

YORK COUNTY, PENNSYLVANIA

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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 the 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.

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 party wall in common.

Attached A building which has two 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.

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 family which provides 24-hour supervised protective living arrangements for not more than two 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 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 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 family.
- Two-family A building designed and occupied exclusively as a residence for two families.
- Multi-family A building designed and occupied as a residence for three or more families.
- DWELLING UNIT A building or portion thereof arranged or designed for occupancy by not more than one 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.
- 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 A special type of accessory use. It is an occupation or profession which --

- 1) Is carried on only in a dwelling unit or in a structure accessory to a dwelling unit.
- 2) Is carried on by a member of the family residing in the dwelling unit, and
- 3) Is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

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.

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."

KENNEL Any building or buildings and/or land uses for the boarding, breeding or training of four or more dogs, cats, fowl or other small domestic animals at least 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.

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 parcel of land considered as a unit (1) for a principal use and/or (2) from the standpoint of ownership. It may be vacant, devoted to a certain use, occupied by a structure, or occupied by a group of structures that are united by a common interest or use.

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, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation.

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, which is leased by the park owner to the occupants of the mobile home erected on the lot.

MOBILE HOME PARK A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots.

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.

MULTI-FAMILY CONVERSION A multi-family dwelling constructed by converting an existing building into apartments for more than one 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 Structure A structure or part of a structure manifestly not designed to comply with the applicable use provisions in this Ordinance or any amendment heretofore or hereafter enacted, where 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.

Dimensional Nonconformity A lot or structure which is nonconforming because it is not in compliance with the extent-of-use or dimensional regulations of this Ordinance.

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 35 feet in overall length, 8 feet in width, or 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 120 square feet, and a height of not more than ten 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

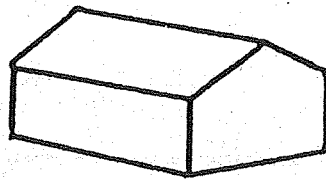
Front An area bounded by the street or property line, front setback line and side property lines.

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

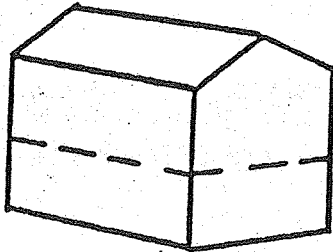
Side Areas bounded by side property lines, and side, front and rear setback lines.

SKETCHES OF RESIDENTIAL DWELLING TYPES

SINGLE FAMILY

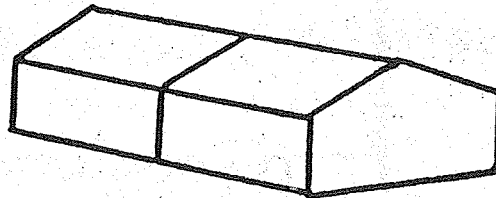


(No party wall)
(One family)



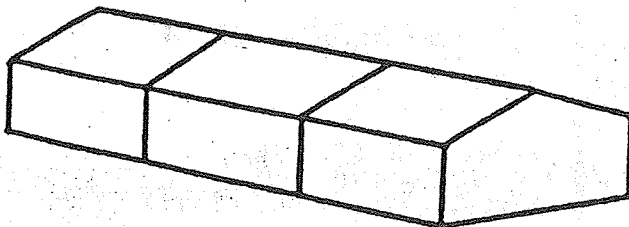
(No party wall)
(Two families)

TWO FAMILY

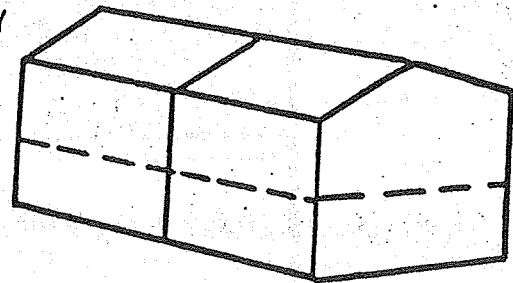


(One party wall)
(Two families)

