

HEIDELBERG TOWNSHIP

ZONING ORDINANCE

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ORDINANCE NO. 2-78

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THEIR CONSTRUCTION, ALTERATION, EXTENSION, REPAIR, MAINTENANCE AND ALL FACILITIES AND SERVICES IN OR ABOUT SUCH BUILDINGS AND STRUCTURES; PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; AND FOR THESE PURPOSES ESTABLISHING DISTRICTS AND BOUNDARIES AND DESIGNATING AND REGULATING RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND PUBLIC USES WITHIN SUCH DISTRICTS AND BOUNDARIES; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF, IN THE TOWNSHIP OF HEIDELBERG, IN THE COUNTY OF YORK AND STATE OF PENNSYLVANIA.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HEIDELBERG, in the County of York and the State of Pennsylvania, as follows:

PART I

SHORT TITLE, PURPOSE, AND DEFINITIONS

SECTION 100 SHORT TITLE

s.100.1 Short Title: This Ordinance shall be known as the "Heidelberg Township Zoning Ordinance."

SECTION 101 PURPOSE

s.101.1 Purpose of Ordinance: The regulations in this Ordinance have been promulgated with the purpose of promoting, protecting, and facilitating --

- a) Coordinated and practical community development.
- b) Proper density of population.
- c) Adequate and economical water and sewerage.
- d) Adequate and economical schools, parks and other public grounds and buildings.
- e) Adequate light and air.

- f) Adequate and economical transportation, parking and loading space.
- g) The public health, safety and general welfare.

The regulations are also designed to prevent --

- h) Overcrowding of land.
- i) Blight.
- j) Danger and congestion in travel and transportation.
- k) Injury or loss of health, life, or property from fire, flood, subsidence, panic or other dangers.

s.101.2

Community Development Objectives: This Ordinance is enacted as part of the overall plan for the orderly growth and development of Heidelberg Township. As such this Ordinance is based upon the expressed or implied community development objectives as contained in the Heidelberg Township Comprehensive Plan.

SECTION 102 DEFINITIONS

s.102.1

Word Usage: Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined or interpreted differently within this section.

s.102.2

Language Interpretation: In this Ordinance when not inconsistent with the context-

- a) Words in the present tense imply also the future tense.
- b) The singular includes the plural.
- c) The male gender includes the female gender.
- d) The word "person" includes a partnership or corporation as well as an individual.
- e) The term "shall" or "must" is always mandatory.

s.102.3

Specific Words and Phrases: The following words and phrases shall have particular meaning assigned by this section in the appropriate sections of this Ordinance.

ACCESSORY USE - A use customarily incidental and subordinate to the principal use of building and located on the same lot with the principal use of building.

ALLEY - A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS - As applied to a building or structure, any change or rearrangement in the total floor area, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ALTERATIONS, STRUCTURAL - Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

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

APPLICATION FOR DEVELOPMENT - Every application whether preliminary, tentative or final required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plot or plan or for the approval of a development plan.

BASEMENT - A part of a building that is wholly or partly below the average level of the adjoining ground.

BUILDING - Any structure or edifice designed or intended for use as an enclosure, a shelter, or for protection of persons, animals or property.

Detached - A building which has no party wall.

Semi-detached - A building which has only one (1) party wall in common.

Attached - A building which has two (2) or more party walls in common.

BUILDING AREA - The total area of outside dimensions on a horizontal plane at ground level of the principal building and all accessory buildings.

BUILDING COVERAGE - The permitted percentage of lot area that can be developed or covered by buildings.

BUILDING HEIGHT - The total overall height of a building measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.

CAMP GROUND - An area where persons are lodged in tents or other temporary means of shelter and recreational vehicles.

CONVALESCENT OR NURSING HOME - Any structure containing sleeping rooms where persons are housed or lodged and furnished with meals and nursing care.

DAY CARE CENTERS - Those facilities (licensed by the State) that provide a wide range of formal day care services for remuneration to seven (7) or more children who are supervised by qualified staff.

DAY CARE HOMES - Those facilities (licensed by the State) that provide day care for remuneration for up to six (6) children, who are not relatives of the caregiver.

DEVELOPMENT - See **LAND DEVELOPMENT**

DISTANCE BETWEEN BUILDINGS - The required distance between facings or building walls measured at the narrowest point.

DOMICILIARY CARE UNIT - An existing building or structure designed and occupied as living quarters for one (1) family which provides twenty-four (24)-hour supervised protective living arrangements for not more than two (2) unrelated persons 18 years of age and above who are disabled physically, mentally, emotionally or as a result of old age.

DOUBLE FRONTAGE LOT - A lot fronting on two (2) streets other than a corner lot.

DRIVEWAY - A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

DRIVE-IN BUSINESS - A commercial establishment, including a drive-in eating establishment, offering articles or services which are either purchased or consumed on the premises and which has a greater area devoted to the purchase and consumption of such articles and services on the outside than on the inside of the building.

DWELLING - A building or structure designed for living quarters for one (1) or more families, including mobile homes, but not including rooming houses, convalescent homes, motels, hotels, and tourist homes or other accommodations used for transient occupancy.

Single-family - A building designed and occupied exclusively as a residence for one (1) family.

Two-family - A building designed and occupied exclusively as a residence for two (2) families.

Multi-family - A building designed and occupied as a residence for three (3) or more families.

DWELLING UNIT - A building or portion thereof arranged or designed for occupancy by not more than one (1) family for living purposes and having cooking facilities.

EASEMENT - A limited right-of-use granted in private land for public or quasi-public purpose.

FAMILY - One (1) or more persons who live in one (1) dwelling unit and maintain a common household. May consist of a single person or two (2) or more persons, whether or not related by blood, marriage or adoption. May also include domestic servants and gratuitous guests, but not occupants of a club, fraternal lodging, or rooming house.

FARM BUILDING - A structure generally devoted to agricultural uses; i.e., a barn, storage shed, etc. See Section 312 for additional provisions relating to Farm Building.

FENCE - Any combination of materials creating an enclosure or barrier to prevent intrusion from outside or straying from within. The height of all fences and walls or portions thereof shall be measured from grade level.

FLOOR AREA, HABITABLE - The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, bathroom, closets, hallways, stairways, but not including basements or attics, or service rooms or areas such as utility rooms, nor unheated areas such as enclosed porches.

HOME OCCUPATION OR PROFESSION

- 1) A special type of accessory use. It is an occupation or profession one which is of a service nature and
 - a) does not involve sales of goods or products either at wholesale or retail (unless the income received from the sale of goods or products is not material in amount compared to the income arising from the services rendered); or
 - b) does not involve the outdoor storage, parking, or display of items of tangible personal property that may be involved in the service nature of the business.
- 2) The occupation or profession is one which --
 - a) is carried on only in the dwelling unit or in a structure accessory to a dwelling unit;
 - b) is carried on by a member of the family residing in the dwelling unit; and
 - c) is clearly incidental and secondary to the use of the dwelling unit for residential purposes.
- 3) The general standards for establishing a home occupation or profession by special exception and the requirements necessary to conduct such a business are set forth in Section 612 thereof.

HOSPITAL - A place for the diagnosis, treatment, or other care of humans and having facilities for inpatient care.

HOUSE OF WORSHIP - A building for religious worship.

IMPERVIOUS SURFACE - Any man-made impenetrable covering over the land area of a lot such as buildings, driveways, paved parking, etc.

INDUSTRIAL PARK - An industrial park is an industrial area:

- 1) Organized and laid out in accordance with an overall plan for a community of industries including the servicing of these industries, and

- 2) Designed to insure compatibility between the industrial operations in the park and, the surrounding area through such devices as landscaping, architectural control, setbacks, and use requirements.

INOPERABLE MOTOR VEHICLE - A motor vehicle intended to be self propelled that shall not be operable under its own power for any reason, or a vehicle that shall be without a valid current registration plate or valid current certificate of inspection.

JUNK YARD - Any establishment or place, on public or private property, where a person stores or accumulates wrecked, abandoned or junked motor vehicles, machinery or equipment, scrap metal or materials, for the purpose of salvaging parts therefrom for use or resale, or the destruction of the same for resale as scrap. Any tract or land used for such purposes, regardless of ownership, shall be considered a separate "junk yard."

JUNKED MOTOR VEHICLE - A motor vehicle, or parts thereof, which is inoperable or which does not bear a current inspection sticker or registration sticker, left or stored in the open, and not in a building, which building is secured in such a fashion as is reasonably calculated to prevent children from playing on or about such motor vehicle.

KENNEL - Any building or buildings and/or land uses for the boarding, breeding or training of four (4) or more dogs, cats, fowl or other small domestic animals at least four (4) months of age and kept for purposes of profit, show, hunting or as pets but not to include riding stables or cases involving animals raised for agricultural purposes.

LAND DEVELOPMENT - Any of the following activities:

- 1) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving: (i) a group of two (2) 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 tenants or (ii) the division of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
- 2) A subdivision of land.

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

LOADING SPACE - An off-street space or area suitable for the loading or unloading of goods and having direct usable access to a street or alley.

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

LOT AREA - The area contained within the property lines of individual parcels of land, excluding any area within a street right-of-way, but including the area of any easement.

LOT WIDTH - The distance between the side property lines measured along the front setback line.

MEDICAL CLINIC - Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to people on an out-patient basis.

MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. A mobile home may also be intended to be used for an office or place of assembly.

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

MOBILE HOME PARK - A parcel or contiguous parcels of land which has been so designed and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

MOTEL, HOTEL, TOURIST HOME - A building or group of buildings providing lodging and other optional services such as meals, entertainment and personal services for the public.

MOTOR VEHICLE - Any vehicle which is self-propelled and also any trailer or semi-trailer designed for use with such vehicles, whether or not the same is required to be registered under the laws of the Commonwealth of Pennsylvania.

MULTI-FAMILY CONVERSION - A multi-family dwelling constructed by converting an existing building into apartments for more than one (1) family, without substantially altering the exterior of the building.

NONCONFORMITY - A use, structure, lot or dimension in conflict with the regulations of this Ordinance, 1) existing on the effective date of this Ordinance, or 2) existing at any subsequent amendment of this Ordinance, or 3) created by variance. Specifically, the following types of nonconformities are distinguished:

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

Nonconforming Structure - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Ordinance or any amendment thereto, which such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use - A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or any amendment theretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

OPEN AREA - The area of a lot not containing impervious surfaces.

PARKING LOT - An off-street lot where passenger vehicles may be parked for short periods.

PARKING SPACE - An off-street space available for the parking of one (1) motor vehicle and having direct access to a street or alley.

PRINCIPAL USE - The main or primary use of property or buildings, measured in terms of net floor area, or where no net floor area exists measured in terms of net land area.

PUBLIC - Owned, operated or controlled by a governmental agency (Federal, State or Local including a corporation created by law for the performance of certain specialized governmental functions, and the Board of Education).

PUBLIC NUISANCE - Something offensive or annoying to individuals or to the community to the prejudice of their legal rights.

PUBLIC SEWER - A municipal sanitary sewer system or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Resources.

PUBLIC WATER - A municipal water supply system, or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Resources.

RECREATION VEHICLE - A vehicular unit not exceeding thirty-five (35) feet in overall length, eight (8) feet in width, or twelve (12) feet in overall height, primarily designed as temporary living quarters for recreational, camping or travel use, having either its own motive power or designed to be mounted on or drawn by a motor vehicle. This definition shall include motor homes, truck campers, travel trailers, and camp trailers, but shall not include mobile homes.

ROADWAY (Travelway) - The portion of a street right-of-way, paved or unpaved, intended for vehicular use.

SCREEN PLANTING - A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining zones the structures and uses on the premises on which the screen planting is located.

SETBACK - The required horizontal distance between a setback line and a property or street line.

Setback, Front - The distance between the street line and the front setback line projected the full width of the lot. Commonly called "front yard."

Setback, Rear - The distance between the rear lot line and the rear setback line projected the full width of the lot. commonly called "rear yard."

Setback, Side - The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called "side yard."

SETBACK LINE - A line within a property and parallel to a property or street line which delineates the required minimum distance between a structure and the property or street line..

SHOPPING CENTER - A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit.

SIGN - A device for visual communication that is used to bring the subject to the attention of the public, but not including lettering or symbols that are an integral part of another structure or flags or other insignia of any government, government agency, or of any civic, charitable, religious, fraternal, or similar organization.

Sign, Advertising - A sign whose major purpose is for directing attention to a business commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot; such as billboards.

Sign, Business - A sign directing attention to a business or profession conducted on the same lot or, as incidental to a business, to products sold upon the same lot.

Sign, Directional - A sign which directs people to: a community; an event of public interest; public uses and buildings; uses and buildings of service and charitable organizations; and uses and building of commercial nature provided that no advertising matter other than identifying name of symbol shall be contained on signs of this type.

Sign, Free-standing - A sign supported by uprights or braces placed upon the ground and not attached to a building.

Sign, Projecting - A sign which is attached to a building or other structure and extends beyond the line of a building or structure or beyond the surface of that portion of the building or structure to which it is attached.

SPECIAL EXCEPTION - A permission or approval granted to an applicant to use land in a district for a purpose other than that generally permitted outright in that district. The permission is granted by the Zoning Hearing Board in accordance with the standards contained in this Ordinance.

STABLE - A building having stalls, in which domestic animals are sheltered and fed.

STORY - That portion of a building, between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

Story, Half - A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor.

STREET - Includes street, avenue, boulevard, road, highway, freeway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET GRADE - The officially established grade of the street upon which a lot fronts or in its absence the established grade of other street upon which the lot abuts, at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the "right-of-way line."

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

Accessory - A subordinate structure or a portion of the principal structure on a lot, the use of which is customarily incidental to that of the principal structure.

Permanent - A structure anchored to a foundation which cannot readily be removed.

Temporary - A structure which can readily be removed.

SWIMMING POOL - Any reasonably permanent pool, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1 1/2) feet. Farm ponds and/or lakes are not included, providing that swimming was not the primary purpose for their construction.

TRAILER - A vehicle without motive power, designed to be drawn by a motor vehicle and used for any purpose.

USE - The specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

UTILITY SHED - A small building having a floor area not exceeding one hundred twenty (120) square feet, and a height of not more than ten (10) feet, intended primarily for the storage of yard and garden equipment, bicycles, and miscellaneous household items incidental to a residence.

VARIANCE - A permission granted by the Zoning Hearing Board for a particular modification to some regulation or provision of the Zoning Ordinance which, if strictly adhered to, would result in an unnecessary hardship. The permission, if granted, also would not be contrary to the public interest, and would maintain the spirit and intent of the Ordinance.

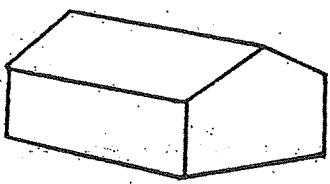
YARD - A prescribed open area on a lot.

Front - An area bounded by the street or property line, front setback line and side property lines.

Rear - An area bounded by the rear property line, rear setback line and side property lines.

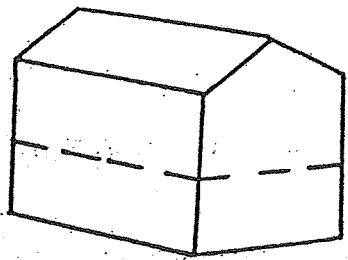
Side- Areas bounded by side property lines, and side, front and rear setback lines.

