

# **HEIDELBERG TOWNSHIP ZONING ORDINANCE**

**AMENDED THE 7<sup>TH</sup> DAY OF DECEMBER, 2011**

**ORDINANCE 11-4**

**TOWNSHIP OFFICE**

**6424 YORK ROAD**

**SPRING GROVE, PA 17362**

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## **PART 1 - GENERAL AND LEGAL PROVISIONS**

### **1.1 SHORT TITLE**

- A. This Ordinance shall be known as the "Heidelberg Township Zoning Ordinance, amended as of 2011," and the map herein referred to, which is identified by the title "Official Zoning Map, Heidelberg Township, York County, Pennsylvania," shall be known as the "Official Zoning Map of Heidelberg Township".

### **1.2 AUTHORITY**

- A. This Ordinance is adopted pursuant to the authority granted by the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247, as reenacted and amended (MPC).

### **1.3 PURPOSE & COMMUNITY DEVELOPMENT OBJECTIVES**

- A. Purpose  
This Ordinance has been prepared and enacted in consideration of and consistent with Section 604 of the MPC.
- B. Community Development Objectives  
The Community Development Objectives set forth in the most recent version of the Heidelberg Township Comprehensive Plan have been prepared and enacted in consideration of and consistent with Section 606 of the MPC.

### **1.4 JURISDICTION AND APPLICABILITY**

- A. This Ordinance shall apply throughout Heidelberg Township, York County, Pennsylvania. Any activity regulated by this Ordinance shall only occur in such a way that conforms to the requirements of this Ordinance.

### **1.5 INTERPRETATION**

- A. Minimum Requirements
  - 1. In interpreting and applying the regulations and requirements of this Ordinance, the regulations and requirements shall be held to be the minimum requirements for the promotion of health, safety, and the general welfare of Heidelberg Township and its citizens.
  - 2. Where, due to inherent ambiguity, vagueness or lack of clarity in the language of this Ordinance, a reasonable doubt exists as to the meaning of any regulation or requirement upon the use of land, said doubt shall be resolved in favor of the property owner and against any implied extension of a restriction.

B. Conflicts with this Ordinance

Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive shall apply. The provisions of this Ordinance are in addition to any other applicable Heidelberg Township Ordinance.

C. Conflicts with other Ordinances, Statutes or Regulations

1. Except to the extent that those regulations of mineral extraction by local ordinances and enactments have heretofore been superseded and preempted by the act of May 31, 1945 (P.L.1198, No.418), known as the "Surface Mining Conservation and Reclamation Act," the act of December 19, 1984 (P.L.1093, No.219), known as the "Non-coal Surface Mining Conservation and Reclamation Act," and the act of December 19, 1984 (P.L.1140, No.223), known as the "Oil and Gas Act," and to the extent that the subsidence impacts of coal extraction are regulated by the act of April 27, 1966 (1st Sp.Sess., P.L.31, No.1), known as "The Bituminous Mine Subsidence and Land Conservation Act," and that regulation of activities related to commercial agricultural production would exceed the requirements imposed under the act of May 20, 1993 (P.L.12, No.6), known as the "Nutrient Management Act," regardless of whether any agricultural operation within the area to be affected by the ordinance would be a concentrated animal operation as defined by the "Nutrient Management Act," the act of June 30, 1981 (P.L.128, No.43), known as the "Agricultural Area Security Law," or the act of June 10, 1982 (P.L.454, No.133), entitled "An Act Protecting Agricultural Operations from Nuisance Suits and Ordinances Under Certain Circumstances," or that regulation of other activities are preempted by other federal or state laws may permit, prohibit, regulate, restrict and determine where a regulation or requirement of this Ordinance is found to conflict with a regulation or requirement of the Heidelberg Township Subdivision and Land Development, building, fire, safety or health ordinance or code of Heidelberg Township, or law, rule or regulation of the Commonwealth of Pennsylvania (hereinafter the "Commonwealth"), the provisions which establish the higher standard for the promotion and protection of the health and safety of the people shall prevail.
2. It is not intended by this Ordinance to interfere with or abrogate or annul any permits or approvals permits previously issued by Heidelberg Township which are in conflict with any provisions of this Ordinance nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, use or building restrictions or other private agreements between parties; provided, however, that where this Ordinance imposes a greater restriction the provisions of this Ordinance shall control.

## **1.6 USE REGULATIONS**

- A. The requirements set forth by this Ordinance shall apply uniformly to each class or kind of building, structure or use of land, except as provided for elsewhere in this Ordinance.
- B. No building or structure shall be erected, moved, altered, rebuilt, or enlarged nor shall any land or building be used, designed, or arranged to be used or occupied for any purpose or in any manner except in conformity with the applicable requirements and restrictions specified in this Ordinance.
- C. Except for compliance with the standards set forth in Part 12, Section 12.6.B of this Ordinance pertaining to variances, no yard or lot existing at the time of passage of this Ordinance shall be

reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet the requirements established by this Ordinance.

#### **1.7 USES NOT REGULATED – ALL OTHER USES**

- A. If a use clearly is not permitted by right or as a special exception use by this Ordinance within any zoning district, the use is prohibited, except that the Zoning Hearing Board may permit such use as a special exception use (“All Other Uses”) within a Designated Growth Area Zoning Districts if the applicant specifically proves to the Zoning Hearing Board that the conditions and standards as set forth in Part 8, Section 8.4.DGA-C. have adequately met.

#### **1.8 LIMITED PUBLIC UTILITY EXEMPTIONS**

- A. Pursuant to Section 619 of the MPC, requirements of this Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the municipality in which the building or proposed building is located have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

#### **1.9 LIMITED MUNICIPALITY AND MUNICIPAL AUTHORITY EXEMPTIONS**

- A. The minimum lot area, minimum lot width and minimum street frontage requirements of this Ordinance shall not apply to property owned by Heidelberg Township or by any municipal authority created by Heidelberg Township for uses, buildings, and structures that are intended for a public utility, stormwater or public health and safety purpose.

#### **1.10 LIABILITY**

- A. Neither the review nor the grant of approval of any building permit, floodplain permit, site plan review, subdivision approval, land development approval, zoning permit, erosion and sedimentation review, stormwater management review, wetland delineation or wetland review, steep slope review or any other review, grant of approval or permit of this Ordinance involving any land governed by the provisions of this Ordinance, by an officer, employee, consultant, board or agent of Heidelberg Township, shall constitute a representation, guarantee or warranty of any kind by Heidelberg Township or its officers, employees, consultants, boards or agents of the practicality or safety of any structure, use, land development or subdivision and shall create no liability upon, nor a cause of action against Heidelberg Township, the Heidelberg Township’s Board of Supervisors, Planning Commission, Zoning Hearing Board or other board, employee, consultant, or agent for any damage that may result pursuant thereto.

- B. If the Zoning Officer issues a permit under this Ordinance in error, Heidelberg Township shall not be liable for any later lawful withdrawal of such permit, except if the applicant meets the legal requirements for a claim of equitable estoppel.

#### 1.11 VALIDITY AND SEVERABILITY

- A. If any part, article, section, subsection, requirement or other provision of this Ordinance or the location of any zoning district boundary shown on the Official Zoning Map that forms a part hereof should be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance or the Official Zoning Map as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.
- B. The Heidelberg Township Board of Supervisors hereby declare that it would have passed this Ordinance, and each part, article, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more part, article, section, subsection, sentence, clause or phrase thereof be declared unconstitutional or invalid.

#### 1.12 REPEALER

- A. All other ordinances or parts thereof which are in conflict with this Ordinance are hereby repealed.

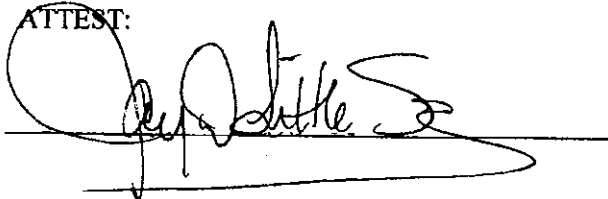
#### 1.13 EFFECTIVE DATE

- A. This Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Heidelberg Township, York County, Pennsylvania.


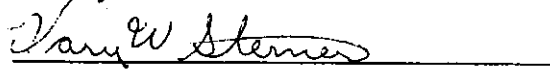
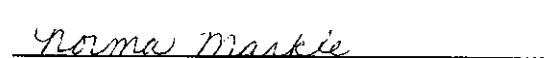
#### 1.14 ENACTMENT

- A. This Ordinance, ordained and enacted this *17th* day of *Dec*, 2011.

ATTEST:



HEIDELBERG TOWNSHIP  
BOARD OF SUPERVISORS

## **PART 2 - DEFINITIONS**

### **2.1 GENERAL INTERPRETATION**

- A. For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:
1. Unless stated otherwise, words in the present tense shall include the future tense.
  2. Unless stated otherwise, words used in the singular tense imply the plural and words used in the plural tense include the singular.
  3. The word "shall" or "must" means mandatory; the word "may" or "should" is directive and means strongly encouraged.
  4. The words "used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."
  5. The word "structure" includes "building"; both terms shall be construed as if followed by the phrase "or part thereof."
  6. The words "such as," "includes," "including" and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
  7. Unless stated otherwise, the male gender is neutral and includes the female gender.
  8. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.
  9. The word "lot" includes the word plot or parcel.
  10. The term "Board" shall refer to the Zoning Hearing Board.
  11. If a word or term is not defined by this Ordinance, but is defined in the Heidelberg Township Subdivision and Land Development Ordinance (SALDO), then the SALDO definition shall apply. If a word or term is not defined in this Ordinance nor the SALDO, then the word or term shall have its plain and ordinary meaning within the context of the section. In the latter case, a standard reference dictionary should be consulted.

### **2.2 SPECIFIC TERMS AND PHRASES**

#### **ABUT**

Buildings which physically touch; areas of contiguous lots that share a common lot line.

#### **ACCESS DRIVE**

An improved cartway designed and constructed to provide for vehicular movement between a public road and a tract of land or improvements thereon containing any use other than one single-family dwelling unit or a farm.

#### **ACREAGE, GROSS**

The total acreage of a parcel including all easements and rights-of-way.

**ACREAGE, NET**

The acreage of a parcel, excluding the area of any street or railroad right-of-way, but including the area of any easement. Easements which may be a part of the net acreage, include, but are not necessarily limited to, sewer and water system easements and stormwater management easements.

**ADJACENT**

Two (2) or more lots that share a common property or lot line or that are separated only by a street or waterway from each other. See also definition of "abut".

**ADULT-RELATED USES**

A business or club that engages in one or more of the following areas of sales, services or entertainment:

1. **ADULT BOOKSTORE**

Any establishment that has a substantial or significant-portion of its stock in trade:

- a. Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas; and
- b. Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

2. **ADULT CABARET**

A nightclub, theater, bar or other establishment that features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

3. **ADULT MASSAGE ESTABLISHMENT**

Any establishment or business that provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

4. **ADULT MINI MOTION PICTURE THEATER**

An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50) persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material that is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

5. **ADULT MOTION PICTURE ARCADE**

Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

6. **ADULT MOTION PICTURE THEATER**

An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time, measured on an annual basis, is devoted to the showing of material that is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

7. **ADULT THEATER**

A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature that regularly features live performances that are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

8. **ADULT VIDEO STORE**

A commercial use that has fifty (50) percent or more of its stock in trade consisting of video tapes, video discs, or both, which are distinguished or characterized by an emphasis, depiction or description of specified sexual activities or specified anatomical areas.

9. **ADULT OTHER**

Any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

**AGENT**

Any person, other than the applicant, who acting on the landowner(s) authorized behalf, submits an application for development.

**AGRIBUSINESS**

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

1. **CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)**

An agricultural operation that meets the criteria established by the Department of Environmental Protection under authority of the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law.

2. **CONCENTRATED ANIMAL OPERATION (CAO)**

An agricultural operation that meets the criteria established by the State Conservation Commission in regulations under the authority of 3 Pa.C.S. Chapter 5 (relating to nutrient management and odor management) in Chapter 83, Subchapter D (relating to nutrient management).

3. **OTHER**

Any agricultural operation other than a CAFO or CAO, whether involving animal, animal product, or vegetable production, which occurs within an enclosed structure exceeding ten thousand (10,000) square feet.

### **AGRICULTURAL OPERATION**

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

### **AGRICULTURE**

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

### **AIRPORT/HELIPORT**

RRA-A commercial use where aircraft are stored, maintained, repaired and refueled, and where aircraft take-off and land. Airports may also include other accessory accommodations for aircraft passenger, or cargo or both. For purposes of this definition, an airport shall be available for use by the general public and may include more than fifteen (15) total landings and take-offs in any seven (7) day period.

### **AIRSTRIP/HELI-PAD**

An area adapted with minimal improvements for use as a temporary runway for aircraft where aircraft take-off and land. For purposes of this definition, an airstrip or heli-pad shall not be generally available for use by the general public and may include not more than fifteen (15) total landings and take-offs in any seven (7) day period.

### **AISLES**

A private drive intended principally to provide vehicular access within a parking lot for a non-residential or multi-unit residential land use. Although aisles provide interior vehicular circulation, their principal function is to provide entrance and exit for individual parking spaces. Aisles may not be used to intersect streets. See Diagram 2.2.L

### **ALL OTHER USES**

Any use which clearly is not permitted by right nor by special exception use by this Ordinance within any zoning district, or a use which is not defined by this Ordinance, then such use is prohibited, except that the Zoning Hearing Board may permit such use as a special exception if the applicant specifically proves to the Zoning Hearing Board that all of the following terms and conditions set forth in Part 8, Section 8.4.C relating to "all other uses" are satisfactorily complied with.

### **ALTERATION**

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, to a building or structure or the moving of a building or structure 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.



**ALLUVIAL SOIL**

A soil developing from recently deposited alluvium and exhibiting essentially no horizon development or modifications of the recently deposited material.

**ALLUVIUM**

A general term for all detrital material deposited or transmitted by streams, including gravel, sand, silt, clay and all variations and mixtures of these. Unless otherwise noted, alluvium is unconsolidated.

**AMENDMENT**

An official change to this Ordinance.

**ANIMAL HOSPITAL**

An establishment offering veterinary services to all types of animals, which also includes outdoor and overnight boarding of animals.

**ANTIQUE BUSINESS**

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

**APARTMENT**

An individual dwelling unit within a multi-family dwelling structure or building.

**APPURTENANCES**

The visible, functional, or ornamental objects accessory to and part of buildings.

**APPLICANT**

A landowner or developer, as hereinafter defined, who has filed an application for development including their heirs, successors and assigns.

**APPLICATION FOR DEVELOPMENT**

Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including, but not limited to, an application for a building or zoning permit, for the approval of a subdivision plat or plan, or for the approval of a development plan. This shall include the required and necessary application form, plans, fees and any other data or documentation submitted on behalf of a subdivision or land development.

**ASSISTED LIVING FACILITY**

An establishment engaged in the coordinated and centrally managed housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as Personal Care Centers by the Commonwealth of Pennsylvania.

**AUTHORITY**

A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945."

**AUTOMATIC CAR WASH**

A structure containing facilities for washing automobiles using a chain conveyor or other method of moving the cars along, and automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.

**AUTOMOBILE, BOAT, HEAVY EQUIPMENT, RECREATIONAL VEHICLE AND SIMILAR MOTOR VEHICLE RENTAL, REPAIR, SALES, SERVICE & WASHING**

An establishment involving the indoor and/or outdoor display, sale, or rental of new and used motor vehicles including cars, motorcycles, trailers, boats, heavy equipment and construction vehicles, recreational vehicles and motorhomes, trucks, other similar motor vehicles, and which may include washing and polishing of vehicles, major and minor mechanical repairs and body work, straightening of body parts, painting, welding or rebuilding or transmissions state inspections, oil changes and lubrications, and tune-ups be conducted within an completely enclosed building. Additionally, this use includes the retail dispensing or sales of vehicular fuels; the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

**AUTOMOBILE WRECKING, JUNK AND SCRAP STORAGE & SALES ESTABLISHMENTS**

An establishment used for the storage, collection, baling, packing, sorting, handling, disassembling, recycling, resource recovery, purchase or sale of any material which has been used, salvaged, scrapped or reclaimed, but is capable of being reused in some form including, but not limited to, metals, fiber, paper, cloth and rags, rubber, rope, bottles, machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe and pipe fittings, tires, two (2) or more motor vehicles which are inoperable and do not have a current and valid inspection sticker as required by the Commonwealth of Pennsylvania, and motor vehicle parts, but not including garbage or other organic wastes. No material which fails to meet this definition because it is discarded and incapable of being reused in some form shall be placed in any establishment as herein defined. In no district shall this use be considered to be accessory or incidental to another use.