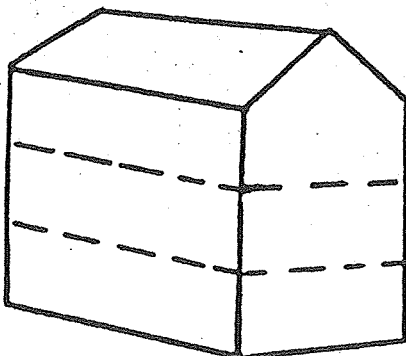
MULTI-FAMILY



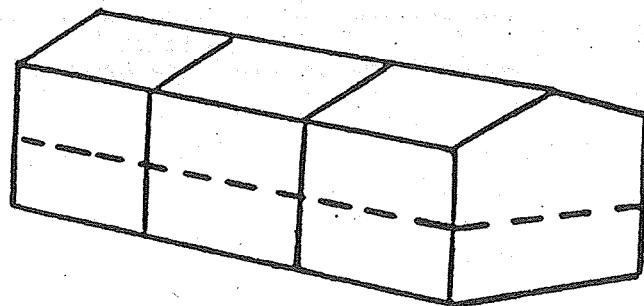
(Two or more party walls)
(Three or more families)



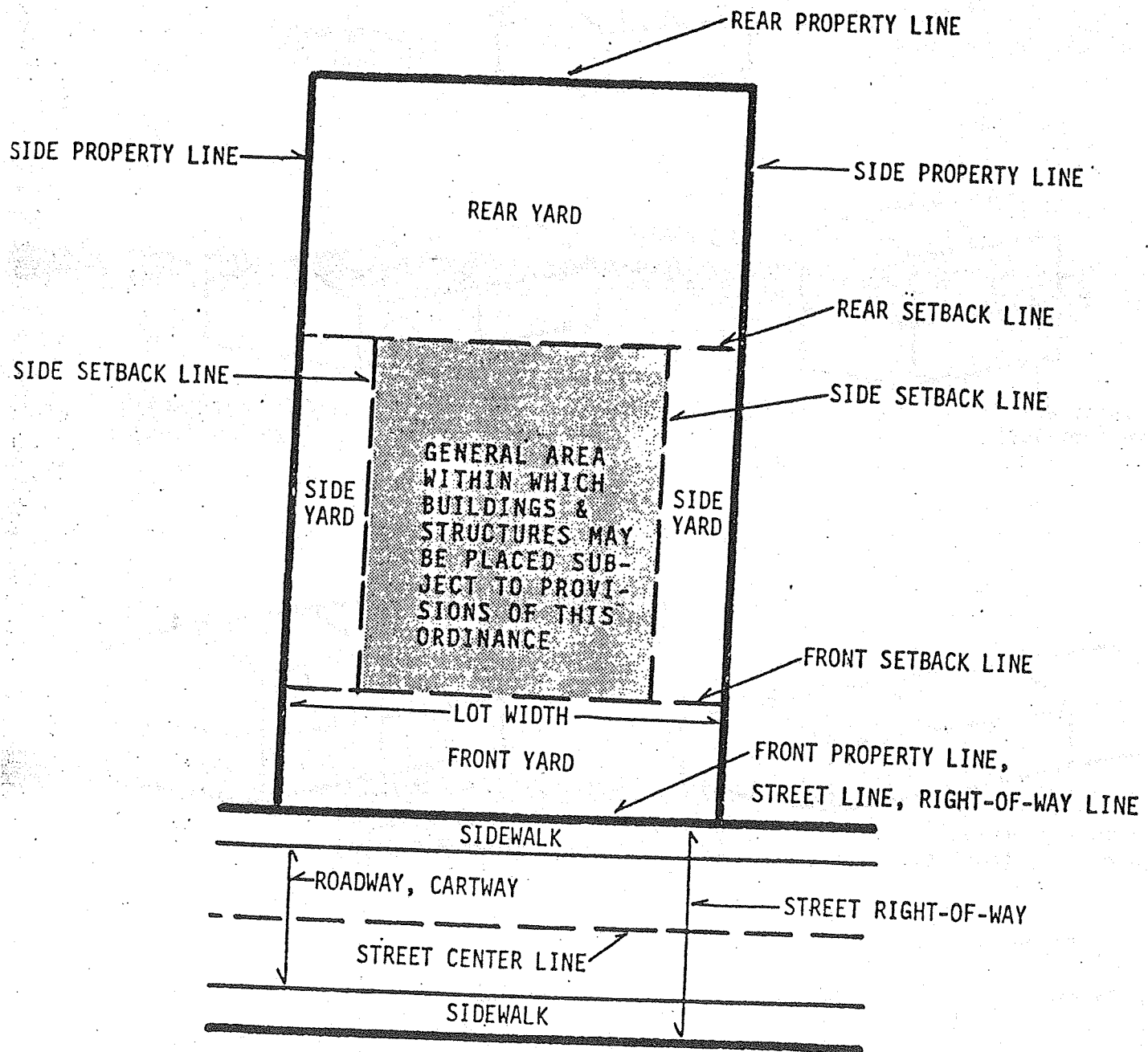
(One party wall)
(Four families)