SKETCHES OF RESIDENTIAL DWELLING TYPES

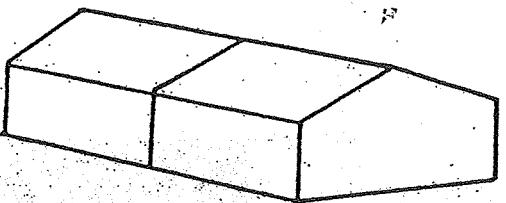


SINGLE FAMILY

(No party wall)
(One family)

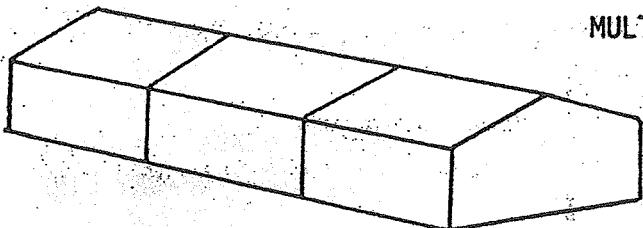


TWO FAMILY

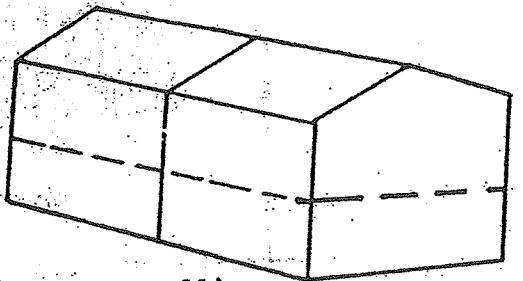


(No party wall)
(Two families)

(One party wall)
(Two families)

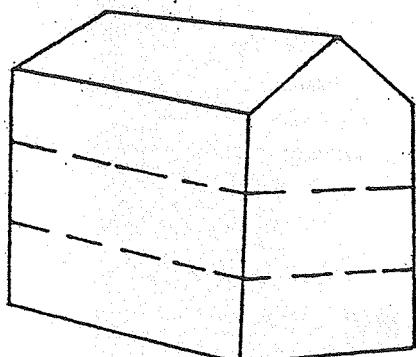


MULTI-FAMILY

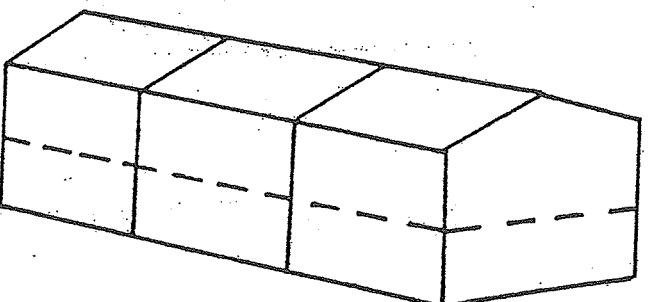


(Two or more party walls)
(Three or more families)

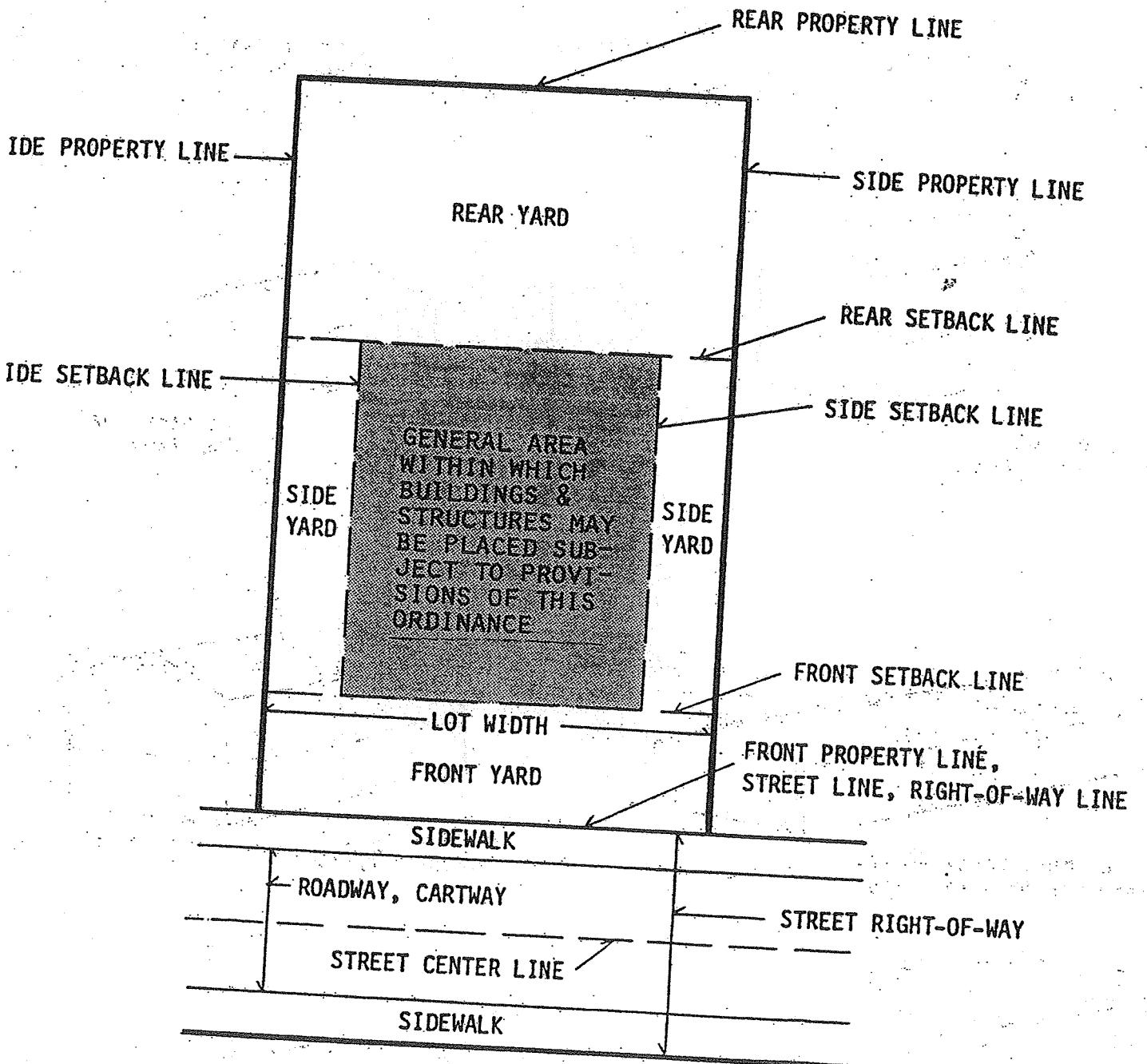
(One party wall)
(Four families)



(Three or more stories)
(Three or more families)



(Two or more party walls)
(Six or more families)



PART II

DISTRICT REGULATIONS

SECTION 200 DISTRICTS AND BOUNDARIES

s.200.1 **Establishment of Districts:** The Township of Heidelberg is divided into districts enumerated below and shown on the Zoning Map of Heidelberg Township, which map is a part of this Ordinance.

R	Residential
C	Commercial
I	Industrial
A	Agricultural
Cv	Conservation

s.200.2 **Boundaries of Districts:** Where uncertainty exists as to the boundaries of the districts as shown on the Zoning Map, the following rules shall apply:

- a) Boundaries indicated as following streets or highways, shall be interpreted to follow the centerlines of such streets or highways
- b) Boundaries indicated as approximately following platted lot lines shall be interpreted as following such lot lines.
- c) Boundaries indicated as approximately following municipality limits shall be interpreted as following such limits.
- d) Boundaries indicated as following railroad lines shall be interpreted as following midway between the main tracks.
- e) Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be interpreted to follow such centerlines.
- f) Boundaries indicated as parallel to or extensions of features indicated in subsections a) through e) shall be interpreted as such. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
- g) Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map or there are other circumstances not covered by subsections a) through f), the Zoning Hearing Board shall interpret the district boundaries.

SECTION 201 USE REGULATIONS

s.201.1 **Uses Permitted:** The uses permitted in the districts established by this Ordinance and the permitted extent of these uses, are shown in Sections 202 through 206. The uses shown as permitted in each district are the only uses permitted in that district. Unless otherwise noted, the use or dimensional standards are the requirement for each use. However,

- a) Additional general provisions are set forth in Part III.
- b) Modifications to the use or dimensional requirements are set forth in Part IV.
- c) Standards for Special Exception uses are set forth in Part VI.

s.201.2 **All Other Uses:** Any use not specifically allowed elsewhere in this Ordinance shall be allowed by Special Exception in the district or districts where, and to the extent that, similar uses are permitted or allowed by Special Exception provided that said use meets the requirements for a Special Exception and does not constitute a public or private nuisance.

s.201.3 **Accessory Uses and Structures:** Accessory uses and structures shall be permitted in conjunction with the principal uses permitted by this Ordinance and shall be further subject to the requirements for accessory uses and structures as set forth in Section 300.

s.201.4 **Uses With Nuisance Effect:** In no case is a use permitted which by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance, hazard, or other substantial adverse effect upon the reasonable enjoyment of the surrounding property.

SECTION 202 RESIDENTIAL DISTRICT (R)

s.202.1 Purpose: The purpose of the Residential District (R) is to provide for the orderly expansion of residential development; to provide for the public health and to prevent the overcrowding of land through the application of maximum housing densities; to provide standards which will encourage the installation of public facilities and the preservation of open space; and to exclude activities not compatible with residential development.

s.202.2 Uses by Right: The following principal uses are permitted by right in the R District:

1. Single-family dwelling
2. Two-family dwelling
3. Crops

s.202.3 Uses by Special Exception: The following principal and accessory uses shall be permitted as Special Exception when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Part VI of this Ordinance.

1. Multi-family dwelling
2. Multi-family conversion
3. Mobile home park
4. Medical clinic
5. Convalescent home, hospital
6. House of worship
7. Cemetery
8. Park or other recreation area of a nonprofit nature
9. Public building and facility
10. Home occupation or profession
11. Public utility building
12. Animal hospital or kennel
13. Domiciliary care unit

s.202.4 Lot Area and Width: Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this District:

	Public Water and Public Sewer	Public Water or Public Sewer	No Public Water or Public Sewer
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Minimum Lot Area	8,000 sq.ft.	12,000 sq.ft.	20,000 sq.ft.
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Minimum Lot Width	70 ft.	85 ft.	100 ft.
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s.202.5 Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:

- a) Front setback - thirty-five (35) feet
- b) Each side setback - ten (10) feet
- c) Rear setback - thirty (30) feet

s.202.6 Building Height: The height limit for a main building shall be three (3) stories but in no case more than thirty-five (35) feet; however, the maximum height limit may be increased to four (4) stories or forty-five (45) feet provided that each minimum building setback is increased in size one (1) foot for each additional one (1) foot of building height over thirty-five (35) feet. The height limit for an accessory building shall be two (2) stories but not over twenty-five (25) feet. There shall be no height limitation for farm buildings.

s.202.7 Building Coverage: Not more than thirty (30) percent of the lot area may be covered by buildings or structures, including accessory buildings.

s.202.8 Open Area: Not less than fifty-five (55) percent of the lot area shall be devoted to open area.

s.202.9 Paved Area: Not more than fifteen (15) percent of the lot area may be paved with an impervious surface (ex. driveways, parking areas, walkways, etc.).

SECTION 203 COMMERCIAL DISTRICT (C)

s.203.1 Purpose: The purpose of the Commercial District is to provide areas and reasonable standards for the development of commercial uses which serve the day-to-day shopping needs of residents and those uses which cater primarily to the motoring public.

s.203.2 Uses by Right: The following principal uses are permitted by right in the C District:

1. Retail store or personal service shop
2. Professional or business office
3. Financial institution
4. Eating establishment
5. Wholesale establishment
6. Motel, hotel, or tourist home
7. Funeral home
8. Commercial recreational establishment.
9. Outdoor vehicle sales, service and/or repair facilities
10. Apartment in conjunction with commercial establishment
11. House of worship
12. Club room, club grounds or meeting hall
13. Public building and facility
14. Greenhouse, nursery
15. Day care center
16. Crops

s.203.3 Uses by Special Exception: The following principal uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Part VI of this Ordinance.

1. Transportation (passenger) terminal
2. Medical clinic
3. Convalescent home or hospital
4. Public utility building
5. Gasoline station
6. Shopping center or mall

s.203.4 Lot Area and Width: Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this District:

	Public Water and <u>Public Sewer</u>	Public Water or <u>Public Sewer</u>	No Public Water or <u>Public Sewer</u>
Minimum Lot Area	10,000 sq.ft.	25,000 sq.ft.	1 acre (43,560 sq. ft.)
Minimum Lot Width	80 ft.	125 ft.	175 ft.

s.203.5 **Setbacks:** Each lot shall provide front, side, and rear setbacks not less than the following:

- a) Front setback - thirty-five (35) feet
- b) Each side setback - ten (10) feet
- c) Rear setback - twenty (20) feet

s.203.6 **Building Height:** The height limit for a main building shall be three (3) stories but in no case more than thirty-five (35) feet; however, the maximum height limit may be increased to fifty (50) feet provided that each minimum building setback is increased in size one (1) foot for each additional one (1) foot of building height over thirty-five (35) feet. The height limit for an accessory building shall be two (2) stories but not over twenty-five (25) feet.

s.203.7 **Building Coverage:** Not more than fifty (50) percent of the lot area may be devoted to buildings and structures including accessory buildings.

s.203.8 **Open Area:** Not less than twenty-five (25) percent of the lot area shall be devoted to open area as defined in this Ordinance.

s.203.9 **Paved Area:** Not more than twenty-five (25) percent of the lot area may be paved with an impervious surface (ex. driveways, parking areas, walkways, etc.).

SECTION 204**INDUSTRIAL DISTRICT (I)**

s.204.1 **Purpose:** The purpose of the Industrial District is to provide suitable area for industrial development in the Township. The specific intent of this Section is 1) to encourage the development of land for industrial purposes, 2) to prohibit any use which would substantially interfere with the development, continuation, or expansion of industrial uses, 3) to establish reasonable standards for buildings, yards and other open spaces, and to minimize air pollution, noise, glare, heat, vibration, and fire and safety hazards.

s.204.2 **Uses by Right:** The following principal uses are permitted by right in the I District:

1. Public building and facilities
2. Public or private parking lot
3. Light manufacturing including such uses as:
 - Printing and publishing
 - Soft drink bottling, packaging products in the form of powder or other dry state
 - Apparel
 - Assembly of electronic apparatus
 - Instrument and tool and die making
 - Electroplating and molding plastics
4. Caretaker or watchman dwelling
5. Processing establishment
6. Industrial laundry establishment
7. Heavy storage services (e.g. warehouse, building materials yard)
8. Truck or motor freight depot
9. Research laboratory
10. Day care center
11. Crops

s.204.3 **Uses by Special Exception:** The following principal uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Part VI of this Ordinance.

