

**BOROUGH OF CARROLL VALLEY  
JOINT MEETING  
OF  
PLANNING COMMISSION and BOROUGH COUNCIL  
Monday, November 1, 2021 – 7:00 P.M.  
Borough Office**

**A G E N D A**

**A. Approval of Meeting Minutes**

- A. Minutes of the October 4, 2021 joint meeting

**B. Open to the Public**

**PUBLIC MEETING**

**PROPOSED ZONING ORDINANCE WILL, IF ADOPTED BY THE CARROLL VALLEY BOROUGH COUNCIL, REPEAL AND REPLACE THE EXISTING CARROLL VALLEY BOROUGH ZONING ORDINANCE, ORIGINALLY ADOPTED ON MARCH 5, 1976.**

1. Overview of Proposed Amendment – Rob Thaeler
2. Public Comment

Citizens wishing to comment will be recognized in the Order of their listing on the Appearance Sheet and are asked to stand up and give their name, address, and organization they represent (if applicable). Impromptu comments are limited to five minutes per individual.

3. Adjournment

**REGULAR MEETING (cont'd)**

**C. New Business**

**D. Old Business**

- A. Comprehensive Ordinance Review
- o Chapter 27: Zoning

**E. Adjournment**

**BOROUGH OF CARROLL VALLEY**  
**PLANNING COMMISSION AND BOROUGH COUNCIL JOINT MEETING**  
Monday, October 4, 2021 – 7:00 P.M.  
**BOROUGH OFFICE**

**MINUTES**

Chairman Michael Wight called the meeting to order at 7:00 P.M. The attendance was as follows:

**PLANNING COMMISSION  
MEMBERS**

**Present**

Michael Wight, Chair  
John Schubring  
Sara Laird  
David Lillard  
Sarah Skoczen  
Owen Phelan

**Absent**

Frank Henry

**BOROUGH OFFICIALS, ETC.**

Gayle R. Marthers, Asst. Borough Manager  
David A. Hazlett, Borough Manager  
Ronald J. Harris, Mayor

Rob Thaeler, Adams County Planning

**COUNCIL MEMBERS**

**Present**

Bruce Carr  
Michael Wight  
David Lillard  
John Schubring  
Richard Mathews

**Absent**

Jessica Kraft  
Robert Verderaime

**CONSIDERATION OF THE MINUTES OF THE SEPTEMBER 7, 2021 MEETING of  
PLANNING COMMISSION with BOROUGH COUNCIL**

Following brief discussion:

\*\*\* S. Skoczen moved, J. Schubring seconded, that the Commission accept the minutes of the Planning Commission Meeting with Borough Council of September 7, 2021 as submitted. Motion passed unanimously.

**OPEN TO THE PUBLIC**

The following citizens addressed Members at this time:

Laura Neiderer, of Adams County Planning and Development spoke regarding the County's Long Range Transportation Plan that is being updated. County staff is accepting survey input from citizens, businesses and municipal employees through the end of 2021. Discussion ensued resulting in the following concerns being raised:

- Dangerous intersections:
  - Route 116 (Fairfield Road) and Sanders Road
  - Route 116 (Fairfield Road) and Route 16 at Zora
  - Route 16 and Ranch Trail
  - Route 16 and Valley Trail

- Skylark Trail and Jacks Mountain Road
- Pinehill Trail and Jacks Mountain Road
- Traffic Light installation at the first two (2) on the list. Borough would have to be willing to accept ongoing cost and maintenance after initial install
- Institute a Consistent Speed from Maryland state line to one (1) mile past state shed on Route 16
- Utilize digital signs to alert drivers to their speed when approaching dangerous intersections
- Reduce speed on Route 116 from Ski Run Trail to Spring Trail

### **NEW BUSINESS**

There was none.

### **OLD BUSINESS**

#### Comprehensive Ordinance Review: Chapter 27: Zoning.

Members reviewed the draft ordinance with all relevant updates. Consensus among Members was to proceed to the next level of the Adoption Process. Mayor Harris provided an Adoption Process Worksheet for planning. The Planning Commission will hold an advertised Public Meeting to accept public comment on the Draft Ordinance on Monday, November 1, 2021 at 7pm. Borough staff will work with Mr. Thaeler to ensure proper advertisement.

The following tentative schedule for adoption was agreed to:

- | Action:   | Date Action to be Taken:          |
|---|-----------------------------------|
| ● Planning Commission Public Meeting:   | Monday, November 1, 2021 @ 7:00pm |
| ● Potential Motion by Planning to Move Document to Borough Council for review   | Monday, November 1, 2021          |
| ● Borough Council Sends Document to Adams County Planning for Review  | Wednesday, November 3, 2021       |
| ● Potential Motion by Borough Council to Authorize Advertisement of Public Hearing To occur at the January 11, 2022 meeting | Tuesday, December 14, 2021        |
| ● Potential Motion by Borough Council to Authorize Advertisement of Intent to Adopt at the February 15, 2022 meeting        | Tuesday, January 11, 2022         |
| ● Potential Motion by Borough Council to Adopt Chapter 27:Zoning Ordinance  | Tuesday, February 15, 2022        |

### **ADJOURNMENT**

\*\*\* S. Laird moved; S. Skoczen seconded that the meeting adjourn at 8:30 PM. Motion passed unanimously.

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Gayle R. Marthers, Borough Secretary



# Carroll Valley Borough Zoning Ordinance

Adopted Month, DD, YYYY

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ARTICLE I  
GENERAL PROVISIONS

**Section 100: Short Title**

This Ordinance shall be known and may be cited as the “Carroll Valley Borough Zoning Ordinance.”

**Section 101: Authority**

- A. **Statutory Authority:** Section 601 of the Pennsylvania Municipalities Planning Code, (Act of 1968, P.L. 805, No. 247, as reenacted and amended) provides that the Carroll Valley Borough Council may enact and amend a zoning ordinance to implement community development objectives established by the Borough Council. The Southwest Adams Joint Comprehensive Plan has been adopted by the Borough Council and establishes specific policies and community development objectives that the Borough Council seeks to implement through the adoption of the Carroll Valley Borough Zoning Ordinance.
- B. **Applicability:** This Ordinance requires that, within The Borough of Carroll Valley, in the County of Adams and the Commonwealth of Pennsylvania, no land, body of water, or structure shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all the regulations and procedures herein specified for the zoning district in which such land, body of water, or structure is located.

**Section 102: Purposes**

- A. **General Purposes:** The Carroll Valley Borough Zoning Ordinance is designed to promote, protect, and facilitate any or all of the following:
1. The public health, safety, morals, and general welfare.
  2. Coordinated and practical community development and appropriate density of population.
  3. Emergency preparedness and operation.
  4. Provision of adequate light and air.
  5. Access to solar energy, police protection, vehicle parking and loading spaces, transportation, water service, sewer service, schools, recreation facilities, and public grounds.
  6. Provision of a safe, reliable, and adequate water supply for domestic, commercial, agricultural, and industrial use.
  7. Preservation of the natural, scenic, and historic values in the environment and the preservation of forests, wetlands, aquifers, and floodplains.

8. Prevention of overcrowding of land, blight, danger, and congestion in travel and transportation.
  9. Prevention of loss of health, life, or property from fire, panic, or other dangers.
  10. Provision for the residential use of land within Carroll Valley Borough for various dwelling unit types encompassing all basic forms of housing and including single-family dwellings, two-family dwellings, multi-family dwellings, and mobilehome parks.
  11. Accommodation of reasonable overall community growth, including population and employment growth and economic development.
- B. This Ordinance provides the legal basis and framework for future development and redevelopment in Carroll Valley Borough. Its provisions are guided by the policies and community development objectives established in the Southwest Adams Joint Comprehensive Plan.

ARTICLE II  
DEFINITIONS

**Section 200: Interpretation**

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

**Section 201: Definitions**

**Accessory Building** – A building on the same lot with and used for purposes that are customarily incidental to the principal use of the property.

**Accessory Structure** – A structure on the same lot with and used for purposes that are customarily incidental to the principal use of the property.

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

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

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

**Agricultural Tourism** – Recreation, entertainment, education, and tourism events and activities that are associated with and provide support for the on-going conduct of agricultural operations on a farm or farm property.

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

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

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

**Articulation** – A method of emphasizing the joints in the formal elements of architectural design. In the context of this Ordinance, architectural details used to join two or more separate areas of massing of a building.

**Banded Windows** – One of a horizontal series of three windows or more, separated only by mullions, that form a horizontal band across the facade of a building.

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

**Bed and Breakfast** – A short-term rental within a dwelling, concurrently being occupied by the owner, where overnight lodging and meals, limited to patrons, are provided for compensation to tourist or recreational guests.

**Belt Course** – A molding or projecting course running horizontally along the face of a building.

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

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

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

**Build-to Line** – A line, running parallel to and measured from the front property line, at which construction of the front building façade is to occur on a lot.

**Business Office** – A place of business where management, clerical, and related elements of said business are conducted.

**Candela** – The standard unit of luminous intensity in the International System of Units, and roughly equivalent to the luminous intensity of a single wax candle.

**Car Wash** – A site designed and intended for washing and cleaning of motor vehicles as a commercial use.

**Cemetery** – Land used or intended to be used for the burial of the deceased, and which may include columbariums and mausoleums.

**Child Care Facility** – A facility, developed either as a principal use or as an accessory use to another principal non-residential use, where care is provided at any one time for seven (7) or more children unrelated to the operator.

**Co-location** – The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless communication towers, water towers, utility poles, or any other building or structure not classified as a wireless communication tower that can support the placement or installation of wireless telecommunications facilities

**Community Center** – A building owned by the Borough, non-profit or other community service organization and used as a place of meeting, recreation, or social activity and not operated for profit.

**Commercial Recreation, Indoor** – A business establishment designed and equipped for the conduct of sports and leisure-time activities in an enclosed space.

**Commercial Recreation, Outdoor** – A business establishment designed and equipped for the conduct of sports and leisure-time activities in an unenclosed space.

**Conference Center** – A facility used for conferences and seminars, and which may include accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, meeting rooms, fitness and health center, and retail stores and services for conference center guests.

**Conversion Housing** – Housing created through the renovation of a single-family detached dwelling into two (2) or more individual and independent dwellings without substantially altering the exterior of the building.

**Density** – A measure of the total number of dwelling units per acre of land.

**Determination** – Final action by an officer, body or agency charged with the administration of this Ordinance, and which has that authority as stated in various parts of this Ordinance.

**Distribution Center** – A facility used for receipt, temporary storage, and redistribution of goods as they are received.

**Divider Strip** – A strip of land that separates two adjacent rows of off-street parking in a parking lot, that helps define vehicle circulation patterns within a parking lot, and which may contain parking lot landscaping and accommodations for pedestrians.

**Drive-Through** – An accessory facility to a business use that allows customers to receive service from outside the building housing the business and while remaining inside their vehicle.

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

**Dwelling, Multi-Family** – Any building that includes three (3) or more dwelling units. Includes Single-Family Attached Dwellings and Apartment Buildings.

**Dwelling, Single-Family Attached** – A building used by one (1) family and having at least one (1) party wall in common with other buildings, and where at least three (3) dwelling units are so connected. Includes row house or townhouse.

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

**Dwelling, Single-Family Semi-Detached** – A building containing one dwelling unit, and having a party wall in common with an adjacent building that contains a single dwelling unit.

**Dwelling, Two Family** – A building containing two dwelling units with one dwelling unit being wholly or partly above the other which has no party wall in common with an adjacent building and which may or may not have a common entrance.

**Educational Institution** – Any institution, other than schools as defined herein, that provides full or part-time instruction to students. Such use may include administrative and faculty offices, classroom, laboratories, chapels, lecture halls, dormitories, recreation and athletic facilities, dining facilities, and other facilities accessory to the institution. Such use includes, but is not limited to, colleges, universities, trade schools, business schools, and similar institutions.

**Electronic Message Center** – Any sign or portion of a sign that uses changing illumination to form a message wherein the message and the rate of change of such message is electronically programmed and can be modified by electronic processes. Illumination sources include, but are not limited to, light emitting diodes (LEDs), fiber optics, light bulbs, liquid crystal display (LCD), or other similar forms of illumination.

**Emergency Service** – Organizations whose purpose is to ensure public safety by responding to emergencies when they occur. Includes, but is not necessarily limited to, police, fire, and ambulance services.

**Enforcement Notice** – A notice provided by the zoning officer to a property owner or other person with either fee simple or equitable interest in property in accordance with applicable provisions of this Ordinance indicating that a violation of one or more of the provisions of this Ordinance exist or have been permitted to exist on said property, and identifying the measures that must be taken to remedy said violation(s).

**Evergreen Tree** – A tree with a mature height of at least ten (10) feet and that maintains its foliage throughout the year.

**Family Child Care** – A facility, accessory to and located within a single-family detached residence, in which child day care is provided at any one time for four (4), five (5), or six (6) children unrelated to the operator.

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

**Farm Equipment Sales Facility** – The distribution, sale, and/or servicing of new and used equipment and machinery commonly used for agricultural purposes, not including the sale or service of automobiles.

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

**Farm Stand** – A booth or stall on a farm and from which agricultural products produced on said farm are sold to the general public.

**Farm Worker Housing** – A dwelling unit or dwelling units located on a farm and occupied by persons who are employed on said farm or occupied by families with at least one family member who is employed on said farm.

**Farm-Related Business** – A business located on a farm, and which is incidental to, and supportive of, the use of the property as a farm.

**Fence** – An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth.

**Financial Institution** – A business establishment in which money is kept for saving or commercial purposes, or is invested, supplied for loans, or exchanged. Includes, but is not necessarily limited to, bank, credit union, and savings and loan businesses.

**Floodplain** – Any land area susceptible to inundation by water from any natural source or delineated by applicable FEMA maps and studies as being a special flood hazard area.

**Floodplain or Flood Hazard Ordinance** – The Carroll Valley Borough Floodplains Ordinance, Ordinance No. 2-2009, as may be amended, of the Carroll Valley Borough Code.

**Floor Area Ratio** – The ratio of gross floor area of all buildings on a lot to total lot area.

**Forested Lands** – Properties with 50% or more tree canopy cover as interpreted by staff of the Adams County Office of Planning and Development through an analysis dated September 5<sup>th</sup>, 2017.

**Forestry** – the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.

**Funeral Home** – A building designed for the purpose of the preparation and viewing of the deceased prior to burial or cremation, and which may include crematories and mortuaries.

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



**Governing Body** – The Carroll Valley Borough Council.

**Governmental Use** – Any use proposed by or conducted by a governmental entity, including local, county, state, or federal levels of government.

**Group Child Care** – A facility, accessory to and located in a single-family detached residence, in which childcare is provided at one time for more than six (6) but fewer than sixteen (16) school-age children, or more than six (6) but fewer than thirteen (13) children of another age level, who are unrelated to the operator.

**Group Home** – A dwelling inhabited by disabled persons functioning as a common household unit, and provided with non-routine 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 development disability.

**Heavy Industry** – A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials.

**Home Occupation** – A business conducted within a dwelling or a single building accessory to the dwelling by the inhabitants thereof and which is clearly incidental and subordinate to the primary residential use of the property.

**Homestay** – A short-term rental within any dwelling or accessory building to an owner-occupied dwelling, where such dwelling is concurrently being occupied by the owner, where a maximum of one (1) short-term lodging room is provided for compensation.

**Horticulture** – An operation involving the growing of plants that are used by people for food, for medicinal purposes, and for aesthetic gratification.

**Host Property** – A property upon which is located, or is proposed to be located, a Wind Energy Facility, and where such property is either owned by the operator of the Wind Energy Facility or leased by the property owner to the operator of the Wind Energy Facility.

**Hotel** – A building consisting of lodging rooms designed or occupied primarily as the temporary place of abode of individuals who are lodged for compensation (with or without meals) in which provisions for cooking are generally not made in individual rooms or suites, and where individual rooms or suites are accessed from hallways internal to the building.

**Land Development** – Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
  2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Land Development does not include development which involves:
1. The conversion of an existing single family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
  2. The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building.
  3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

**Infill Housing** – Housing created through the development of two (2) or more dwelling units either on vacant land or as the redevelopment of previously developed land (or a combination thereof within a setting that is otherwise developed).

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

**Landscaping Compliance Table** – A table to be include on zoning applications, land development plan applications, and other applications that demonstrates that the application meets the requirements of this Ordinance with regard to the plantings proposed to be installed on a development site.

**Landscaping Plan** – A site plan that depicts the special placement of the plantings required by this Ordinance on a development site.

**Light Industry** – A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

**Livable Floor Area** – The portion of a dwelling unit used for living purposes, usually having access to heat, plumbing, and electricity, and including foyers, hallways, restrooms, closets, storage, and other common areas within a building.

**Loading Space** – A designated area where delivery vehicles are parked when delivering products to and from a place of business or similar use.

**Lot** – A designated parcel, tract or area of land established by a plan or otherwise as permitted by law and to be used, developed or built upon as a unit. For the purposes of this Ordinance, the term shall be further interpreted as follows:

- A. Any property recorded and consolidated under one deed as a single tract of land with a single set of meets and bounds shall be considered one lot.
- B. Any property comprised of separate tracts of land with separate meets and bounds descriptions already in existence and recorded in a single deed shall be considered separate lots.
- C. Any property comprised of separate tracts of land with separate meets and bounds descriptions, but which was assembled from lots created from the Charnita development and joined through the Borough's lot consolidation process, shall be considered one lot.

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

**Lot Coverage** – The area of any lot covered by buildings, driveways and parking lots (whether paved or provided with crushed stone, pavers, or similar surface), sidewalks, swimming pools, or other similar structural features.

**Lot Width** – The horizontal distance between side lot lines measured at the required front yard setback line.

**Lot, Corner** – A lot located at the intersection of two or more streets

**Lot, Double Frontage** – A lot with front and rear street frontage.

**Major Deciduous Tree** – A canopy tree with a mature height exceeding twenty-five (25) feet and a minimum caliper at the time of planting in excess of two (2) inches.

**Massing** – The primary three-dimensional form, or primary element, of a building or portion of a building and excluding details such as ornamentation.

**Mid-Row Island** – A piece of land, typically connected to a divider strip, that separates groups of parking spaces within a row of parking within a parking lot, and which may contain parking lot landscaping and help define parking lot circulation.

**Minor Deciduous Tree** – A tree with a mature height of between ten (10) and twenty-five (25) feet and a minimum caliper at the time of planting of between one (1) and two (2) inches.

**Manufactured Home** – A dwelling unit assembled or partially assembled away from the site on which it will be located and produced as a standardized unit.

**Mixed-Use Property** – A property that includes, or is proposed to include, two (2) or more principal uses.

**Mobilehome** – A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

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

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

**Motel** – A building or group of buildings, whether detached or in connected units, containing individual rooms designed and used primarily for transient automobile travelers, together with accessory off-street parking facilities, and where such individual rooms are accessed from sidewalks or walkways on the exterior of the building.

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

**Nits** – A unit of measurement of luminance equal to one candela per square meter.

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

**Nonconforming Structure** – A structure or part of a structure, including but not limited to buildings, which does not comply with the applicable use or extent of use provisions in this Ordinance, or an amendment thereto, where such structure lawfully existed prior to the enactment of this Ordinance, or an amendment thereto.

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

**Open Space** – Land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

**Outdoor Wood-Fired Boiler** – Free-standing wood-burning devices that heat liquid for the purposes of providing heat and/or hot water to one or more structures.

**Parent Tract** – A tract of land existing, as of the effective date of the Carroll Valley Borough Zoning Ordinance which could be subjected to future subdivision or land development proposals and approvals.

**Parking Access Drive** – A driveway providing connectivity between a public street and an off-street parking lot.

**Parking Aisle Drive** – A driveway within an off-street parking lot that provides direct access to the individual parking spaces of said off-street parking lot.

**Parking Circulation Drive** – For a larger off-street parking lot, a driveway that extends around the perimeter of said parking lot, and that connects the parking access drive to the parking aisle drives.

**Parking Garage** – A multilevel structure, which may be a standalone principal use or an accessory use to another principal use, and which is designed to accommodate vehicular off-street parking spaces.

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

**Parking Space Row** – Within an off-street parking lot, a grouping of adjoining parking spaces where said parking spaces are arranged in a side-by-side fashion.

**Parking Lot** – An area of a lot set aside for and specifically designed to accommodate the parking of motor vehicles.

**Personal Service Shop** – A business that provides a process directly to the customer at the place of business. Includes, but is not necessarily limited to, barbers, hair stylists, tailors, and similar businesses.

**Place of Worship** – A building, structure, or group of buildings or structures, designed, intended, and used for the assembly of individuals engaging in religious practices. This definition shall include, but is not limited to, churches, temples, chapels, cathedrals, synagogues, and mosques. This definition does not include educational or day-care facilities but may include a residence for a religious leader and his/her family.

**Planning Commission** – The Carroll Valley Borough Planning Commission.

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

One (1) Major Deciduous Tree, or

Two (2) Minor Deciduous Trees, or  
Two (2) Evergreen Trees, or  
Five (5) Shrubs

**Plinth** – A course of projecting concrete or stone along the base of a wall, column, pedestal, or other similar architectural feature.

**Porch** – A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

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

**Prime Farmland** – Land that contains soils listed by the Soil Survey of Adams County, Pennsylvania, issued 2005, and as may be updated, as having Soil Capability Classes I and II.

**Primary Street** – The street that constitutes the street frontage for a property. For a property with two (2) or more street frontages, the street from which the property is addressed. For a property with no street frontage, the street from which the property is addressed.

**Principal Building** – A building in which the main or primary use of a property is conducted, including any structure that is physically attached to said building.

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

**Professional Office** – The office of a member of a recognized profession, such as an accountant, architect, author, dentist, engineer, insurance agent, landscape architect, lawyer, minister or similar religious leader, optometrist, planner, physician, realtor, or similar professions.

**Produce Stand** – A booth or stall from which produce grown on the property is sold to the general public.

**Public Notice** – Notice published once a week for two (2) successive weeks in a newspaper of general circulation in this County. Such notice shall state the time and place of a hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days and not less than seven (7) days from the date of the hearing.

**Recycling Facility** – A facility dedicated to the collection and processing of used or discarded materials with the intent of preparing or packaging said materials to use in the creation of new products.

**Rental Storage** – A commercial facility in which customers can rent space to store possessions.

**Resort** – A building or group of buildings containing guest rooms, restaurants, retail shops, and similar component amenities and with a large portion of the site devoted to recreational activities, such as skiing and golf.

**Restaurant** – A commercial establishment where food is prepared and served to customers.

**Retail Store** – A business that deals in the sale of general goods individually or in small quantities to customers.

**Right-of-Way** – A public or private area, usually configured as a narrow strip of land, that allows for the passage of people, goods, or services. Includes public or private passageways such as roads, bike paths, pedestrian walkways, railroads, utilities, electricity and fuel transmission, and similar features.

**Riparian Buffer** – A vegetated area, along a water feature, that partially protects the water feature from adjacent land uses.

**School** – An institution, whether public, private, or parochial, offering instruction at the pre-school, elementary, middle, junior high, and/or senior high levels in the branches of learning and study required to be taught in the Commonwealth.

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

**Shadow Flicker** – The alternating changes in light intensity caused by the rotating blades of a Wind Turbine casting shadows on the ground or on stationary objects.

**Shopping Plaza** - A group of retail stores planned and designed to function as a unit and having off-street parking as an integral part of the unit.

**Short-Term Rental** – Any dwelling unit or portion thereof, or a building accessory to a dwelling unit, that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than thirty (30) consecutive days. Includes Bed-and-Breakfast, Homestay, and Vacation Rental.

**Shrub** – A woody plant of relatively low height, having several stems arising from the base and lacking a single trunk.

**Sign** – Any device, fixture, placard, or structure that uses any color, form, graphic, illumination (excluding holiday lighting), symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**Sign, Animated** – A sign that revolves, rotates, oscillates, swings, or otherwise moves by mechanical means; or a sign which uses flashes or other changes of lighting to depict action or to create a special effect or scene.

**Sign, Area of** – The entire area within a single continuous perimeter enclosing all elements of the sign that form an integral part of the display, including the perimeter border, and calculated using the best-fit rectangular and / or triangular shape or shapes that approximate the perimeter of the sign display.

**Sign, Billboard** – Any sign that communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

**Sign, Changeable Copy** – A type of sign designed to accommodate a changing message, whether such changing message occurs manually, remotely, or automatically.

**Sign, Community Welcome** – A sign constructed by one or more governmental, institutional, civic, or religious organizations which announces welcome to the community, and which contains no other advertising except for the name(s) of the organization(s).

**Sign, Feather** – A sign made of a flexible material, shaped like a feather, quill, sail, blade, or teardrop, and mounted on a solid or flexible pole or cord.

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

**Sign, Height of** – The vertical distance measured from the elevation of the nearest curb, sidewalk, or street grade to the top of the highest component of the sign, sign face, sign structure, or any other appurtenance of the sign.

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

**Sign, Portable** – A sign that is movable and not permanently attached to a structure or to the ground.

**Sign, Roof** – A sign erected and constructed wholly on and over the eaves of the roof of a building and supported by the roof structure.

**Sign, Wall** – Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

**Site Area** – The total area of land subject to a development proposal. For development proposed on one (1) existing lot, site area shall be equivalent to the lot area. For development proposed on more than one (1) existing lot, and where those existing lots will be consolidated into one parcel for development purposes, the site area shall be equal to the sum of the lot areas of the original existing lots.

**Site-Specific Facility** – A building or a structure within which a public service is provided by a local, county, state, or federal government entity, a municipal authority, an emergency service provider, or a utility provider

**Ski Slopes** – An area developed for snow skiing, with trails and lifts, generally considered to be part of a resort, and including ski rentals and sales, instruction, and eating facilities.



**Solar Energy Production Facility** – A principal use of property, comprised of a system of solar panels, related equipment, substations, and transmission lines, and designed and intended to capture solar energy, convert it to electricity, and convey such electricity to the electricity grid for off-site use.

**Solar Panel** – A structure designed to utilize solar energy as an alternative for, or supplement to, a conventional energy system.

**Special Exception** – A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code and Sections 1906.F and 1908 of this Ordinance.

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

**Studio** – A facility for the staging and/or production of film, television, music video, multi-media, graphic design, or other related activities.

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

**Terminal Island** – A piece of land, typically connected to a divider strip, that defines the end of a row of parking within an off-street parking lot, that separates the end of a row of parking spaces from a parking access drive or parking circulation drive, and which may contain parking lot landscaping and help define parking lot circulation.

**Theater** – A building used for dramatic, operatic, motion pictures, or other performance. Such establishments may include related services such as goods and beverage sales and other concessions.

**Trellis** – A structure of open latticework, used as a support for plantings such as vines and other creeping plants.

**Vacation Rental** – A short-term rental within any dwelling unit or portion thereof, or a building accessory to a dwelling unit, where such dwelling is not concurrently being occupied by the owner, and where rooms within the dwelling unit or accessory building are made available to one (1) or more party(ies) of guests.

**Variance** – Relief granted pursuant to the provisions of Article 1907 of this Ordinance.

**Vegetative Coverage** – The portion of a lot covered by vegetation.

**Vehicle Sales** – The use of a building, land area, or other premises for the display and sale of new and/or used automobiles, trucks, vans, motorcycles, boats, and/or similar vehicles. Such use may include vehicle service and vehicle repair (including warranty repair) as an accessory component to the use.

**Wind Energy Facility** – A facility, comprised on one (1) or more wind turbines and related equipment, which constitutes a principal use on a lot, and which generates electricity primarily for off-site consumption.

**Wind Turbine** – A machine, including but not limited to windmills, which converts wind energy to electric current.

**Wind Turbine Height** – The distance measured from ground level to the highest point of the sweep of the blade(s) of a Wind Turbine, whether or not mounted on a tower.

**Wind Turbine Tower Height** – For Wind Turbines installed on a tower, the distance measured from ground level to the hub to which blade(s) of a Wind Turbine are attached.

**Wireless Communication Facility** – The antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics, and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications service.

**Yard** – A space open to the sky and unoccupied by any building, structure, or merchandise for display or sale.

**Yard, Front** – A yard extending the full width of the lot and situated between the street right-of-way line and the front building line.

**Yard, Interior** – An open, unoccupied space between the building of a dwelling group or its accessory buildings which is not a front, side, rear or exterior yard.

**Yard, Rear** – A yard extending the full width of the lot and situated between the rear lot line and the rear building line.

**Yard, Side** – A yard extending from the front building line to the rear building line and located between the side property line and the side building line.

**Zoning Hearing Board** – The Carroll Valley Borough Zoning Hearing Board.

**Zoning Map** – The map establishing the boundaries of the zoning districts of the Carroll Valley Borough Zoning Ordinance, which map shall be and is a part of this Ordinance.

**Zoning Ordinance** – The Carroll Valley Borough Zoning Ordinance.

**Zoning Officer** – The municipal official duly appointed by the Carroll Valley Borough Council to administer and enforce this Ordinance.

**Zoning Permit** – A permit required by this Ordinance to document compliance with the applicable provisions of this Ordinance.

ARTICLE III  
DESIGNATION OF DISTRICTS

**Section 300: Purpose**

For the purpose of this Ordinance, the land and water courses contained within the boundaries of Carroll Valley Borough are hereby designated into the following districts:

A	Agricultural
R1	Residential / Conservation
R2	Residential Low Density
R3	Residential Medium Density
CC	Community Core
C	Commercial
FO	Floodplain Overlay
RBO	Riparian Buffer Overlay
FLO	Forested Lands Overlay
AO	Airport Overlay

**Section 301: Zoning Map**

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

**Section 302: District Boundaries**

When uncertainty exists as to boundaries of any district as shown on the Zoning Map, the following rules shall apply.

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

**Section 303: Table of Uses**

Uses in each zoning district are cross-referenced in a "Carroll Valley Borough Table of Uses" attached to and made part of this Ordinance. The said table is hereby incorporated by reference into this Ordinance as if it

were fully described herein. The “Carroll Valley Borough Table of Uses” is provided as Appendix B. In the event of inconsistencies between the “Carroll Valley Borough Table of Uses” and the permitted uses listed in the text of any zoning district, the text of the zoning district shall control.

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ARTICLE IV  
AGRICULTURE (A) DISTRICT

**Section 400: Statement of Legislative Intent**

It is hereby declared to be the intent of the A District to:

- A. Protect and stabilize agriculture as an on-going economic activity within appropriate areas of Carroll Valley Borough by generally permitting only those land uses and activities which are agricultural in nature or act in direct support thereof.
- B. Discourage development from occurring on prime farmlands which are most conducive to high crop yields.
- C. Protect agriculture from incompatible uses which may also interfere with normal and customary agricultural practices within agricultural settings.
- D. Provide a range of opportunities for farmers to engage in direct marketing to consumers.
- E. Enable farmers to pursue a range of agriculturally supportive businesses that are supportive of the farm operation and that can provide supplemental income to the farm operation while providing agricultural and entertainment opportunities for customers.

**Section 401: Use Regulations**

- A. **Permitted Uses:** The following uses are permitted in the A District.
  - 1. Agricultural Operations.
  - 2. Animal Hospital.
  - 3. Cemetery, either as a principal use or as an accessory use to a Place of Worship.
  - 4. Farms.
  - 5. Forestry.
  - 6. Horticultural activities, including nurseries and greenhouses.
  - 7. Kennel, Commercial.
  - 8. Place of Worship.
  - 9. Single-Family Detached Dwellings.

- B. **Accessory Uses:** The following uses are permitted as accessory uses to any permitted principal use in the A District.
1. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.
  2. Farm Stand, in accordance with Section 1501.K.
  3. Farm Worker Housing, as an accessory use to a farm or an agricultural operation, in accordance Section 1501.L.
  4. Home Occupations, in accordance with Section 1501.P.
  5. Homestay, in accordance with Section 1501.Q.
  6. No-Impact Home-Based Businesses, in accordance with Section 1501.U.
  7. Produce Stand, in accordance with Section 1501.W.
  8. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1501.JJ.
  9. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1501.KK.
- C. **Special Exception Uses:** The following uses are permitted by Special Exception in the A District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 1908 of this Ordinance.
1. Bed and Breakfast Operations, in accordance with Section 1501.B.
  2. Farm Equipment Sales Facility, in accordance with Section 1501.H.
  3. Farm Market and/or Agricultural Tourism in accordance with Section 1501.I.
  4. Farm-Related Business, in accordance with Section 1501.J.
  5. Solar Energy Production Facility, in accordance with Section 1501.NN.
  6. Vacation Rental, in accordance with Section 1501.HH.
  7. Wind Energy Facility, in accordance with Section 1501.OO.

8. Wireless Communication Facility – Tower Based – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1501.LL.
9. Wireless Communications Facility – Tower Based – Outside Public Right-of-Way, in accordance with Section 1501.MM.
10. Uses not expressly permitted elsewhere in this Ordinance, and that exhibit the same general character of the uses listed in Section 401, when authorized as a Special Exception by the Zoning Hearing Board in accordance with Section 1501.GG and 1908.