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



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



SKETCH PLAN DEPICTING SELECTED ZONING TERMS

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 sub-sections (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 sub-sections (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. Farm buildings
4. 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:

	<u>Public Water and Public Sewer</u>	<u>Public Water or Public Sewer</u>	<u>No Public Water or Public Sewer</u>
Minimum Lot Area	8,000 sq.ft.	12,000 sq.ft.	20,000 sq.ft.
Minimum Lot Width	70 ft.	85 ft.	100 ft.

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 stories but in no case more than thirty-five (35) feet; however, the maximum height limit may be increased to four stories or forty-five (45) feet provided that each minimum building setback is increased in size one foot for each additional one foot of building height over thirty-five (35) feet. The height limit for an accessory building shall be two 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 30 percent of the lot area may be covered by buildings or structures including accessory buildings.
- s.202.8 Open Area: Not less than 55 percent of the lot area shall be devoted to open area.
- s.202.9 Paved Area: Not more than 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. Farm buildings
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 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 foot for each additional one foot of building height over thirty-five (35) feet. The height limit for an accessory building shall be two stories but not over twenty-five (25) feet.
- s.203.7 Building Coverage: Not more than 50 percent of the lot area may be devoted to buildings and structures including accessory buildings.
- s.203.8 Open Area: Not less than 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 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 & 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. Farm buildings
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 and 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 15 percent of the lot area shall be devoted to open area.
- s.204.8 Paved Area: Not more than 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 gases, electrical emissions, and industrial wastes) associated with industrial uses.

Section 205 AGRICULTURAL DISTRICT (A)

- s.205.1 Purpose: The purpose of the Agricultural District is to encourage the continued use of the land for agricultural purposes and permit those uses which are compatible and allied with agriculture.
- s.205.2 Uses by Right: The following principal uses are permitted by right in the A district:
1. Single family dwelling
 2. Crops, pasture
 3. Livestock, poultry, small animals
 4. Farm buildings
- s.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. Park or other recreation area of a nonprofit nature
 2. Outdoor commercial recreation establishment
 3. Campground
 4. Animal hospital, stable, or kennel
 5. Club room, club grounds, or meeting hall
 6. Airport or airstrip
 7. Cemetery
 8. Public utility building
 9. Saw Mill
 10. House of worship
 11. Public building and facility
 12. Domiciliary care unit
 13. Home occupation or Profession
- s.205.4 Lot Area and Width: The minimum lot area shall be 40,000 square feet, and the minimum lot width shall be one hundred fifty (150) feet.
- s.205.5 Setbacks: Each lot shall have front, side and rear setbacks not less than the following:
- a) Front setback - thirty-five (35) feet
 - b) Side setback - fifteen (15) feet
 - c) Rear setback - thirty-five (35) feet
- s.205.6 Building Height: The building height limit shall be fifty (50) feet except in the case of farm buildings, in which case there shall be no height limitation:
- s.205.7 Building Coverage: Not more than 20 percent of the lot area may be covered by buildings or structures including accessory buildings.

s.205.8 Open Area: Not less than 70 percent of the lot area shall be devoted to open area as defined in this Ordinance.

s.205.9 Paved Area: Not more than ten percent of the lot area may be paved with an impervious surface (ex. driveways, parking areas, walkways, etc.).

Section 206 CONSERVATION DISTRICT (Cv)

- s.206.1 Purpose: The purpose of this district is to designate those areas where, because of natural geographic factors 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.
- s.206.2 Uses by Right: The following principal uses are permitted by right in the Cv district:
1. Single family dwelling
 2. Livestock, poultry, small animals
 3. Farm buildings
 4. Crops, pasture
 5. Forestation and wildlife preserves
- s.206.3 Uses by Special Exception: The following 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. Trap, skeet, rifle or archery range
 2. Park or other recreation area of a nonprofit nature
 3. Outdoor commercial recreation establishment
 4. Campground
 5. Cemetery
 6. Greenhouse, nursery
 7. Public building and facility
 8. Domiciliary care unit
 9. Animal hospital, stable, or kennel
 10. Saw mill
 11. Home occupation or profession
- s.206.4 Lot Area and Width: The lot area shall be not less than two acres (87,120 sq.ft.) and lot width shall be not less than two hundred feet.
- s.206.5 Setbacks: Each lot shall have front, side and rear setbacks not less than the following:
- a) Front setback - fifty (50) feet
 - b) Side setback - forty (40) feet
 - c) Rear setback - forty (40) feet
- s.206.6 Building Height: The building height limit shall be fifty (50) feet except in the case of farm buildings, in which case there is no height limitation.

