewage treatment facility. Second is an area-wide water treatment and distribution facility; this would include the development of water resources. There are a number of actions that must take place to revitalize the downtown area. This area must provide a unique shopping experience for the resident as well as the visitor, in order to successfully compete with present and future shopping centers. A circumferential highway system, a shuttle bus service for visitors, first-class parking facilities, and reduced traffic congestion will improve the attractiveness of the Borough. On-street parking could be eliminated, this would enhance the appearance of the shopping area. The off-street parking must be first class; paved, illuminated, landscaped, with walkways to the main streets. The rear of all buildings in the present shopping area would have to be upgraded and be inviting to the shopper.
7. To protect and enhance this historic area, through two significant actions that have been already taken – the enactment of the Borough Historic District Ordinance and the Borough Sign Ordinance. Efforts should be made to install authentic period ornamental lighting, plant trees and develop landscaped mini-parks. Entrances should be made more attractive. Unsightly objects such as TV antennas, and unnecessary traffic signs should be eliminated. In order to maintain the vitality of the downtown area, the County Offices should be retained in the downtown area.
8. To develop affordable/attainable housing, housing for age-qualified persons, and market rate housing This could give new life to certain areas and would stimulate upgrading of other substandard housing.
9. To stimulate commercial development within the Borough. A sufficient amount of commercial development must take place in order to raise the tax base and provide the necessary income to properly operate the Borough. With historic development and reasonable zoning, certain commercial interest will want to become part of the community. Zoning, of course, is of prime importance. If the community can be properly zoned, everything can be kept in its proper place. We are indeed fortunate that up to this point in time the community has developed in a fairly reasonable and acceptable manner. There are indications that this may not continue indefinitely. It is therefore essential that we plan for the future. If we can plan properly for a quality environment many of the other qualities of good living will follow.
10. To help achieve the specific goals listed in the Gettysburg Borough Comprehensive

Plan, adopted May 13, 1996 (as may be amended).

§104. Miscellaneous Legal Provisions.

1. Application. The provisions of this Chapter shall apply to all buildings, structures, uses, land, and all accessory buildings, structures and uses. Nothing in this Chapter shall require any change in plans or construction of a use for which a building permit has been heretofore issued prior to the effective date of this Chapter.
2. Interpretation.
  - A. The provisions of this Chapter shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of the Borough. It is not intended to interfere with, abrogate, annul or cancel other rules, regulations, ordinances, covenants or restrictions except where this Chapter imposes greater restrictions, in which case, the provisions of this Chapter shall apply.
  - B. Provisions for interpreting underlying and overlay districts shall be as set forth in Part 3.
3. Severability. Should any section or provision of this Ordinance 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 part thereof.
4. Amendment. Borough Council may amend, or repeal, this Chapter at any time in accordance with the provisions of the Pennsylvania Municipalities Planning Code. Before voting on the enactment of any proposed amendment, the procedures prescribed in the Pennsylvania Municipalities Planning Code, as amended, shall be followed.

## Definitions

### **§201. Definitions.**

For the purpose of this Chapter, the following words and phrases shall have the meaning as given in this Section:

Words in the present tense include the future.

The singular includes the plural.

“Shall” is mandatory, the word “may” optional.

“Sale” shall also include rental.

**ACCESSORY BUILDING** — a building detached from and subordinate to the main building on the same lot and used for purposes customarily incidental to the main building.

**ACCESSORY USE** — a use customarily incidental and subordinate to the principal use of the lot or building and located on the same lot with such principal use of the lot or building.

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

**ADULT BOOKSTORE** — a use with a significant portion of the market value of or total number of items for sale or rent being books, films, magazines, video tapes, coin or token-operated films, novelties, items, paraphernalia or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, describing or relating to uncovered male or female genitals or specified sexual activities (see definition). This shall include, but not be limited to, materials that would be illegal to sell to persons under age 18 under State law.

**ADULT DAY CARE CENTER** — a use providing supervised care and assistance primarily to persons who are over age 60 and/or are not in good physical health, are suffering from Alzheimer’s disease, are developmentally disabled and/or are physically handicapped, and who need such daily assistance because of such condition. This use shall not include persons who need oversight because of behavior that is criminal or violent to others. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

**ADULT LIVE ENTERTAINMENT USE OF FACILITY** — a use including live entertainment involving persons (which may include, but is not limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or nearly nude female breasts (including, but not limited to, the wearing of only pasties) or engaging in simulated or actual specified sexual activities related to some form of monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity.

**ADULT MOVIE THEATER** — a use involving the presentation, typically to three or more persons at one time, of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of specified sexual activities for observation by patrons therein and that is related to some form of monetary compensation by the persons viewing such matter. A theater that only shows such films or video tapes for a maximum of 14 days in any calendar year shall not be considered an adult movie theater.

**ADULT USE** — this shall include only the following: adult bookstore, adult movie theater, massage parlor or adult live entertainment use.

**AFTER HOURS CLUB** — a commercial use or membership club that permits the consumption of alcohol and is routinely open between the hours of 2:00 a.m. to 4:00 a.m., in addition to any other hours. See State Act 219 of 1990, which generally prohibits this use.

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

**ALTERATION** — as applied to any building, structure or sign means any change, rearrangement or relocation in the structural parts.

**AMUSEMENT ARCADE** — an indoor commercial use with four or more electronic machines for amusement or entertainment, with such machines activated by the use of tokens or coins.

**ANIMAL HOSPITAL** — shall have the same meaning as “veterinarian office.”

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

**APARTMENT HOUSE** — a building designed and used exclusively as a residence for three (3) or more families living independently of each other.

**APARTMENT (CONVERSION)** — a dwelling created by converting an existing building into a dwelling for one or more families.

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

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

**AUDITORIUM, COMMERCIAL** — A commercial area or structure involving indoor or outdoor space for exhibits, meetings, live performances or sports events, but not a use that meets the definition of a movie theater, adult live entertainment use or standard or fast-food

restaurant.

**AUTO, BOAT and/or MOBILE/MANUFACTURED HOME SALES** — a building or area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles or boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park or a junkyard.

**AUTO REPAIR GARAGE** — a building and/or land where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of auto service station. An auto repair garage shall include, but not be limited to, any use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of a auto service station is also permitted as part of an auto repair garage. This use shall not include a use meeting the definition of a truck stop.

**AUTO SERVICE STATION** — a building and/or land where gasoline is sold, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections. This use may include the sale of ready-to-eat food for consumption off the lot and of common household products as a clearly accessory use. An accessory use providing only motor fuel to vehicles operated by that business shall not be considered to be an auto service station. This use shall not include a use meeting the definition of a truck stop.

**BED AND BREAKFAST USE** — the use of a single family detached dwelling and/or accessory structure which includes the rental of overnight sleeping accommodations and bathroom access with a maximum of 10 rooms, and which does not provide any cooking facilities or provision of meals for guests other than breakfast.

**BETTING USE** — a use where lawful gambling activities are conducted including, but not limited to, off-track parimutuel betting. This term shall not include betting under the State lottery programs or betting under the small games of chance provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property (such as a “membership club”).

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

**BOARD** — the Zoning Hearing Board of the Borough of Gettysburg.

**BOARDING HOUSE or “ROOMING HOUSE”** — a residential use in which:

(1) Individual rooms that do not meet the definition of a dwelling unit are rented for habitation by a total of two or more persons.

(2) A dwelling unit that includes more than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of: a hotel, dormitory, fraternity, sorority, motel, life care center, personal care center, bed and breakfast use, group care home or nursing home. A boarding house may either involve or not involve the providing of meals to residents. This use shall only involve renting living accommodations for minimum periods of five (5) consecutive days.

**BOROUGH** — the Borough of Gettysburg, Adams County, Pennsylvania.

**BOROUGH COUNCIL** — the Borough Council of the Borough of Gettysburg.

**BUILD-TO LINE** — a building location line where the primary façade of a building is required to be constructed, usually in alignment with other buildings on the block; a line parallel to and measured at a distance from the street curb line.

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

**BUILDING HEIGHT** — the vertical distance measured from the average elevation of the ground level at the two front corners of the building to the highest point of the roof excluding chimneys, spires, and other similar projections.

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

**BUILDING (PRINCIPAL)** — a building in which is conducted the principal use of the lot on which it is located.

**CARTWAY** — the surface of a road or street available for vehicular traffic.

**CEMETERY** — land or buildings used for the burial of deceased humans, but not animals. The internment or scattering of remains of properly cremated humans is not regulated by this Chapter.

**COMMERCIAL COMMUNICATIONS TOWER** — a structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals. Commercial communications towers include, but are not limited to, antenna used for transmitting commercial radio or television signals or cellular telephone communications, but shall not include an amateur radio antenna.

**COMMERCIAL OUTDOOR RECREATION** — a use that:

(1) Is used principally for active or passive recreation (such as a driving range).

(2) Is used for a profit making purpose.

COMMERCIAL USE — includes retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

COMMISSION — the Planning Commission of the Borough of Gettysburg.

COMPREHENSIVE PLAN — the document entitled the Gettysburg Comprehensive Plan, or any part thereof, adopted by the Borough Council, as amended.

CONDITIONAL USE — a use which is allowed or denied by the Borough Council after review by the Planning Commission.

CONDOMINIUM — a set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under either the Pennsylvania Unit Property Act of 1963 or the Pennsylvania Uniform Condominium Act of 1980, as amended.

CONSTRUCTION — includes the placing of construction materials in permanent position and fastening in a temporary or permanent position and/or the demolition of a preexisting building.

CONTROLLED SUBSTANCE — a drug, substance or immediate precursor as defined in Schedules 1 through 5 of the Pennsylvania Controlled Substance, Drug Device and Cosmetic Act, 35 P.S. §790.104, or any amendments thereto.

CONVENIENCE STORE — a use that primarily sells routine household goods, groceries and prepared ready-to-eat foods to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 4,000 square feet. This use may also include the accessory sale of gasoline, provided the requirements for an auto service station are also met.

CONVERSION — to change or adapt land or structures to a different use.

COUNTY — the County of Adams, Commonwealth of Pennsylvania.

CULTURAL CENTER — a building and/or land open to the public which primarily contains exhibits of clearly artistic or cultural interest, such as a museum, library, art gallery or indoor nature study area. This shall not include uses that are primarily commercial in nature.

DAY CARE, CHILD — a use involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to State required education, including a nursery school. Any such use shall meet State licensing requirements, as applicable. The following three types of day care are permitted without regulation by this Ordinance:

- (1) Care of children by their own relatives.
- (2) Care of children within a place of worship during regularly scheduled weekly religious services.
- (3) Care of one to three children within any dwelling unit, in addition to children who are relatives of the care giver.

See also the definition of “adult day care center.”

A. Child Day Care Center, as an Accessory Use. A type of “day care” use that provides care for six or fewer children at one time who are not relatives of the care giver.

B. Child Day Care Center, as a Principal Use. A type of “day care” use that provides care for seven or more children at any one time who are not relatives of the primary operator.

DAYS — calendar days.

DEMOLITION — the act of razing, tearing down or dismantling a preexisting building or other structure.

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

DISTRIBUTION — the processing of materials so as to sort out which finished goods are to be transported to different locations, and the loading and unloading of such goods. This use usually involves inventory control, material handling, order administration and packaging. This term shall not include a trucking company terminal.

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

DRIVE-THRU FACILITIES — facilities that accommodate motor vehicle pick-up or delivery of goods or products as regulated in § 1524.2.OO.

DRIVE-THRU RESTAURANT — a public eating place (restaurant) whose business features the sale of quickly prepared, or ready-to-eat foods, primarily for take-out, as opposed to a restaurant that prepares food to order primarily for inhouse consumption.

DRUG PARAPHERNALIA — any objects, devices, instruments, apparatus or contrivances whose primary and traditionally exclusive use is in connection with the illegal use of any and all controlled substances under the laws of Pennsylvania.

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

DWELLING (APARTMENT) – See Dwelling (Multi-Family).

DWELLING (SINGLE-FAMILY, DETACHED) — a detached building used by one family having only one dwelling unit.

DWELLING (SINGLE-FAMILY, SEMI-DETACHED) — a building used by one family, having one common wall with only one other dwelling, commonly referred to as a duplex or twin unit.

DWELLING (SINGLE-FAMILY, ATTACHED) — a building used by one family, having two common walls with other dwellings, except for the end units which may have only one common wall with a row of two or more other dwelling units, including townhouses, rowhouses, tri-plex, quadplex, and other like type combinations, and also including such combinations as a condominium unit.

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

DWELLING (MULTI-FAMILY) — a building used by three (3) or more families living independently of each other, with their own cooking and bath facilities, including apartment houses, and condominiums.

DWELLING UNIT (DU) — one or more rooms with separate cooking and bath facilities used by one or more persons maintaining a common household with access directly from outdoors or through a common entrance.

EMERGENCY SERVICES STATION — a building for the housing of fire, emergency medical or police equipment and for related activities (including the housing of emergency personnel while on duty). The existence of a membership club at an emergency service station is permissible and included in this definition if such a club is otherwise permitted in the district.

ESSENTIAL SERVICES — utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall be limited to the following: utility lines, wells, storm water management facilities and mailboxes. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

EXERCISE CLUB — a facility that offers indoor or outdoor recreational facilities, such as the following: weight rooms, exercise equipment, nonhousehold pool and racquetball courts.

EXPOSURE — the failure to conceal with a fully opaque covering the sexual or genital parts of the body of any person.

FAMILY — one or more persons related by blood, adoption or marriage, living and cooking together as a single nonprofit housekeeping unit, exclusive of household servants. Or, not more than four unrelated persons living together as a single housekeeping unit.

FENCE — a manmade barrier placed or arranged as a line of demarcation, an enclosure

or a visual barrier that is constructed of wood, chain link metal, vinyl or aluminum and/or plastic inserts. Manmade barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a wall. The term “wall” does not include engineering retaining walls, which are permitted uses as needed in all districts. The terms “fence” and “wall” do not include hedges, trees or shrubs.

**FINANCIAL INSTITUTION** — an establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

**FLOOR AREA, HABITABLE** — the sum of the horizontal areas with at least seven feet ceilings used for habitable space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. (see “habitable space” definition)

**FRATERNITY** — a form of student housing, in which a group of male students formally organized under a Charter from a national or local Greek organization, hold regular meetings, and have formal membership requirements. This form of student housing contains sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity members and their guests, and is affiliated with a college or like-type institution of higher learning.

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

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

**GREEN AREA** — the portion of a lot that is not paved, covered by buildings, or other like-type impervious surfaces, that is devoted to landscaping, lawns, gardens, and other like-type vegetated surfaces.

**GROUP CARE HOME** — a dwelling to accommodate a group of persons, not to exceed 10, living together in a functional equivalent of a biologically related family providing specialized services to the residents. Such facilities shall be licensed or operated by a State or County agency and shall have 24 hours per day onsite supervision by qualified staff. The group care home shall also meet the following criteria and the standards of §1518:

- (1) Involves persons functioning as a common household.
- (2) Involves providing nonroutine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation or other handicap<sup>1</sup> as defined by

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<sup>1</sup> As of 1991, the Federal Fair Housing Act defined “handicap” as follows: 1) a physical or mental impairment which substantially limits one or more of such person’s major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.

applicable Federal law.

(3) Does not meet the definition of a “treatment center.”

(4) Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

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

**HAZARDOUS WASTE** — those wastes where significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated or disposed of in a manner customarily accepted for ordinary solid wastes. This also includes wastes subject to special State or Federal licensing or regulation, including but not limited through the Pennsylvania Solid Waste Management Act, as amended.

**HEAD SHOP** — any business, the operation of which involves the sale, lease, trade or display for sale of any and all types of drug paraphernalia.

**HELIPORT** — an area used for the takeoff and landing of helicopters, together with any related support facilities such as for maintenance, refueling and storage. This Chapter is not intended to regulate the emergency landing and take-off of aircraft to pick-up seriously injured or ill persons.

(1) Public Heliport. A heliport that does not meet the definition of a “private heliport.”

(2) Private Heliport. A heliport limited to a maximum total of 15 flights or takeoffs in any seven day period and that is not available for use by the general public. This is also known as a “helistop.”

**HOME OCCUPATION** — a use which is incidental or secondary to the residential use of a dwelling and which is conducted entirely within the dwelling by one of the residents.

**HOSPITAL** — a use involving the diagnosis, treatment or other medical or hospice care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve stays overnight shall be considered a “medical office or clinic.”

**HOTEL** — a building or buildings, with a common outside entrance, which include rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a “boarding house” and shall meet the requirements of that use. See also “bed and breakfast” use. A hotel may include a restaurant, nightclub, newsstand or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations.

**IMMEDIATE PRECURSOR** — a substance which under the regulations of the Pennsylvania Department of Health is a principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used in the manufacture of a controlled substance.

**INDUSTRIAL MANUFACTURE** — as used in the context of Home Occupations in §1504, the fabrication of products by means of an industrial operation not customarily associated with a residential use.

**INDUSTRIAL OPERATION** — An industrial land use which involves the making or producing of goods by manual labor or machinery on a scale that goes beyond a conventional or normative residentially based level of production.