**Section 402: General District Requirements**

- A. **General District Requirements:** All principal buildings, structures, and uses erected or established after the adoption date of this ordinance shall comply with the following requirements.
1. Lot Allocation: Existing parcels shall be permitted to subdivide the following number of lots, based upon the property size as of the original date of application of this Ordinance, as may be amended or reenacted, to the subject parcel:

Size of Property	Maximum Number of Lots
2 acres to less than 10 acres	1
10 acres to less than 25 acres	2
25 acres to less than 50 acres	3
50 acres to less than 100 acres	4
Over 100 acres	5 plus 1 for each 50 acres over 100 acres

2. Re-Subdivision: Re-subdivision of lots created after the original date of application of this Ordinance to the subject parcel shall be subject to the overall lot allocation determined for the parcel as it existed on said original date of application.
3. Large Lot/Lot Consolidation Option: Landowners may elect to combine the lot allocations that they are entitled to by the scale established in Section 402.A.1 to create a lot that is larger than the ordinarily required maximum lot area for the given use. If this option is elected, the maximum area of the large lot created by combining two or more of the entitled lot allocations, shall be determined by adding two (2) acres to the maximum lot size for the given use for each additional lot allocation used to create the new lot.
4. Where new lots are proposed in accordance with this Section, but where all of the lots allocated in Section 402.A.1 are not used, the subdivision plan shall indicate which lot or lots retain the right to subdivide the remaining lot allocation.
5. All subdivision plans shall indicate the number of lots allocated to the parent tract, based on the scale established in Section 402.A.1, the number of lots previously subdivided from the parent tract, the number of new lots proposed by the subdivision plan, and the number of lots remaining from the allocation that may be subdivided.

- B. All subdivision plan submissions shall include a sheet that depicts existing site characteristics associated with agricultural function of the property and area. This information can be incorporated into an overall existing conditions sheet for the subdivision plan. The sheet shall include the following information.
1. Size, shape and dimensions of the farm or property; size and location of all existing building; and size, location and use of all proposed buildings or lots.
  2. Lots or uses previously approved under these regulations.
  3. Land under active cultivation and land in woodlots or forests.
  4. Soil information for the parcel, including extent of prime farmland, soil series and soil capability class, subclass, and unit as classified by the most current version of the Soil Survey of Adams County, Pennsylvania, as published by the United States Department of Agriculture, Natural Resources Conservation Service. Any property owner who disagrees with the classification of his or her property or any part of it by the most current version of the Soil Survey of Adams County, Pennsylvania, may submit a scientifically based analysis of the soils on that portion of the property which he or she seeks to develop.
- C. Applications to subdivide a property shall be subject to the following criteria.
1. All nonagricultural uses or lots shall be established or located on non-prime farmland (Soil Capability Classes III - VIII), when such land is available; or on lots or lands which cannot feasibly be farmed due to existing features of the site such as rock outcroppings, heavily wooded areas, or property configuration that is insufficient to permit the efficient use of farm machinery. In all cases, such lots shall be located on the least agriculturally productive land feasible, and so as to minimize interference with agricultural production.
  2. The least suitable farmland (highest number Soil Capability Unit) shall be utilized for development in all cases, unless the applicant can demonstrate its unsuitability for the proposed use. When a soil has been determined to be unsuitable because of slope, drainage, flooding, sewage disposal deficiencies or other physical characteristics, then the least suitable remaining farmland shall be utilized for development.
  3. When a farm or property is comprised entirely of prime farmland (Soil Capability Classes I and II), then the least suitable or least prime land shall be utilized for development.
  4. Lots and uses shall be grouped, where possible, adjacent to other similar lots and uses to avoid a scattering of development. Lots and uses shall not be located near intensive farming operations.

**Section 403: Dimensional Requirements**

**A. Minimum Lot Area**



1. **Single-Family Detached Dwelling:** One (1) acre.
2. **All Other Uses Not Otherwise Defined:** One (1) acre.

B. **Maximum Lot Area**

1. **Single-Family Detached Dwelling:** Two (2) acres, unless the Large Lot/Lot Consolidation Option established in Section 402.A.3 is applied.
2. **Non-Residential Uses not Associated with a Farm or Agricultural Operation:** Four (4) Acres, unless the Large Lot/Lot Consolidation Option established in Section 402.A.3 is applied.
3. **Farm and Agricultural Operation Uses:** None.

C. **Minimum Lot Width**

1. **Single Family Detached Dwelling:** One Hundred Twenty-five (125) feet.
2. **All Other Uses:** One Hundred Fifty (150) feet.

D. **Minimum Front Setback:** Thirty-five (35) feet.

E. **Minimum Side Setback:** Twenty (20) feet.

F. **Minimum Rear Setback:** Twenty (20) feet.

G. **Maximum Lot Coverage**

1. **Residential Uses:** Twenty-five percent (25%).
2. **Farm and Agricultural Uses:** Thirty-five percent (35%).
3. **Other Uses:** Thirty percent (30%).

H. **Minimum Vegetative Coverage**

1. **Residential Uses:** Seventy-five percent (75%).
2. **Farm and Agricultural Uses:** Sixty-five percent (65%).
3. **Other Uses:** Seventy percent (70%).

I. **Maximum Building Height**

1. **Farms and Agricultural Operations:** One hundred (100) feet.
2. **All Other Uses:** Thirty-five (35) feet.

J. **Minimum Dwelling Unit Livable Floor Area**

1. **Single-Family Detached Dwelling:** One Thousand (1,000) square feet

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ARTICLE V  
RESIDENTIAL CONSERVATION (R1) DISTRICT

**Section 500: Statement of Legislative Intent**

It is hereby declared to be the intent of the R1 District to:

- A. Recognize the existence of various neighborhoods within Carroll Valley that have developed or are developing with primarily single-family detached residential character.
- B. Recognize that properties within this setting are affected by various site limitations such as, but not limited to, soil characteristics, slope, and wooded cover that impacts how properties in this setting may be developed.
- C. Apply dimensional standards that reflect the existing developed character in these residential neighborhoods in terms of building placement and lot coverage.
- D. Apply site development standards designed to minimize impact on natural and environmental resources.
- E. Provide opportunities for compatible home-based business opportunities within existing residential neighborhoods.
- F. Provide for neighborhood supporting nonresidential uses such as civic uses and home businesses.
- G. Provide for accessory buildings of an appropriate size and scale within existing residential neighborhoods.

**Section 501: Use Regulations**

- A. **Permitted Uses:** The following uses are permitted in the R1 District.
  - 1. Forestry.
  - 2. Public Park, Recreation, and Resource Management Uses.
  - 3. Single Family Detached Dwellings.
  - 4. Site-Specific Borough Facilities.
  - 5. Site-Specific Utility Facilities.
- B. **Accessory Uses:** The following uses are permitted as accessory uses to any permitted principal use in the R1 District.

1. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.
  2. Group Child Care, in accordance with Section 1501.C.
  3. Home Occupations, in accordance with Section 1501.P.
  4. Homestay, in accordance with Section 1501.Q.
  5. No-Impact Home-Based Businesses, in accordance with Section 1501.U.
  6. Produce Stand, in accordance with Section 1501.W.
  7. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1501.JJ.
  8. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1501.KK.
- C. **Special Exception Uses:** The following uses are permitted by Special Exception in the R1 District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 1908 of this Ordinance:
1. Uses not expressly permitted elsewhere in this Ordinance, and that exhibit the same general character of the uses listed in Section 501, when authorized as a Special Exception by the Zoning Hearing Board in accordance with Section 1501.GG and 1908.

### **Section 502: Dimensional Requirements**

#### A. **Minimum Lot Area**

1. **Single-Family Detached Dwelling:** Twenty-one Thousand Seven Hundred Eighty (21,780) square feet.
2. **Public Park, Recreation, and Resource Management Uses:** None.
3. **All Other Uses:** One (1) Acre.

#### B. **Minimum Lot Width**

1. **Single Family Detached Dwelling:** One Hundred (100) feet.
2. **Public Park, Recreation, and Resource Management Uses:** None.

3. **All Other Uses:** One Hundred Fifty (150) feet.

C. **Minimum Front Setback**

1. **Base Standard:** Fifty (50) feet.
2. **Riparian Buffer Overlay Incentive Standard:** For a property within the RBO District, and where the existing riparian buffer area is proposed to be retained in accordance with Section 1101.B or where riparian buffer area is proposed to be restored in accordance with Section 1101.C, the Minimum Front Setback standard may be reduced to forty (40) feet.
3. **Forested Lands Overlay Incentive Standards:** For a property within the FLO District, and where the existing forested lands are proposed to be retained in accordance with Section 1201.B, the Minimum Front Setback standard may be reduced to forty (40) feet.
4. For a property within both the RBO and FLO District, and where the provisions of both overlay districts are met, the Minimum Front Setback standard may be reduced to thirty-five (35) feet.

D. **Minimum Side Setback**

1. **Base Standard:** Twenty (20) feet.
2. **Riparian Buffer Overlay Incentive Standard:** For a property within the RBO District, and where the existing riparian buffer area is proposed to be retained in accordance with Section 1101.B or where riparian buffer area is proposed to be restored in accordance with Section 1101.C, the Minimum Side Setback standard may be reduced to fifteen (15) feet.
3. **Forested Lands Overlay Incentive Standards:** For a property within the FLO District, and where the existing forested lands are proposed to be retained in accordance with Section 1201.B, the Minimum Side Setback standard may be reduced to fifteen (15) feet.
4. For a property within both the RBO and FLO District, and where the provisions of both overlay districts are met, the Minimum Side Setback standard may be reduced to ten (10) feet.

E. **Minimum Rear Setback**

1. **Base Standard:** Thirty (30) feet.
2. **Riparian Buffer Overlay Incentive Standard:** For a property within the RBO District, and where the existing riparian buffer area is proposed to be retained in accordance with Section 1101.B or where riparian buffer area is proposed to be restored in accordance with Section 1101.C, the Minimum Side Setback standard may be reduced to twenty-five (25) feet.

3. **Forested Lands Overlay Incentive Standards:** For a property within the FLO District, and where the existing forested lands are proposed to be retained in accordance with Section 1201.B, the Minimum Rear Setback standard may be reduced to twenty-five (25) feet.
4. For a property within both the RBO and FLO District, and where the provisions of both overlay districts are met, the Minimum Side Setback standard may be reduced to twenty (20) feet.

F. **Maximum Lot Coverage**

1. **Residential Uses**

- a. **Base Standard:** Twenty percent (20%)
- b. **Riparian Buffer Overlay Incentive Standard:** For a property within the RBO District, and where the existing riparian buffer area is proposed to be retained in accordance with Section 1101.B or where riparian buffer area is proposed to be restored in accordance with Section 1101.C, the Maximum Lot Coverage standard may be increased to twenty-five percent (25%).
- c. **Forested Lands Overlay Incentive Standards:** For a property within the FLO District, and where the existing forested lands are proposed to be retained in accordance with Section 1201.B, the Maximum Lot Coverage standard may be increased to twenty-five percent (25%)
- d. For a property within both the RBO and FLO District, and where the provisions of both overlay districts are met, the Maximum Lot Coverage standard may be increased to thirty percent (30%).

2. **Non-residential Uses**

- a. **Base Standard:** Thirty-five percent (35%)
- b. **Riparian Buffer Overlay Incentive Standard:** For a property within the RBO District, and where the existing riparian buffer area is proposed to be retained in accordance with Section 1101.B or where riparian buffer area is proposed to be restored in accordance with Section 1101.C, the Maximum Lot Coverage standard may be increased to forty percent (40%).
- c. **Forested Lands Overlay Incentive Standards:** For a property within the FLO District, and where the existing forested lands are proposed to be retained in accordance with Section 1201.B, the Maximum Lot Coverage standard may be increased to forty percent (40%)
- d. For a property within both the RBO and FLO District, and where the provisions of both overlay districts are met, the Maximum Lot Coverage standard may be increased to forty-five percent (45%).

**G. Minimum Vegetative Coverage**

1. **Residential Uses:** Eighty percent (80%).
  - a. **Base Standard:** Eighty percent (80%)
  - b. **Riparian Buffer Overlay Incentive Standard:** For a property within the RBO District, and where the existing riparian buffer area is proposed to be retained in accordance with Section 1101.B or where riparian buffer area is proposed to be restored in accordance with Section 1101.C, the Minimum Vegetative Coverage standard may be reduced to seventy-five percent (75%).
  - c. **Forested Lands Overlay Incentive Standards:** For a property within the FLO District, and where the existing forested lands are proposed to be retained in accordance with Section 1201.B, the Minimum Vegetative Coverage standard may be reduced to seventy-five percent (75%)
  - d. For a property within both the RBO and FLO District, and where the provisions of both overlay districts are met, the Minimum Vegetative Coverage standard may be reduced to seventy percent (70%).
2. **Non-residential Uses**
  - a. **Base Standard:** Sixty percent (65%)
  - b. **Riparian Buffer Overlay Incentive Standard:** For a property within the RBO District, and where the existing riparian buffer area is proposed to be retained in accordance with Section 1101.B or where riparian buffer area is proposed to be restored in accordance with Section 1101.C, the Maximum Lot Coverage standard may be reduced to sixty percent (60%).
  - c. **Forested Lands Overlay Incentive Standards:** For a property within the FLO District, and where the existing forested lands are proposed to be retained in accordance with Section 1201.B, the Minimum Vegetative Coverage standard may be reduced to sixty percent (60%)
  - d. For a property within both the RBO and FLO District, and where the provisions of both overlay districts are met, the Minimum Vegetative Coverage standard may be reduced to sixty-five percent (65%).

H. **Maximum Building Height:** Thirty (35) feet.

I. **Minimum Dwelling Unit Livable Floor Area:** One Thousand (1,000) square feet.

ARTICLE VI  
RESIDENTIAL LOW DENSITY (R2) DISTRICT

**Section 600: Statement of Legislative Intent**

It is hereby declared to be the intent of the R2 District to:

- A. Recognize the existence of various neighborhoods within Carroll Valley that have developed or are developing with primarily single-family detached residential character.
- B. Apply dimensional standards that reflect the existing developed character in these residential neighborhoods in terms of building placement and lot coverage.
- C. Enable new single-family detached residential neighborhoods, that comprise similar lot design and dimensional characteristics of existing neighborhoods, in locations that represent logical extensions of existing single-family detached residential neighborhoods.
- D. Provide opportunities for compatible home-based business opportunities within existing residential neighborhoods.
- E. Provide for neighborhood supporting nonresidential uses such as civic uses, home businesses and childcare facilities.
- F. Provide for accessory buildings of an appropriate size and scale within existing residential neighborhoods.

**Section 601: Use Regulations**

- A. **Permitted Uses:** The following uses are permitted in the R2 District.
  - 1. Forestry.
  - 2. Place of Worship.
  - 3. Public Park, Recreation, and Resource Management Uses.
  - 4. Schools.
  - 5. Single Family Detached Dwellings.
  - 6. Site-Specific Borough Facilities.
  - 7. Site-Specific Utility Facilities.



- B. **Accessory Uses:** The following uses are permitted as accessory uses to any permitted principal use in the R2 District.
1. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.
  2. Group Child Care, in accordance with Section 1501.C.
  3. Home Occupations, in accordance with Section 1501.P.
  4. Homestay, in accordance with Section 1501.Q.
  5. No-Impact Home-Based Businesses, in accordance with Section 1501.U.
  6. Produce Stand, in accordance with Section 1501.W.
  7. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1501.JJ.
  8. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1501.KK.
- C. **Special Exception Uses:** The following uses are permitted by Special Exception in the R2 District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 1908 of this Ordinance.
1. Group Home, in accordance with Section 1501.N.
  2. Vacation Rental, in accordance with Section 1501.HH.
  3. Wireless Communication Facility – Tower Based – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1501.LL.
  4. Uses not expressly permitted elsewhere in this Ordinance, and that exhibit the same general character of the uses listed in Section 601, when authorized as a Special Exception by the Zoning Hearing Board in accordance with Section 1501.GG and 1908.

**Section 602: Dimensional Requirements**

A. **Minimum Lot Area**

1. **Single-Family Detached Dwelling:** Twenty-one Thousand Seven Hundred Eighty (21,780) square feet.

2. **Public Park, Recreation, and Resource Management Uses:** None.
3. **All Other Uses:** One (1) Acre.

**B. Minimum Lot Width**

1. **Single Family Detached Dwelling:** One Hundred (100) feet.
2. **Public Park, Recreation, and Resource Management Uses:** None.
3. **All Other Uses:** One Hundred Fifty (150) feet.

**C. Minimum Front Setback**

1. **Base Standard:** Thirty-five (35) feet.
2. **Riparian Buffer Overlay Incentive Standard:** For a property within the RBO District, and where the existing riparian buffer area is proposed to be retained in accordance with Section 1101.B or where riparian buffer area is proposed to be restored in accordance with Section 1101.C, the Minimum Front Setback standard may be reduced to thirty (30) feet.
3. **Forested Lands Overlay Incentive Standards:** For a property within the FLO District, and where the existing forested lands are proposed to be retained in accordance with Section 1201.B, the Minimum Front Setback standard may be reduced to thirty (30) feet.
4. For a property within both the RBO and FLO District, and where the provisions of both overlay districts are met, the Minimum Front Setback standard may be reduced to twenty-five (25) feet.

**D. Minimum Side Setback**

1. **Base Standard:** Fifteen (15) feet.
2. **Riparian Buffer Overlay Incentive Standard:** For a property within the RBO District, and where the existing riparian buffer area is proposed to be retained in accordance with Section 1101.B or where riparian buffer area is proposed to be restored in accordance with Section 1101.C, the Minimum Side Setback standard may be reduced to ten (10) feet.
3. **Forested Lands Overlay Incentive Standards:** For a property within the FLO District, and where the existing forested lands are proposed to be retained in accordance with Section 1201.B, the Minimum Side Setback standard may be reduced to ten (10) feet.
4. For a property within both the RBO and FLO District, and where the provisions of both overlay districts are met, the Minimum Side Setback standard may be reduced to five (5) feet.

**E. Minimum Rear Setback**

1. **Base Standard:** Twenty (20) feet.
2. **Riparian Buffer Overlay Incentive Standard:** For a property within the RBO District, and where the existing riparian buffer area is proposed to be retained in accordance with Section 1101.B or where riparian buffer area is proposed to be restored in accordance with Section 1101.C, the Minimum Side Setback standard may be reduced to fifteen (15) feet.
3. **Forested Lands Overlay Incentive Standards:** For a property within the FLO District, and where the existing forested lands are proposed to be retained in accordance with Section 1201.B, the Minimum Rear Setback standard may be reduced to fifteen (15) feet.
4. For a property within both the RBO and FLO District, and where the provisions of both overlay districts are met, the Minimum Side Setback standard may be reduced to ten (10) feet.

F. **Maximum Lot Coverage**

1. **Residential Uses**

- a. **Base Standard:** Thirty percent (30%)
- b. **Riparian Buffer Overlay Incentive Standard:** For a property within the RBO District, and where the existing riparian buffer area is proposed to be retained in accordance with Section 1101.B or where riparian buffer area is proposed to be restored in accordance with Section 1101.C, the Maximum Lot Coverage standard may be increased to thirty-five percent (35%).
- c. **Forested Lands Overlay Incentive Standards:** For a property within the FLO District, and where the existing forested lands are proposed to be retained in accordance with Section 1201.B, the Maximum Lot Coverage standard may be increased to thirty-five percent (35%)
- d. For a property within both the RBO and FLO District, and where the provisions of both overlay districts are met, the Maximum Lot Coverage standard may be increased to forty percent (40%).

2. **Non-residential Uses**

- a. **Base Standard:** Forty-five percent (45%)
- b. **Riparian Buffer Overlay Incentive Standard:** For a property within the RBO District, and where the existing riparian buffer area is proposed to be retained in accordance with Section 1101.B or where riparian buffer area is proposed to be restored in accordance with Section 1101.C, the Maximum Lot Coverage standard may be increased to fifty percent (50%).

- c. **Forested Lands Overlay Incentive Standards:** For a property within the FLO District, and where the existing forested lands are proposed to be retained in accordance with Section 1201.B, the Maximum Lot Coverage standard may be increased to fifty percent (50%)
- d. For a property within both the RBO and FLO District, and where the provisions of both overlay districts are met, the Maximum Lot Coverage standard may be increased to fifty-five percent (55%).

G. **Minimum Vegetative Coverage**

1. **Residential Uses**

- a. **Base Standard:** Seventy percent (70%)
- b. **Riparian Buffer Overlay Incentive Standard:** For a property within the RBO District, and where the existing riparian buffer area is proposed to be retained in accordance with Section 1101.B or where riparian buffer area is proposed to be restored in accordance with Section 1101.C, the Minimum Vegetative Coverage standard may be reduced to sixty-five percent (65%).
- c. **Forested Lands Overlay Incentive Standards:** For a property within the FLO District, and where the existing forested lands are proposed to be retained in accordance with Section 1201.B, the Minimum Vegetative Coverage standard may be reduced to sixty-five percent (65%)
- d. For a property within both the RBO and FLO District, and where the provisions of both overlay districts are met, the Minimum Vegetative Coverage standard may be reduced to sixty percent (60%).

2. **Non-residential Uses**

- a. **Base Standard:** Fifty percent (55%)
- b. **Riparian Buffer Overlay Incentive Standard:** For a property within the RBO District, and where the existing riparian buffer area is proposed to be retained in accordance with Section 1101.B or where riparian buffer area is proposed to be restored in accordance with Section 1101.C, the Maximum Lot Coverage standard may be reduced to fifty percent (50%).
- c. **Forested Lands Overlay Incentive Standards:** For a property within the FLO District, and where the existing forested lands are proposed to be retained in accordance with Section 1201.B, the Minimum Vegetative Coverage standard may be reduced to fifty percent (50%)

- d. For a property within both the RBO and FLO District, and where the provisions of both overlay districts are met, the Minimum Vegetative Coverage standard may be reduced to forty-five percent (45%).
- H. **Maximum Building Height:** Thirty-five (35) feet.
- I. **Minimum Dwelling Unit Livable Floor Area:** Eight Hundred and Fifty (850) square feet.

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ARTICLE VII  
RESIDENTIAL MEDIUM DENSITY (R3) DISTRICT

**Section 700: Statement of Legislative Intent**

It is hereby declared to be the intent of the R3 District to:

- A. Recognize the existence of various neighborhoods within the portion of Carroll Valley that are served by public sewer service and that have developed with primarily single-family detached residential character.
- B. Enable, as a form of infill development, the limited development of new attached forms of housing or the conversion of existing single-family detached residences into attached forms of housing in a manner that retains the primarily single-family detached character of existing neighborhoods.
- C. Provide opportunities for compatible home-based business opportunities within existing and proposed residential neighborhoods.
- D. Provide for neighborhood supporting nonresidential uses such as civic uses, home businesses and care facilities.
- E. Provide for accessory buildings of an appropriate size and scale within existing residential neighborhoods.

**Section 701: Use Regulations**

- A. **Permitted Uses:** The following uses are permitted in the R3 District.
  - 1. Forestry.
  - 2. Place of Worship.
  - 3. Public Park, Recreation, and Resource Management Uses.
  - 4. Schools.
  - 5. Single Family Detached Dwellings.
  - 6. Site-Specific Borough Facilities.
  - 7. Site-Specific Utility Facilities.
- B. **Accessory Uses:** The following uses are permitted as accessory uses to any permitted principal use in the R3 District.

1. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.
  2. Group Child Care, in accordance with Section 1501.C.
  3. Home Occupations, in accordance with Section 1501.P.
  4. Homestay, in accordance with Section 1501.Q.
  5. No-Impact Home-Based Businesses, in accordance with Section 1501.U.
  6. Produce Stand, in accordance with Section 1501.W.
  7. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1501.JJ.
  8. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1501.KK.
- C. **Special Exception Uses:** The following uses are permitted by Special Exception in the R3 District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 1908 of this Ordinance.
1. Conversion Housing, in accordance with Section 1501.E.
  2. Group Home, in accordance with Section 1501.N.
  3. Infill Housing, in accordance with Section 1501.R.
  4. Vacation Rental, in accordance with Section 1501.HH.
  5. Wireless Communication Facility – Tower Based – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1501.LL.
  6. Uses not expressly permitted elsewhere in this Ordinance, and that exhibit the same general character of the uses listed in Section 701, when authorized as a Special Exception by the Zoning Hearing Board in accordance with Section 1501.GG and 1908.

### **Section 702: Dimensional Requirements**

#### **A. Minimum Lot Area**

1. **Single-Family Detached Dwellings:** Fifteen thousand (15,000) square feet.

2. **Conversion Housing:** Ten Thousand (10,000) square feet per dwelling unit.
3. **Infill Housing:** Fifteen Thousand (15,000) square feet per dwelling unit.
4. **All Other Uses:** Twenty-one Thousand Seven Hundred Eighty (21,780) square feet.

C. **Minimum Lot Width**

1. **Single-Family Detached Dwellings:** One Hundred (100) feet.
2. **Conversion Housing:** Fifty (50) feet per dwelling unit.
3. **Infill Housing:** Sixty (60) feet per dwelling unit.
4. **All Other Uses:** One Hundred Fifty (150) feet.

D. **Minimum Front Setback:**

1. **Base Standard:** Twenty-five (25) feet.
2. **Riparian Buffer Overlay Incentive Standard:** For a property within the RBO District, and where the existing riparian buffer area is proposed to be retained in accordance with Section 1101.B or where riparian buffer area is proposed to be restored in accordance with Section 1101.C, the Minimum Front Setback standard may be reduced to twenty (20) feet.
3. **Forested Lands Overlay Incentive Standards:** For a property within the FLO District, and where the existing forested lands are proposed to be retained in accordance with Section 1201.B, the Minimum Front Setback standard may be reduced to twenty (20) feet.
4. For a property within both the RBO and FLO District, and where the provisions of both overlay districts are met, the Minimum Front Setback standard may be reduced to twenty (20) feet.

E. **Minimum Side Setback**

1. **Base Standards.**
  - a. **Single-Family Detached Dwellings:** Ten (10) feet.
  - b. **Conversion Housing:** Ten (10) feet.
  - c. **Infill Housing:** Fifteen (15) feet.
  - d. **All Other Uses:** Twenty (20) feet.



2. **Riparian Buffer Overlay Incentive Standard:** For a property within the RBO District, and where the existing riparian buffer area is proposed to be retained in accordance with Section 1101.B or where riparian buffer area is proposed to be restored in accordance with Section 1101.C, the Minimum Side Setback standard may be reduced by five (5) feet from the Base Standard for the given use.
3. **Forested Lands Overlay Incentive Standards:** For a property within the FLO District, and where the existing forested lands are proposed to be retained in accordance with Section 1201.B, the Minimum Side Setback standard may be reduced by five (5) feet from the Base Standard for the given use.
4. For a property within both the RBO and FLO District, and where the provisions of both overlay districts are met, the Minimum Side Setback standard may be reduced by five (5) feet from the Base Standard for the given use.

F. **Minimum Rear Setback**

1. **Base Standards**
  - a. **Single-Family Detached Dwellings:** Ten (10) feet.
  - b. **Conversion Housing:** Ten (10) feet.
  - c. **Infill Housing:** Fifteen (15) feet.
  - d. **All Other Uses:** Twenty (20) feet.
2. **Riparian Buffer Overlay Incentive Standard:** For a property within the RBO District, and where the existing riparian buffer area is proposed to be retained in accordance with Section 1101.B or where riparian buffer area is proposed to be restored in accordance with Section 1101.C, the Minimum Rear Setback standard may be reduced by five (5) feet from the Base Standard for the given use.
3. **Forested Lands Overlay Incentive Standards:** For a property within the FLO District, and where the existing forested lands are proposed to be retained in accordance with Section 1201.B, the Minimum Rear Setback standard may be reduced by five (5) feet from the Base Standard for the given use.
4. For a property within both the RBO and FLO District, and where the provisions of both overlay districts are met, the Minimum Rear Setback standard may be reduced by five (5) feet from the Base Standard for the given use.

G. **Maximum Lot Coverage**

1. **Base Standards**

- a. **Single-Family Detached Dwellings:** Thirty-five percent (35%).
  - b. **Conversion Housing:** Forty percent (40%).
  - c. **Infill Housing:** Forty-five percent (45%).
  - d. **All Other Uses:** Forty percent (40%).
2. **Riparian Buffer Overlay Incentive Standard:** For a property within the RBO District, and where the existing riparian buffer area is proposed to be retained in accordance with Section 1101.B or where riparian buffer area is proposed to be restored in accordance with Section 1101.C, the Maximum Lot Coverage standard may be increased by five percent (5%) from the Base Standard for the given use.
  3. **Forested Lands Overlay Incentive Standards:** For a property within the FLO District, and where the existing forested lands are proposed to be retained in accordance with Section 1201.B, the Maximum Lot Coverage standard may be increased by five percent (5%) from the Base Standard for the given use.
  4. For a property within both the RBO and FLO District, and where the provisions of both overlay districts are met, the Maximum Lot Coverage standard may be increased by five percent (5%) feet from the Base Standard for the given use.

#### H. Minimum Vegetative Coverage

1. **Base Standards**
  - a. **Single-Family Detached Dwellings:** Sixty-five percent (65%).
  - b. **Conversion Housing:** Sixty percent (60%).
  - c. **Infill Housing:** Fifty-five percent (55%).
  - d. **All Other Uses:** Sixty percent (60%).
2. **Riparian Buffer Overlay Incentive Standard:** For a property within the RBO District, and where the existing riparian buffer area is proposed to be retained in accordance with Section 1101.B or where riparian buffer area is proposed to be restored in accordance with Section 1101.C, the Minimum Vegetative Coverage standard may be decreased by five percent (5%) from the Base Standard for the given use.
3. **Forested Lands Overlay Incentive Standards:** For a property within the FLO District, and where the existing forested lands are proposed to be retained in accordance with Section 1201.B, the

Minimum Vegetative Coverage standard may be decreased by five percent (5%) from the Base Standard for the given use.

4. For a property within both the RBO and FLO District, and where the provisions of both overlay districts are met, the Minimum Vegetative Coverage standard may be decreased by five percent (5%) feet from the Base Standard for the given use.

I. **Maximum Building Height:** Thirty-five (35) feet.

J. **Minimum Dwelling Unit Livable Floor Area:**

1. **Single-Family Detached Dwelling:** Eight Hundred and Fifty (850) square feet.
2. **Conversion Housing:** Six Hundred (600) square feet per dwelling unit.
3. **Infill Housing:** Seven Hundred and Fifty (750) square feet per dwelling unit.

ARTICLE VIII  
COMMUNITY CORE (CC) DISTRICT

**Section 800: Statement of Legislative Intent**

It is hereby declared to be the intent of the CC District to:

- A. Provide a mixture of neighborhood serving non-residential functions clustered closely together.
- B. Provide residential options consistent with a community core setting.
- C. Contribute to meeting the Borough's obligation to provide opportunities for the development of all dwelling unit types.
- D. Ensure that development occurring within the community core is of a scale and design that enables a variety of transportation modes to be used.
- E. Promote the development of an internal street system that focuses on local travel and connectivity between developed sites rather than accommodating higher velocity through traffic.
- F. Encourage property design that focuses on building design and placement and pedestrian scale amenities rather than designs that evolve around the accommodation of the personal automobile.
- G. Encourage a consistent architectural approach within the community core area that is reflective of and enhances the existing Carroll Valley community.

**Section 801: Use Regulations**

- A. **Permitted Uses:** The following uses are permitted in the CC District.
  - 1. Apartments within a Mixed-Use Property.
  - 2. Bars and Nightclubs.
  - 3. Business Offices.
  - 4. Child Care Facility, in accordance with Section 1501.C.
  - 5. Commercial Recreation, Indoor.
  - 6. Community Center.
  - 7. Educational Institutions.
  - 8. Financial Institutions.

9. Forestry.
10. Funeral Homes.
11. Golf Courses.
12. Hotels.
13. Mixed-Use Property, in accordance with Section 1501.S.
14. Place of Worship.
15. Professional Offices.
16. Restaurants, excluding those with drive-through service.
17. Restaurants with outdoor seating, in accordance with section 1501.BB.
18. Retail Stores.
19. Schools.
20. Single-Family Semi-Detached Dwellings.
21. Site-Specific Borough Facilities.
22. Site-Specific Utility Facilities.
23. Ski Slopes.
24. Studios.
25. Theaters.
26. Two-Family Dwellings.

B. **Accessory Uses:** The following uses are permitted as accessory uses to any permitted principal use in the CC District.

1. Child Care Facility (Accessory to Non-Residential Use), in accordance with Section 1501.C.
2. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.

3. Home Occupations, in accordance with Section 1501.P.
  4. Homestay, in accordance with Section 1501.Q.
  5. No Impact Home-Based Businesses, in accordance with Section 1501.U.
  6. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1501.JJ.
  7. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1501.KK.
- C. **Special Exception Uses:** The following uses are permitted by Special Exception in the CC District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 1908 of this Ordinance.
1. Apartment Buildings, in accordance with Section 1501.A.
  2. Conference Centers, in accordance with Section 1501.D.
  3. Mobilehome Parks, in accordance with Section 1501.T.
  4. Parking Garages, as either a principal or an accessory use, provided that the Parking Garage is part of an overall project developed in accordance with Sections 802 and 803 of this Ordinance, and in accordance with Section 1501.V.
  5. Resorts, in accordance with Section 1501.Z.
  6. Retail Stores with fuel sales, in accordance with Section 1501.DD.
  7. Single-Family Attached Dwellings, in accordance with Section 1501.FF.
  8. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Section 801, when authorized as a Special Exception by the Zoning Hearing Board in accordance with Sections 1501.GG and 1908.