s.206.7 Building Coverage: Not more than 10 percent of the lot area may be covered by buildings or structures including accessory buildings.

s.206.8 Open Area: Not less than 80 percent of the lot area shall be devoted to open area as defined in this Ordinance.

s.206.9 Paved Area: Not more than 10 percent of the lot area may be paved with an impervious surface (ex. driveways, parking areas, walkways, etc.).

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 3 feet in a front yard area and more than 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 6 feet in height in any yard area. Access through the fence or wall must be provided in both the front and rear yards.

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 nonclimbable 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 Sub-section (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.
For sale, for rent, sold & rented	any district	6 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) Buntings & 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:
1. A temporary sign for the sale of agricultural and horticultural products may be erected for a period not exceeding sixty (60) days.
 2. A temporary sign for a construction project may be erected and maintained for as long as the project is under construction.
 3. A temporary sign such as those advertising activities of churches and nonprofit organizations may be erected for a period not exceeding sixty (60) days.
- 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, Trailers, and Trucks: In an R district, recreational vehicles, trucks, trailers and heavy equipment vehicles with vehicle rating over one ton shall not be parked for a period in excess of three (3) days in a 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.

Such vehicles shall be parked at least three (3) feet from all property lines

- 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 15 days is prohibited.

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:

Type of Use	Minimum of One Parking Space for Each
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. of 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

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Bowling Alley	1/2 lane (i.e. 2 spaces per lane)
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 & Other such places of Public Assembly	4 seats
Industrial and Heavy Com- mercial 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:

Type of Use	Number of Loading Spaces
Manufacturing, storage, display or sale of goods, hospitals and sanitararia.	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 nine 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 water-course 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 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.

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 feet in height.
 2. If not obstructing the view of traffic, post columns and trees not exceeding one foot in diameter.
- c) Setback on Corner Lots: In the case of corner lots, two front setback lines shall be provided (the second of which will exist in lieu of one 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).
 4. Fences and walls, which must conform to regulations contained in Section 300 c).

5. School bus shelters, which shall be required to have setbacks adequate to provide for safe clear sight distance between driveways and the streets with which they intersect.

Section 401 HEIGHT MODIFICATIONS

The height regulations do not apply to the following projections provided that the height of any such projection above its base shall not be greater than the shortest distance measured along a horizontal plane from such base to any lot line.

- a) Structures such as standpipes, flagpoles, television antennas or radio towers.
- b) Structures on buildings such as clock towers, cupolas, water tanks, and other mechanical appurtenances, if such structures, at any level, do not cover more than twenty-five (25) percent of the roof on which they are located.
- c) Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet.

Section 402 BUILDINGS UNDER CONSTRUCTION

If the construction is completed by one (1) year after effective date, a building, the foundation of which was completed before the effective date, may be constructed without being bound by the requirements of this Ordinance. In like manner, a building, the foundation of which was completed before an amendment, may be constructed if the construction is complete within one (1) year after the amendment.

Section 403 DIVISION OF BUILT-ON LOTS

No lot may be formed from part of a lot occupied by a building unless each newly-created lot will meet all the applicable provisions of this Ordinance and the Township Subdivision and Land Development Ordinance.

Section 404 STATUS OF SUBDIVISION OR LAND DEVELOPMENT PLAN

From the time an application for approval of a subdivision or land development plan whether preliminary or final, is duly filed as provided in the Township Subdivision and Land Development Ordinance, and while such application is pending approval or disapproval, no enactment or amendment of the Zoning Ordinance shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the Zoning Ordinance as it stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. 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 in the Zoning Ordinance or plan 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 three years from such approval. Where final approval is preceded by preliminary approval, the three-year period shall be counted from the date of the 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 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 and nonconforming structures shall be identified and registered by the Zoning Officer.