**INFILL** — the use of relatively small lots that are surrounded by older development.

**KENNEL** — a building or structure for housing more than four dogs that are more than six months old.

**LIBRARY** — See “cultural center.”

**LIVE-WORK UNIT** — A vertically mixed use building involving a commercial use or uses, such as a shop, studio, office, or other place of business on the ground floor in combination with a dwelling unit or units located above such place of business. A person or persons other than the proprietor of the business may occupy a Live-Work Unit.

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

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

**LOT COVERAGE** — the percentage of a lot covered by buildings, paved areas, gravel areas, and other like-type surfaces through which water does not or can not infiltrate.

**MASSAGE** — any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefore.

**MASSAGE PARLOR** — any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where a person who does not belong to any nationally recognized massage therapy association, or is not a graduate of any recognized training school in massage therapy engages in or carries on the practice of massage.

**MEMBERSHIP CLUB** — an area of land or building used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for profit business. The club shall involve a meaningful and substantial membership system, as opposed to a token system. This use shall not include a target range for outdoor shooting, boarding house, a tavern, a restaurant or an auditorium unless that particular use is permitted in that district and the requirements of that use are met. See also “after hours club.”

**MOBILE HOME** — a transportable single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two 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.

**MOBILE/MANUFACTURED HOME PARK** — a parcel of land under single ownership which has been planned and improved for the placement of two or more mobile/manufactured homes for nontransient residential use. The individual manufactured homes may be individually owned. A development of mobile/manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site built homes, and shall not be considered to be a “mobile home park.”

**MOTEL** — a building or buildings including rooms rented out to persons as clearly transient and temporary living quarters where each room is provided with a separate exterior entrance, a parking space, and is offered principally for temporary occupancy by motor vehicle travelers (including auto courts, motor courts, motor inns and motor lodges). Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a “boarding house” and shall meet the requirements of that use. See also “bed and breakfast” use. A motel may include a restaurant, nightclub, newsstand or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations.

**MULTI-FAMILY DWELLING** – See Dwelling, Multi-Family.

**MUNICIPALITIES PLANNING CODE** — the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, and as may be further amended. (53 P.S. §10101 et seq.)

**NATURE PRESERVE** — a noncommercial preservation of land for providing wildlife habitats, forests or scenic natural features that involves no buildings other than a nature education and/or study center and customary maintenance buildings.

**NIGHT CLUB** — a tavern or restaurant that has a primary or substantial portion of the total trade in the sale of alcoholic beverages, which frequently charges admission or cover charges for entertainment or music for dancing and which has a capacity of more than 250 persons for such entertainment or dancing. See also “after hours club.”

**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. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

**NONCONFORMING BUILDING** — a building or structure which does not conform to the regulations of the district in which it is located.

**NONCONFORMING USE** — a use which does not conform to the regulations of the district in which it is located.

**NURSING HOME** — a facility licensed by the State for the housing and intermediate or fully skilled nursing care of three or more persons.

**OBSCENE MATERIALS** — any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written or printed matter which:

- (1) Depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse (in the case of articles or instruments) is designed or intended for use in achieving artificial sexual stimulation.
- (2) Taken as a whole, appeals to the prurient interest.

(3) Taken as a whole, does not have serious literary, artistic, political or scientific value.

OFFICE — a use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor manufacturing uses, but may include business offices, medical or dental offices, clinics or laboratories, photographic studios and/or television or radio broadcasting studios.

OFFICIAL ZONING MAP — The map as adopted by the Borough Council which designates the location and boundaries of zoning districts.

ORDINANCE, THIS — the Gettysburg Zoning Ordinance, including the Official Zoning Map, as amended.

PARKING DECK — A multi-level structure designed to accommodate vehicular off-street parking spaces.

PAVED or PAVING — to lay or to cover with materials that form a firm surface such as concrete, asphalt or compacted stones. Other materials that are marketed for the purpose of paving shall also be considered paving. All materials shall form a solid area that would not allow materials to be washed away or move from its original location. For the purpose of this definition, asphalt or concrete shall be used in all parking areas and driveways into parking areas with nine or more spaces. Parking areas with eight or less spaces may use alternative materials under this definition. Refer to the Borough's Technical Provisions (Standards) for construction details.

PERSON — an individual, partnership, corporation, firm, association or company.

PERSONAL CARE HOME or CENTER — a residential use providing residential and support services primarily to persons who are over age 60, physically handicapped and/or mentally retarded and that is licensed as a personal care center by the Commonwealth of Pennsylvania.

PERSONAL SERVICE — an establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, State licensed massage therapists, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses."

PETS, KEEPING of — the keeping of domestic animals that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops.

PLACES of WORSHIP — buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. A place of worship may include one dwelling unit as an accessory use. If a religious use, if primarily residential in nature, it shall be regulated under the appropriate "dwelling type."

PLANT NURSERY — the indoor and/or outdoor raising of trees, plants, shrubs or flowers for sale, but not primarily including commercial forestry for lumber. A plant nursery may include the growth of trees for sale for internal decoration of homes, such as a Christmas tree farm.

PRIMARY FAÇADE – the exterior wall of that portion of a building along which there is street frontage. On a corner lot, there shall be at least two (2) primary facades.

PROFESSIONAL OFFICE — a building in which services are performed by a member of a profession including, but not limited to, an accountant, architect, author, community planner, dentist, engineer, insurance agent, landscape architect, lawyer, minister, notary, optometrist, physician, professor, or realtor.

PROFESSOR – a faculty member of the highest academic rank at an institution of higher education; a teacher at a university or college.

PROJECTION TO A BUILDING – A portion or section of a building that projects beyond the façade such as a window, doorway, stoop, portico, or porch.

PRURIENT INTEREST — is to be judged with reference to average adults in the local community unless it appears from the nature of the material or the circumstances of its dissemination, distribution or exhibition that it is designed for clearly defined deviant sexual groups in which case the predominant appeal of the matter shall be judged with reference to its intended recipient group.

PUBLICLY OWNED RECREATION — land and/or facilities that are owned by a government agency or the Borough and are available for use by the general public for leisure and recreation.

RECESS OR SETBACK TO A BUILDING – A portion or section of a building that recedes from the facade such as a foyer, hallway, vestibule, alcove, or other like type architectural indentation.

RECREATION, COMMERCIAL — leisure time uses that are principally operated for commercial purposes.

RECREATION, PRIVATE — noncommercial leisure time uses that are only open to members, guests or some specific groups.

RECREATION VEHICLE/RECREATIONAL VEHICLE — a vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use; “recreational vehicles” or units, including travel trailers, truck-mounted campers, motor homes, folding tent campers and autos, buses or trucks adapted for vacation use and other vehicles not suitable for daily conventional family transportation. Snowmobiles, minibikes, all-terrain vehicles, go-carts and boat trailers are also deemed “recreational vehicles”.

RECYCLING COLLECTION CENTER — a use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve

processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Borough owned use, an emergency services station or a college or university.

**REDEVELOPMENT** — The reuse, alteration, enlargement, or extension of a building by twenty-five percent (25%) or more of the gross floor area of a building.

**RELATED OR RELATIVE** — persons who are closely related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: brother, sister, parent, child, grandparent, great grandparent, grandchild, great grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. This term shall not include relationships such as second, third or fourth cousins.

**REPAIR of HOUSEHOLD ITEMS** — shops for the repair of appliances, watches, televisions, guns, bicycles and other items commonly used in the inside of dwellings or offices.

**RETAIL STORE** — a use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

**ROOMING HOUSE** – see Boarding House.

**SADOMASOCHISTIC ABUSE** — flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

**SATELLITE DISH ANTENNA or "SATELLITE ANTENNA"** — a reflector, usually parabolic in shape, that receives electronic signals from a satellite. This term shall also include any pedestal or attached structure.

**SCHOOL, PUBLIC or PRIVATE, PRIMARY or SECONDARY SCHOOL** — an educational institution primarily for persons between the ages of five and 19 that primarily provides State required or largely State funded educational programs. This term shall not include: "trade schools" (such as privately operated schools of trade, vocation or business).

**SELF STORAGE DEVELOPMENT** — a building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

**SEXUAL CONDUCT** — actual or simulated acts of human masturbation, sexual intercourse or any touching of the clothed or unclothed genitals, pubic area or buttocks of the human male or female or the breasts of the female, whether alone or between members of the same or opposite sex, or between humans and animals.

SEXUAL or GENITAL PARTS — shall include the genitals, pubic area, buttocks, anus or perineum of any person or the vulva or breasts of a female.

SEXUAL EXCITEMENT — the condition of human male or female genitalia when in the state of sexual stimulation or arousal.

SHOPPING CENTER — a use involving five or more retail or personal service uses or establishments and that primarily involves retail sales. If two or more abutting lots each include five or more retail sales uses and are developed under common ownership, then those lots shall together be considered as one shopping center. A shopping center may also include a mix of permitted personal service, office and/or commercial recreation uses.

SITE PLAN REVIEW — review of a site plan by the Planning Commission and/or the Borough Council that is required for certain uses.

SOCIAL CLUB or LODGE — an establishment used for the purpose of gathering of members of a recognized nonprofit organization. Entrance to such establishment is usually restricted, unless dues are paid in advance, except for occasional public events sponsored by the organization. [Ord. 1214-98]

SOLID WASTE — any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, public, household, commercial or mining activities.

SOLID WASTE TRANSFER FACILITY — a facility which receives and temporarily stores solid waste at a location other than the generation site and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal and which may or may not involve the separation of recyclables from solid waste. Also see the definitions in Title 25 of PA. DER regulations.

SORORITY — a form of student housing, in which a group of female students formally organized under a Charter from a national or local Greek organization, hold regular meetings, and have formal membership requirements. This form of student housing contains sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for sorority members and their guests, and is affiliated with a college or like-type institution of higher learning.

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

SPECIFIED SEXUAL ACTIVITIES — one or more of the following:

- (1) Human male genitals in an visible state of sexual stimulation.
- (2) Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- (3) Fondling or other erotic touching of human genitals.

STAFF HOUSING — housing for bonafide fulltime employees of a college, university, seminary or health care facility.

STREET — a public right-of-way providing vehicular access to abutting properties.

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

STUDENT HOUSING, INSTITUTIONAL — a dwelling in accordance with § 1524.2.II.(1), that is owned or managed by a public or private educational institution or school for academic instruction, with rooms for use by students, such as a dormitory, sorority or fraternity, whether located on-campus or off-campus.

STUDENT HOUSING — a multi-family dwelling, with rooms for rental to students. The owner, or person responsible, 21 years of age or over, shall live on the premises.

SWIMMING POOL — any object which is designed to contain water to a depth of 18 inches or more, or has a surface area in excess of 50 square feet.

TEMPORARY BUILDING/STRUCTURE — a building or structure that is erected without a foundation or footings and is removed when the designated time period, activity, or use for which such building or structure was erected has ceased.

THEATER — a building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

TRADE SCHOOL — a facility that is primarily intended for education of a work related skill or craft or a hobby and that does not primarily provide State required education to persons under age 16 This shall include a dancing school, martial arts school or ceramics school.

TRADITIONALLY EXCLUSIVE USE — a primary and inherent use which has historically been the sole use as opposed to a secondary and incidental one.

TRANSIT FACILITY — a building and grounds that provides bus service, jitney service, or other like-type mass transit service.

TREATMENT CENTER — a use (other than a prison or a permitted accessory use in a “hospital”) providing housing facilities for persons who need specialized housing, treatment and/or counseling for stays of less than one year and who need such facilities because of:

- (1) Criminal rehabilitation, such as a criminal halfway house or a treatment/housing center for persons convicted of driving under the influence of alcohol.
- (2) Addiction to alcohol and/or a controlled substance.
- (3) A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.

**TOURIST HOME** — a dwelling in which overnight accommodations are provided to transient guests for compensation.

**TRUCKING COMPANY TERMINAL** — a use involving a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded primarily from tractor trailer trucks and reloaded onto tractor trailer trucks, and that does not involve substantial processing or repackaging of the materials.

(1) A use that primarily involves either loading materials from tractor trailers onto smaller trucks or loading materials from smaller trucks onto tractor-trailers shall be considered a “distribution” use.

(2) A trucking company terminal may include the following as clearly accessory uses if they are closely related to the principal use: repair, washing, refueling and maintenance facilities for trucks using the terminal, administrative uses for the terminal and rest facilities for truck drivers using the terminal.

**TRUCK STOP** — a commercial use that primarily involves providing fuel and other services to tractor trailer trucks. This use may also involve providing repair services, sale of gifts and various household items, a restaurant, showers and a motel.

**VETERINARIAN OFFICE** — a building routinely used for the treatment of animals and related housing or boarding of sick animals. Treatment of “small animals” includes only small domestic animals including, but not limited to, dogs, cats, rabbits, birds or fowl. Treatment of “large animals” includes all types of animals including horses, cows and pigs. Housing primarily healthy animals shall be considered a “kennel” and shall meet the requirements of that use.

**WALL** — See “fence.”

**WAREHOUSE** — a building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

**WETLANDS<sup>2</sup>** — an area of land and/or water meeting one or more definitions of a “wetland” under Federal and/or Pennsylvania law and/or regulations.

**WHOLESALE** — sales that primarily involve transactions with other businesses and their agents and not to the general public.

**YARD** — an unoccupied space, other than a court, open to the sky on the same lot with a building or structure.

**YARD, FRONT** — a yard nearest to the street extending the full width of the lot, between

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<sup>2</sup> As of 1992, the following was the official U.S. Army Corps of Engineers definition of wetlands: “Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.” Wetlands are technically defined on the basis of types of vegetation and soils and the level of the water table below the surface. As of 1992, the U.S. Army Corps of Engineers and DEP enforce the wetlands regulations.

the Build-To Line and the front lot line. Also, see Build-To Line.

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

YARD, SIDE — a yard extending the full depth of the lot along the side lot line and extending in width from such lot line to the building setback line.

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

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

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

ZONING ORDINANCE — the Gettysburg Zoning Ordinance, as amended.

## PART 3

### Establishment of Zoning Districts

#### §301. Types of Districts.

1. For the purpose of this Chapter, the following districts are hereby designated within the Borough of Gettysburg:

R-1	Low Density Residential District
R-1A	Preservation Residential District
R-2	Moderate Density Residential District
OT	Old Town District
INS-1	Institutional-1 District
RO	Residential Office District
ROR	Residential Office Redevelopment District
TC	Tourist Commercial District
GC	General Commercial District
IND	Industrial District
HC	Health Care District
H	Historic Overlay District
FP	Floodplain Overlay District
SE	Streetscape Enhancement Overlay District
ES	Elm Street Overlay District

2. The H, FP, SE and ES Overlay Districts impose additional requirements beyond those of the underlying districts. Where Overlay District provisions may conflict with underlying district provisions, the Overlay District provisions shall apply.
3. In the event there are overlaps of Overlay Districts, the following shall take precedence in this order:
  - A. Floodplain

- B. Streetscape Enhancement
- C. Historic
- D. Elm Street

§302. Zoning Map.

The boundaries of each district are established as shown on the Official Zoning Map of the Borough which is declared to be a part of this Chapter and which shall be kept on file at the Borough Offices.

§303. District Boundaries.

District boundary lines are intended to coincide with lot lines, centerlines of streets, alleys and highways, the corporate boundary of the Borough or as dimension on the Official Zoning Map. In case of doubt or disagreement concerning the exact location of any boundary lines, the matter shall be decided by the Zoning Hearing Board.

§304. Territory Added to R-1 Residential District.

Reserved to accommodate future ordinances.

§305. Territory Added to R-2 Residential District.

The R-2 Residential District is amended by adding the following:

- A. A two-acre tract of land fronting on East Water Street, designated on the Zoning Site Map as parcels two and three. Said parcels are reclassified from the I Industrial District to the R-2 Residential District.

§306. Territory Added to OT Old Town District.

Reserved to accommodate future ordinances.

§307. Territory Added to I Institutional District.

Reserved to accommodate future ordinances.

§308. Territory Added to RO Residential Office District.

Reserved to accommodate future ordinances.

§309. Territory Added to TC Tourist Commercial District.

Reserved to accommodate future ordinances.

§310. Territory Added to GC General Commercial District.

The GC Commercial District is amended by adding the following:

- A. Certain real property in the Borough of Gettysburg known as 37 North Fourth Street and more particularly shown as Lot 1 on a certain preliminary/final subdivision plan approved by the Gettysburg Planning Commission on June 15, 1998, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 74, at page 57.

§311. Territory Added to IND Industrial District.  
Reserved to accommodate future ordinances.

§312. Territory Added to HC Health Care District.  
Reserved to accommodate future ordinances.

§313. Historic Overlay District.  
Reserved to accommodate future ordinances.

§314. Floodplain Overlay District.  
Reserved to accommodate future ordinances.

§315. Territory Added to the R1-A Preservation Residential District.  
Reserved to accommodate future ordinances.

§316. Territory Added to the SE Streetscape Enhancement Overlay District.  
Reserved to accommodate future ordinances.