**Section 802: General Development Standards**

Any development, other than Mobilehome Parks, whether proposed initially or cumulatively, on a parcel existing as of the effective date of this Ordinance, shall comply with the following general development standards:

- A. **Street System:** Any development that proposes the extension of existing streets or the development of new streets shall include a street design that is designed from the perspectives of meeting local

transportation needs and providing access to developed sites rather than from the perspective of accommodating regional through traffic. At a minimum, such a street design shall meet the following standards.

1. Streets shall meet the street design requirements of the Carroll Valley Borough Subdivision and Land Development Ordinance.
2. In addition, street design shall meet the following additional standards:
  - a. Streets shall, at a minimum, be designed to accommodate vehicle, pedestrian, and bicycle modes of transportation. To meet this standard, dedicated sidewalks and marked bicycle lanes must be provided on both sides of any street to be developed.
  - b. Streets shall be designed to accommodate on street parking.
  - c. Streets shall be designed to encourage access to individual properties from streets classified as local streets by the Southwest Adams Joint Comprehensive Plan. Property access from streets of collector or arterial level classifications are precluded unless no other means of access is available.
  - d. Any street network shall be designed to facilitate future street connection to other properties within the CC District or to other developed properties outside of the CC District.

B. **Sidewalks:** Sidewalks shall be provided as a required element of any expanded or new street system. At a minimum, sidewalks shall meet the following standards.

1. Sidewalks shall meet the sidewalk design standards of the Carroll Valley Borough Subdivision and Land Development Ordinance.
2. In addition, sidewalks shall meet the following additional standards.
  - a. Sidewalks shall be installed along any existing street that the proposed development fronts. In addition, sidewalks shall be provided along both sides of any extended or new street proposed in conjunction with proposed development.
  - b. Sidewalks internal to the development shall be provided to connect all building entrances, parking areas, central open space, and any other destination that generates pedestrian traffic to the sidewalk system provided along street.
  - c. Sidewalks shall be located and designed to enable their extension to other properties in the CC District, other developed properties outside the CC District, and to other nearby pedestrian access points and trail systems.

- C. **Crosswalks:** Marked crosswalks shall be provided at all street intersections and at any other location where a sidewalk crosses an existing or proposed street. At a minimum, crosswalks shall meet the following standards.
1. Crosswalks shall meet any applicable requirements of the Carroll Valley Borough Subdivision and Land Development Ordinance.
  2. In addition, crosswalks shall meet the following additional standards.
    - a. Crosswalks shall be provided with a brick or faux brick surface and shall have a different color and texture from the street pavement surface.
    - b. Crosswalks shall be accessed through bump-outs from both directions to shorten the distance of the crosswalk and to reduce the degree of exposure to pedestrians from vehicle traffic.
    - c. Crosswalks shall be located to minimize the width of the crosswalk. Crosswalks design where the crosswalk begins at the tangent of the curve connecting two intersecting streets is expressly prohibited.
- D. **Parking and Loading:** In addition to the requirements established in Article XVI, all parking and loading shall comply with the following standards.
1. Off-street parking shall be permitted to be located in side or rear yards. Off-street parking shall not be permitted to be located in front yards.
  2. Off-street loading shall be permitted to be located in rear yards. Off-street loading shall not be permitted to be located in front or side yards.
  3. Access to off-street parking and loading areas shall share the property access provided in accordance with Section 802.A.2.c above.
  4. Off-street parking shall include landscaping consistent with Section 1602.H of this Ordinance. The landscaping provisions of Section 1602.H shall be applied and augmented in a manner that visually screens the parking lot from existing and proposed streets and from adjoining properties. Low hedges, walls, berms, or similar landscaping elements shall be employed to minimize views of the off-street parking area.
  5. Parking spaces shall be separated from buildings by a 6-foot-wide sidewalk, landscape planter, or combination thereof.
- E. **On-Street Parking Design:** On-street parking provided in accordance with Section 802.A.2.b above shall meet the following standards.
1. On-street parking shall be provided on both sides of all proposed streets.



2. On-street parking spaces shall be marked to ensure a parking space size of no less than seven (7) feet wide and twenty-two (22) feet long.
3. All groups of on-street parking spaces shall be bounded by bump-outs to define the beginning and end of each on-street parking group. Said bump-outs may also serve as the bump-outs required for crosswalks required by Section 802.C.2.b.

F. **Building and Design Standards:** Any new building(s) developed within the CC District shall meet the following requirements.

1. **Building Orientation:** Principal buildings within the CC District shall be oriented where the front façade of the building(s) faces the primary street. The front of the building(s) shall include the main customer / client / visitor / resident entrance to the use(s) within the building(s). For corner lots, this standard shall be applied to the street to which the building is addressed. Resident entrances to dwelling units within a Mixed-Use Property shall be excluded from this requirement. It shall instead meet the residential entrance requirements established in Section 1501.S.

G. **Street Lights:** Street lights shall be provided in accordance with the following standards.

1. Streetlights shall be located, at a minimum, in accordance with applicable standards of the Carroll Valley Borough Subdivision and Land Development Ordinance.
2. Street light design shall be pedestrian in scale and shall use decorative street light fixtures. Development plans shall provide a detail of the specific fixture to be used and shall include pictures or other graphic details as to how the specific fixture has been used in other densely developed, community core settings.
3. Where decorative streetlights and fixtures have already been used with development on other property within the CC District, new development shall use comparable and complementary lights and fixtures to those already in use.

### **Section 803: Preferred Development Standards**

Any development, other than Mobilehome Parks, whether proposed initially or cumulatively, on a parcel existing as of the effective date of this Ordinance, and in which the developer wishes to apply the increased Floor Area Ratio authorized in Section 804.A.2 of this ordinance, shall comply with the following Preferred Development Standards in addition to the General Development Standards described in Section 802.

A. **Building Design Standards:** Any new building developed within the CC District shall meet the requirements set forth in Section 802.D as well as the following requirements.

1. **Roofs:**
  - a. All roofs shall have a minimum slope of 3:12 and a maximum slope of 12:12.

- b. Reflective, untreated metal roofs are prohibited. All exposed metal surfaces shall be painted in a flat, non-glossy paint to complement or match the color of the exterior roof building material.

2. **Facades, Walls and Windows:**

- a. **Facades and Walls:** Blank walls shall not be permitted along any exterior wall facing a street, parking area, or walking area. Walls or portions of walls where windows are not provided shall have architectural treatments that are similar to the front façade, including materials, colors, and details. At least four of the following architectural treatments shall be provided:
  - (1) Masonry (but not flat concrete block).
  - (2) Concrete or masonry plinth at the base of the wall.
  - (3) Belt courses of a different texture or color.
  - (4) Projecting metal canopy.
  - (5) Trellis containing planting.
  - (6) Banded windows.
  - (7) Artwork.
  - (8) Vertical/horizontal articulation achieved by using materials, windows, rooflines, or a combination of all.
  - (9) Lighting fixtures.
  - (10) Exposed timber.
  - (11) Expansive decks.
  - (12) An architectural element not listed above, as approved by the zoning officer following advisory recommendation from the Planning Commission, that meets the intent.
- b. **Windows**
  - (1) The ground floor front façades of non-residential or Mixed-Use Property buildings visible from the pedestrian view shall consist of a minimum of sixty percent (60%) window area and a maximum of seventy-five percent (75%), with views provided

through these windows into the business. Ground floor windows shall be a maximum of 12 to 20 inches above the sidewalk.

- (2) Upper story windows of front façades of non-residential or Mix-Use Property buildings shall not be boarded or covered and shall comprise a minimum of thirty-five percent (35%) window area in the façade above the ground floor and a maximum of seventy-five percent (75%).
- (3) Smoked, reflective, or black glass in windows is prohibited.

3. **Massing:**

- a. The massing of any façade should generally not exceed fifty (50) feet maximum (horizontal dimension). Shop fronts may be broken down even further. Massing variations every thirty (30) feet or less is preferred.
- b. Buildings must have at least a three (3) to five (5) foot break in depth in all street façades for every fifty (50) feet of continuous façade. Such breaks may be met through the use of bay windows, porches, porticos, building extensions, towers, recessed doorways, and other architectural treatments.

4. **Planning Commission Advisory Review:** Any proposed development in which the applicant wishes to employ the Section 803 Preferred Development Standards, the applicant shall submit an in-color architectural rendering of the structure(s) being proposed to the Carroll Valley Planning Commission for advisory review. The Planning Commission may provide an advisory recommendation to the zoning officer regarding the consistency of the architectural rendering with the Preferred Development Standards.

**Section 804: Dimensional and Floor Area Requirements**

- A. **Floor Area Ratio:** The following two Floor Area Ratio (FAR) limits are established for development within the CC District, other than for Mobilehome Parks, depending on whether the Preferred Development Standards in Section 803 are met.

1. **Base Standard:** 0.05.
2. For developments that achieve the Preferred Development Standards of Section 803 above, the maximum FAR shall be increased to 0.45.
3. Where development is proposed for a property within the RBO District or the FLO District, or both, and where the Preferred Development Standards of Section 803 above and the provisions of the overlay district(s) are met, the Maximum FAR may be increased to 0.50.

B. **Minimum Lot Area**

1. **Apartment Buildings:** Twenty Thousand (20,000) square feet per building.
  2. **Single-Family Semi-Detached and Two-Family Dwellings:** Five thousand (5,000) square feet per dwelling unit.
  3. **Single-Family Attached:** Three thousand five hundred (3,500) square feet per dwelling unit.
  4. **Mobilehome Park:** See Section 1501.T.5.b.
  5. **All Other Uses:** Ten Thousand (10,000) square feet.
- C. **Minimum Lot Width**
1. **Apartment Buildings:** One Hundred (100) feet.
  2. **Single-Family Semi-Detached and Two-Family Dwellings:** Fifty (50) feet per dwelling unit.
  3. **Single-Family Attached:** Twenty-five (25) feet.
  4. **Mobilehome Park:** See Section 1501.T.5.b
  5. **All Other Uses:** Eighty (80) feet.
- D. **Build-To-Line**
1. **Base Standard:** Ten (10) feet.
  2. **Mobilehome Park:** Not applicable. See Section 1501.T.6.
  3. For developments that include a non-vehicular, outdoor gathering or community space, including but not limited to Outdoor Dining, the build-to-line may be increased to Twenty-Five (25) feet.
- E. **Minimum Side Setback**
1. **Base Standard:** Ten (10) feet, except for interior side lot lines between adjoining Single-Family Attached and Single-Family Semi-Detached Dwellings, where no side setback shall be required.
  2. **Mobilehome Park:** See Section 1501.S.6.b(2).
  3. For developments that achieve the Preferred Development Standards of Section 803 above, the minimum side setback for all uses subject to the Base Standard shall be reduced to Five (5) feet.
- F. **Minimum Rear Setback**
1. **Base Standard:** Fifteen (15) feet.

2. **Mobilehome Park:** See Section 1501.S.6.b(3).
3. For developments that achieve the Preferred Development Standards of Section 803 above, the minimum rear setback for all uses subject to the Base Standard shall be reduced to Ten (10) feet.

G. **Maximum Lot Coverage**

1. **Base Standard:** Twenty-Five (25) percent.
2. **Mobilehome Park:** See Section 1501.T.4.d.
3. For developments that achieve the Preferred Development Standards of Section 803 above, the maximum lot coverage for all uses subject to the Base Standard shall be increased to Seventy-Five (75) percent.

H. **Minimum Vegetative Coverage**

1. **Base Standard:** Seventy-Five (75) percent.
2. **Mobilehome Park:** See Section 1501.T.4.e.
3. For developments that achieve the Preferred Development Standards of Section 803 above, the minimum vegetative coverage for all uses subject to the Base Standard shall be decreased to Twenty-Five (25) percent.

I. **Maximum Building Height:** Thirty-five (35) feet.

J. **Minimum Dwelling Unit Livable Floor Area:**

1. **Apartments, either in a Mixed-Use Building or an Apartment Building:** Four Hundred (400) square feet.
2. **Single-Family Semi-Detached Dwelling:** Seven Hundred and Fifty (750) square feet per dwelling unit.
3. **Two Family Dwelling:** Seven Hundred and Fifty (750) square feet per dwelling unit.
4. **Single-Family Attached Dwelling:** Seven Hundred and Fifty (750) square feet per dwelling unit.
5. **Mobilehome:** None.

ARTICLE IX  
COMMERCIAL (C) DISTRICT

**Section 900: Statement of Legislative Intent**

It is hereby declared to be the intent of the C District to:

- A. Recognize the existing mixture of uses present surrounding the intersection of PA Route 116 (Fairfield Road) and PA Route 16 (Waynesboro Road).
- B. Provide for the continuation of a similar mixture of uses surrounding this intersection by accommodating a variety of residential, institutional, and small business and commercial uses.
- C. Manage access to and from these corridors to protect public safety and maintain the current regional transportation function of these corridors.
- D. Establish standards to prevent the strip commercial form of development to ensure that the corridors retain their rural appearance and function.

**Section 901: Use Regulations**

- A. **Permitted Uses:** The following uses are permitted in the C District.
  - 1. Bars and Nightclubs.
  - 2. Car Wash.
  - 3. Child Care Facility, in accordance with Section 1501.C.
  - 4. Commercial Recreation, Indoor.
  - 5. Commercial Recreation, Outdoor.
  - 6. Financial Institutions, excluding those with drive-through service.
  - 7. Forestry.
  - 8. Hotels.
  - 9. Light Industrial Uses.
  - 10. Mobilehome / Manufactured Home / Shed Sales.
  - 11. Motels.

12. Places of Worship.
13. Restaurants, excluding those with drive-through service.
14. Restaurants with outdoor seating, in accordance with section 1501.BB.
15. Retail Stores, excluding those with drive-through service or fuel sales.
16. Single-Family Detached Dwellings.
17. Site-Specific Borough Facilities.
18. Site-Specific Facilities for Units of Government other than the Borough.
19. Site-Specific Utility Facilities.
20. Vehicle Sales, which may include Vehicle Service as an accessory use, but excluding fuel sales.
21. Vehicle Service, excluding fuel sales.

B. **Accessory Uses**: The following uses are permitted as accessory uses to any permitted principal use in the C District.

1. Child Care Facility (Accessory to Non-Residential Use), in accordance with Section 1501.C.
2. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.
3. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1501.JJ.
4. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1501.KK.

C. **Special Exception Uses**: The following uses are permitted by Special Exception in the C District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 1908 of this Ordinance.

1. Distribution Center, in accordance with Section 1501.F.
2. Financial Institutions with drive-through service, in accordance with Section 1501.M.
3. Heavy Industrial Uses, in accordance with Section 1501.O.

4. Recycling Facility, in accordance with Section 1501.X.
5. Rental Storage, in accordance with Section 1501.Y.
6. Restaurants with drive-through service, in accordance with Section 1501.AA.
7. Retail Stores with drive-through service, in accordance with Section 1501.CC.
8. Retail Stores with fuel sales, in accordance with Section 1501.DD.
9. Shopping Plaza, in accordance with Section 1501.EE.
10. Vehicle Service with Fuel Sales, in accordance with Section 1501.II.
11. Wireless Communication Facility – Tower Based – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1501.LL.
12. Uses not expressly permitted elsewhere in this Ordinance, and that exhibit the same general character of the uses listed in Section 901, when authorized as a Special Exception by the Zoning Hearing Board in accordance with Section 1501.GG and 1908.

#### **Section 902: General Development Standards**

The following General Development Standards shall be applicable to all nonresidential uses, unless specifically designated otherwise in this Article.

- A. **Site Design:** The following site design standards shall apply to all nonresidential development within the C District. Where a principal building directly faces two (2) or more abutting streets, these requirements shall apply to all such faces of the principal building.
1. All of the area between a principal building and the public right-of-way shall be landscaped. Pedestrian amenities (i.e. sidewalks, outdoor patios and dining areas, etc.) and limited parking may be permitted within the required landscaping area.
  2. Limited parking spaces and parking lots may be located in the area between a principal building and the public-right-of way, in accordance with the following standards.
    - a. No more than twenty-five percent (25%) of the minimum number of parking spaces required for a given use, as established in Section 1601, may be located between a principal building and a public right-of-way. Where a principal building faces two (2) or more abutting streets, this standard may be applied along all such faces of the principal building.
    - b. Where limited parking between a principal building and public right-of-way is proposed, a low-level vegetative screen shall be provided between the parking lot and the public right-



of-way. Such screen shall be comprised of shrubs with a minimum mature height of three (3) feet. The required shrubs shall be planted at no less than five (5) foot intervals. This screening requirement shall be in addition to the parking lot landscaping standards of Section 1602.H that may be applicable.

3. Loading spaces and refuse areas shall not be located between a principal building and any public right-of-way.
- B. **Refuse Areas:** The design of all principal buildings in the C District shall include either a provision for the storage of refuse inside the building(s) or within an area enclosed by walls or opaque fencing outside the building(s) designed to be architecturally compatible with the primary building(s). Such walls or fencing shall be designed to shield the refuse areas from the direct view of any adjacent property and must be at least six (6) feet high.
- C. **Site Access:** Access to nonresidential uses shall be taken from a roadway with functional classification of Arterial (including Minor and Principal Arterials) as designated in the Southwest Adams Joint Comprehensive Plan. Access to residential uses may be taken from any roadway.

### **Section 903: Dimensional Requirements**

- A. **Minimum Lot Area:** One (1) acre.
- B. **Minimum Lot Width:** Two Hundred (200) feet.
- C. **Minimum Front Setback:** Twenty (20) feet.
- D. **Minimum Side Setback:** Twenty (20) feet.
- E. **Minimum Rear Setback:** Twenty (20) feet.
- F. **Maximum Lot Coverage:**
  1. **Residential Uses:** Thirty-five percent (35%).
  2. **Nonresidential Uses:** Fifty percent (50%).
- G. **Minimum Vegetative Coverage:**
  1. **Residential Uses:** Sixty-five percent (65%).
  2. **Nonresidential Uses:** Fifty percent (50%).
- H. **Maximum Building Height:** Thirty-five (35) feet.
- I. **Minimum Dwelling Unit Livable Floor Area:** One Thousand (1,000) square feet.

ARTICLE X  
FLOODPLAIN OVERLAY (FO) DISTRICT

**Section 1000: Statement of Legislative Intent**

It is hereby declared to be the intent of the FO District to:

- A. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- B. Minimize danger to public health by protecting water supply and natural drainage.
- C. Reduce financial burdens imposed on the Borough and its residents by preventing excessive development in areas subject to flooding.
- D. Comply with federal and state floodplain management requirements.

**Section 1001: Regulations**

All uses, activities, and development occurring within the FO District shall comply with the Carroll Valley Borough Floodplain Ordinance, Chapter 8 of the Carroll Valley Borough Code of Ordinance, as may be amended. All zoning permit approvals issued in accordance with this Ordinance shall be subject to compliance with the applicable provisions of the Floodplain Ordinance. No zoning permit approval for a use, activity, or development that is also subject to the provisions of the Floodplain Ordinance shall be issued until such time that all permitting required by the Floodplain Ordinance is obtained by the applicant.

ARTICLE XI  
RIPARIAN BUFFER OVERLAY (RBO) DISTRICT

**Section 1100: Statement of Legislative Intent**

It is hereby declared to be the intent of the RBO District to:

- A. Recognize the generally high levels of water quality in streams flowing into and through Carroll Valley Borough.
- B. Acknowledge that the protection of water quality is an important natural resources protection goal of the Southwest Adams Joint Comprehensive Plan.
- C. Establish a process by which individual property owners are encouraged to maintain existing riparian buffer areas along streams and to establish new riparian buffer areas along streams without such areas.
- D. Provide development-based incentives to property owners who meet riparian buffer protection and restoration standards.

**Section 1101: Regulations**

- A. **Delineation:** Riparian Buffer Areas shall be delineated in accordance with the following parameters.
  - 1. **Location:** Riparian Buffer Areas are hereby delineated along all streams, creeks, and rivers located either within Carroll Valley Borough or along a Carroll Valley Borough municipal boundary. Where a stream, creek, or river follows a Carroll Valley Borough municipal boundary, the standards of this Article shall only be applied to that portion of the property located within Carroll Valley Borough.
  - 2. **Extent of Riparian Buffer Area:** The minimum width of the Riparian Buffer Area shall be seventy-five (75) feet from the defined edge of the stream at bank full flow.
  - 3. **Riparian Buffer Map:** The Riparian Buffer Areas shall be shown upon the map attached to and made part of this Ordinance, which map is dated, and designated as the “Carroll Valley Borough Zoning Map – Riparian Buffer Areas.” The said map and all notations, references, and other data shown therein are hereby incorporated into this Ordinance as if all were fully described herein. The “Carroll Valley Borough Zoning Map – Riparian Buffer Overlay” map is included as Appendix C.
- B. **Management of Existing Riparian Buffers**
  - 1. **Voluntary Management of Existing Riparian Buffer Areas:** On property where a Riparian Buffer Area exists, the property owner may voluntarily manage said Riparian Buffer Area in accordance with the following standards:

- a. Where forest vegetation exists within a Riparian Buffer Area, such forest vegetation shall be maintained. Dead trees, diseased trees, or hazardous trees that jeopardize public safety may be removed.
  - b. Where forest vegetation does not exist within a Riparian Buffer Area, the vegetation that does exist shall be maintained in its current condition or be managed to allow forest succession and regeneration to occur.
  - c. Structural development and other non-vegetative cover shall be prohibited. Structural development and non-vegetative cover that exists as of the effective date of this Article shall be considered to be nonconforming and may be maintained in accordance with Section 1800.
  - d. Stream crossings for farm vehicles, livestock, roads, railroads, central sewer and water lines, and similar types of crossings may be permitted provided that applicable stream crossing permitting from the Pennsylvania Department of Environmental Protection or similar agency is obtained.
  - e. Fishing access and passive recreation use of Riparian Buffer Areas may be permitted.
2. **Incentive:** When a property is proposed for development, or where a property is subject to an application for a change of land use that involves development of new structural features (for example, buildings, parking lots, stormwater management facilities, and similar features), the property owner may apply for the incentives defined in the underlying zoning district if documentation is provided confirming that existing Riparian Buffer Areas are being maintained in accordance with the provisions of Section 1101.B.1 above.

C. **Restoration of Riparian Buffer Areas**

1. **Voluntary Restoration of Forested Riparian Buffer Areas:** On property where a Riparian Buffer Area is delineated, but where a Forested Riparian Buffer Area does not exist, the property owner may voluntarily restore said Riparian Buffer Area to a forested condition in accordance with the following standards:
  - a. **Planting of Trees Required:** The entire Riparian Buffer Area, minus any existing structural development such as buildings, parking lots, streets, or similar features, shall be restored by planting trees meeting the requirements Subsections b through f below.
  - b. **Number of Trees Required:** The number of trees to be planted shall be calculated by multiplying the Riparian Buffer Area, minus the area devoted any existing structural development and expressed in acres, by fifty-five (55) trees. Where the multiplication above yields a fractional portion of a tree, the calculation shall be rounded up.

- c. **Tree Credit:** Where trees already exist within the Riparian Buffer Area, such existing trees shall be credited to the total number of trees calculated in Subsection b above.
- d. **Tree Species:** Tree species chosen for planting in the Riparian Buffer Area shall be native to Pennsylvania and shall prefer wet growing conditions. Suitable trees include the following:

Common Name	Latin Name
Red Maple	Acer Rubrum
River Birch	Betula Nigra
Black Gum	Nyssa Sylvatica
Sycamore	Platanus Occidentalis
Pin Oak	Quercus Palustris
Sugar Maple	Acer Saccharum
Silver Maple	Acer Saccharinum
Black Willow	Salix Nigra
American Beech	Fagus Grandifolia
Smooth Alder	Alnus Serrulata

Other tree species may be chosen provided the applicant documents that said other tree species are native to Pennsylvania and offer the same growing characteristics as those listed above.

- e. **Mix of Tree Species:** A mixture of tree species shall be chosen to encourage a diverse buffer from an ecological perspective. Mixture of tree species shall comply with the following scale:

Acres of Riparian Buffer Area	Minimum Number of Tree Species
0 to <1	2
1 to <2	3
2 to <3	4
3 to <5	5
5 to <10	6
10 or more	7

- f. **Standards at Time of Planting:** Riparian Buffer Areas shall be planted in accordance with the following standards:
  - (1) **Tree Spacing:** Tree spacing within Riparian Buffer Areas shall be a maximum of forty (40) feet.
  - (2) Trees shall be planted as seedlings with a minimum height of eighteen (18) inches.

- (3) Trees shall be sheltered and staked to prevent damage from competing plants, and from animals and / or maintenance equipment. At a minimum, the tree shelter shall be comprised of a four (4) foot tree tube. The tree tube shall be retained until such time that the tree achieves a height that precludes deer browsing damage.
- g. **Replacement:** Should any trees that have been planted to meet the Riparian Buffer Area restoration requirements of this Section die or become damaged (due to animals, mowing, or other impacts) within three (3) years of said planting, such trees shall be replaced.
2. **Incentive:** When a property is proposed for development, or where a property is subject to an application for a change of land use that involves development of new structural features (for example, buildings, parking lots, stormwater management facilities, and similar features), the property owner may apply for the incentives defined in the underlying zoning district if documentation is provided confirming that the Riparian Buffer Areas is being restored to a forested condition in accordance with the provisions of Section 1101.C.1 above.

ARTICLE XII  
FORESTED LANDS OVERLAY (FLO) DISTRICT

**Section 1200: Statement of Legislative Intent**

It is hereby declared to be the intent of the FL District to:

- A. Recognize that substantial portions of Carroll Valley Borough are covered by forest vegetation and that such forest vegetation strongly contributes to the visual setting of the Borough.
- B. Acknowledge that tree cover substantially contributes to groundwater quality and helps minimize erosion and sedimentation.
- C. Establish a process by which individual property owners are encouraged to maintain existing forest cover when developing property.
- D. Provide development-based incentives to property owners who meet forest cover protection and retention standards.

**Section 1201: Regulations**

- A. **Delineation**: Forested Lands shall be delineated in accordance with the following parameters.
  1. **Location**: Forested Lands are hereby delineated to include all properties within Carroll Valley Borough that exhibit a minimum of fifty percent (50%) forest canopy cover based on an analysis of aerial photography conducted by staff of the Adams County Office of Planning and Development on September 5<sup>th</sup>, 2017.
  2. **Forested Lands Map**: The Forested Lands shall be shown upon the map attached to and made part of this Ordinance, which map is dated, and designated as the “Carroll Valley Borough Zoning Map – Forested Lands.” The said map and all notations, references, and other data shown therein are hereby incorporated into this Ordinance as if all were fully described herein. The “Carroll Valley Borough Zoning Map – Forested Lands Overlay” map is included as Appendix D.
- B. **Management of Existing Forested Lands**
  1. **Voluntary Management of Forested Lands**: On property within the FLO District, the property owner may voluntarily manage Forested Lands in accordance with the following standards:
    - a. **Inventory**: An inventory of trees that contribute to the forest canopy cover associated with the property shall be conducted. All live trees with a size of six (6) inches or more diameter at breast height (dbh) shall be inventoried. The inventory shall include the following information for each tree.
      - (1) Tree Species.

- (2) Tree Size, measured by dbh.
  - (3) Tree Type (deciduous or coniferous).
  - (4) Pennsylvania Native (yes or no).
  - (5) A site plan depicting the location of each tree that contributes to the forest canopy shall be prepared.
- b. **Conservation of Forest Canopy Cover:** All trees that have been inventoried in accordance with Section 1201.B.1(a) shall be retained.
- c. **Dead or Diseased Tree Removal:** Removal of dead or diseased trees from the property shall be permitted. Where the diseased tree constituted a tree that was included in the inventory in accordance with Section 1201.B.1(a), such removal shall be notated on the site plan.
- d. **Site Development:** Properties within the FLO District may be developed in accordance with the use and development regulations of the underlying zoning district, and in accordance with the following standards:
- (1) Land disturbance associated with site development shall be minimized. Land disturbance associated with site development shall address how to best maintain the trees included in the inventory conducted in accordance with Section 1201.B.1(a).
  - (2) A maximum of fifty percent (50%) of inventoried trees may be removed to accommodate site development.
  - (3) Where inventoried trees are removed to accommodate site development, such trees shall be replaced in accordance with the following standards:
    - (a) Tree replacement shall occur in accordance with the following table.

Size of Removed Tree (dbh)	Required Number of Replacement Trees
6 inches to less than 12 inches	1
12 inches to less than 18 inches	2
18 inches or greater	3

- (b) Where a Pennsylvania native tree is being removed, the replacement tree(s) shall be similar to the tree being removed.
- (c) Where the tree being removed is not a Pennsylvania native tree or is classified as invasive, the replacement tree(s) shall be Pennsylvania native. For the purposes of this Section, invasive trees shall be those listed in the publication



*DCNR Invasive Plant List*, as may be updated or amended, and provided in Appendix F.

- (d) Trees shall be planted as seedlings with a minimum height of eighteen (18) inches.
  - (e) Trees shall be sheltered and staked to prevent damage from competing plants, and from animals and / or maintenance equipment. At a minimum, the tree shelter shall be comprised of a four (4) foot tree tube. The tree tube shall be retained until such time that the tree achieves a height that precludes deer browsing damage.
  - (f) Should any trees that have been planted to meet the tree replacement requirements of this Section die or become damaged (due to animals, mowing, or other impacts) within three (3) years of said planting, such trees shall be replaced.
2. **Incentive:** When a property is proposed for development, or where a property is subject to an application for a change of land use that involves development of new structural features (for example, buildings, parking lots, stormwater management facilities, and similar features), the property owner may apply for the incentives defined in the underlying zoning district if documentation is provided confirming that Forested Lands are being maintained in accordance with the provisions of Section 1201.B.1 above.

ARTICLE XIII  
AIRPORT OVERLAY (AO) DISTRICT

**Section 1300: Purpose**

The purpose of the Airport Overlay (AO) District is to prevent the creation or establishment of a hazard within an airport hazard area, to regulate the land uses permitted within the territorial limits of such airport hazard area, to regulate the height to which structures may be erected or objects of natural growth may be allowed to grow, pursuant to the authority conferred by 1984 Pa. Laws 164, codified at 74 Pa. Cons. Stat. §§5101 et. seq., hereinafter “Aviation Code,” and Section 5912, hereinafter, “Airport Zoning Act,” as amended or reauthorized.

**Section 1301: Regulated Area**

The lands within Carroll Valley Borough subject to the Airport Overlay District are those contained within the defined Airport Hazard Area of the Mid-Atlantic Soaring Center (the Airport), located at 154 Pecher Road in Liberty Township, Adams County. The Airport Hazard Area is defined by the Mid-Atlantic Soaring Center Airport Surface Areas Map, as may be updated or amended, and as prepared by the Pennsylvania Department of Transportation (PennDOT) Bureau of Aviation. The Map is hereby included by reference as a component of “The Carroll Valley Borough Zoning Map – Airport Overlay”, and is included as Appendix E.

**Section 1302: Airport Surface Zones**

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

- A. **Airport Elevation**: The Airport Elevation is hereby established as five hundred sixty-five (565) feet above sea level
- B. **Primary Surface Zone**: The Primary Surface Zone is centered longitudinally on the centerline of the runway and extends two hundred (200) feet beyond the end of said runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point of the runway centerline. As such, the Primary Surface Zone is also established at five hundred sixty-five (565) feet above sea level.
- C. **Approach Surface Zone**: The Approach Surface Zone is centered longitudinally on the extended runway centerline and extends outward and upward from each end of the Primary Surface Zone. The Approach Surface Zone is applied to each end of the runway based on the planned approach. The inner edge of the Approach Surface Zone is the same width as the Primary Surface Zone and expands uniformly to a width of one thousand, two-hundred fifty (1,250) feet. The Approach Surface Zone extends for a horizontal distance of five thousand (5,000) feet from the Primary Surface Zone, and upward at a slope of twenty (20) horizontal to one (1) vertical. As such, Approach Surface Zone extends from an elevation of five hundred sixty-five (565) feet above sea level at the Primary Surface

Zone to an elevation of eight hundred fifteen (815) feet above sea level at the point five thousand (5,000) feet from the Primary Surface Zone.

- D. **Horizontal Surface Zone:** The perimeter of the Horizontal Surface Zone is constructed by swinging arcs of five thousand (5,000) feet radii from the center of each end of the surface of the runway and by connecting said arcs by drawing lines tangent to those arcs. The Horizontal Surface Zone is established beneath the Horizontal Surface to a height of one hundred fifty (150) feet above the Airport Elevation. As such, the Horizontal Surface Zone is established at an elevation of seven hundred fifteen (715) feet above sea level.
- E. **Conical Surface Zone:** The Conical Surface Zone is established at the periphery of the horizontal surface and extends outward therefrom a distance of four thousand (4,000) feet. The Conical Surface Zone extends upward in all directions from the Horizontal Surface Zone at a slope of twenty (20) horizontal to one (1) vertical. As such, the Conical Surface Zone extends from an elevation of seven hundred fifteen (715) feet above sea level at the Horizontal Surface Zone to nine hundred fifteen (915) feet above sea level at the point four thousand (4,000) thousand feet from the Horizontal Surface Zone.

#### **Section 1303: Permitted Uses**

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

- A. **Approach Surface Zone:** All uses in the underlying Zoning District shall be permitted in accordance with the bulk, area, and performance standards associated with said uses unless otherwise indicated herein.
- B. **Horizontal Surface Zone:** All uses in the underlying Zoning District shall be permitted in accordance with the bulk, area, and performance standards associated with said uses unless otherwise indicated herein.
- C. **Conical Surface Zone:** All uses in the underlying Zoning District shall be permitted in accordance with the bulk, area, and performance standards associated with said uses unless otherwise indicated herein.