1. Industrial park
2. General manufacturing including such uses as:
 - Furniture
 - Textiles, rubber, leather, paper
 - Fabricated metals, machinery
 - Stone, clay, glass
3. Automobile dismantling plant, junk yard, baling or treatment of junk, scrap, metals, rags, paper
4. Gasoline station
5. Public utility building
6. Sanitary landfill

s.204.4 **Lot Area and Width:** The lot area shall not be less than forty-three thousand five hundred sixty (43,560) square feet and the lot width shall be not less than one hundred seventy-five (175) feet.

s.204.5 **Setbacks:** Each lot shall have front, side, and rear setbacks not less than the following:

- a) Front setback - fifty (50) feet
- b) Side setback - twenty-five (25) feet
- c) Rear setback - thirty-five (35) feet

s.204.6 **Building Coverage:** All structures including accessory structures shall not cover more than sixty (60) percent of the area of the lot.

s.204.7 **Open Area:** Not less than fifteen (15) percent of the lot area shall be devoted to open area.

s.204.8 **Paved Area:** Not more than twenty-five (25) percent of the lot area may be paved with an impervious surface (ex. driveways, parking areas, walkways, etc.).

s.204.9 **Building Height:** The building height limit for a main building shall be fifty (50) feet. The height limit for an accessory building shall be twenty-five (25) feet.

s.204.10 **Buffer Yards:** A buffer yard at least one hundred fifty (150) feet wide must be located on the site in all instances where the site adjoins an R or A, or Cv zone. The buffer yard shall be naturally landscaped, have no impervious ground cover, and shall not be used for building, parking, loading, or storage.

s.204.11 **Harmful or Unpleasant Effects:** Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors or electrical emissions, and industrial wastes) associated with industrial uses.

Heidelberg Township

York County, Pennsylvania

ORDINANCE NO. 05-02

**AN ORDINANCE TO AMEND CERTAIN SECTIONS OF
THE HEIDELBERG TOWNSHIP ZONING ORDINANCE**

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Heidelberg Township, York County, Pennsylvania, as follows:

* * *

SECTION 1: PART I, SECTION 102: Definitions of the Heidelberg Township Zoning Ordinance shall be revised to include the following words:

AGRIBUSINESS – Agricultural uses that involve, but are not necessarily limited to, one or more of the following conditions:

- 1) **Concentrated Animal Operation (CAO)** – An agricultural operations where the animal density exceeds two (2) animal equivalent units (AEUs) per acre on an annualized basis, as calculated in the Regulations to the Pennsylvania Agriculture Communities, and the Rural Environment (ACRE), Act 38 of 2005.
- 2) **Concentrated Animal Feeding Operation (CAFO)** – A CAO with greater than three hundred (300) animal equivalent units (AEUs), any agricultural operation with greater than one thousand (1,000) AEUs, or an agricultural operation with a discharge to surface waters during a normal storm event of less than a 25- year /24 -hour storm.
- 3) **Other** – Any agricultural operation, whether involving animal, animal product, or vegetable production, which occurs within an enclosed structure exceeding 10,000 square feet.

ANIMAL EQUIVALENT UNIT (AEU) – One thousand (1,000) pounds live weight of livestock or poultry regardless of the number of individual animals or birds comprising the unit.

ANTIQUE BUSINESS – A business for purchase and sale at retail of antiques. Specifically excluded are flea markets, multiple antique dealer ventures, and garage sales of a permanent or quasi permanent nature, except as are authorized by the Township for charitable institutions or civic organizations for nonprofit fund raising purposes as otherwise may be provided by laws of the Township.

BED AND BREAKFAST INN – An owner-occupied, single-family detached dwelling, where between one and five rooms are rented to overnight guests on a daily basis for periods not exceeding two weeks. Meals may be offered only to registered overnight guests.

CLUB ROOM, CLUB GROUNDS, MEETING HALL – A building within which is housed an organization catering exclusively to members and their guests which may include meals. They shall include premises or buildings for social, recreation, and administrative purposes which are not

conducted for profit, provided there are no vending stands, merchandising or commercial activities, except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Club rooms, club grounds, meeting halls, equipment, supplies, and materials shall not be used for prurient, unwholesome or offensive purposes.

HORTICULTURE - The growing of fruits, vegetables, flowers, or ornamental plants

NATURE PRESERVES AND WILDLIFE SANCTUARIES - An area maintained in a natural state for the preservation of both animal and plant life.

PRODUCTION SAW MILL - A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products for profit, not including the processing of timber for use on the same lot by the owner or resident of that lot.

RIDING SCHOOLS AND HORSE BOARDING STABLES - An establishment where horses are boarded and cared for, or where instruction in riding, jumping, and showing is offered, or where horses may be hired for riding.

* * *

SECTION 2: PART II, SECTION 205: Agricultural District (A) of the Heidelberg Township Zoning Ordinance shall be deleted in its entirety and replaced with the following:

SECTION 205 AGRICULTURAL DISTRICT (A)

205.1 Purpose: The purpose of the Agricultural District is to provide for the future or continuous agricultural use of the Township's agricultural land areas in which agriculture is the dominant land use and the soil types are predominantly classified as prime agriculture.

In order to promote efficiency of agricultural operations, subdivision of agricultural tracts is strictly limited. Conflicting or incompatible uses are limited within this District, including dwellings that are permitted but are to be placed on parcels in locations which minimize development on prime agricultural soils and fragmentation of the farming community. Standards and regulations are designed for the protection and stabilization of characteristics essential for the advancement of agricultural and related enterprises. Public utilities, community facilities, and other infrastructure improvements that encourage or permit conflicting or suburban uses shall be excluded. The provisions of this District regulate the siting, density, and design of non-agriculture uses to assure the availability of reliable, safe, and adequate water supplies to support land uses within the capacity of available water resources.

205.2 Uses by Right: The following principal uses are permitted by right in the Agricultural District:

1. Farm buildings and agricultural uses, including the growing of crops and the pasturing of animals.
2. Forestry, excluding accessory or production saw mills.
3. Horticulture, including nurseries and greenhouses.
4. Nature preserves and wildlife sanctuaries.

5. Riding schools and horse boarding stables.
6. Single family detached dwelling.

205.3 **Uses by Special Exception:** The following principal uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Part VI of this Ordinance.

1. Agribusiness.
2. Airport or airstrip.
3. Animal hospital or kennel.
4. Antique business.
5. Bed and breakfast inn.
6. Campground.
7. Cemetery.
8. Club room, club grounds, or meeting hall.
9. Communication, television and radio transmitting and receiving towers antennas, towers and equipment.
10. Home occupation or profession.
11. House of worship.
12. Park or other recreation area of a nonprofit nature.
13. Accessory saw mill.
14. Domiciliary care facility
15. Public utility building
16. Public building and facility

205.4 **General requirements:** All uses listed as permitted uses or by special exception within Section 205.2 and 205.3, and erected or established after September 15, 2005, shall comply with the following requirements, unless otherwise required by this article:

1. **Development allotment.** Existing properties shall be permitted the following number of lots, upon which may be erected permitted principal or special exception uses meeting the standards of this Section. The number of lots allocated to a property shall be based on the property size after September 15, 2005, excluding existing uses, lands already placed under a conservation easement or similar restriction, and in accordance with the following table:

Parent Tract (acres)	Number of Lots That May Be Subdivided From Parent Tract
0 to 4.99	1
5 to 14.99	2
15 to 29.99	3
30 to 79.99	4
80 to 129.99	5
130 to 179.99	6
180 or more	7, plus one lot for every 50 acres over 180 acres

2. Lot add-ons involving agricultural land in which no new lots are created shall not be counted against the number of lots permitted to be created in the schedule of Section 205. 4.1.
3. Any subdivision or land development plan hereafter filed for a tract of land in the Agricultural District shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of further subdivision or erection of accessory farm or non-farm single family dwellings or other principal non-agricultural buildings as determined by the provisions of this section.
4. Area and bulk requirement. Unless otherwise specified in this Section, the lot size, lot setbacks, widths, and building heights shall meet the following requirements:
 - a) The minimum lot size shall be 43,560 square feet (1 acre).
 - b) The maximum lot size for residential uses shall be two acres. Where more than two acres is needed to meet the driveway, on-site sewer, or water systems requirements, the Township Board of Supervisors may approve lot areas in excess of the two acre maximum, provided that the minimum additional area is used to meet the requirements of such on-site systems.
 - c) The minimum lot width for residential and nonresidential uses shall be 150 feet.
 - d) The minimum front setback shall be 35 feet.
 - e) The minimum rear setback shall be 35 feet.
 - f) The minimum side setback width shall be 15 feet.
 - g) Unless otherwise specified, the maximum height of any non-agricultural building or structure shall be 35 feet.
 - h) Impervious surfaces shall cover no more than ten percent (10%) of the area of the lot for a single family dwelling and twenty percent (20%) for all other uses, unless a plan is implemented to insure all water falling on a parcel is retained and allowed to percolate into the subsoil. Construction must conform to all Federal, State, and

Township regulations for control of water run-off from the land parcel receiving improvements.

205.5 Agricultural Nuisance Disclaimer: All lands within or abutting the Agricultural District are located within an area where land is used for agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 The Right to Farm Law may bar them from obtaining a legal judgment against such normal agricultural operations.

205.6 Agricultural Setback Requirement: On any separate non-farm parcel, no shrub shall be planted, and no accessory residential structures shall be placed within ten feet (10') of any land used for agricultural purposes. Similarly, no tree shall be planted within thirty feet (30') of any land uses for agricultural purposes.

205.7 Locational criteria: All applications for subdivision or land development shall be accompanied by the following information. The following information is required to allow the Township to ensure that the highest quality farmland is protected, and to ensure that new development affects agricultural operations to the minimum extent feasible.

1. The size, shape, contour and dimensions of the property and the size, use and location of all existing buildings.
2. All lots previously approved in accordance with section 205.4.
3. Land under active cultivation, land used as pasture, and forested land or land within woodlots.
4. Soil information for the property, including soil series and soil capability class, subclass, and unit, as classified within the Soil Survey of York County, Pennsylvania and Agricultural Handbook 210 of the United States Department of Agriculture Soil Conservation Service.
5. The size, shape, contour, dimension, location, and use of all proposed lots, buildings and on-lot sewage disposal lots. The developer shall demonstrate that the following location and design considerations have been fully addressed:
 - a) All uses or lots shall be established on non-prime agricultural land (Soil Capability Classes IV-VIII), when such land is available, or on lands which cannot feasibly be farmed, due to existing features of the site such as rock outcroppings or heavily wooded areas, or due to the fact that the size and/or shape of an area suitable for farming is insufficient to permit the efficient use of farm machinery.
 - b) Where a property is comprised entirely of prime agricultural land (Soil Capability Classes I, II, and III), the least suitable land shall be utilized for the development.
 - c) Where all non-prime agricultural land areas have been shown by the developer to be unsuitable for development because of slope, drainage, flooding, sewage disposal, or

other characteristics, the least suitable remaining farmland shall be utilized for development.

- d) Lots and uses shall be grouped, where possible, adjacent to other similar lots and uses, both within the subject property and in consideration of adjacent properties, to avoid a scattering of development.
- e) Wherever feasible, lots shall be located such that disturbance of slopes greater than fifteen percent is minimized.
- f) Wherever feasible, lots shall be located such that disturbance to existing hedgerows, orchards, and other significant native vegetation is minimized.

* * *

SECTION 3: PART II, SECTION 204.3.7 shall be added:

7. Production Saw Mill.

* * *

SECTION 4: PART VI STANDARDS FOR SPECIAL EXCEPTION USES of the Heidelberg Township Zoning Ordinance for the following particular uses shall be deleted in their entirety and those sections shall be replaced with the following:

SECTION 613 HOUSE OF WORSHIP

May be permitted in an R or A District and subject to the requirements of the District in which located except as herein modified and provided:

- a) All houses of worship shall have vehicular access to an arterial or collector roadway as defined by the Township's Comprehensive Plan.
- b) Side yard setback: Fifty (50) feet on each side.
- c) All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way.

SECTION 625 ACCESSORY SAWMILL

In an A or Cv District and subject to the requirements of the District in which located except as herein modified and provided:

- a) Accessory sawmills shall only be conducted as an accessory use to an actively farmed parcel and shall occupy no more than one (1) acre.
- b) The operation shall be limited to custom sawmill services or to the sawmilling of materials grown on the subject farm. For the purposes of this section "custom sawmill services" shall be defined as an individual (not a business) delivering uncut timber to the sawmill for customized sawing. Then, once the sawing is completed, the same individual picks up the cut lumber and transports it from the site.

- c) The accessory sawmill shall be operated as a part-time business, with no more than two (2) nonresident employees.
- d) No trucks shall be specifically associated with the accessory sawmill, nor stored at the sawmill site.
- e) All sawmill by-products shall be routinely disposed of on a monthly basis.

SECTION 628 COMMUNICATION, TELEVISION AND RADIO TRANSMITTING AND RECEIVING ANTENNAS, TOWERS AND EQUIPMENT

In the A and Cv District and subject to the requirements of the District in which located except as herein modified and provided:

- a) Unless co-located upon another existing structure, the applicant shall demonstrate that the proposed location is necessary for the efficient operation of the system.
- b) All towers and guide wire anchors shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
- c) No new site shall be located within five hundred feet of:
 - 1) The nearest property line of any adjoining, existing residence.
 - 2) The nearest property line of any approved lot which has been subdivided during the last five (5) years for residential purposes, which has not yet been constructed.
 - 3) The nearest property line of any lot proposed for residential purposes which have been submitted for preliminary or final subdivision plan approval.
- d) If the site is in Agricultural District, the applicant shall demonstrate that the proposed location is located on the least productive soils (Class IV-VIII).
- e) The applicant must be licensed by the Federal Communication Commission.
- f) No tower shall be artificially lighted except when required by the Federal Aviation Administration.
- g) The application shall submit notice of approval for the proposed installation from the Federal Aviation Administration and the Federal Communication Commission.
- h) The applicant shall submit expert testimony that the communication tower or antenna is the minimum height required to function satisfactorily.
- i) Any utilities extended to the tower site shall be placed underground.
- j) The applicant shall submit a plan for the removal of the communication tower and the communication antenna when they are no longer in use. The applicant shall be responsible for the removal of the facility within three (3) months from the date the applicant ceases use of the facility.
- k) In order to reduce the number of antenna support structures needed in the Township in the future, any proposed support structure shall be designed to accommodate the maximum load of carriers and equipment.
- l) If an antenna site is fully automated, the site shall provide a turnaround located off the access drive.
- m) If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift, but in any event, may not be less than two (2) off-street parking spaces.