§317. Territory Added to the ES Elm Street Overlay District.  
Reserved to accommodate future ordinances.

§318. Territory Added to the ROR Residential Office Redevelopment District.  
Reserved to accommodate future ordinances.

## PART 4

### R-1 Low Density Residential District

#### §401. Purpose.

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

#### §402. Uses Permitted by Right.

Land and buildings in an R-1 District shall be used for the following purposes only:

- A. Accessory buildings and uses customarily incidental to the below when located on the same lot.
- B. Emergency services station.
- C. Essential services.
- D. No-impact home-based business.
- E. Single-family detached dwellings.
- F. Unit for Care of Relative, as per §1525.I.

#### §403. Uses Permitted by Special Exception.

The following uses may be permitted as a special exception when authorized by the Zoning Hearing Board:

- A. Single-family semidetached dwellings.
- B. Uses, which in the opinion of the Zoning Hearing Board, are of the same general character as the above uses in §402 and which will not be detrimental to the intended purposes of this Chapter.

(See Parts 13 and 15 of this Chapter.)

#### §404. Lot Requirements.

1. Area. 7,500 square feet minimum.
2. Width. 75 feet minimum at the Build-To line.
3. Build-To line. 25 feet .

4. Side Yards. 10 feet.
  - A. Single-family detached dwellings. Two side yards, each having a minimum width of 10 feet.
  - B. Semi-detached dwellings. One side yard having a minimum width of 10 feet.
5. Rear Yard. 30 feet minimum.
6. Maximum Lot Coverage. 65%.
7. Minimum Green Area. 35%.

§405. Building Height.

No building shall be more than forty-five (45) feet, not to exceed three (3) stories in height.

§406. Existing Single-Family Semi-Detached Dwellings.

When a lot which is improved with existing single-family semi-detached dwellings is the subject of a subdivision application for the purpose of enabling single-family residential development and usage on the subdivided lot or lots, the applicant shall not be required to meet the requirements of Section 404 herein relative to lot requirements. All other requirements of this Part shall apply to the development of the subdivided lot or lots and shall be enforced.

§407. Streetscape Enhancement Overlay District.

In addition to the requirements contained in this Part, development within that portion of the R-1 District shown on Exhibit "A" shall meet the requirements contained in Part 19, the Streetscape Enhancement Overlay District.

## Part 4A

### R-1A Preservation Residential District

#### §401A. Purpose.

The purpose of this Part 4A is to provide for certain areas of the Borough that contain large residential dwellings to be maintained as single family dwellings, but to allow bed and breakfast uses to be conducted in those buildings as a way to provide income to maintain the large dwellings without conversion to other uses that are not owner occupied, such as conversion apartments.

#### §402A. Uses Permitted by Right.

Land and buildings in an R-1A District may be used for the following purposes as a matter of right:

- A. Accessory buildings and use customarily incidental to the below, when located on the same lot.
- B. Bed and breakfast use.
- C. Emergency services stations.
- D. Essential services.
- E. No-impact home-based business.
- F. Single-family detached dwellings.
- G. Unit for Care of Relative, as per §1525.I.

#### §403A. Uses permitted by Special Exception.

The following uses may be permitted as a special exception when authorized by the Zoning Hearing Board:

- A. Home occupations.
- B. Municipal or governmental buildings and uses.
- C. Single-family semi-detached dwellings.
- D. Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the above uses in §402A and which will not be detrimental to the

intended purposes of this Chapter.

§404A. Lot Requirements.

1. Area – 7,500 square feet minimum.
2. Width – 75 feet minimum at the Build-To line.
3. Build-To line – 35 feet.
4. Side yards –
  - A. Single-family detached dwellings. Two side yards, each having a minimum width of 10 feet.
  - B. Semi-detached dwellings. One side yard having a minimum width of 10 feet.
5. Rear yard – 30 feet minimum.
6. Maximum lot coverage – 55%.
7. Minimum Green Area – 45%.

§405A. Building Height.

No building shall be erected to a height more than forty-five (45) feet, not to exceed three (3) stories in height.

## PART 5

### R-2 Moderate Density Residential District

#### §501. Purpose.

The purpose of this Part is to provide for the development of certain areas of the Borough into residential neighborhoods permitting a variety of housing types.

#### §502. Uses Permitted by Right.

Land and buildings in an R-2 District shall be used for the following purposes only:

- A. Accessory buildings and uses customarily incidental to the below when located on the same lot.
- B. Apartments or Condominiums.
- C. Emergency services station.
- D. Essential services.
- E. No-impact home-based business.
- F. Public or private nonprofit park, playground or recreation area.
- G. Public or private primary and secondary schools.
- H. Single-family attached dwellings.
- I. Single-family detached dwellings.
- J. Single-family semi-detached dwellings.
- K. Two-family dwellings.
- L. Unit for Care of Relative, as per §1525.I.

#### §503. Uses Permitted by Special Exception.

The following uses may be permitted as a special exception when authorized by the Zoning Hearing Board:

- A. Bed and breakfast.

- B. Conversion apartments.
- C. Home occupations subject to the regulations of Part 15, §1504.
- D. Mobile home parks.
- E. Municipal or governmental buildings and uses.
- F. Places of worship.
- G. Professional offices.
- H. Student housing, but only so long as the following three requirements shall have been met.

(1) The land is located directly adjacent to (including across the street from) an institutional district.

(2) Parking required under §1302(O) of this Chapter shall be provided either onsite or on the campus located within the adjacent institutional district.

(3) A buffer yard is created for any existing family, detached dwelling which abuts the land on which the student housing is located, such buffer yard to be provided along the property line separating such uses and to be planted with trees and shrubs and shall comply with the other requirements in §1510.

- I. Uses, which in the opinion of the Zoning Hearing Board, are of the same general character as the above uses in §503 and which will not be detrimental to the intended purposes of this Chapter.

(See Parts 13 and 15 of this Chapter.)

§504. Lot Requirements.

1. Minimum Area.

- A. Single-Family Detached Dwellings. 3,000 square feet/DU.
- B. Single-Family, Semi-detached Dwellings. 3,000 square feet/DU.
- C. Two Family Dwellings. 3,000 square feet/DU.
- D. Single-Family Attached. 1,000 square feet/DU.
- E. Apartments or Condominiums. 1,000 square feet/DU.

2. Minimum Width at the Build-To line.

- A. Single-Family Detached Dwelling. 50 feet.

- B. Single-Family Semi-detached Dwelling. 25 feet each.
  - C. Two-Family. 50 feet.
  - D. Single-Family Attached. 20 16 feet.
  - E. Apartments. 50 feet.
3. Build- To Line. 10 feet .
  4. Side Yards. 5 feet. [Ord. 1269-02]
    - A. Single-Family Detached Dwelling. Two side yards, each having a minimum width of 5 feet.
    - B. Single-Family Semidetached Dwelling. One side yard having a minimum width of 5 feet.
    - C. Single-Family Attached. 5 feet (where applicable).
    - D. Two-family, two side yards, each having a minimum width of 5 feet.
    - E. Apartments or Condominiums, two side yards, each having a minimum width of 5 feet.
  5. Rear Yard. 20 feet minimum.
  6. Maximum Lot Coverage. 80%.
  7. Minimum Green Area. 20%.

§505. Building Height.

No building shall be more than forty-five (45) feet, in height.

§506. Existing Single-Family Semi-Detached Dwellings.

When a lot which is improved with existing single-family semi-detached dwellings is the subject of a subdivision application for the purpose of enabling single-family residential development and usage on the subdivided lot or lots, the applicant shall not be required to meet the requirements of Section 504 herein relative to lot requirements. All other requirements of this Part shall apply to the development of the subdivided lot or lots and shall be enforced.

§507. Existing Single-Family Attached Dwellings.

When a lot which is improved with existing single-family attached dwellings is the subject of a subdivision application for the purpose of enabling single-family residential development and usage on the subdivided lot or lots, the applicant shall not be required to meet the requirements of Section 504 herein relative to lot requirements. All other requirements of this Part shall apply to the development of the subdivided lot or lots and shall be enforced.

§508. Streetscape Enhancement Overlay District.

In addition to the requirements contained in this Part, development within that portion of the R-2 District shown on Exhibit "A" shall meet the requirements contained in Part 19, the Streetscape Enhancement Overlay District.

## PART 5A

### Elm Street Overlay District

#### §501A. Purpose.

The purpose of this Part is to promote the development and redevelopment of context-sensitive mixed-use neighborhoods in accordance with the official Elm Street Plan of the Borough of Gettysburg.

#### §502A. Uses Permitted by Right.

- A. Accessory buildings and uses customarily incidental to the below when located on the same lot.
- B. Apartments or Condominiums.
- C. Bed and breakfast.
- D. Cultural center.
- E. Day care center, child.
- F. Emergency services station.
- G. Essential services.
- H. Financial institutions, excluding establishments with drive-thru facilities.
- I. General service and repair of household items.
- J. Home occupations subject to the regulations of Part 15, §1504.
- K. Live-Work Units.
- L. Museum, historical/interpretive facility.
- M. No-impact home-based business.
- N. Personal services.
- O. Professional offices.
- P. Public or private nonprofit park, playground or recreation area.
- Q. Restaurants, excluding drive-thru establishments.

- R. Retail store or businesses.
- S. Single-family attached dwellings.
- T. Single-family detached dwellings.
- U. Single-family semi-detached dwellings.
- V. Two-family dwellings.

§503A. Lot Requirements.

1. Minimum Area.

- A. Single-Family Detached Dwellings. 3,000 square feet/DU.
- B. Single-Family, Semi-detached Dwellings. 3,000 square feet/DU.
- C. Two-Family Dwellings. 3,000 square feet/DU.
- D. Single-Family Attached. 1,000 square feet/DU.
- E. Apartments or Condominiums. 1,000 square feet/DU when overlaying the R-2 District, and 0 when overlaying the OT District.
- F. Nonresidential Uses. 3,000 square feet when overlaying the R-2 District, and 0 when overlaying the OT District.

2. Minimum Width at the Build-To line.

- A. Single-Family Detached Dwelling. 50 feet when overlaying the R-2 District, and 0 when overlaying the OT District.
- B. Single-Family Semi-detached Dwelling. 25 feet each when overlaying the R-2 District, and 0 when overlaying the OT District.
- C. Two-Family. 50 feet when overlaying the R-2 District, and 0 when overlaying the OT District.
- D. Single-Family Attached. 16 feet when overlaying the R-2 District, and 0 when overlaying the OT District.
- E. Apartments or Condominiums. 50 feet when overlaying the R-2 District, and 0 when overlaying the OT District.
- F. Nonresidential Uses. 30 feet when overlaying the R-2 District, and 0 when overlaying the OT District.

3. Build-To Line. 10 feet when overlaying the R-2 District, and 5 feet when overlaying the OT District.
4. Side Yards. 5 feet as described below when overlaying the R-2 District, and 0 when overlaying the OT District.
  - A. Single-Family Detached Dwelling. Two side yards, each having a minimum width of 5 feet.
  - B. Single-Family Semi-detached Dwelling. One side yard having a minimum width of 5 feet.
  - C. Single-Family Attached. 5 feet (where applicable).
  - D. Two-family. Two side yards, each having a minimum width of 5 feet.
  - E. Apartments or Condominiums. Two side yards, each having a minimum width of 5 feet.
  - F. Nonresidential Uses. 5 feet (where applicable).
5. Rear Yard. 20 feet minimum when overlaying the R-2 District, and 30 feet when overlaying the OT District.
6. Maximum Lot Coverage. 80% when overlaying the R-2 District, and 100% when overlaying the OT District assuming effective stormwater management practices can be accommodated.
7. Minimum Green Area. 20% when overlaying the R-2 District, and 0 when overlaying the OT District.

#### §504A. Building Height.

1. Minimum Building Height. No building shall be less than twenty-four (24) feet in height.
2. Maximum Building Height. Maximum building height shall be the same as the underlying R-2 or OT District.

#### §505A. Additional Standards.

1. Nonresidential uses shall be limited to a maximum floor area of 2,000 square feet when overlaying the R-2 District.
2. No nonresidential uses shall be located above a residential use in the same building.
3. No drive-thru uses shall be permitted.

4. Nonresidential and live-work units shall have a retail or service component occupying the entire width of the first floor of the primary façade for a depth of at least 15 feet.

§506A. Existing Single-Family Detached or Single-Family Semi-Detached Dwellings.

When a lot which is improved with existing single-family detached and semi-detached dwellings is the subject of a subdivision application for the purpose of enabling single-family residential development and usage on the subdivided lot or lots, the applicant shall not be required to meet the requirements of Section 504A herein relative to lot requirements. All other requirements of this Part shall apply to the development of the subdivided lot or lots and shall be enforced.

§507A. Existing Single-Family Attached Dwellings.

When a lot which is improved with existing single-family attached dwellings is the subject of a subdivision application for the purpose of enabling single-family residential development and usage on the subdivided lot or lots, the applicant shall not be required to meet the requirements of Section 504A herein relative to lot requirements. All other requirements of this Part shall apply to the development of the subdivided lot or lots and shall be enforced.

§508A. Streetscape Enhancement Overlay District.

In addition to the requirements contained in this Part, development within that portion of the R-2 District shown on Exhibit "A" shall meet the requirements contained in Part 19, the Streetscape Enhancement Overlay District.

## PART 6

### OT Old Town District

#### §601. Purpose.

The purpose of this Part is to continue and strengthen the role of downtown Gettysburg as a diversified, multipurpose, people oriented center. Retail stores, services, offices and public activities in this district will serve residents, visitors and area businesses. Upper floor apartments and other forms of housing will complement Old Town commerce and ensure a 24-hour presence in the downtown.

§602. Uses Permitted by Right<sup>3</sup>. Land and buildings in an Old Town district shall be used for the following purposes only:

- A. Apartments or Condominiums.
- B. Bed and breakfast.
- C. Business school.
- D. Commercial auditorium.
- E. Convenience store.
- F. Cultural center.
- G. Day care center, child.
- H. Emergency services station.
- I. Essential services.
- J. Exercise club.
- K. Financial institutions, excluding establishments with drive-thru facilities.

<sup>3</sup>Automobile service stations including, but not limited to, activities involving the repair, lubrication, maintenance or servicing of motor vehicles (including the sale of gasoline) are specifically prohibited within the Old Town District, whether by right or special exception.

- L. Funeral home.
- M. General service and repair shops of household items.
- N. Hotel.
- O. Indoor recreation center.
- P. Library.
- Q. Live-Work Units
- R. Movie house/Theater.
- S. Museum, historical/interpretive facility.
- T. Municipal or government buildings and uses.
- U. No-impact home-based business.
- V. Office.
- W. Parking lot/deck.
- X. Personal services.
- Y. Photocopying centers and other business services.
- Z. Places of worship.
- AA. Professional and business offices.
- BB. Public or private nonprofit park, playground or recreation area.
- CC. Public or private primary and secondary schools.
- DD. Restaurants, excluding drive-thru establishments.
- EE. Retail store.
- FF. Single-family attached dwellings.
- GG. Single-family detached dwellings.
- HH. Single-family semi-detached dwellings .
- II. Tavern.
- JJ. Two-family dwellings.

KK. Uses permitted by right in the R-1, R-2 and RO Districts.

LL. Visitors center.

§603. Uses Permitted by Special Exception.

The following uses may be permitted as a special exception when authorized by the Zoning Hearing Board:

- A. Boarding house or Rooming house.
- B. Club or lodge.
- C. Conversion apartments.
- D. Student housing, Group care housing.
- E. Uses permitted in §602 which have drive-thru facilities.
- F. Uses, which in the opinion of the Zoning Hearing Board, are of the same general character as the above uses in §603 and which will not be detrimental to the Purpose of this Chapter.

(See Parts 13 and 15 of this Chapter.)

§604. Lot Requirements.

1. Minimum Area.

- A. Single-Family Detached Dwellings. 3,000 square feet/dwelling unit.
- B. Single-Family Semidetached Dwellings. 3,000 square feet/dwelling unit.
- C. Two-Family Dwellings. 3,000 square feet/dwelling unit.
- D. Single-Family Attached. 1,000 square feet/dwelling unit.
- E. Apartments or Condominiums. 0 square feet/dwelling unit.
- F. Live-Work Units. 0 square feet/dwelling unit.
- G. Non Residential Uses. 0 square feet.

2. Minimum Width. None.

3. Build-To line. 5 feet to 10 feet.

4. Side Yards. 0.

5. Rear Yard. 30 feet minimum.
6. Maximum Lot Coverage. 100% assuming effective stormwater management practices can be accommodated.

#### §605. Building Height.

1. Minimum Building Height. No building shall be less than twenty-four (24) feet in height.
2. Maximum Building Height. The maximum height of buildings shall be fifty (50) feet and shall be in accordance with the Historic Preservation District Ordinance, Ord. 902-75, 10/13/1975, Art. VI, §604 [Chapter 11].