#### **Section 1304: Use Restrictions**

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

- A. Building height or tree height that extends into the Airport Surface Zones.
- B. Electrical interference with navigational signals or radio communication between the airport and the aircraft.
- C. Lighting interference making it difficult for pilots to distinguish between airport lights and others.

- D. Impairment to visibility as a result of glare in the eyes of pilots using the Airport or in the vicinity of the airport.
- E. Attraction of birds and creation of bird strike hazards.
- F. In any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the Airport.

**Section 1305: Nonconforming Uses**

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

- A. The regulations of this Section shall not be construed to require the removal, lowering, or other change in any structure or tree not conforming to the requirements of this Section as of the effective date of this Section, or otherwise interfere with the continuance of any nonconforming use, except as provided herein.
- B. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which has begun prior to the effective date of this Section.
- C. Before any nonconforming structure may be replaced, substantially altered, or rebuilt, or before any nonconforming tree may be allowed to grow higher or replanted, a Zoning Permit must be secured from Carroll Valley Borough authorizing such change. No Zoning Permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Section or any amendments thereto or than it was when the application for a Zoning Permit was made.
- D. Nonconforming Uses Abandoned or Destroyed – Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than eighty percent (80%) torn down, physically deteriorated, or decayed, no Zoning Permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this Section.

**Section 1306: Airport Overlay Disclosures**

- A. Every deed conveying property located in the Airport Overlay District shall contain the following language:

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

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

- B. Where the property to be developed includes multiple lots or uses proposed by a developer, the following acknowledgement of the Airport flight operations shall be included in the Public Offering Statement, and the following shall be incorporated in each individual deed.

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

ARTICLE XIV  
GENERAL REQUIREMENTS

**Section 1400: Principal Use**

Unless specifically provided to the contrary by this Ordinance, the provisions of this Ordinance shall be interpreted to allow only one (1) principal use on a lot.

**Section 1401: Statement of Legislative Intent**

The following standards shall be applied to all properties within Carroll Valley Borough. These requirements shall supplement requirements that may be found in the zoning district applicable to a specific property, as well as generally applicable standards including, but not necessarily limited to, parking, loading, and signs standards.

**Section 1402: Corner Lots**

For all corner lots, the front yard setback or build-to line standard, as may be appropriate and as defined in the underlying zoning district, shall be applied along each adjoining street. The rear setback standard shall be applied to the property line opposite the street to which the property is addressed. The side setback standard shall be applied to all other property lines.

**Section 1403: Double Frontage Lots**

For all double frontage lots, the front yard setback or build-to line standard, as may be appropriate and as defined in the underlying zoning district, shall be applied along the adjoining street to which the property is addressed. The rear setback standard shall be applied along the street opposite the street to which the property is addressed. The side setback standard shall be applied to all other property lines.

**Section 1404: Clear Sight Triangle**

No building, structure, sign, fence, landscape planting, or other property improvement regulated by this ordinance may be located within the required clear sight triangle at any street intersection.

**Section 1405: Accessory Buildings**

Accessory buildings shall be permitted in accordance with the following requirements.

- A. Accessory buildings may be authorized in the following circumstances.
  1. As accessory to a principal building or use on an existing property.
  2. As accessory to a principal building or use on an adjoining lot and where both lots are owned by a common owner.

3. A building commonly viewed as an accessory building may be placed on a vacant property where said vacant property has limitations, including but not limited to on-lot septic or topographic limitations, that preclude the development of a principal building or use on the property.
- B. Accessory buildings placed on a property with an established principal building shall be located in the side or rear yard. Accessory building shall not be authorized to be located in the front yard on a property with an established principal building.
- C. Accessory buildings less than or equal to six hundred (600) square feet in size shall be subject to the following setback requirements.
  1. Accessory buildings authorized by Sections 1405.A.1 and 1405.A.2 above may be located within ten (10) feet of any side or rear property line.
  2. Accessory buildings authorized by Section 1405.A.3 above shall be subject to the applicable setback requirements of the underlying zoning district.
- D. Accessory buildings greater than six hundred (600) square feet in size shall be subject to the applicable setback requirements of the underlying zoning district.
- E. All accessory buildings shall be subject to the building height standard of the underlying zoning district.

#### **Section 1406: Fences**

Fences shall be permitted as an accessory structure in accordance with the following requirements.

- A. **Maximum Height – Front Yards**: The maximum fence height in the R1, R2, and R3 Districts shall be four (4) feet. The maximum fence height in the A, C, and CC Districts shall be six (6) feet.
- B. **Maximum Height – Side and Rear Yards**: The maximum fence height in the R1, R2 and R3 Districts shall be six (6) feet. The maximum fence height in the A, C, and CC Districts shall be eight (8) feet.
- C. **Nonconforming Uses**: For nonconforming uses, the maximum fence height shall be the maximum fence height authorized within the zoning district where the nonconforming use would be a permitted use.
- D. **Hazardous Attachments**: No fence in the R1, R2, and R3 Districts or on residential properties in the A, C, and CC Districts shall include barbed wire or similar hazardous attachments. Nonresidential properties in the A, C, and CC Districts may include no more than three (3) strands of barbed wire or may include wrought iron spikes.
- E. **Electrification**: No fence in any zoning district may be electrified. The following types of fences are exempted from this standard:
  1. Livestock fencing on a farm.

2. Fencing around a garden.
  3. Deer fencing.
  4. Invisible pet fencing.
- F. **Setbacks:** Fences shall not be subject to the setback requirements of the underlying zoning district. However, fences shall be subject to a three (3) foot setback from any right-of-way along a public or private street.

#### **Section 1407: Swimming Pools**

Swimming pools shall be permitted as an accessory structure in accordance with the following requirements.

- A. A Zoning Permit shall be required for any swimming pool that requires permitting under the Pennsylvania Uniform Construction Code.
- B. Swimming pools shall be located within a side or rear yard. Swimming pools shall not be permitted to be located in a front yard.
- C. Any swimming pool with a surface area of one hundred fifty (150) square feet or a depth greater than two (2) feet shall be surrounded by a fence or wall of no less than four (4) feet in height. All gates or doors through said fence shall be provided with a self-closing, self-locking mechanism. These standards shall not be applicable to above-ground swimming pools of at least three and one-half (3 ½) feet above ground level.

#### **Section 1408: Solar Panels**

Use of solar panels shall be permitted as an accessory structure in all zoning districts in accordance with the following standards.

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



- B. **Solar Panels – Ground Mounted:** Ground mounted solar panels shall be permitted in accordance with the following standards.
1. Ground mounted solar panels shall comply with the setback requirements of the district where the installation of the solar panel is proposed.
  2. Ground mounted solar panels shall not be permitted by-right in any front yard. The Zoning Hearing Board may authorize, by special exception, the installation of a ground mounted solar panel in a front yard if the applicant demonstrates that, due to solar access limitations, no location exists on the property other than the front yard where the solar panel can perform effectively.
  3. Ground mounted solar panels shall not exceed a height of ten (10) feet.
  4. Glare from ground mounted solar panels shall be directed away from adjoining properties or street rights-of-way. Fences or vegetative screens may be utilized to prevent glare from impacting adjoining properties or street rights-of-way.
- C. **General Requirements:** The following requirements shall apply to all solar panel installations:
1. **Building Permit Required:** The installation of solar panels shall be subject any permitting and inspections with regard to applicable provisions of the Pennsylvania Uniform Construction Code (UCC) in addition to any permitting required to demonstrate compliance with the provisions of this Ordinance. Issuance of any required building permitting shall be listed as a condition of approval for the Zoning Permit required by this Ordinance.
  2. **Purpose of Facility:** The primary purpose of a solar panel installation shall be to provide power for the principal use of the property where the installation of said power generation is proposed. The primary purposes of the facility shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time.

#### **Section 1409: Wind Turbines**

Use of wind turbines shall be permitted as an accessory structure in all zoning districts in accordance with the following standards.

- A. **Performance Standards – Residential Properties**
1. Wind turbines shall be set back from all property lines a distance equal to the height of the tower supporting the wind turbine, unless the tower is equipped with a structural break point, in which case the wind turbine shall be setback a distance equal to the height of the structural break point above ground level. The structural break point shall be located a minimum of one-half (1/2) the height of the tower.

2. The maximum height of the wind turbine shall be equal to the maximum height standard of the zoning district within which the wind turbine is proposed.
3. Wind turbines shall not be permitted in any front yard.
4. Only one (1) wind turbine shall be permitted on any property.
5. Sound produced by a wind turbine shall not exceed fifty-five (55) decibels at the property line. The maximum sound level may only be exceeded during windstorms or power utility outages.

**B Performance Standards – Non-Residential (including Agricultural) Properties**

1. Wind turbines shall be setback from all property lines a distance equal to the height of the tower supporting the wind turbine unless the tower is equipped with a structural break point, in which case the wind turbine shall be setback a distance equal to the height of the structural break point above ground level. The structural break point shall be located a minimum of one-half (1/2) the height of the tower.
2. The maximum height of the wind turbine shall not exceed one hundred fifty percent (150%) of the maximum building height for the zoning district where installation of the wind turbine is proposed.
3. Wind turbines shall not be permitted in any front yard.
4. Sound produced by a wind turbine shall not exceed sixty-five (65) decibels at the property line. The maximum sound level may only be exceeded during windstorms or power utility outages.

**C. General Requirements:** The following requirements shall apply to all wind turbine installations:

1. **Building Permit Required:** The installation of wind turbines shall be subject any permitting and inspections with regard to applicable provisions of the Pennsylvania Uniform Construction Code (UCC) in addition to any permitting required to demonstrate compliance with the provisions of this Ordinance. Issuance of any required building permitting shall be listed as a condition of approval for the Zoning Permit required by this Ordinance.
2. **Purpose of Facility:** The primary purpose of a wind turbine installation shall be to provide power for the principal use of the property where the installation of said power generation is proposed. The primary purposes of the facility shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time.
3. Wind turbines shall not project into any Airport Surface Zones as established in the Airport Overlay (AO) District of this Ordinance.

4. Wind turbines shall be an unobtrusive color such as white, off-white, gray, or other color that blends with the surroundings.
5. Wind turbines that no longer function or that have not produced electricity for a period of one-hundred twenty (120) or more days shall be removed within one hundred eighty (180) days of the cessation or electricity production.

**Section 1410: Outdoor Wood-Fired Boilers**

The use of outdoor wood-fired boilers shall be permitted as an accessory structure in accordance with the following standards.

- A. **Locations Authorized:** The use of outdoor wood-fired boilers is permitted in the A and C Districts. The use of outdoor wood-fired boilers is not permitted in the R1, R2, R3, and CC Districts.
- B. **Performance Standards:** The use of outdoor wood-fired boilers shall comply with the following performance standards:
  1. **Boiler Type:** Only Phase 2 outdoor wood-fired boilers shall be permitted.
  2. **Setbacks:** No outdoor wood-fired boiler shall be located closer than one hundred fifty (150) feet from any property line.
  3. **Stack Height:** All outdoor wood-fired boilers shall be installed with a permanent attached stack with a minimum stack height of ten (10) feet above ground level.
  4. **Fuel Requirements:** Fuel for outdoor wood-fired boilers shall be limited to the following. Use of fuel sources not listed below shall be considered to be a violation of this Ordinance.
    - a. Clean wood.
    - b. Wood pellets made from clean wood.
    - c. Home heating oil, natural gas, propane, or other fuel that meets applicable sulfur limits and that is used solely as a starter or as supplemental fuel for dual-fired outdoor wood-fired boilers.
  5. **Number:** There shall be no more than one (1) outdoor wood-fired boiler on any property.
  6. **Building Permit Required:** The installation of outdoor wood-fired boilers shall be subject any permitting and inspections with regard to applicable provisions of the Pennsylvania Uniform Construction Code (UCC) in addition to any permitting required to demonstrate compliance with the provisions of this Ordinance. Issuance of any required building permitting shall be listed as a condition of approval for the Zoning Permit required by this Ordinance.

**Section 1411: On Roof Equipment**

Fans, skylights, cooling towers, vents, heating and cooling equipment, and any other similar on-roof equipment shall be effectively shielded from view from any public or private street by an architecturally sound method. Such method shall be documented on the Zoning Permit application for the building or building addition to which said on-roof equipment is associated.

**Section 1412: Height Regulation Exemptions**

Chimneys, flues, spires, cupola domes, , and similar accessory building components that do not constitute livable or occupied space in a building shall be exempt from the maximum height regulations of this Ordinance.

**Section 1413: Projections into Setbacks**

The following standards shall be applied to instances where architectural or other related building features are proposed to extend into setbacks as may be established by this Ordinance:

- A. Cornices, canopies, eaves, or other similar architectural features may project into front, side, or rear setbacks a maximum of one (1) foot.
- B. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project into front, side, or rear setbacks and maximum of three (3) feet.
- C. The above requirements shall not be applied in a manner that would allow architectural or building features to project across a property line or into a street right-of-way.

ARTICLE XV  
GENERAL USE REQUIREMENTS

**Section 1500: Statement of Legislative Intent**

The following standards shall be applied to the specific listed uses, regardless of how said uses are authorized and where said uses are proposed within Carroll Valley Borough. These provisions shall be applied by the Zoning Officer for uses permitted as a matter of right, or by the Zoning Hearing Board for uses permitted by special exception. These requirements shall supplement requirements that may be found in the zoning district applicable to a specific property, as well as generally applicable standards including, but not necessarily limited to, parking, loading, and sign standards.

**Section 1501: Requirements for Specific Uses**

**A. Apartment Buildings**

1. The maximum number of dwelling units in any Apartment Building shall be twenty (20).
2. Windows shall constitute a minimum of twenty-five percent (25%) of the total area of every external wall.
3. **Parking for Apartment Buildings:** Off-street parking shall not be located between the front façade of the Apartment Building and the adjoining street right-of-way or access drive. Such parking shall be provided in one or more of the following locations:
  - a. In a common parking lot located to the rear of the Apartment Building.
  - b. In a common garage located underneath the building and accessed from the rear of the Apartment Building.
  - c. In garage spaces dedicated to individual dwelling units and accessed from the side or rear of the Apartment Building.
  - d. A maximum of two access driveways are permitted to provide access to a common parking area from public streets or main internal circulation driveways.
4. Architectural styles and building materials shall be similar to those found in surrounding residential areas. An architectural rendering shall be supplied showing all architectural elements and indicating construction materials.
5. Where an Apartment Complex comprised of two (2) or more Apartment Buildings is proposed, the following additional standards shall apply.
  - a. The front façade of any Apartment Building shall be no closer than thirty (30) feet to any façade of any other Apartment Building.

- b. The side and rear facades of an Apartment Building shall be no closer than twenty (20) feet to the side and rear facades of any other Apartment Building.

**B. Bed and Breakfast Operation**

1. A maximum of ten (10) rooms or suites are permitted in a Bed and Breakfast Operation.
2. Meals served at Bed and Breakfast Operations shall be limited to breakfasts.
3. Cooking facilities are prohibited in all guest rooms.
4. Common restrooms are permitted in Bed and Breakfast Operations. If common restrooms are used, a minimum of one (1) common restroom shall be provided for every two (2) guest rooms.
5. Any required exterior improvements to the building, such as those required to meet applicable fire safety requirements, shall be located to the rear of the building and shall not detract from the residential character of the building.
6. Either the Bed and Breakfast Operation owner or a designated operator shall maintain a permanent residence within the Bed and Breakfast Operation.
7. **Permitted Accessory Uses:** Within a Bed and Breakfast Operation, common rooms may be used for the following purposes: galley for local artists; sales of antiques, collectibles, or similar products; sales of locally produced crafts, artwork, or similar products; or coffee or tea room where coffee, tea, and light refreshments are served. No accessory use shall be permitted within rooms used as guest rooms. Where a permitted accessory use is proposed, hours of operation shall be limited to 11:00 AM to 6:00 PM.

**C. Child Care Facility or Group Child Care**

1. An outdoor play area meeting the following standards shall be provided:
  - a. An outdoor play area shall be provided at a rate of sixty-five (65) square feet per child.
  - b. Off-street parking lots shall not be used as outdoor play areas.
  - c. Outdoor play areas shall not be located within the front yard.
  - d. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence and screened from adjoining residentially zoned properties.
2. Passenger “drop-off” and “pick-up” areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.

3. All Child Care Center or Group Child Care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.

**D. Conference Centers**

1. Conference Centers may include a range of component uses. Such uses shall be comprehensively listed to the Borough and may include the following.
  - a. Banquet Halls.
  - b. Day-Care Facilities.
  - c. Hotels.
  - d. Meeting Rooms.
  - e. Other uses deemed by the Zoning Hearing Board to be consistent with the above uses and accessory to the conference function of the facility.
  - f. Personal Service Shops.
  - g. Restaurants.
  - h. Retail Stores.
  - i. Taverns.
2. The vehicle entrance to the Conference Center complex shall be located either along an arterial street as defined in the Southwest Adams Joint Comprehensive Plan or along a lesser classification street but within one-half (0.5) mile of an intersection with an arterial street.
3. All Conference Center facilities and accessory components shall be located inside a building or buildings. Pedestrian connections shall be provided between the Conference Center facilities and all accessory component that allow attendees to move from one venue to another without having to go outside.

**E. Conversion Housing**

1. Existing single-family detached dwellings may be converted to either two (2) or three (3) dwellings, provided that the property meets the lot area per dwelling unit standard of the underlying zoning district for Conversion Housing use.
2. The exterior of the building shall retain its original single-family detached residential appearance. Any external stairways to upper floor dwellings and any fire escapes shall be located to the rear of the building.

3. No building additions shall be permitted, within the context of applying for and receiving the necessary approvals for a Conversion Housing project, where the sole purpose of the building addition is to add livable floor area to the existing single-family detached dwelling to allow for additional dwelling units within the Conversion Housing project. The number of permitted dwelling units within a Conversion Housing project shall be based on the floor area of the single family detached dwelling at the time of application for the Conversion Housing project.
4. Public or central sewer service shall be required.
5. Should a parking lot be required to provide the minimum parking spaces for the use, such parking lot shall be located to the rear of the building. Existing garage and driveway area may be used to provide the required minimum parking spaces provided that the parking spaces are oriented in a manner that vehicle egress from all parking spaces can be accomplished without having to move another vehicle.
6. All dwelling units within a Conversion Housing project shall comply with all applicable requirements of the Pennsylvania Uniform Construction Code. Applying for and receiving any applicable permit in accordance with the requirements of the Pennsylvania Uniform Construction Code shall be a condition of any zoning approval to establish a Conversion Housing use.

F. **Distribution Center**

1. All operations, excluding truck loading and off-loading, shall be conducted within an enclosed building. Loading facility doors shall be closed at all times other than when a truck is loading or off-loading products.
2. There shall be no outdoor storage of products, including packaged products or products in delivery containers, being processed by the Distribution Center.
3. Access to the Distribution Center shall be from a Minor Arterial Street or higher classification as identified in the Southwest Adams Joint Comprehensive Plan.
4. Any overnight parking area for trucks shall be fully screened from view from any adjoining residential parcels. Where a fence is used as part of this screening, landscaping shall be provided along the outside edge of the fence.

G. **Family Child Care**

1. An outdoor play area meeting the following standards shall be provided.
  - a. An outdoor play area shall be provided at a rate of sixty-five (65) square feet per child.
  - b. Off-street parking lots shall not be used as outdoor play areas.



- c. Outdoor play areas shall not be located within the front yard.
  - d. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence and screened from adjoining residentially zoned properties.
2. Passenger “drop-off” and “pick-up” areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.
  3. Family Child Care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.

H. **Farm Equipment Sales Facility**

1. A minimum lot area of two (2) acre and lot width of two hundred (200) feet shall be required.
2. No outdoor storage of equipment is permitted within fifty (50) feet of the right-of-way line or twenty-five (25) feet of the side or rear property lines.
3. A land development plan shall be approved in accordance with applicable requirements of the Carroll Valley Borough Subdivision and Land Development Ordinance. If special exception approval precedes land development plan submission, approval of the land development plan shall be a condition of any special exception approval granted in accordance with this Section.

I. **Farm Market and/or Agricultural Tourism**

1. A Farm Market shall be intended to offer for sale primarily agricultural products produced either on the farm where the farm market is located or on other farms located within Adams County, as well as other agriculturally related products. A minimum of twenty-five percent (25%) of the sales from the Farm Market shall be agricultural or agriculturally-related products produced either on the farm or on surrounding farms within Adams County. A maximum of seventy-five percent (75%) of the sales from the Farm Market may be from products produced outside Adams County.
2. Agricultural Tourism is deemed to include a variety of activities designed to provide recreation, entertainment, education, and/or tourism opportunities within an agricultural setting. Agricultural Tourism includes hayrides, corn or hay mazes, petting zoos comprised of farm animals, farm tours, historical or living history farms, farm museums, U-pick operations, tree farms, wineries (with wine tasting rooms and wine sales areas) or other operations deemed by the Zoning Hearing Board, upon Planning Commission review and recommendation, to be of the same general nature as the above uses. Agricultural Tourism uses may be operated as a stand-alone use or as an accessory use to a Farm Market.
3. The owner of the farm market / agricultural tourism use shall be the owner of the farm upon which the farm market / agricultural tourism use is located.

4. Farm Market and Agricultural Tourism uses shall be located on a Farm or on a property of at least five (5) acres in size on which agricultural products are grown or produced.
5. The maximum floor area of any structure devoted to a farm market / agricultural tourism use shall be fifteen thousand (15,000) square feet of publicly accessible sales activity area.
6. A farm market and/or agricultural tourism use shall contribute to the total number of uses or lots that may be developed on a property in accordance with the scale established in Section 402.A of this Ordinance.
7. Off-street parking and loading for farm markets and agricultural tourism uses shall be provided and designed in accordance with applicable requirements of Article XVI of this Ordinance. The amount of off-street parking for agricultural tourism uses to be provided shall be determined by the Zoning Hearing Board in accordance with testimony provided by the applicant regarding the anticipated volume of customer traffic associated with the agricultural tourism use.

J. **Farm Related Business**

1. A Farm-Related Business is deemed to include one or more of the following and similar uses.
  - a. Animal Care, including but not necessarily limited to farriers.
  - b. Custom Butchering.
  - c. Plant Nursery.
  - d. Specialty Foods Sales.
  - e. Specialty Products Sales.
  - f. Taxidermists.
2. The owner or other person having primary interest in the farm-related business shall be a full-time resident of the farm where the farm-related business is proposed to be located.
3. No more than four (4) persons, other than residents of the farm, shall be employed in the farm-related business on a full-time basis. During peak business periods, no more than five (5) additional persons, other than residents of the farm, shall be employed in the farm-related business on a part-time basis, provided that sufficient off-street parking, meeting the applicable requirements of this Ordinance, is provided for all employees on the site.
4. The portion of the farm devoted to all farm-related business shall not exceed two (2) acres or ten percent (10%) of the area of the farm, whichever is less.

5. The maximum floor area of any structure devoted to a farm-related business shall not exceed five thousand (5,000) square feet.
6. The proposed use shall be conducted entirely within an enclosed building. Outdoor display of products or merchandise shall be prohibited, except for Plant Nurseries and Specialty Food Sales.
7. Sale of food items or specialty products shall be limited to those produced on the premises and products relating to services performed on the premises.

K. **Farm Stand**

1. The Farm Stand structure where Agricultural Products are sold shall not exceed one thousand (1,000) square feet in area. Sale of Agricultural Products from a structure in existence prior to the effective date of this Ordinance shall be exempted from this requirement.
2. Off-street parking shall be provided in accordance with applicable provisions of Article XVI.

L. **Farm Worker Housing**

1. The occupants of the Farm Worker Housing facility shall be employed as laborers on the farm or agricultural operation where the Farm Worker Housing facility is located.
2. The owner of the property shall not lease the Farm Worker Housing facility dwelling unit(s) to persons not employed by the farm or agricultural operation.
3. The owner of the property shall maintain the Farm Worker Housing facility in compliance with any applicable Pennsylvania Department of Agriculture requirements or other state requirements for farm labor housing.

M. **Financial Institutions with Drive-Through Service**

1. The drive-through facility, including the drive-through lane, automated teller machine, and/or service window, shall be located to the side or rear of the financial institution building. In no instance may any component of the drive-through facility be located in the front yard.
2. Vegetative screening shall be located between all components of the drive-through facility and any adjoining residential use or any property in the R1, R2, or R3 Districts.
3. The drive-through facility must have a lane that is dedicated to the conduct of drive-through business. The lane shall include sufficient length to allow for stacking of a minimum of six (6) vehicles waiting for window or automated teller machine service. The stacking area shall not be used for parking lot circulation aisles or in any way conflict with parking or vehicle and pedestrian circulation.

N. **Group Home**

1. The provider and the structure shall be permitted and licensed by the appropriate County and/or State Agencies and shall comply with all applicable rules and regulations. Copies of said permits and licenses shall be submitted as a component of the zoning permit application.
2. The zoning permit application shall identify the following:
  - a. The sponsoring agency.
  - b. The address and telephone number of the sponsoring agency.
  - c. A contact person of the sponsoring agency.
  - d. The proposed number of residents.
3. There shall be twenty-four (24) hour resident supervision by people qualified by training and experience in the field for which the group home is intended.
4. Any medical or counseling services provided shall be done so only for residents.
5. There shall be no alteration to the outside of the structure that would alter the residential character of the dwelling, be inconsistent with the basic architecture styles of the surrounding neighborhood or be otherwise incompatible with surrounding dwellings.

**O. Heavy Industrial Use**

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

**P. Home Occupation**

1. A home occupation is deemed to include, but is not necessarily limited to, the following types of occupations: barber; hairdresser; dressmaker; milliner; professional office of attorney, architect,

- landscape architect, community planner, engineer, accountant, physician, dentist, realtor, insurance agent, clergyman, teacher, artist, horticulturist, or surveyor; clerical, typing and/or word processing services; family child care; sales of specialty "Homemade Food" products, which require licensing for home production by a State and/or local health agency; sales of canned, pickled, preserved, or similarly processed fruits and vegetables, where such fruits and vegetables, were grown in a personal garden; and appliance repair, provided that no work may be performed out of doors and no appliances may be stored out of doors. Other occupations in addition to those listed above may be considered to be home occupations provided it is determined that such occupations are of the same general character as those occupations listed above.
2. The person conducting the home occupation shall reside within the dwelling located on the lot.
  3. No more than two (2) persons other than family members who reside within the dwelling may be employed by the home occupation.
  4. No more than twenty-five percent (25%) of the livable floor area of the dwelling may be devoted to the home occupation. Where the home occupation is operated either fully or partially within an accessory building on the lot, no more than five hundred (500) square feet of floor area in the accessory building may be devoted to the home occupation use. The applicant shall submit floor plans of the dwelling, or the accessory building devoted to home occupation use. Said floor plans shall clearly depict the portion of the building devoted to home occupation use.
  5. The dwelling or accessory building in which the home occupation is conducted shall retain a residential design and character. The applicant shall submit photographs of the existing building and shall submit architectural drawings of said building if an addition is proposed in support of the home occupation use. Said photographs and / or architectural drawings shall demonstrate that residential design and character will be retained.

**Q. Homestay**

1. A maximum one (1) guest room or suite is permitted within a Homestay.
2. Any proposed Homestay shall be compatible with the neighborhood in which it is located in terms of landscaping, scale, and architectural character. The use shall be harmonious and compatible with the existing uses within the neighborhood.
3. The operator of the Homestay shall be the owner of the dwelling and permanently reside on the premises.
4. Guest rooms or suites shall meet current minimum room size and related dimensional requirements as may be defined in the Pennsylvania Uniform Construction Code, or similar applicable code.

5. The operator of the Homestay must demonstrate that the Homestay is registered with the Adams County Treasurer's Office in compliance with County Ordinance No. 3 of 2012 for the payment of Hotel Room Rental Tax.

**R. Infill Housing**

1. An Infill Housing project may be proposed on one (1) or more vacant lots, one (1) or more developed lots where the proposed Infill Housing will replace the existing development, or a combination of vacant and developed lots.
2. **Maximum Site Area:** The maximum site area for an Infill Housing project shall be two (2) acres.
3. **Maximum Number of Buildings:** An Infill Housing project shall include a maximum of one (1) building.
4. **Number of Dwelling Units:** The maximum number of dwelling units in an Infill Housing project shall be calculated by dividing the site area by the applicable minimum lot area per dwelling unit standard of the underlying zoning district for Infill Housing use. Where this calculation results in a portion of a dwelling unit, the number shall be rounded down.
5. **Dwelling Unit Types:** The following dwelling unit types shall be permitted within an Infill Housing project.
  - a. Single-Family Semi-Detached.
  - b. Two-Family.
  - c. Single-Family Attached, in accordance with Section 1501.FF.
  - d. Apartment Building, in accordance with Section 1501.A.
6. Architectural features for an Infill Housing project shall be similar to those found on properties surrounding the project site. An architectural rendering shall be provided with any zoning application for an Infill Housing project. The rendering shall identify the architectural features for the site that are similar to those on surrounding properties and shall confirm that proposed materials are comparable to those already used in the setting.
7. Public or central sewer service shall be required.
8. All dwelling units within an Infill Housing project shall be served by a single, shared driveway.
9. Should a parking lot be required to provide the minimum parking spaces for the use, such parking lot shall be located to the rear of the building. Existing garage and driveway area may be used to provide the required minimum parking spaces provided that the parking spaces are oriented in a

manner that vehicle egress from all parking spaces can be accomplished without having to move another vehicle.

10. All dwelling units within an Infill Housing project shall comply with all applicable requirements of the Pennsylvania Uniform Construction Code. Applying for and receiving any applicable permit in accordance with the requirements of the Pennsylvania Uniform Construction Code shall be a condition of any zoning approval to establish an Infill Housing use.

S. **Mixed-Use Property**

1. Entrances to nonresidential uses within a Mixed-Use Property building shall be located along a public street. Nonresidential use access may be taken from either a single entrance that serves two or more nonresidential uses or may be taken from individual entrances. Where the Mixed-Use Property is located on a corner lot, the nonresidential entrance or entrances shall be located along the street to which the property is addressed.
2. Entrances to residential uses in a Mixed-Use Property building may be located at any location, provided the following standards are met:
  - a. No residential entrance shall be located in a manner that requires the residential occupant to have walk through another use to access the entrance to the dwelling unit. This provision does not preclude internal foyer access to multiple units.
  - b. Any residential entrance not located along the front of the Mixed-Use Property building shall be connected to the public sidewalk at the front of the building by an access sidewalk.

T. **Mobilehome Park**

1. **Mobilehome Park Permit**
  - a. No person shall construct, alter, maintain, operate, or extend a mobile home park within the Borough without a valid Mobilehome Park Permit.
  - b. Mobilehome Park Permits shall be issued by the Zoning Officer under the following circumstances.
    - (1) The initial Mobilehome Park Permit shall only be issued following (a) approval of a Special Exception application by the Zoning Hearing Board, and (b) approval of a Land Development Plan by the Carroll Valley Borough Council in accordance with the procedures and requirements set forth in the Carroll Valley Borough Subdivision and Land Development Ordinance.
    - (2) The Mobilehome Park Permit shall be issued for a period of no more than one (1) year, and shall be renewed every following one (1) year. The Zoning Officer shall

inspect the Mobilehome Park prior to granting the annual permit renewal for conformance with all provisions of this Ordinance.

2. **Mobilehome Park Registry**

- a. The Mobilehome Park owner shall keep a registry and to report therein the name of the person or head of family occupying each mobilehome, showing date of entry upon such land, license number of automobile, serial number, make, size, and description of mobile home, the last permanent address of the person or head of family using said mobilehome, and the names of all persons using or living in said mobilehome.
- b. Said registry and the Mobilehome Park shall be subject to inspection periodically by the Zoning Officer.
- c. The Mobilehome Park owner shall notify the Borough for tax purposes or any proper municipal purpose whenever a mobilehome is moved into or out of the Mobilehome Park.

3. **Site Plan Objectives:** In considering and acting upon site plans for Mobilehome Parks, the Zoning Hearing Board shall, within the context of its Special Exception review process, take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that any Special Exception approval furthers the intent of the Southwest Adams County Joint Comprehensive Plan, and accomplishes the following objectives in particular:

- a. **Traffic Access:** That all proposed access ways are adequate but not excessive in number; adequate in width, grade, alignment, and visibility; not located too near existing street corners or other places of public assembly; and other similar safety considerations.
- b. **Circulation and Parking:** That adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of persons connected with or visiting the mobile home park, and that the interior circulation system is adequate to provide safe accessibility to all required off-street parking lots.
- c. **Landscaping and Screening:** That playground, parking, and service areas are reasonably screened at all seasons of the year from the view of adjacent residential lots and streets and that the general landscaping of the site is in character with that generally prevailing in the neighborhood.
- d. **Illumination:** That outdoor spot or flood lighting will be arranged to as to prevent direct view of the light bulb or the lens covering the light bulb from any mobilehome lot, any abutting property, mobilehome park street, or public rights-of-way. Full cut-off fixtures shall be used to achieve this standard.



- e. **Other Requirements:** That all Borough or State requirements pertaining to health, safety, drainage, signs, slopes, prevention of nuisances, and other pertinent matters are adequately provided for.