* * *

SECTION 5: PART VI STANDARDS FOR SPECIAL EXCEPTION USES of the Heidelberg Township Zoning Ordinance shall be amended to include the following provisions:

SECTION 629 AGRIBUSINESS

In the A District and subject to the requirements of that District except as herein modified and provided:

The development of new agribusiness operations, or the expansion of existing agribusiness operations, subject to the following conditions:

- a) Setbacks. The following setbacks are required:
 - 1) For new agribusiness operations, the structure housing the agribusiness operation shall be located no closer than 100 feet from any side or rear property line, no closer than 500 feet from any dwelling or water supply not owned by the owner of the agribusiness operation, and no closer than 750 feet from any church or school. For expansions of existing agribusiness operations, any additional building coverage shall not be located on the property in such a manner that would increase the degree of nonconformity of the existing operation, if such nonconformity exists, with the setback requirements established by this Section.
 - 2) For new agribusiness operations or expansions of existing agribusiness operations, any manure storage facility shall be located in accordance with the setback requirements established by Act 38 of 2005 known as ACRE.
- b) For new agribusiness operations, or expansions of existing agribusiness operations, which require a nutrient management plan in accordance with Act 38 of 2005 known as ACRE, the applicant shall demonstrate that such plan has been prepared and submitted to the York County Conservation District for review prior to the special exception hearing of the Zoning Hearing Board. Further, the applicant shall demonstrate that such plan has been approved by the York County Conservation District prior to the issuance of the zoning permit in accordance with Section 700 of this Ordinance.
- c) A water supply feasibility report shall be prepared to demonstrate that sufficient water resources are available to serve the proposal. The report shall assess any water quality and water quantity impacts for all public and private wells within a mile of the proposed agribusiness operation. The report shall be prepared by a licensed hydrogeologist.
- d) The applicant shall demonstrate, to the satisfaction of the Zoning Hearing Board that its methods of disposing of dead animals are in strict compliance with applicable standards established by the Pennsylvania Department of Environmental Protection. Dead turkeys, chickens, or piglets shall be kept in airtight containers. Larger dead animals shall be kept in a manner so as to minimize the spread of odors and disease.
- e) A land development plan shall be submitted to, and approved by, the Township in accordance with the requirements of the Heidelberg Township Subdivision and Land Development Ordinance.
- f) Areas designed for outdoor storage of pallets, machinery, or other materials shall be provided with a vegetative strip buffer from adjoining properties consisting of at least three of the following materials: landscape mulch, grass, shrubs, or trees. Outdoor storage areas shall be screened by either a fence of at least eight feet in height, or a landscaped berm of sufficient height to shield the storage area from view from adjoining properties.
- g) The perimeter of any parking area shall be landscaped with at least three of the following materials: landscape mulch, grass, shrubs, or trees.

SECTION 630 ANTIQUE BUSINESS

Antique businesses are permitted within the Agricultural District by special exception subject to the following:

- a) Any outdoor display of articles for sale shall be at least fifty (50) feet from any property or street line.
- b) Access shall be via an arterial or collector street as designated by the Township Comprehensive Plan.
- c) Parking shall be provided in accordance with the requirements of this Ordinance.

SECTION 631 BED AND BREAKFAST INN

Bed and breakfast inns are permitted within the Agricultural District by special exception subject to the following:

- a) No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.
- b) One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
- c) All parking areas shall be set back a minimum of twenty-five (25) feet from all property lines.
- d) Meals shall be offered only to registered overnight guests.
- e) The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
- f) The applicant shall furnish proof of approval from the PA Department of Labor and Industry.

SECTION 632 PRODUCTION SAW MILL

Production saw mills are permitted within the Industrial District by special exception subject to the following:

- a) All machinery shall be located at least two hundred (200) feet from any adjacent property line.
- b) An erosion and sedimentation control plan shall be submitted to the York County Conservation District for their review and approval.
- c) Access shall be via an arterial or collector street as designated by the Township Comprehensive Plan.
- d) All materials temporarily or permanently stored on the property shall be set back at least seventy-five (75) feet from any street line.
- e) All production sawmill by-products shall be routinely disposed of on a monthly basis.

* * *

SECTION 6: All other parts, sections, subsections, and provisions of the Heidelberg Township Zoning Ordinance shall remain in effect as heretofore enacted.

* * *

SECTION 7: In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court or competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of Heidelberg Township as provided by law.

DULY ORDAINED AND ENACTED this 15th day of September, 2005, by the Board of Supervisors of Heidelberg Township, York County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Norma Marble
Secretary

John Dodge
Chairman
HEIDELBERG TOWNSHIP
BOARD OF SUPERVISORS

SEAL

Heidelberg Township

York County, Pennsylvania

ORDINANCE NO. 06-01

**AN ORDINANCE TO AMEND CERTAIN SECTIONS OF
THE HEIDELBERG TOWNSHIP ZONING ORDINANCE**

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Heidelberg Township, York County, Pennsylvania, as follows:

* * *

SECTION 1: PART I, SECTION 102: Definitions of the Heidelberg Township Zoning Ordinance
shall be revised to include the following words:

AGRICULTURAL OPERATION - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and 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.

AGRICULTURE - The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including but not limited to the keeping or raising of livestock, such as cattle, cows, hogs, horses, sheep, goats, poultry, rabbits, birds, fish, bees, and other similar animals, excluding Concentrated Animal Operations (CAO's) and Concentrated Animal Feeding Operations (CAFO's). This definition also includes non-commercial greenhouses, as well as the processing and accessory retail sale of goods produced on the farm.

CEMETERY - Land used or intended to be used for burial of the deceased, including columbaria, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof.

FARM - A parcel or parcels of land used for a principal agricultural use, including one single-family detached dwelling and other necessary farm structures and the use, repair, maintenance and storage of equipment associated with the principal agricultural use.

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.

GREENHOUSE OR HORTICULTURAL NURSERY - A use primarily involved in horticulture which includes the sale of plants grown on the premises and related goods and materials, as well as the storage of equipment customarily incidental and accessory to the principal use.

NO-IMPACT HOME-BASED BUSINESS - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

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

OUTDOOR COMMERCIAL RECREATIONAL ESTABLISHMENT - An establishment operated as a gainful business, open to the public upon open land, wholly or partially outside of a building, for the purpose of leisure time activities, public recreation or entertainment such as a swimming pool, tennis court, batting and pitching cages, go-carts and skating rinks, but also includes amusement rides or regular live entertainment. For purposes of this ordinance this use excludes a park, golf course and an outdoor shooting range.

OUTDOOR SHOOTING RANGE - A use outside of a completely enclosed building where firearms and other projectile-type weapon (e.g. guns, rifles, shotguns, pistols, air guns, archery, cross-bows, etc.) can be shot for recreation competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

* * *

SECTION 2: PART II, SECTION 202.2.4 and 201.2.5 shall be added:

4. No-Impact Home-Based Business.
5. Forestry (Section 313).

SECTION 3: PART II, SECTION 203.2.17 and 203.2.18 shall be added:

17. No-Impact Home-Based Business.
18. Forestry(Section 313).

SECTION 4: PART II, SECTION 204.2.12 and 204.2.13 shall be added:

12. No-Impact Home-Based Business.
13. Forestry(Section 313).

SECTION 5: PART II, SECTION 205.2.7 shall be added:

7. No-Impact Home-Based Business.

SECTION 6: PART II, SECTION 206: Conservation District (Cv) of the Heidelberg Township Zoning Ordinance shall be deleted in its entirety and replaced with the following:

SECTION 206 CONSERVATION DISTRICT (Cv)

206.1 Purpose: The purpose of this District is to designate those areas of the Township where, because of important, natural geographic resources and existing land uses it is considered feasible and desirable to conserve open spaces, water supply sources, woodland areas, wildlife and other natural resources. This District may include extensive steeply sloped areas, stream valleys, floodplains, water supply sources and wooded areas adjacent thereto.

206.2 Uses by Right: The following principal uses are permitted by right in the Conservation District:

1. Farm buildings and agricultural uses, including the growing of crops and the pasturing of animals (Excluding Agribusiness).
2. Forestry,(Section 313) (Excluding accessory or production saw mills).
3. Nature preserves and wildlife sanctuaries.
4. No-Impact Home-Based Business.
5. Single family detached dwelling.

206.3 Uses by Special Exception: The following principal uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Part VI of this Ordinance.

1. Animal hospital or kennel.
2. Bed and breakfast inn.

3. Campground.
4. Cemetery.
5. Club room, club grounds, or meeting hall.
6. Communication, television and radio transmitting and receiving towers antennas, towers and equipment.
7. Horticulture, including nurseries and greenhouses.
8. Home occupation or profession.
9. House of worship.
10. Outdoor commercial recreation establishment.
11. Outdoor shooting range.
12. Park or other recreation area of a nonprofit nature.
13. Riding schools and horse boarding stables.
14. Accessory saw mill.
15. Domiciliary care facility.

206.4 **General requirements:** All uses listed as permitted uses or by special exception within Section 206.2 and 206.3, and erected or established after **(THE EFFECTIVE DATE)** shall comply with the following requirements, unless otherwise required by this article:

1. Development allotment. Existing properties shall be permitted the following number of lots, upon which may be erected permitted principal or special exception uses meeting the standards of this Section. The number of lots allocated to a property shall be based on the property size after **(THE EFFECTIVE DATE)**, excluding existing uses, lands already placed under a conservation easement or similar restriction, and in accordance with the following table:

Parent Tract (acres)	Number of Lots That May Be Subdivided From Parent Tract
0 to 4.99	1
5 to 14.99	2
15 to 29.99	3
30 to 79.99	4
80 to 129.99	5
130 to 179.99	6
180 or more	7, plus one lot for every 50 acres over 180 acres

7, plus one lot for every 50 acres over 180 acres

2. Lot add-ons involving agricultural and forestry land in which no new lots are created shall not be counted against the number of lots permitted to be created in the schedule of Section 206.4.1.
3. Any subdivision or land development plan hereafter filed for a tract of land in the Conservation District shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of further subdivision or erection of a single family

dwellings or other principal non-agricultural buildings as determined by the provisions of this section.

4. Area and bulk requirement. Unless otherwise specified in this Section, the lot size, lot setbacks, widths, and building heights shall meet the following requirements:
 - a) The minimum lot size shall be 43,560 square feet (1 acre).
 - b) The minimum lot width for residential and nonresidential uses shall be 150 feet.
 - c) The minimum front setback shall be 50 feet.
 - d) The minimum rear setback shall be 40 feet.
 - e) The minimum side setback width shall be 15 feet.
 - f) Unless otherwise specified, the maximum height of any non-agricultural building or structure shall be 35 feet.
 - g) Impervious surfaces shall cover no more than ten percent (10%) of the area of the lot for a single family dwelling and twenty percent (20%) for all other uses, unless a plan is implemented to insure all water falling on a parcel is retained and allowed to percolate into the subsoil. Construction must conform to all Federal, State, and Township regulations for control of water run-off from the land parcel receiving improvements.

206.5 Locational criteria: All applications for subdivision or land development shall be accompanied by the following information. This information is required to allow the Township to ensure that new development incorporates the conservation of open spaces, water supply sources, woodland areas, wildlife and other natural resources to the maximum extent feasible.

1. The size, shape, contour and dimensions of the property and the size, use and location of all existing buildings.
2. All lots previously approved in accordance with section 206.4.
3. Land under active cultivation, land used as pasture, and forested land or land within woodlots.
4. The size, shape, contour, dimension, location, and use of all proposed lots, buildings and on-lot sewage disposal lots. The developer shall demonstrate that the following location and design considerations have been fully addressed:
 - a) Lots and uses shall be grouped, where possible, adjacent to other similar lots and uses, both within the subject property and in consideration of adjacent properties, to avoid a scattering of development.
 - b) Wherever feasible, lots shall be located such that disturbance of slopes greater than fifteen percent is minimized.
 - c) Wherever feasible, lots shall be located such that disturbance to existing hedgerows, orchards, and other significant native vegetation is minimized.

* * *

SECTION 7: PART III GENERAL PROVISIONS of the Heidelberg Township Zoning Ordinance shall be amended to include the following provision:

SECTION 313 FORESTRY

In any District and subject to the requirements of the District in which located except as herein modified and provided:

- a) All applicable Federal and State rules and regulations.

- b) Responsibility for road maintenance and repair; road bonding

The landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic. Pursuant to 67 Pennsylvania Code, Chapter 189, Heidelberg Township may require the landowner or operator to furnish a bond to guarantee the repair of such damages.

* * *

SECTION 8: PART VI STANDARDS FOR SPECIAL EXCEPTION USES of the Heidelberg Township Zoning Ordinance shall be amended to include the following provisions:

SECTION 633 GREENHOUSES AND NURSERIES

In the A and Cv District and subject to the requirements of the District in which located except as herein modified and provided:

- a) The display and sale of items not grown on the premises shall be incidental to the greenhouse/nursery operation. The display and sales area for those items shall be limited to not more than twenty-five percent (25%) of the total gross display and sales area on the property.
- b) The display, sale and/or repair of power tools or motorized nursery, lawn or garden equipment shall not be permitted.

SECTION 634 OUTDOOR COMMERCIAL RECREATIONAL ESTABLISHMENT

In the Cv District and subject to the requirements of the District in which located except as herein modified and provided:

- a) Minimum lot size shall be ten (10) acres.
- b) Minimum lot width shall be three hundred (300) feet.
- c) Consideration shall be given to traffic problems. If the nature of the use is such that it will generate more than 500 vehicle trips per day then access should be via a collector street as designated in the Township's Comprehensive Plan.

- d) Exterior lighting shall be directed away from all adjoining properties in accordance with Section 307 of this Ordinance.
- e) A buffer yard of fifty (50) feet shall be provided between the facility and the street right-of-way line. Screening shall be provided as necessary. This includes, but is not limited to fences, walls, and/or plantings.
- f) A buffer yard of two hundred (200) feet shall be provided between the facility and any adjoining residential uses or zoning districts. Screening shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to fences, walls, and/or plantings.
- g) Depending upon the specific nature of the proposed use, additional screening or buffering may be required to protect adjoining properties.
- h) Existing trees and vegetation shall be preserved, to the extent possible, to keep the area as close as possible to its original condition.
- i) Either public water and public sewer approved by the PA DEP must be utilized or else satisfactory evidence must be submitted to assure that the new or existing onsite system is capable of adequately serving the proposed use or additional units.
- j) Hours of operation shall be limited to between the hours of 9:00 a.m. and 9:00 p.m.

SECTION 635 OUTDOOR SHOOTING RANGE

In the Cv District and subject to the requirements of the District in which located except as herein modified and provided

- a) Minimum lot size shall be ten (10) acres.
- b) Minimum lot width shall be three hundred (300) feet.
- c) The applicant shall present a plan demonstrating the use will utilize adequate safety techniques with regards to adjacent properties. At a minimum all operations shall be conducted in accordance with National Rifle Association guidelines.
- d) The applicant shall present expert testimony demonstrating that the sounds of shooting to the nearest property containing an existing residential use does not exceed the ambient noise level.
- e) The range boundaries must be set back at least five hundred (500) feet from any property line or street right-of-way line, and also located at least one thousand (1,000) yards from any land within a residential zoning district or any existing residential use. The range boundaries shall be determined as a one hundred fifty (150) yard radius from each of the stands.
- f) An earthen background berm must be provided within twenty (20) feet of the farthest target post to prevent wild or ricocheting bullets or wild or stray arrows. Such berm shall have a slope of not less than one (1) - vertical to two (2) - horizontal and must extend at least eight (8) feet above the ground level of the highest target. The crest of the berm at the eight (8) foot minimum height

limit shall be at least four (4) feet in width as measured between the wall of the berm facing the range and the opposite wall.