#### §606. Historic Preservation District Ordinance.

In addition to the requirements contained in this Part no building or structure shall be erected, reconstructed, altered, restored, relocated or demolished in an Old Town District, except in conformance with the procedures and requirements contained in the Gettysburg Historic Preservation District Ordinance

#### §607. Existing Single-Family Semi-Detached Dwellings.

When a lot which is improved with existing single-family semi-detached dwellings is the subject of a subdivision application for the purpose of enabling single-family residential development and usage on the subdivided lot or lots, the applicant shall not be required to meet the requirements of Section 604 herein relative to lot requirements. All other requirements of this Part shall apply to the development of the subdivided lot or lots and shall be enforced.

#### §608. Existing Single Family attached Dwellings.

When a lot which is improved with existing single-family attached dwellings is the subject of a subdivision application for the purpose of enabling single-family residential development and usage on the subdivided lot or lots, the applicant shall not be required to meet the requirements of Section 604 herein relative to lot requirements. All other requirements of this Part shall apply to the development of the subdivided lot or lots and shall be enforced.

#### §609. Streetscape Enhancement Overlay District.

In addition to the requirements contained in this Part, development within the Old Town District as shown on Exhibit "A" shall meet the requirements contained in Part 19, the Streetscape Enhancement Overlay District.

## PART 7

### INS-1 Institutional-1 District

#### §701. Purpose.

The purpose of this Part is to provide for the continued maintenance of those areas of the Borough where major educational institutions are presently located by permitting only those kinds of uses and related activities.

#### §702. Uses Permitted by Right.

Land and buildings in an institutional district shall be used for the following purposes only:

- A. Accessory buildings and uses customarily incidental to the below when located on the same lot.
- B. Emergency services station.
- C. Essential services.
- D. Fraternities and sororities.
- E. Municipal or governmental buildings and uses.
- F. Nature preserve.
- G. No-impact home-based business.
- H. Place of worship.
- I. Public and private educational institutions and schools for academic instruction and any and all accessory activities and uses such as academic offices.
- J. Public or private nonprofit park, playground or recreation area.
- K. Single-family detached dwellings.
- L. Student housing, institutional; and staff housing.

§703. Uses Permitted by Special Exception.

1. Cemeteries.
2. Conversion apartments, only if they are an accessory use to a permitted institutional use.

(See Parts 13 and 15 of this Chapter.)

§704. Lot Requirements.

1. Minimum Area. 8,000 square feet.
2. Minimum Width at the Build-To line. 0
3. Build-To line. 20 feet
4. Side Yards. 50 feet with the exception of student and staff housing and single-family detached dwellings which uses shall have a side yard requirement of 10 feet.
5. Rear Yards. 50 feet minimum.
6. Maximum Lot Coverage. 60%.
7. Minimum Green Area. 40%.

§705. Building Height.

1. Minimum Building Height. No building shall be less than twenty-four (24) feet in height.
2. Maximum Building Height. No building or structure shall be more than four (4) stories in height and not to exceed sixty (60) feet above the ground, except as provided in §1511.

§706. Streetscape Enhancement Overlay District

In addition to the requirements contained in this Part, development in the Institutional-1 District as shown in Exhibit 'A' shall meet the requirements contained in Part 19, the Streetscape Enhancement Overlay District.

## PART 8

### RO Residential Office District

#### §801. Purpose.

The purpose of this Part is to provide for offices, select businesses, residential uses and other compatible uses within the Baltimore Street/Carlisle Street Corridor and at other select locations in a manner that respects and preserves the special character of these areas. Adaptive reuses are encouraged that preserve the viability of the larger structures within these areas.

#### §802. Uses Permitted by Right.

Land and buildings in a residential office district shall be used for the following purposes only:

- A. Accessory buildings and uses customarily incidental to the below when located on the same lot.
- B. Bed and breakfast.
- C. Emergency services station.
- D. Essential services.
- E. Financial institutions (banks, savings and loan associations, etc.), excluding establishments with drive-thru facilities.
- F. Funeral homes.
- G. Live-Work Units.
- H. Movie house/theater.
- I. Municipal or governmental buildings and uses.
- J. Museum, historical/interpretive facility and other tourist attractions.
- K. No-impact home-based business.
- L. Office.
- M. Personal services.
- N. Restaurants, excluding drive-in establishments.
- O. Single-family attached dwellings.

- P. Single-family detached dwellings.
- Q. Single-family semi-detached dwellings .
- R. Two-family dwellings.
- S. Hotels.
- T. Gift shops.

§803. Uses Permitted by Special Exception.

The following uses may be permitted as a special exception when authorized by the Zoning Hearing Board:

- A. Apartments or Condominiums, student housing.
- B. Conversion apartments.
- C. Student housing, institutional
- D. Uses permitted in §802 which have drive-thru facilities.
- E. Uses, which in the opinion of the Zoning Hearing Board, are of the same general character as the above uses in §803 and which will not be detrimental to the intended purpose of this Chapter.

(See Parts 13 and 15 of this Chapter.)

§804. Lot Requirements.

1. Minimum area. Residential Uses:
  - A. Single-family Detached Dwellings. 3,000 square feet/DU.
  - B. Single-family Semidetached Dwellings. 3,000 square feet/DU.
  - C. Two-family Dwellings. 3,000 square feet/DU.
  - D. Single-family Attached. 1,000 square feet/DU.
  - E. Apartments. 500 square feet/DU.
  - F. Live-Work Units. 1,000 square feet/DU.
2. Minimum Area, Nonresidential Uses: 5,000 square feet unless larger area required in another section.

3. Minimum Width. 16 feet.
4. Build-To line . 10 feet .
5. Side Yards. Five feet. [Ord. 1269-02]
  - A. Single-Family Semidetached Dwelling. One side yard having a minimum width of five (5) feet.
  - B. Single-Family Attached. Five (5) feet (where applicable).
6. Rear Yard. 20 feet minimum depth.
7. Maximum Lot Coverage. 90%.
8. Minimum Green Area. 10%.

#### §805. Building Height.

1. Minimum Building Height. No building shall be less than twenty-four (24) feet in height.
2. Maximum Building Height. No building shall be more than forty-five (45) feet in height.

#### §806. Existing Single-Family Semi-Detached Dwellings.

When a lot which is improved with existing single-family semi-detached dwellings is the subject of a subdivision application for the purpose of enabling single-family residential development and usage on the subdivided lot or lots, the applicant shall not be required to meet the requirements of Section 804 herein relative to lot requirements. All other requirements of this Part shall apply to the development of the subdivided lot or lots and shall be enforced.

#### §807. Existing Single-Family Attached Dwellings.

When a lot which is improved with existing single-family attached dwellings is the subject of a subdivision application for the purpose of enabling single-family residential development and usage on the subdivided lot or lots, the applicant shall not be required to meet the requirements of Section 804 herein relative to lot requirements. All other requirements of this Part shall apply to the development of the subdivided lot or lots and shall be enforced.

#### §808. Streetscape Enhancement Overlay District.

In addition to the requirements contained in this Part, development within that portion of the Residential Office District shown on Exhibit "A" shall meet the requirements contained in Part 19, the Streetscape Enhancement Overlay District.

## PART 8A

### ROR Residential Office Redevelopment District

#### §801A. Purpose.

The purpose of this Part is to provide for offices, select business and other compatible uses in the Regional Economic Development District Initiative (REDDI) area in a manner that respects and preserves the character of this area. Adaptive reuses are encouraged in order to preserve the viability of the buildings within this area.

#### §802A. Uses Permitted by Right.

Land and buildings shall be used only for the following purposes:

- A. Accessory buildings and uses customarily incidental to the below when located on the same lot.
- B. Apartments or Condominiums.
- C. Bed and breakfast.
- D. Community market.
- E. Emergency services station.
- F. Essential services.
- G. Financial institution (bank, savings and loan association, etc.), excluding establishments with drive-thru facilities.
- H. Hotel.
- I. Live-Work Units.
- J. Movie house/theater.
- K. Municipal or governmental building and use.
- L. Museum, historical/interpretive facility and other tourist attraction.
- M. No-impact home-based business.
- N. Office.
- O. Personal services.

- P. Restaurant, excluding drive-in establishments.
- Q. Retail use.
- R. Schools
- S. Single-family attached dwellings.
- T. Single-family semi-detached dwellings.
- U. Social services/homeless shelter.
- V. Transit facility, bus terminal.
- W. Two-family dwellings.

§803A. Uses Permitted by Special Exception.

The following uses may be permitted as a special exception when authorized by the Zoning Hearing Board:

- A. Conversion apartments.
- B. Uses, which in the opinion of the Zoning Hearing Board, are of the same general character as the above use in §802A and §803A, and which will not be detrimental to the intended purpose of this Chapter.

§804A. Lot Requirements.

1. Minimum area. Residential Uses:
  - A. Single-family Semidetached Dwellings. 3,000 square feet/DU.
  - B. Two-family Dwellings. 3,000 square feet/DU.
  - C. Single-family Attached. 1,000 square feet/DU.
  - D. Apartments or Condominiums. 500 square feet/DU.
  - E. Live-Work Units. 1,000 square feet/DU
2. Minimum Area, Nonresidential Uses: 4,000 square feet unless larger area required in another section.
3. Minimum Lot Width. 20 feet.
4. Build-To line. 10 feet.

5. Side Yards. Five (5) feet.
  - A. Single-Family Semi-detached Dwelling. One side yard having a minimum width of five (5) feet.
  - B. Single-Family Attached. Five (5) feet (where applicable).
6. Rear Yard. 30 feet minimum depth.
7. Maximum Lot Coverage. 90%.
8. Minimum Green Area. 10%.

§805A. Building Height.

1. Minimum Building Height. No building shall be less than twenty-four (24) feet two (2) stories in height.
2. Maximum Building Height. No building shall be more than 40 forty-five (45) feet in height.

§806A. Existing Single-Family Semi-Detached Dwellings.

When a lot which is improved with existing single-family semi-detached dwellings is the subject of a subdivision application for the purpose of enabling single-family residential development and usage on the subdivided lot or lots, the applicant shall not be required to meet the requirements of Section 804A herein relative to lot requirements. All other requirements of this Part shall apply to the development of the subdivided lot or lots and shall be enforced.

§807A. Existing Single-Family Attached Dwellings.

When a lot which is improved with existing single-family attached dwellings is the subject of a subdivision application for the purpose of enabling single-family residential development and usage on the subdivided lot or lots, the applicant shall not be required to meet the requirements of Section 804A herein relative to lot requirements. All other requirements of this Part shall apply to the development of the subdivided lot or lots and shall be enforced.

§808A. Streetscape Enhancement Overlay District.

In addition to the requirements contained in this Part, development within that portion of the Residential Office Redevelopment District shown on Exhibit "A" shall meet the requirements contained in Part 19, the Streetscape Enhancement Overlay District.

PART 9

## TC Tourist Commercial District

### §901. Purpose.

The purpose of this Part is to provide for and encourage the location of retail business establishments serving the tourist and visitor trade.

### §902. Uses Permitted by Right.

Land and buildings in a tourist commercial district shall be used for the following purposes only:

- A. Accessory buildings and uses customarily incidental to the below when located on the same lot.
- B. Auto service station, provided that all repair, lubrication and other facilities, except fuel pumps, shall be completely enclosed within a building.
- C. Bed and breakfast.
- D. Convenience store.
- E. Emergency services station.
- F. Essential services.
- G. Financial institution, excluding establishments with drive-thru facilities.
- H. Gift, shop.
- I. Hotel, motel.
- J. Indoor museum, auditorium or other indoor tourist or entertainment attraction.
- K. Live-work units.
- L. Municipal or government buildings and uses.
- M. Personal service.
- N. Public or private nonprofit park, playground or recreation area.
- O. Professional and business office.
- P. Restaurants (excluding drive-thru restaurants).
- Q. Retail stores.

- R. Single-family detached dwellings.
- S. Single-family semidetached dwellings.
- T. Social club or lodge.
- U. Two-family dwellings.

§903. Uses Permitted by Special Exception.

The following uses may be permitted as a special exception when authorized by the Zoning Hearing Board:

- A. Conversion apartments.
- B. Outdoor commercial recreation  
or entertainment activity.
- C. Uses permitted in §902 which have drive-thru facilities.
- D. Uses, which, in the opinion of the Zoning Hearing Board, are of the same general character as the above uses in §903 and which will not be detrimental to the intended purposes of this Chapter.

(See Parts 13 and 15 of this Chapter.)

§904. Lot Requirements.

- 1. Minimum Area. 0.
- 2. Minimum Width at Build-To line. 20 feet.
- 3. Build-To line. 15 feet.
- 4. Side Yards. 10 feet.
- 5. Maximum Lot Coverage. 85%.
- 6. Minimum Green Area. 15%.

§905. Building Height.

- 1. Minimum Building Height. No building shall be less than twenty-four (24) feet in height.
- 2. Maximum Building Height. No building shall be more than forty-five (45) feet or not to exceed three (3) stories in height.

§906. Streetscape Enhancement Overlay District.

In addition to the requirements contained in this Part, development within that portion of the Tourist Commercial District as shown on Exhibit "A" shall meet the requirements contained in Part 19, the Streetscape Enhancement Overlay District.

## PART 10

### GC General Commercial District

#### §1001. Purpose.

The purpose of this Part is to provide for the development of certain compact segments of existing street and road frontage for commercial establishments and activities that must be readily accessible by motor vehicle.

#### §1002. Uses Permitted by Right.

Land and buildings in a general commercial district shall be used for the following purposes only:

- A. Accessory building and uses customarily incidental to the below when located on the same lot.
- B. Amusement arcade.
- C. Any other use which is of the same general character of any of the other uses in this Section 1002.
- D. Auto repair within an enclosed building.
- E. Automobile sales and/or auto service establishments provided that all repair, lubrication, and other facilities, except fuel pumps, shall be completely enclosed within a building.
- F. Bed and breakfast.
- G. Boarding house/rooming house.
- H. Boat sales and/or services establishments.
- I. Business or trade school.
- J. Business services.
- K. Commercial auditorium.
- L. Convenience store.
- M. Cultural Center.

- N. Day care center, child.
- O. Emergency services station.
- P. Equipment rental.
- Q. Essential services.
- R. Exercise club.
- S. Financial institution, excluding establishments with drive-thru facilities.
- T. Funeral home.
- U. Gift, shop.
- V. Golf course.
- W. Hotel, motel .
- X. Laundry or dry cleaning establishment.
- Y. Lumber yards or building supply sales.
- Z. Movie House/Theater.
- AA. Museum, historical/interpretive facility.
- BB. Office.
- CC. Offices or small shop for a contractor or craftsman (plumber, carpenter, electrician, etc.).
- DD. Parking lot.
- EE. Personal services.
- FF. Photocopying centers.
- GG. Places of worship.
- HH. Plant nursery.
- II. Professional and business office.
- JJ. Public or private nonprofit park, playground or recreation areas.
- KK. Repair of household items.

- LL. Restaurants, excluding restaurants with drive-thru facilities.
- MM. Retail store.
- NN. Shopping center.
- OO. Swimming pool, nonhousehold.
- PP. Tavern.
- QQ. Veterinarian office.
- RR. Vocational school.

§1003. Uses Permitted by Special Exception.

The following uses may be permitted as a special exception when authorized by the Zoning Hearing Board:

- A. Betting parlor.
- B. Car wash.
- C. Commercial communications tower.
- D. Conversion apartments.
- E. Group care home.
- F. Kennel.
- G. Night club.
- H. Outdoor commercial recreation.
- I. Personal care home.
- J. Target range.
- K. Transit Facility, bus terminal.
- L. Treatment center.
- M. Uses permitted in §1002 which have drive-thru facilities.
- N. Veterinary hospital.
- O. Warehouse or storage within a completely enclosed building.

- P. Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the above uses in §1003 and which will not be detrimental to the intended purpose of this Chapter.

(See Parts 13 and 15 of this Chapter.)

§1004. Lot Requirements.

1. Minimum Area. 0.
2. Minimum Width at the Build-To line. 20 feet.
3. Build-To line. 15 feet.
4. Side Yards. 10 feet.
5. Rear Yard. 30 feet minimum.
6. Maximum Lot Coverage. 85%.
7. Minimum Green Area. 15%.

§1005. Building Height.

1. Minimum Building Height. No building shall be less than twenty-four (24) feet in height.
2. Maximum Building Height. No building or structure shall be more than forty-five (45) feet in height.

§1006. Streetscape Enhancement Overlay District.

In addition to the requirements contained in this Part, development within that portion of the General Commercial District as shown on Exhibit "A" shall meet the requirements contained in Part 19, the Streetscape Enhancement Overlay District.

## PART 11

### IND Industrial District

#### §1101. Purpose.

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

#### §1102. Uses Permitted by Right.

Land and buildings in a manufacturing district shall be used for the following purposes only:

- A. Accessory buildings and uses customarily incidental to the below when located on the same lot.
- B. Any other use which is of the same general character of any of the below.
- C. Construction or contractor's establishment.
- D. Emergency services station.
- E. Essential services.
- F. Kennels and veterinary hospitals.
- G. Laboratory for research, testing and development.
- H. Laundry or dry cleaning plant.
- I. Municipal buildings, including maintenance facilities.
- J. Newspaper printing.
- K. Office.
- L. Parking lot, including parking lots for heavy equipment.
- M. Printing or publishing establishment.
- N. The assembly, fabrication or compounding of products from materials previously manufactured or proposed.
- O. Warehouse or storage enclosed within a building.