**AUTOMATED BANKING FACILITY**

An outdoor establishment whereby automated devices that perform banking or financial functions are operated by the consumer or patron primarily who walk up to the device.

**BANK**

An establishment in which money is kept for saving or commercial purposes or is invested, supplied for loans or is exchanged and that has routine interactions with the public. A bank may also provide financial counseling, planning, and services related to money management.

**BASEMENT**

Any areas of the building having a floor below the average finish grade.

**BED AND BREAKFAST INN**

An owner-occupied or manager-occupied business which occupies an existing single family detached dwelling and/or associated accessory structures where limited overnight lodging and breakfast is provided for compensation to guests and where said use may or may not also host accommodations for private events (e.g. such as weddings and conferences). The dwelling may or may not include a publicly accessible restaurant as a related use. Overnight lodging occurs within individual guest rooms which do not contain cooking facilities.

**BERM**

A landscaped mound of earth or the act of pushing earth into a mound to shield, screen, separate and/or buffer two separate, incompatible land uses. Berms also may be used to provide visual interest, decrease noise and control the direction of water flow.

**BILLBOARD**

A sign, whether freestanding or attached to the surface of a building or other structure, upon which images, messages, or both, of any kind are printed, posted or lettered, and placed to direct attention to or advertise products, services or business at a location other than the premises on which the sign is located.

**BIOGAS**

A fuel consisting of methane, carbon dioxide, and small amounts of water and other compounds produced as part of anaerobic digestion processes.

**BLOCK**

An area bounded by streets, railroad rights-of-way, waterways and other definite barriers.

**BOARD OF SUPERVISORS**

The Board of Supervisors of the Township of Heidelberg, York County, Pennsylvania, its agents or authorized representatives.

**BOARDING HOUSE**

A residential use in which: (a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or (b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a treatment center, hotel, motel, life care center, personal care, bed and breakfast, group home, group care facility, nursing home, or similar type group living use. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public. A boarding house shall primarily serve persons residing on-site for five (5) or more consecutive days.

**BUFFER AREA**

A strip of land which is planted and maintained in shrubs, bushes, trees, grass or other landscaping material and within which no structure is permitted except a wall or fence.

**BUFFER YARD**

An open area whose dimensions normally exceed, but may include where specified, the normal building setback or yard requirements, used to protect lower intensity uses and zoning districts from adjacent higher-intensity uses and zoning districts.

**BUILDING**

Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

**BUILDING, ACCESSORY**

A building customarily incidental and subordinate to and detached from the principal building, and located on the same lot with the principal building. An accessory building shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code.

**BUILDING, PRINCIPAL**

The main or primary building within which is conducted the primary use of the property on which it is located.

**BUILDING, ADDITION**

An increase in floor area or attached expansion of an existing building or structure.

**BUILDING AREA**

The total area of the greatest outside dimensions on a horizontal plane of a building or structure.

**BUILDING, ATTACHED**

A building which is connected to another by two (2) or more party walls in common, except for end units which are considered semi-detached. For purposes of this definition, attached buildings shall each have one front yard and one rear yard, and two (2) party walls in common with and attached to two (2) other buildings, except for end units which are considered semi-detached. See Diagram 2.2.A.

**BUILDING, DETACHED**

A building that is not connected to any other building and is completely surrounded by permanent open space. For purposes of this definition, detached buildings shall have two (2) side yards, one front yard and one rear yard. See Diagram 2.2.A.

**BUILDING, SEMI-DETACHED**

A building that is connected to another building by only one party wall in common. For purposes of this definition, semi-detached buildings shall each have one side yard, one front yard, one rear yard and one party wall in common with and attached to another building. End units of attached buildings shall be considered semi-detached buildings. See Diagram 2.2.A.

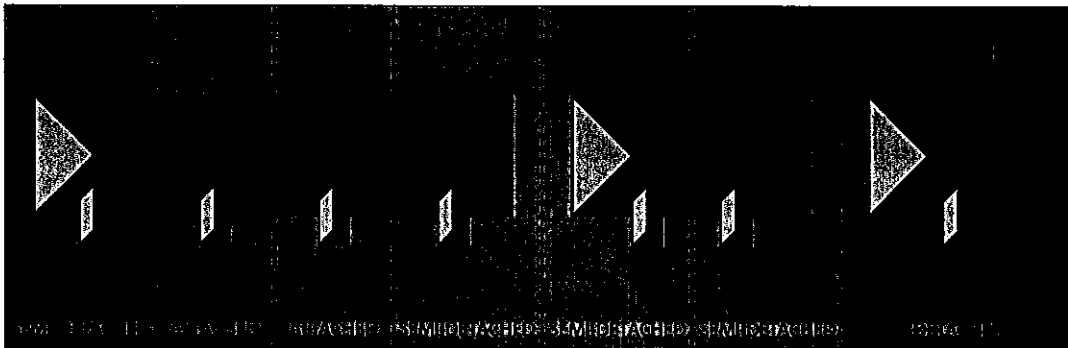


Diagram 2.2.A

**BUILDING CODE**

The PA Uniform Construction Code as defined by Act 45.

**BUILDING CODE OFFICIAL**

An individual charged by the Heidelberg Township and certified by the PA State Department of Labor & Industry to administrate the PA Uniform Construction Code activities in Heidelberg Township.

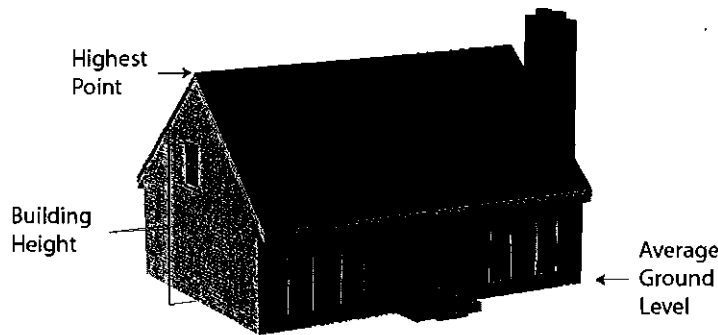
**BUILDING COVERAGE**

The horizontal area measured around the exterior foundation of the walls of buildings plus the floors of roofed porches, patios, decks, awnings and terraces, and including the area of all accessory buildings.

**BUILDING HEIGHT**

The vertical distance measured from the average ground level on all sides of the structure to the level of the highest point of the roof or top of a structure having a flat roof, or the mean level between the eaves and the highest point of the roof of a structure having a pitched roof. See Diagrams 2.2.B and 2.2.C. Fence or wall height shall be measured as the vertical distance from the average level of the ground adjacent to the fence or the wall to the top of the highest projection.

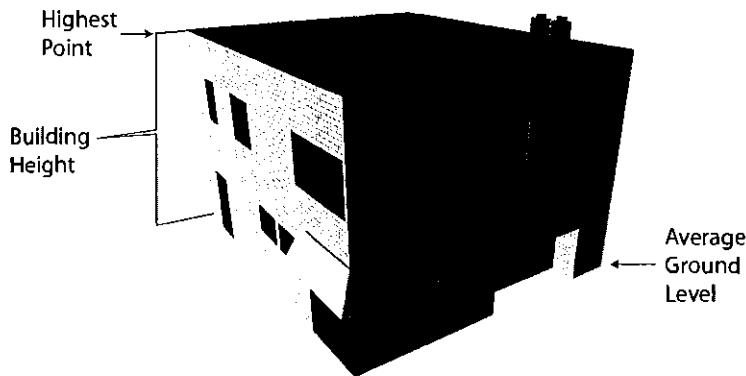
#### PITCHED ROOF BUILDING



NOTE: "Average Ground Level" only shown for illustrative purposes, not to indicate how it is measured.

Diagram 2.2.B

#### FLAT ROOF BUILDING



NOTE: "Average Ground Level" only shown for illustrative purposes, not to indicate how it is measured.

Diagram 2.2. C

#### **BUILDING PERMIT**

Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.

#### **BUILDING, PRINCIPAL**

A building within which is conducted the primary use of the property on which it is located.

### **BUILDING SETBACK LINE**

A line within a property defining the required minimum distance between any structure and the adjacent right-of-way line or property line.

**FRONT SETBACK:** The minimum required distance between the street line and the front setback line projected the full width of the lot.

**REAR SETBACK:** The minimum required distance between the rear lot line and the rear setback line projected the full width of the lot.

**SIDE SETBACK:** The minimum required distance between the side lot line and side setback line projected from the front yard to the rear yard.

### **BUSINESS COMMERCE PARK**

A tract of land laid out in accordance with an overall plan for a group or community of businesses such as professional/medical offices/clinics, light industrial operations including research and development, including the business services and other ancillary support services such as personal services, restaurants, banks, and convenience stores for use by occupants of the business establishments, with buildings designed and arranged to ensure compatibility between the operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks and use requirements.

### **BUSINESS SERVICES**

Those activities limited to the service and repair of furniture, office equipment, medical supplies and equipment and commercial appliances; the supply and servicing of vending machines; frozen food lockers; the painting and assembly of signs; printing, copy and photocopying services; arts, crafts, drafting and stationary supplies; interior decorating; taxidermy; upholstering and personal dry cleaning services. Uses which shall not be interpreted to be business service establishments are retail shops and stores; gasoline and motor vehicle stations; vehicular sales, service and repair; funeral homes, mortuaries; warehouses and distribution facilities; and contractor's offices.

### **CALIPER**

The diameter of a tree trunk, measured in inches, six inches above ground level for trees up to four (4) inches in diameter and twelve (12) inches above ground level for trees over four (4) inches in diameter.

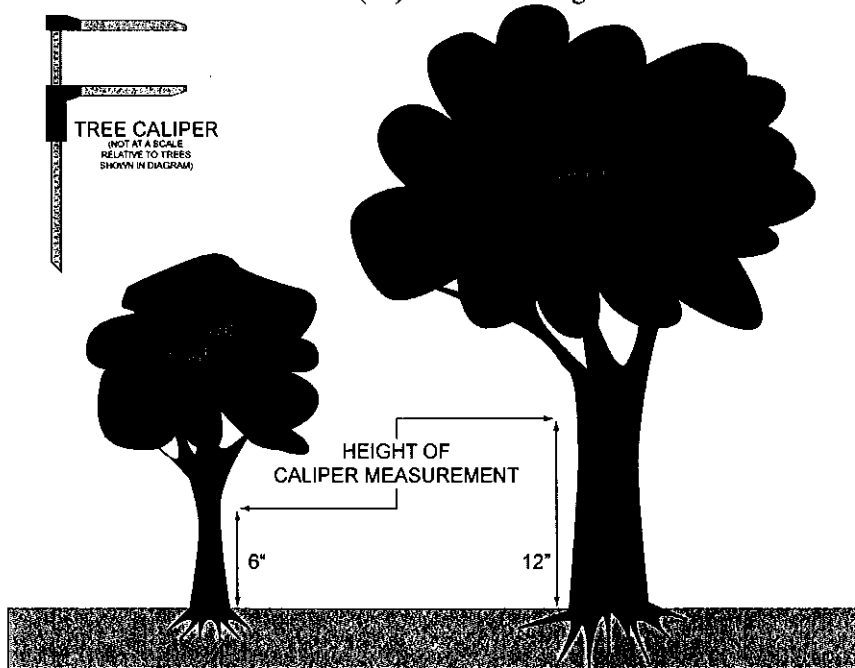


Diagram 2.2.D

### **CAMPER**

Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.

### **CAMP OR CAMPGROUND**

A state-permitted establishment, through the Pennsylvania Department of Health, in which a portion of land is used for the purpose of providing a space for trailers or tents for camping purposes, regardless of whether a fee has been charged for the leasing, renting or occupancy of the space, in accordance with the Pennsylvania Code, Title 28, Chapter 19. The campground may be an organized camp which includes a combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth and adults with social, recreational, and educational objectives and operated and used for five or more consecutive days during one or more seasons a year.

### **CAMPSITE**

Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

### **CAMPING UNIT**

Any tent, trailer, cabin, lean-to, recreation vehicle, or similar structure established or maintained and operated in a campground as a temporary living quarters for recreation, education, or vacation purposes.

**CARETAKER/WATCHMAN DWELLING**

A single family detached dwelling unit accessory to an agricultural, professional, commercial, or industrial use for occupancy by the owner or person employed along with respective immediate family members, for purposes of care and protection of persons, property, plants, animals, equipment or other circumstances on-site or upon contiguous lots, under the same ownership.

**CARPORT**

A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides, and accessory to a main or accessory building.

**CARTWAY**

That portion of a street or alley which is improved, designed, or intended for vehicular use.

**CEMETERY**

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

**CENTRALIZED SEWAGE SYSTEM**

A public or private utility system designed to collect, centrally treat and dispose of sewage from customers, and designed in compliance with Pennsylvania Department of Environmental Protection (PA DEP) regulations and/or regulations of the Township, whichever is more stringent.

**CENTRALIZED WATER SYSTEM**

A public or private utility system designed to transmit potable water from a common source to customers, and designed in compliance with PA DEP regulations and/or regulations of the Township, whichever are more stringent.

**CERTIFICATE OF USE AND OCCUPANCY**

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Code Official has issued a certificate of occupancy therefore as provided herein.

**CLEAR-SIGHT TRIANGLE**

An area of unobstructed vision of both approaches of a driveway, access drive or street intersection as viewed by the driver measured from the centerlines of the intersecting roads a certain distance prior to the intersection. The specific distance varies according to road function.

**CLINIC, MEDICAL**

An establishment where patients are admitted for examination and treatment to the general public without overnight accommodation and shall include such uses as reception areas, offices, consultation rooms, and x-ray, but may also include a pharmacy provided that such use has access only from the interior of the building or structure, on an outpatient basis by three (3) or more licensed medical professionals including physicians, dentists, opticians, psychologists, other similar medical personnel and vocations.



**CLUB, CLUBHOUSE OR LODGE, PRIVATE**

A building, structure, or part thereof, used to house an organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership or fundraising of such club. This use shall not include bar, boarding house, nightclub, restaurant, or tavern open to the general public, or an auditorium, unless that particular use is permitted in that district and the applicable requirements of that use are met, provided they are operated primarily to serve members and their guests.

**CLUB, PRIVATE**

An organization catering exclusively to members and their guests and not the general public. Private clubs shall include but not be limited to, educational, fraternal, service and political organizations, labor unions and social and athletic clubs.

**CO-LOCATION**

The act of placing two (2) or more communications antennas or facilities on one tower or other structure.

**COMMERCIAL RECREATION**

Any establishment whose main purpose is to provide the general public with an amusing or entertaining activity, and where tickets are sold or fees are collected for the activity:

1. **INDOOR COMMERCIAL RECREATIONAL ESTABLISHMENT**

An establishment operated as a gainful business, open to the public, for the purpose of leisure time activities, public recreation or entertainment, including, but not limited to, amusement arcade, arena, assembly hall, bingo parlor, bowling alley, gymnasium, health and fitness club, miniature golf course, skating rink, swimming pool, dance or gymnastic instructional school, tennis courts, etc., when operated within a completely enclosed building. This use does not include a theatre.

2. **OUTDOOR COMMERCIAL RECREATIONAL ESTABLISHMENT**

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

**COMMERCIAL USE**

This term includes, but is not limited to retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making non-industrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

**COMMISSION**

The Heidelberg Township Planning Commission. [see also, Planning Commission]

**COMMON OPEN SPACE**

A parcel or parcels of land or an area of water, or a combination of land and water, within a development plan, designed and intended for the use or enjoyment of residents of a development, and where designed, the community at large. Common open space does not include rights-of-way, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures, but may contain such improvements as approved in the development plan that are appropriate to recreational and other open space areas of any schools or churches to be included within the proposed development.

**COMMUNICATIONS ANTENNA**

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

**COMMUNICATIONS EQUIPMENT BUILDING**

An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than two hundred fifty (250) square feet.

**COMMUNICATIONS TOWER**

A structure, other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas and facilities.

**COMMUNITY CENTER**

A building used for recreational, social, educational and cultural activities within a subdivision and/or land development exclusively for the use of residents/tenants and their guests.

**COMMUNITY SEWER SYSTEM**

A sewage disposal system, other than a public sewer system, which provides sewage disposal for two (2) or more units of occupancy which shall comply with all applicable regulations of the Department of Environmental Protection or other regulatory agency.