#### 4. **Minimum Site Requirements**

- a. The Mobilehome Park site shall be well drained and have such grades and soil as to make it suitable for the purpose intended.
- b. The Mobilehome Park shall be planned as a unit and shall be located on a site of at least ten (10) acres in size. The area of said site shall be in single ownership or under unified control.
- c. Existing trees over eight (8) inches in diameter measured four and one-half (4½) feet above the average ground level shall be inventoried and presented as an existing condition on the site plan included in the Special Exception application. Removal of such trees shall be minimized, and the Zoning Hearing Board may consider conditions with any Special Exception approval to retain such trees.

#### d. **Maximum Lot Coverage**

- (1) For the entire Mobilehome Park, the maximum lot coverage shall be fifty percent (50%).
- (2) For individual Mobilehome Lots within a Mobilehome Park, the maximum lot coverage shall be sixty percent (60%).

#### e. **Minimum Vegetative Coverage**

- (1) For the entire Mobilehome Park, the minimum lot coverage shall be fifty percent (50%).
- (2) For individual Mobilehome Lots within a Mobilehome Park, the minimum lot coverage shall be forty percent (40%).

#### 5. **Minimum Mobilehome Lot Requirements**

- a. All mobilehome lots shall be well drained and graded for safe placement of mobilehomes. In all instances, as much natural vegetation as possible shall be preserved by the developer.
- b. Individual mobilehome lots shall contain at least five thousand (5,000) square feet of lot area and shall not be less than fifty (50) feet wide at the building setback line exclusive of easements.

- c. The maximum number of mobilehome lots that may be approved shall be computed as follows.
  - (1) **Identify Resource Restriction Area:** The Resource Restriction Area shall include any portion of the site subject within the FO District, designated as wetlands, within a road right-of-way, within a public utility easement, and with steep slopes of twenty-five percent (25%) or greater.
  - (2) **Calculate Project Area:** Subtract the Resource Restriction Area from the gross lot area to calculate the Project Area.
  - (3) **Calculate Maximum Building Area:** Multiply the Project Area by 0.9 to calculate the Maximum Building Area.
  - (4) **Calculate Maximum Number of Dwelling Units:** Divide the Maximum Building Area by five thousand (5,000) square feet to calculate the Maximum Dwelling Units for the Mobilehome Park.
6. **Minimum Setback Requirements**
  - a. Mobilehome lots shall be located at least seventy-five (75) feet from any road right-of-way which abuts a Mobilehome Park boundary, and at least fifty (50) feet from any other Mobilehome Park boundary.
  - b. **Setbacks:** Minimum setbacks for individual mobilehome lots shall be as follows.
    - (1) **Minimum Front Setback:** Twenty-five (25) feet.
    - (2) **Minimum Side Setback:** Ten (10) feet.
    - (3) **Minimum Rear Setback:** Ten (10) feet.
  - c. **Separation Distance:** Mobilehomes shall be separated from other mobilehomes and from other buildings by at least twenty (20) feet.
7. **Mobilehome Park Street System**
  - a. **Access:** Access to the Mobilehome Park shall be designed to minimize congestion and hazards at the entrances and exits and to allow free movement of traffic on adjacent streets. A Mobilehome Park shall be provided with a minimum of two (2) points of ingress and egress from a public street. The minimum distance between access points shall be subject to the minimum distance between street intersections requirements of the Carroll Valley Borough Subdivision and Land Development Ordinance.

- b. **Lot Access:** The Mobilehome Park shall be provided with safe and convenient paved streets to and from every mobilehome lot. Alignment and gradient of all streets shall be properly adapted to topography.
  - c. **Streets:** All streets within a Mobilehome Park shall conform to the street design and construction standards set forth in the Carroll Valley Borough Subdivision and Land Development Ordinance.
8. **Off-Street Parking**
- a. Off-street parking for occupants and guests of the Mobilehome Park shall be provided in accordance with applicable standards of Article XVI of this Ordinance.
  - b. Off-street parking may be provided either on parking spaces located on individual mobilehome lots, or within parking lots located and designed to accommodate the needs of multiple mobilehome lots. Where parking lots are proposed, such parking lots shall be located within two hundred (200) feet of the mobilehome lots they serve and shall be designed in accordance with applicable standards of Article XVI.
9. **Utility Improvements**
- a. **Water Distribution.** The Mobilehome Park shall be served by a public or community water system approved by the State Department of Environmental Protection and the Borough.
  - b. **Sewage Disposal.** The Mobilehome Park shall be served by a public sanitary sewage disposal system approved by the State Department of Environmental Protection and the Borough.
  - c. **Electrical Distribution.** The Mobilehome Park shall have an underground electrical distribution system which shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems.
  - e. **Natural Gas System.** The Mobilehome Park may be supplied with a Natural Gas System. When proposed, said Natural Gas System shall comply with the following standards:
    - (1) Natural gas piping systems in Mobilehome Parks shall be installed and maintained in conformity with accepted engineering practices.
    - (2) Each mobilehome lot provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharges of gas when the outlet is not in use.
  - f. **Liquefied Petroleum Gas.** Liquefied petroleum gas (LPG) systems may be provided for mobile homes, service buildings, or other structures. When provided, LPG systems shall comply the following standards:

- (1) LPG Systems shall have safety devices to relieve excessive pressure and shall be located so that the discharge terminates at a safe location.
  - (2) LPG Systems shall have at least one accessible means for shutting off the gas. Such means shall be located outside the mobilehome and shall be maintained in effective operating condition.
  - (3) All LPG piping outside the mobile home shall be supported and protected against mechanical injury. Undiluted petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobilehomes.
  - (4) Vessels of more than twelve (12) and less than sixty (60) gallons gross capacity must be securely but not permanently fastened to prevent accidental overturning.
  - (5) No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobilehome, or any other structure unless such installations are specially approved by the Zoning Officer.
- g. **Fuel Oil Supply Systems:** Fuel Oil Supply Systems may be provided for mobile homes, service buildings, or other structures. When provided, such systems shall comply the following standards:
- (1) All fuel oil supply systems provided for mobilehomes, service buildings, and other structures shall be installed and maintained in conformity with such rules and regulations as shall be required by the Zoning Hearing Board upon recommendation of the Planning Commission and the Borough Engineer.
  - (2) All piping from outside fuel storage tanks or cylinders to mobilehomes shall be securely but not permanently fastened in place.
  - (3) All fuel oil supply systems to mobilehomes, service buildings, and other structures shall have shutoff valves located within five (5) inches of storage tanks.
  - (4) All fuel oil tanks or cylinders shall be securely placed and shall be not less than five (5) feet from any mobilehome exit.
  - (5) Storage tanks located in areas subject to traffic shall be protected against physical damage.

## 10. Open Space

- a. The Minimum Open Space area within the Mobilehome Park shall be computed in accordance with the following.

- (1) **Identify Resource Restriction Area:** The Resource Restriction Area shall include any portion of the site subject within the FO District, designated as wetlands, within a road right-of-way, within a public utility easement, and with steep slopes of twenty-five percent (25%) or greater.
  - (2) **Calculate Project Area:** Subtract the Resource Restriction Area from the gross lot area to calculate the Project Area.
  - (3) **Calculate the Portion of the Project Area that Must be Devoted to Open Space:** Multiply the Project Area by 0.1 to calculate the minimum portion of the Project Area that must be devoted to Open Space.
  - (4) **Calculate the Minimum Open Space Area:** Add the Resource Restriction Area to the minimum portion of the Project Area that must be devoted to Open Space to calculate the Minimum Open Space Area.
- b. The Open Space area within the Mobilehome Park shall be used for the protection of natural resources identified within the Resource Restriction Area and for active and passive recreation areas for the benefit of the residents of the Mobilehome Park. The Open Space area shall not include individual mobilehome lots, Mobilehome Park streets, off-street parking lots, or utility systems (including stormwater management facilities). All of these and related features shall be located within the Maximum Building Area of the Mobilehome Park.
- c. **Recreation Park:** At least one recreation park shall be located within the designated Open Space area of the Mobilehome Park. Recreation Parks shall meet the following standards:
- (1) The Recreation Park shall be centrally located within the Mobilehome Park to ensure direct accessibility by residents.
  - (2) The Recreation Park shall be directly accessible from the common walkway system provided along the Mobilehome Park streets. Designs where the Recreation Park is surrounded on all sides by mobilehome lots are expressly prohibited.
  - (3) The Recreation Park shall include recreation facilities of sufficient number, extent, and variety to serve the needs of the residents of the Mobilehome Park. Recreation facilities may include, but are not necessarily limited to, playground equipment, gazebo, picnic areas, walking paths, and exercise equipment. The site design shall specifically identify the range of recreation facilities to be provided, and the Special Exception application shall include an analysis confirming that the proposed recreation facilities will be sufficient to serve the recreation needs of the residents.
  - (4) The Recreation Park shall be constructed and ready for use upon initial occupation of mobilehome lots by tenants.



- c. An enclosure of compatible design and material shall be erected around the entire base of each mobilehome. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
15. **Exclusive Use for Residential Purposes:** No part of any Mobilehome Park shall be used for any nonresidential purpose, except such uses as are required for the direct servicing and well-being of park residents and for the management and maintenance of the park. This provision shall not be interpreted to preclude occupants of individual mobilehomes from conducting No-Impact Home-Based Businesses or Home Occupations as may be permitted within the underlying zoning district, provided that the Mobilehome Park owner does not preclude such uses.
  16. **Supervision of Mobilehome Placement:** The management of the Mobilehome Park shall supervise the placement of a mobilehome, including the anchoring of the mobilehome and the installation of utilities.
  17. **Sale or Transfer of Individual Mobilehomes:** Nothing contained in this Ordinance shall be deemed as prohibiting the sale of an individual mobilehome located on an individual mobilehome lot and connected to the pertinent utilities.
- U. **No-Impact Home-Based Business**
1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  2. The business shall employ no employees other than family members residing in the dwelling.
  3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
  4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
  5. The business activity may not use any equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
  6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
  7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
  8. The business may not involve any illegal activity.
- V. **Parking Garage**

1. For a Parking Garage provided as an accessory use to another principal use, the Parking Garage shall be located either to the rear or the side of the principal use.
2. For a Parking Garage provided as a principal use, the Parking Garage shall be located on the property in accordance with the dimensional standards of the underlying zoning district. In addition, the following standards shall apply:
  - a. The Parking Garage shall front on a new street developed as a component of the project for which the Parking Garage is intended to serve. The Parking Garage shall not front on any street that existed prior to the adoption of this Ordinance.
  - b. The Parking Garage shall not be located on a corner lot, even if one of the streets forming the intersection is developed as a component of the project for which the Parking Garage is intended to serve.
3. The Parking Garage shall be designed with architectural features that are consistent with applicable requirements of the underlying zoning district. In addition, the following standards shall apply:
  - a. Architectural design is required that provides horizontal and vertical breaks in all facades of the building.
  - b. Parking Garages may be proposed using either an open or a closed design. In an open design, the openings on each floor shall be arranged in a manner that is consistent with the horizontal and vertical breaks in the façades of the building. In a closed design, the opening on each floor shall be arranged to accommodate windows in a manner that is consistent with the horizontal and vertical breads in the facades of the building. In either case, the resultant architectural design shall convey the appearance of windows arranged in a manner consistent with how windows are provided on other buildings within the development the Parking Garage serves.
  - c. The architectural design shall preclude view of any vehicle parked within the Parking Garage.
4. The Parking Garage shall be designed to include other uses within the facility. At a minimum, the provision of retail space of the ground floor of the facility shall be required. Professional office space, business office space, and Apartments may be permitted within upper levels of the facility. In addition, the following standards shall apply:
  - a. Entrance and access to other uses within a Parking Garage shall comply with the entrance and access standards applicable to Mixed-Use Property, and specifically in accordance with Section 1501.S of this Ordinance.



- b. The entrance to permitted retail spaces shall be directly access from, and connected to, the sidewalk along the street the Parking Garage fronts.

W. **Produce Stand**

1. Sales from a Produce Stand shall be limited to those fruits and vegetables grown in a personal garden on a residential property.
2. The Produce Stand shall be comprised of a temporary accessory structure, including but not limited to a shed, table, or similar structure, of no more than one hundred (100) square feet.
3. The Produce Stand structure is not required to comply with the setback requirements ordinarily applied to the property, but the structure shall not be placed in any road right-of-way.
4. The Produce Stand structure shall be removed when the Produce Stand is not in operation.
5. Off-street parking shall be provided in accordance with applicable provisions of Article XVI.

X. **Recycling Facility**

1. All operations, including collection, shall be conducted within an enclosed building. Access doors for trucks shall be closed at all times other than when a truck is off-loading materials to be recycled or on-loading process materials.
2. There shall be no outdoor storage of materials collected, used, or generated by the Recycling Facility.
3. The operator shall document with the Borough a written explanation describing the scope of the operation and the measures to be used to mitigate any problems associated with noise, fumes, dust, or litter. Such written explanation shall include a detailed explanation of site maintenance and stray debris collection.
4. Access to the Recycling Facility shall be from a roadway classified of no less than a Minor Arterial Street as identified in the Southwest Adams Joint Comprehensive Plan.
5. Any Special Exception approval for a Recycling Facility shall include a condition that the application receive all applicable Pennsylvania Department of Environmental Protection approvals and any similar state approvals. Further, such approvals shall be obtained by the applicant before any Zoning Permit approval for the use is approved.

Y. **Rental Storage**

1. The minimum aisle width between buildings shall be twenty-four (24) feet.

2. Aisles shall be designed to enable large vehicle movement through the site. The applicant shall submit a graphic depicting truck turning movements to demonstrate that large vehicles can move through the site without contacting buildings or being forced to make reverse movements.
3. Aisles shall be paved. Suitable paving material shall be asphalt or concrete.
4. Storage of explosive, radioactive, toxic, highly flammable, or otherwise hazardous materials shall be prohibited.
5. No tenant renting a storage unit shall be permitted to operate a business out of or from the storage unit.
6. All storage shall be within closed buildings built on a permanent foundation of durable materials. Trailers, box cars or similar impermanent or movable structures shall not be used for storage.
7. Outdoor vehicle storage is permitted and shall comply with the following requirements.
  - a. Outdoor vehicle storage shall be screened to prevent view from adjacent streets, residential uses, or land within the R1, R2, R3, or CC Districts.
  - b. Stored vehicles shall not interfere with traffic movement through the facility.
  - c. Spaces for outdoor vehicle storage shall be marked in manner consistent with Section 1602.E.
8. The facility shall be surrounded by a fence of at least six (6) feet but not more than eight (8) feet in height.
9. All lighting shall be arranged so as to prevent direct view of the light bulb or the lens covering the light bulb from adjoining properties and/or public rights-of-way. Full cut-off light fixture shall be used to achieve this standard.
10. A landscaped buffer of no less than ten (10) feet in width shall be provided around the perimeter of the facility. At least one (1) major deciduous tree shall be planted for every twenty (20) foot segment of the buffer.

Z. **Resort**

1. Resorts may include a range of component uses. Such uses shall be comprehensively listed to the Borough and may include the following:
  - a. Outdoor recreation uses such as, but not limited to, golf courses and ski slopes.
  - b. Hotels.

- c. Conference Center.
  - d. Restaurants.
  - e. Taverns.
  - f. Retail Stores.
  - g. Personal Service Shops.
  - h. Day-Care Facilities.
  - i. Other uses deemed by the Zoning Hearing Board to be consistent with the above uses and accessory to the conference function of the facility.
2. The vehicle entrance to the Conference Center complex shall be located either along an arterial street as defined in the Southwest Adams Joint Comprehensive Plan or along a lesser classification street but within one-half (0.5) mile of an intersection with an arterial street.
  3. Because of the unique and land intensive nature of Resorts, the use shall not be required to comply with the development design standards of the underlying zoning district regarding building placement or parking lot placement. However, development design shall be subject to compliance with the following standards:
    - a. All components of a Resort shall meet one of the two following conditions:
      - (1) The component shall be located in a manner where pedestrian connections are provided that can allow guests to walk to and from all venues.
      - (2) If venues are separated by distance that makes walking not feasible, the Resort shall supply shuttle service to move to and from all venues.
    - b. Strict compliance with the parking lot design requirements of Section 1602, and such strict compliance shall be required as a condition of approval for any Special Exception application to allow the development of expansion of a Resort facility.

**AA. Restaurants with Drive-Through Service**

1. The drive-through facility, including the drive-through lane, ordering intercom or window, and product delivery window shall be located to the side or rear of the restaurant building. In no instance may any component of the drive-through facility be located in the front yard.
2. Vegetative screening shall be located between all components of the drive-through facility and any adjoining residential use or any property in the R1, R2, R3, or CC Districts.

3. The drive-through facility must have a lane that is dedicated to the conduct of drive-through business. The lane shall include sufficient length to allow for stacking of a minimum of eight (8) vehicles waiting to place an order. The lane shall include sufficient length to allow for stacking of a minimum of two (2) vehicles waiting to receive an order. The stacking area shall not be used for parking lot circulation aisles or in any way conflict with parking or vehicle and pedestrian circulation.

**BB. Restaurants with Outdoor Seating**

1. Outdoor furnishings may include tables, chairs, umbrellas, service counters, reservation podiums, features associated with outdoor activities, and similar features associated with providing an outdoor dining and leisure experience.
2. Outdoor furnishings shall be stored inside the restaurant during those seasons of the year where the outdoor dining and activity area is not operating.
3. Planters, non-permanent decorative barriers/fencing, as well as a reservation podium are encouraged and shall define the outdoor dining area occupied by the restaurant.
4. Advertising or promotional features shall be limited to umbrellas, canopies and sandwich boards.

**CC. Retail Stores with Drive-Through Service**

1. The drive-through facility, including the drive-through lane and/or service window, shall be located to the side or rear of the retail store building. In no instance may any component of the drive-through facility be located in the front yard.
2. Vegetative screening shall be located between all components of the drive-through facility and any adjoining residential use or any property in the R1, R2, R3, or CC Districts.
3. The drive-through facility must have a lane that is dedicated to the conduct of drive-through business. The lane shall include sufficient length to allow for stacking of a minimum of four (4) vehicles waiting for window service. The stacking area shall not be used for parking lot circulation aisles or in any way conflict with parking or vehicle and pedestrian circulation.

**DD. Retail Stores with Fuel Sales**

1. The use shall be located on a lot abutting a minor arterial street or higher classification as established by the Southwest Adams Joint Comprehensive Plan.
2. Fuel pumps shall be at least twenty-five (25) feet from any existing and required future road right-of-way or fifty (50) feet from the road centerline, whichever is greater.
3. All services not normally associated with vehicular refueling shall be performed within a completely enclosed building.

4. The outdoor display of products for sale at the establishment shall not be permitted except for under following conditions:
  - a. Propane tank display, ice machines, and DVD kiosks shall be permitted year-round.
  - b. The temporary display and sale of flowers shall be permitted no more than one (1) week before Easter or Mother's Day. The temporary display and sale of fireworks shall be permitted no more than one (1) week before the Fourth of July.
  - c. All remnants of these temporary displays and sales, including but not limited to product, tents, trash receptacles and temporary signage shall be removed no later than three (3) days following Easter, Mother's Day or the Fourth of July respectively.
  - d. The required number of parking spaces for the convenience store use shall be maintained at all times. Under no circumstances shall these temporary sale events reduce the available number of parking spaces below the minimum amount required by this Ordinance.
5. A site circulation plan shall be devised that separates those vehicles waiting fueling service from those awaiting other services.
6. Any canopies over a vehicle fueling area shall share common architectural characteristics with the principal building and shall be constructed with materials used for the principal building. The applicant shall submit architectural drawings to confirm the common architectural design and common materials.
7. No canopy structure shall be illuminated. Any lighting designed to illuminate the area beneath the canopy structure shall be flush mounted. Light fixtures that extend below the horizontal plane made by the bottom edge of the canopy shall not be permitted.

EE. **Shopping Plaza**

1. The Shopping Plaza shall operate under unified management, which shall have sole responsibility for operation and maintenance of the Shopping Plaza.
2. The Shopping Plaza shall be designed with a unified architectural theme. Consistent building dimensions, materials, and rooflines shall be proposed for all uses within the Shopping Plaza.
3. The primary entrance to the Shopping Plaza shall be provided from a roadway with a classification no less than a Minor Arterial Street as identified in the Southwest Adams Joint Comprehensive Plan.

4. An internal pedestrian system shall be designed that will enable customers to move from any tenant within a Shopping Plaza to any other tenant without having to traverse vehicle parking spaces, parking space aisles, loading areas, or other non-pedestrian areas.

**FF. Single Family Attached Dwellings**

1. No building within which Single-Family Attached Dwellings are proposed shall include more than four (4) dwelling units.
2. In addition to the setback and yard requirements of the underlying zoning district, buildings where Single-Family Attached Dwellings are proposed shall meet the following building separation requirements:
  - a. No front façade shall be closer than thirty (30) feet to any other front façade.
  - b. The side and rear facades shall be no closer than twenty (20) feet to any other side or rear facades.
3. Within any building within which Single-Family Attached Dwellings are proposed, no individual dwelling unit shall have a building footprint placed at the same distance from the front lot line, the street line, access drive line, or other feature defining the front of the dwelling as an adjoining individual dwelling. The building footprint of adjacent dwellings shall vary by no less than two (2) feet and no more than four (4) feet to create a “staggered” appearance of the individual dwelling units. Further, the roof plane shall vary from dwelling unit to dwelling unit in a manner consistent with the variation in the location of the front and rear of the building footprint.
4. There shall be, for any building within which Single-Family Attached Dwellings are proposed, at least three (3) different architectural plans having substantially different designs, building materials, and exterior and floor elevations.
5. All Single-Family Attached Dwellings shall comply with the following architectural requirements:
  - a. Windows shall constitute a minimum of twenty-five percent (25%) of the total area of every front and rear wall, and ten percent (10%) of the total area of every side wall.
  - b. A minimum roof pitch of no less than 4/12 shall be used.
  - c. Eaves shall be provided on all buildings within which Single-Family Attached dwellings are proposed. The use of eaves in coordination with additional architectural features, such as dentils, brackets, and decorative moldings, is strongly encouraged.
  - d. An architectural feature, such as but not limited to vertical bands, shall be used to delineate the individual dwelling units of a building consisting of Single-Family Attached

Dwellings. In no event shall the building façade transition from one dwelling unit to another without a distinct visual or architectural break between the two units.

6. On any building where, Single-Family Attached Dwellings are proposed, all individual dwelling units shall share a common roof shingle material and color.
7. **Parking:** Off-street parking shall be located in accordance with the following requirements:
  - a. In a common parking lot located to the rear of the building.
  - b. In a common garage located underneath the building and accessed from the rear of the building.
  - c. In garage spaces dedicated to individual dwelling units and accessed from the side or rear of the building.
  - d. The only exception to this standard will be for a quadplex or similar form of single-family attached dwelling. In this case only, a parking space for one (1) of the units within the building may be accessed from the front of the overall building.

**GG. Use of the Same General Character**

1. The proposed use shall be of the same general character in terms of size, scale, intensity, and type of use as those uses specifically authorized in the underlying zoning district.
2. The applicant shall present testimony that evaluates the degree to which the proposed use is of the same general character of the underlying zoning district versus other zoning districts applied in the Borough. In rendering its decision, the Zoning Hearing Board shall conclude that the proposed use achieves an equal or higher degree of character consistency in terms of general character in the underlying district versus other zoning districts applied in the Borough.
3. The proposed use shall not cause traffic impacts that exceed the potential traffic impacts that may be caused by the development of uses specifically authorized in the underlying zoning district.
4. The proposed use shall not produce heat, glare, noise, noxious odors, or any other nuisance that exceed the potential impacts of uses specifically authorized in the underlying zoning district.
5. The proposed use shall comply with all dimensional, performance, and related requirements of the Zoning Ordinance ordinarily applied to specifically authorized uses of the underlying zoning district.

**HH. Vacation Rental**

1. Any proposed Vacation Rental shall be compatible with the neighborhood in which it is located in terms of landscaping, scale and architectural character. The use shall be harmonious and compatible with the existing uses within the neighborhood.
2. The operator of the Vacation Rental shall, at all times while the property is being used as a Vacation Rental, maintain a contact person/entity within a fifteen (15) minute drive of the property. The contact person or entity must be available via telephone twenty-four (24) hours a day, seven (7) days a week, to respond to complaints regarding the use of the Vacation Rental.
3. A written notice shall be conspicuously posted inside each Vacation Rental unit setting forth the name, address and telephone number of the contact person required in Subsection 2 above. The notice shall also set forth the address of the vacation rental, the maximum number of vehicles permitted to park on-site, and the day(s) established for garbage collection.
4. The number of overnight occupants shall be limited to two persons per available guest room or suite.
5. Guest rooms or suites shall meet current minimum room size and related dimensional requirements as may be defined in the Pennsylvania Uniform Construction Code, or similar applicable code.
6. Off-street parking shall be provided in accordance with Section 1601.AAA. Where the number of required parking spaces is such that a parking lot is required in accordance with Section 1602.A, such parking lot shall be designed in accordance with the requirements of Section 1602. Further, the parking lot shall be hidden from view, through the use of landscaping or similar design features, from any public road right-of-way.
7. The operator of the Vacation Rental must demonstrate that the Vacation Rental is registered with the Adams County Treasurer's Office in compliance with County Ordinance No. 3 of 2012 for the payment of Hotel Room Rental Tax, as may be reenacted or amended.

## II. Vehicle Service with Fuel Sales

1. The use shall be located on a lot abutting an arterial street.
2. Fuel pumps shall be at least twenty-five (25) feet from any existing and required future road right-of-way or fifty (50) feet from the road centerline, whichever is greater.
3. All services not normally associated with vehicular refueling shall be performed within a completely enclosed building.
4. Any canopies over a vehicle fueling area shall share common architectural characteristics with the principal building, and shall be constructed with materials used for the principal building. The applicant shall submit architectural drawings to confirm the common architectural design and common materials.



5. No canopy structure shall be illuminated. Any lighting designed to illuminate the area beneath the canopy structure shall be flush mounted. Light fixtures that extend below the horizontal plane made by the bottom edge of the canopy shall not be permitted.

JJ. **Wireless Communication Facilities – Co-location – Inside Public Right-of-Way**

1. **Location:** An applicant may co-locate one (1) or more wireless communications facilities on existing poles, including but not limited to, existing tower based wireless communications facilities, telephone and/or electric utility poles, and light poles. Multiple Small Wireless Facilities proposed to be deployed at multiple locations shall be considered to be one application for the purpose of this review and approval process.
2. **Siting Requirements:** Co-location of wireless communication facilities shall meet the following siting criteria.
  - a. The co-location of the communication facility and related equipment shall not cause any physical or visual obstruction to pedestrian or vehicle traffic and shall not create safety hazards to pedestrians or motorists.
  - b. The facility and equipment shall not limit the public use of the right-of-way.
  - c. The facility and equipment shall not be located within two (2) feet of the street cartway.
  - d. Any related equipment that cannot be placed underground shall be screened through the use of landscaping or other decorative features.
3. **Stealth Technology:** The most current Stealth Technology available shall be used to minimize aesthetic impact of collocated wireless communications facility within the surrounding environment. The Stealth Technology chosen by the applicant shall be subject to approval by the Borough.
4. **Time, Place, and Manner:** The Borough shall have the ability to determine the time, place, and manner of construction, maintenance, repair, and/or removal of all collocated wireless communication facilities within the rights-of-way of Borough roads or other Borough rights-of-way. Such ability shall be based on public safety, traffic management, physical burden on the right-of-way, and related considerations. Within public utility rights-of-way, the Borough's decision regarding time, place, and manner of work shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
5. **Removal or Relocation:** The Borough shall have the ability to require the removal or relocation of co-located wireless communications facilities from within the rights-of-way of Borough roads or other Borough rights-of-way. Within sixty (60) days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, the owner of co-located wireless communication

facility shall, at its own expense, temporarily or permanently remove or relocate said facility. The Borough may, consistent with its police powers and applicable Public Utility Commission regulations, required such removal or relocation under the following circumstances:

- a. The construction, repair, maintenance, or installation of any Borough or other public improvements in the right-of-way.
  - b. The operations of the Borough or other governmental entity in the right-of-way.
  - c. Vacation of a road or release of a utility easement.
  - d. An emergency as determined by the Borough.
6. **Reimbursement for Right-of-Way Use:** The Borough shall have the ability to subject the owner of every co-located communications facility in a public right-of-way to a fair and reasonable use occupancy fee, as may be fixed annually by the Borough. Such compensation for right-of-way use shall be directed related to the Borough's actual right-of-way management costs including, but not limited to, the costs of reviewing, inspecting, permitting, supervising, and other right-of-way management activities of the Borough. The owner of each co-located wireless communication facility shall pay an annual fee to the Borough to compensate the Borough for costs incurred in connection with such management activities.
7. **Review Period:** The timing requirements of Article XXII of this Ordinance notwithstanding, the review and approval period shall be those expressed in "Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment," or subsequent rulemaking, by the Federal Communications Commission, and specifically as follows.
- a. **Small Wireless Facility:** Sixty (60) days from date of application. This time frame includes multiple deployments on existing poles within public right-of-way and on existing structures outside the public right-of-way per Section 1801.KK of this Ordinance.
  - b. **Applications for multiple deployments that contain Small Wireless Facilities on existing structures within public right-of-way and Small Wireless Facilities in any other location as regulated by this Ordinance:** Ninety (90) days from date of application.
  - c. **Facility other than a Small Wireless Facility:** Ninety (90) days from date of application.

**KK. Wireless Communication Facility – Co-location – Outside Public Right-of-Way**

1. **Location:** An applicant may co-locate one (1) or more wireless communications facilities on existing poles, including but not limited to, existing tower based wireless communications facilities, telephone and/or electric utility poles, and light poles. Such facilities may also be co-located on buildings and structures. Multiple Small Wireless Facilities proposed to be deployed at multiple locations shall be considered to be one application for the purpose of this review and approval process.

2. **Screening:** Any related equipment that cannot be placed underground shall be screened through the use of landscaping or other decorative features.
3. **Stealth Technology – Co-location on Wireless Communication Tower:** Any Stealth Technology employed on the existing Wireless Communication Tower must be expanded to encompass the new Wireless Communication Facility to be co-located on said Tower.
4. **Stealth Technology – Co-location on Other Towers, Poles, Structures, or Buildings:** Stealth Technology shall be employed to minimize the visual impact of the Wireless Communications Facility within the surrounding environment. Specific requirements are as follows.
  - a. **Buildings:** Stealth Technology shall be employed that encloses the Wireless Communications Facility in structure that is architecturally compatible with the host building.
  - b. **Poles and Other Structures:** Stealth Technology shall be employed such that the Wireless Communications Facility is installed either within the pole or structure, or flush on the external surface of the pole or structure.
5. **Height:** The following height requirements shall be applied:
  - a. **Co-location on Existing Wireless Communications Tower:** Co-location on an existing Wireless Communications Tower shall not result in a Wireless Communications Tower height that exceeds that authorized by this Ordinance.
  - b. **Co-location on Poles and Other Structures:** Co-location on other poles and other structures shall not result in the Wireless Communications Facility exceeding the height of the pole or structure.
  - c. **Co-location on Buildings:** Co-location on an existing building may result in the Wireless Communication Facility exceeding the building height by no more than ten (10) feet. However, in no case shall the height of the Wireless Communication Facility exceed the maximum building height of the underlying zoning district by more than five (5) feet.
6. **Review Period:** The timing requirements of Article XXII of this Ordinance notwithstanding, the review and approval period shall be those expressed in "Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment," or subsequent rulemaking, by the Federal Communications Commission, and specifically as follows.
  - a. **Small Wireless Facility:** Sixty (60) days from date of application. This time frame includes multiple deployments on existing poles and other structures outside of public right-of-way and within public right-of-way and on existing structures inside the public right-of-way per Section 1801.JJ of this Ordinance.

- b. **Applications for multiple deployments that contain Small Wireless Facilities on existing structures outside of public right-of-way and Small Wireless Facilities in any other location as regulated by this Ordinance:** Ninety (90) days from date of application.
- c. **Facility other than a Small Wireless Facility:** Ninety (90) days from date of application.

LL. **Wireless Communication Facility – Tower Based – Inside Public Right-of-Way**

- 1. **Location:** An applicant may co-locate one (1) or more wireless communications facilities on new poles. Multiple Small Wireless Facilities proposed to be deployed at multiple locations shall be considered to be one application for the purpose of this review and approval process.
- 2. **Evaluation of Siting Opportunities:** An applicant seeking approval to erect or enlarge a tower based wireless communications facility shall demonstrate compliance with the following requirements:
  - a. An applicant shall demonstrate that all structures within the public right-of-way and within one-half (0.5) mile of the proposed site have been evaluated as a co-location site. Co-location opportunities include, but are not limited to, existing tower based wireless communication facilities, telephone and/or electric utility poles, and light poles. The applicant shall provide a site alternative analysis describing the location of potential co-location sites that were considered, the availability of those sites, the extent to which other sites do or do not meet the provider's service or engineering needs, and the reason why the alternative site was not chosen. Where a potential co-location site is not chosen, supplementary evidence shall include one (1) or more of the following reasons for not proposing to co-locate on the alternative site.
    - (1) The proposed antennas and related equipment would exceed the structural capacity of the existing structure, as certified by an engineers certified in the Commonwealth of Pennsylvania, and that appropriate reinforcement cannot be accomplished.
    - (2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment, as certified by an appropriate technical expert, and that the interference cannot be effectively mitigated.
    - (3) The existing structure does not possess appropriate location, space, or access, to accommodate the proposed antennae and equipment or to allow the antennae and equipment to perform their intended function.
    - (4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure that exceeds applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. Such a determination shall be certified by an appropriate technical expert.