- P. Wholesale or distribution business.

§1103. Uses Permitted by Special Exception.

The following uses may be permitted as a special exception when authorized by the Zoning Hearing Board:

- A. Adult use.
- B. Any use set forth in §802 and §803 for the RO District.
- C. Light metal processes such as plating, finishing, stamping, extrusion of small parts or products, casting, etc.
- D. Manufacture of small items such as precision instruments, optical goods, dairy products, textiles, electric appliances and components, etc.
- E. Outdoor storage.
- F. Packaging or bottling establishments.
- G. Processing or manufacture of food products.
- H. Retail sales.
- I. Recycling collection center.
- J. Self-storage development.
- K. Solid waste transfer station.
- L. Trucking establishment, trucking company terminal, truck stop.
- M. Uses permitted in §1102 which have drive-thru facilities.
- N. Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the above uses in §1103 and which will not be detrimental to the intended purposes of this Chapter.

(See Parts 13 and 15 of this Chapter.)

§1104. Lot Requirements.

- 1. Minimum Area. 0.
- 2. Minimum Width at the Build-To line. 100 feet.

3. Build-To line. 35 feet minimum; where building height exceeds 40 feet (See §1105), the Build-To line shall be 35 feet plus one foot for each additional one (1) foot of building height.
4. Side Yards. 10 feet except where a side lot abuts a street and then a side yard of 35 feet shall be provided.
5. Rear Yard. 30 feet minimum.
6. Maximum Lot Coverage. 85%.
7. Minimum Green Area. 15%.

#### §1105. Building Height.

No building shall be more than forty-five (45) feet in height. This building height limit may be increased to a maximum height of 60 feet, only if the Zoning Hearing Board decides that the increased height of the proposed building will not interfere with light, air, airways and views of historic sites and areas.

#### §1106. Performance Standards.

1. No use or activity shall be permitted that will create any dangerous, injurious, noxious, or otherwise objectionable situation. Specifically, a use or activity shall not:
  - A. Constitute a nuisance or danger to human health and safety, livestock or plants, or any other property as a result of the emission or dissemination of any fumes, smoke, odor or dust beyond the property line of the premises upon which such use or activity is located.
  - B. Create any noise or vibrations exceeding the average intensity of noise or vibration occurring from other sources at the property line.
  - C. Endanger any surrounding area by reason of fire or explosion.
  - D. Produce any objectionable heat or glare beyond the property line.
  - E. Create any electrical disturbances or adversely affect the operation of equipment located off the premises.
  - F. Discharge any dangerous or untreated effluent into any stream or other body of water, or otherwise contribute to the pollution of surface or underground water.
  - G. Create or add to a significant traffic hazard on the street or in a nearby area, or generate a nuisance to any nearby property because of increased traffic.
  - H. Generate any other significant hazard to the public health and safety or significantly

negatively affect the desirable character of an existing residential neighborhood.

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

## PART 12

### HC Health Care District

#### §1201. Purpose.

The purpose of this Part is to provide for the continued maintenance of those areas of the Borough where health care facilities are presently located by permitting only those kinds of uses and related activities therein.

#### §1202. Uses Permitted by Right.

Land and buildings in a health care district shall be used for the following purposes only:

- A. Accessory buildings and uses customarily incidental to the below when located on the same tract.
- B. Adult day care and group care home.
- C. Health care staff housing.
- D. Hospitals and nursing homes.
- E. Medical laboratories.
- F. MRI and similar facilities.
- G. Parking lots/decks
- H. Personal care home.
- I. Professional health care offices (doctors, dentists, etc.) and facilities.

#### §1203. Uses Permitted by Special Exception.

- A. Retail flower and gift shops.

(See Parts 13 and 15 of this Chapter.)

#### §1204. Lot Requirements.

1. Minimum Area. 0.
2. Minimum Width at Build-To line. 0.

3. Build-To line. 20 feet.
4. Side Yards. 50 feet with the exception of professional health care offices and facilities and health care staff housing which uses shall have a side yard requirement of 10 feet.
5. Rear Yards. 50 feet minimum with the exception of professional health care offices and facilities and health care staff housing which uses shall have a minimum rear yard requirement of 30 feet.
6. Maximum Lot Coverage. 75%.
7. Minimum Green Area. 25%.

§1205. Building Height.

No building or structure shall be more than sixty (60) feet above the ground, except as provided in §1511.

§1206. Streetscape Enhancement Overlay District.

In addition to the requirements contained in this Part, development within that portion of the Health Care District as shown on Exhibit "A" shall meet the requirements contained in Part 19, the Streetscape Enhancement Overlay District.

## PART 13

### Parking, Loading and Unloading

#### §1301. General.

1. No building or structure shall hereafter be constructed, enlarged, or modified, and no use or activity shall be conducted or expanded unless provision is made on the same or adjacent premises for off-street parking and loading facilities meeting the requirements of §§1301, 1302, 1303 and 1304, except as otherwise permitted by this Part.
2. A single parking space shall have a minimum area of 200 square feet with dimensions of at least 10 feet by 20 feet, excluding drives and accessways, except in the Elm Street Overlay District, OT, RO, and ROR Districts where a minimum of 172 square feet with dimensions of at least 9 feet by 18 feet shall be permitted.
3. Parking areas shall be paved, except private individual parking areas on residential lots, and shall be adequately drained in a manner approved by the Zoning Officer to provide for safe and convenient access at all times.
4. No part of any public right-of-way shall be used in computing the required area for parking.
5. Parking areas, except those on individual lots for single-family detached dwellings, shall be designed so that each vehicle may proceed to and from any parking space without requiring the moving of any other vehicle.
6. The required parking space for two or more uses may be provided in a common parking area, provided that the total number of spaces is not less than 90% of the sum of the spaces required for each individual use and further provided that such Shared Parking shall be in accordance with the Urban Land Institute (ULI) publication "Shared Parking – Second Edition", 2005.
7. Parking areas shall not be located in any required green space.
8. For any activity or use involving employees or staff, a sufficient number of parking spaces shall be provided for all employees or for all the employees on duty at any one time.

#### §1302. Parking Space Requirements.

1. Minimum off-street parking requirements shall be as follows except for within the Old Town District (for requirements within the Old Town District, see §1305).
  - A. Dwellings. One space for each dwelling unit.
  - B. Hotel, Motel, Tourist Home. One space for each rental unit.
  - C. Places of Worship. One space for each five seats.

- D. Club, Lodge. One space for each four members the facility is designed to accommodate.
  - E. Theater, Auditorium. One space for each five permanent seats or 10 spaces for every 1000 square feet of assembly area, whichever is greater.
  - F. Mortuary, Funeral Home. One space for each three visitors the facility is designed to accommodate.
  - G. Bowling Alley. Five spaces for each bowling lane.
  - H. Nursing, Convalescent Home. One space for each four patient beds.
  - I. Medical or Dental Clinic/Office. Four spaces for each doctor practicing at the clinic or office and one space for each employee.
  - J. Restaurant, Tavern. One space for each four seats.
  - K. Drive-thru Restaurant. One space for every 50 feet of gross floor area.
  - L. General Offices. One space for every 400 square feet of office space).
  - M. Retail Stores, General Business, Commercial and Personal Service Establishments. One space for every 400 square feet of area used for sales and the display of merchandise).
  - N. Auto Service Stations, Repair Shops and Garages. Two spaces for each service bay or area.
  - O. Shopping Center. One space for each 200 square feet of area used for sales and the display of merchandise.
  - P. Student Housing. One space for every two students.
2. The Zoning Hearing Board shall determine the parking requirements for any uses, structures or activities not specifically provided for above.

§1303. Off-Street Loading Requirements.

Minimum off-street loading requirements shall be as follows except for within the Old Town District where such requirements only apply to the construction of new buildings and structures:

- A. At least one loading berth or area shall be provided for each establishment with a gross floor area under 10,000 square feet. For establishments with gross floor areas of more than 10,000 square feet at least one additional berth or area shall be provided for each additional 10,000 square feet or fraction thereof.
- B. The dimensions of such a berth or area shall not be less than 10 feet by 25 feet.

- C. All such loading facilities shall be located and designed so as not to interfere with the movement of other vehicles and pedestrians.

§1304. Location of Parking.

- 1. Required off-street parking spaces shall be on the same lot or abutting lot of the principal use served in all districts, unless the applicant obtains a Special Exception and proves to the satisfaction of the Zoning Hearing Board that a guaranteed long-term method of providing the spaces is available using an area of a lot within 500 feet (except as provided in §1305(3) below) of the entrance of the principal use being served. Such method may involve a deed covenant allowing use of the spaces during peak hours of need, or a lease extending 20 years or for the life of use of the property, whichever is of shorter duration.
- 2. No off-street parking shall be permitted within the minimum setback of any required side yard, and in any space between the curb and the Build-To line.

§1305. Exemptions.

1. Downtown Area Exemption

- A. In recognition of the need to strongly encourage new construction and the reuse of building space in the downtown area, and recognizing the availability of existing parking lots and on-street parking areas, the requirements in §1302 for minimum numbers of off-street parking spaces in this Part shall not apply within the OT District, except for:
  - (1) The new construction of an aggregate total after the adoption of this Ordinance of more than 6,000 square feet of building floor area, or;
  - (2) Any additional number of dwelling units .
- B. Instead of the parking requirements in §1302, a new or expanded nonresidential use in the OT District (other than as provided in §§1305(1) (A) and (B) above) shall provide a minimum of one space per one and three tenths (1.3) employees.
- C. Within the OT District, the provision of §1304 above permitting off-site parking shall be extended to a 700 feet distance.

2. Elm Street Overlay District Exemption

- A. In recognition of the need to strongly encourage new construction and the reuse of building space in the Elm Street Overlay District, and recognizing the availability of existing parking lots and on-street parking areas, the requirements in §1302 for minimum numbers of off-street parking spaces in this Part shall not apply within the ES Overlay District, except for:

- (1) The new construction of an aggregate total after the adoption of this Ordinance of more than 2,000 square feet of building floor area, or;
  - (2) Any additional number of dwelling units
- B. Instead of the parking requirements in §1302, a new or expanded nonresidential use in the Elm Street Overlay District (other than as provided in §1305(A) (1) and (2) above) shall provide a minimum of one space per one and one half (1.5) employees.
- C. Within the OT District, the provision of §1304 above permitting off-site parking shall be extended to a 700 feet distance.

§1306. Handicapped Parking.

1. Number of Spaces. Any lot including four or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is officially established under the Federal Americans With Disabilities Act:

<b>TOTAL NO. OF REQUIRED PARKING SPACES ON THE LOT</b>	<b>REQUIRED MINIMUM NO./PERCENT OF HANDICAPPED PARKING SPACES</b>
4 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 required number of spaces
1,001 or more	20 plus 1% of required number of spaces over 1,000

2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
3. Minimum Size. Each required handicapped parking space shall be a minimum of eight by 20 feet. In addition, each space shall be adjacent to a five feet wide access aisle. Such access aisle may be shared by two handicapped spaces by being placed between them. However, one out of every eight required handicapped parking spaces shall have an adjacent access aisle of eight feet width instead of five feet.
4. Slope. Handicapped parking spaces shall be located in areas of less than 5% slope in any direction.
5. Marking. All required handicapped spaces shall be well marked by clearly visible signs and/or pavement markings.

#### §1307. On-street parking.

On-street parking requirements shall be as follows, except within the R-1 and R-1A Districts.

1. On-street parking may be provided along streets only when parking on that street has been previously approved by the Borough or subsequently ordained by Borough Council.
2. Such on-street parking maybe counted toward the required parking for nonresidential uses as set forth in §1302.
3. On-street parking areas may only be counted along the frontage owned by the applicant or landowner, exclusive of any driveway or other curb cut, and exclusive of any existing cartway and perpendicular street.
4. A bona-fide on-street parking space shall measure at least seven (7) feet in width and twenty-two (22) feet in length, exclusive of any street cartway, and shall be parallel to the curb line.
5. All eligible on-street parking areas shall be clearly depicted on a plan. Such parking areas shall not conflict with any turning movements off the cartway or obstruct access to any street, driveway, sidewalk, crosswalk, other accessway, or fire hydrant.

## PART 14

### Nonconforming Uses, Buildings, Structures and Lots

#### §1401. Purpose.

The following provisions shall apply to existing lawful uses, buildings, structures and lots which do not conform to the requirements of this Chapter or any amendments thereto. The purpose of these provisions is to reasonably provide for such existing non-conformities. The conversion or reversion of such nonconformities, however, shall be encouraged whenever possible.

#### §1402. Nonconforming Buildings, Structures and Uses.

1. Continuation. Any building, structure or lawful use existing at the time this Part becomes effective (October 23, 1975) may be continued indefinitely.
2. Extension.
  - A. A building occupied by a nonconforming use shall not be enlarged, extended or structurally altered (except as may be required by law to assure the structural safety of the building) and any nonconforming use shall not be enlarged or extended except for the following which may be authorized by special exception by the Zoning Hearing Board.
    - (1) The extension of a nonconforming use of a portion of a building to another portion of the building.
    - (2) The reasonable extension of a conforming building occupied by a nonconforming use on a conforming lot provided that such extension is not detrimental to the character of the surrounding area or the interests of the Borough and that such extension shall conform to the area and height regulations of the district in which it is located.
  - B. A nonconforming building may be rebuilt or altered only:
    - (1) To eliminate or decrease the building's nonconformity.
    - (2) For reason as stated in subsection 4 of this Section.
3. Change. A nonconforming use of a building or land may be changed to a nonconforming use of the same or more restricted classifications, when authorized by the Zoning Hearing Board as a special exception. Whenever a nonconforming use of a building or land has been changed to a use of a more restricted classification or to a conforming use, such use shall not thereafter be changed to a use of a less restricted classification.
4. Restoration. A nonconforming building, or building occupied by a nonconforming use which is wholly or partially destroyed by fire, explosion, flood or other phenomenon, or

which has been legally condemned, may be reconstructed or repaired and/or used for the same nonconforming use, provided that such building reconstruction shall be commenced within one year from the date the building was destroyed or condemned and shall be carried on without interruption.

5. Abandonment. If a nonconforming use of a building, or land is voluntarily abandoned and ceases for a continuous period of one year or more, subsequent use of such building or land shall be in conformity with the provisions of this Part.

#### §1403. Nonconforming Lots.

1. Held in Single and Separate Ownership. A building may be erected or altered on any lot held at the time this Part becomes effective (October 23, 1975) in single and separate ownership which is not of the required minimum area or width or is of such unusual dimensions or shape that the owner would have difficulty in providing the required open spaces for the district in which such lot is located, provided that the plans for the proposed building shall be approved by the Zoning Hearing Board after review of the plans to assure reasonable compliance with the intent of the regulations for the district.
2. Included in Approved Plans. Buildings may be erected on lots which are not held in single and separate ownership at the time this Part becomes effective and which are not of the required area or width, if such lots are included in a land subdivision plan which has been approved by Borough Council prior to the effective date of this Part.

#### §1404. Registration of Nonconformities.

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

## PART 15

### General and Supplemental Regulations

#### §1501. Intent.

This Part contains provisions which are concerned with certain additional matters of a general or specific applicability and which are not included elsewhere in this Chapter.

#### §1502. Apartment Conversions.

A structure existing at the time this Part becomes effective (October 13, 1975) may be converted into apartments provided the following requirements are met:

- A. The lot area per apartment shall not be less than 1,000 square feet, except in the OT District where the minimum lot area shall be 0 square feet.
- B. All other district requirements shall be met.
- C. Attic, cellars or basements shall not be converted to apartments without the approval of the Zoning Hearing Board as to health and safety aspects.
- D. Outside fire escapes and stairways shall be under roof and shall not be on any outside wall facing a street.
- E. The following regulations shall apply to the conversion of an existing single-family detached dwelling into a greater number of dwelling units:
  - (1) The building shall maintain the appearance of a single-family detached dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
  - (2) The conversion shall not be permitted if it would require the placement of an exterior stairway on the front of the building, or would require the placement of more than three off-street parking spaces in the required front yard abutting an arterial street.
- F. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building or for handicapped access.
- G. Separate cooking and sanitary facilities shall be provided for each dwelling unit.
- H. Off-street parking lots with four or more spaces shall be buffered from abutting dwellings by evergreen screening.

- I. Dumpsters shall be screened.

§1503. Accessory Buildings and Structures.

1. Detached garages. Detached private garages shall be permitted in any district subject to the following requirements:
  - A. Maximum Capacity. Three vehicles in the R-1, R-1A, and R-2 Districts.
  - B. Maximum Height. 25 feet.
  - C. Temporary detached garage buildings and structures are not permitted.
  - D. No detached garage shall be located within any required front yard.
  - E. No detached garage shall be located within five (5) feet of any property line or within 20 feet of any alley line.
2. Other accessory buildings and structures.
  - A. Maximum Height. 25 feet in any residential district. (Historic District requirements shall be met.)
  - B. Minimum Distance Between Buildings and/or Structures. Five (5) feet, except in the R-1 and R-1A Districts where the minimum distance between buildings and structures shall be 10 feet.
  - C. Except where otherwise permitted (see “Fences” and “Swimming Pools”), no accessory building or structure shall be located within any required front, side and rear yard nor within five feet of any property line.
  - D. Accessory buildings and/or structures shall meet the lot coverage requirements for that district.