**COMMUNITY WATER SUPPLY SYSTEM**

A water supply system, other than a public water system, providing water for more than two (2) units of occupancy which shall comply with all applicable regulations of the Department of Environmental Protection or other regulatory agency.

**COMPREHENSIVE PLAN**

The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.O. 805, No. 247, as amended and reenacted, consisting of maps, charts and textual material, that constitutes decisions about the physical and social development of the Township of Heidelberg, as amended from time to time.

**CONDOMINIUM**

A form of property ownership providing for individual ownership of a specific dwelling unit or other space, not necessarily on ground level, together with an undivided interest in the land or other part of the structure in common with other owners.

**CONTIGUOUS**

Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous. To physically touch or border upon, or to share a common property line, but not overlap.

**CONTINUING CARE RETIREMENT FACILITY**

An age-restricted development or facility that provides a continuum of accommodations and care, from independent living to long-term bed care, and enters into contracts to provide lifelong care in exchange for the payment of monthly fees and an entrance fee.

**CONTRACTOR'S OFFICE & STORAGE YARD**

An establishment of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

**CONVENIENCE STORE**

An establishment which generally includes the retail sale of fuel for passenger vehicles, oil, grease, automobile accessories, propane, kerosene, along with prepackaged food and beverages, foods prepared on site, magazines, lottery tickets, tobacco products, and limited household supplies, and hardware. Convenience stores may also include gas/fuel pumps, selling of gas/fuel for motor vehicles, and automatic car washing facilities.

**COUNTY**

York County, Pennsylvania.

**COUNTY PLANNING COMMISSION**

The York County Planning Commission and its professional staff.

**COURT**

An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

**DAYCARE**

An establishment offering of care or supervision of persons under the age of sixteen (16), special needs adults in lieu of care or supervision by family members, or elderly persons (generally 60 years of age and older) and/or mentally retarded and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimer's disease, mental abilities or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person:

**1. DAYCARE, ACCESSORY**

An accessory use to a dwelling unit, whereby care and supervision is offered to no more than six (6) non-residents of the site during any calendar day. An accessory daycare does not require zoning approval.

**2. DAYCARE, COMMERCIAL**

An establishment operated as a gainful business which the care and supervision to more than six (6) non-residents of the site during any calendar day. Commercial daycare facilities can be operated as principal uses or as accessory uses associated with other uses (e.g., schools, places of worship, industries, residential complex, etc.); however, in no case shall a commercial daycare be considered an accessory use to an individual dwelling unit. Commercial daycare facilities shall include "group child daycare homes" and "child daycare centers," as defined and regulated by the Department of Public Welfare of the Commonwealth of Pennsylvania.

**3. DAYCARE, FAMILY**

An accessory use to a single-family detached dwelling, in which the care and supervision is offered to between four (4) and six (6) non-residents of the site during any calendar day. Family daycare facilities must be registered with the Pennsylvania Department of Public Welfare of the Commonwealth of Pennsylvania.

**DECIDUOUS**

Plants that drop their leaves before becoming dormant in winter.

**DEED**

A written, legal document conveying or indicating ownership of real property.

**DEED COVENANT OR RESTRICTION**

A restriction on the use of the land set forth in the deed or instrument of conveyance. Such restriction(s) usually run(s) with the title of the land and is binding upon subsequent owners of the property. The governing body is not responsible for enforcing such deed restrictions, unless the restriction(s) resulted from a condition or stipulation of the subdivision or land development approval process.

**DENSITY**

The number of dwelling units or units of occupancy per net acre of land as defined herein exclusive of public rights of way and/or private streets way.

**DEP**

Pennsylvania Department of Environmental Protection. (See also PA DEP)

**DESIGNATED GROWTH AREA**

An area identified as appropriate for future growth and/or provision of public sewer and separated from areas suited for lesser intensity development, no public sewer, or the surrounding rural countryside.

**DEVELOPMENT**

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.

**DEVELOPMENTAL DISABILITY**

A disability of a person that has continued or can be expected to continue indefinitely and that is:

1. Attributable to mental retardation, cerebral palsy, epilepsy or autism.
2. Found to be attributable to any other conditions found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons, or requires treatment and services similar to those required for such persons.
3. Attributable to dyslexia resulting from a disability described in Subsections (1) and (2) of this definition.

**DEVELOPMENTALLY DISABLED PERSON**

A person with a developmental disability.

**DISTRIBUTION**

A process whereby materials, goods, or products are imported and stored by one person and then delivered to another.

**DOG DAY CARE**

An establishment operated as a gainful business which the care and supervision to more than one (1) non-resident small domestic and usual house pet animals such as dogs and cats during any calendar day.

**DOMESTIC PETS**

An accessory use to a dwelling unit involving the keeping of not more than three (3) adult animals that are locally available for purchase as pets for the company or enjoyment of the owner. Domestic pets shall not include farm animals, horses, or any animal or bird for which a permit is required under the Pennsylvania Game and Wildlife Code, 34 Pa. C.S. s. 101 et seq., or the regulations of the Pennsylvania Game Commission.

**DRIVE-IN**

A business establishment, including an eating establishment, offering refreshments, entertainment, goods or services to patrons, who purchase and/or consume such refreshments, entertainment or services on the premises and/or outside of the building, including patrons who may receive services, obtain goods, or be entertained while remaining in their motor vehicles.

**DRIVE THRU**

A portion of a business establishment dependent on providing a access drive approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

**DRIVEWAY**

An improved surface for vehicular travel which provides access between a public or private street or access drive and the parking area for all residential uses (except multi-family) and all agricultural uses.

**DUMPSTER**

A container generally two or more cubic yards in capacity, for the disposing of refuse, whether generated by residential, commercial, industrial, or other use.

**DWELLING:**

Any residential building or structure designed for living quarters for one or more families or housekeeping units, including mobile homes, which are supported by a permanent foundation, but not including tents, recreational vehicles, hotels, motels, hospitals, nursing homes, treatment centers or other accommodations used for transient occupancy.

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

**MULTI-FAMILY:** A building containing three (3) or more dwelling units located on a single lot.

**SINGLE FAMILY ATTACHED:** A portion of a building containing one (1) dwelling unit and having two (2) party walls. Each dwelling unit is located on a separate lot. End units which have one (1) party wall in common are included and are subject to the lot area requirements for other single family attached units but must meet setback requirements on the open side.

**SINGLE FAMILY, DETACHED:** A building containing only one (1) dwelling unit located on a single lot.

**SINGLE FAMILY, SEMI-DETACHED:** A portion of a building containing one (1) dwelling unit and having one (1) party wall in common with another dwelling unit. Each dwelling unit is located on a separate lot.

**TWO FAMILY:** A building containing two (2) dwelling units located on the same lot.

**DWELLING UNIT**

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT**

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

**ECHO HOUSING**

Elder Cottage Housing Opportunities. An additional temporary dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled person, related by blood, marriage, adoption or in foster care, to the occupants of the principal dwelling. Also known as "granny flat" or elder cottage housing.

**EMERGENCY SERVICES**

A public use owned and/or operated by an independent fire department or company and/or emergency medical service or ambulance provider for related activities. Accessory club rooms, club grounds and meeting halls may be included if they are permitted uses in that zoning district. This use may include accessory housing for emergency service or fire personnel while on-call.

**ESSENTIAL SERVICES**

The provision by public utilities, municipal or other governmental units regulated by the Public Utility Commission (PUC) or other governmental agencies of underground or overhead gas, electrical, steam or water pipes, sewer and storm sewer facilities, and wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith,

reasonably necessary for the furnishing of adequate services by such public utilities or municipal or governmental units or for the public health, safety or general welfare, but not including related production facilities and/or treatment plants, and similar facilities.

### **FAMILY**

Any one (1) or more of the following:

1. A single individual occupying a dwelling unit.
2. Two (2) or more persons related by blood, marriage, legal guardianship, licensed or court-appointed foster care, or legal adoption occupying a dwelling unit.
3. Not more than three (3) unrelated persons occupying a dwelling unit.
4. Not more than eight (8) related or unrelated persons who are the functional equivalent of a family in that they live together, participate in such activities as meal planning, shopping, meal preparation and the cleaning of their dwelling unit together and who are part of a community based residential home which qualifies as a community living arrangement licensed by the Pennsylvania Department of Public Welfare or other appropriate federal or state agency having jurisdiction, where the persons occupying the home are handicapped persons under the terms of the Fair Housing Amendments Act of 1988, and where the operator of the home provides room and board, personal care, rehabilitative services and supervision in a family environment. The presence of staff persons in a home meeting this definition shall not disqualify the group of persons occupying the dwelling unit as a family. Through this definition, the Township's intent is to comply with the federal Fair Housing Act, as amended.

### **FARM**

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

### **FARM OCCUPATION**

An accessory use to an active farm in which the residents engage in a secondary, supplemental occupation.

### **FENCE**

A freestanding structure constructed as a barrier to restrict the movement or view of persons, animals, property, vehicles or any combination thereof, to enclose an outdoor activity or to serve as a screen between incompatible uses.

### **FINANCIAL SERVICE, OTHER**

An establishment, excluding a bank, where the principal business is the receipt, disbursement, or exchange of funds and currencies such as savings, loans, credit unions or check cashing establishments.

### **FLOOR AREA, GROSS**

The sum of the gross horizontal areas of several floors of a building and its accessory buildings on the same lot measured from the exterior faces of walls or from the center line of party walls separating two (2) buildings, excluding attic, cellar and basement areas used only for storage and the operation and maintenance of the building.

### **FLOOR AREA, GROSS LEASABLE**

The sum of the floor area of several floors of a building designed for the conduct of business and occupancy by an owner or tenant, as measured to the center of the interior joint walls and exterior of

outside walls. For purposes of this definition, gross leasable floor area shall not include public or common areas such as utility rooms, stairwells, hallways or corridors, etc.

### **FLOOR AREA, HABITABLE**

The sum of the floor area of several floors of a dwelling unit as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living rooms, dining rooms, kitchens, bedrooms, bathrooms, closets, hallways, stairways, but not including a basement, attic space, service rooms or areas such as utility rooms, unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

### **FOOTCANDLE**

Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), stated in lumens per square foot and measurable with an illuminance meter, a.k.a. light meter.

### **FORESTRY (TIMBER HARVESTING)**

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

### **FRONTAGE**

That side of a lot abutting on a street; the front lot line.

### **FULL CUTOFF**

Attribute of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than ten (10) percent of the lamp's intensity is emitted at or above an angle ten (10) degrees below that horizontal plane at all lateral angles around the fixture. See Diagram 2.2.J.

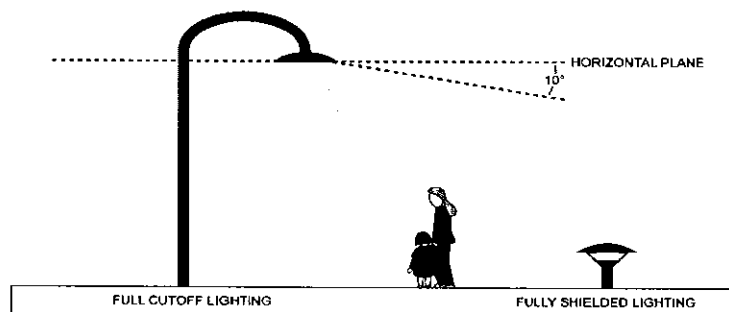


Diagram 2.2.J

### **FULLY SHIELDED**

Attribute of a lighting fixture provided with internal and/or external shields and louvers to prevent brightness from lamps, reflectors, refractors and lenses from causing glare at normal viewing angles. See Diagram 2.2.J.

### **FUNERAL HOME**



An establishment conducting embalming and cremation which may include the viewing of the deceased and ceremonies connected therewith prior to burial or cremation, but not including cemeteries, columbariums, mausoleums, and entombments.

**GARAGE, PRIVATE**

An accessory building for the storage of one or more automobiles, other vehicles accessory and incidental to the principal use of the premises, or both. See Diagram 2.2.B.

**GARAGE/YARD SALE**

A temporary use conducted from or on a residential premise in any zoning district involving all general sales and open to the public for the purpose of disposing of personal property. This definition shall not include a situation where no more than two (2) specific items are held out for sale and all advertisements of such sale specifically names those items to be sold.

**GLARE**

Excessive brightness in the field of view that is sufficiently greater than the brightness to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare.

**GOLF COURSE**

A tract of land laid out for at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, shelters, maintenance and storage facilities, and a driving range.

**GOVERNING BODY**

The Board of Supervisors of Heidelberg Township, York County, Pennsylvania.

**GOVERNMENT FACILITY OR USE, OTHER THAN TOWNSHIP-OWNED**

A public use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by Heidelberg Township or an authority created by Heidelberg Township.

**GREENHOUSE OR HORTICULTURAL NURSERY**

An establishment primarily involved in horticulture that includes the sale of plants grown on the premises and related goods and materials, as well as the storage of equipment customarily incidental and accessory to the principal use.

**GROUND COVER**

A planting of low-growing plants or sod that in time forms a dense mat covering the area, preventing soil from being blown or washed away and the growth of unwanted plants.

**GROUP HOME**

A dwelling unit directly associated with and operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. Such administration is through the direction of paid professional staff and for supervision of residents by full time resident staff. This definition shall expressly include facilities for the supervised care of persons with

disabilities subject to protection under the Pennsylvania and Federal Fair Housing Acts, as amended. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use.

1. Group homes shall be subject to the same limitations and regulations by the Township as the type of dwelling unit they occupy.
2. It is the express intent of the Township to comply with all provisions of the Pennsylvania and Federal Fair Housing Acts, as amended, and regulations promulgated thereunder, in the construction of this term.

\* NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans with Disabilities Act to address certain situations related to substance abuse treatment.

#### **HALFWAY HOUSE**

A non-institutional living arrangement with treatment and support services for persons with substance abuse problems or for inmates and parolees approaching parole release date or release from a corrections institution. The halfway house (community corrections center) operates under the rules and regulations of the Pennsylvania Department of Health or Department of Corrections or similar authorities. The residents are provided full-time supervision and counseling on employment, vocations, finances and community living.

**HAZARDOUS MATERIAL**

A substance or combination of substances that, because of the quantity, concentration, physical, chemical or infectious characteristics, if not properly treated, stored, transported, used, or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into groundwater resources and the subsurface environment which includes the soil and all subsequent materials defined as Hazardous Waste herein below. Such hazardous substances include substances under PA DEP regulations.

**HAZARDOUS WASTE**

Any substance defined as a hazardous waste under the Pennsylvania Solid Waste Management Act, 35 P.S. s. 6018.101 et seq., the Pennsylvania Municipal Waste Planning, Recycling, and Waste Reduction Act, 53 P.S. s. 4000.101 et seq., the Pennsylvania Hazardous Sites Cleanup Act, 35 P.S. s. 6020.101 et seq., the Clean Streams Law, 35 P.S. s. 691.1 et seq., the Federal Resource Conservation and Recovery Act, 42 U.S.C. s. 6901 et seq., and the regulations of the PA DEP and the United States Department of Environmental Protection.

**HEALTH AND FITNESS CLUB**

A commercial business that offers active recreational activities, fitness activities, or both. Such activities are provided only to club members and their guests. For purposes of this ordinance, such facilities do not include golf courses or other uses identified as indoor commercial recreation.

**HEAVY EQUIPMENT**

Machinery, vehicles and other devices that are moveable and/or transportable which are commonly used in commercial, industrial or construction enterprises, including, but not limited to, trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, lifts, etc., having a gross weight of four and one-half (4.5) tons or more.

**HISTORIC STRUCTURE**

A structure that is:

1. listed in the National Register of Historic Places, individually or as a contributing resource in a National Register Historic District;
2. eligible to be listed in the National Register of Historic Places, individually or as a contributing building in a National Register Historic District; or
3. identified as having local historical and/or architectural significance.

**HOME IMPROVEMENT CENTER, LUMBER, BUILDING MATERIALS SALES FACILITY**

An establishment providing for the sale of home, lawn, and garden supplies, lumber, and other similar building materials and products within and outside of enclosed buildings.

**HOME OCCUPATION**

Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use to the resident's principal dwelling. Also see No-Impact Home Occupation.

**HORTICULTURE**

The growing of fruits, vegetables, flowers, or ornamental plants.

**HOSPITAL**

A building or part thereof used for medical, psychiatric, obstetrical, or surgical care on a twenty-four hour basis. The term "hospital" shall include facilities used for medical research and training for health-care professions, general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals, and any such other facilities which provide inpatient care. A hospital use can also include attached and detached accessory uses, provided that all uses are contained upon the hospital property. A hospital shall be licensed as such by the Commonwealth of Pennsylvania. The term "hospital" shall not include any facility in which is conducted the housing of the criminally insane or provides treatment for persons actively charged with or serving a sentence after being convicted of a felony.