- (5) A commercially reasonable agreement could not be reached with the owners of such structures. Where such an agreement is not reached, the applicant shall indicate why any offers or counter-offers made were deemed to be unreasonable.
3. **Siting Requirements:** Where the applicant has demonstrated that no co-location opportunities exist to site wireless communications antenna on an existing structure and that a wireless communications tower is necessary, the following siting criteria must be met:
  - a. The tower-based wireless communication facility and related equipment shall not cause any physical or visual obstruction to pedestrian or vehicle traffic and shall not create safety hazards to pedestrians or motorists.
  - b. The facility and equipment shall not limit the public use of the right-of-way.
  - c. The facility and equipment shall not be located within two (2) feet of the street cartway.
  - d. Any related equipment that cannot be placed underground shall be screened through the use of landscaping or other decorative features.
  - e. The tower shall be setback from all property lines a distance equal to the height of the tower unless the tower is equipped with a structural break point, in which case the tower shall be setback a distance equal to the height of the structural break point above ground level.
4. **Tower Height:** The tower based wireless communications facility shall not exceed forty (40) feet in height.
5. **Tower Safety:** An applicant shall demonstrate that the proposed tower based wireless communications facility will not affect surrounding properties or the public right-of-way as a result of structural failure, falling ice or other debris, or radio frequency interference.
6. **Tower Type:** The applicant shall a monopole tower type for the tower based wireless communications facility.
7. **Stealth Technology:** The most current Stealth Technology available shall be used to minimize aesthetic impact of the tower based wireless communications facility within the surrounding environment. The Stealth Technology chosen by the applicant shall be subject to approval by the Borough.
8. A list of the contents of the equipment building or box, with specific attention to any potentially unsafe or toxic substances, including batteries, to be located in the facility, shall be provided. Documentation demonstrating how any spills of unsafe or toxic material will be contained within the equipment building or box shall also be provided.

9. Information regarding the intended power supply and auxiliary power supply for the facility shall be provided.
10. **Time, Place, and Manner:** The Borough shall have the ability to determine the time, place, and manner of construction, maintenance, repair, and/or removal of all tower-based wireless communication facilities within the rights-of-way of Borough roads or other Borough rights-of-way. Such ability shall be based on public safety, traffic management, physical burden on the right-of-way, and related considerations. Within public utility rights-of-way, the Borough's decision regarding time, place, and manner of work shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
11. **Removal or Relocation:** The Borough shall have the ability to require the removal or relocation of tower-based wireless communications facilities from within the rights-of-way of Borough roads or other Borough rights-of-way. Within sixty (60) days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, the owner of a tower based wireless communication facility shall, at its own expense, temporarily or permanently remove or relocate said facility. The Borough may, consistent with its police powers and applicable Public Utility Commission regulations, require such removal or relocation under the following circumstances:
  - a. The construction, repair, maintenance, or installation of any Borough or other public improvements in the right-of-way.
  - b. The operations of the Borough or other governmental entity in the right-of-way.
  - c. Vacation of a road or release of a utility easement.
  - d. An emergency as determined by the Borough.
12. **Reimbursement for Right-of-Way Use:** The Borough shall have the ability to subject the owner of every tower-based communications facility in a public right-of-way to a fair and reasonable use occupancy fee, as may be fixed annually by the Borough. Such compensation for right-of-way use shall be directed related to the Borough's actual right-of-way management costs including, but not limited to, the costs of reviewing, inspecting, permitting, supervising, and other right-of-way management activities of the Borough. The owner of each tower based wireless communication facility shall pay an annual fee to the Borough to compensate the Borough for costs incurred in connection with such management activities.
13. **Review Period:** The timing requirements of Article XXII of this Ordinance notwithstanding, the review and approval period shall be those expressed in "Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment," or subsequent rulemaking, by the Federal Communications Commission, and specifically as follows.

- a. **Small Wireless Facility:** Ninety (90) days from date of application. This time frame includes multiple deployments on new poles within public right-of-way and in any other location as regulated by this Ordinance.
- b. **Facility other than a Small Wireless Facility:** One Hundred Fifty (150) days from date of application.

**MM. Wireless Communications Facility – Tower Based – Outside Public Right-of-Way**

1. **Location:** An applicant may co-locate one (1) or more wireless communications facilities on new poles. Multiple Small Wireless Facilities proposed to be deployed at multiple locations shall be considered to be one application for the purpose of this review and approval process.
2. **Evaluation of Siting Opportunities:** An applicant seeking approval to erect or enlarge a tower based wireless communications facility shall demonstrate compliance with the following requirements.
  - a. An applicant shall demonstrate that all structures in excess of fifty (50) feet in height within a one (1) mile radius of the proposed site have been evaluated as a co-location site. Co-location opportunities include, but are not limited to, smokestacks, water towers, agricultural silos, tall buildings, towers operated by other wireless communication companies, and other communications towers (fire, police, etc.). The applicant shall provide a site alternative analysis describing the location of potential co-location sites that were considered, the availability of those sites, the extent to which other sites do or do not meet the provider's service or engineering needs, and the reason why the alternative site was not chosen. Where a potential co-location site is not chosen, supplementary evidence shall include one (1) or more of the following reasons for not proposing to co-locate on the alternative site.
    - (1) The proposed antennas and related equipment would exceed the structural capacity of the existing structure, as certified by an engineers certified in the Commonwealth of Pennsylvania, and that appropriate reinforcement cannot be accomplished.
    - (2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment, as certified by an appropriate technical expert, and that the interference cannot be effectively mitigated.
    - (3) The existing structure does not possess appropriate location, space, or access, to accommodate the proposed antennae and equipment or to allow the antennae and equipment to perform their intended function.
    - (4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure that exceeds applicable standards established by the Federal Communications Commission governing human exposure

to electromagnetic radiation. Such a determination shall be certified by an appropriate technical expert.

- (5) A commercially reasonable agreement could not be reached with the owners of such structures. Where such an agreement is not reached, the applicant shall indicate why any offers or counter-offers made were deemed to be unreasonable.
  - b. If the applicant claims that no structures in excess of fifty (50) feet exist within the study area, the applicant shall provide evidence detailing how such determination was made. Such written evidence shall be submitted, and deemed to be complete, before approval for the erection of a wireless communications tower may occur.
  - c. An applicant shall demonstrate that the proposed facility is needed at the proposed location. The applicant shall provide an existing coverage analysis demonstrating a “dead spot” at or near the proposed tower location.
  - d. An applicant shall provide a written analysis that identifies potential negative impacts on neighboring residents and properties and indicates how negative impacts will be effectively mitigated.
3. **Siting Requirements:** Where the applicant has demonstrated that no co-location opportunities exist to site wireless communications antenna on an existing structure and that a wireless communications tower is necessary, the following siting criteria must be met:
- a. The tower shall be setback from all property lines a distance equal to the height of the tower unless the tower is equipped with a structural break point, in which case the tower shall be setback a distance equal to the height of the structural break point above ground level.
  - b. The minimum distance between the base of the tower, or any anchoring guy wires, and residential, place of worship, or school property shall be two hundred (200) feet.
  - c. Where such features exist, the applicant shall use one or more of the following or similar natural features to minimize the visibility of the wireless communications tower:
    - (1) Groves of Trees.
    - (2) Sides of Hills.
4. **Tower Height:** An applicant must demonstrate that a proposed wireless communications tower is the minimum height required to function satisfactorily. In no case shall a wireless communications tower exceed one hundred eighty (180) feet. The measurement of tower height shall include the tower itself as well as any antennas or other equipment attached thereto.



5. **Tower Safety:** An applicant shall demonstrate that the proposed tower will not affect surrounding properties as a result of structural failure, falling ice or other debris, or radio frequency interference.
6. All wireless communications towers shall be fitted with anti-climbing devices, as approved by the manufacturers. A detail confirming the design of such features shall be included in the application for approval of the wireless communications tower.
7. **Tower Type:** The applicant shall use the monopole, or davit-pole, type of wireless communications tower.
8. **Landscaping:** The applicant shall demonstrate compliance with the following landscaping requirements:
  - a. The base of the wireless communications tower, any supporting cables or guy wires, maintenance buildings, and parking areas, shall be enclosed by a protective fence. The protective fence shall be a minimum of six (6) feet in height.
  - b. An evergreen screen shall be planted around the external perimeter of the protective fence. Evergreen trees shall be a minimum of six (6) feet at planting and shall reach a minimum height of fifteen (15) feet at maturity. Any trees which die within a year of planting shall be replaced by the applicant. Where the tower site is either fully or partially located within a grove of existing trees, the evergreen screen requirement may be waived along any portion of the protective fence that is blocked from view from beyond the property line hosting the facility by said grove of trees.
9. **Color:** Where a specific color pattern is not required by the Federal Aviation Administration (FAA), wireless communications tower colors shall be a light grey or galvanized metal color. Towers shall be finished or treated in a manner that prevents the formation of rust.
10. **Site Access:** Access to a wireless communications tower facility shall be provided by an access driveway located within an easement of at least twenty (20) feet in width. The access driveway shall be a minimum of ten (10) feet in width, and shall be constructed with a dust-free, all weather surface for its entire length.
11. **Land Development Plan Approvals:** An applicant shall obtain land development approval from the Carroll Valley Borough Council in accordance with applicable provisions of the Carroll Valley Borough Subdivision and Land Development Ordinance prior to Zoning Permit approval.
12. A list of the contents of the equipment building or box, with specific attention to any potentially unsafe or toxic substances, including batteries, to be located in the facility, shall be provided. Documentation demonstrating how any spills of unsafe or toxic material will be contained within the equipment building or box shall also be provided.

13. Information regarding the intended power supply and auxiliary power supply for the facility shall be provided.
14. **Review Period:** The timing requirements of Article XXII of this Ordinance notwithstanding, the review and approval period shall be those expressed in "Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment," or subsequent rulemaking, by the Federal Communications Commission, and specifically as follows.
  - a. **Small Wireless Facility:** Ninety (90) days from date of application. This time frame includes multiple deployments on new poles outside public right-of-way and in any other location as regulated by this Ordinance.
  - b. **Facility other than a Small Wireless Facility:** One Hundred Fifty (150) days from date of application.

NN. Solar Energy Production Facility

1. The facility shall receive Land Development Plan approval from the Borough in accordance with the Carroll Valley Borough Subdivision and Land Development Ordinance. Should Special Exception review of the facility occur prior to Land Development Plan submission, Special Exception approval shall include a condition that the applicant achieve Land Development Plan approval.
2. The structures comprising the facility shall be constructed and located in a manner so as to minimize the necessity to remove existing trees upon the lot. In no event shall wooded acreage comprising more than two percent (2%) of the deeded acreage of the lot be removed.
3. Where wooded acreage is removed, land area equivalent to two (2) times the area of wooded acreage removed shall be planted with trees at a sufficient density to re-establish a forest in the setting. At a minimum, at least fifty-five (55) trees per acre shall be planted. Such trees shall be depicted on a Landscaping Plan submitted in conjunction with the Land Development Plan for the site. The trees shall be subject to financial guarantee in accordance with applicable requirements of the Carroll Valley Borough Subdivision and Land Development Ordinance.
4. No portion of the facility, exclusive of access driveways to the facility, shall be located within any floodplain regulated by the Carroll Valley Borough Floodplain Management Ordinance. No portion of the facility, including access driveways to the facility, shall be located within a designated wetland.
5. The location of solar arrays and all other accessory structures and buildings shall be subject to fifty (50) foot setbacks from all property lines, or to the setback requirements of the underlying zoning district, whichever is greater.
6. Solar arrays shall not exceed twenty (20) feet in height. For fixed solar arrays, height shall be measured at the highest point of the solar array above ground level. For solar arrays designed to

- be able to change the angle of the individual solar panels, height shall be measured with the solar array oriented at maximum tilt.
7. In calculating the maximum lot coverage, portions of the Facility may be considered pervious if the criteria within the Pennsylvania Department of Environmental Protection (DEP) FAQ document entitled "Chapter 102 Permitting for Solar Panel Farms," dated January 2, 2019, as may be updated or amended, has been met.
  8. Stormwater management for the Facility shall be in accordance with the Carroll Valley Stormwater Management and Erosion and Sedimentation Control Ordinance and the DEP FAQ document entitled "Chapter 102 Permitting for Solar Panel Farms," dated January 2, 2019, as may be updated or amended, as applicable.
  9. The facility shall not be artificially illuminated except to the extent required by safety or by any applicable federal, state or local authority.
  10. On-site power collection lines shall be installed underground.
  11. The facility shall be enclosed by a fence, barrier, or similar structure with a minimum height of eight (8) feet to prevent or restrict unauthorized persons or vehicles from entering the property.
  12. Clearly visible warning signs shall be placed on the required fence, barrier, or similar structure to inform individuals of potential voltage hazards.
  13. A twenty-five (25) foot wide, densely planted, landscaped buffer shall be installed around the outside of the required fence, barrier, or similar structure. Such buffer shall meet the following requirements.
    - a. The landscaped buffer shall include a combination of evergreen trees, deciduous trees, and shrubs, arranged in a manner to replicate a natural woodland.
    - b. The evergreen trees and the deciduous trees shall not be a lesser height than that of the solar array(s) at time of planting.
    - c. All trees and shrubs shall be native to Pennsylvania.
    - d. Should the facility be located next to an existing wooded area with a width that exceeds the buffer width requirement of this Section, the existing wooded area may be considered to be the required landscaped buffer.
  14. The facility shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as toward any adjacent street rights-of-way.
  15. The design of the Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Facility developer shall submit certificates of design

compliance obtained by the equipment manufacturers from Underwriters Laboratories (UL), IEEE, Solar Rating and Certification Corporation (SRCC), ETL, or other similar certifying organizations.

**16. Decommissioning**

- a. The Solar Energy Production Facility owner is required to notify the Borough immediately upon cessation or abandonment of the operation. The facility shall be presumed to be discontinued or abandoned if no electricity is generated by such facility for a period of twelve (12) continuous months.
- b. The facility owner shall then have twelve (12) months in which to dismantle and remove the facility, including all solar related equipment and appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations, solar facility connections, and other associated facilities.
- c. To the extent possible, the materials shall be re-sold or salvaged. Materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials by Federal or State law.
- d. Any soil exposed during the removal shall be stabilized in accordance with applicable erosion and sediment control standards.
- e. Any access drive paved aprons from public roads shall remain for future use.
- f. The site area of the Facility shall be restored to its pre-existing condition, suitable for its prior use, except the landowner may authorize, in writing, any buffer landscaping or access roads installed to accommodate the Facility to remain.
- g. Any necessary permits, such as Erosion and Sedimentation and NPDES permits, shall be obtained prior to decommissioning activities.
- h. At the time of issuance of the Zoning Permit for the construction of the Facility, the owner shall provide financial security in the form and amount acceptable to the Borough to secure its obligations under this Section.
  - (1) The Facility developer shall, at the time of application, provide the Borough with an estimate of the cost of performing the decommissioning activities required herein, together with an administrative and inflation factor of twenty-five percent (25%) to account for the cost of obtaining permits to complete said activities. The estimate may include an estimated salvage and resale value, discounted by a factor of twenty percent (20%). The decommissioning cost estimate formula shall be:

$$\begin{array}{r}
 \text{Gross Cost of Decommissioning Activities} \\
 + \\
 \text{Administrative Factor of Twenty-five Percent (25\%)}
 \end{array}$$

- Salvage and Resale Credit of Eighty Percent (80%)
- = Decommissioning Cost Estimate

- (2) On every fifth (5<sup>th</sup>) anniversary of the date of providing the decommissioning financial security, the Facility owner shall provide an updated decommissioning cost estimate, utilizing the formula set forth above, with adjustments for inflation and cost and value changes. In the decommissioning cost estimate amount changes, the Facility owner shall remit the increased financial security to the Borough within thirty (30) days of the updated decommissioning cost estimate by the Borough.
- (3) Decommissioning cost estimates shall be subject to review and approval by the Borough, and the Facility owner shall be responsible for administrative, legal, and engineering costs incurred by the Borough for such review.
- (4) At no time shall the financial security be an amount less than \$500,000.00.
- (5) The financial security may be in the form of cash, letter of credit, or an investment grade corporate guarantee rated BBB-/Baa3 or better by S&P, Moody's, or AM Best, as applicable.
- (6) Prior to approval of any Zoning Permit for a Facility, the Facility developer shall enter into a Decommissioning Agreement with the Borough outlining the responsibility of the parties with regard to the decommissioning of the Facility.

OO. **Wind Energy Facility**

1. The Wind Energy Facility shall receive Land Development Plan approval from the Borough in accordance with the Carroll Valley Borough Subdivision and Land Development Ordinance. Should Special Exception review of the facility occur prior to Land Development Plan submission, Special Exception approval shall include a condition that the applicant achieve Land Development Plan approval.
2. **Minimum Lot Area:** Five (5) acres.
3. **Separation Distances:** Within a Wind Energy Facility, the following separation distances shall be required.
  - a. **Wind Turbine to Wind Turbine:** One hundred and ten percent (110%) of the height of the tallest Wind Turbine of the Wind Energy Facility.
  - b. **Wind Turbine to Property Line:** One hundred and ten percent (110%) of the height of the Wind Turbine to any property line.

- c. **Wind Turbine to Building on Host Property:** One hundred and ten percent (110%) of the height of the Wind Turbine to any building on the property hosting the Wind Energy Facility.
  - d. **Wind Turbine to Building on Properties other than the Host Property:** One thousand (1,000) feet from the tower on which the Wind Turbine is mounted to any building on a property other than the host property.
  - e. **Wind Turbine to Road Right-of-Way:** Two hundred (200) feet from the tower on which the Wind Turbine is mounted to any road right-of-way.
4. **Maximum Height:** None, provided that the Wind Turbine does not project into any Airport Surface Zones as established in the Airport Overlay (AO) District of this Ordinance.
5. **Ground Clearance:** The minimum ground clearance for Wind Turbine blades shall be thirty (30) feet.
6. **Noise:** The maximum sound produced by a Wind Energy Facility shall not exceed fifty-five (55) decibels at the property line between the host property and any other property. The maximum sound level may only be exceeded during windstorms or power utility outages.
7. **Vibration:** The Wind Energy Facility shall not produce ground vibration discernable at the property line between the host property and any other property.
8. **Shadow Flicker:** The Wind Energy Facility shall not produce shadow flicker in an occupied building on property adjoining the host property for a period of more than thirty (30) minutes per day.
9. **Visual Appearance:** The following standards shall be applied to minimize the visual impact of the site.
  - a. All on-site utility lines, transmission lines, and cables shall be placed underground.
  - b. All Wind Turbines within a Wind Energy Facility shall be an unobtrusive color such as white, off-white, gray, or other color that blends with the surroundings.
  - c. The Wind Energy Facility shall not be illuminated, except to the extent that may be required by the Federal Aviation Administration of other applicable entity.
10. **Decommissioning**
  - a. The Wind Energy Facility owner is required to notify the Borough immediately upon cessation or abandonment of the operation. The facility shall be presumed to be discontinued or abandoned if no electricity is generated by such facility for a period of twelve (12) continuous months.

- b. The facility owner shall then have twelve (12) months in which to dismantle and remove the facility, including all equipment and appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations, wind energy facility connections, and other associated facilities.
- c. To the extent possible, the materials shall be re-sold or salvaged. Materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials by Federal or State law.
- d. Any soil exposed during the removal shall be stabilized in accordance with applicable erosion and sediment control standards.
- e. Any access drive paved aprons from public roads shall remain for future use.
- f. The site area of the Facility shall be restored to its pre-existing condition, suitable for its prior use, except the landowner may authorize, in writing, any buffer landscaping or access roads installed to accommodate the Facility to remain.
- g. Any necessary permits, such as Erosion and Sedimentation and NPDES permits, shall be obtained prior to decommissioning activities.
- h. At the time of issuance of the Zoning Permit for the construction of the Facility, the owner shall provide financial security in the form and amount acceptable to the Borough to secure its obligations under this Section.

(1) The Facility developer shall, at the time of application, provide the Borough with an estimate of the cost of performing the decommissioning activities required herein, together with an administrative and inflation factor of twenty-five percent (25%) to account for the cost of obtaining permits to complete said activities. The estimate may include an estimated salvage and resale value, discounted by a factor of twenty percent (20%). The decommissioning cost estimate formula shall be:

	Gross Cost of Decommissioning Activities
+	Administrative Factor of Twenty-five Percent (25%)
-	Salvage and Resale Credit of Eighty Percent (80%)
=	Decommissioning Cost Estimate

(2) On every fifth (5<sup>th</sup>) anniversary of the date of providing the decommissioning financial security, the Facility owner shall provide an updated decommissioning cost estimate, utilizing the formula set forth above, with adjustments for inflation and cost and value changes. In the decommissioning cost estimate amount changes, the Facility owner shall remit the increased financial security to the Borough within thirty (30) days of the updated decommissioning cost estimate by the Borough.

- (3) Decommissioning cost estimates shall be subject to review and approval by the Borough, and the Facility owner shall be responsible for administrative, legal, and engineering costs incurred by the Borough for such review.
  - (4) At no time shall the financial security be an amount less than \$500,000.00.
  - (5) The financial security may be in the form of cash, letter of credit, or an investment grade corporate guarantee rated BBB-/Baa3 or better by S&P, Moody's, or AM Best, as applicable.
  - (6) Prior to approval of any Zoning Permit for a Facility, the Facility developer shall enter into a Decommissioning Agreement with the Borough outlining the responsibility of the parties with regard to the decommissioning of the Facility.
11. **Contact and Site Information:** The applicant shall file with the Borough, upon completion of construction of the Wind Energy Facility and prior to the commencement of power generation, the following information.
- a. The owner of the Wind Energy Facility site.
  - b. The operator of the Wind Energy Facility site, if different than the owner.
  - c. The name or other identifier of the Wind Energy Facility site.
  - d. The address of the Wind Energy Facility site.
  - e. Phone number for the owner and/or operator of the Wind Energy Facility.
  - f. GPS coordinates for the entrance of the Wind Energy Facility.



ARTICLE XVI  
PARKING AND LOADING REGULATIONS

**Section 1600: Statement of Legislative Intent**

- A. Ensure that uses of property are provided sufficient parking spaces to prevent unauthorized parking in roadways of other locations that may impact public safety.
- B. Require parking lot designs that accommodate parking demand while at the same time minimizing the potential visual, environmental, and public safety impacts of particularly larger parking lots.
- C. Incorporate parking lot design features that enable safe pedestrian movement through parking lots to uses and activity centers by minimizing the occurrence of pedestrian / vehicle interaction.

**Section 1601: Required Parking Spaces**

Unless otherwise regulated in this Article or elsewhere in this Ordinance, the following minimum parking spaces are required. Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter developed for commercial, residential, or similar purposes, shall be provided with not less than the minimum off-street parking spaces, as set forth below. All spaces shall be readily accessible to the uses served thereby.

- A. **Animal Hospital:** One space for every seven hundred fifty (750) square feet of floor area.
- B. **Apartment Building:** One and One Half (1.5) for each apartment.
- C. **Apartment within a Mixed-Use Property:** One and One Half (1.5)
- D. **Bar / Nightclub:** One (1) for every three hundred (300) square feet of floor area devoted to customer use.
- E. **Bed and Breakfast Operation:** One (1) for every guest room, plus two (2) for the dwelling unit.
- F. **Business Office:** One (1) for every five hundred (500) square feet of floor area.
- G. **Car Wash:** One (1) for every wash bay.
- H. **Cemetery:** One (1) for every one (1) acre of land area devoted to the cemetery use.
- I. **Child Care Facility:** One (1) for every one thousand (1,000) square feet of floor area, plus two (2) for child drop-off and pick-up purposes.
- J. **Commercial Recreation / Outdoor:** One (1) for every ten thousand (10,000) square feet of land area devoted to the use.

- K. **Community Center**: One (1) for every seven hundred fifty (750) square feet of floor area.
- L. **Conference Center**: One (1) for every five hundred (500) square feet of meeting space.
- M. **Convenience Store**: One (1) for every four hundred (400) square feet of floor area devoted to customer use.
- N. **Conversion Housing**: Two (2) for each dwelling unit.
- O. **Distribution Center**: One (1) for every three thousand (3,000) square feet of floor area.
- P. **Family Child Care**: One (1) for child drop-off and pick-up purposes in addition to that required by this Section for the residence.
- Q. **Farm Equipment Sales Facility**: One for every one thousand (1,000) square feet of floor area.
- R. **Farm Market / Agricultural Tourism**: One (1) for every five hundred (500) square feet of floor area devoted to customer use.
- S. **Farm Related Business**: One (1) for every seven hundred fifty (750) square feet of floor area devoted to customer use.
- T. **Farm Stand**: One (1) for every four hundred (400) square feet of product display area.
- U. **Farm Worker Housing**: One (1) for every dwelling unit.
- V. **Financial Institution**: One (1) for every five hundred (500) square feet of floor area.
- W. **Golf Course**: Two (2) for each golf hole, plus one (1) for every five hundred (500) square feet of floor area devoted to patron use.
- X. **Group Child Care**: Two (2) for child drop-off and pick-up purposes in addition to that required by this Section for the residence.
- Y. **Group Home**: One (1) for every two (2) residents plus one (1) for the operator.
- Z. **Heavy Industrial Use**: One (1) for every two thousand (2,000) square feet of floor area devoted to the use.
- AA. **Home Occupation**: One (1) for every three hundred (300) square feet of floor area devoted to the use.
- BB. **Homestay**: One (1), plus (2) for the dwelling unit.
- CC. **Hotel**: One (1) for every lodging room plus one (1) space for every five hundred (500) square feet of common customer area (lobby, attached restaurant, meeting rooms, etc.).

- DD. **Infill Housing**: Two (2) for each dwelling unit.
- EE. **Light Industrial Use**: One (1) for every two thousand (2,000) square feet of floor area devoted to the use.
- FF. **Mixed-Use Property**: The total minimum parking spaces required shall be the sum of the minimum parking spaces, as established in Section 1601, for each individual use comprising the Mixed-Use Property.
- GG. **Mobilehome / Manufactured Home / Shed Sales**: One (1) for every three hundred (300) square feet of floor area devoted to the mobilehome or manufactured home sales function.
- HH. **Mobilehome Park**: One (1) for each mobilehome.
- II. **Motel**: One (1) for every lodging room plus one (1) space for every five hundred (500) square feet of common customer area (lobby, attached restaurant, etc.).
- JJ. **Place of Worship**: One for every five hundred (500) square feet of the primary room of assembly.
- KK. **Produce Stand**: One (1).
- LL. **Professional Office**: One (1) for every five hundred (500) square feet of floor area.
- MM. **Recycling Facility**: One (1) for every three thousand (3,000) square feet of floor area devoted to the use.
- NN. **Rental Storage**: Where an on-site rental office is present, one (1) for every four hundred (400) square feet of office floor area.
- OO. **Resort**: The total minimum parking spaces required shall be the eighty percent (80%) of the sum of the minimum parking spaces, as established in Section 1601, for each component part of the Resort.
- PP. **Restaurants**: One space for every three hundred (300) square feet of floor area devoted to customer use.
- QQ. **Retail Store**: One (1) for every five hundred (500) square feet of floor area devoted to customer use.
- RR. **School**: For elementary schools and middle schools, four (4) spaces for every five (5) employees on-site during the school day. For high schools, four (4) spaced for every five (5) employees on-site during the school day, plus one (1) space for every five (5) students.
- SS. **Shopping Plaza**: One (1) for every five hundred (500) square feet of floor area.
- TT. **Single-Family Attached Dwelling**: Two (2) for each dwelling unit.

- UU. **Single-Family Detached Dwelling**: Two (2) for each dwelling unit.
- VV. **Single-Family Semi-Detached Dwelling**: Two (2) for each dwelling unit.
- WW. **Site-Specific Facility**: One (1) for every one thousand (1,000) square feet of floor area devoted to citizen service.
- XX. **Ski Slope**: Twenty-five (25) for every designated trail.
- YY. **Studio**: One (1) for every five hundred (500) square feet of floor area devoted to product display and / or sales.
- ZZ. **Two Family Dwelling**: Two (2) for each dwelling unit.
- AAA. **Vacation Rental**: One (1) for every guest room or suite, plus two (2) for the dwelling unit.
- BBB. **Vehicle Sales**: One (1) for every five hundred (500) square feet of floor area devoted to customer sales or service.
- CCC. **Vehicle Service**: One (1) for every five hundred (500) square feet of floor area devoted to customer service.

**Section 1602: Parking Design Standards**

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

- A. Where three (3) or more parking spaces shall be provided in accordance with the provisions of Section 1601, such spaces shall be provided in a parking lot.
- B. **Surfacing**: Surfacing of off-street parking area shall comply with the following standards.
1. Parking lots within the following zoning districts and/or serving the following uses shall be paved. Suitable paving material shall be asphalt or concrete:
    - a. All parking lots within the C and CC Districts, with the exception large parking lots serving uses with a seasonal component in accordance with the provisions of Section 1602.B.2 below.
    - b. All parking lots for nonresidential uses within the R1, R2, and R3 Districts.
    - c. All parking lots for multi-family dwellings in any zoning district.

2. Parking lots with more than four hundred (400) parking spaces and serving uses with a seasonal component (for example, a Resort) may use parking lot surfacing options in accordance with the following.
    - a. Up to seventy-five percent (75%) of the parking required for the use may be surfaced in accordance with Section 1601.B.3.
    - b. A minimum of twenty-five percent (25%) of the parking required for the use shall be paved with asphalt or concrete. All spaces that serve year-round functions of the use shall be provided with paved parking spaces. If the parking space requirement for the year-round functions represents more than twenty-five percent (25%) of all provided parking spaces, the paved parking percentage shall equal the percent of overall parking needed for the year-round functions.
  3. Parking lots other than those identified in Section 1602.B.2 shall be provided with a durable and dust free surface. Suitable surface includes asphalt or concrete paving, or compacted stone or millings.
  4. Within the Agricultural (A) District, up to fifty percent (50%) of the parking spaces required for a specific use may be provided as reinforced grass overflow parking spaces instead of being surfaced in accordance with the above requirements.
  5. Any parking spaces needed to meet ADA requirements for handicapped accessible parking shall be surfaced in accordance with ADA guidelines.
- C. **Circulation Control:** Parking lot circulation control shall be provided in accordance with the following.
1. Parking access drives, parking circulation drives, and parking aisle drives shall be a uniform width. Such drives shall be a minimum of twenty (20) feet in width where two-way directional travel is proposed and shall be a minimum of twelve (12) feet in width where one-way directional travel is proposed.
  2. Parking aisle drives terminating in a dead end shall be provided with sufficient back-up or turn around area for the end spaces.
  3. Within parking lots with twenty-five (25) or more parking spaces, the following design elements shall be included to enhance circulation control.
    - a. Terminal islands shall be provided at both ends of all parking space rows.
    - b. Where parking space rows are proposed with twenty (20) or more parking spaces, one (1) mid-row island shall be provided for every twenty (20) contiguous parking spaces.
    - c. A divider strip between abutting parking space rows shall be installed.

- d. Curbing or bumper blocks shall be provided around all terminal islands, mid-row islands, and divider strips to prevent vehicular encroachment.
  - e. Pedestrian walkways or sidewalks shall be provided. Such walkways or sidewalks shall be arranged so that a person using a parking space may walk from the parking space to the use the parking space serves without having to walk along or through other parking spaces or parking space aisles to access the use. Divider strips and perimeter landscape strips shall specifically be designed to accommodate required pedestrian walkways or sidewalks. Any location where a walkway or sidewalk crosses an access drive or circulation drive shall be marked by a crosswalk and shall meet ADA requirements.
4. Within parking lots with fifty (50) or more parking spaces, the following additional design elements shall be included to enhance circulation control.
- a. Dedicated parking access drive and/or parking circulation drives shall be provided.
  - b. Parking access drives / parking circulation drives that are designed to run parallel to parking space aisles shall be separated from said parking space aisles by a divider strip.
  - c. Where intersections between parking access drives, parking circulation drives, and/or parking space aisles are proposed, said intersections shall be designed at ninety (90) degree angles.
- D. **Dimensional Requirements:** All parking lots shall be subject to the following dimensional standards.
1. Each parking space shall be not less than ten (10) feet wide by twenty (20) feet long.
  2. Terminal islands shall measure not less than five (5) feet in width and not less eight (8) feet in length if installed at the end of a single parking space row and not less than fifteen (15) feet in length if installed at the end of two abutting parking space rows.
  3. Mid-row islands shall measure not less than five (5) feet in width and not less eight (8) feet in length if installed within a single parking space row and not less than fifteen (15) feet in length if installed within two abutting parking space rows.
  4. Divider strips shall measure not less than ten (10) feet in width and extend the full length of the two parking space rows that the divider strip separates.
- E. **Parking Space Markers:** All parking spaces within all parking lots shall delineate the location of the parking spaces within the lot. Space delineation shall comply with the following requirements:
1. Parking spaces within parking lots surfaced with asphalt or concrete shall be delineated by four (4) inch wide painted lines or four (4) inch wide road surface tape. Paint or road surface tape shall be reapplied as necessary to ensure continuous visibility of the limits of each parking space.