§1504. Home Occupations.

Home occupations may be permitted only by special exception granted by the Zoning Hearing Board subject to the following requirements:

- A. The activity or occupation shall be conducted entirely within the dwelling or existing accessory building by a resident of the dwelling.
- B. The amount of floor area used for such occupation shall not exceed 25% of the total floor area of the dwelling.
- C. No more than four nonresidents shall be employed.

- D. A sufficient number of additional off-street parking spaces shall be provided.
- E. There shall be no displays or any change on or to the exterior of the building indicating that the building is being used for anything other than a residence.
- F. One sign shall be permitted in accordance with the provisions of the Borough Sign Ordinance [Chapter 19, Part 1].
- G. Activities involving the industrial manufacture of products shall not be permitted.

§1505. Minimum Habitable Floor Area.

The minimum habitable floor area of a dwelling unit shall be 900 square feet except for apartments which have been designed for occupancy by only one or two persons, in which case the minimum habitable floor area required shall be 500 square feet.

§1506. Private Swimming Pools.

1. Every swimming pool shall be completely enclosed by a fence or wall not less than four feet in height which shall be constructed so as to not have any openings, holes or gaps more than four inches. A dwelling, accessory building or other structure may be used as part of such enclosure.
2. All gates and doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping such gate or door securely closed and latched at all times when not in use.
3. In residential districts no pool shall be located in any required front or side yard area.
4. All pools shall be considered accessory structures and shall meet the requirements of §1503, above, except that swimming pools may be allowed within a rear yard area provided the walls of the pool and any deck are setback at least 10 feet from the lot line.
5. All pools shall be provided with a filtering system meeting all applicable local and State requirements.

§1507. Fences.

1. In residential districts, no fence shall be erected that is more than six feet in height.
2. Fences shall not exceed four feet in height in the front yard area between the street right-of-way and required building setback or Build-To lines. Any fence located in the required front yard in a R-1, R-1A, R-2, RO, or OT District shall have a minimum ratio of one to one of open to structural area.
3. A fence shall not be required to comply with minimum setbacks for accessory buildings and structures.

§1508. On-lot Storage in Residential Districts.

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

#### §1509. Corner Lots.

On any corner lot the required build-to line shall be provided along both streets.

#### §1510. Screens and Buffers.

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

#### §1511. Height.

1. Exceptions. The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually located above the roof of a building or structure.
2. Modifications. In any INS-1 Institutional or HC – Health Care District, a building may be erected to a greater height and a greater number of stories than that specified for the district, provided that the required front and side yard requirements are increased one foot for every one foot of additional height up to a maximum total building height of 75 feet and five stories.

#### §1512. Yards.

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

#### §1513. Two or More Principal Buildings or Structures on One Lot.

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

#### §1514. Prohibited Uses.

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

- B. The massage of, or physical contact with, the sexual or genital parts of one person by any other person.
- C. The exposure of the sexual or genital parts of the body of any person.

§1515. Visual Obstructions.

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

§1516. Access to Structure.

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

§1517. Driveways.

1. No single use or group of attached buildings on a single lot or uses designed as a single unit shall have more than two driveways.
2. No driveway shall be located within 50 feet of the intersection of any street right-of-way lines.
3. Driveways between the street right-of-way line and cartways shall be paved.
4. Driveways shall be no wider than 30 feet.

§1518. Group Care Homes.

1. Each bedroom shall not be occupied by more than two persons.
2. The group care home shall not exceed 10 persons.
3. Such facilities shall be licensed or operated by a State or County agency.
4. Such facilities shall have 24 hours per day onsite supervision by qualified staff.
5. The group care home shall register its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Borough. Such information shall be available for public review upon request.
6. Any medical or counseling services provided on the lot shall be limited to residents and a maximum of three nonresidents per day.
7. One off-street parking space shall be provided for:
  - A. Each employee on duty at any one time.
  - B. Every two residents who have a current, valid driver's license. Off-street parking areas of more than four spaces shall be buffered from adjacent existing single-family dwellings by a planting screen suitably planted with trees and shrubs and maintained at all times.
8. The use shall not meet the definition of a "treatment center" in Part 2.
9. If the group care home is within a residential district, the building shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition and character to the other residential structures in the area. No exterior signs or other features visible from the exterior shall identify the type of use.

§1519. Performance Standards.

1. No use or activity shall be permitted that will create any dangerous, injurious, noxious, or otherwise objectionable situation. Specifically, a use or activity shall not:
  - A. Constitute a nuisance or danger to human health and safety, livestock or plants, or any other property as a result of the emission or dissemination of any fumes, smoke, odor, or dust beyond the property line of the premises upon which such use or activity is located.
  - B. Create any noise or vibrations exceeding the average intensity of noise or vibration occurring from other sources at the property line.
  - C. Endanger any surrounding area by reason of fire or explosion.

- D. Produce any objectionable heat or glare beyond the property line.
  - E. Create any electrical disturbances or adversely affect the operation of equipment located off the premises.
  - F. Discharge any dangerous or untreated effluent into any stream or other body of water, or otherwise contribute to the pollution of surface or underground water.
  - G. Create an undesirable or dangerous traffic condition on the street or in a nearby area, or generate a nuisance to any nearby property because of increased traffic.
  - H. Create any other objectionable condition which will endanger public health and safety, or be detrimental to the proper use of the surrounding area.
2. In order to determine that a proposed use or activity will comply with the above standards, the Zoning Officer or Zoning Hearing Board may:
- A. Require the submission of impartial expert opinions or judgments from official agencies or private consultants.
  - B. Require the submission of written assurances from the applicant.
  - C. Require compliance with certain tests or provision of whatever safeguards may be considered necessary.

§1520. Maintenance of Common Areas, Facilities and Open Space. (Condominiums/Homeowner Associations)

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

§1521. Historic Overlay District (H).

The Historic Overlay District shall supplement and serve as an overlay area to all of the

underlying zoning districts. In addition to the underlying district regulations, all uses and activities in the Historic Overlay District shall also comply with the Borough of Gettysburg Historic District Regulations.

§1522. Floodplain Overlay District (FP).

The Floodplain Overlay District shall supplement and serve as an overlay area to all of the underlying zoning districts. In addition to the underlying district regulations, all uses and activities in the Floodplain Overlay District shall also comply with the Borough of Gettysburg Floodplain Regulations.

§1523. (Reserved for future use).

§1524. Additional Requirements for Certain Specific Principal Uses.

1. This Section establishes additional specific requirements for certain specific principal uses, in addition to the other requirements of this Chapter and the requirements of each zoning district. For uses permitted within a specific zoning district as “special exception uses,” the general standards in §1704 shall also be met.
2. Each of the following principal uses shall meet all of the following requirements for that use:
  - A. Adult Use. This is limited to the following: adult bookstore, adult movie theater, massage parlor or adult live entertainment use.
    - (1) No such use shall be located within 500 lineal feet of the lot line of any primary or secondary school, place of worship, public park, day care center, child nursery, library, existing dwelling, or any site marked as a proposed future park location on any Borough Official Map.
    - (2) No such use shall be located within 1,500 lineal feet of any other existing or approved “adult use.”
    - (3) A 30 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines in accordance with §1510, but with plantings of an initial minimum height of six feet.
    - (4) No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
    - (5) The applicant must prove to the satisfaction of the Zoning Hearing Board that such use would not in any way adversely affect the character of the surrounding area, including property values.

- (6) No such use shall be used for any purpose that violates any Federal, State or Borough law. Any violation of this zoning requirement involving a serious criminal offense that the proprietor has continuing knowledge of and allows to occur shall be sufficient reason for the Borough to revoke Borough permits.
- (7) No such use shall be allowed in combination with the sale of alcoholic beverages.
- (8) The use shall not include the sale or display of "obscene" materials, as defined by State law, as may be amended by applicable Court decisions.
- (9) These uses are specifically prohibited in all districts except where specifically permitted.
- (10) For public health reasons, private or semiprivate viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers. No room of any kind accessible to customers shall include less than 150 square feet, other than required restrooms.
- (11) No use may include live actual or simulated sex acts or any sexual contact between entertainers or between entertainers and customers.
- (12) Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
- (13) All persons within any adult use other than a permitted adult live entertainment use shall wear nontransparent garments that cover their genitals and the female areola.
- (14) The applicant shall provide receipts showing that he/she has mailed by certified mail a written notice of the proposed special exception hearing date to all property owners of record within 500 feet of the subject property at least 10 days prior to the hearing date.
- (15) Adult Use Owners and Managers. The applicant shall submit a written list of all persons having an ownership interest of more than 1% in the business, including shareholders and partners of any corporation. The applicant shall also submit the name of the manager who is responsible to ensure that all Borough and State regulations are enforced on a day-to-day basis. Such manager shall reside within a 25 mile radius of the use. Such information shall include the person's business and home addresses and phone numbers and shall be a matter of public record. Such information shall be kept up-to-date. Failure to keep such information up-to-date shall be a violation of this Chapter and be reason for suspension of Borough permits.

B. Adult Day Care Center. All adult day care centers:

- (1) Shall be fully licensed by the State, if required by the State.

- (2) Shall include constant supervision during all hours of operation.
- (3) Shall not meet the definition of a “treatment center.”

C. Amusement Arcade.

- (1) The applicant shall prove to the satisfaction of the Zoning Hearing Board that there will be adequate supervision and design measures to adverse affects upon residential properties in the area.
- (2) The operator shall keep children of ages of six to 15 from being within the use during school hours.
- (3) The use shall be setback a minimum of 300 feet from any place of worship and 150 feet from any residential district.

D. Auditorium, Commercial or Nightclub.

- (1) A 40 feet buffer yard shall completely separate the structure and all off-street parking areas from any lot line of any residential use or undeveloped residentially zoned lot.
- (2) A commercial auditorium shall have a minimum lot size of one acre for each 150 persons of capacity.
- (3) Any such use that allows the consumption of alcohol and that has a capacity of 250 or more persons shall be setback a minimum of 300 feet from any “residential lot line.”

E. Auto Repair Garage.

- (1) All major repair, welding and paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings.
- (2) All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.
- (3) Outdoor storage of autos and other vehicles shall be suitably screened and buffered in accordance with §1510 and shall not be closer than 20 feet from a lot line of an existing dwelling.
- (4) Overnight outdoor storage of “junk,” other than junk vehicles, shall be prohibited within view of a public street or a dwelling.
- (5) An individual “junk vehicle” shall not be stored within view of a public street or a dwelling for a total of more than 20 days. No junk vehicles shall be stored within 20 feet of an existing street right-of-way line. A maximum of six junk vehicles may be parked on a lot outside of an enclosed

building at any one time.

- (6) Service bay doors shall not face directly towards an abutting dwelling, not including a dwelling separated from the garage by a street.
- (7) A use that is primarily intended to serve trucks with three or more axles or tractor-trailer trucks shall have a minimum lot area of one acre, and all areas used for repairs, fueling and serving of such vehicles shall be setback a minimum of 250 feet from a residential lot line.

F. Auto, Boat or Manufactured Home Sales. No vehicle or home on display shall occupy any part of the existing or future street right-of-way or required customer parking.

G. Auto Service Station.

- (1) See definition in Part 2, and definition of “auto repair garage.”
- (2) All activities, except those customarily performed at fuel or air pumps, shall be performed within a building. Spray painting or body or fender work is prohibited.
- (3) Fuel pumps shall be at least 25 feet from the existing street right-of-way. The minimum lot width shall be at least 150 feet.
- (4) Overnight outdoor storage of junk and vehicle parts, other than permitted whole junk vehicles, shall be prohibited within view of a public street or dwelling.
- (5) An individual “junk vehicle” shall not be stored within view of a public street or a dwelling for more than a total of 20 days. No junk vehicles shall be stored within 20 feet of an existing street right-of-way. No more than three junk vehicles shall be stored on the lot outside of an enclosed building at any point in time.
- (6) There shall be an ability for a minimum of three vehicles to be serviced at each cluster of gasoline pumps or to be lined up behind cars being serviced, without obstruction of access into or out of the driveways from public streets.

H. Bed and Breakfast Use.

- (1) Within an R-2 residential district no more than 10 rooms shall be provided.
- (2) The off-street parking spaces for the bed and breakfast shall be located:
  - (a) To the rear of the principal building; or,
  - (b) Screened from the street and abutting dwellings by evergreen

screening; or,

- (c) On another lot within the requirements of Part 13.
- (3) At least one full bathroom shall be provided for every four sleeping rooms.
- (4) The use shall have a residential appearance and character.
- (5) The use shall be operated by permanent residents of the lot.
- (6) There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted by the district regulations.
- (7) The use of any amenities provided by the bed and breakfast, such as swimming pool or tennis court, shall be restricted in use to the clientele and permanent residents of the establishment and their occasional invited guests, unless commercial recreation is also permitted by the district regulations.
- (8) In a residential district, bed and breakfast uses shall be restricted to buildings that existed prior to January 1, 1950.

I. Betting Use.

- (1) Shall be located abutting an arterial or collector street, as identified in the Gettysburg Comprehensive Plan.
- (2) Minimum Lot Area. One acre.
- (3) Minimum Building Setback from the Lot Line of Any Place of Worship or Residential Zoning District. 300 feet.

J. Boarding House (Includes Rooming House).

- (1) Minimum Lot Area. 20,000 square feet.
- (2) Minimum Front Yard Setback. 25 feet. Minimum setback from all other lot lines, 40 feet.
- (3) Minimum Lot Width. 125 feet.
- (4) Density. A minimum of 2,000 square feet of lot area per sleeping room or rental unit, whichever is more restrictive.
- (5) Each sleeping room shall be limited to two persons each. A minimum of one full bathroom shall be provided for every four sleeping rooms.
- (6) A 15 foot wide buffer yard with screening meeting §1510 shall be provided between any boarding house building and any abutting single family detached dwelling that is within 100 feet of the proposed boarding

house building.

- (7) Interior Space. A minimum of 250 square feet of interior floor area per resident.
- (8) Maximum Number of Residents. 20.
- (9) See also standards for “personal care homes,” which is a separate use.
- (10) Signs. Shall be limited to one wall sign with a maximum of two square feet per side.
- (11) Rooms shall be rented for a minimum period of five consecutive days.

K. Bus Terminal, Intercity. For regular scheduled service between metropolitan areas, bus stations and bus stops for local bus service and occasional charter service are not regulated by this Chapter.

- (1) Street access from the bus station to an arterial street or an expressway shall not require driving on a local street that is primarily residential.
- (2) An area for the loading and unloading of buses shall be provided separate from required off-street parking areas, and a separate area shall be provided for pick-up and drop-off persons from private vehicles.
- (3) The use may be an accessory use to a permitted shopping center or restaurant, provided there is adequate room for movements by the bus on the site or an adequate street shoulder for stops.

L. Car Wash.

- (1) Traffic flow and ingress/egress shall not cause traffic hazards on adjacent streets.
- (2) On-lot traffic circulation channels and parking areas shall be clearly marked.
- (3) Adequate provisions shall be made for the proper and convenient disposal of refuse.
- (4) Water used in the operation shall be collected and recycled, and shall not flow into any storm sewers or waterways.
- (5) Water from the car wash operation shall not flow onto sidewalks or streets, to prevent hazards from ice.
- (6) Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 9:00 p.m. and 7:00 a.m.
- (7) Any chemicals that may be hazardous to aquatic life shall be stored within

an area that will completely contain any leaks or spills.

M. Cemetery.

- (1) The minimum lot area for any new cemetery shall be two acres.
- (2) A crematorium, where allowed, shall be setback a minimum of 250 feet from all residential lot lines.
- (3) All structures and graves shall be setback a minimum of 30 feet from all "residential lot lines," 20 feet from the "future right-of-way" of any public street and 10 feet from the "cartway" of an internal driveway.
- (4) No grave sites shall be located within the 100 year floodplain.
- (5) The applicant shall provide evidence that, in the determination of the Zoning Officer, the use will include an appropriate permanent system to ensure perpetual maintenance. Such determination shall be based upon a review by the Borough Solicitor.

N. Commercial Outdoor Recreation.

- (1) The use shall have a total building coverage of less than 15%.

O. Communications Tower, Commercial. If the tower is not attached to a building:

- (1) The tower shall be setback a minimum distance equal to 2/3 of its height from all lot lines and existing street right-of-way lines.
- (2) If the tower will have a height greater than 65 feet above the natural ground level, it shall not be located in a residential district-unless the applicant proves to the satisfaction of the Zoning Hearing Board that realistically no other appropriate sites in other districts are available within the Borough.
- (3) The base of a freestanding tower shall be surrounded by a secure fence with a minimum height of eight feet.
- (4) Any freestanding tower higher than 50 feet that is within 100 feet of a public street or dwelling shall be surrounded (except at the driveway crossing) by screening or fencing meeting the requirements of §1510.
- (5) Any new tower owner or operator must show that no existing building, site or structure, including other towers/monopoles, within a one (1) mile radius of the proposed new location is available for co-location.