- g) Earthen side berms must be provided immediately adjacent to the range and shall extend from the firing line to the background berm. The side berms shall meet the same design qualifications as set forth for background berms in f) above.
- h) Only targets mounted on target posts shall be permitted. No targets of any kind shall be set directly on the ground.
- i) Warning signs must be posted at least ten (10) feet from the outside of the berms.
- j) The firing range shall be free of gravel and other hard surface materials and be adequately drained.
- k) Screening shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to fences, walls, and/or plantings.
- l) Adult supervision must be provided for children under sixteen (16) years of age.
- m) Hours of operation shall be limited to between the hours of 10:00 a.m. and 6:00 p.m.

* * *

SECTION 9: All other parts, sections, subsections, and provisions of the Heidelberg Township Zoning Ordinance shall remain in effect as heretofore enacted.

* * *

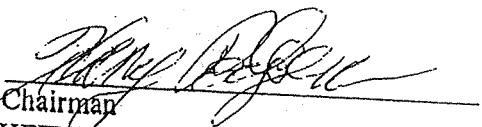
SECTION 10: In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court or competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of Heidelberg Township as provided by law.

DULY ORDAINED AND ENACTED this 18th day of APRIL 2006 by the Board of Supervisors of Heidelberg Township, York County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Norma Marke
Secretary



Chairman
HEIDELBERG TOWNSHIP
BOARD OF SUPERVISORS

SEAL

Heidelberg Township Zoning Ordinance Amendment

EFFECTIVE : April 18, 2006

-9-

TOTAL P.10

SECTION 207

FLOOD PLAIN OVERLAYS - FLOODWAY (FW), FLOOD FRINGE (FF), GENERAL FLOOD PLAIN AREA (FA)

- a) Purpose: The purpose of these overlays is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:
 1. Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies.
 2. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
 3. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.
 4. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
- b) Warning and Disclaimer of Liability: The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the Flood Plain Zones, or that land uses permitted within such zones, will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of Heidelberg Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

- c) Establishment of Flood Plain Overlays:

- 1. Description of Overlays

- i) **Basis of Overlays:** The various Flood Plain Zones shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of these zones shall be the Flood Insurance Study prepared by the Susquehanna River Basin Commission for the Federal Insurance Administration (FIA) dated March, 1983.

- The Floodway Overlay (FW) is delineated for purposes of this Ordinance using the criteria that a certain area within the flood plain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this overlay are specifically defined in Table 1 of the above referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map.

- The Flood Fringe Overlay (FF) shall be that area of the one hundred (100) year flood plain not included in the Floodway Overlay. The basis for the outermost boundary of this zone shall be the one hundred (100) year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study (FIS) and as shown on the Flood Boundary and Floodway Map.
- The General Flood Plain Overlay (FA) shall be that flood plain area for which no detailed flood profiles or elevations have been provided. Such areas are shown on the Flood Boundary and Floodway Map accompanying the FIS prepared for the FIA. Where the specific one hundred (100) year flood elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers, Flood Plain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., then the applicant for the proposed use, development, or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by Professional Engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

ii) Overlay Concept

- The aforementioned Flood Plain Zones shall be overlays to the existing underlying zones as shown on the Official Zoning Map, and as such, the provisions for the Flood Plain Overlays shall serve as a supplement to the underlying zone provisions.
- Where there happens to be any conflict between the provisions or requirements of any of the Flood Plain Overlays and those of any underlying overlay the more restrictive provisions and/or those pertaining to the flood plain overlays shall apply.
- In the event any provision concerning a Flood Plain Overlay is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying overlay provisions shall remain applicable.

2. **Inclusion in Zoning Map:** The boundaries of the Flood Plain Overlays are established as shown on the Flood Boundary and Floodway Map, dated March 16, 1983, prepared by the Susquehanna River Basin Commission for the Federal Insurance Administration. The map is hereby incorporated into and made a part of the Official Zoning Map of Heidelberg Township. A copy of the map shall be kept on file at the Township Office and be available for inspection during regular office hours.
3. **Overlay Boundary Changes:** The delineation of any of the Flood Plain Overlays may be revised by the Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, or other qualified agency or individual documents the advisability for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA) or its successor agency.

4. **Interpretation of Overlay Boundaries:** Initial interpretations of the boundaries of the Flood Overlays shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the overlays, the person questioning or contesting the location of the zone boundary shall be given a reasonable opportunity to present his case to the Zoning Hearing Board and to submit his own technical evidence if he so desires. Should the person choose to seek a variance to the zoning regulations, he shall present his case to the Zoning Hearing Board. Should the person choose to have the zone boundary changed to reflect more accurate flooding data, he must follow the procedures to present his case to the Board of Supervisors for a zoning amendment.
- d) **Overlay Provisions:** All uses, activities, land filling and development occurring within any Flood Plain Overlay shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances including but not limited to the Subdivision and Land Development Ordinance, the Flood Plain Management Ordinance, and the Building Permit Ordinance.

PART III

GENERAL PROVISIONS

SECTION 300 ACCESSORY USES AND STRUCTURES

- a) Attached Structures: A permanent-roofed accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.
- b) Nonattached Structures: A permanent-roofed accessory structure, standing apart from the principal structure, is permitted in rear yards but shall not be located closer than five (5) feet to any side or rear property line. Utility sheds shall not be located closer than three (3) feet to any side or rear property line. All other requirements for a nonattached structure shall be the same as for the principal building.
- c) Fences and Walls: No fence or wall (except a retaining wall or a wall of a building permitted under the terms of the Ordinance) shall be erected to a height of more than three (3) feet in a front yard area and more than six (6) feet in any other yard area in a Residential District or upon any lot used for residential purposes in any other district. For all other uses in all other districts no fence or wall may exceed six (6) feet in height in any yard area. Access through the fence or wall must be provided in both the front and rear yards. *Fences are allowed to be installed on the Property Line.*

In the case of a fence or wall constructed upon a retaining wall, such fence or wall shall not exceed four (4) feet in height and shall be nonclimable and wind resistant.

SECTION 301 OUTDOOR SIGNS

- a) Signs Permitted and Extent-of-Use:
 - 1. Drive-in Business: For a drive-in business, business signs are permitted as long as their number does not exceed two (2) per street frontage and their combined area does not exceed fifty (50) square feet per street frontage.
 - 2. Other Uses: For other uses, one (1) sign is permitted on each street frontage of a lot for each occupancy or purpose and an additional sign for each occupancy or purpose is permitted for every two hundred (200) feet of street frontage or major fraction thereof all in accordance with subsection 5). However, for business signs, any number of signs are permitted as long as their total area does not exceed the maximum under 5).
 - 3. All Uses: For all uses, an advertising and a business sign must be at least sixty (60) feet apart, and no sign exceeding thirty (30) square feet in area may be located within seventy-five (75) feet of a Residential District.
 - 4. Determination of Size: The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments. In the case of open signs made up of letters, figures and designs the space between such letters, figures and designs shall be included.

5. Type, Location and Size of Sign:

<u>Type of Sign</u>	<u>Where Permitted</u>	<u>Maximum Size</u>
Traffic	any district	---
Home occupation or home profession	where use is permitted	1 sq. ft.
Trespassing	any district	2 sq. ft.
Utility	any district	2 sq. ft.
Work sign of builders, painters and other artisans while performing work on the premises	any district	12 sq. ft.
Directional	any district	6 sq. ft.
Identification and information of churches, schools, and other similar institutions	any district	20 sq. ft.
Apartment development, subdivision	where use is permitted	20 sq. ft.
Temporary sign for sale of agricultural & horticulture products and for construction projects	any district	6 sq. ft.
Business	I, C Districts	30 sq. ft.
Advertising	I, C Districts	300 sq. ft.
Industrial park, shopping center	I, C Districts	100 sq. ft.

b) Setback of Signs:

1. Attached Signs: No portion of an attached sign may extend beyond the building setback line.
2. Free-standing Signs: No portion of a free-standing sign may be closer to a street right-of-way line than fifteen (15) feet.
- c) Bunting & Pennants: Buntings and pennants are permitted only to announce the opening of a new business or industry, or in connection with a civic event, and must be removed after thirty (30) days.
- d) Projection of Signs: No sign may project --
 1. Over a public sidewalk area.
 2. Over a public highway or street unless specifically authorized by other Township or State regulations.

3. More than twenty-five (25) feet above the ground except for an attached sign which may not project above the roof of a building.

e) Illumination of Signs:

1. Flashing and intermittent lights are permitted only in Commercial Districts within the Township.
2. A sign may be illuminated only if the lighting is so screened that it is not directed or reflected toward any adjacent residence, or so it does not obstruct the vision of motorists.
3. Signs which are illuminated in the colors, red, green, or amber, either by colored bulbs or tubing, or in high reflection by the use of special preparations such as fluorescent paint or glass, may not be located within a radius of two hundred (200) feet of a highway traffic light or similar safety device or from the center of any street intersection.

f) Temporary Signs: The following types of temporary signs shall be permitted in accordance with the following regulations:

1. Signs identifying architects, engineers, contractors, tradesmen, financial institutions or others engaged in construction work wherein their work is proceeding. Such signs shall be removed as soon as the work ceases or is completed, shall not exceed one (1) sign for each separate firm involved in the work, and shall not exceed twelve (12) square feet in size.
2. Real estate signs on individual properties of less than three (3) acres that are for sale, rent, or lease or which have been sold, rented or leased. Such signs shall be removed no later than one (1) week after settlement or possession, shall not exceed one (1) such sign per street frontage and shall not exceed six (6) square feet in area.
3. Real estate signs on properties of three (3) acres or more, offering for sale, rent, lease or subdivision for commercial, residential or industrial use. Such signs shall be removed no later than one (1) week after settlement or possession, shall not exceed one (1) such sign per street frontage, and shall not exceed thirty-two (32) square feet in area.
4. Signs announcing proposed commercial, industrial, or other non-residential development. Such signs shall be removed within one (1) year of erection, shall not exceed two (2) per street frontage in number, and shall not exceed twenty (20) square feet in area.
5. Signs announcing grand openings, new ownership or change of use, located on the site of the permitted use. Such signs shall be removed not more than fourteen (14) days after erection, shall not exceed one (1) such sign per lot, and shall not exceed forty-eight (48) square feet in area.
6. Signs advertising the temporary sale of agricultural produce raised on the property on which it is being sold. Such signs shall be displayed only when the produce is on sale, shall not exceed two (2) in number per lot, and shall not exceed six (6) square feet in area.

7. Temporary signs announcing a special event (except garage/yard sales). Such sign shall not be erected for more than thirty (30) consecutive days at any site within the Township and for no more than two (2) special events in any calendar year. There shall be no more than one (1) such sign per street frontage and the sign shall not exceed thirty-two (32) square feet in area. Special event signs for charitable or non-profit organizations shall be exempt from the requirement limiting signs to two special events per year.
8. Yard Sale and Garage Sale Signs. Such signs shall be erected on the property of the sale only and during the days of the sale only and shall not exceed two (2) per property in number nor six (6) square feet in area.

- g) **Construction & Maintenance:** Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.
- h) **Termination of Enterprise:** Upon termination or abandonment of a commercial or industrial use, all signs pertaining to the enterprise must be removed.

SECTION 302 ON-LOT PARKING OR STORAGE

- a) **Recreation Vehicles, Trucks, Trailers, Heavy Equipment Vehicles, and Boats:** Recreation vehicles, trailers used for recreational purposes and camping, trucks (except pick-up trucks), tractor-trailer rigs, heavy equipment vehicles, and boats (including boat trailers) may be parked or stored in any zoning district subject to the following regulations:
 1. Parking or storage is permitted at any time inside an enclosed building, which building conforms to the requirements of the zoning district in which it is located.
 2. Outside parking or storage shall be permitted only in side or rear yards, or partially in both, so long as the unit is not located nearer than ten (10) feet to any lot line.
 3. A unit may be parked anywhere on the lot during active loading, unloading or servicing of the unit for a period of time not in excess of thirty-six (36) hours. Notwithstanding the foregoing, in an R District, no unit shall be parked for a period in excess of three (3) days in a thirty (30) day period in the area between the street line and the line formed by the front wall of the principal building extending the full width of the lot.
 4. No unit shall be parked or stored on any lot unless the same shall be owned or leased by the owner or occupant of such lot, except that a visitor of the owner or occupant of a lot may park or store a unit thereon for a period not exceeding fourteen (14) days in any one (1) calendar year.
- b) **Outdoor Stockpiling:** In all districts, no outdoor stockpiling of any material or outdoor storage of trash is permitted in front yards.
- c) **Trash or Junk:** The accumulation of trash or junk out-of-doors for a period in excess of fifteen (15) days is prohibited.

d) Inoperable and Junked Motor Vehicles:

1. No more than one (1) inoperable or junked motor vehicle shall be parked, stored, placed, or allowed to remain on any lot within any zoning district for a period of time in excess of thirty (30) days, except as provided in subsection d)-2. of this Section. No such vehicle shall be parked in a front or side yard nor nearer than three (3) feet to the rear property line.
2. Nothing contained in subsection 1. shall be deemed to prohibit the parking, storage or placement of an inoperable or junked motor vehicle within a completely enclosed building or within a validly licensed and permitted junk yard.

SECTION 303 SALE OF AGRICULTURAL PRODUCTS

The sale at retail of agricultural products is permitted in any district on the property where they were produced.

SECTION 304 PARKING

- a) Size of Parking Space: The parking space must have an area of not less than two hundred (200) square feet, exclusive of passageways and driveways appurtenant to the space and giving access to it. Where five (5) or more parking spaces are required, the total parking area including passageways and driveways must average three hundred (300) square feet per required parking space.
- b) Spaces Required: Off-street parking spaces must be provided for each building erected or enlarged in accordance with the following schedule:

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Residential dwelling	1/2 dwelling unit (i.e. 2 spaces per dwelling unit)
Rooming house	Bedroom
Hotel, motel, tourist home	Guest sleeping room
Office building	300 sq. ft. off gross floor area
Retail store or shop	100 sq. ft. of gross floor area
Restaurants, cafes, and other places serving food and drink	80 sq. ft. of gross floor area and ground area (excluding parking) devoted to patron use on the property or 3 seats whichever requirement is greater
Bowling alley	1/2 lane (i.e. 2 spaces per lane)

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Other recreational establishments	100 sq. ft. of gross floor area
Automobile repair, gasoline station	400 sq. ft of gross floor area and ground area devoted to repair and service facilities
Other commercial buildings	400 sq. ft. of gross floor area
Hospital, sanitarium	1/2 bed (i.e. 2 spaces per bed)
Auditorium, church, theater and other such places of public assembly	4 seats
Industrial and heavy commercial establishments	1 1/2 employees on major shift but at least 1 space for each 5,000 sq. ft. of gross floor area.
Funeral homes	100 sq. ft. of gross floor area
Clubs, lodges and other similar places	100 sq. ft. of gross floor area

c) Location: The parking area must be on the same or nearby premises. If on nearby premises --

1. The nearest point of the parking lot shall be not further than the following distances to the nearest point of the property served: one hundred (100) feet in the case of a commercial use, two hundred (200) feet in the case of a residential use, and three hundred (300) feet in the case of industrial use.
2. The parking area must remain under control of the owner or operator of the use to which the parking area is appurtenant.

d) Layout: Parking areas must be arranged so there will be no need for motorists to back over:

1. Local streets, except in the case of residential uses.
2. Major thoroughfares.

e) Parking Area Adjacent to Street: For multi-family and nonresidential uses where a parking area or other area open to movement of vehicles abuts the right-of-way of a public street, a pipe railing, post and chain barricade raised curbs or equally effective devices satisfactory to the Township must line the public right-of-way except at access points so that parked vehicles will not extend into the street right-of-way.

f) Paving: For all uses in Residential Districts and commercial, industrial and multi-family residential uses in other districts, all required parking areas and all driveways shall be paved with concrete or bituminous paving material.