2. Parking spaces within parking lots provided with a surface other than asphalt or concrete are not required to be delineated with paint or road surface tape. In such instances, a bumper block shall be used to define the location and orientation of each parking space. Bumper blocks shall be replaced at any time when said markings become damaged.
  3. Parking space markers shall not be required within the portion of any parking lot using the reinforced grass “overflow” surfacing option authorized in Section 1601.B.3 above.
- F. **Parking Space Location and Orientation:** Within parking lots with twenty-five (25) or more parking spaces, all parking spaces shall be located and oriented in accordance with the following standards.
1. No parking space may be accessed from a parking access drive or a parking circulation drive. All parking spaces must be accessed from a parking space aisle.
  2. All parking space aisles shall be oriented in the same direction.
  3. All parking spaces aisles shall be parallel.
  4. No parking space shall be located or oriented that requires a driver leaving the parking space to have to back into to intersection between a parking aisle and a parking access drive or parking circulation drive. For the purposes of this section, backing into an intersection shall be deemed to occur if any part of the vehicle extends beyond the edge of the terminal island that defines the boundary between the parking aisle and the intersecting parking access drive or parking circulation drive.
- G. **Parking Lot Illumination:** Parking lots shall comply with the following illumination standards where illumination is either required or proposed.
1. All lighting shall be arranged so as to prevent direct view of the light bulb or the lens covering the light bulb from adjoining properties and/or public rights-of-way. Full cut-off light fixtures shall be used to achieve this standard.
  2. Light standards shall be protected from vehicular traffic by curbing or landscaping.
- H. **Parking Lot Landscaping:** All parking lots shall be designed in accordance with the following landscaping standards.
1. **Minimum Standards**
    - a. Each terminal island shall include at least one (1) major deciduous tree or two (2) minor deciduous trees, with the remaining area landscaped with appropriate ground cover or grass.

- b. Each mid-row island shall include at least one (1) major deciduous tree or two (2) minor deciduous trees, with the remaining area landscaped with appropriate ground cover or grass.
  - c. At least one (1) major deciduous tree shall be planted for every forty (40) foot interval within the divider strip. Alternatively, at least two (2) major deciduous trees shall be planted for every twenty (20) foot interval within the divider strip. The remaining area of the divider strip shall be landscaped with ground cover or grass. Pedestrian walkways may be substituted for a portion of the required ground cover or grass to facilitate pedestrian movements through the parking lot.
  - d. Perimeter Landscape Areas shall be provided for all parking lots in excess of twenty-five (25) spaces and in accordance with the following standards.
    - (1) Perimeter landscaped areas shall be provided around the perimeter of all parking lots, except where the one side of the parking lot is bounded by a principal structure.
    - (2) The minimum width of the perimeter landscaping area around a parking area shall be five (5) feet, measured outward from the edge of the parking lot.
    - (3) At least one (1) major deciduous tree shall be planted for every forty (40) foot interval within the perimeter landscaping area. Alternatively, at least one (1) minor deciduous tree shall be planted for every twenty (20) foot interval within the perimeter landscaping area. The remaining area of the perimeter landscaping strip shall be landscaped with appropriate ground cover or grass.
  - e. No planting shall be permitted that obstructs visibility for drivers at any intersection within a parking lot involving parking aisles, parking access drives, and parking circulation drives. The use of shrubs within terminal islands is specifically precluded.
2. **Landscaping Plan Submission:** A Landscaping Plan depicting the required plantings shall be provided with all required submissions in support of a given project. At a minimum, this includes applications for Special Exception approval and for Zoning Permit approval in accordance with this Ordinance, and for Land Development Plan approval in accordance with the Carroll Valley Borough Subdivision and Land Development Ordinance.
  3. **Landscaping Compliance Table:** A table shall be provided with every Landscaping Plan with sufficient detail to demonstrate compliance with the landscaping requirements of this Section. At a minimum, the table shall include the following.
    - a. Calculation of minimum Planting Units required.
    - b. Calculation of Planting Units provided.
    - c. Biological and Common Name of all plants.



- d. Size of all plants at time of planting.
- e. Size of all plants at maturity.

**Section 1603: Required Off-Street Loading / Unloading Spaces**

At least one (1) off-street loading / unloading space shall be provided for all commercial and industrial concerns in excess of three thousand five hundred (3,500) square feet of floor area and that involve product movement and/or delivery. The number of loading / unloading spaces shall be left to the discretion of the developer.

**Section 1604: Loading / Unloading Design Standards**

All loading / unloading spaces shall be designed in accordance with the following standards.

- A. Loading / unloading spaces shall be at least fourteen (14) feet wide, sixty (60) feet long and shall have at least a fifteen (15) foot vertical clearance.
- B. Loading / unloading spaces shall be provided a maneuvering area of sufficient size such that each loading space is provided safe and convenient access. Truck turning templates shall be provided on all site plans to depict the means by which trucks will access the loading / unloading space(s).
- C. Within the R1, R2, R3, C, and CC Districts all loading / unloading spaces shall be paved. Suitable paving material shall be asphalt or concrete.
- D. Within the A District, loading / unloading areas shall be provided with a durable and dust free surface. Suitable surfaces shall be paved in accordance with Section 1604.C, or surfaced with compacted stone or millings.
- E. Required off-street parking space (including aisles) shall not be used for loading and unloading purposes except during hours when business operations are suspended.
- F. Loading / unloading spaces shall be designed so that trucks need not back in or out, or park in, any public right-of-way.
- G. No truck shall be allowed to stand in a public right-of-way, a parking lot (including parking aisle drives), or in any way block the effective flow of persons or vehicles.
- H. Loading and unloading areas, including areas provided for refuse removal, shall be located so as not to interfere with customer or employee parking areas. No loading / unloading or refuse removal functions may be conducted within parking aisle drives.

**Section 1605: Handicap Accessible Parking Spaces**

- A. All parking areas shall provide handicap accessible parking spaces in accordance with the requirements of the *Americans with Disabilities Act*. Where the requirements of this ordinance may conflict with specific requirements of the *Americans with Disabilities Act*, the *Americans with Disabilities Act* standards shall apply.
- B. **Number of Accessible Spaces:** All parking areas shall provide a minimum number of accessible parking spaces in accordance with the following:

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

- C. **Number of Van-Accessible Spaces:** One (1) of every six (6) accessible parking spaces, or fraction thereof, must be “van-accessible”.
- D. **Design Requirements for Accessible Spaces:** All handicap accessible parking spaces shall be designed in accordance with the following requirements:
  1. Accessible spaces shall have a minimum sixty (60) inch wide access aisle.
  2. Van-accessible spaces shall have a minimum ninety-six (96) inch wide access aisle.
  3. Access aisles shall be marked with diagonal yellow stripes and shall be part of an accessible route to the building or structure served by the parking area.
  4. All accessible spaces shall be clearly marked with a sign displaying the Universal Symbol of Accessibility. Such signs shall not count against any sign limitation elsewhere in this ordinance.

ARTICLE XVII  
SIGN REGULATIONS

**Section 1700: Statement Of Legislative Intent**

It is the intent of this Article to:

- A. Place reasonable standards on the erection and maintenance of signs within Carroll Valley Borough.
- B. Promote the safety, welfare, and convenience of uses of rights-of-way, relative to signs, while maintaining and enhancing the residential and rural character of Carroll Valley Borough.
- C. Promote commerce while identifying places of business and cultural and social activity in a visually attractive manner compatible with the residential and rural character of Carroll Valley Borough.
- D. Avoid excessive use of large or multiple signs, so that permitted signs can provide identification and direction while minimizing clutter, confusion, and hazardous distractions to motorists and pedestrians.

**Section 1701: General Regulations**

The following regulations shall govern signs in all districts.

- A. No sign shall be erected, enlarged, or relocated until a Zoning Permit for doing so has been issued by the Zoning Officer, or unless specifically exempted from permitting by Section 1702 below. Applications shall be on forms provided by the Borough. All applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, colors, location on land or buildings, means of installation on land or building, and all other relevant information.
- B. Signs, and the structure and equipment used in the erection and/or installation of such signs, shall be comprised of durable materials requiring little maintenance. All signs shall be permanently affixed to the ground or building, as appropriate, using generally accepted construction practices.
- C. No sign shall be located so as to interfere with the clear sight distance regulations of the Carroll Valley Borough Subdivision and Land Development Ordinance. Temporary real estate, contractor, and yard / garage sale signs are excluded from this requirement.
- D. No sign shall be located within the right-of-way of any public or private street. Temporary real estate, contractor, and yard / garage sale signs are excluded from this requirement.
- E. Signs may be illuminated in accordance with the following standards:
  - 1. Where sign illumination is limited in this Ordinance to external illumination, the light bulb or the lens covering the light bulb shall be hidden from vehicular and/or pedestrian view by a vegetative screen or a fixture surrounding the light that directs the light to the sign face. Indirect

illumination shall not be permitted that either directly or indirectly produces glare affecting neighboring residential properties or any adjoining street.

2. Where sign illumination is not limited in this Ordinance to external illumination, the sign may employ internal illumination.

**Section 1702: Signs Exempt from Permitting**

The following types of signs are exempted from the permitting requirements of this Ordinance, provided the sign meets all other applicable requirements of this Section:

- A. Official street and traffic signs and any other signs required by law.
- B. Trespassing signs, signs indicating private ownership of roads and/or property, and similar signs, provided that such signs are spaced at intervals of no less than one hundred (100) feet and do not exceed two (2) square feet in area.
- C. Temporary, non-illuminated real estate signs advertising the sale or rental of the premises upon which they are erected, provided the following standards are met:
  1. The maximum area on any side of the sign shall not exceed six (6) square feet.
  2. The total area of the sign shall not exceed twelve (12) square feet.
  3. Not more than two (2) signs are placed on a property under single ownership.
  4. Such signs shall be removed not more than five (5) business days following the sale or rental of the premises.
- D. Temporary, non-illuminated signs of contractors, painters, or similar artisans, erected on the premises where the work is being performed, provided the following standards are met:
  1. The maximum area of any one side of the sign shall not exceed six (6) square feet.
  2. The total area of the sign shall not exceed twelve (12) square feet.
  3. Not more than one (1) such sign for each contractor, painter, or similar artisan shall be erected on any property under single ownership.
  4. The sign shall be removed within five (5) days of the completion of the work.
- E. Temporary, non-illuminated yard or garage sale signs, provided the following standards are met:
  1. Such signs shall not be displayed for more than forty-eight (48) hours of each calendar month.

2. The total area of such signs shall not exceed four (4) square feet
  3. Not more than two (2) signs shall be displayed for any sale event.
- F. Freestanding signs designating the “entrances” and “exits” to commercial and industrial establishments, provided the following standards are met:
1. Sign illumination shall be limited to external illumination.
  2. Each side of the sign shall not exceed four (4) square feet.
- G. Legal notices, identification, informational, or directional signs erected or required by governmental bodies.
- H. Window signs, directly affixed to the exterior or interior of a window or placed inside a building in a manner that can be seen through a window.
- J. Flags indicating that the use is open for the business day, provided the following standards are met:
1. Such flags shall be installed in a manner that provides a minimum of seven (7) feet of clearance between the flag and any pedestrian walkway, including but not limited to public sidewalks.
  2. Such flags shall be removed at the end of the advertised business day.
- K. Personal Expression Signs of any type, include, flags and on-premises signs that express an opinion, interest, or position on a particular topic provided the following standards are met:
1. The maximum sign area shall not exceed three (3) square feet.
  2. The sign shall not be commercial in nature.
  3. The sign shall not be illuminated.
  4. The sign shall not be located within, or project into, a street right-of-way.
  5. The sign shall not be placed on, or painted onto, a vehicle or vehicle trailer parked with the purpose of providing for the sign.
  6. The sign shall not be located on a building, or other structure, or any part thereof.
  7. The sign shall not impair, or cause confusion to, vehicular and/or pedestrian traffic in its design color or placement, as determined by the Zoning Office in consultation with the Carroll Valley Police Department.
  8. The sign shall not violate any applicable provision of Section 1701.

9. The sign shall not contain expression that constitutes obscene materials, fraud, pornography, speech integral to illegal conduct, speech that incites imminent lawless action, and fighting words or other threatening language, as those terms and phrases are defined by prevailing federal and/or state law.
- L. Temporary signs announcing a drive or event of civic, philanthropic, educational, or religious organization, provided such sign shall not exceed twelve (12) square feet in area and shall be removed immediately upon the completion of the drive or civic event.

### **Section 1703: Prohibited Signs**

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

- A. Flashing signs.
- B. Flashing and/or rotation lights.
- C. Signs using the words “stop,” “caution,” or “danger.” Signs using red, yellow, and/or green lights resembling traffic signals. Signs that resemble traffic control signs in terms of size, shape, or color.
- D. Revolving, rotating, or otherwise moving signs. This prohibition shall not include feather signs or flags.
- E. Animated signs, where a component of the sign structure is designed to physically move. This prohibition shall not include feather signs or flags.
- F. Changeable copy signs, except when copy is changed manually. Electronic Message Center signs, when permitted in accordance with the standards of Section 1708, are excluded from this prohibition.
- G. Portable signs, whether mounted on a trailer, vehicle, temporary base, or similar such device.
- H. Roof signs.
- I. Streamers, pennants, inflatable, or lighter than air signs. This prohibition shall not include feather signs or flags.
- J. Strings or light bulbs, search lights, or other lighting intended to attract attention to a nonresidential use, other than traditional holiday decorations.

### **Section 1704: Signs Permitted in All Districts**

The following types of signs are permitted in all districts:

- A. Off-Premises Directional Signs shall be permitted in accordance with the following requirements:

1. The maximum area of any one (1) side of a sign shall not exceed ten (10) square feet.
  2. The total area of the sign shall not exceed twenty (20) square feet.
  3. The maximum height of the sign shall not exceed ten (10) feet.
  4. Within the A, R1, R2, and R3 Districts, sign illumination shall be limited to external illumination.
  5. If three (3) or more off-premises directional signs are proposed on the same property, consolidation of the individual signs on a single off-premises directional sign shall be required. Compatibly designed business logos shall be required. In addition, the following size requirements shall be required:
    - a. The maximum area of any one side of a consolidated off-premises directional sign shall not exceed six (6) square feet for each advertised use.
    - b. The total area of a consolidated off-premises directional sign shall not exceed twelve (12) square feet for each advertised use.
  6. Where the applicant for an off-premises directional sign does not own the property where said sign is proposed, the property owner shall be a co-applicant for the zoning permit necessary to authorize said sign.
- B. **Community Welcome Signs:** Signs erected by municipal, civic, or community organizations, and designed to welcome visitors to the Carroll Valley Borough community and notify the public of community events, may be erected in any zoning district, provided that the following standards are met:
1. The maximum area of any one side of the sign shall not exceed fifty (50) square feet.
  2. The maximum area of all sides of the sign shall not exceed one hundred (100) square feet.
  3. Sign illumination shall be limited to external illumination.
- C. Signs for Places of Worship, Service Clubs, Fraternal Organizations, Schools, Municipal, Emergency Services, Public and Non-Commercial Parks and Recreation, and similar uses that perform civic or community serving functions.
1. The maximum area of any one side of the sign shall not exceed thirty-two (32) square feet.
  2. The maximum area of all sides of the sign shall not exceed sixty-four (64) square feet.
  3. If a freestanding sign is used, the maximum height of the sign shall not exceed ten (10) feet.
  4. Sign illumination may include internal illumination.

5. Changeable copy may be permitted provided the changeable copy complies with the requirements of Section 1703.F.
6. Such signs may include an Electronic Message Center component, provided that such component complies with the Electronic Message Center standards established in Section 1708.
7. Where the standards of Section 1704.C conflict with other standards of Article XVII, the standards of Section 1704.C shall control.

**Section 1705: Signs Permitted in The A, R1, R2, And R3 Districts**

Within the A, R1, R2, and R3 Districts, the following sign regulations shall apply.

- A. Signs advertising a Home Occupation are permitted, provided that the following requirements are met.
  1. The maximum area of any one (1) side of the sign shall not exceed four (4) square feet.
  2. The total area of the sign shall not exceed eight (8) square feet.
  3. Sign illumination shall be limited to external illumination.
  4. The maximum height of a freestanding sign shall not exceed six (6) feet. Wall signs or projecting signs are permitted, provided that said sign does not extend above the eave of the building.
- B. For individual nonresidential uses of property other than Home Occupations, the following sign standards shall apply.
  1. One (1) freestanding sign shall be permitted in accordance with the following requirements.
    - a. The maximum area of any one side of a freestanding sign shall not exceed twenty (20) square feet.
    - b. The total area of a freestanding or projecting sign shall not exceed forty (40) square feet.
    - c. Any freestanding sign shall not exceed six (6) feet in height.
  2. One (1) wall sign shall be permitted in accordance with the following requirements.
    - a. The maximum area of a wall sign shall be eighty (80) square feet or fifteen percent (15%) of the surface area of the wall, whichever is less.
    - b. Wall signs shall not extend above the eave of the building and shall not be placed over windows.



**Section 1706: Signs Permitted In The C District**

Within the C District, the following sign regulations shall apply.

- A. For individual nonresidential uses of property, the following sign standards shall apply.
1. One (1) freestanding sign shall be permitted in accordance with the following requirements.
    - a. The maximum area of any one side of a freestanding sign shall not exceed twenty (20) square feet.
    - b. The total area of a freestanding or projecting sign shall not exceed forty (40) square feet.
    - c. Any freestanding sign shall not exceed six (6) feet in height.
  2. One (1) wall sign shall be permitted in accordance with the following requirements.
    - a. The maximum area of a wall sign shall be one hundred (100) square feet or fifteen percent (15%) of the surface area of the wall, whichever is less.
    - b. Wall signs shall not extend above the eave of the building and shall not be placed over windows.
  3. Two (2) feather signs shall be permitted in accordance with the following requirements.
    - a. The maximum height of a feather sign shall be ten (10) feet.
    - b. The maximum width of a feather sign shall be three (3) feet.
    - c. Any feather sign shall be securely anchored.
    - d. A feather signs shall be replaced once the feather sign becomes ripped or tattered.
  4. Where the nonresidential use is located at the intersection of two (2) public streets, excluding alleys, one (1) sign meeting the requirements of Section 1706.A.1 and one (1) sign meeting the requirements of Section 1706.A.2 may be erected along each street.
- B. For Shopping Plazas, the following sign standards shall apply.
1. One (1) freestanding sign shall be permitted to identify the name, entrance, and tenants of the Shopping Plaza. Such sign shall comply with the following requirements:
    - a. The maximum area of any one side of the sign shall not exceed fifty (50) square feet.
    - b. The total area of the sign shall not exceed one hundred (100) square feet.

- c. The maximum height shall be ten (10) feet.
    - d. The sign shall be located no less than twenty (20) feet from the adjoining road right-of-way.
  2. One (1) wall sign shall be permitted for each tenant within a Shopping Plaza. Such sign shall comply with the following requirements.
    - a. The maximum area of a wall sign shall be thirty (30) square feet or fifteen percent (15%) of the surface area of the tenant's wall, whichever is less.
    - b. Wall signs shall not extend above the eave of the building and shall not be placed over windows.
    - c. Each wall sign shall be designed to be visually compatible, in terms of color and materials, with buildings of the Shopping Plaza.
- C. The signs authorized in Sections 1706.A and 1706.B above may include an Electronic Message Center component, provided that such component complies with the Electronic Message Center standards established in Section 1708.
- D. Signs directing patrons, members, or audiences to temporary exhibits, shows or events are permitted; provided that such sign shall not exceed six (6) square feet, shall be removed within two (2) weeks after the date of the exhibit, show, or event, and shall not be posted earlier than two (2) weeks before the date of the exhibit, show, or event.
- E. A maximum of one (1) billboard sign may be erected on a property in accordance with the following requirements.
  1. Billboard signs shall only be authorized to be constructed in the C District.
  2. The maximum area of any one side of the billboard sign shall not exceed one hundred (100) square feet.
  3. The total maximum area of the billboard sign shall not exceed two hundred (200) square feet.
  4. The maximum height of the billboard sign shall not exceed fifteen (15) feet.
  5. The billboard sign, including its support structure, shall be placed at least twenty-five (25) feet from any street right-of-way line and at least fifty (50) feet from any side or rear property line.
  6. The billboard sign shall be located along a Minor Arterial or higher classification street as identified by the Southwest Adams Joint Comprehensive Plan.
  7. The billboard sign shall be located at least five hundred (500) feet from any other billboard sign.

8. The billboard sign shall be located at least five hundred (500) feet from any residential zoning district.
9. Billboard signs shall be limited to external illumination. Any illumination of a billboard sign shall comply with the sign illumination standards of Section 1701.D.1.
10. Billboard signs shall be subject to the prohibition of changeable copy signs as established in Section 1703.F. Billboard signs are specifically excluded from including an Electronic Message Center component.

**Section 1707: Signs Permitted in The CC District**

Within the CC District, the following sign regulations shall apply.

- A. For a property with one nonresidential use, the following sign standards shall apply.
  1. One (1) freestanding sign shall be permitted in accordance with the following requirements.
    - a. The maximum area of any one side of a freestanding sign shall not exceed twenty (20) square feet.
    - b. The total area of a freestanding or projecting sign shall not exceed forty (40) square feet.
    - c. Any freestanding sign shall not exceed six (6) feet in height.
  2. One (1) wall sign shall be permitted in accordance with the following requirements.
    - a. The maximum area of a wall sign shall be eighty (80) square feet or twenty percent (20%) of the surface area of the wall, whichever is less.
    - b. Wall signs shall not extend above the eave of the building and shall not be placed over windows.
  3. Where the nonresidential use is located at the intersection of two (2) public streets, excluding alleys, one (1) sign meeting the requirements of Section 1707.A.1 and one (1) sign meeting the requirements of Section 1707.A.2 may be erected along each street.
  4. The signs authorized in Sections 1707.A.1 above may include an Electronic Message Center component, provided that such component complies with the Electronic Message Center standards established in Section 1708.
- B. For a property with more than one nonresidential use, the following sign standards shall apply.
  1. One (1) freestanding sign shall be permitted in accordance with the following requirements.

- a. The maximum area of any one side of a freestanding sign shall not exceed thirty (30) square feet.
  - b. The total area of a freestanding or projecting sign shall not exceed sixty (60) square feet.
  - c. The freestanding sign shall not exceed eight (8) feet in height.
  - d. The freestanding sign shall be designed to accommodate signage for all nonresidential uses of the property.
2. One (1) wall sign shall for each nonresidential use be permitted in accordance with the following requirements.
    - a. The maximum area of each wall sign shall be thirty (30) square feet or fifteen percent (15%) of the surface area of the wall, whichever is less.
    - b. The cumulative area of all wall signs shall not exceed sixty (60) square feet or thirty percent (30%) of the surface area of the wall, whichever is less.
    - c. Wall signs shall not extend above the eave of the building and shall not be placed over windows.
  3. Where the nonresidential use is located at the intersection of two (2) public streets, excluding alleys, one (1) sign meeting the requirements of Section 1707.B.1 and one (1) sign for each nonresidential use meeting the requirements of Section 1707.B.2 may be erected along each street.
  4. The signs authorized in Sections 1707.B.1 above may include an Electronic Message Center component, provided that such component complies with the Electronic Message Center standards established in Section 1708.
- C. Signs directing patrons, members, or audiences to temporary exhibits, shows or events are permitted; provided that such sign shall not exceed six (6) square feet, shall be removed within two (2) weeks after the date of the exhibit, show, or event, and shall not be posted earlier than two (2) weeks before the date of the exhibit, show, or event.

**Section 1708: Electronic Message Center Standards**

Where authorized, Electronic Message Centers shall comply with the following standards.

- A. Where an Electronic Message Center is authorized, the Electronic Message Center shall be incorporated into an existing or proposed sign that complies with the sign type, sign height, and sign area requirements of the underlying zoning district. Under no circumstances shall an Electronic Message Center be permitted to be incorporated into a nonconforming sign.

- B. The Electronic Message Center shall not exceed more than fifty percent (50%) of the total sign area of the sign into which the Electronic Message Center is being incorporated.
- C. No more than one (1) Electronic Message Center shall be permitted per property.
- D. The Electronic Message Center shall not employ streaming video.
- E. The Electronic Message Center shall not employ text or images which flash, pulsate, or scroll. The Electronic Message Center may include animated graphics.
- F. Each complete message must fit on one (1) screen.
- G. Any message on an Electronic Message Center shall have a minimum hold time of eight (8) seconds.
- H. Message transitions on an Electronic Message Center shall occur instantly, and no transition graphics (for example, fades or dissolves) may be employed.
- I. The Electronic Message Center shall be equipped with a default mechanism that will freeze the message when a malfunction in the electronic programming occurs.
- J. Audio speakers on Electronic Message Centers are prohibited.
- K. Electronic Message Centers shall not exceed a maximum illumination of five thousand (5,000) nits (candelas per square meter) during daylight hours and a maximum of five hundred (500) nits (candelas per square meter) between dusk to dawn. The sign shall be equipped with an automatic dimmer control that produces a distinct illumination change from the higher allowed illumination level to the lower allowed illumination level for the time period between a half hour before sunset and a half hour after sunrise.
- K. The owner of every Electronic Message Center shall coordinate with local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

ARTICLE XVIII  
NON-CONFORMING USES

**Section 1800: General**

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

**Section 1801: Alterations and Reconstruction**

- A. Repairs and structural alterations not constituting extensions, expansions, or enlargements, may be made to a non-conforming structure or to a structure occupied by a non-conforming use.
- B. A non-conforming structure which is damaged by fire, explosion, or natural disaster, may be rebuilt and used for the same purpose, provided that:
  - 1. The reconstruction of the structure is commenced within one (1) year from the date of the destruction of the building and is carried to completion without undue delay.
  - 2. The reconstructed structure does not exceed the height, area, and volume of the building destroyed.
  - 3. The reconstructed structure shall be located within the footprint of the structure that was destroyed.
- C. Notwithstanding the provisions of Section 1801.A and 1801.B above, no structure (including trees) may be reconstructed or reestablished if said structure was previously abated in accordance with the provisions of Section 1305.

**Section 1802: Extension, Expansion, And Enlargement of Non-Conforming Uses**

- A. The Zoning Hearing Board may authorize, as a special exception, the following types of extensions, expansions, and enlargements of non-conforming uses existing on the effective date of this Ordinance:
  - 1. The extension of a non-conforming use of land upon a lot occupied by such use.
  - 2. The extension, expansion, or enlargement of a conforming building occupied by a non-conforming use.
- B. The foregoing extension, expansions, and enlargements of such non-conforming uses shall be subject to the following conditions:

1. The extension, expansion, or enlargement shall conform to the height, area, yard, and coverage regulations of the district in which the use would ordinarily be permitted.
2. The criteria of Section 1802.B.1 notwithstanding, the extension, expansion, or enlargement of the non-conforming use shall not exceed an increase of fifty percent (50%) of the original area of the nonconforming use. Where the nonconforming use is fully conducted within a building, this standard shall apply to the total area of the building footprint. Where the nonconforming use is not fully conducted within a building, this standard shall apply to the total land area of the lot dedicated to the nonconforming use. The original area of the nonconforming use is the original building footprint or land area devoted to the nonconforming use on the date such nonconforming use became nonconforming.
3. The entire use shall be provided with off-street parking and loading spaces as required by Article XVI. Where the design of current off-street parking lots and loading facilities do not comply with current standards of Article XVI, such parking lots and loading facilities shall be redesigned to comply.
4. The extension, expansion, or enlargement does not replace a conforming use.
5. The extension, expansion, or enlargement of the non-conforming use shall not be permitted to extend into land adjacent to the initial parcel of existing land occupied on the effective date of this Ordinance.

**Section 1803: Extension, Expansion, And Enlargement of Non-Conforming Structures**

- A. Where an existing structure is nonconforming with regard to one or more applicable dimensional standards, such structure may be extended, expanded, or enlarged as a matter of right provided that the degree of nonconformity is not increased.
- B. Where an existing structure is nonconforming with regard to one or more applicable dimensional standards, and an extension, expansion, or enlargement of said building is proposed that would increase the degree or nonconformity, such extension, expansion, or enlargement shall be subject to variance approval from the Zoning Hearing Board.
- C. Notwithstanding the provisions of Section 1803.A and 1803.B above, no structure (including trees) that is nonconforming with the provisions of Article XIII may be extended, expanded, or enlarged in a manner that increases the degree of nonconformity.

**Section 1804: Change of Use**

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

**Section 1805: Abandonment and Discontinuance**

If a non-conforming use of a structure or land ceases or is discontinued for a continuous period of one (1) year or more, the non-conforming use shall be considered to be abandoned, and subsequent use of such structure or land shall be in conformity with all the provisions of this Article. This standard shall not apply in cases where the cessation or discontinuance was caused by circumstances beyond the control of the owner.

**Section 1806: Non-Conforming Lots**

- A. Any lot held in single and separate ownership at the effective date of this Ordinance and which does not conform to one or more of the applicable dimensional regulations in the district in which it is located shall be considered non-conforming. A building may be erected upon a non-conforming lot and a use may be established upon a non-conforming lot provided a Zoning Permit is obtained in accordance with the provisions of this Ordinance. Such development shall comply with the following provisions:
1. The proposed use is permitted by right within the district in which it is located.
  2. The proposed building and use shall comply with all applicable area, height, and bulk regulations of the district other than the regulation(s) that result in the lot being considered to be non-conforming. Zoning Permit approval shall not be granted for lots that are non-conforming with regard to minimum lot area, and where the underlying zoning district applies a minimum lot area standard for a specific use that exceeds the generally required minimum lot area standard for the zoning district as a whole.

**Section 1807: Non-Conforming Signs**

- A. Signs in existence at the effective date of this Ordinance may be continued subject to the requirements contained in Section 1800 of this Ordinance.
- B. If and when a non-conforming sign is replaced, the new sign shall comply with the requirements of Article XVII of this Ordinance. "Replacement" shall refer to the structural replacement and/or relocation of the sign but shall not include simply revising the text or color of the sign.



ARTICLE XIX  
ENFORCEMENT AND ADMINISTRATION

**Section 1900: Statement of Legislative Intent**

The following standards shall establish the means and processes by which the Carroll Valley Borough Zoning Ordinance is administered. These provisions include, but are not limited to, the establishment, organization, function, and responsibilities of the Carroll Valley Borough Zoning Hearing Board, the appointment and responsibilities of the Carroll Valley Borough Zoning Officer, and the process for application and issuance of Carroll Valley Borough Zoning Permits.

**Section 1901: Appointment of A Zoning Hearing Board**

The Carroll Valley Borough Council shall, by resolution and in accordance with Section 903 of Municipalities Planning Code, appoint a Carroll Valley Borough Zoning Hearing Board consisting of three (3) members, and in accordance with Section 903(b) of the Municipalities Planning Code, one (1) or more alternate members. Said Zoning Hearing Board shall have such duties, powers, jurisdiction, and authority as set forth in Article IX of the Municipalities Planning Code.

**Section 1902: Membership of The Zoning Hearing Board**

Members and alternative members of the Zoning Hearing Board shall be residents of Carroll Valley Borough and shall hold no other elected or appointed office in Carroll Valley Borough.

**Section 1903: Organization of The Zoning Hearing Board**

- A. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the board as provided in Section 908 of the Municipalities Planning Code.
- B. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
- C. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the municipality, and shall submit a report of its activities to the Borough Council as requested by the Borough Council.

**Section 1904: Zoning Hearing Board Expenditures for Services**

Within the limits of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the Borough Council. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the Borough Council, for the performance of their duties when designated as alternate members pursuant to Section 1903.B, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the Borough Council.

**Section 1905: Hearings**

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

- A. Public notice shall be given, and written notice shall be given to the owner(s) of the subject land parcel(s), the applicant(s), the Zoning Officer, and all adjacent property owners to the subject land parcel(s), and any person who has made a written request for the same within fifteen (15) days of the scheduled hearing. Written notices shall be given at such time and in such manner as prescribed by the rules of the Zoning Hearing Board. In addition to the written notice provided for herein, a sign shall be conspicuously posted on the affected property at least one (1) week prior to a scheduled hearing date. Such sign(s) shall bear on its face, at a minimum, the name of the hearing body and a phone number to contact the Zoning Officer to obtain additional information.
- B. The Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- C. The first hearing before the Zoning Hearing Board or hearing officer shall be commenced within sixty (60) days from the date of receipt of the applicant's application unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Hearing Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board or hearing officer shall ensure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Carroll Valley Borough, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

- D. The hearings shall be conducted by the Zoning Hearing Board, or the Zoning Hearing Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board. However, the appellant or the applicant, as the case may be, in addition to Carroll Valley Borough, may, prior to the decision of the hearing waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
- E. The parties to the hearing shall be the Borough Council, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.
- F. The chairperson or acting chairperson of the Zoning Hearing Board, or the hearing officer presiding, shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- I. The Zoning Hearing Board, or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and Carroll Valley Borough. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer, or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- J. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- K. The Zoning Hearing 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 within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon

together with the reasons, therefore. Conclusions based on any provisions of the Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

- L. If the hearing is conducted by a hearing officer, and there has been no stipulation that his or her decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.
- M. Except for challenges filed under Section 916.1 of the Municipalities Planning Code, where the Zoning Hearing Board fails to render the decision with the period required by this subsection, or fails to commence, conduct or complete the required hearing as provided in subsection C of this Section, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day, the Zoning Hearing Board could have met to render a decision in the same manner as provided in Subsection (1) of this Section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- N. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him or her not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

**Section 1906: Jurisdiction of The Zoning Hearing Board**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to Sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code.
- B. Challenges to the validity of a zoning ordinance amendment raising procedural question or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance amendments. Validity challenges shall meet all of the requirements set forth in Section 916.1 of the Municipalities Planning Code.
- C. Appeals from the determination of the zoning officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure or lot.