P. Day Care Center, Child. As a principal use.

- (1) See also day care center as an accessory use in §1525.
- (2) The use shall comply with any applicable County, State and Federal

regulations, including having an appropriate Pennsylvania Department of Public Welfare registration certificate or license.

- (3) Convenient parking spaces within the requirements of Part 13 shall be provided for persons delivering and waiting for children.
- (4) In the R-1, R-1A, and R-2 Residential Districts, where permitted as a principal use, shall have a minimum lot area of 12,000 square feet and a minimum setback of 15 feet from an abutting residential lot line.
- (5) Shall include adequate measures to ensure the safety of children from traffic or other nearby hazards. This shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.
- (6) Outside play areas in R-1, R-1A, and R-2 Residential Districts shall be limited to use between 8:00 a.m. and 8:00 p.m. if located within 150 feet of a dwelling.
- (7) Outdoor play areas of a day care center involving the care of 25 or more children at any one time shall be setback a minimum of 20 feet from the exterior walls of an abutting existing occupied dwelling.
- (8) A day care center as a principal use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
- (9) In residential districts, any permitted day care center shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.
- (10) A day care center may occur in a building that also includes permitted or nonconforming dwelling units.
- (11) See also the standards for a "place of worship" in this Section, which allows a day care center as an adjunct use.

Q. Financial Institution. Any drive-in window(s) and waiting lanes shall be located and have capacity for sufficient numbers of vehicles to ensure that traffic conflicts and hazards are avoided within the site and along the streets and highways adjoining the use.

R. Funeral Home. Minimum lot area 30,000 square feet.

S. Golf Course.

- (1) The course shall be designed so that golf balls are highly unlikely to enter public streets or property that is not part of the golf course.
- (2) A clubhouse, retail sales of golf supplies, non-household swimming pool

and/or restaurant may be permitted as an accessory use. Any building or swimming pool shall be located a minimum of 100 feet from any residential lot line, unless the owner of such lot grants a waiver in writing from such setback.

- (3) Minimum Lot Area. 25 acres in a residential district.
- (4) Any outdoor lighting shall be located and designed in such a way that it does not generate more light onto residential properties than what is customary in a residential neighborhood.
- (5) Maximum Building Coverage. 5%.
- (6) Maximum Lot Coverage. 10%.
- (7) Fairways and greens shall be setback a minimum of 30 feet from the lot line of any existing dwelling.

T. Hospital.

- (1) The use shall be served by at least two accessways or driveways with a minimum width of 20 feet. One of these accesses shall be from an arterial or collector street. The second access may be limited to emergency vehicles.
- (2) Reasonable consideration shall be given to design methods that may be able to minimize serious noise conflicts from emergency sirens in the vicinity of a residential district.
- (3) See definitions in Part 2.

U. Hotel or Motel.

- (1) Recreational facilities limited to guests of the use and a standard restaurant may be permitted accessory uses to a hotel or motel.
- (2) See definitions in Part 2, which distinguish hotels, motels and boarding houses from each other.
- (3) Minimum Lot Area. 10,000 square feet.

V. Kenel.

- (1) All buildings in which animals are housed and all runs shall be located at least 150 feet from all residential lot lines and 30 feet from all other lot lines.
- (2) Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any adjacent dwelling.

- (3) No animal shall be permitted to use outdoor runs from 8:00 p.m. to 8:00 a.m. that are within 300 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.
- (4) See State law regulating kennels.
- (5) A kennel may be used for breeding.
- (6) Minimum Lot Area. Two acres.
- (7) An evergreen screen shall be required between any outdoor animal runs and any residential lot line.

W. Mobile/Manufactured Home. On an individual lot or within a mobile/manufactured home park.

- (1) Shall be constructed in accordance with the safety and construction standards of the U.S. Department of Housing and Urban Development.
- (2) Shall have a site graded to provide a level, stable and well-drained area.
- (3) Shall have wheels, axles and hitch mechanisms removed.
- (4) Foundation. Shall be securely attached to the ground in such as way as to prevent overturning, shifting or uneven settling of the home. This shall involve the following method, unless the applicant proves to the satisfaction of the Zoning Officer that another method will be used that (a) is recommended by the manufacturer of the home or by the manufacturing housing industry or (b) is specified by the Pennsylvania Uniform Construction Code:
  - (a) The foundation system shall consist of 10 inches diameter concrete piers, concrete footing perpendicular to the main longitudinal frame, or equivalent and shall be installed from ground level to below the frost line (36 inches minimum). This foundation system shall be placed on eight feet centers (unless another length is specified by the manufacturer) along each of the two main longitudinal frames for each section of the home with no more than three feet overhang at each end of the section. The Borough Building Inspector may approve other appropriate equivalent foundation methods, such as concrete trench piers placed perpendicular to the main longitudinal frame or concrete slabs under the entire home footprint.
  - (b) 1/2 inch diameter by 12 inches long eyebolts, u-shaped bars or equivalent metal bars shall be cast in place at each corner and at two midpoints in the concrete piers, concrete footing, slab or equivalent. Concrete blocks shall be used to support the home on the foundation system and wood shims may be used for final

leveling. The concrete support blocks shall not be wider than the support foundation.

(c) The mobile/manufactured home shall be securely anchored or tied down with cable and turn buckles or equivalent connecting the frame to the cast in place eyebolts on at least four corners and two midpoints. The tiedown shall also be in accordance with the manufacturers recommendations furnished with each home.

(d) Mobile homes shall not be placed more than four feet above the supporting ground area.

(5) Mobile/manufactured homes shall be enclosed from the bottom of the home to the ground or stand using either:

(a) Industry-approved skirting material compatible with the home; or,

(b) If a slab foundation is used, masonry walls underneath the home with soil backfill to result in the surrounding ground level to be flush or one normal step in height below the first floor elevation. If this alternative is used, a service access area through the masonry wall shall be installed.

(6) Mobile/manufactured homes shall have a pitched instead of a flat roof.

(7) Mobile/manufactured homes should be located with the longest side facing the public street.

X. Mobile/Manufactured Home Park.

(1) Shall comply with all of the provisions of Article XI of the Gettysburg Subdivision and Land Development Ordinance [Chapter 22], including the submission, approval and improvements provisions, and other provisions.

(2) The placement of each mobile home unit shall require a building permit.

Y. Nightclub. Nightclubs shall meet the requirements for an “auditorium, commercial.”

Z. Nursing Home.

(1) Licensing. See definition in Part 2.

(2) A minimum of 10% of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.

(3) The density shall not exceed more than one resident or bed per 100 square feet of total lot area.

- (4) Setback. Principal and accessory buildings shall be setback a minimum of 20 feet from a residential lot line.

AA. Parking Lot as a Principal Use.

- (1) The parking lot shall not be used for parking of heavy construction equipment unless located in the IND District, for vehicle repairs or for sales unless such uses are specifically permitted by the applicable district regulations.
- (2) Any permitted parking area within a residential district that abuts a residential lot line and that serves a principal business use shall not permit the routine movement of vehicles between 11:00 p.m. and 6:00 a.m.

BB. Personal Care Home. The standards for nursing homes in this Section shall apply.

CC. Places of Worship.

- (1) Minimum Lot Area. 30,000 square feet.
- (2) Weekly religious education rooms and meeting rooms are permitted accessory uses provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the place of worship. A primary or secondary school and/or a child or adult day care center are permitted on the same lot as a place of worship as long as requirements for such uses are also met. Noncommercial buses used primarily to transport persons to and from religious services or a permitted school on the lot may be parked on the lot.
- (3) One dwelling unit may be accessory to a place of worship on the same lot.
- (4) The use of any building for worship by a maximum of six persons, who are not related, at any point in time is not regulated under this Chapter, and is permitted by right in all districts.
- (5) Adequate access shall be provided for the anticipated traffic.
- (6) The proposed use shall not create a negative traffic impact on the surrounding area.

DD. Plant Nursery.

- (1) Evergreen screening and buffer yards are not required around the outdoor storage of trees or shrubs.
- (2) The only retail sales that shall be permitted shall be of trees and plants that were primarily grown upon the lot and clearly customary and

accessory sales of closely related items (such as mulch, topsoil and tools) unless retail sales or a retail store are specifically permitted in the district.

- (3) Minimum Lot Area. 15,000 square feet if there is any retail sales within a primarily residential district.

EE. Recycling Collection Center.

- (1) All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
- (2) Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- (3) A 10 feet buffer yard with evergreen screening shall be provided between this use and any abutting residential lot line.
- (4) This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a Borough-owned use, subject to the limitations of this Section.
- (5) Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum, glass and yard waste. No garbage shall be stored as part of the use, except for that generated onsite and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
- (6) The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning, composting and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard and such operations as are necessary for permitted composting.
- (7) The use shall not routinely include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.
- (8) The use shall include the storage of no more than 200 tons of materials on the site and no such materials shall be within 300 feet of an existing dwelling.
- (9) In the IND District, a recycling center may include the composting of yard waste if:
  - (a) The facility is owned by a municipality or a municipal authority.
  - (b) If composting areas are setback a minimum of 50 feet from any

occupied dwelling on an adjacent lot.

FF. Restaurant, Drive-Thru or Standard.

- (1) Dumpster and Waste Containers shall be suitably screened.
- (2) If a drive-thru is provided, a maximum of two outdoor menu boards are permitted, beyond the signs normally permitted, with a maximum sign area of 40 square feet each, if the words on such signs are not readable from beyond the lot line.
- (3) Traffic circulation onto, within and off of the lot shall be clearly marked. A drive-thru use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site.

GG. School, Public or Private, Primary or Secondary.

- (1) Minimum Lot Area. 30,000 square feet, unless a larger acreage is required by another Section of this Chapter.
- (2) No children's play equipment, basketball courts or illuminated recreation facilities shall be within 25 feet of a residential lot line.
- (3) The use shall not include a dormitory unless specifically permitted in the district.

HH. Self-Storage Development.

- (1) All storage units shall be fire-resistant and water-resistant.
- (2) Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
- (3) Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
- (4) Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
- (5) Major body work on vehicles shall not be permitted. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
- (6) Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
- (7) The use shall be completely surrounded by a buffer yard including

evergreen screening, except along the abutting lot lines of another principal business use.

- (8) Maximum Building Length. 250 feet.
- (9) Minimum Separation Between Buildings. 20 feet.

II. Student Housing, Institutional.

- (1) A dwelling as defined in § 201, that is maintained by an institution or school with its own security force, its own resident advisor on the premises, and an enforced code of conduct for students.

JJ. Solid Waste Transfer Facility.

- (1) All solid waste storage, disposal and incineration shall be at least 250 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than two acres in area.
- (2) All areas to be used for the storage, disposal or incineration of solid waste shall be a minimum of 500 feet from any residential lot line or publicly-owned recreation area or the banks of any perennial creek or river.
- (3) The use shall be served by a minimum of two paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
- (4) No burning or incineration shall be permitted. Any solid waste that is to be stored for more than three hours shall be stored in an enclosed structure.
- (5) The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Borough. Violations of this condition shall also be considered to be violations of this Chapter.
- (6) Open dumps and open burning refuse are prohibited.
- (7) The applicant shall prove to the satisfaction of the Zoning Hearing Board that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas.
- (8) The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use would not routinely create noxious odors off of the tract.
- (9) A chain-link fence or other approved fence with a minimum height of eight feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children. The Board shall require earth berms, evergreen screening and/or shade trees as needed shall be used to prevent operations from being visible from an expressway or arterial

streets or dwellings.

- (10) A minimum total lot area of five acres (which may include land in an adjoining municipality) is required for the first 200 tons per day of capacity to treat or dispose of waste, plus two acres for each additional 100 tons per day of capacity. The facility shall have a maximum total capacity of 400 tons per day.
- (11) Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents, or vectors.
- (12) Attendant. An attendant shall be present during all periods of operation or dumping.
- (13) Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
- (14) Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
- (15) Under authority granted to the Borough under Act 101 of 1988, the hours of operation shall be limited to between 7:00 am and 9:00 pm.
- (16) Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
- (17) Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored or processed in any way. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
- (18) The applicant shall provide sufficient information for the Borough to determine that the requirements of this Chapter will be met.
- (19) The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to Pa. DER at the same time as they are submitted to DER.
- (20) All loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated.

KK. Swimming Pool, Non-Household.

- (1) The water surface shall be setback at least 50 feet from any existing dwelling.

- (2) Minimum Lot Area. One and 1/2 acres.
- (3) Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by evergreen screening.
- (4) The water surface shall be surrounded by a secure, well-maintained fence at least six feet in height.
- (5) Water Service. Any inlet from a central water system shall be above the overflow level of the pool.
- (6) Nuisances. A pool shall not include illumination of adjacent residential properties beyond what is customary in a residential neighborhood. A pool shall also not include the playing of a radio or recorded music at a volume louder than is necessary for the convenient hearing of persons at the pool.

LL. Target Range.

- (1) All target ranges shall have a barrier behind the target area which is of sufficient height and thickness that is more than adequate to protect the public safety. This barrier shall be made of earth for an outdoor firearms range.
- (2) An outdoor firearms target range shall comply with National Rifle Association standards and other applicable Federal, State and local regulations.
- (3) An outdoor firearms target range shall be located a minimum of 500 feet from a residential lot line.
- (4) An outdoor firearms target range shall be fenced and be properly posted.
- (5) The applicant shall show that acceptable noise limits will be met.
- (6) An indoor firearms target range shall be adequately ventilated to allow the building to remain completely enclosed.

MM. Tavern. Any place serving alcoholic beverages that also has a capacity of more than 250 persons for entertainment or dancing shall also meet the standards of a "nightclub."

NN. Townhouses (Single-Family Attached Dwellings).

- (1) Maximum Number of Continuous Attached Dwelling Units, seven.
- (2) Variety in Design. Developments of more than 40 dwelling units should include a variety of complimentary designs and colors between buildings or clusters of buildings to avoid extreme repetition. Extreme design and

color variations on different parts of the same building are discouraged. Variation in roof lines of structures is strongly encouraged.

- (3) Changes in Facade. For every attached grouping of four or more townhouses, a minimum of two changes in the front wall plane shall be provided. Such change shall involve a minimum variation or offset of four feet. This requirement may be met by differing setbacks between an attached garage and a dwelling, or differing setbacks among different dwellings or differing setbacks along the front of a dwelling.
- (4) Buffer Yard. A 10 foot wide buffer yard with screening shall be provided by the developer of the townhouses or low-rise apartments between any townhouse or low-rise apartment principal buildings and any of the following features that are at least partially within 100 feet of such buildings:
  - (a) Any abutting existing single-family detached dwelling; or,
  - (b) The right-of-way of an expressway; or,
  - (c) The right-of-way of an arterial street that abuts the rear of townhouse units.
- (5) To avoid incompatible structures in a higher density environment, townhouse developers are strongly encouraged to establish deed restrictions or homeowner association regulations controlling the general types and materials of attached decks, fences and accessory structures that may be added or constructed in the future.
- (6) Minimum Width of Townhouses. Each townhouse dwelling unit shall have a minimum width of 18 feet, except the minimum width shall be 24 feet for any townhouse that:
  - (a) Has two or more off-street parking spaces located within 20 feet of the front of the townhouse.
  - (b) Has garage door(s) for two or more motor vehicles facing onto a street.
- (7) Minimum Private Area.
  - (a) For each townhouse, there shall be a yard, balcony, patio or other outdoor area other than a driveway immediately adjacent to the front, back or side of each dwelling of not less than 200 square feet for the exclusive use of the occupants of that dwelling.
  - (b) If townhouses are subdivided into individual lots, the minimum lot area shall be the building footprint plus this 200 square feet.
  - (c) Design measures shall be used to seek an appropriate level of privacy in any rear yards. Such measures might include

landscaped screening, compatible fencing or earthen berming. The intent is to avoid the placement of incompatible fencing by individual lot owners in the future.

- (d) Storage. If the maintenance of grass yards in front of or behind a townhouse would be the responsibility of an individual homeowner, a small storage area suitable for storing lawn maintenance equipment shall be provided with appropriate outside access.
- (8) Architectural Renderings. Preliminary architectural renderings, models or photos are required for any garden apartment or townhouse development of more than 15 units. Such information shall be provided to the Planning Commission for an advisory review, but shall not be the basis for any approval or denial by the Borough.
- (9) Paved Area Setback. All off-street parking spaces, except spaces on driveways immediately in front of carport or garage entrance, of principal buildings approved after the adoption of this Chapter shall be setback a minimum of eight feet from any dwelling.
- (10) Garages. It is strongly recommended that all townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
- (11) Mailboxes. Any mailboxes provided within the future street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of noncoordinated types at the curbside are discouraged.
- (12) Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of five or more dwelling units shall have its own driveway entering onto an arterial street.
- (13) Utilities. Both public sewage and public water service shall be provided to each dwelling unit. All utilities within the development, including cable television, shall be placed underground.

OO. Treatment Center.