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 residents of the Township appointed by the Board of Supervisors. Their terms of office shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which 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, except that no more than one member of the Board may also be a member of the Township Planning Commission.

s.500.2 Organization of Board: 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, but where two members are disqualified to act in a particular matter, the remaining member may act for 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. 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 and shall submit a report of its activities to the Board of Supervisors once a year.

s.500.3 Functions of Zoning Hearing Board: The Zoning Hearing Board shall have the following functions:

- a) Interpretation: To interpret any provisions of this Ordinance including zone boundaries.
- b) Special Exceptions: To hear and decide special exceptions upon which the Board is required to pass under this Ordinance as per Section 503 following.
- c) Appeals from the Zoning Officer: The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.
- d) Variances: The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the

applicant. Filing procedures and requirements for case findings will be in accordance with Section 502.

- e) Challenge to the Validity of the Ordinance or Map: The Board shall hear challenges to the validity of the Zoning Ordinance or Map except as indicated in the Pennsylvania Municipalities Planning Code Sections 1003 1004 (1)(b). In all such challenges the Board shall take evidence and make a record thereon as provided in Section 501. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.
- f) Unified Appeals: Where the Board has jurisdiction over a zoning matter pursuant to Section 500.3 (c), (d) and (f), the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any Township ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the nonzoning issues, but shall take evidence and make a record thereon as provided in Section 501. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to court.

In carrying out the functions above, the Board, in conformity with the provisions of this Ordinance, may reverse, affirm, or modify the order, requirement, decision, or determination appealed from or requested, and may make any order, requirement, decision or determination as ought to be made.

- s.500.4 Board Calendar: Each application or appeal filed in the proper form with the required data, must be numbered serially and be placed upon the calendar of the Board by the Board Secretary. Applications and appeals must be assigned for hearing in the order in which they appear on the calendar. However, for good reason, the Board may order the advance of the application or appeal. The Board must fix a reasonable time for hearings.

Section 501 HEARINGS

- s.501.1 Notice: Conduct of Meeting: Notice shall be given to the public, the applicant, the Zoning Officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. Notice shall be published once a week for two successive weeks in a newspaper of general circulation within the Township. The first publication shall appear at least 15 days prior to the hearing. Notice shall be conspicuously posted on the affected tract of land at least 15 days prior to the hearing.

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, but the parties may 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 unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

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.501.2 Representation; Statements: The parties to the hearing 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 are to 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 must be given an opportunity for rebuttal.

s.501.3 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 thereasons therefore. Conclusions based on any provisions of this 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 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 forty-five (45) 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 forty-five (45) 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 Township shall give public notice of said decision within ten days in the same manner as provided in s.501.1 of this section. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such decision is erroneous.

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.501.4 Records: The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic

or critten material received in evidence shall be made available to any party at cost.

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.

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 - 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 500 feet of the glide path shall be wholly within the airport property.

Section 602 ANIMAL HOSPITAL, STABLE, OR KENNEL

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

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

Section 603 CAMPGROUND

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

- a) Lot area - 5 acres minimum.
- b) Setbacks - All campsites shall be located at least 50 feet from any property line and 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 1,500 square feet, and shall either provide parking space for one automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common 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 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 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 R or C Districts and subject to the requirements of the District in which located except as herein modified and provided:

- a) Lot area - 1 acre minimum.
- b) Lot width - 150 feet minimum.
- c) Setbacks - All buildings shall be located at least 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 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 C or I Districts 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 40 feet from the street line in the C district.
- b) Pumps must be set back at least 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: 40 feet.
 - 2. Side lot line offset: 10 feet.
 - 3. Minimum width: 12 feet.
 - 4. Maximum width: 35 feet.
 - 5. Minimum separation of drives on same lot: 25 feet.
- d) Except along access drives, a concrete curb eight 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 - 3 acres minimum.
 - 2. Lot width - 250 feet minimum.

3. Setbacks - All buildings must be set back 50 feet from any property line and 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 150 feet wide must be located on the site in all instances where the site adjoins an R or A zone. 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 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.

- a) Employees: No person other than a resident of the dwelling unit may practice the occupation. No more than two persons shall be employed to provide secretarial, or other assistance.
- b) Coverage: Not more than 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 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. 1 space for the home occupation and 1 space for each non-resident employee, and
 - 2. 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 that District except as herein modified and provided:

- a) Side setback - minimum side setback of 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 - 10 acres minimum.
- b) Industrial Park width - 300 feet minimum.
- c) All buildings must be set back at least 50 feet from any property line and 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 - 5 acres minimum.
- b) Lot width - 300 feet minimum.
- c) Setbacks - Any area used for this purpose must be at least 75 feet from any property line and 100 feet from any street line.
- d) The area to be used must be completely enclosed with a six foot high fence so constructed as not to have openings greater than six 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 that District in which located except as herein modified and provided:

- a) Lot area - 1 acre minimum.
- b) Lot width - 150 feet minimum.
- c) Setbacks - All buildings shall be located at least 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 square feet in area attached to the building, any illumination thereof being white, nonflashing, and limited to an enclosed lamp design.