SECTION 305 LOADING

a) Size; Surfacing: The loading space must be not less than twelve (12) feet wide and fifty (50) feet long. It must be surfaced with a concrete or bituminous material.

b) Spaces Required: Off-street loading spaces must be provided for each building erected or enlarged in accordance with the following schedule:

<u>Type of Use</u>	<u>Number of Loading Spaces</u>
Manufacturing, storage, display or sale of goods, hospitals and sanitaria	1 space for a gross floor area of 5,000 to 25,000 sq. ft. and 1 additional space for each 10,000 sq. ft. of gross floor area in excess of 25,000 sq. ft.
Offices, hotels, theaters or similar uses	1 space for a gross floor area of from 20,000 to 100,000 sq. ft. and 1 additional space for each 40,000 sq. ft. of gross floor area in excess of 100,000 sq. ft.

c) Layout: The loading area must be arranged so that there will be no need for motorists to back over public rights-of-way.

SECTION 306 DRIVEWAYS

a) Width: Within ten (10) feet of the street right-of-way, driveways may not exceed thirty-five (35) feet in width.

b) Number: The number of driveways may not exceed two (2) per lot on any one street frontage. The Zoning Hearing Board may grant permission by special exception for additional driveways where required to meet exceptional circumstances and where frontage of unusual length exists.

c) Offsets: Driveways may not enter a public street:

1. Within forty (40) feet of the street right-of-way line of an intersecting street.
2. Within five (5) feet of a fire hydrant.
3. Within twenty-five (25) feet of another access drive on the same property.

d) Sight Distances; Slope, Cuts: A driveway must be located in safe relationship to sight distance and barriers to vision. The driveway may not exceed a slope of five (5) percent within twenty-five (25) feet of the street right-of-way line. Where a drive enters a bank through a cut,

unless a retaining wall is used, the shoulders of the cut may not exceed fifty (50) percent in slope within twenty-five (25) feet of the point at which the driveway intersects the street right-of-way. The height of the bank must not exceed three (3) feet within ten (10) feet of the street.

SECTION 307 ILLUMINATION

Where a use involves exterior lighting, the lighting must be so located and shielded that no objectionable illumination or glare is cast upon adjoining properties or any adjacent public street.

SECTION 308 DEMOLITION

Demolition of any structure must be completed within twelve (12) months of the issuance of a permit. Completion consists of tearing the structure down to grade, filling any resulting cavity to grade and removing all resulting materials from the lot. A structure may be partly demolished only if a building remains and the demolition of the part is complete as aforesaid. All evidences of the structure which was demolished must be removed from the exterior surfaces of the remaining building.

SECTION 309 DRAINAGE

- a) Adequate Drainage Required: No principal building may be erected, structurally altered, or relocated on land which is not adequately drained at all times.
- b) Building Restricted Adjacent to Drainage Channels and Watercourse: No building may be erected, structurally altered or relocated on land which is subject to flooding as defined by the most recent Flood Insurance Study prepared for the Federal Insurance Administration of the U.S. Department of Housing and Urban Development unless all requirements of the Heidelberg Township Building Permit Ordinance have been met.
- c) Drainage Upon Streets: In order to prevent improper surface water drainage upon streets, each building erected, structurally altered, or relocated, and its driveways, must be at a grade in satisfactory relationship to the established street grade on an existing street, or the street grade as shown on an approved plan profile.
- d) Drainage Upon Adjoining Properties; Slopes: In order to protect adjoining property owners, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land may be made which would --
 1. Result in a slope of more than seventy (70) percent within twenty (20) feet of a property line.
 2. Alter the existing drainage or topography in any way so as to adversely affect adjoining properties.

In no case may any slope exceed the normal angle of slippage of the material involved. All slopes must be protected against erosion.

- e) Obstruction to Drainage Prohibited: The damming, filling, or otherwise interfering with the natural flow of a surface watercourse is not permitted without approval of the Township and the State Department of Environmental Resources.

SECTION 310 MINIMUM HABITABLE FLOOR AREA

All dwelling units must conform to the minimum habitable floor area as follows:

- a) Single Family, Two-Family: Six hundred (600) square feet per dwelling unit.
- b) Multi-Family or Multi-Family Conversion: Four hundred (400) square feet per dwelling unit.

SECTION 311 OUTDOOR SWIMMING POOL REQUIREMENTS

Every outdoor swimming pool must conform to all applicable requirements of State Law and in addition must be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have to have openings; holes or gaps larger than four (4) inches in any dimension. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

SECTION 312 FARM BUILDINGS

Farm buildings shall be subject to the following regulations:

1. Farm buildings shall be accessory to the active farming operation only.
2. Commercial activities such as boarding stables and riding academies are not agricultural in nature, and the use of a farm building to house such an operation shall be subject to the use provision of the respective zoning districts.

PART IV

MODIFICATIONS AND NONCONFORMITIES

SECTION 400 SETBACK MODIFICATIONS

- a) Front Setbacks From Major Thoroughfares: For the purpose of protecting residential uses from adverse influences of traffic and for the purpose of protecting major thoroughfares for their traffic functions, building (including residential and nonresidential building) along these thoroughfares must be set back at least fifty (50) feet from the right-of-way line of the thoroughfare. Major thoroughfares are or will be any arterial streets and collector streets specified in the Township Comprehensive Plan and as designated by the Township Planning Commission.
- b) Sight Distance: Proper sight lines must be maintained at all street intersections. Measured along the centerline of the street, there must be a clear sight triangle with sides as follows:

<u>Street</u>	<u>Clear Sight Triangle Side</u>
Major Thoroughfares	150 feet
Minor Streets	75 feet
Driveways	30 feet

No building or construction is permitted in this area except as follows:

- 1. Obstructions or plantings less than three (3) feet in height.
- 2. If not obstructing the view of traffic, post columns and trees not exceeding one (1) foot in diameter.
- c) Setback on Corner Lots: In the case of corner lots, two (2) front setback lines shall be provided (the second of which will exist in lieu of one (1) side setback).
- d) Accessory or Appurtenant Structures:

The setback regulations do not apply to --

- 1. Telephone booths and cornices, eaves, chimneys, steps, canopies and similar extensions but not including porches or patios whether covered or not.
- 2. Open fire escapes.
- 3. Utility sheds, which must conform to regulations contained in Section 300-b).

However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in the Zoning Ordinance.

When a preliminary or final subdivision or land development plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent enactment or amendment to this Ordinance shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from the date of such approval. Where final approval of a plan is preceded by preliminary approval, the five (5) year period shall commence on the date of preliminary approval.

SECTION 405 LOTS OF RECORD

On a lot held in single and separate ownership on the effective date of this Ordinance or any amendment thereto, which does not fulfill the regulations for the minimum lot area and/or lot width for the zone in which it is located, a building may be erected, altered and used and the lot may be used for a conforming (permitted) use providing the setback requirements are not less than the minimum specified herein for the district in which the lot is located.

SECTION 406 NONCONFORMITIES

a) Continuance:

1. Except as otherwise provided in this Section, the lawful use of land or building existing at the date of the adoption of this Ordinance may be continued, although such use of land or building does not conform to the use regulations specified by this Ordinance for the district in which such land or building is located.
2. Except as otherwise provided in this Section, any dimensional nonconformities existing at the date of the adoption of this Ordinance may be continued.

b) Expansion or Alteration:

1. Upon application for a special exception and in accordance with the provisions of Section 607, the Zoning Hearing Board may approve the expansion or alteration of a use of land or buildings which is not in conformance with the provisions of this Ordinance.
2. A dimensional nonconformity may be altered or expanded only if such alteration or expansion is in conformance with the provisions of this Ordinance; however, upon issuance of a special exception, in accordance with the provisions of Section 607, the Zoning Hearing Board may authorize additions or improvements to dimensional nonconformities.

c) Replacement:

1. A nonconforming use may be replaced only by a conforming use.

2. A dimensional nonconformity may be replaced only in conformance with the provisions of this Ordinance.
 - d) **Restoration:** If any nonconformity is destroyed by reason of windstorm, fire, explosion or other act of God or a public enemy to an extent of more than seventy-five (75) percent of the market value as appraised for the tax assessment purposes then such destruction shall be deemed complete destruction and the nonconformity may not be rebuilt, restored or repaired except upon issuance of a variance in accordance with Section 502 of this Ordinance. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe.
 - e) **Abandonment:** A nonconforming use shall be adjudged as abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and the structure shall not be reoccupied except in conformance with this Ordinance.
 - f) **Reversion:** No nonconformity shall, if once changed to conform to the regulations of this Ordinance, be changed back again to a nonconformity.
 - g) **District Changes:** Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses or dimensional nonconformities existing therein or created thereby.
 - h) **Identification and Registration:** Nonconforming uses, lots, and structures shall be identified and registered by the Zoning Officer, together with the reasons why the Zoning Officer identified them as nonconformities, upon request of the owner of the nonconforming use, lot, or structure.

PART V

ZONING HEARING BOARD

SECTION 500 ORGANIZATION AND FUNCTIONS

s.500.1 **Membership of Board:** The membership of the Board shall consist of three (3) residents of the Township appointed by resolution of the Board of Supervisors. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies in its membership that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township. The Board of Supervisors may appoint by resolution at least one (1), but no more than three (3), residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Section 500.2 of this Ordinance, an alternate shall be entitled to participate in all proceedings, and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties as set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting member pursuant to the provisions of Section 500.2 of this Ordinance.

s.500.2 **Organization of Board**

- a) The 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. 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 501 of this Ordinance.
- b) If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this provision shall be made on a case-by-case basis in rotation according to declining seniority among all alternates

s.500.3

- c) The Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

Jurisdiction of 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 challenges brought before the Board of Supervisors pursuant to the provisions of Section 609.1 and 916.1(a)(2) of the Municipalities Planning Code, Act 170 of 1988.
- b) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance.
- c) Appeals from the determination of the Zoning Officer, including, but not limited to the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- d) Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain ordinance or floor hazard ordinance or any such provisions within a land use ordinance.
- e) Applications for variances from the terms of this Ordinance or flood plain or flood hazard ordinance as provided in Section 502 of this Ordinance.
- f) Applications for special exceptions under this Ordinance or flood plain or flood hazard ordinance as provided in Section 503 of this Ordinance.
- g) Appeals from the Zoning Officer's determination when a preliminary opinion pursuant to Section 701.6 is sought.
- h) Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management other than the Subdivision and Land Development Ordinance. In exercising its jurisdiction, the Board shall have the power to reverse, affirm or modify any order, requirement, decision or determination from which an appeal is made and may make any order, requirement, decision or determination that may be required.

s.500.4 Board Calendar: Each application filed with the Board in the proper form with the required data, shall be numbered serially and be placed upon the calendar of the Board by the Secretary. Applications shall be assigned for hearing in the order in which they appear on the calendar. The hearing shall be held within sixty (60) days from the date of the application, unless the applicant has agreed in writing to an extension of time.

SECTION 501 PUBLIC HEARINGS

s.501.1 Notice; Conduct of Meeting: Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, to all property owners within three hundred (300) feet of the property of the applicant and to any person who has made timely request for the same. A request for notice shall be deemed to have been timely if made in writing not less than two (2) weeks prior to the date of the public hearing, in which event notice shall be provided to the person making the request at least one (1) week prior to the public hearing. Written notices shall be given at least fifteen (15) days prior to the hearing. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

The Board of Supervisors may by resolution prescribe reasonable fees with respect to hearings before the Board. Said fees may include compensation for the secretary and members of the Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs shall not include legal expenses of the Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, appellant or the applicant as the case may be, in addition the Township, may prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

The 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 with any party or his representative unless all parties are given an opportunity to be present.

s.501.2 Representation; Statements: Parties to the hearings shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear

by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

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.

Statements shall be made in the following order or as the Chairman may direct:

- a) Applicant or appellant
- b) Zoning Officer and other officials
- c) Any private citizen

The applicant or appellant shall be given an opportunity for rebuttal.

s.501.3 Witnesses: The Chairman or acting chairman of the Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

s.501.4 Decision Procedure: The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the 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 Board prior to final decision or entry of findings and the Board's decision shall be entered no later than thirty (30) days after the decision of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in this section. If the Board fails to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

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 not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Whenever the Board imposes a condition or conditions with respect to the granting of an application or appeal, this condition must be stated in the order of the Board and in the permit issued pursuant to the order by the Zoning Officer. This permit remains valid only as long as the condition or conditions upon which it was granted or the conditions imposed by this Ordinance are adhered to.

s.501.5 Records: The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

SECTION 502 VARIANCES

s.502.1 Filing of Variance Application: The application for variance must be on a form provided for that purpose by the Zoning Officer. It must be filed with the Board and copies given to the Zoning Officer and Township Planning Commission. The applicant must provide all the information requested on the form, together with any other information and data that may be required to advise the Board on the variance, whether such information is called for by the official form or not.

Unless otherwise specified or extended by the Board, a variance authorized by it expires if the applicant fails to obtain a building permit or use certificate within six (6) months from the date of authorization of the variance.

s.502.2 Referral to Planning Commission: All applications for a variance shall be referred to the Township Planning Commission for a report.

s.502.3 Findings for Variance: The Board may grant a variance provided the following findings are made where relevant in a given case:

- a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or

other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and is not due to the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;

- b) That because of such physical circumstances or conditions, there is 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;
- c) That such unnecessary hardship has not been created by the appellant;
- d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
- e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

s.502.4

Conditions: In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.

SECTION 503

SPECIAL EXCEPTIONS

s.503.1

Filing of Special Exception Application: For any use permitted by special exception, the special exception shall be obtained from the Zoning Hearing Board. In addition to the information required on the building permit application, the special exception application must show--

- a) Ground floor plans and elevations of proposed structures.
- b) Names and addresses of adjoining owners.

Unless otherwise specified or extended by the Zoning Hearing Board, a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so, a building permit or use certificate within six (6) months of the date of the authorization of the special exception.

s.503.2

Temporary Special Exceptions: A temporary special exception shall be obtained from the Zoning Hearing Board for any nonconformity which will be temporary, seasonal or will be in the public interest. The Zoning Hearing Board may grant a temporary special exception for a nonconforming use or structure, existing or proposed, which --

- a) Is beneficial to the public health or general welfare, or,
- b) Is necessary to promote the proper development of the community, or
- c) Is temporary or seasonal in nature.