- D. Appeals from a determination by a municipal engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within Carroll Valley Borough land use ordinances.
- E. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Municipalities Planning Code and Section 1907 of this Ordinance.
- F. Applications for special exceptions under the zoning ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 912.1 of the Municipalities Planning Code and Section 1908 of this Ordinance.
- G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.
- H. Appeals from the zoning officer's determination under Section 916.2 of the Municipalities Planning Code.
- I. Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications specified in Article V or VII of the Municipalities Planning Code.

#### **Section 1907: Variances**

- A. **Jurisdiction:** The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant.
- B. **Application:** The Zoning Hearing Board may by rule prescribe the form of application and may require preliminary application to the zoning officer. Application for any variance shall be made to the Zoning Hearing Board through the Zoning Officer. The application requirements shall include the following:
  - 1. The submittal of an Application for a Hearing before the Zoning Hearing Board.
  - 2. A plan drawing including the same elements as those required in Section 1912.C of this Ordinance. The Application shall provide information sufficient to evaluate conformance with the criteria for such variance as set forth in this Section.
- C. **Decision:** The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
  - 1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or other 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 applicant.
  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 of 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. In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Municipalities Planning Code and the Carroll Valley Borough Zoning Ordinance.
- D. **Variations from AO District Standards:** Application for variances from requirements established in the AO District shall be subject to the following standards in addition to the requirements established in Sections 1907.A through 1907.C above:
1. Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77, Subpart B (FAA Form 7460-1, as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the Federal Aviation Administration (FAA) and the PennDOT Bureau of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction:
    - a. **No Objection.** The subject construction/alteration is determined to not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination, a variance may be granted.
    - b. **Conditional Determination.** The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance may be granted contingent upon implementation of mitigating measures, such as marking and lighting, as determined by the FAA.
    - c. **Objectionable.** The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination, as provided by the FAA, shall be outlined to the applicant.

2. Where granting a variance is possible for a project assigned the No Objection or Conditional Determination categories, such approval shall determine that the variance request meets the general variance standards of Section 1907.C above. Further, such approval shall determine that a literal application or enforcement of the AO District regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this section.

**Section 1908: Special Exceptions**

- A. Where the Borough Council, in the Zoning Ordinance, has stated special exceptions to be granted or denied by the Zoning Hearing Board, pursuant to express standards and criteria, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria.
- B. Applications for any special exception shall be made to the Zoning Hearing Board through the Zoning Officer. The Zoning Officer shall concurrently refer the matter to the Planning Commission for a report thereon as specified in this Section.
- C. All applications shall include the following.
  1. The submittal of an Application for a Hearing before the Zoning Hearing Board.
  2. A plan drawing including the same elements as those required in Section 1912.C of this Ordinance.
  3. Information of sufficient to evaluate conformance with the standards specified in the pertinent Section of this Ordinance.
- D. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards in additions to those expressed in the Zoning Ordinance as it may deem necessary to implement the purposes of the Municipalities Planning Code, the Zoning Ordinance and to anticipate and ameliorate any negative impacts on the health, safety, and welfare of citizens residing nearby as well as the general public.
- E. In considering special exceptions, the Zoning Hearing Board shall utilize the following procedures.
  1. The Zoning Hearing Board's decisions to approve or deny a permit for a special exception use shall be made only after public notices and hearing as set forth in Section 1905 of this Ordinance. Such permit shall apply only after public notice and hearing.
  2. No permit shall be granted by the Zoning Hearing Board for any special exception use until said board has just received and considered advisory reports thereon received from the Carroll Valley Borough Planning Commission with respect to the location of such use in relation to growth patterns within the Borough, and wherever appropriate, with reference to the adequacy of the

site plan design and the arrangement of buildings, driveways, access points, parking areas, off-street loading spaces, signage, lighting and any other pertinent features of a site plan.

3. The Planning Commission shall have thirty (30) days from the receipt of an Application for Hearing within which to file a report thereon. In the event that the Planning Commission shall fail to file its report within thirty (30) days, such Application shall have deemed to have received a neutral review from said agency. The Planning Commission may have representation at the public hearing held by the Zoning Hearing Board.

#### **Section 1909: Parties Appellant Before the Zoning Hearing Board**

Appeals under Sections 909.1(a)(1), (2), (3), (4), (7), (8) and (9) of the Municipalities Planning Code may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agencies of the municipality, or any person aggrieved. Requests for a variance under Section 910.2 of the Municipalities Planning Code and requests for a special exception under Section 912.1 of the Municipalities Planning Code may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

#### **Section 1910: Time Limitations**

- A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to Section 709 of the Municipalities Planning Code or from an adverse decision by a zoning officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of the Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- B. All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.
- C. Unless otherwise specified or extended by the Zoning Hearing Board, a variance or special exception authorized by the Zoning Hearing Board shall become null and void if the applicant fails to obtain and maintain a zoning permit, as set forth in Section 1912 of this Ordinance, within twelve (12) months from the date of authorization of the variance or special exception.

#### **Section 1911: Zoning Officer**

For the administration of this Zoning Ordinance, a Zoning Officer, who shall not hold any elective office of the Borough, shall be appointed. The Zoning Officer shall administer the Zoning Ordinance in accordance with its



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

**Section 1912: Zoning Permits**

- A. **Requirement of Zoning Permits:** A zoning permit shall be required prior to the erection, addition, or alteration of any building or structure or portion thereof, prior to the use or change in the use of a building, structure, or land, and prior to the change or extension of a non-conforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or for a change in land use, until a zoning permit has been duly issued. No Zoning Permit shall be required in cases of normal maintenance and repairs which do not structurally change a building or structure.
- B. **Improvements Excluded from Permit Requirement:** The following improvements to property are excluded from the requirement to obtain a Zoning Permit in accordance with Section 1912.A above:
1. Dog houses.
  2. Non-permanent or inflatable swimming pools that are installed at the beginning of the swimming season and removed at the end of the swimming season, and that do not exceed two hundred (200) square feet in size.
  3. Swing sets.
  4. Sheds of less than one hundred (100) square feet in area.
  5. Tree houses for child recreation purposes. Tree stands for hunting purposes.
  6. Ground-mounted heating and air conditioning equipment for a single residential dwelling, and any concrete or similar pad associated with such installation.
  7. Ramps or other features intended to meet accessibility needs to a given property.
- C. **Applications for Permits:** The following elements of a Zoning Permit application shall be provided by the applicant.
1. A completed Zoning Permit Application Form. If the applicant is not the owner of the property, the signature of the owner is required on the application.

2. Application fee.
3. A site plan, drawn to scale, showing the following.
  - a. Actual shape and dimensions of the lot to be built upon.
  - b. Exact size and location of any buildings or structures existing on the lot.
  - c. Existing and proposed use of any buildings or structures existing on the lot.
  - d. Required building setback lines, per applicable section of the Zoning Ordinance.
  - e. The footprint and dimensions of any proposed building or structure, with its location on the lot accurately shown. Measurements of the distance from the proposed building or structure to the front, side and rear property lines must be shown.
  - f. Notes identifying the following.
    - (1) The Zoning District within which the property is located.
    - (2) The use(s) of the proposed building(s) or structure(s).
    - (3) The number of families or dwelling units the building is designed to accommodate (if applicable).
  - g. Other information deemed necessary by the Zoning Officer in order to accurately depict the proposed activity.
  - h. North arrow.
  - i. Scale.
  - j. Title block including applicant's name, owner's name, address of property, tax parcel number, name of plan preparer, plan preparation date.
4. Any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or man-made), within the AO District, shall first notify the PennDOT Bureau of Aviation (BOA) by submitting PennDOT Form AV-57 (as amended or replaced) to obtain an obstruction review of the proposal. The BOA response must be included with the Zoning Permit Application for the Zoning Permit Application to be considered complete.

D. **Issuance of Zoning Permits:**

1. No zoning permit shall be issued until the Zoning Officer has certified that the proposed use of land, building, structure, addition, alteration, sign, or other design feature complies with all the provisions of this Ordinance, and until the Zoning Officer has completed the following.
  - a. Review sheet to determine the completeness of the application submitted and compliance with the Zoning Ordinance.
  - b. Written determination of compliance or noncompliance with the Zoning Ordinance, including any conditions placed on a variance or special exception by the Zoning Hearing Board.
  - c. Zoning Permit card for display.
2. For Zoning Permit Applications involving property within the AO District, issuance of the zoning permit shall be subject to the following.
  - a. If the BOA returns a determination of no penetration of airspace, the Zoning Permit Application shall be considered in compliance with the intent of the AO District and may continue through the standard Zoning Permit review and approval process.
  - b. If the BOA returns a determination of a penetration of airspace, the Zoning Permit Application shall be considered to not comply with the intent of the AO District and shall be denied. The applicant may seek a variance from the provisions of the AO District in accordance with the requirements of Section 1906.
2. A zoning permit issued in error shall become null and void.
3. An approved zoning permit shall become void twelve (12) months from the date of issuance unless construction work has commenced or the change in use has been accomplished.
4. All applications with accompanying plans and documents shall become a public record after a zoning permit is issued or denied.

### **Section 1913: Fees**

In accordance with Section 617.3(e) of the Pennsylvania Municipalities Planning Code, the Borough Council shall prescribe reasonable fees with respect to the administration of this Ordinance and with respect to hearings before the Zoning Hearing Board. Such fee schedule shall be adopted by resolution of the Borough Council, and may be amended, from time to time.

### **Section 1914: Preventive Remedies**

- A. In addition to other remedies provided for herein, Carroll Valley Borough may institute and maintain appropriate actions in law or in equity to restrain, correct or abate violations, to prevent unlawful construction, recover damages and to prevent illegal occupancy of a building, structure or premises.

The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

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

**Section 1915: Enforcement Remedies**

- A. Any person, partnership or corporation who or which has violated any of the provisions of this ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by Carroll Valley Borough, shall pay a judgment of not more than either \$500.00 or as alternatively assigned through amendment or re-enactment of the Municipalities Planning Code, plus all court costs plus reasonable attorney fees incurred by Carroll Valley Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Carroll Valley Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that the violation continues shall constitute a separate violation.

- B. The court of common pleas, upon petition of the defendant, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained herein shall be construed or interpreted to grant to any person or entity other than Carroll Valley Borough, the right to commence any action for enforcement pursuant to this Section.
- D. All judgments, costs, and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to Carroll Valley Borough.

**Section 1916: Enforcement Notice**

- A. The Zoning Officer is hereby authorized and directed to enforce the provisions of this Ordinance and to institute civil enforcement proceedings as provided for in Section 1915 of this Ordinance, when acting within the scope of his or her employment.
- B. If it appears that a violation of this ordinance has occurred, the zoning officer shall initiate enforcement proceedings by sending an enforcement notice to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall state the following.
  - 1. The name of the owner of record and any other person against whom Carroll Valley Borough intends to take action.
  - 2. The location of the property in violation.
  - 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
  - 4. That the owner of record or other person against whom Carroll Valley Borough intends to take action has fifteen (15) days to commence steps to comply with this ordinance and thirty (30) days within which to complete such steps to be in compliance with this ordinance, unless such times are extended in writing by the zoning officer, for cause shown.
  - 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of the date of the enforcement notice or not later than the expiration of any extension granted, in writing, by the zoning officer.
  - 6. That the failure to comply with the enforcement notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with sanctions clearly described.
- D. In any appeal of an enforcement notice to the Zoning Hearing Board, the Zoning Officer and Carroll Valley Borough shall have the responsibility of presenting its evidence first.

- E. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the municipality if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

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ARTICLE XX  
INTERPRETATION

***Section 2000: Conflict with Other Laws***

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

ARTICLE XXI  
ADOPTION

**Section 2100: Adoption**

**IN WITNESS WHEREOF**, the present Ordinance has been duly enacted, and ordained this \_\_\_\_ day of \_\_\_\_, 20\_\_.

CARROLL VALLEY  
BOROUGH COUNCIL

**ATTEST**

**BY:** \_\_\_\_\_  
Council President

Gayle Marthers  
Assistant Borough Manager /  
Borough Secretary

APPROVED

\_\_\_\_\_  
Date

**BY:** \_\_\_\_\_  
Mayor

**CERTIFICATION OF ADOPTION**

I hereby certify that the foregoing ordinance was advertised in \_\_\_\_\_, a newspaper of general circulation in the Borough, on \_\_\_\_\_, and was duly enacted and approved at a \_\_\_\_\_ meeting of the Borough Council of the Borough of Carroll Valley on \_\_\_\_\_.

\_\_\_\_\_  
Gayle Marthers  
Assistance Borough Manager / Borough Secretary



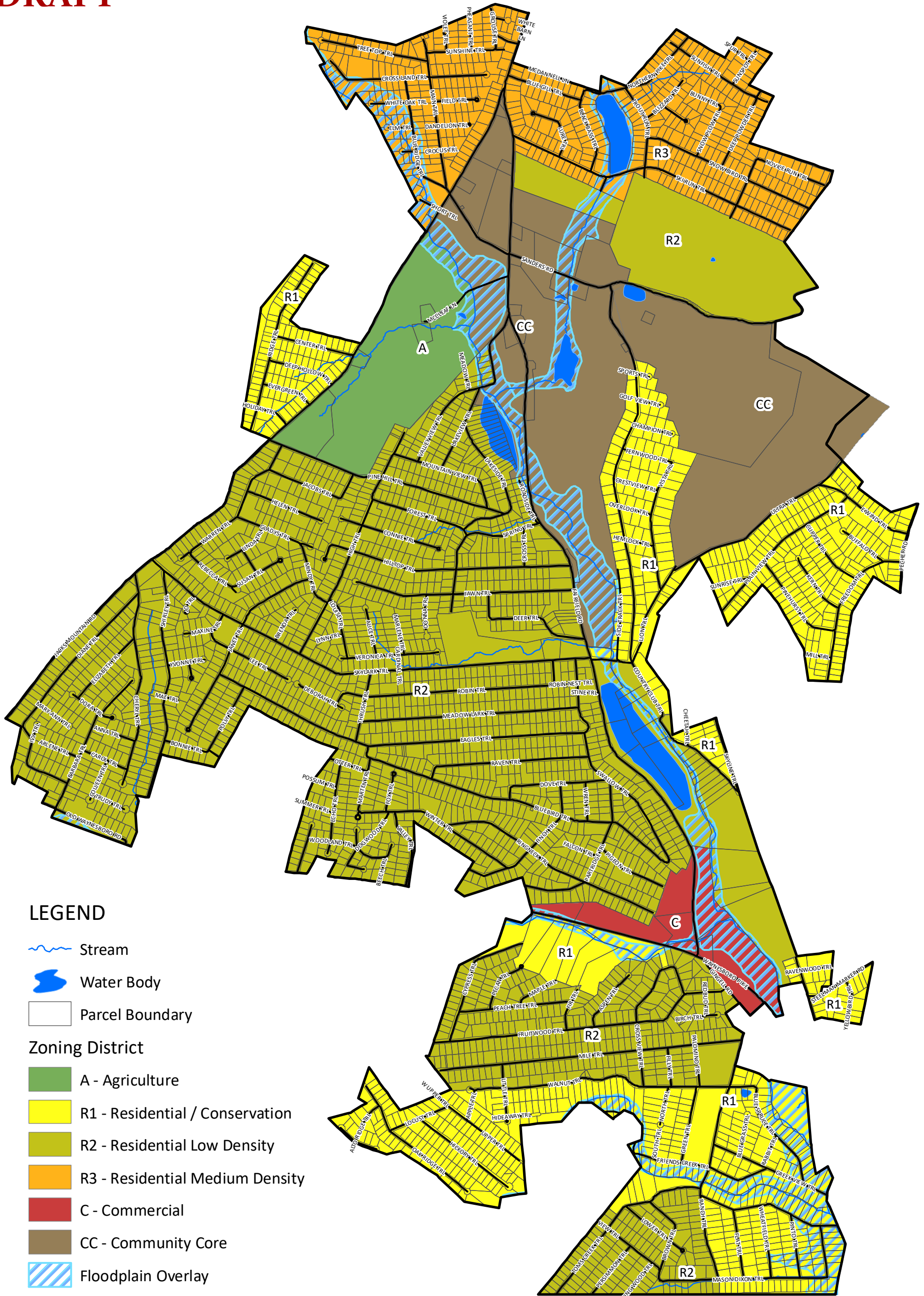
Appendix A  
Carroll Valley Borough Zoning Map

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# CARROLL VALLEY BOROUGH

Adams County, Pennsylvania

**DRAFT**



## LEGEND

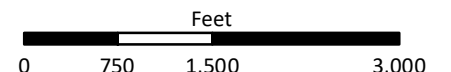
- Stream
- Water Body
- Parcel Boundary

## Zoning District

- A - Agriculture
- R1 - Residential / Conservation
- R2 - Residential Low Density
- R3 - Residential Medium Density
- C - Commercial
- CC - Community Core
- Floodplain Overlay

# Zoning Map

Adopted:



Appendix B  
Carroll Valley Borough Table of Uses

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## Carroll Valley Borough Zoning Ordinance - Table of Uses

Use	A	R1	R2	R3	CC	C	Use Specific Standards
Agricultural Operation	P						
Animal Hospital	P						
Apartment Building					SE		1501.A
Apartments within a Mixed-Use Property					P		
Bars and Nightclubs					P	P	
Bed and Breakfast Operation	SE						1501.B
Business Office					P		
Car Wash						P	
Cemetery	P						
Child Care Facility					P/ACC	P/ACC	1501.C
Commercial Recreation, Indoor					P	P	
Commercial Recreation, Outdoor						P	
Community Center					P		
Conference Center					SE		1501.D
Conversion Housing				SE			1501.E
Detached Accessory Structures	ACC	ACC	ACC	ACC	ACC	ACC	
Distribution Center						SE	1501.F
Educational Institution					P		

P= Permitted by-right as a principal use

ACC= Permitted as an accessory to the principal use

SE= Special Exception approval required

## Carroll Valley Borough Zoning Ordinance - Table of Uses

Use	A	R1	R2	R3	CC	C	Use Specific Standards
Family Child Care (as a Home Occupation)	ACC	ACC	ACC	ACC	ACC		1501.G
Farm	P						
Farm Equipment Sales Facility	SE						1501.H
Farm Market/Agricultural Tourism	SE						1501.I
Farm-Related Business	SE						1501.J
Farm Stand	ACC						1501.K
Farm Worker Housing	ACC						1501.L
Financial Institution, excluding drive-through service					P	P	
Financial Institution with drive through service						SE	1501.M
Forestry	P	P	P	P	P	P	
Funeral Home					P		
Golf Course					P		
Group Child Care		ACC	ACC	ACC			1501.C
Group Home			SE	SE			1501.N
Heavy Industrial Use						SE	1501.O
Home Occupations	ACC	ACC	ACC	ACC	ACC		1501.P
Homestay	ACC	ACC	ACC	ACC	ACC	ACC	1501.Q
Horticultural Activity	P						

P= Permitted by-right as a principal use

ACC= Permitted as an accessory to the principal use

SE= Special Exception approval required

## Carroll Valley Borough Zoning Ordinance - Table of Uses

Use	A	R1	R2	R3	CC	C	Use Specific Standards
Hotel					P	P	
Infill Housing				SE			1501.R
Kennel, Commercial	P						
Light Industrial Use						P	
Mixed-Use Property					P		1501.S
Mobilehome Park					SE		1501.T
Mobilehome, Manufactured Home, and Shed Sales						P	
Motel						P	
No-Impact Home-Based Business	ACC	ACC	ACC	ACC	ACC		1501.U
Parking Garage					SE		1501.V
Place of Worship	P		P	P	P	P	
Produce Stand	ACC	ACC	ACC	ACC			1501.W
Professional Office					P		
Public Park, Recreation, and Resource Management Uses		P	P	P			
Recycling Facility						SE	1501.X
Rental Storage						SE	1501.Y
Resorts					SE		1501.Z
Restaurant, excluding drive-through service					P	P	

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## Carroll Valley Borough Zoning Ordinance - Table of Uses

Use	A	R1	R2	R3	CC	C	Use Specific Standards
Restaurant with drive-through service						SE	1501.AA
Restaurant with Outdoor Seating					P	P	1501.BB
Retail Store					P	P	
Retail Store with drive-through service						SE	1501.CC
Retail Store with Fuel Sales						SE	1501.DD
Schools			P	P	P		
Shopping Plaza						SE	1501.EE
Single Family Attached Dwelling					SE		1501.FF
Single-Family Detached Dwelling	P	P	P	P		P	
Single-Family Semi-Detached Dwelling					P		
Site-Specific Borough Facility		P	P	P	P	P	
Site-Specific Facilities for Units of Government other than the Borough						P	
Site-Specific Utility Facility		P	P	P	P	P	
Ski Slope					P		
Solar Energy Production Facility	SE						1501.NN
Studio					P		
Theater					P		
Two Family Dwelling					P		

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## Carroll Valley Borough Zoning Ordinance - Table of Uses

Use	A	R1	R2	R3	CC	C	Use Specific Standards
Use of the Same General Character	SE	SE	SE	SE	SE	SE	1501.GG
Vacation Rental	SE	SE	SE	SE	SE		1501.HH
Vehicle Sales						P	
Vehicle Service, excluding fuel sales						P	
Vehicle Service with Fuel Sales						SE	1501.II
Wind Energy Facility	SE						1501.QQ
Wireless Communication Facility - Co-location - Inside Public Right-of-Way	ACC	ACC	ACC	ACC	ACC	ACC	1501.JJ
Wireless Communication Facility - Co-location - Outside Public Right-of-Way	ACC	ACC	ACC	ACC	ACC	ACC	1501.KK
Wireless Communication Facility - Tower Based - Inside Public Right-of-Way	SE		SE	SE		SE	1501.LL
Wireless Communication Facility - Tower Based - Outside Public Right-of-Way	SE						1501.MM

P= Permitted by-right as a principal use

ACC= Permitted as an accessory to the principal use

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Appendix C  
Carroll Valley Borough Zoning Map – Riparian Buffer Overlay

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Appendix D  
Carroll Valley Borough Zoning Map – Forested Lands Overlay

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Appendix E  
Carroll Valley Borough Zoning Map – Airport Overlay

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Appendix F  
DCNR Invasive Plant List

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# DCNR Invasive Plant List

DCNR defines invasive plants as those species that are not native to the state, grow aggressively, and spread and displace native vegetation. Invasive plants are generally undesirable because they are difficult and costly to control and can dominate whole habitats, making them environmentally destructive in certain situations. Not all non-native plants become invasive. In fact, very few actually do. The plants listed here have been determined by DCNR to be invasive on State Forest and State Park lands and may act aggressively in other parts of Pennsylvania. Some of the species listed below are only invasive in certain environmental conditions and there may be cases where they may be used with little environmental risk. This list was compiled through coordinated efforts between ecologists in Pennsylvania and other natural resource partners. New species cross state borders and some plants that have been here for decades may suddenly become invasive due to changing land uses, changes in weather or climate, or genetic reasons, so this list may change over time and will be updated periodically. **This list is not regulatory.** It is used to guide the management efforts of DCNR lands because of knowledge that these species can become invasive under the right environmental conditions. To learn more about invasive plants in Pennsylvania and how they can be controlled, visit [www.dcnr.state.pa.us/forestry/plants/invasiveplants/index.htm](http://www.dcnr.state.pa.us/forestry/plants/invasiveplants/index.htm).

Invasive plant species have been ranked in terms of the threat they pose to native plant communities. Each rank is defined below:

**Rank 1-** Severe Threat. Exotic plant species that possess characteristics of invasive species and spread easily into native plant communities and displace native vegetation. Includes species that are or could become widespread in Pennsylvania.

**Rank 2-** Significant Threat. Exotic plant species that possess characteristics of invasive species but are not presently considered to spread as easily and aggressively into native plant communities as those species listed as Rank 1.

**Rank 3-** Lesser Threat. Exotic plant species that spread in or near disturbed areas, and are not presently considered a major threat to undisturbed native plant communities.

**Watch List-** Exotic plant species that are severe problems in surrounding states but have not been widely reported in Pennsylvania, OR may naturalize and become a problem in the future and require more monitoring.

## Vines

Scientific Name	Common Name	Rank
<i>Ampelopsis glandulosa</i>	Porcelain Berry	1
<i>Celastrus orbiculatus</i>	Oriental Bittersweet	1
<i>Humulus japonicus</i>	Japanese Hops	1
<i>Lonicera japonica</i>	Japanese Honeysuckle	1
<i>Persicaria perfoliata</i>	Mile-a-Minute	1
<i>Pueraria montana var. lobata</i>	Kudzu	1
<i>Vincetoxicum nigrum</i>	Black Swallow-Wort	1
<i>Vincetoxicum rossicum</i>	Pale Swallow-Wort	1
<i>Euonymus fortunei</i>	Wintercreeper	2
<i>Wisteria floribunda</i>	Japanese Wisteria	2
<i>Wisteria sinensis</i>	Chinese Wisteria	2
<i>Hedera helix</i>	English Ivy	3
<i>Vinca major</i>	Bigleaf Periwinkle	3
<i>Vinca minor</i>	Common Periwinkle	3
<i>Akebia quinata</i>	Chocolate Vine	Watch
<i>Clematis terniflora</i>	Japanese Clematis	Watch
<i>Dioscorea polystacha</i>	Chinese Yam	Watch



## Herbs and Forbs

Scientific Name	Common Name	Rank
<i>Alliaria petiolata</i>	Garlic Mustard	1
<i>Conium maculatum</i>	Poison Hemlock	1
<i>Fallopia japonica</i>	Japanese Knotweed	1
<i>Fallopia sachalinensis</i>	Giant Knotweed	1
<i>Fallopia X bohemica</i>	Hybrid Knotweed	1
<i>Ficaria verna</i>	Lesser Celandine	1
<i>Galega officinalis</i>	Goatsrue	1
<i>Heracleum mantegazzianum</i>	Giant Hogweed	1
<i>Lythrum salicaria</i>	Purple Loosestrife	1
<i>Centaurea jacea</i>	Brown Knapweed	2
<i>Centaurea nigra</i>	Black Knapweed	2
<i>Centaurea stoebe</i>	Spotted Knapweed	2
<i>Chelidonium majus</i>	Greater Celandine	2
<i>Cirsium arvense</i>	Canada Thistle	2
<i>Cirsium vulgare</i>	Bull Thistle	2
<i>Hesperis matronalis</i>	Dames Rocket	2
<i>Iris pseudacorus</i>	Yellow Flag Iris	2
<i>Lespedeza bicolor</i>	Shrubby Bushclover	2
<i>Lespedeza cuneata</i>	Chinese Bushclover	2
<i>Pastinaca sativa</i>	Wild Parsnip	2
<i>Perilla frutescens</i>	Beefsteak Plant	2
<i>Rubus phoenicolasius</i>	Wineberry	2
<i>Securigera varia</i>	Crown-vetch	2
<i>Aegopodium podagraria</i>	Goutweed	3
<i>Anthriscus sylvestris</i>	Wild Chervil	3
<i>Artemisia vulgaris</i>	Mugwort	3
<i>Butomus umbellatus</i>	Flowering Rush	3
<i>Cardamine impatiens</i>	Narrowleaf Bittercress	3
<i>Carduus acanthoides</i>	Spiny Plumeless Thistle	3
<i>Carduus nutans</i>	Musk Thistle	3
<i>Datura stramonium</i>	Jimsonweed	3
<i>Epilobium hirsutum</i>	Hairy Willow Herb	3
<i>Epilobium parviflorum</i>	Smallflower Hairy Willow-Herb	3
<i>Hemerocallis fulva</i>	Orange Day-Lily	3
<i>Lysimachia nummularia</i>	Moneywort	3
<i>Pachysandra terminalis</i>	Japanese Pachysandra	3
<i>Persicaria longiseta</i>	Bristled Knotweed	3
<i>Stellaria media</i>	Common Chickweed	3
<i>Amaranthus palmeri</i>	Palmer Amaranth	Watch

## Trees

Scientific Name	Common Name	Rank
<i>Ailanthus altissima</i>	Tree-of-Heaven	1
<i>Aralia elata</i>	Japanese Angelica Tree	1
<i>Acer platanoides</i>	Norway Maple	2
<i>Albizia julibrissin</i>	Mimosa	2
<i>Alnus glutinosa</i>	European Black Alder	2
<i>Paulownia tomentosa</i>	Empress Tree	2
<i>Phellodendron amurense</i>	Amur Corktree	2
<i>Phellodendron japonicum</i>	Japanese Corktree	2
<i>Phellodendron lavallei</i>	Lavella Corktree	2
<i>Pyrus calleryana</i>	Callery Pear	2
<i>Tetradium daniellii</i>	Bee-Bee Tree	2
<i>Broussonetia papyrifera</i>	Paper Mulberry	3
<i>Morus alba</i>	White Mulberry	3
<i>Acer ginnala</i>	Amur Maple	Watch
<i>Acer palmatum</i>	Japanese Maple	Watch
<i>Koelreuteria paniculata</i>	Golden Rain-Tree	Watch
<i>Quercus acutissima</i>	Sawtooth Oak	Watch
<i>Ulmus pumila</i>	Siberian Elm	Watch

## Grasses

Scientific Name	Common Name	Rank
<i>Microstegium vimineum</i>	Japanese Stiltgrass	1
<i>Oplismenus hirtellus</i>	Wavyleaf Basketgrass	1
<i>Phragmites australis ssp australis</i>	Common Reed	1
<i>Arthraxon hispidus</i>	Small carpetgrass	2
<i>Phalaris arundinacea</i>	Reed Canary Grass	2
<i>Phyllostachys aurea</i>	Golden Bamboo	2
<i>Phyllostachys aureosulcata</i>	Yellow Groove Bamboo	2
<i>Phyllostachys bambusoides</i>	Giant Timber Bamboo	2
<i>Poa trivialis</i>	Rough Bluegrass	2
<i>Bromus japonicus</i>	Japanese brome	3
<i>Bromus sterilis</i>	Poverty Brome	3
<i>Bromus tectorum</i>	Cheatgrass	3
<i>Holcus lanatus</i>	Velvetgrass	3
<i>Miscanthus sinensis</i>	Chinese Silvergrass	3
<i>Schedonorus arundinaceus</i>	Tall Fescue	3
<i>Sorghum bicolor ssp. x. drummondii</i>	Shattercane	3
<i>Sorghum halepense</i>	Johnson Grass	Watch
<i>Arundo donax</i>	Giant Reed	Watch
<i>Imperata cylindrica</i>	Cogon Grass	Watch
<i>Tripsidium ravennae</i>	Ravenna Grass	Watch

## Shrubs

Scientific Name	Common Name	Rank
<i>Berberis thunbergii</i>	Japanese Barberry	1
<i>Berberis vulgaris</i>	European Barberry	1
<i>Frangula alnus</i>	Glossy Buckthorn	1
<i>Lonicera fragrantissima</i>	Sweet Breath Honeysuckle	1
<i>Lonicera maackii</i>	Amur Honeysuckle	1
<i>Lonicera morrowii</i>	Morrow's Honeysuckle	1
<i>Lonicera morrowii x bella</i>	Beautiful Honeysuckle	1
<i>Lonicera standishii</i>	Standish Honeysuckle	1
<i>Lonicera tatarica</i>	Tartarian Honeysuckle	1
<i>Rhamnus cathartica</i>	Common Buckthorn	1
<i>Rhodotypos scandens</i>	Jetbead	1
<i>Rosa multiflora</i>	Multiflora Rose	1
<i>Spiraea japonica</i>	Japanese Spiraea	1
<i>Buddleja davidii</i>	Butterfly Bush	2
<i>Elaeagnus angustifolia</i>	Russian Olive	2
<i>Elaeagnus umbellata</i>	Autumn Olive	2
<i>Euonymus alatus</i>	Winged Euonymus	2
<i>Ligustrum japonicum</i>	Japanese Privet	2
<i>Ligustrum obtusifolium</i>	Border Privet	2
<i>Ligustrum sinense</i>	Chinese Privet	2
<i>Ligustrum vulgare</i>	Common Privet	2
<i>Viburnum dilatatum</i>	Linden Viburnum	2
<i>Viburnum plicatum</i>	Doublefile Viburnum	2
<i>Viburnum sieboldii</i>	Siebold Viburnum	2
<i>Viburnum opulus</i>	Guelder Rose	3

## Aquatic

Scientific Name	Common Name	Rank
<i>Hydrilla verticillata</i>	Hydrilla	1
<i>Myriophyllum aquaticum</i>	Parrot feather watermilfoil	1
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil	1
<i>Potamogeton crispus</i>	Curly Pondweed	1
<i>Trapa natans</i>	European Water Chestnut	1
<i>Typha angustifolia</i>	Narrow-Leaved Cattail	1
<i>Typha x glauca</i>	Hybrid Cattail	1
<i>Cabomba caroliniana</i>	Carolina Fanwort	3
<i>Egeria densa</i>	Brazilian Water-Weed	3
<i>Najas minor</i>	Brittle Waternymph	3
<i>Nitellopsis obtusa</i>	Starry Stonewort	3
<i>Hydrocharis morsus-ranae</i>	Common Frogbit	Watch
<i>Ludwigia grandiflora ssp. Hexapetala</i>	Large Flower Primrose Willow High	Watch
<i>Nymphaoides peltata</i>	Yellow Floatingheart	Watch