Section 617 MOBILEHOME 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 acres.
- b) Water and sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
- c) Each mobilehome shall be located at least 20 feet from any other mobilehome or the edge of pavement of any street or access drive. All mobilehomes shall be located at least 35 feet from any public street and at least 15 feet from any other park property boundary line.
- d) If individual mobilehome lots are to be utilized, each lot shall not be less than 5,000 square feet in area and not less than 50 feet in width.
- e) The Zoning Hearing Board may require suitable screen planting, may restrict the proximity of mobilehomes or other improvements to adjoining properties, or may attach such other conditions or safeguard to the use of land for a mobilehome park as the Board may deem necessary to protect the general welfare.
- f) A mobilehome 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 mobilehomes 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 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 acre.
- b) Lot width - Each building lot shall have a minimum width of 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 dwelling units per gross acre.
- e) Distance between buildings - Where two or more multi-family dwellings are located on a single lot or parcel, the minimum distance between principal buildings shall be 50 feet.
- f) In the case of row dwelling or townhouse development, each individual dwelling shall have a minimum width of 16 feet and there shall be not more than eight row dwellings in any one row.

Section 620 OUTDOOR COMMERCIAL RECREATIONAL ESTABLISHMENT

In A and Cv Districts 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 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 acres shall be required. The range area shall be at least 200 feet from any property line or street line and at least 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 R, A or Cv Districts 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 R, A, and Cv Districts 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 R, C, A or I Districts 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 feet in height which shall be so constructed as not to have openings, holes or gaps larger than six 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 - 10 acres minimum.
- b) Lot width - 300 feet.
- c) No refuse shall be deposited and no building or structure shall be located within 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 and Cv District and subject to the requirements of that District except as herein modified and provided.

- a) No saw or other machinery shall be less than 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 - 5 acres minimum.
- b) Lot width - 300 feet minimum.
- c) All buildings must be set back at least 50 feet from any property line and 100 feet from a street line.
- d) Parking must be provided at the minimum ratio of parking space to gross floor area of 2 to 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 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.

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 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 may not hold any elective office in the Township, shall be appointed. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance. The Zoning Officer is the enforcement officer for this Ordinance. He issues all building permits, use certificates, and, at direction of the Zoning Hearing Board, special exceptions and variances. The Zoning Officer shall identify and register nonconforming uses and nonconforming structures.
- s.701.2 Forms: The Zoning Officer must provide a form or forms prepared by the Borough 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 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 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 Enforcement: Upon determining that a violation of any of the provisions of this Ordinance exists, the Zoning Officer shall serve notice on the person committing or permitting the same that a violation of the Zoning Ordinance exists. Following the notice, the Zoning Officer shall take the action necessary to terminate the violation, including recourse to a court of record.

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 provisions of this Ordinance or decision of the Zoning Officer, may appeal in the manner set forth in Article X of the Pennsylvania Municipalities Planning Code, Act 247 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

If any building, structure, or land is or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Township Supervisors or an

officer of the Township with the approval of the Township Supervisors, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure or land, or to prevent, in or about such premises, any act, business or use constituting a violation.

Section 705 PENALTIES

Any person, partnership or corporation who or which shall violate the provisions of this Zoning Ordinance shall, upon conviction thereof in a civil proceeding, be sentenced to pay a penalty of not more than five hundred dollars (\$500). Each day that a violation is continued shall constitute a separate offense. All penalties collected for the violation of this Zoning Ordinance shall be paid over to Heidelberg Township.

Section 706 AMENDMENTS

- s.706.1 The Board of Supervisors may from time to time amend, supplement or repeal any of the regulations and provisions of this Ordinance.
- s.706.2 Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment other than that prepared by the Township Planning Commission, the Board of Supervisors shall submit each such amendment to the Township Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Township Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. At least thirty (30) days prior to the hearing on the Ordinance by the Board of Supervisors, the Township Planning Commission shall submit the proposed Ordinance to the County Planning Commission for recommendations.
- s.706.3 Curative Amendments: A landowner who desires to challenge on substantive grounds the validity of an Ordinance or map or any provision thereof, which prohibits or restricts the use of 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 as provided in Section 1004 of the Pennsylvania Municipalities Planning Code, Act 247 as amended.

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.

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