**HOTEL**

An establishment which provides transient lodging accommodations to the general public in sleeping units which each have separate access to a common interior corridor and which may provide such additional supporting services such as restaurants, meeting rooms, recreation facilities and living quarters for a resident manager or proprietor.

**IMPERVIOUS SURFACE**

A surface that prevents the percolation of water into the ground including, but not limited to, concrete, brick, asphalt, or a building's roof.

**INDOOR SHOOTING RANGE**

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

**INDUSTRIAL PARK**

A tract of land laid out in accordance with an overall plan for a group or community of industries, including the servicing of those industries, with separate buildings designed and arranged to ensure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks and use requirements.

**INDUSTRIAL USE**

Any enterprise in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. This term includes but is not limited to those involving manufacturing; processing; packaging; printing, publishing and binding; production; testing of materials, goods and products; conversion and assembly; industrial laundries; repair of large appliances and equipment; machine shops, and welding shops.

**GENERAL INDUSTRIAL: AN INDUSTRIAL USE:**

Involving the processing and manufacturing of semi-finished and/or finished materials or products predominately from extracted, raw, and/or recycled materials; and/or

Engaged in the storage of, manufacturing processes using, and/or shipping of flammable or explosive materials; and/or

Engaged in the storage, manufacturing processes, and/or shipping of materials or products that potentially involve hazardous or commonly offensive conditions; and

Due to the more intensive nature of the processes, materials, products, etc. such uses may disturb or endanger neighboring properties.

**LIGHT INDUSTRIAL: AN INDUSTRIAL USE**

Involving the manufacturing, predominately from previously prepared semi-finished or finished materials products or parts, finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution, as well as the repair of such finished products; but Excluding the processing of extracted, raw, and/or recycled materials; and

Due to the lower intensity nature of processes, materials, or products, produce no noise, vibration, air pollution, fire hazard or noxious emission, which would disturb or endanger neighboring properties.

Establishments involved in the production and/or repair services when such facilities are in a completely enclosed building including home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; mass-produced furniture; wood products such as cabinetry, printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; lightweight metal castings; film processing; light sheet metal products; tinsmithing, welding, plumbing, heating, ventilating and air-conditioning plastic goods; pharmaceutical goods; and food products, but not animal slaughtering or curing nor rendering of fats.

**ILLUMINANCE**

Quantity of light, measured in foot-candles.

**JUNK**

Used materials, discarded materials, or both, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, which are being stored awaiting potential reuse or ultimate disposal.

**JUNK YARD**

An industrial use with or without buildings, used for the storage, outside of a completely enclosed building, of used or discarded materials, including but not limited to, paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other uses or disposition of the same. The deposit or storage on a lot of one or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a "junk yard".

**KENNEL**

An establishment or accessory use to a principal single-family detached dwelling, for the sheltering, boarding, breeding or training of four (4) or more dogs, cats, fowl or other small domestic animals defined herein at least six (6) months of age and kept for purposes of profit, but not to include livestock, animals and fowl raised for agricultural purposes.

**KNOLL**

A small, round hill.

**LARGE SOLAR ENERGY PRODUCTION FACILITY**

An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. A facility is considered a large solar energy production facility if it supplies electrical or thermal power solely for off-site use.

**LARGE WIND ENERGY PRODUCTION FACILITY**

An area of land or other area used for a wind energy conversion system principally used to capture wind energy and convert it to electrical energy. Large wind energy production facilities consist of one (1) or more wind turbines, tower, and associated control or conversion electronics and other accessory structures and buildings including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. A facility is considered a large wind energy production facility if it supplies electrical power solely for off-site use.

**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 conditions), a lessee having a remaining term of not less than forty years, or other person having a proprietary interest in the land, shall be deemed to be a landowner for the purpose of this Ordinance.

**LANDSCAPE PLAN**

A component of a development plan, where required, on which is shown proposed landscape species (such as number, spacing, size at time of planting and planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features; grade changes; buffers and screening devices; etc.

**LAUNDRY AND DRY CLEANING ESTABLISHMENT (INDUSTRIAL)**

An enterprise equipped with large-scale clothes-washing and dry cleaning equipment.

**LAUNDRY AND DRY CLEANING ESTABLISHMENT (PERSONAL)**

A business premises equipped with individual clothes-washing equipment for the use of retail customers or the drop off and pick up of clothing for dry cleaning (off site).

**LIBRARY**

A place in which literary, musical, artistic or reference material (such as books, manuscripts, recordings or films) are kept for use but not for sale.

**LIFE CARE COMMUNITY**

A development designed for the residence and care of elderly persons that provides a continuum of care and services. These facilities shall include independent living, assisted living and skilled nursing home facilities. These facilities may include a community center, personal service shops, recreation areas and common open areas. Age-restricted communities shall not be considered as life-care communities.

**LIGHT TRESPASS**

Light emitted by a lighting fixture or installation which is cast beyond the boundaries of the property on which the lighting installation is sited.

**LIVESTOCK**

Large animals, including, but not necessarily limited to, the following: horses, ponies, donkeys, mules, cattle, sheep, goats or swine but also includes poultry. For purposes of this ordinance, livestock shall not be considered domestic pets.

**LOADING BERTH/SPACE**

An off-street area on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**LONG TERM CARE NURSING FACILITY**

A development or facility defined and licensed by the Commonwealth of Pennsylvania Department of Health in accordance with Title 28 of the Pennsylvania Code, Chapter 201. The facility provides skilled or intermediate nursing care services twenty four (24) hours a day and seven (7) days a week to individuals who do not require more intensive hospital-based care.

**LOT**

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

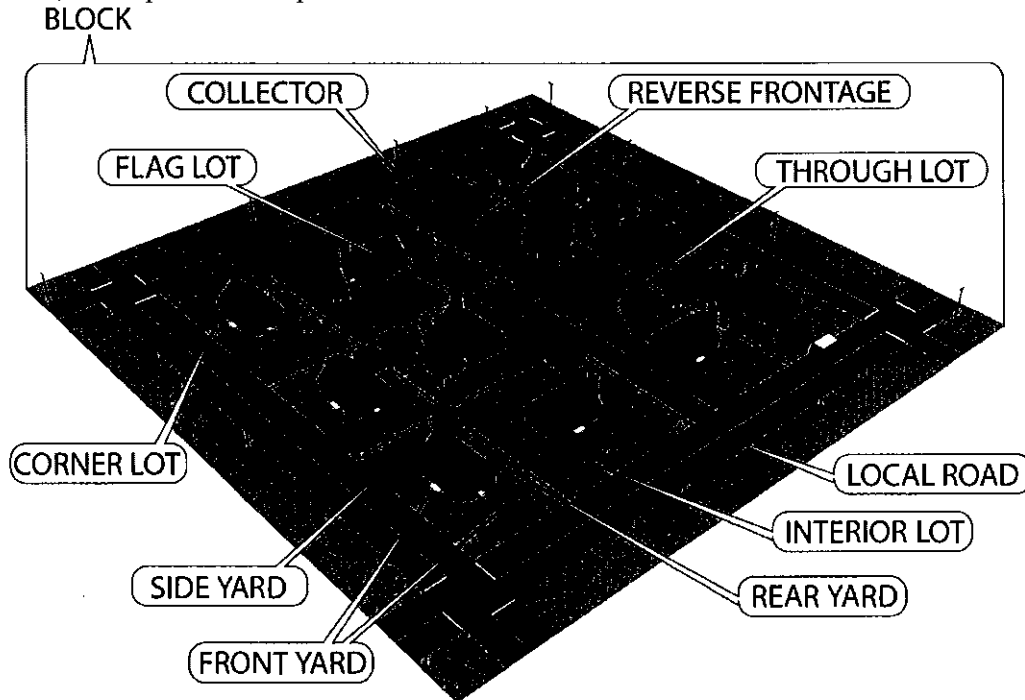


Diagram 2.2.K

**LOT, CORNER**

A lot that has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line interest at an interior angle of less than one hundred thirty-five (135) degrees. Corner lots shall have two (2) front yards (abutting the street), one side yard and one rear yard. For purposes of this Ordinance, the front lot line of the street in which the lot is addressed shall be the primary front lot line, and the other front lot line shall be the secondary front lot line. The rear lot line shall be the lot line directly opposite of the primary front lot line. The side lot line shall be the lot line directly opposite the secondary lot line. See Diagram 2.2.K.

**LOT, FLAG**

A lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway set within a narrow strip of land that connects the main portion of the lot with the street. See Diagram 2.2.K.

**LOT, INTERIOR**

A lot other than a corner lot, the sides of which do not abut a street right-of-way. See Diagram 2.2.K.

**LOT, REVERSE FRONTAGE**

A through lot extending between and having frontage on more than one street right-of-way, with vehicular access typically from the street of lower classification. See Diagram 2.2.K.

**LOT, THROUGH**

An interior lot having frontage on two (2) parallel or approximately parallel street rights-of-way. See Diagram 2.2.K.

**LOT AREA, GROSS**

The area contained within the property lines of a lot including any areas within any public or private rights of way and/or recorded easements.

**LOT AREA, NET**

The area contained within the property lines of a lot excluding any areas within any public or private rights of way.

**LOT COVERAGE**

The percentage of a lot which is covered by an impervious surface.

**LOT DEPTH**

The linear horizontal distance measured between the street right-of-way line and the closest rear property line. On corner, reverse frontage and through lots, the depth shall be measured from the street right-of-way line of the street of address (primary front lot line) to the property line (rear lot line) directly opposite.



## **LOT LINES**

The lines bounding a lot as defined herein.

### **1. FRONT LOT LINE**

The lot line separating a lot from a street right-of-way. In the case of a corner lot or a lot abutting a street right-of-way on more than one (1) side, there shall be two (2) front lot lines.

### **2. REAR LOT LINE**

The lot line opposite and most distant from the front lot line. A corner lot's rear lot line shall be that lot line directly opposite the front lot line of the street of address (primary front line).

### **3. SIDE LOT LINE**

Any lot line other than a front or rear lot line. A corner lot shall have two (2) front lot lines, one rear lot line, and one side lot line.

## **LOT OF RECORD**

A lot that has been recorded in the Office of the Recorder of Deeds of York County, Pennsylvania.

## **LOT WIDTH**

The continuous linear horizontal distance measured at the required minimum front setback line, between side property lines. On corner lots, lot width shall be measured from the street right-of-way line of the non-address street (secondary front lot line) to the property line (side lot line) directly opposite. See Diagram 2.2.G. NOT INCLUDED IN ORDINANCE

## **LUMEN**

As used in the context of this Ordinance, the light-output rating of a lamp (light bulb).

## **MANUFACTURE**

A function involving either the processing, conversion or production of materials, goods or products.

## **MANURE**

The fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

## **MANURE DIGESTER**

A facility which main purpose is to use anaerobic digestion processes to convert livestock and poultry manure (primary catalyst) into biogas, which is generally burned on-site to produce electricity, heat, and water; as well as to manage livestock and poultry manure. Manure digesters may include "co-digestion" in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (secondary catalysts). Types of manure digesters include covered anaerobic lagoons, plug-flow, and/or complete mix (or continually stirred tank reactor), along with other appurtenant sites, structures and buildings, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

## **MANURE STORAGE FACILITY**

A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities are as follows: underground storage, in-ground storage, earthen bank, stacking area, and above-ground storage.

**MINERAL EXTRACTION OR RECOVERY OPERATION**

An enterprise engaged in the searching for or removal of rock, soil or mineral from the earth by excavating, stripping, mining, leveling, or any other process, but exclusive of excavations or grading involved in the construction of a building. Also includes any processing operations in connection with the above activities.

**MINERALS**

Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

**MINI STORAGE WAREHOUSES**

A facility providing for the enclosed storage of household items or recreational equipment, where said items are retained for direct use by their owner, who shall have direct access thereto without intermediate handling by the proprietor of the facility.

**MIXED RESIDENTIAL DEVELOPMENT**

A type of residential development consisting of a required mixture of a variety of dwelling types design and open space options.

**MOBILE HOME**

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

**MOBILE HOME LOT**

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

**MOBILE HOME PARK**

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

**MOTEL**

An establishment which provides transient lodging accommodations to the general public in sleeping units which each have separate access directly to the outside and which may provide such additional supporting services as restaurants, recreation facilities and living quarters for a resident manager or proprietor.

**MULTI-UNIT RESIDENTIAL CONVERSION**

The conversion of a single-family detached dwelling into accommodations for more than one dwelling unit.

**MUNICIPAL OWNED USES**

Any establishment, use, facility, and/or structure owned and/or operated by Heidelberg Township, or its authorized municipal authorities or agents.

**MUNICIPALITY**

Heidelberg Township, York County, Pennsylvania.

**NATURE PRESERVE AND WILDLIFE SANCTUARIES**

An area maintained in a natural state for the preservation of both animal and plant life.

**NIGHTCLUB**

An enterprise in which the on-site consumption of alcoholic or non-alcoholic beverages where live entertainment is offered. For the purposes of this definition, "live entertainment" is meant to include the use of disc-jockeys for the purposes of supplying musical entertainment. Nightclubs may also provide for on-site consumption of food. Additionally, nightclubs can offer the retail sale of carry out beer, wine and liquor as an accessory use. This is also meant to include an "under 21" club which features entertainment.

**NO-IMPACT HOME OCCUPATION**

A business activity administered or that is clearly conducted as an accessory use to and within residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pick-up, delivery or removal functions to or from the premises, in excess of those normally associated with the residential use.

**NON-COMMERCIAL KEEPING OF LIVESTOCK**

An accessory use to a principal single-family detached dwelling that is not contained upon a farm, whereupon livestock are kept exclusively by the residents of the site.

**NONCONFORMING LOT**

A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

**NONCONFORMING STRUCTURE**

A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such 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 structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

**NONCONFORMITY, DIMENSIONAL**

Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standards specified by this Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto.

**NRCS**

Natural Resources Conservation Service of the United States Department of Agriculture.

**NURSING, REST OR RETIREMENT HOMES**

Institutional uses designed for the full-time care, housing, boarding, and dining of human beings, being provided with some level of nursing care.

**OFFICE, PROFESSIONAL BUSINESS**

An establishment in which one (1) or more persons are employed in the management, direction or conducting of business/commerce and whose staffs/employees serve clients who seek advice and consultation regarding business/commerce. A business office may include the administrative, corporate or professional offices for profit, non-profit or charitable organizations, but also includes real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, lawyers, clergymen, teachers, architects, engineers, insurance agents, and similar office-oriented uses.

**OFFICE, MEDICAL**

An establishment where patients are admitted for examination and treatment to the general public without overnight accommodation and without a pharmacy, and shall include such uses as reception areas, offices, consultation rooms, and x-ray provided that such uses have access only from the interior of the building or structure, on an outpatient basis by not more than (2) licensed medical professionals including physicians, dentists, opticians, psychologists, other similar medical personnel and vocations.

**OPEN SPACE**

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed, or reserved for public use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

**OUTDOOR CAFÉ/ DINING**

An exterior seating area associated with a restaurant or a tavern/bar.

**OUTDOOR SHOOTING RANGE**

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

**OWNER**

The owner of record of a parcel of land.

**PA DEP**

Pennsylvania Department of Environmental Protection. [see also, DEP]

**PA PUC**

Pennsylvania Public Utility Commission.

**PARCEL**

Any lot, plot or tract of land designated by any legally recorded or approved means as a single unit. The term includes, but is not limited to, tax parcels, lots or deeded areas.