- (1) The applicant shall provide a written description of all types of residents the use is intended to include over the life of the permit. Any future additions or modifications to this list shall require approval of the Zoning Hearing Board as a special exception.
- (2) The applicant shall prove, with the full burden of proof upon the applicant, to the satisfaction of the Zoning Hearing Board, that such use will involve

adequate supervision and security measures to protect public safety.

- (3) The Zoning Hearing Board may place conditions on the use as necessary to protect public safety, including conditions on the types of residents and security measures.

PP. Use or Establishment with Drive-Thru Facilities.

- (1) Traffic circulation onto, within and off of the lot shall be clearly marked.
- (2) A drive-thru use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. (See “restaurant, drive-thru” for additional requirements for drive-thru restaurants.)

QQ. Veterinarian Office. (includes “animal hospital”)

- (1) Minimum Lot Area. 10,000 square feet, unless a more restrictive requirement is established by another Section of this Chapter.
- (2) Any structure in which animals are treated or housed shall be a minimum of 60 feet from any residential lot line. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
- (3) Outdoor animal runs may be provided for small animals for use between 8:00 a.m. and 8:00 p.m., provided the runs are at least 150 feet from any existing dwelling and provided that the runs for dogs are separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.
- (4) A commercial kennel shall only be an accessory and not a principal use, unless a kennel is permitted in that district and the applicable requirements are met.

RR. Warehouse or Wholesale Sales.

- (1) See off-street loading requirements in §1303.
- (2) No storage of trash, garbage, refuse, highly explosive or flammable materials, hazardous or highly toxic substances, animals, animal carcasses or similar items shall be permitted.
- (3) Uses that would involve the entrance to the use of an average of more than 100 tractor-trailers per weekday shall be required to meet the additional standards in this Section for a trucking company terminal.

§1525. Additional Requirements for Certain Specific Accessory Uses.

This Section establishes additional specific requirements for certain specific accessory uses, in

addition to the other requirements of this Chapter. Each of the following accessory uses shall meet all of the following requirements for that use:

A. Antenna, Private.

- (1) Height. No private antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
- (2) Anchoring. Any private antenna shall be properly anchored to resist high winds.

B. Composting.

- (1) Shall be limited to the composting of biodegradable vegetative material, including grass clippings, trees, shrubs, leaves and vegetable waste. The composting shall not include animal wastes or fats.
- (2) Shall be conducted in such a way that a fire, rodent or disease-carrying insect hazard or seriously noxious odors are not created for occupants of dwellings.
- (3) See also "recycling collection center" in §1524.

C. Day Care Center as Accessory Use to a Residential Use.

- (1) The following shall be the maximum number of children under age 15 that may be cared for in any dwelling unit:
  - (a) In a single family detached dwelling with a minimum lot area of 10,000 square feet and a 10 feet setback from all existing dwellings: maximum of Six children who are not "related" to a permanent resident of the dwelling.
  - (b) In any other dwelling unit: maximum of three children, beyond those children who are "related" to a permanent resident of the dwelling.
- (2) The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
- (3) Any day care center involving seven or more children shall be considered a principal use and meet the standards of §1503 for such use, if permitted. See also day care centers as an accessory to a place of worship (§1503).
- (4) The use shall be actively operated by a permanent resident of the dwelling.
- (5) If four to six children who are not related to a permanent resident of the

dwelling are cared for, then the following requirements shall be met:

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

D. Outdoor Storage and Display. Commercial or industrial as an accessory use.

- (1) Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area.
- (2) No such storage or display shall occur on areas with a slope in excess of 15% or within the one 100 year floodway.
- (3) Screening. See §1510 relating to buffers and screens.
- (4) No commercial or industrial outdoor storage or display shall occur within a required front yard, except:
  - (a) Vehicles for sale or rent.
  - (b) Trees, shrubs and plants for sale.

E. (Reserved for the future.)

F. Recreational Vehicle, Storage of One or Two.

- (1) A maximum of two uninhabited recreational vehicles in transportable condition may be stored or parked on a lot outside of an enclosed building within the following limitations:
  - (a) A recreational vehicle longer than 20 feet shall not be stored or parked for more than four days in any seven day period within a required front yard.
  - (b) A recreational vehicle stored or parked on the lot of a single family detached house shall be setback a minimum of three feet from the lot line of an abutting single family detached dwelling. A recreation vehicle shall not be stored within the existing right-of-way of a public street.
  - (c) Any recreational vehicle that is required to be registered or licensed under State law to be operated and is not registered or licensed shall be kept out of view from any public street or abutting dwelling.

- (d) If a recreational vehicle is stored within the required front yard, it shall be parked on a driveway or asphalt, concrete or paving block area and not upon a grass yard.
  - (2) Any recreation vehicle longer than 20 feet stored on a lot shall be screened from view of any abutting single family detached dwelling by attractive landscaping.
  - (3) A maximum of one recreational vehicle may be inhabited as a temporary accessory residence to a single family detached dwelling for a maximum period of seven days. Such use shall occur only once in a calendar year.
- G. Skateboard Ramps. Any skateboard ramp shall be clearly intended for use by permanent residents of the dwelling and their occasional guests. Any such skateboard ramp shall be a maximum of five feet in height and five feet in length.
- H. Satellite Antennas.
  - (1) Intent. To provide for reception of satellite communications, while assuring that such uses will not detract from the character of any area or adversely affect property values. To recognize that the solidness and visibility of satellite antennas can create a very strong visual impact on a neighborhood compared to most other noncommercial antenna.
  - (2) Satellite antenna shall be a permitted by right accessory use in all districts for all uses subject to the restrictions in this subsection.
  - (3) Location and Number of Satellite Antennae.
    - (a) In the R-1, R-1A, R-2, RO or ROR Districts or the OT District, a satellite antenna shall not be located within the required front yard.
    - (b) A satellite antenna shall comply with the accessory setback requirements of the applicable district.
    - (c) A satellite antenna may be placed on the roof of a structure in a R-1, R-1A, R-2, RO or ROR District or the OT District only if it has a diameter of three feet or less. An antenna may be roof-mounted in any other district, without limitations on visibility.
    - (d) A maximum of two (2) satellite antennae per unit shall be permitted in a residential district.
  - (4) Size and Height.
    - (a) A satellite antenna shall have a maximum diameter of six (6) feet in a R-1, R-1A, R-2, RO or ROR District or the OT District if visible from a public street or a dwelling. No maximum shall apply within other districts.

- (b) A ground-mounted satellite antenna shall have a maximum height of 15 feet above the average ground level in a R-1, R-1A, R-2, RO, ROR District or the OT District if visible from a public street or a dwelling.
- (5) Screening. Any satellite antenna in a R-1, R-1A, R-2, RO, ROR or OT District that is ground-mounted and visible from a public street shall be screened by appropriate evergreen plantings with a minimum height of three feet between the antenna and any public street, unless the applicant proves to the satisfaction of the Zoning Officer that screening in such a location would make it impossible to receive the electronic signals.
- (6) Colors. Earth tones are strongly encouraged.
- (7) Large Lot Exemption. If a satellite antenna is to be located a minimum of 200 feet from all exterior lot lines, the size, height and placement requirements of this Section shall not be binding.
- (8) Mobile Stands. Satellite antenna on mobile stands are prohibited except as may be initially needed to determine the best location for an antenna.
- (9) Transmission. No satellite antenna provided for under this Section shall be used for the transmission of commercial electronic signals within a R-1, R1-A, R-2 or RO District.

I. Unit for Care of Relative.

- (1) See definition of "relative" in Part 2.
- (2) Such Unit shall be considered as an Accessory Use, and shall be restricted to occupancy by a relative of a permanent resident of the principal dwelling unit on the property. A maximum of two persons may inhabit such unit.
- (3) Such relative shall need care and supervision because of old age, disability, handicap or illness.
- (4) Such unit shall be designed and installed in such a way that it can easily be reconverted into part of the principal dwelling unit after such relative no longer lives within it. Once such unit is no longer occupied by such relative, the unit shall be reconverted into part of the principal dwelling unit or be completely removed. The unit shall not be within a portable detached structure.
- (5) Such unit shall require a permit, which shall be renewed annually. The occupants of the principal dwelling unit shall annually report the name, relationship and reason for need for care and supervision of such occupant to the Borough.
- (6) Once a unit under this Section is required to be removed, or is otherwise discontinued, there shall be no physical evidence visible from exterior to

the lot lines that such apartment existed.

§1526. Build-To lines.

1. Build-To lines Established. Build-To lines are hereby established from the existing curb line of all existing and proposed public streets within the Borough or at the edge of the paved cartway if there is no curb. Except as specifically provided in other sections of this Chapter, no buildings shall be placed in the area between the Build-To line and any street curb line, except as permitted in Section 1526 (D). In situations involving a proposed public street, the Build-To line shall be as shown on the subdivision and/or land development plan.
2. Build-To line Requirements.
  - A. Distance requirements for Build-To lines shall be as follows:

<u>District</u>	<u>Build-To line as measured from Street Curb Line (See 1526 (C) below)</u>
R-1	25 feet
R-1A	35 feet
R-2	10 feet
OT	5 to 10 feet
I	20 feet (except as per §1511)
RO	10 feet
ROR	10 feet
TC	15 feet

GC	15 feet
IND	35 feet* (See <u>§1104</u> )
HC	20 feet (except as per §1511)

\* Based on a building height of 45 feet or less.

- B. On any corner lot the required Build-To line shall be provided along both streets.
- C. The Build-To line shall be considered a building setback line in all districts.
- D. Whenever the majority of the existing buildings on a block face have nonconforming Build-To lines, the Build-To line for new buildings may be modified to conform to such majority at the discretion of the Borough Zoning Officer. In no case shall the Build-To line be less than that of any adjacent building.
- E. The Build-To line may vary with a recess or setback to the building or to the Build-To line itself, of up to four (4) feet. However, the Build-To line may have a greater recess or a setback to a building when: topographic or hydrologic conditions on a lot warrant same; an ADA accessible ramp is needed; or §1511 is employed.
- F. The Build-To line may vary up to four (4) feet with a projection to a building or to the Build-To line itself if: no part of any building or sign encroaches upon the street right-of-way; and the required sidewalk can physically fit along the streetscape.

§ 1527. Existing Single-Family Semi-Detached Dwellings.

When a lot which is improved with existing single-family semi-detached dwellings is the subject of a subdivision application for the purpose of enabling single-family residential development and usage on the subdivided lot or lots, the applicant shall not be required to meet the requirements of Section 1526 herein relative to lot requirements. All other requirements of this Part shall apply to the development of the subdivided lot or lots and shall be enforced.

§ 1528. Existing Single-Family Attached Dwellings.

When a lot which is improved with existing single-family attached dwellings is the subject of a subdivision application for the purpose of enabling single-family residential development and usage on the subdivided lot or lots, the applicant shall not be required to meet the requirements of Section 1526 herein relative to lot requirements. All other requirements of this Part shall apply to the development of the subdivided lot or lots and shall be enforced.

§ 1529. Side and Rear Yard Requirements.

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

## PART 16

### Administration

#### §1601. Enforcement.

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

#### §1602. Duties of the Zoning Officer.

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

- A. To receive and review all applications for building permits, special exception permits, variances, and any other requests on matters relative to the administration of this Chapter.
- B. To issue building permits for construction and uses that are in accordance with the provisions of this Chapter and any other applicable ordinance.
- C. To maintain a complete record of all applications and plans for permits and the action taken on each.
- D. To make inspections or investigations to determine compliance or noncompliance with the provisions of this Chapter. After proof of compliance a certificate of use and occupancy shall be issued.
- E. To notify, in writing, the appropriate person or persons when any violation of this Chapter has occurred, indicating the nature of the violation and ordering its discontinuance or correction through the issuance of a stop order. If any such person or persons does not comply with the notice of violation within five days, the Zoning Officer shall take necessary legal action.
- F. To keep this Chapter and the Zoning Map up to date to reflect all actions of Borough Council.
- G. To gather and present any facts, records, or other information to the Planning Commission or Zoning Hearing Board when requested to do so.

#### §1603. Building Permits.

A building permit shall be obtained from the Zoning Officer for any construction, addition, alteration, relocation or conversion or removal or demolition of any building or structure, or the installation of equipment for the operation of a building or structure that does not fall under the Pennsylvania Uniform Construction Code for commercial buildings.

#### §1604. Certificate of Occupancy.

After a building permit has been issued, no building or structure shall be occupied or used, in whole or in part, until a certificate of occupancy is obtained from the Borough Zoning Officer or the Pennsylvania Department of Labor and Industry.

#### §1605. Penalties.

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a (civil enforcement) proceeding, pay a fine of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough. Each day that a violation is continued shall constitute a separate offense. All fines collected for such violations of this Chapter shall be paid to Gettysburg Borough. Penalties for zoning violations shall be consistent with the enforcement remedies as set forth in the Pennsylvania Municipalities Code (see Code for more detail).

#### §1606. Enforcement Remedies.

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, Borough Council, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

## PART 17

### Zoning Hearing Board

#### §1701. Administration and Procedure.

The provisions of the Pennsylvania Municipalities Planning Code, as amended, shall apply in regard to the creation of the Board, the membership of the Board, the removal of Board members, the organization of the Board and expenditures for services (53 P.S. §10101 et seq).

#### §1702. Hearings.

1. Requirements and Procedures. The Board shall conduct hearings and make decisions in accordance with the provisions of the Pennsylvania Municipalities Code, as amended (53 P.S. §10101 et seq.).
2. Notice of Decision. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application in accordance with the provisions of the Pennsylvania Municipalities Planning Code, as amended (53 P.S. §10101 et seq.).

#### §1703. Powers and Duties.

The Zoning Hearing Board shall have the powers and duties in accordance with the provisions of the Pennsylvania Municipalities Planning Code, as amended (53 P.S. §10101, et seq.), including: hearing and deciding appeals, hearing and granting variances and hearing and deciding special exceptions. All requests for variances and special exceptions will first be sent by the Board to the Gettysburg Planning Commission for review and recommendation.

#### §1704. Standards for Zoning Hearing Board Action.

In any instance where the Zoning Hearing Board is required to consider a special exception or variance in accordance with the provisions of this Part, the applicant shall provide evidence to allow the Board to, among other things, consider the following standards. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

##### A. For Variances.

- (1) 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 the Zoning Ordinance in the neighborhood or district in which the property is located.

- (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (3) That such unnecessary hardship has not been created by the appellant.
- (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (6) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and the Zoning Ordinance.

B. For Special Exception.

- (1) The Applicant shall provide evidence to indicate to the Zoning Hearing Board that:
  - (a) The proposed use is consistent with the Purpose of the Part whereby it is permitted, and the overall Purposes contained in Part 1.
  - (b) The proposed use and its location is generally consistent with the Comprehensive Plan, and the current Gettysburg Borough Zoning Map.
  - (c) The proposed use complies with the Lot Requirements and the Building Height of the District where it is proposed.
  - (d) The proposed use is consistent with the General and Supplemental Regulations set forth in Part 15, and the Design Standards of Part 19.
  - (e) The proposed use will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the adjacent property is

adequately safeguarded. Further, the proposed use, located on the proposed property, with the present and proposed characteristics of each, and considering the present and proposed characteristics of the neighboring properties, will not cause negative impacts over and above those typically associated with such uses located and operated in a usual manner.

- (f) The proposed use will provide a fence or a planting screen and/or additional yard or open space area to reduce the effect of the proposed use upon adjacent properties.
  - (g) The proposed use will promote preservation or adaptive re-use of the sites and structures identified by the Local Historic District regulations.
  - (h) The proposed use complies with the required off-street parking and loading regulations in Part 13.
  - (i) The proposed use will provide safe and adequate access to streets and that the Applicant will make any improvements needed to guarantee compatibility with adjacent streets as recommended by the Borough Engineer.
  - (j) The proposed use will provide for pedestrian access to the site.
  - (k) The proposed use will not adversely effect public facilities and utilities such as water, sewer, police and fire protection, schools, etc.
  - (l) The proposed use will comply with the signage regulations of Chapter 19 of the Borough Code.
- (2) The Zoning Hearing Board may attach reasonable conditions as it deems necessary to assure compliance with this Chapter.

PART 18

(Reserved)

## PART 19

### Streetscape Enhancement Overlay District

#### §1901. Purpose

The purpose of this Part is to maintain and improve the Streetscape within the Old Town District and the neighborhoods throughout the Borough, which have a traditional block pattern, and street and alley network, as shown on Exhibit A, the Zoning Map.

#### §1902. Compliance

All new development and redevelopment shall comply with the Design Standards of this Part 19, to the extent shown on Exhibit A, the Zoning Map.

#### §1903. Minimum Requirements

Minimum requirements for the Streetscape Enhancement Overlay District shall be as described and shown on the following pages relative to:

1. Building Location
2. Parking Location
3. Parking Lots & Decks
4. Building Types
5. Building Heights
6. Lighting: Street Lights & Building Lights
7. Gateways
8. Street Trees & Other Landscaping
9. Fences, Walls, Hedges
10. Signage
11. Sidewalks & Crosswalks
12. Streets & Alleys
13. Curb Cuts