The temporary special exception may be issued for a period not exceeding one (1) year, and may be renewed for a total period not exceeding three (3) years. The nonconforming structure of use must be completely removed upon the expiration of the special exception without cost to the Township.

s.503.3 **Referral to Planning Commission:** All applications for a special exception shall be referred to the Township Planning Commission for a report.

s.503.4 **Conditions:** In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.

s.503.5 **Application of Extent-of-Use Regulations:** The extent-of-use regulations as set forth in this Ordinance must be followed by the Zoning Hearing Board. Where no extent-of-use regulations are set forth for the particular use, the Board must impose extent-of-use requirements as necessary to protect the public welfare and the Comprehensive Plan.

s.503.6 **General Standards:** A special exception may be granted when the Zoning Hearing Board finds from a preponderance of the evidence produced at the hearing that:

- a) The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the district; and
- b) That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use; and
- c) That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences; and
- d) That the use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use residential streets; and
- e) That the specific standards set forth for each particular use for which a special exception may be granted have been met.

The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Zoning Hearing Board.

s.503.7 **Specific Standards:** In addition to the general standards for all special exceptions as contained in Section 503.6, the specific standards for particular uses as listed in PART VI of the Ordinance must be met prior to the granting of a special exception.

SECTION 504 CHALLENGE TO VALIDITY OF ORDINANCE ON SUBSTANTIVE GROUNDS

s.504.1 **Request:** A person challenging the validity of an ordinance or map or any provisions thereon on substantive grounds before the Board shall make a written request to the Board that it hold a hearing on the challenge. The request shall contain the reasons for the challenge. Nothing herein shall preclude a person from first seeking a final approval before submitting his challenge.

s.504.2 **Determination:** Based upon the testimony presented at the hearing or hearings, the Board shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If the challenge is found to have merit, the decision of the Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision the Board shall consider the amendments, plans and explanatory material submitted by the person making the challenge and shall also consider:

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

s.504.3 **Hearing; Decision:** The Board shall commence its hearings pursuant to the provisions of Section 501 of this Ordinance within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time. The Board shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Board fails to act on the request within that time, unless the time for decision is

extended by natural consent of the landowner and Board, denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing. The challenge shall also be deemed denied if the Board fails to commence the hearing within sixty (60) days after the request unless the landowner requests or consents to an extension of time.

SECTION 505 TIME LIMITATIONS; APPEALS

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Zoning Officer or Board of Supervisors 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 by the Zoning Officer on a challenge to the validity of any ordinance or map pursuant to the provisions of Section 504 of this Ordinance or a preliminary opinion issued pursuant to Section 701.6 of this Ordinance shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative plan.

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

PART VI

STANDARDS FOR SPECIAL EXCEPTION USES

SECTION 600 REQUIREMENT OF SPECIFIC STANDARDS

In addition to the general standards for all special exceptions as contained in Section 503.6, the specific standards for the particular uses allowed by special exception are set forth in this PART. These standards must be met prior to the granting by the Zoning Hearing Board of a special exception for such uses in applicable districts.

SECTION 601 AIRPORT OR AIRSTRIP

In an A District and subject to the requirements of that District except as herein modified and provided:

- a) Lot area - Ten (10) acres minimum.
- b) The approach zone to any of the proposed runways or landing strips shall be in accordance with the regulations of applicable Federal and/or State agencies.
- c) There shall be no existing flight obstructions such as towers, chimneys or other tall structures or natural obstructions outside of the airport and located within the proposed approach zones.
- d) Any building, hanger or structure shall be located a sufficient distance away from the landing strip in accordance with the recommendations of applicable Federal and/or State agencies.
- e) Building heights in airport approach zones shall be limited to provide a clear glide path from the end of the usable landing strip. The glide path shall be a plane surface laid out in accordance with the operating characteristics of the aircraft for which the airport is designed. The first five hundred (500) feet of the glide path shall be wholly within the airport property.

SECTION 602 ANIMAL HOSPITAL, STABLE, OR KENNEL

In an A, R or Cv District and subject to the requirements of the District in which located except as herein modified and provided:

- a) Lot area - Two (2) acres minimum.
- b) Setbacks - All buildings, dog runs, fenced enclosures and similar structures shall be located at least one hundred (100) feet from all property or street lines.

SECTION 603

CAMPGROUND

In an A or Cv District and subject to the requirements of the District in which located except as herein modified and provided:

- a) Lot area - Five (5) acres minimum.
- b) Setbacks - All campsites shall be located at least fifty (50) feet from any property line and one hundred (100) feet from any street line.
- c) The proposed campground must comply with the appropriate health, sanitary and safety regulations of the Township and the Department of Environmental Resources, Commonwealth of Pennsylvania.
- d) Each campsite shall provide a minimum of one thousand five hundred (1,500) square feet, and shall either provide parking space for one (1) automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common area or lot.
- e) Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, planting and open spaces.
- f) Consideration shall be given to traffic problems. If the nature of the campground is such that it will generate a high volume of vehicular traffic then access should be via an arterial or collector street as designated by the Township Comprehensive Plan.

SECTION 604

CEMETERY

In an R, A or Cv District and subject to the requirements of the District in which located except as herein modified and provided:

- a) All burial plots or facilities shall be located at least thirty (30) feet from all property or street lines.
- b) Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.
- c) No burial plots or facilities are permitted on flood plain land.

SECTION 605**CLUB ROOM, CLUB GROUNDS OR MEETING HALL**

In an A District and subject to the requirements of that District except as herein modified and provided:

- a) Access must be on an arterial street or collector street as designated in the Township Comprehensive Plan.
- b) Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, planting and open spaces.
- c) The use shall not constitute a public or private nuisance.

SECTION 606**CONVALESCENT HOME, HOSPITAL**

In an R or C District and subject to the requirements of the District in which located except as herein modified and provided:

- a) Lot area - One (1) acre minimum.
- b) Lot width - One hundred fifty (150) feet minimum.
- c) Setbacks - All buildings shall be located at least fifty (50) feet from all property or street lines.
- d) In an R District access shall be via an arterial or collector street as designated by the Township Comprehensive Plan.
- e) Water and sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
- f) Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, planting and open spaces.

SECTION 607**DOMICILIARY CARE UNIT**

In an R, A, or Cv District and subject to the requirements of the District in which located except as herein modified and provided:

- a) Water and sewer facilities must be of adequate capacity to handle additional persons residing in the unit.
- b) An inspection by the Zoning Officer and fire department official must be made prior to approval of the application.

SECTION 608

EXPANSION OR ALTERATION OF A NONCONFORMITY

In any District and subject to the requirements of the District in which located except as herein modified and provided:

- a) Expansion of the nonconformity shall be confined to the lot on which it is located on the effective date of this Ordinance or any amendment thereto creating the nonconformity.
- b) The total of all such expansions or alterations of use shall not exceed an additional thirty-five (35) percent of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities.
- c) Provision for driveways, off-street parking and off-street loading shall be consistent with standards required by this Ordinance for the particular use.
- d) Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the district in which the nonconformity in question is located.
- e) Appearance should be harmonious with surrounding properties. This feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance in good condition of all improvements and open spaces.
- f) Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, planting and open spaces.
- g) The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.

SECTION 609

GASOLINE STATION

In a C or I District and subject to the requirements of the District in which located except as herein modified and provided:

- a) Buildings must be set back at least forty (40) feet from the street line in the C District.
- b) Pumps must be set back at least twenty-five (25) feet from any lot line and so located that vehicles stopped for service will not extend over the property line.
- c) Access drives must be located as follows:
 1. Minimum offset from intersection of street right-of-way lines: forty (40) feet.
 2. Side lot line offset: Ten (10) feet.
 3. Minimum width: Twelve (12) feet.

4. Maximum width: Thirty-five (35) feet.
5. Minimum separation of drives on same lot: Twenty-five (25) feet.

- d) Except along access drives, a concrete curb eight (8) inches in height must be placed along all street right-of-way lines.
- e) All lights must be diverted toward the gas station or downward on the lot.
- f) No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.

SECTION 610 GENERAL MANUFACTURING

In an I District and subject to the requirements of that District except as herein modified and provided:

- a) For general manufacturing uses except natural extraction uses the following standards apply:
 1. Lot area - Three (3) acres minimum.
 2. Lot width - Two hundred fifty (250) feet minimum.
 3. Setbacks - All buildings must be set back fifty (50) feet from any property line and one hundred (100) feet from a street line.
 4. Access must be on an arterial or collector street as designated in the Township Comprehensive Plan. Traffic entrances and exits shall be far enough from residential dwellings so that truck noise and vibration will be minimized.
 5. A buffer yard one hundred fifty (150) feet wide must be located on the site in all instances where the site adjoins an R or A District. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading, or storage.
 6. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial wastes)
- b) For stone, clay or other natural extraction uses the following standards apply:
 1. An open excavation shall be enclosed by a fence or wall that completely encloses the portion of the property in which the excavation is located; said fence or wall shall be not less than four (4) feet in height and shall be so constructed as to have openings no larger than six (6) inches, and if pickets are used, the openings shall not exceed six (6) inches.

2. No quarry wall shall be nearer than one hundred fifty (150) feet to any property line or street line. However, in no case, shall the slope between the property line or street line and the quarry wall exceed twenty (20) percent.
3. In the case of an open excavation, a slope no greater than twenty (20) percent shall extend from property or street lines for a depth of one hundred fifty (150) feet.
4. No stock or waste pile shall exceed thirty-five (35) feet in height. Such piles shall be adequately screened in order to avoid an objectionable view.
5. A plan for the reclamation of the site following completion of extractive uses shall be submitted for approval of both the Planning Commission and the Zoning Hearing Board. Such a plan will consider the grading and reuse of the site and will deal with drainage, soil erosion and other problems that will be created by the extractive use.

SECTION 611 GREENHOUSE, NURSERY

In a Cv District and subject to the requirements of that District except as herein modified and provided:

- a) Access must be on an arterial street or collector street as designated in the Township Comprehensive Plan.
- b) No sale of general hardware, power tools or motorized equipment is permitted. No outdoor display of tools or equipment is permitted.

SECTION 612 HOME OCCUPATION OR PROFESSION

Subject to the requirement below, the following home occupations or professions may be authorized in a dwelling unit or existing accessory building in the R, A, and Cv Districts: Physician, dentist, clergyman, lawyer, engineer, accountant, architect, teacher, artist, licensed insurance or real estate agent, seamstress, barber, beautician and similar service occupations and professions; day care home.

- a) Employees - No person other than a resident of the dwelling unit may practice the occupation. No more than two (2) persons shall be employed to provide secretarial, or other assistance.
- b) Coverage - Not more than thirty (30) percent of the ground floor area of a dwelling unit may be devoted to a home occupation or profession.
- c) Appearance - The character or external appearance of the dwelling unit must be that of a dwelling. No display or products may be shown so as to be visible from outside the dwelling. A name plate not larger than two (2) square feet in area is permitted. It must be illuminated by indirect lighting only.

d) Parking - Additional parking located in the rear yard is required as follows:

1. One (1) space for the home occupation and one (1) space for each non-resident employee, and
2. Two (2) additional spaces for a physician, dentist, barber, or beauty shop.

SECTION 613 HOUSE OF WORSHIP

In an R or A District and subject to the requirements of the District in which located except as herein modified and provided:

- a) Side setback - Minimum side setback of twenty-five (25) feet must be provided.
- b) Access shall be via an arterial or collector street as designated by the Township Comprehensive Plan.

SECTION 614 INDUSTRIAL PARK

In an I District and subject to the requirements of that District except as herein modified and provided:

- a) Industrial Park area - Ten (10) acres minimum.
- b) Industrial Park width - Three hundred (300) feet minimum.
- c) All buildings must be set back at least fifty (50) feet from any property line and one hundred (100) feet from a street line.
- d) Access shall be via an arterial street or collector street as designated by the Township Comprehensive Plan.
- e) Appearance should be harmonious with adjoining properties. This feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, building coverage, and architectural controls.

SECTION 615 AUTOMOBILE DISMANTLING PLANT, JUNKYARD

In an I District and subject to the requirements of that District except as herein modified and provided:

- a) Lot area - Five (5) acres minimum.
- b) Lot width - Three hundred (300) feet minimum.

- c) Setbacks - Any area used for this purpose must be at least seventy-five (75) feet from any property line and one hundred (100) feet from any street line.
- d) The area to be used must be completely enclosed with a six (6) foot high fence so constructed as not to have openings greater than six (6) inches in any direction.
- e) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial wastes).

SECTION 616 MEDICAL CLINIC

In an R or C District and subject to the requirement of the District in which located except as herein modified and provided:

- a) Lot area - One (1) acre minimum.
- b) Lot width - One hundred fifty (150) feet minimum.
- c) Setbacks - All buildings shall be located at least fifty (50) feet from all property or street lines.
- d) In an R District access shall be via an arterial or collector street as designated by the Township Comprehensive Plan.
- e) Water and sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
- f) Appearance should be harmonious with adjoining properties. This feature includes but is not limited to: landscaping, height control, sign control, building coverage, and architectural controls.
- g) Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, planting and open spaces.
- h) Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, may be permitted as part of the clinic facility, subject to the following specific conditions:
 1. All entrances to parts of the building in which these accessory services are provided shall be from within the building and any direct access from the street is prohibited.
 2. The hours during which these services are provided shall be the same as those during which medical practitioners are receiving patients.

3. Signs or other evidence advertising or indicating the provision of these services visible from outside the building are prohibited; except that there may be erected one sign not exceeding two (2) square feet in area attached to the building, any illumination thereof being white, nonflashing, and limited to an enclosed lamp design.

SECTION 617 MOBILE HOME PARK

In an R District and subject to the requirements of that District except as herein modified and provided:

- a) The minimum tract area shall be ten (10) acres.
- b) Water and sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
- c) Each mobile home shall be located at least twenty (20) feet from any other mobile home or the edge of pavement of any street or access drive. All mobile homes shall be located at least thirty-five (35) feet from any public street and at least fifteen (15) feet from any other park property boundary line.
- d) If individual mobile home lots are to be utilized, each lot shall not be less than five thousand (5,000) square feet in area and not less than fifty (50) feet in width.
- e) The Zoning Hearing Board may require suitable screen planting, may restrict the proximity of mobile homes or other improvements to adjoining properties, or may attach such other conditions or safeguard to the use of land for a mobile home park as the Board may deem necessary to protect the general welfare.
- f) A mobile home park and extension thereof shall also comply with all applicable State and/or municipal regulations now in effect or hereafter enacted.
- g) Skirting and anchoring shall be required on all mobile homes as per the Heidelberg Township Subdivision and Land Development Ordinance (No. 278).

SECTION 618 MULTI-FAMILY CONVERSION

In an R District and subject to the requirements of that District except as herein modified and provided:

- a) Water and sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
- b) There shall be a minimum of four thousand (4,000) square feet of lot area per dwelling unit.

SECTION 619 MULTI-FAMILY DWELLING

In an R District and subject to the requirements of that District except as herein modified and provided:

- a) Lot area - No multi-family dwelling shall be located on a lot containing less than one (1) acre.
- b) Lot width - Each building lot shall have a minimum width of one hundred fifty (150) feet.
- c) Water and sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
- d) Density - The maximum density shall be ten (10) dwelling units per gross acre.
- e) Distance between buildings - Where two (2) or more multi-family dwellings are located on a single lot or parcel, the minimum distance between principal buildings shall be fifty (50) feet.
- f) In the case of row dwelling or townhouse development, each individual dwelling shall have a minimum width of sixteen (16) feet and there shall be not more than eight (8) row dwellings in any one row.