## **PARK**

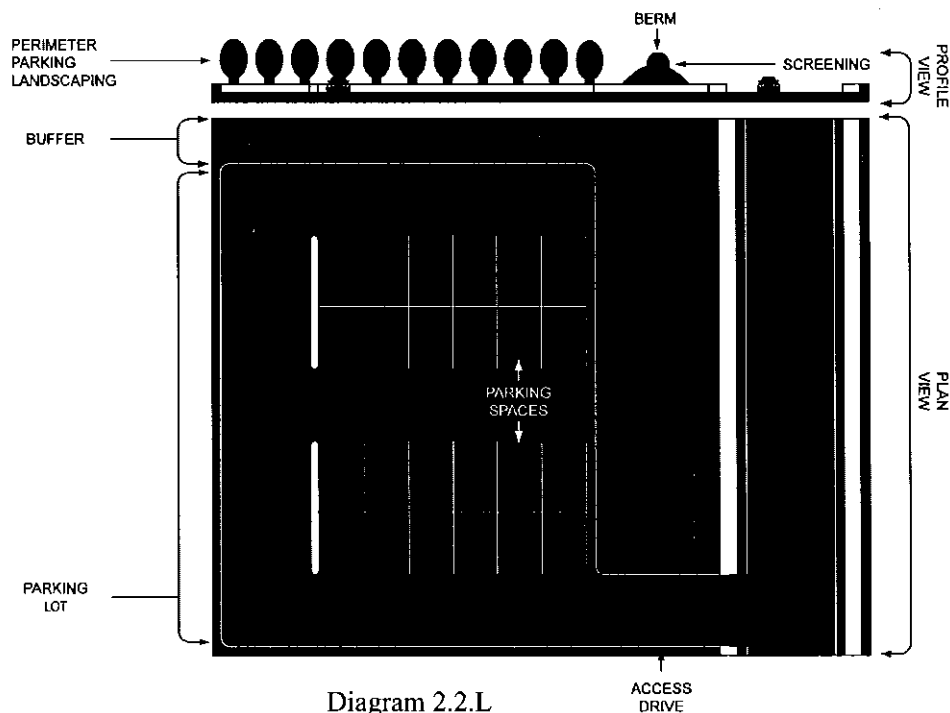
A use of land, which may include accessory buildings and structures, for active and/or passive outdoor recreation for the purpose of pleasure, leisure, fellowship or exercise, commonly involving a sporting activity, camping, hiking, jogging, bicycling, swimming, picnicking and other related activities which is open to the public. A park may include amenities such as ball fields, tennis courts, trails, playground equipment, restrooms, picnic tables, cooking grills and similar facilities. For purposes of this ordinance, parks shall not include improvements for or permit uses considered commercial recreational uses.

## **PARKING COMPOUND**

A public or private lot, building or structure that is designed and used for the short term, daily, or overnight off-street storage and parking of passenger vehicles. This use shall include surface parking lots and parking structures including buildings and decks.

## **PARKING LOT**

Any area of a lot used for off street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or may be provided for a fee. See Diagram 2.2.L.



## **PARKING SPACE**

An off-street space within a building, or on a lot or parking area, available for the parking of one motor vehicle and having direct usable access to a street right-of-way or aisle. See Diagram 2.2.L.

## **PARKING STRUCTURE**

A building where passenger vehicles may be stored for short-term, daily or overnight off-street parking, including decks and buildings.

**PARTYWALL**

A wall on an interior lot line used or adopted for joint services between two buildings.

**PENNDOT**

Pennsylvania Department of Transportation.

**PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC)**

Act 247 of 1968, as reenacted and amended.

**PERIMETER PARKING LOT LANDSCAPING**

Landscape located around the outside perimeter of a parking lot, except along the street frontage. Perimeter landscaping includes the area provided in the setback required between the parking spaces and the building. See Diagram 2.2.L.

**PERSON**

A corporation, company, limited liability company/corporation, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

**PERSONAL CARE HOME**

A facility defined and licensed by the Commonwealth of Pennsylvania Department of Public Welfare in accordance with Title 55 of the Pennsylvania Code, Chapter 2620. A personal care home is a premises in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term-care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration. A "halfway house" is not a personal care home.

**PERSONAL PROPERTY**

Shall mean property that is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living and maintaining a residence. It shall not include merchandise which was purchased for resale or obtained on consignment.

**PERSONAL SERVICE BUSINESS**

An establishment where service oriented activities for personal needs are provided to the general public, but, which do not involve primarily retail sales of goods or does not involve professional advisory services. Such activities shall include and be similar to barbershops, beauty salons, health spas; photographic studios; radio and television repair, repair shops for home appliances and tools, bicycles, guns, locks, shoes and watches; tailor and dressmaking shops; and pet grooming with no overnight boarding. Personal service establishments shall not be construed to be adult regulated facilities as defined herein.

**PICNIC AREA**

A place equipped with tables, benches, grills and trash receptacles for people to assemble, cook, eat and relax outdoors.

**PLACE OF WORSHIP**

An establishment wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all buildings, accessory buildings, structures and uses customarily associated with such primary purpose including rectories, convents and church-related schools and daycare facilities. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

**PLANNING COMMISSION**

The Heidelberg Township Planning Commission. [see also, Commission]

**POST OFFICE**

A facility owned and/or maintained by the United States Postal Service for the purpose of distributing mail to the public.

**PRIME AGRICULTURAL LAND**

Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture/Natural Resources Conservation Service's York County Soil Survey.

**PROCESSING**

A function that involves only the cleaning, sorting, sizing, packaging or any combination thereof, of products.

**PRODUCTION SAW MILL**

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

**PUBLIC GROUNDS**

Includes:

1. Parks, playgrounds, trails, paths and other recreational areas;
2. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities;
3. Publicly owned or operated scenic and historic sites.

**PUBLIC LAND**

Owned, operated or controlled by a government agency, whether federal, state, or local, and including any corporation created by law for the performance of certain specialized governmental functions, or any public school district.

**PUBLIC HEARING**

A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

**PUBLIC MEETING**

A forum held pursuant to notice under 65 PA. C.S., CH 7 (Relating to open meetings).

**PUBLIC NOTICE**

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

**PUBLIC USE**

A use owned, operated or controlled by a government, government agency or government authority (Federal, State, or County) for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by Heidelberg Township or an authority created by Heidelberg Township.

**PUBLIC/PRIVATE WORKS FACILITY**

The erection, construction, alteration, operation or maintenance of buildings, power plants, towers, substations, water treatment plants or pumping stations, sewage disposal or pumping plants, public transportation and road maintenance facilities, and other similar public service structures by a utility, whether publicly or privately owned, or by government agency other than Heidelberg Township (its authorities or agents), including the furnishing of electrical, gas, communication, water supply and sewage disposal services.

**RAVINE**

A valley with sharply sloping walls created by the action of stream waters.

**RECREATION, ACTIVE**

Leisure time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, pools, courts, tracks, playgrounds or fields.

**RECREATION AREAS**

A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. Public recreation areas are those owned and operated by a unit of local government. Private recreation areas are those owned and operated by a non-profit organization, and open only to bona fide members and their guests. Commercial recreation areas are those operated as a business and open to the public for a fee.

**RECREATION, PASSIVE**

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

**RECREATIONAL VEHICLE**

A vehicular type unit, portable and without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motorhomes.



**RENTAL**

A procedure by which services or personal property are temporarily transferred to another person for a specific time period for compensation.

**REPAIR**

A function involved in correcting deficiencies of products that affect their performance, appearance or both.

**RESEARCH AND DEVELOPMENT**

Any establishment which carries on investigations in the natural, physical, technical or social science or engineering and development as an extension of such investigation with the objective of creating end products.

**RESEARCH LABORATORY**

A building or groups of buildings in which are located facilities for scientific research, investigation, testing or experimentation but not facilities for the manufacture or sale of products except as accessory and incidental to the main purpose of the laboratory.

**RESTAURANT**

An establishment that sells ready to consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises. A restaurant may include the accessory sale of alcoholic beverages. However, if such sales is a primary or substantial portion of the total trade, the requirement of a tavern or bar as applicable must be met.

**RETAIL BUSINESS**

An establishment which sells goods or merchandise and repair services for goods or similar merchandise sold on the premises to the general public for personal and household consumption and rendering services incidental to the sale of such goods. This use shall not include adult-related uses as defined herein.

**RIGHT-OF-WAY**

A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied or actually occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

**RIDING SCHOOLS AND HORSE BOARDING STABLES**

An establishment where horses are boarded and cared for, or where instruction in riding, jumping, and showing is offered, or where horses may be hired for riding.

**RIPARIAN BUFFER AREA**

An area of land adjacent to a perennial or intermittent stream, subject to the regulations of this Ordinance.

**ROADSIDE STAND**

An accessory use to a farm, which primarily involves the retail sale of agricultural products such as fresh fruits, vegetables, herbs or plants produced on site during the harvesting season.

**RURAL OCCUPATION**

An accessory use to a principal single-family detached dwelling in which the owners engage in an occupation contained within an accessory building.

**RURAL RESOURCE AREA**

An area identified as appropriate for future growth and/or provision of public sewer and separated from areas suited for lesser intensity development, no public sewer, or the surrounding rural countryside.

**SANITARY SEWAGE**

Any liquid waste containing animal or vegetable matter in suspension or solution or the water-carried waste resulting from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or any other source of water-carried waste of human origin or containing other putrid material.

**SANITARY SEWAGE DISPOSAL, PUBLIC**

A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, generally serving a major portion of a municipality or municipalities, and operated by a governmental agency, governmental authority, or public utility company.

**SANITARY SEWAGE DISPOSAL, CENTRALIZED**

A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, commonly called a "package treatment plant", generally serving a single land development, subdivision, or neighborhood, and operated by a governmental agency, governmental authority, public utility company, homeowner's association, or a developer.

**SANITARY SEWAGE DISPOSAL, ON-LOT**

Any structure designed to treat sanitary sewage within the boundaries of an individual lot.

**SAWMILL OPERATION**

An industrial use consisting of a building, structure, or area where timber is cut, sawed or planed, either to finished lumber, or as an intermediary step and may include facilities for the kiln drying of lumber and may include the distribution of such products on a wholesale or retail basis. The processing of timber may be from the property on which it is located, from abutting property or from other properties removed from the sawmill.

**SCHOOL**

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

**SCHOOL, COMMERCIAL**

A school conducted for profit for such instruction as business, art, drama, music, handicraft, dancing, and other similar type low impact uses conducted within a completely enclosed structure.

**SCHOOL, PUBLIC OR PRIVATE**

Any public, sectarian, or private non-profit establishment approved by the Commonwealth of Pennsylvania offering formal academic instruction and services for State-required or largely state-funded programs at the kindergarten, elementary, and secondary levels. This term shall not include those uses considered commercial schools.

### **SCHOOL, VOCATIONAL**

Same as public or private school except that the primary activity is training in a trade or vocation, which may be conducted wholly or partially outside of an enclosed structure. This term shall not include those uses considered commercial schools.

### **SCREENING**

The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features.

1. A device or materials used to conceal one element of a development from other elements or from adjacent or contiguous development.
2. Screening may include one or a combination of the following materials of sufficient mass to be opaque or that shall become opaque after twelve (12) months and which shall be maintained in an opaque condition: walls, berms or plantings.

### **SETBACK**

The required horizontal distance between a required setback line and a property or street right-of-way line. See Diagram 2.2.G.

1. **SETBACK, FRONT**  
The distance between the street right-of-way line and the minimum required front setback line projected the full width of the lot.
2. **SETBACK, REAR**  
The distance between the rear lot line and the minimum required rear setback line projected the full width of the lot. Where a parcel has side lot lines that join at the rear yard, the rear setback shall be a concentric arc with a radius being the rear setback distance required, centered about the intersection of the side lot lines.
3. **SETBACK, SIDE**  
The distance between the side lot line and the minimum required side setback line projected the full depth of the lot.
4. **SETBACK LINE**  
A line within a property and parallel to a property or street right-of-way line which delineates the required minimum distance between some particular permitted use of property, building and/or structure and that property or street right-of-way line.

### **SHOPPING CENTER**

A facility in which one store, or a planned center of stores, or stores and offices containing more than fifteen thousand (15,000) square feet of gross leasable floor area designed for the site on which it is built, functioning as a unit, which may include shared off-street parking provisions 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. A sign shall not include flags or other insignia of any government or fraternal organization. For some examples, see 2.2.M below.

**1. CENTER SIGN**

A business sign that provides identification at the entrance to a center such as a shopping center, planned commercial center, office complex, or industrial park. See C and G, Diagram 2.2.M.

**2. FLAT WALL SIGN**

A sign that is displayed, mounted, or both, upon or generally parallel to the same plane as the face of a wall, such that no portion of the sign extends more than twelve (12) inches from said wall. See E, Diagram 2.2.M.

**3. FREESTANDING SIGN**

A sign erected upon a permanently affixed, independent structure (legs or base). See C, G, and I, Diagram 2.2.M.

**4. HOME OCCUPATION SIGN**

A sign providing information about a business activity conducted within a dwelling unit on the premises on which the sign is located. See I, Diagram 2.2.M.

**5. OUTPARCEL SIGN**

A sign affixed to a freestanding unit of occupancy contained within a planned commercial center. See A, D and E, Diagram 2.2.M.

**6. PERMANENT SIGN**

A sign that is expected to be continuously displayed during the presence of a principal land use. See A, C, D, E, G, H and I, Diagram 2.2.M.

**7. PORTABLE SIGN**

A sign that is intended to easily be moved and not permanently affixed to a structure or the ground. See B, Diagram 2.2.M.

**8. TEMPORARY SIGN**

A sign that is only permitted for specified periods of time, associated with some temporary event or work, conducted on the site. See B and F, Diagram 2.2.M.

**9. UNDER CANOPY SIGN**

A sign that identifies one leasable unit within a shopping center and is hung from an overhead canopy of the shopping center, or is provided as a wall projecting sign attached to the front wall of the unit where no canopy is provided. See D, Diagram 2.2.M.

**10. WALL PROJECTING SIGN**

A sign that is mounted to a building wall such that its principal display area is not parallel to the building wall. A wall projecting sign can also be attached to a marquee. See A, Diagram 2.2.M.

## TYPES OF SIGNS

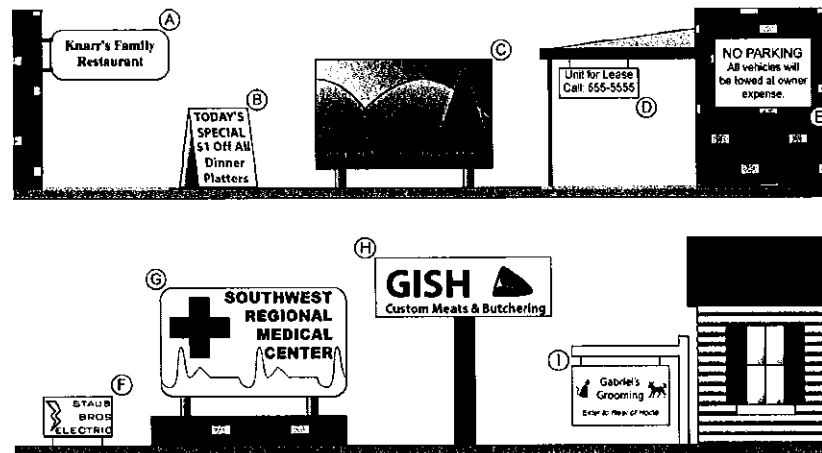


Diagram 2.2.M

THESE DIAGRAMS ARE INTENDED AS EXAMPLES ONLY, AND DO NOT REPRESENT ALL SIGNS THAT POTENTIALLY MEET THE REQUIREMENTS OF EACH DEFINITION. INDIVIDUAL SIGNS MAY MEET REQUIREMENTS FOR VARIOUS DEFINITIONS OF SIGNS.

## SIDEWALK

A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

## SITE

A parcel of land located in a municipality, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one (1) lot.

## SITE PLAN

An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

## SLOPE

The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

## SMALL SOLAR ENERGY SYSTEM

A solar collection system consisting of one (1) or more roof and/or ground mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

**SMALL WIND ENERGY SYSTEM**

A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, and is intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

**SOLAR COLLECTION SYSTEM**

A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

**SOLAR RELATED EQUIPMENT**

Items including a solar photovoltaic cell, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations used for or intended to be used for collection of solar energy.

**SOLID WASTE**

Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials, resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrements or hazardous waste materials as defined in the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988, and 25 PA Code Chapter 273, as amended, supplemented or revised.

**SOLID WASTE DISPOSAL FACILITY**

A property or facility licensed and approved by the PA DEP, for the long term or permanent disposal or storage of solid waste material, including garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials, resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrements or hazardous waste materials as defined in the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988, and Section 25 Pennsylvania Code Chapter 273, as amended, supplemented or revised.

**SPECIAL EXCEPTION**

The granting of the right to use land is generally compatible with the particular zoning district once specified criteria have been met, as authorized by the Zoning Hearing Board under the terms, procedures and conditions prescribed herein.

**SPECIAL OCCASION HOME**

An owner-occupied residence of historical and/or architectural resource which is available for private rental for occasions such as business meetings, weddings, receptions, banquets, private parties, fund-raising events, conferences and similar functions, although not otherwise open to the general public. The rental use must be as secondary and subordinate to the residential use.

**STEEP SLOPE**

Land with a fifteen (15) foot or greater change in elevation for every one hundred (100) feet or less in horizontal distance.

**STORAGE**

A function involving the depositing of materials, goods, products or combination thereof, for safekeeping.

**STREAM**

A watercourse having a source and terminus, banks and channel through which waters flow at least periodically.

**STREAM, INTERMITTENT**

A natural stream carrying water during the wet seasons and having at least one critical area feature.

**STREAM, PERENNIAL**

A stream that is present at all seasons of the year.

**STREET**

Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other public or private ways, excluding driveways and access drives, which afford a means of access to abutting properties, used or intended to be used by vehicular traffic or pedestrians. Streets are further classified as follows:

1. **ARTERIAL STREET/ROAD**

A street or road which is used primarily for through traffic, including all roads classified as main and secondary highways by the Pennsylvania Department of Transportation.

2. **COLLECTOR STREET/ROAD**

A street or road which carries traffic from minor streets to the major system of arterial streets as well as providing access to abutting properties, including but not limited to the principal entrance streets of a residential development, the main circulatory streets within such development, and rural roads connecting rural development to major road systems.

3. **MINOR OR LOCAL STREET**

A street which is used primarily for local access to abutting properties, oftentimes serving internally developed areas.

4. **SERVICE STREET OR ALLEY**

A public or private right-of-way which affords only a secondary means of access to property otherwise abutting a street and not intended for general traffic circulation.

**STREET LINE**

The line defining the edge of a street right-of-way and separating the street from abutting properties 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, but excluding patios, driveways, access drives, walkways and parking areas or other at-grade structures. See also definition of "building".

**STRUCTURE, ACCESSORY**

A structure customarily incidental and subordinate to and detached from the principal use, building, or structure, and located on the same lot with the principal use, building, or structure. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code.

**STRUCTURE, PRINCIPAL**

The main or primary structure on a given lot, tract, or parcel. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

**STRUCTURE, TEMPORARY**

A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**SWIMMING POOL, PRIVATE HOUSEHOLD**

Any structure and inflatable device intended for swimming or recreational bathing of the residents of only one dwelling unit and their occasional guests, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than twenty-four (24) inches. Ornamental ponds, stormwater basins and/or lakes are not included, provided that swimming was not the primary purpose for their construction. Furthermore, this definition includes all above ground and below ground, permanent and temporary/portable types of pools, spas and jacuzzis.

**SWIMMING POOL, PUBLIC**

Any structure and inflatable device, not meeting the definition of 'private household swimming pool', intended for admission by the public for recreational purposes for a fee or not for swimming or recreational bathing, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than twenty-four (24) inches and a surface area greater than one hundred (100) square feet.

**TAVERN/BAR**

An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food.

**THEATER, INDOOR**

A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

**THEATER, OUTDOOR AND DRIVE-IN**

An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles, or on outdoor seats.

**TREATMENT CENTER:**

A use (other than a prison or a hospital) providing housing for three (3) or more unrelated persons who need specialized housing, treatment and/or counseling because of:

1. Criminal rehabilitation, such as a criminal halfway house;
2. Current addiction to alcohol or a controlled substance that was used in an illegal manner; and/or
3. A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

**TOWNSHIP**

The Township of Heidelberg, York County, Pennsylvania, Board of Supervisors, its agents or authorized representatives.

**TURBINE HEIGHT**

The distance measured from the highest point of the wind turbine rotor blade plane to the ground level.



## **USE**

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

### **1. ACCESSORY USE**

A use customarily incidental and subordinate to the principal use located on the same lot with such principal use. If no principal use or principal building exists on a lot with a lawful accessory use, then such accessory use shall only be considered a principal use, if the use would otherwise be allowed as a permitted principal use in the zoning district, and which shall then be subject to provisions in this Ordinance relating to principal uses.

### **2. PRINCIPAL USE**

The primary or main use of property, as opposed to an accessory use.

## **VARIANCE**

The granting of specific permission to use, construct, expand or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted as authorized by the Zoning Hearing Board under the terms, procedures and conditions prescribed herein.

## **VETERINARIAN'S OFFICE**

A commercial use used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits, and birds or fowl. No outdoor boarding of animals is permitted.

## **WAREHOUSE**

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

## **WATER SUPPLY FACILITY**

A system of piping and appurtenances, whether municipally or privately owned, designed for the transmission and distribution of potable water from a centralized water supply or source to residences, commercial building, industrial plants, or institutions (not including individual on-lot wells).

### **WATER SUPPLY FACILITY, PUBLIC**

A water supply system in which water is carried from individual lots by a system of pipes from a central plant, generally serving a major portion of a municipality or municipalities, and operated by a governmental agency, governmental authority, or public utility company.

### **WATER SUPPLY FACILITY, CENTRALIZED**

A water supply system in which water is carried from individual lots by a system of pipes from a central plant, generally serving a single land development, subdivision, or neighborhood, and operated by a governmental agency, governmental authority, public utility company, homeowner's association, or a developer.

### **WATER SUPPLY FACILITY, ON-LOT**

Any source and structure designed to provide water supply within the boundaries of an individual lot.

**WATERCOURSE**

Any channel of conveyance of surface water having a defined bed and banks, whether natural or man-made, with permanent or intermittent flow such as a stream, river, brook, creek, or a channel or ditch for water.

**WATERSHED**

A region or area bounded peripherally by a contour elevation devising line where surface water drains into a particular waterway or stream. A watershed is the total area drained by a stream or tributary.

**WETLANDS**

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that are under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. For the purposes of this Ordinance, the term includes but is not limited to, wetland areas listed in the State Water Plan, the US Forest Service Wetland Inventory of Pennsylvania, the US Fish and Wildlife National Wetlands Inventory, and wetlands designated by the Susquehanna River Basin Commission.

**WHOLESALE**

Any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public.

**WILDLIFE HABITAT**

Land set aside for animal habitation.

**WILDLIFE PRESERVE**

An area restricted for the protection and preservation of natural resources and wildlife.

**WILDLIFE PROPAGATION**

Raising of non-domestic wildlife.

**WIND CHARGER**

A wind-driven direct-current generator used for charging storage batteries.

**WIND ENERGY CONVERSION SYSTEM (WECS)**

A device such as a wind charger, wind turbine or windmill and/or other electric generation facility whose main purpose is to convert wind power into another form of energy such as electricity or heat, consisting of one (1) or more wind turbine and other structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

**WINDMILL**

A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

**WIND TURBINE**

A device that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.

**WIND TURBINE TOWER**

The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

**WOODLAND, MATURE**

Woodlands consisting of thirty (30) percent or more canopy trees having a twelve-inch or greater caliper, or any small concentration of trees consisting of eight (8) or more trees having a sixteen (16) inch or greater caliper.

**WOODLAND, YOUNG**

Woodlands consisting of seventy (70) percent or more canopy trees having a two-and-one-half (2 ½) inch caliper or greater.

**WOODLANDS**

Areas covered with stands of trees, the majority of which are greater than twelve-inch caliper, covering an area greater than one quarter (¼) acre; or a small concentration of mature trees without regard to minimum area consisting of substantial numbers of individual specimens.

**YARD**

An unoccupied and unobstructed open space between the permitted structures and the property line. See Diagram 2.2.G.

**YARD, FRONT**

The yard area contained between the street right-of-way line and the principal structure. See Diagram 2.2.G. Corner lots shall have two (2) front yards. See also definition of "lot, corner". See Diagram 2.2.N.

**YARD, REAR**

The yard area contained between the principal structure and the property line directly opposite the street of address (primary front lot line). See Diagram 2.2.G and Diagram 2.2.N.

**YARD, SIDE**

The yard area(s) between a principal structure and any side lot line(s). See Diagram 2.2.G. On corner lots, any yard area not abutting a street right-of-way line of the street of address (primary front lot line) and not determined to be the rear yard shall be considered the side yard. See Diagram 2.2.N.

**ZONING DISTRICT**

A portion of the Township or adjacent municipality(s) within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance (or the adjacent municipality's Zoning Ordinance).

**ZONING MAP**

The Official Zoning Map of Heidelberg Township which is an integral part of this Ordinance and which is kept up-to-date and on display at the Township office.

**ZONING OFFICER**

The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

**ZONING ORDINANCE**

The Heidelberg Township Zoning Ordinance, as amended.

**ZONING PERMIT**

Written authorization from the Zoning Officer to alter, improve, construct and/or make use of an area of land as regulated by this Ordinance.

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## **PART 3 - DESIGNATION OF ZONING DISTRICTS**

### **3.1 ESTABLISHMENT OF DESIGNATED GROWTH AREA AND RURAL RESOURCE AREA**

#### **A. General**

For the purposes of this Ordinance and to implement the Future Land Use Plan of the Heidelberg Township Comprehensive Plan, Heidelberg Township, York County, Pennsylvania, is hereby divided into the Designated Growth Area and the Rural Resource Area.

#### **B. Designated Growth Area (DGA)**

The Designated Growth Area is intended to accommodate the majority of the growth and development with a full range of land uses such as residential, commercial, and industrial needs.

#### **C. Rural Resource Area (RRA)**

The Rural Resource Area is intended to be developed with a limited range of land uses including agricultural resource lands, natural resource lands, and residential (at densities less than one unit per acre). This area is currently not served or is not planned to be served with public water supply and public sanitary sewage disposal. The extension of public water supply and public sanitary sewage disposal to vacant land within the RRA is strongly discouraged.

### **3.2 ESTABLISHMENT OF ZONING DISTRICTS**

#### **A. General**

For the purposes of this Ordinance, Heidelberg Township, York County, Pennsylvania, is hereby divided into the following zoning districts based upon the Designated Growth Area Zoning District (Part 4) and the Rural Resource Area Zoning District (Part 5).

#### **B. Designated Growth Area (DGA) Zoning District**

The Designated Growth Area Zoning District includes the following districts:

1. Residential District (DGA-R);
2. Mixed Residential District (DGA-MR)
3. Commercial District (DGA-C); and
4. Industrial District (DGA-I).

#### **C. Rural Resource Area (RRA) Zoning District**

The Rural Resource Area Zoning District includes the following districts:

1. Agricultural District (RRA-A); and
2. Conservation District (RRA-Cv).

#### **D. Zoning Overlay Districts**

The following zoning overlay districts include land within both the DGA Zoning District and RRA Zoning District, and encompass one or more underlying zoning districts. These zoning overlay districts impose additional requirements above that required by the underlying zoning district:

1. Flood Plain Management Overlay District;
2. Natural Features Overlay Districts;
  - a. Steep Slope Protection Overlay District;
  - b. Stream Protection Overlay District;
  - c. Surface Water Protection Overlay District; and
  - d. Wetland Protection Overlay District; and
3. Village Overlay District.

### **3.3 ZONING MAP**

The zoning districts identified and referred to in Part 3, Sections 3.2.B - D of this Ordinance, and the locations of such zoning districts established by this Ordinance shall be designated by boundaries on the Official Zoning Map which is attached hereto and is hereby adopted by reference and declared to be part of this Ordinance, together with all future notations, references, and amendments.

### **3.4 BOUNDARIES OF ZONING DISTRICTS**

Where uncertainty exists regarding the boundaries of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway, between the main tracks.
5. Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in Part 3, Sections 3.4.1. – 5. shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in circumstances not covered by Part 3, Sections 3.4.1. – 7., the Zoning Officer shall interpret the district boundaries.

## PART 4- DESIGNATED GROWTH AREA ZONING DISTRICTS

### 4.1 RESIDENTIAL DISTRICT (DGA-DGA-R)

A. Purpose:

The purpose of the Residential District (DGA-DGA-R) in the Designated Growth Area Zoning District is to:

1. Provide for the orderly expansion of residential development.
2. Provide for the public health.
3. Prevent the overcrowding of land through application of maximum housing densities.
4. Exclude and/or appropriately limit activities not compatible with residential development.

B. Permitted Uses:

1. Only the following uses are permitted within this District, provided that in addition to the supplemental regulations for specific uses established in Part 8 and all applicable general use provisions in Part 7 and elsewhere in this Ordinance are met. Uses permitted by Special Exception are subject to the approval by the Zoning Hearing Board pursuant to a public hearing set forth with the provisions of Part 12 of this Ordinance.

TYPES OF USES	USE BY	SPECIFIC CRITERIA & SUPPLEMENTAL REGULATIONS
<b>1. AGRICULTURAL &amp; FORESTRY USES</b>		
Agriculture Operations (excluding Agribusiness)	P	
Forestry	P	Part 8, Section 8.2
<b>2. RESIDENTIAL USES</b>		
Bed and Breakfasts	P	Part 8, Section 8.3
Group Home	P	Part 8, Section 8.3
Mobile Home Park	SE	Part 8, Section 8.3
Single-Family Detached Dwelling	P	
<b>3. NON-RESIDENTIAL USES</b>		
Cemetery	SE	
Golf Course	SE	Part 8, Section 8.4
Municipal Owned Uses	P	
Parks, Playgrounds and Other Non-Commercial Recreational Uses	P	
Place of Worship and Related Uses	SE	Part 8, Section 8.4
Public/Private Utility Buildings and Structures	SE	Part 8, Section 8.4
Schools, Public or Private	SE	Part 8, Section 8.4

TYPES OF USES	USE BY	SPECIFIC CRITERIA & SUPPLEMENTAL REGULATIONS
<b>4. ACCESSORY USES</b>		
Daycare Accessory	P	Part 8, Section 8.5
Daycare Family	P	Part 8, Section 8.5
ECHO Housing	SE	Part 8, Section 8.5
Essential Services	P	
Farm Occupation	P	Part 8, Section 8.5
Home Occupation	SE	Part 8, Section 8.5
No Impact Home Based Business	P	Part 8, Section 8.5
Non-Commercial Keeping of Livestock	P	Part 8, Section 8.5
Roadside Stand	P	Part 8, Section 8.5
Rural Occupation	SE	Part 8, Section 8.5

C. Dimensional and design standards

Use	Minimum Lot Area Per Unit	Minimum Lot Width at Lot Frontage	Maximum Permitted Impervious Lot Coverage / Minimum Vegetative Coverage	Minimum Building Setbacks			Max. Building Height*
				Front	Side	Rear	
Permitted Principal Use (Public Water & Public Sewer)	8,000 SF	70 ft.	45% Impervious / 55% Vegetative/ Open Space	35 ft.	10 ft.	30 ft.	3 stories / 35 ft.
Permitted Principal Use (Public Water or Public Sewer)	12,000 SF	85 ft.	45% Impervious / 55% Vegetative/ Open Space	35 ft.	10 ft.	30 ft.	3 stories / 35 ft.
Permitted Principal Use (No Public Water Nor Public Sewer)	43,560 SF	100 ft.	45% Impervious / 55% Vegetative/ Open Space	35 ft.	10 ft.	30 ft.	3 stories / 35 ft.



Use	Minimum Lot Area Per Unit	Minimum Lot Width at Lot Frontage	Maximum Permitted Impervious Lot Coverage / Minimum Vegetative Coverage	Minimum Building Setbacks			Max. Building Height*
				Front	Side	Rear	
Accessory buildings and structures, see also Part 7.	N/A	N/A	Included in above if on a permanent foundation	Not permitted to be located between the principal building and the public street	5 ft.	5 ft., except that detached garages adjacent to and having access to an alley, shall be setback five (5) feet from the right-of-way or fifteen (15) feet from the centerline of the alley, whichever is greater	2 stories / 25 ft. but not higher than the principal building

\* The maximum height limit may be increased to four (4) stories or forty-five (45) feet provided that each minimum building setback is increased in size one (1) foot for each additional one (1) foot building height over thirty five (35) feet. There standard, there shall be no maximum height for farm buildings and structures, provided that each minimum building setback is increased in size one (1) foot for each additional one (1) foot building height over thirty five (35) feet.

#### 4.2 MIXED RESIDENTIAL DISTRICT (DGA-MR)

##### A. Purpose:

The purpose of the Mixed Residential District (DGA-MR) in the Designated Growth Area is to:

1. Provide for the orderly expansion of single and mixed residential development.
2. Provide for the public health.
3. Prevent the overcrowding of land through application of maximum housing densities.
4. Provide standard which will encourage the installation of public facilities and preservation of open space.
5. Exclude and/or appropriately limit activities not compatible with single and mixed residential development.

##### B. Permitted Uses:

1. Only the following uses are permitted within this District, provided that in addition to the supplemental regulations for specific uses established in Part 8 and all applicable general use provisions in Part 7 and elsewhere in this Ordinance are met. Uses permitted by Special Exception are subject to the approval by the Zoning Hearing Board pursuant to a public hearing set forth with the provisions of Part 12 of this Ordinance.