SECTION 620 OUTDOOR COMMERCIAL RECREATIONAL ESTABLISHMENT

In an A or Cv District and subject to the requirements of the District in which located except as herein modified and provided:

- a) Setbacks - In an A District the area to be used for recreational purposes must be set back at least fifty (50) feet from any property or street line.
- b) The use must have access on an arterial street or collector street as designated in the Township Comprehensive Plan.
- c) Where an outdoor recreational use, other than a golf course, adjoins a residential district, trees or shrubs must be planted on the site of this use so as to form an effective visual barrier between the outdoor recreational use and adjoining residential properties.
- d) In the case of a trap, skeet, rifle or archery range a minimum lot area of five (5) acres shall be required. The range area shall be at least two hundred (200) feet from any property line or street line and at least one thousand (1,000) feet from an existing residential dwelling. The area adjacent to the use must be predominantly undeveloped.

SECTION 621 PARK OR OTHER RECREATION AREA OF A NONPROFIT NATURE

In an R, A or Cv District and subject to the requirements of the District in which located except as herein modified and provided:

Consideration shall be given to traffic problems. If the nature of the park or recreation facility is such that it will generate a high volume of vehicular traffic then access should be via an arterial or collector street as designated by the Township Comprehensive Plan.

SECTION 622 PUBLIC BUILDING AND FACILITY

In an R, A, or Cv District and subject to the requirements of the District in which located except as herein modified and provided:

Consideration shall be given to traffic problems. If the nature of the public building or facility is such that it will generate a high volume of vehicular traffic then access should be via an arterial or collector street as designated in the Township Comprehensive Plan.

SECTION 623 PUBLIC UTILITY BUILDING

In an R, C, A or I District and subject to the requirements of the District in which located except as herein modified and provided:

- a) In an R District, the permitted building shall not include the storage of vehicles or equipment used in the maintenance of any utility and no equipment causing unreasonable noise, vibration, smoke, odor, or hazardous effect shall be installed.
- b) Unhoused equipment shall be enclosed with a fence or wall not less than six (6) feet in height which shall be so constructed as not to have openings, holes or gaps larger than six (6) inches in any dimension. In an R District, such fence must be surrounded by evergreen plantings.
- c) Housed equipment -- When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the district in which the building is located.

SECTION 624 SANITARY LANDFILL

In an I District and subject to the requirements of that District except as herein modified and provided:

- a) Lot area - Ten (10) acres minimum.
- b) Lot width - Three hundred (300) feet.

- c) No refuse shall be deposited and no building or structure shall be located within two hundred (200) feet of the nearest property line.
- d) The area being used must be completely surrounded by a six (6) foot high fence so constructed that no opening will be greater than six (6) inches in any dimension.
- e) Must comply with all applicable requirements of the Pennsylvania Department of Environmental Resources.

SECTION 625 SAWMILL

In an A or Cv District and subject to the requirements of the District in which located except as herein modified and provided:

- a) No saw or other machinery shall be less than fifty (50) feet from any property or street line.
- b) All power saws and machinery will be secured against tampering and locked when not in use.

SECTION 626 SHOPPING CENTER OR MALL

In a C District and subject to the requirements of that District except as herein modified and provided:

- a) Lot area - Five (5) acres minimum.
- b) Lot width - Three hundred (300) feet minimum.
- c) All buildings must be set back at least fifty (50) feet from any property line and one hundred (100) feet from a street line.
- d) Parking must be provided at the minimum ratio of parking space to gross floor area of two (2) to one (1).
- e) Access must be via an arterial street or collector street as designated in the Township Comprehensive Plan.
- f) A buffer yard at least one hundred fifty (150) feet wide must be provided on the site in all instances where the site adjoins an R or A District. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes.

SECTION 627**TRANSPORTATION (PASSENGER) TERMINAL**

In a C District and subject to the requirements of that District except as herein modified and provided:

- a) Access shall be via an arterial or collector street as designated by the Township Comprehensive Plan.

SECTION 628**COMMUNICATION, TELEVISION AND RADIO TRANSMITTING AND RECEIVING TOWERS**

In a CV District and subject to the requirements of that District except as herein modified and provided:

- a) All towers shall be set back from all property lines a distance equal to or greater than the height of the tower.
- b) No other use shall be permitted on the tract except for an accessory building used solely to house electronic equipment directly related to the use of the tower. Any such accessory building shall not exceed one (1) story in height.
- c) No regular full-time or part-time employees shall be permitted on the site except for maintenance personnel working from an off-site location.
- d) The tower and accessory building shall be enclosed by a security fence at least six (6) feet in height equipped with a locking gate.
- e) No outdoor storage of equipment or materials shall be permitted on the site.

PART VII

ADMINISTRATION

SECTION 700 PERMITS

s.700.1 Building Permits: Where required by the Heidelberg Township Building Permit Ordinance for the erection, enlargement, repair, alteration, moving or demolition of any structure, a building permit must be obtained from the Zoning Officer. The permit application must be accompanied by a site plan showing items as necessary to demonstrate conformity to this Ordinance --

- a) Lot: The location and dimensions of the lot.
- b) Streets: Names and widths of abutting streets and highways.
- c) Structures and Yards: Locations, dimensions, and uses of existing and proposed structure(s) and yards on the lot(s) and of any existing structures within one hundred (100) feet of the proposed structure(s).
- d) Improvements: Proposed off-street parking and loading areas, access drives, and walks. Proposed sewage disposal system.

s.700.2 Use Certificates: A use certificate, certifying compliance with this Ordinance must be obtained from the Zoning Officer before a new structure or a change of use or land is occupied or established. The certificate is required for the following situations:

- a) Use of a structure erected, structurally altered or extended, or moved.
- b) Use of vacant land except for agricultural purposes.
- c) Any change in a conforming use of a structure or land
- d) Any change in a nonconforming use of a structure or land.
- e) Any change in the use of a structure or land from that permitted by any variance of the Zoning Hearing Board.

The application for a use certificate must include a statement of the intended use and any existing use of the structure or land. The certificate continues in effect as long as the use of the structure or land for which it is granted continues.

SECTION 701 ZONING OFFICER - POWERS & DUTIES

s.701.1 **Appointment and Powers:** For the administration of this Ordinance, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed by the Board of Supervisors. The Zoning Officer shall meet qualifications established by the Board of Supervisors and shall be able to demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning. The Zoning Officer shall issue all building and zoning permits and use certificates and shall identify and register nonconformities at the request of the landowner.

s.701.2 **Forms:** The Zoning Officer must provide a form or forms prepared by the Township Solicitor for --

- a) Building permits.
- b) Special exceptions.
- c) Use certificates.
- d) Appeals.
- e) Variances.
- f) Registration of nonconforming uses and nonconforming structures.

s.701.3 **Transmittal of Papers:** Upon receipt of an application for a special exception, variance or a notice of appeal, the Zoning Officer must transmit to the Secretary of the Zoning Hearing Board and to the Chairman of the Township Planning Commission, copies of all papers constituting the application.

s.701.4 **Action on Building Permits:** Within fifteen (15) days, except for holidays, after receipt of an application for a building permit, the Zoning Officer shall grant or deny the permit. If the application conforms to the provisions of the building permit ordinance and this Ordinance, the Zoning Officer shall grant a permit. If the application does not conform to these provisions, the Zoning Officer shall deny the permit, stating in writing the grounds for denial.

s.701.5 **Action on Use Certificates:** Within fifteen (15) days, except for holidays, after receipt of an application for a use certificate, the Zoning Officer shall grant or deny the application. If the application conforms with the provisions of this Ordinance, the Zoning Officer shall issue a certificate. If the application does not conform to these provisions, the Zoning Officer shall deny the certificate, stating in writing the grounds for denial.

s.701.6 Preliminary Opinion: In order not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposes to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the ordinance or map will run pursuant to Section 504 of this Ordinance, by the following procedure:

- a) The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development a sufficient basis for a preliminary opinion as to its compliance. The Zoning Officer may consult with the Township Solicitor and Township Engineer prior to issuing his preliminary opinion.
- b) If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval under Section 701.6 of this Ordinance and the time specified therein for commencing a proceeding with the Zoning Hearing Board shall run from the time when the second notice thereof has been published.

s.701.7 Records: The Zoning Officer shall keep a record of --

- a) All applications for building permits, use certificates, special exceptions and variances and action taken on them, together with any conditions imposed by the Zoning Hearing Board.
- b) All complaints of violations of provisions of this Ordinance and the action taken on them.
- c) All plans submitted.
- d) Nonconforming uses and nonconforming structures.

All such records and plans shall be available for public inspection.

s. 701.8 Reports: At intervals of not greater than six (6) months, the Zoning Officer shall report to the Township Supervisors --

- a) The number of building permits and use certificates issued.

- b) The number of complaints of violations received and the action taken on these complaints.

SECTION 702 APPEALS

Any person aggrieved or affected by the provisions of this Ordinance or a decision of the Zoning Hearing Board, may appeal in the manner provided in this Ordinance and as provided in Articles IX and X-A of the Municipalities Planning Code, Act 170 of 1988 as amended.

SECTION 703 ERRONEOUS PERMIT

A building permit or other permit or authorization issued or approved in violation of the provisions of this Ordinance, is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such a permit or other authorization is unlawful. No action may be taken by a board, agency, or employee of the Township purporting to validate such a violation.

SECTION 704 VIOLATIONS; ENFORCEMENT

s.704.1 **Violations:** If it appears that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by having the Zoning Officer send an enforcement notice as provided in this section.

s.704.2 **Enforcement Notice:** The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

s.704.3 **Content of Notice:** The enforcement notice shall contain the following information:

- a) The name of the owner of record and any other person against whom the Township intends to take action.
- b) The location of the property in violation.
- c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
- d) That steps for compliance must be commenced within fifteen (15) days of the date of the notice and that all steps for compliance must be completed within forty-five (45) days of the date of the notice.

- e) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of the date of the notice in accordance with the procedures set forth in this Ordinance.
- f) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions clearly described.

SECTION 705 CAUSES OF ACTION

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Board of Supervisors or the Zoning Officer, with the approval of the Board of Supervisors, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, to prevent, in or about such premises any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

SECTION 706 ENFORCEMENT REMEDIES

Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by Heidelberg Township before a district justice, pay a judgment of Five Hundred Dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by Heidelberg Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Heidelberg Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that violation continues shall constitute a separate violation unless the district justice 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 case there shall be deemed to have been only one such violation unless the fifth day following the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to Heidelberg Township. The Court of Common pleas of York County, upon petition, may grant an order of stay, upon cause shown tolling the per diem judgment pending a final adjudication of the violation and judgment. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than Heidelberg Township the right to commence any action for enforcement pursuant to this section.

SECTION 707 FEES

The Board of Supervisors shall by resolution establish fees for all applications, permits, or appeals provided for by this Ordinance to defray the costs of advertising, mailing notices, processing, inspecting and copying applications, permits, and use certificates. The fee schedule shall be available from the Township Secretary for inspection.

SECTION 708 AMENDMENTS

The Board of Supervisors may from time to time amend, supplement or repeal any of the regulations and provisions of this Ordinance. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

In the case of an amendment other than that proposed by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. In addition, the Board of Supervisors shall submit the proposed amendment to the York County Planning Commission for recommendations at least thirty (30) days prior to the hearing on the amendment.

If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

The enactment of amendments shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code.

SECTION 709 LANDOWNER CURATIVE AMENDMENTS

s.709.1 **Submission:** A landowner who desires to challenge on substantive grounds the validity of this Ordinance or Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment and challenge shall be referred to the Planning Commission and the York County Planning Commission for review as provided in Section 708 of this Ordinance.

s.709.2 **Hearing:** Notices of the hearing shall be given as provided in Section 501.1 of this Ordinance and of the proposed amendment as provided in Section 610 of the Municipalities Planning Code, Act 170 of 1988. The hearing shall be conducted in accordance with Section 501 of this Ordinance and all references therein to the Zoning Hearing Board shall, for the purposes of this section, be references to the Board of Supervisors.

s.709.3 **Determination:** If the Board of Supervisors has determined that a validity challenge has merit, it may accept the landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors, in making its determination, shall consider the curative amendments, plans and explanatory material submitted by the land owner and shall also consider the factors enumerated in Section 504.2 of this Ordinance.

SECTION 710 MUNICIPAL CURATIVE AMENDMENTS

If the Board of Supervisors determines that this Zoning Ordinance or any portion thereof is substantially invalid, it shall take the following steps:

- a) The Board of Supervisors shall declare by formal action this Zoning Ordinance or portions thereof to be substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declarations and proposal, the Board of Supervisors shall:
 - 1) By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include:
 - a) References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - b) Reference to a class of use or uses which require revisions; or
 - c) Reference to the entire Ordinance which requires revisions.
 - 2) Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
- b) Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate, or reaffirm the validity of, the Zoning Ordinance pursuant to the provisions of Section 708 of this Ordinance and Section 609 of the Municipalities Planning Code, Act 170 of 1988.
- c) Upon initiation of the procedures as set forth in this Section, the Board of Supervisors shall not entertain or consider any landowner's curative amendment filed pursuant to Section 709 of this Ordinance nor shall the Zoning Hearing Board be required to hear a challenge pursuant to Section 504 of this Ordinance subsequent to the declaration and proposal based upon the

grounds identical to or substantially similar to those specified by the resolution of the Board of Supervisors. Upon completion of the procedures set forth in Clauses a) and b) of this Section, no rights to a cure pursuant to the provisions of this Ordinance or the Municipalities Planning Code, Act 170 of 1988, as amended shall, from the date of declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment pursuant to this section.

- 4) The Board of Supervisors having utilized the procedure set forth in this Section may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Zoning Ordinance pursuant to this Section; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this section to prepare a curative amendment to the Zoning Ordinance to fulfill said duty or obligation.

PART VIII

INTERPRETATION, VALIDITY, REPEALER AND EFFECTIVE DATE

SECTION 800 INTERPRETATION

In their interpretation and application the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of public health, safety, or general welfare.

SECTION 801 CONFLICTS AND INCONSISTENCIES WITH OTHER ORDINANCES

In the event that any Ordinance or part of any Ordinance is in conflict with this Zoning Ordinance or is inconsistent with the provisions of this Zoning Ordinance, the Ordinance or part thereof which establishes the more stringent standards shall control.

SECTION 802 VALIDITY

Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part whereof other than the part so declared to be unconstitutional or invalid.

SECTION 803 REPEALER

Ordinance No. 0791C, enacted February 4, 1970, is hereby specifically repealed. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 804 EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication according to law. This Ordinance adopted by the Board of Supervisors of Heidelberg Township, York County, Pennsylvania into an Ordinance the 6th day of December, 1978.

Board of Supervisors
Heidelberg Township
York County, Pennsylvania

ATTEST:

By: /s/ Kervin C. Hoover
Chairman, Board of Supervisors

Mildred L. Cerasa
Secretary

Reprinted June, 1994, to incorporate amendments adopted on February 6, 1985 (Ordinance 85-1) and December 1, 1993 (Ordinance 93-3).