TYPES OF USES	USE BY	SPECIFIC CRITERIA & SUPPLEMENTAL REGULATIONS
<b>1. AGRICULTURAL &amp; FORESTRY USES</b>		
Agriculture Operations (excluding Agribusiness)	P	
Forestry	P	Part 8, Section 8.2
<b>2. RESIDENTIAL USES</b>		
Bed and Breakfasts	P	Part 8, Section 8.3
Boarding/Rooming House	SE	Part 8, Section 8.3
Continuing Care Retirement Facility	SE	Part 8, Section 8.3
Group Home	P	Part 8, Section 8.3
Long Term Care Nursing Home or Personal Care Facility	SE	Part 8, Section 8.3
Mixed Residential Development	P	Part 8, Section 8.3
Mobile Home Park	SE	Part 8, Section 8.3
Multi-Unit Residential Conversion	SE	Part 8, Section 8.3
Single-Family Detached Dwelling	P	
<b>3. NON-RESIDENTIAL USES</b>		
Cemetery	P	
Convenience Store, General	SE	Part 8, Section 8.4
Daycare, Commercial	SE	Part 8, Section 8.4
Golf Course	SE	Part 8, Section 8.4
Municipal Owned Uses	P	
Parks, Playgrounds and Other Non-Commercial Recreational Uses	SE	
Personal Services	SE	
Place of Worship and Related Uses	SE	Part 8, Section 8.4
Public/Private Utility Buildings and Structures	SE	Part 8, Section 8.4
Schools, Public or Private	SE	Part 8, Section 8.4
<b>4. ACCESSORY USES</b>		
Daycare Accessory	P	Part 8, Section 8.5
Daycare Family	P	Part 8, Section 8.5
ECHO Housing	SE	Part 8, Section 8.5
Essential Services	P	
Farm Occupation	P	Part 8, Section 8.5
Home Occupation	SE	Part 8, Section 8.5
No Impact Home Based Business	P	Part 8, Section 8.5
Non-Commercial Keeping of Livestock	P	Part 8, Section 8.5

TYPES OF USES	USE BY	SPECIFIC CRITERIA & SUPPLEMENTAL REGULATIONS
Roadside Stand	P	Part 8, Section 8.5
Rural Occupation	SE	Part 8, Section 8.5

C. Dimensional and design standards

Use	Minimum Lot Area Per Unit	Minimum Lot Width at Lot Frontage	Maximum Permitted Impervious Lot Coverage / Minimum Vegetative Coverage	Minimum Building Setbacks			Max. Building Height*
				Front	Side	Rear	
Permitted Principal Use (Public Water & Public Sewer)	8,000 SF	70 ft.	45% Impervious / 55% Vegetative/ Open Space	35 ft.	10 ft.	30 ft.	3 stories / 35 ft.
Permitted Principal Use (Public Water or Public Sewer)	12,000 SF	85 ft.	45% Impervious / 55% Vegetative/ Open Space	35 ft.	10 ft.	30 ft.	3 stories / 35 ft.
Permitted Principal Use (No Public Water Nor Public Sewer)	43,560 SF	100 ft.	45% Impervious / 55% Vegetative/ Open Space	35 ft.	10 ft.	30 ft.	3 stories / 35 ft.
Accessory buildings and structures see also Part 7.	N/A	N/A	Included in above if on a permanent foundation	Not permitted to be located between the principal building and the public street	5 ft.	5 ft., except that detached garages adjacent to and having access to an alley, shall be setback five (5) feet from the right-of-way or fifteen (15) feet from the centerline of the alley, whichever is greater	2 stories / 25 ft. but not higher than the principal building

\* The maximum height limit may be increased to four (4) stories or forty-five (45) feet provided that each minimum building setback is increased in size one (1) foot for each additional one (1) foot building height over thirty five (35) feet. There standard, there shall be no maximum height for farm buildings and structures, provided that each minimum building setback is increased in size one (1) foot for each additional one (1) foot building height over thirty five (35) feet.

#### 4.3 COMMERCIAL DISTRICT (DGA-C)

##### A. Purpose:

The purpose of the Commercial District (DGA-C) in the Designated Growth Area Zoning District is to:

1. 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.

##### B. Permitted Uses

1. Only the following uses are permitted within this District, provided that in addition to the supplemental regulations for specific uses established in Part 8 and all applicable general use provisions in Part 7 and elsewhere in this Ordinance are met. Uses permitted by Special Exception are subject to the approval by the Zoning Hearing Board pursuant to a public hearing set forth with the provisions of Part 12 of this Ordinance.

TYPES OF USES	USE BY	SPECIFIC CRITERIA & SUPPLEMENTAL REGULATIONS
<b>1. AGRICULTURAL &amp; FORESTRY USES</b>		
Agriculture Operation (excluding Agribusiness)	P	
Forestry	P	Part 8, Section 8.2
Greenhouse or Horticultural Nursery	P	
<b>2. NON-RESIDENTIAL USES</b>		
Animal Hospital, Veterinary Office	SE	Part 8, Section 8.4
Antique Business	P	Part 8, Section 8.4
Automobile, Boat, Heavy Equipment, Recreational Vehicle and Similar Motor Vehicle Rental/Sales, Repair/Service, Washing and/or Fuel/Gas Sales	P / SE (Fuel-Gas Sales)	Part 8, Section 8.4
Banks	P	
Billboard	SE	Part 8, Section 8.4
Business Commerce Park	P	
Business Service	P	
Clinic, Medical	P	
Club, Clubhouse or Lodge, Private	P	
Commercial Recreation, Indoor	P	Part 8, Section 8.4
Commercial Recreation, Outdoor	SE	Part 8, Section 8.4
Communication Antenna, Tower, and Equipment Building Transmitting & Receiving Facilities	SE	Part 8, Section 8.4
Contractors' Office and Storage Yard	P	
Convenience Store, General	P	Part 8, Section 8.4
Farmer's Market and/or Flea Market	P	Part 8, Section 8.4

TYPES OF USES	USE BY	SPECIFIC CRITERIA & SUPPLEMENTAL REGULATIONS
Financial Services, Other	P	
Funeral Home	P	
Home Improvement Center, Lumber, and Building Materials Sales	P	
Hospitals	SE	Part 8, Section 8.4
Hotels	P	
Laundry & Dry Cleaning Establishment (Personal)	P	
Library	P	
Mini-Storage Warehouses	P	Part 8, Section 8.4
Motels	P	
Municipal Owned Uses	P	
Nightclubs	P	
Offices, Business Professional	P	
Offices, Medical	P	
Parking Lot and Parking Structure	P	
Personal Services	P	
Place of Worship and Related Uses	SE	Part 8, Section 8.4
Post Office	P	
Public/Private Utility Buildings or Structures	SE	Part 8, Section 8.4
Restaurant (Fast Food & Sit Down)	P	
Retail Business	P	
School, Commercial	SE	Part 8, Section 8.4
Schools, Public or Private	SE	Part 8, Section 8.4
Schools, Vocational	SE	Part 8, Section 8.4
Shooting Range, Indoor	SE	Part 8, Section 8.4
Shopping Center	P	
Solid Waste Disposal Facility	SE	Part 8, Section 8.4
Taverns/Bars	P	
Theater, Indoor (excluding adult uses)	P	
<b>3. ACCESSORY USES</b>		
Accessory Apartment in Conjunction with Permitted Business	P	
Automated Banking Facility	P	Part 8, Section 8.5
Caretaker or Watchman Dwelling	P	
Daycare, Accessory	P	Part 8, Section 8.5
Daycare, Commercial	P	Part 8, Section 8.5

TYPES OF USES	USE BY	SPECIFIC CRITERIA & SUPPLEMENTAL REGULATIONS
Daycare, Family	P	Part 8, Section 8.5
Drive Thru Facilities	P	Part 8, Section 8.5
Essential Services	P	
Farm Occupation	P	Part 8, Section 8.5
Home Occupation	P	Part 8, Section 8.5
No Impact Home Based Business	P	Part 8, Section 8.5
Outdoor Café/Dining	P	Part 8, Section 8.5
Roadside Stand	P	Part 8, Section 8.5
Rural Occupation	P	Part 8, Section 8.5

C. Dimensional and design standards

Use	Minimum Lot Area	Minimum Lot Width at Lot Frontage	Maximum Permitted Impervious Lot Coverage / Minimum Vegetative Coverage	Minimum Building Setbacks			Max. Building Height*
				Front	Side	Rear	
Permitted Principal Use (Public Water & Public Sewer)	10,000 SF	80 ft.	75% Impervious / 25% Vegetative/Open Space	35 ft.	10 ft.	20 ft.	3 stories / 35 ft.
Permitted Principal Use (Public Water or Public Sewer)	25,000 SF.	125 ft.	75% Impervious / 25% Vegetative/Open Space	35 ft.	10 ft.	20 ft.	3 stories / 35 ft.
Permitted Principal Use (No Public Water Nor Public Sewer)	43,560 SF	175 ft.	75% Impervious / 25% Vegetative/Open Space	35 ft.	10 ft.	20 ft.	3 stories / 35 ft.
Accessory buildings and structures, see also Part 7	N/A	N/A	Included in above if on a permanent foundation	35 ft.	5 ft.	5 ft., except that detached garages adjacent to and having access to an alley, shall be setback five (5) feet from the right-of-way or fifteen (15) feet from the centerline of the alley, whichever is greater	2 stories / 25 ft.

\* The maximum height limit may be increased to fifty (50) feet provided that each minimum building setback is increased in size one (1) foot for each additional one (1) foot building height over thirty five (35) feet. There standard, there shall be no maximum height for farm buildings and structures, provided that each minimum building setback is increased in size one (1) foot for each additional one (1) foot building height over thirty five (35) feet.



#### 4.4 INDUSTRIAL DISTRICT (DGA-I)

##### A. Purpose:

The purpose of the Industrial District (DGA-I) in the Designated Growth Area Zoning District is to:

1. Provide suitable area for industrial development in Heidelberg Township.
2. The specific intent of this Section is to:
  - a. Encourage the development of land for industrial purposes.
  - b. Prohibit any use which would substantially interfere with the development, continuation, or expansion of industrial uses.
  - c. Establish reasonable standards for buildings, yards, and other open spaces, and to minimize air pollution, noise, glare, heat, vibration, and fire and safety hazards.
3. Provide standard which will encourage the installation of public facilities and the preservation of open space.
4. Exclude activities not compatible with residential development.

##### B. Permitted Uses

1. Only the following uses are permitted within this District, provided that in addition to the supplemental regulations for specific uses established in Part 8 and all applicable general use provisions in Part 7 and elsewhere in this Ordinance are met. Uses permitted by Special Exception are subject to the approval by the Zoning Hearing Board pursuant to a public hearing set forth with the provisions of Part 12 of this Ordinance.

TYPES OF USES	USE BY	SPECIFIC CRITERIA & SUPPLEMENTAL REGULATIONS
<b>1. AGRICULTURAL &amp; FORESTRY USES</b>		
Agriculture Operations (excluding Agribusiness)	P	
Forestry	P	Part 8, Section 8.2
<b>2. NON-RESIDENTIAL USES</b>		
Adult Related Uses	SE	Part 8, Section 8.4
All Other Uses	SE	Part 8, Section 8.4
Automobile, Boat, Heavy Equipment, Recreational Vehicle and Similar Motor Vehicle Rental/Sales, Repair/Service, Washing and/or Fuel/Gas Sales	SE	Part 8, Section 8.4
Automobile Wrecking, Junk and Scrap Storage and Sales	SE	Part 8, Section 8.4
Business Commerce Park	P	
Business Service	P	
Clinic, Medical	P	
Commercial Recreation, Indoor	SE	Part 8, Section 8.4
Commercial Recreation, Outdoor	SE	Part 8, Section 8.4

TYPES OF USES	USE BY	SPECIFIC CRITERIA & SUPPLEMENTAL REGULATIONS
Communication Antenna, Tower, and Equipment Building Transmitting & Receiving Facilities	SE	Part 8, Section 8.4
Contractors' Office and Storage Yard	P	
Funeral Home	P	
Home Improvement Center, Lumber, and Building Materials Sales	P	
Industrial Parks	SE	Part 8, Section 8.4
Industrial Use, Heavy	P	
Industrial Use, Light	P	Part 8, Section 8.4
Laundry & Dry Cleaning Establishment (Industrial)	SE	Part 8, Section 8.4
Large Solar Energy Production Facility	SE	
Mineral Extraction or Processing Establishment	SE	Part 8, Section 8.4
Mini-Storage Warehouses	P	Part 8, Section 8.4
Municipal Owned Uses	P	
Offices, Business Professional	P	
Offices, Medical	P	
Parking Lot and Parking Structure	P	
Place of Worship and Related Uses	SE	Part 8, Section 8.4
Post Office	P	
Public/Private Utility Buildings or Structures	SE	Part 8, Section 8.4
Research Laboratory	P	
Sawmill	P	Part 8, Section 8.4
Shooting Range, Indoor	SE	Part 8, Section 8.4
Solid Waste Disposal Facility	SE	Part 8, Section 8.4
Treatment Center	SE	Part 8, Section 8.4
Warehousing, Distribution, and Wholesaling	P	Part 8, Section 8.4
<b>3. ACCESSORY USES</b>		
Accessory Apartment in Conjunction w/Perm. Business	P	
Caretaker or Watchman Dwelling	P	
Daycare, Commercial	P	Part 8, Section 8.5
Essential Services	P	
Farm Occupation	P	Part 8, Section 8.5
Home Occupation	P	Part 8, Section 8.5
No Impact Home Based Business	P	Part 8, Section 8.5
Roadside Stand	P	Part 8, Section 8.5
Rural Occupation	P	Part 8, Section 8.5

# Dimensional and design standards

Use	Minimum Lot Area	Minimum Lot Width at Lot Frontage	Maximum Permitted Impervious Lot Coverage / Minimum Vegetative Coverage	Minimum Building Setbacks			Max. Building Height
				Front	Side	Rear	
Permitted Principal Use	43,560 SF	175 ft.	85% Impervious / 15% Vegetative/Open Space	50 ft.	25 ft.	35 ft.	50 ft.
Accessory buildings and structures, see also Part 7	N/A	N/A	Included in above if on a permanent foundation	50 ft.	10 ft.	10 ft., except that detached garages adjacent to and having access to an alley, shall be setback five (5) feet from the right-of-way or fifteen (15) feet from the centerline of the alley, whichever is greater	25 ft.

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## PART 5 - RURAL RESOURCE AREA ZONING DISTRICTS

### 5.1 AGRICULTURAL DISTRICT (A)

#### A. Purpose:

The purpose of the Agricultural District (RRA-A) in the Rural Resource Area Zoning District is to:

1. Provide for the future or continuous agricultural use of Heidelberg Township's agricultural land areas in which agriculture is the dominant land use and the soil types are predominately classified as prime agriculture.
2. In order to promote the viability of agricultural operations, subdivision of agricultural tracts is strictly limited. Conflicting or incompatible uses are limited within this district, including dwellings that are permitted but are to be placed on parcels in locations which minimize development on prime agricultural soils and fragmentation of the farming community. Standards and regulations are designed for the protection and stabilization of characteristics essential for the advancement of agricultural and related enterprises. Public water and public sewer facilities, community facilities, and other infrastructure improvements that encourage or permit conflicting or urban or suburban uses shall be excluded. The provisions of this district regulate the siting, density, and design of non-farm uses to ensure the availability of reliable, safe, and adequate water supplies to support land uses within the capacity of available water resources.

#### B. Permitted Uses

1. Only the following uses are permitted within this District, provided that in addition to the supplemental regulations for specific uses established in Part 8 and all applicable general use provisions in Part 7 and elsewhere in this Ordinance are met. Uses permitted by Special Exception are subject to the approval by the Zoning Hearing Board pursuant to a public hearing set forth with the provisions of Part 12 of this Ordinance.

TYPES OF USES	USE BY	SPECIFIC CRITERIA & SUPPLEMENTAL REGULATIONS
<b>1. AGRICULTURAL &amp; FORESTRY USES</b>		
Agribusiness	SE	Part 8, Section 8.2
Agriculture Operations (excluding Agribusiness)	P	
Forestry	P	Part 8, Section 8.2
Greenhouse or Horticultural Nursery	P	
Nature Preserves and Wildlife Sanctuaries	P	
Riding Schools and Horse Boarding Stables	P	
<b>2. RESIDENTIAL USES</b>		
Bed and Breakfast	P	Part 8, Section 8.3
Group Home	P	Part 8, Section 8.3

<b>TYPES OF USES</b>	<b>USE BY</b>	<b>SPECIFIC CRITERIA &amp; SUPPLEMENTAL REGULATIONS</b>
Single Family Detached	P	
<b>3. NON-RESIDENTIAL USES</b>		
Airport or Airstrip	SE	Part 8, Section 8.4
Animal Hospital, Veterinary Office, Kennel	SE	Part 8, Section 8.4
Antique Business	SE	Part 8, Section 8.4
Campground	SE	Part 8, Section 8.4
Cemetery	P	
Commercial Recreation, Outdoor	SE	Part 8, Section 8.4
Communication, Television, and Radio Transmitting and Receiving Tower Antennas, Towers, and Equipment	SE	Part 8, Section 8.4
Daycare, Commercial	SE	Part 8, Section 8.4
Dog Day Care	SE	Part 8, Section 8.4
Farmer's Market and/or Flea Market	SE	Part 8, Section 8.4
Golf Course	SE	Part 8, Section 8.4
Large Solar Energy Production Facility	SE	Part 8, Section 8.4
Large Wind Energy Production Facility	SE	Part 8, Section 8.4
Municipal Owned Uses	P	
Place of Worship and Related Uses	SE	Part 8, Section 8.4
Sawmill	SE	Part 8, Section 8.4
<b>4. ACCESSORY USES</b>		
Daycare Accessory	P	Part 8, Section 8.5
Daycare Family	P	Part 8, Section 8.5
ECHO Housing	SE	Part 8, Section 8.5
Essential Services (excluding public water or public sewer facilities)	P	
Farm Occupation	P	Part 8, Section 8.5
Home Occupation	SE	Part 8, Section 8.5
No Impact Home Based Business	P	Part 8, Section 8.5
Non-Commercial Keeping of Livestock	P	Part 8, Section 8.5
Roadside Stand	P	Part 8, Section 8.5
Rural Occupation	SE	Part 8, Section 8.5
Sawmill Accessory	SE	Part 8, Section 8.5

C. Dimensional and Design Standards

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

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

- b. Lot add-ons involving agricultural land in which no new lots are created shall not be counted against the number of lots permitted to be created in the schedule of Subsection a. above.
  - c. Any subdivision or land development plan hereafter filed for a tract of land in the Agricultural District shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of further subdivision or erection of accessory farm or non-farm single family dwellings or other principal non-agricultural buildings as determined by the provisions of this Section.
  - d. Area and bulk requirement. Unless otherwise specified in this Section, the lot size, lot setbacks, widths, and building heights shall meet the following requirements:

Use	Minimum Lot Area*	Minimum Lot Width at Lot Frontage	Maximum Permitted Impervious Lot Coverage** / Minimum Vegetative Coverage	Minimum Building Setbacks			Max. Building Height***
				Front	Side	Rear	
Permitted Principal Use	43,560 SF	150 ft.	20% Impervious / 80% Vegetative Open Space	35 ft.	15 ft.	35 ft.	35 ft.
Accessory buildings and structures, see also Part 7	N/A	N/A	Included in above if on a permanent foundation	35 ft.	10 ft.	3 ft., except that detached garages adjacent to and having access to an alley, shall be setback five (5) feet from the right-of-way or fifteen (15) feet from the centerline of the alley, whichever is greater	25 ft.

\* The maximum lot size for residential uses shall be two acres. Where more than two acres is needed to meet the driveway, on-site sewer, or water systems requirements, the Heidelberg Township Board of Supervisors may approve lot areas in excess of the two acre maximum, provided that the minimum additional area is used to meet the requirements of such on-site systems.

\*\* Impervious surfaces shall cover no more than ten percent (10%) of the area of the lot for a single family dwelling and twenty percent (20%) for all other uses, unless a plan is implemented to ensure all water falling on a parcel is retained and allowed to percolate into the subsoil. Construction must conform to all federal, state, and Heidelberg Township regulations for control of water run-off from the land parcel receiving improvements.

\*\*\*The maximum height limit may be increased to fifty (50) feet provided that each minimum building setback is increased in size one (1) foot for each additional one (1) foot building height over thirty five (35) feet. There standard, there shall be no maximum height for farm buildings and structures, provided that each minimum building setback is increased in size one (1) foot for each additional one (1) foot building height over thirty five (35) feet.

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



- f. Agricultural Setback Requirement: On any separate non-farm parcel, no shrub shall be planted, and no accessory residential structures shall be placed within ten (10) feet of any land used for agricultural purposes. Similarly, no tree shall be planted within thirty (30) feet of any land uses for agricultural purposes.
- g. Location criteria: All applications for subdivision or land development shall be accompanied by the following information. The following information is required to allow Heidelberg Township to ensure that the highest quality farmland is protected, and to ensure that new development affects agricultural operations to the minimum extent feasible.
  - 1) The size, shape, contour and dimensions of the property and the size, use and location of all existing buildings.
  - 2) All lots previously approved in accordance with the dimensional standards/criteria table.
  - 3) Land under active cultivation, land used as pasture, and forested land or land within woodlots.
  - 4) Soil information for the property, including soil series and soil capability class, subclass, and unit, as classified within the Soil Survey of York County, Pennsylvania and Agricultural Handbook 210 of the United States Department of Agriculture Soil Conservation Service as may be amended from time to time.
  - 5) The size, shape, contour, dimension, location, and use of all proposed lots, buildings and on-lot sewage disposal lots. The applicant/landowner shall demonstrate that the following location and design considerations have been fully addressed:
    - a) All uses or lots shall be established on non-prime agricultural land (Soil Capability Classes IV-VIII), when such land is available, or on lands which cannot feasibly be farmed, due to existing features of the site such as rock outcroppings or heavily wooded areas, or due to the fact that the size and/or shape of an area suitable for farming is insufficient to permit the efficient use of farm machinery.
    - b) Where a property is comprised entirely of prime agricultural land (Soil Capability Classes DGA-I, II, and III), the least suitable land shall be utilized for the development.
    - c) Where all non-prime agricultural land areas have been shown by the applicant/landowner to be unsuitable for development because of slope, drainage, flooding, sewage disposal, or other characteristics, the least suitable remaining farmland shall be utilized for development.
    - d) Lots and uses shall be grouped, where possible, adjacent to other similar lots and uses, both within the subject property and in consideration of adjacent properties, to avoid a scattering of development.
    - e) Wherever feasible, lots shall be located such that disturbance of slopes greater than fifteen (15) percent is minimized.
    - f) Wherever feasible, lots shall be located such that disturbance to existing hedgerows, orchards, and other significant native vegetation is minimized.

## 5.2 CONSERVATION DISTRICT (RRA-CV)

### A. Purpose:

The purpose of the Conservation District (RRA-Cv) in the Rural Resource Area Zoning District is to:

1. Designate those areas of the Heidelberg Township where because of important, natural, geographic resources and existing land uses it is considered feasible and desirable to conserve open spaces, water supply sources, woodland areas, wildlife and other natural resources.
2. This district may include extensive steeply sloped areas, stream valleys, floodplains, water supply sources, and wooded areas adjacent thereto.

### B. Permitted Uses:

1. Only the following uses are permitted within this District, provided that in addition to the supplemental regulations for specific uses established in Part 8 and all applicable general use provisions in Part 7 and elsewhere in this Ordinance are met. Uses permitted by Special Exception are subject to the approval by the Zoning Hearing Board pursuant to a public hearing set forth with the provisions of Part 12 of this Ordinance.

TYPES OF USES	USE BY	SPECIFIC CRITERIA & SUPPLEMENTAL REGULATIONS
<b>1. AGRICULTURAL &amp; FORESTRY USES</b>		
Agriculture Operations (excluding Agribusiness)	P	
Forestry	P	Part 8, Section 8.2
Greenhouse or Horticultural Nursery	P	
Nature Preserves and Wildlife Sanctuaries	P	
Riding Schools and Horse Boarding Stables	P	
<b>2. RESIDENTIAL USES</b>		
Bed and Breakfast	P	Part 8, Section 8.3
Group Home	P	Part 8, Section 8.3
Single Family Detached	P	
<b>3. NON-RESIDENTIAL USES</b>		
Animal Hospital, Veterinary Office, Kennel	SE	Part 8, Section 8.4
Antique Business	SE	Part 8, Section 8.4
Campground	SE	Part 8, Section 8.4
Cemetery	P	
Commercial Recreation, Outdoor	SE	Part 8, Section 8.4
Communication, Television, and Radio Transmitting and	SE	Part 8, Section 8.4

<b>TYPES OF USES</b>	<b>USE BY</b>	<b>SPECIFIC CRITERIA &amp; SUPPLEMENTAL REGULATIONS</b>
Receiving Tower Antennas, Towers, and Equipment		
Daycare, Commercial	SE	Part 8, Section 8.4
Dog Day Care	SE	Part 8, Section 8.4
Farmer's Market and/or Flea Market	SE	Part 8, Section 8.4
Large Solar Energy Production Facility	SE	Part 8, Section 8.4
Large Wind Energy Production Facility	SE	Part 8, Section 8.4
Mineral Extraction or Processing Establishment	SE	Part 8, Section 8.4
Municipal Owned Uses	P	
Parks, Playgrounds and Other Non-Commercial Recreational Uses.	SE	
Place of Worship and Related Uses	SE	
Sawmill	SE	
Shooting Range, Outdoor	SE	Part 8, Section 8.4
<b>4. ACCESSORY USES</b>		
Daycare Accessory	P	Part 8, Section 8.5
Daycare Family	P	Part 8, Section 8.5
ECHO Housing	SE	Part 8, Section 8.5
Essential Services (excluding public water or public sewer facilities)	P	
Farm Occupation	P	Part 8, Section 8.5
Home Occupation	SE	Part 8, Section 8.5
No Impact Home Based Business	P	Part 8, Section 8.5
Non-Commercial Keeping of Livestock	P	Part 8, Section 8.5
Roadside Stand	P	Part 8, Section 8.5
Rural Occupation	P	Part 8, Section 8.5
Sawmill Accessory	SE	Part 8, Section 8.5

C. Dimensional and Design Standards

1. General Requirements: All uses listed as permitted uses or by special exception and erected or established after the adoption of this ordinance shall comply with the following requirements, unless otherwise required by this Section:
  - a. Development allotment. Existing properties shall be permitted the following number of lots, upon which may be erected permitted principal or special exception uses meeting the standards of this Section. The number of lots allocated to a property shall be based on the property size after the adoption of this

ordinance, excluding existing uses, lands already placed under a conservation easement or similar restriction, and in accordance with the following table:

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

- b. Lot add-ons involving agricultural and forestry land in which no new lots are created shall not be counted against the number of lots permitted to be created in the schedule of Subsection a. above.
- c. Any subdivision or land development plan hereafter filed for a tract of land in the Conservation District shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of further subdivision or erection of single family dwellings or other principal non-agricultural buildings as determined by the provisions of this Section.
- d. Area and bulk requirement. Unless otherwise specified in this Section, the lot size, lot setbacks, widths, and building heights shall meet the following requirements:

Use	Minimum Lot Area*	Minimum Lot Width at Lot Frontage	Maximum Permitted Impervious Lot Coverage** / Minimum Vegetative Coverage	Minimum Building Setbacks			Max. Building Height***
				Front	Side	Rear	
Permitted Principal Use	43,560 SF	150 ft.	20% Impervious / 80% Vegetative/ Open Space	50 ft.	15 ft.	40 ft.	35 ft.
Accessory buildings and structures, see also Part 7	N/A	N/A	Included in above if on a permanent foundation	50 ft.	20 ft.	3 ft., except that detached garages adjacent to and having access to an alley, shall be setback five (5) feet from the right-of-way or fifteen (15) feet from the centerline of the alley, whichever is greater	25 ft.

\* The maximum lot size for residential uses shall be two acres. Where more than two acres is needed to meet the driveway, on-site sewer, or water systems requirements, the Heidelberg Township Board of Supervisors may approve

lot areas in excess of the two acre maximum, provided that the minimum additional area is used to meet the requirements of such on-site systems.

\*\* Impervious surfaces shall cover no more than ten percent (10%) of the area of the lot for a single family dwelling and twenty percent (20%) for all other uses, unless a plan is implemented to ensure all water falling on a parcel is retained and allowed to percolate into the subsoil. Construction must conform to all federal, state, and Heidelberg Township regulations for control of water run-off from the land parcel receiving improvements.

\*\*\*The maximum height limit may be increased to fifty (50) feet provided that each minimum building setback is increased in size one (1) foot for each additional one (1) foot building height over thirty five (35) feet. There standard, there shall be no maximum height for farm buildings and structures, provided that each minimum building setback is increased in size one (1) foot for each additional one (1) foot building height over thirty five (35) feet.

- e. Location criteria: All applications for subdivision or land development shall be accompanied by the following information. This information is required to allow Heidelberg Township to ensure that new development incorporates the conservation of open spaces, water supply sources, woodland areas, wildlife and other natural resources to the maximum extent feasible.
  - 1) The size, shape, contour and dimensions of the property and the size, use and location of all existing buildings.
  - 2) All lots previously approved in accordance with dimensional standards/criteria table.
  - 3) Land under active cultivation, land used as pasture, and forested land or land within woodlots.
  - 4) The size, shape, contour, dimension, location, and use of all proposed lots, buildings and on-lot sewage disposal lots. The applicant/landowner shall demonstrate that the following location and design considerations have been fully addressed:
    - a) Lots and uses shall be grouped, where possible, adjacent to other similar lots and uses, both within the subject property and in consideration of adjacent properties, to avoid a scattering of development.
    - b) Wherever feasible, lots shall be located such that disturbance of slopes greater than fifteen percent is minimized.
    - c) Wherever feasible, lots shall be located such that disturbance to existing hedgerows, orchards, and other significant native vegetation is minimized.

## **PART 6 - ZONING OVERLAY DISTRICTS**

### **6.1 FLOOD PLAIN MANAGEMENT OVERLAY DISTRICTS**

#### **A. Purpose**

The purposes of these flood plain management overlay districts is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

1. Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increase in flood heights, velocities, and frequencies.
2. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
3. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood proofed against flooding and flood damage.
4. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

#### **B. These provisions shall apply to the identified flood plain areas which shall be any areas of Heidelberg Township, subject to the one hundred (100) year flood, which are identified as Zone A and Zone AE(Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated September 25, 2009, and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency, including all digital data developed as part of the Flood Insurance Study.**

#### **C. No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of the Heidelberg Township Flood Plain Management Ordinance, this Ordinance, and any other applicable ordinances and regulations which apply including the Heidelberg Township Subdivision and Land Development Ordinance, and Building Permit Ordinance.**

#### **D. The degree of flood protection sought by the provisions of the Flood Plain Management Ordinance, this Ordinance, and any other applicable ordinances and regulations is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Flood Plain Management Ordinance and this Ordinance do not imply that areas outside the identified flood plain management overlay districts, or that land uses permitted within such districts will be free from flooding or flood damages. Further, these provisions shall not create liability on the part of Heidelberg Township or any officer or employee thereof for any flood damages that result from reliance on these provisions or any administrative decision lawfully made thereunder.**

#### **E. With the exception of the Flood Plain Management Ordinance, this Ordinance supersedes any other conflicting provisions which may be in effect in identified flood plain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those**



provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

- F. Basis of Flood Districts. For the purposes of the Flood Plain Management Ordinance and this Ordinance, the identified flood plain area shall be any areas of Heidelberg Township, subject to the one hundred (100) year flood, which is identified as Zone A and AE(Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated September 25, 2009 and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency. Including all digital data developed as part of the Flood Insurance Study.

G. Delineation of Flood Districts

1. FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those flood plain areas where no floodway has been identified in the Flood Insurance Study.
2. FF (Flood-Fringe Area) - the remaining portions of the one hundred (100) year flood plain in those areas identified as an AE Zone in the Flood Insurance study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.
3. FA (General Flood Plain Area) - the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified flood plain area which is nearest the construction site in question.

In lieu of the above, Heidelberg Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by Heidelberg Township officials.

H. Overlay District Concept

1. The flood plain management overlay districts described above shall be overlay zoning districts to the existing underlying zoning districts as shown on the Official Zoning Map, and as such, the provisions of the flood plain management overlay districts shall serve as a supplement to the underlying zoning district provisions.
2. Where there happens to be any conflict between the provisions or requirements of any of the flood plain management provisions or requirements of any of the flood plain management overlay districts and those of any underlying zoning district, the more restrictive provisions shall apply.

I. Zoning Map

The boundaries of the Flood Plain Management Overlay Districts are established as incorporated into the Official Zoning Map, for reference purposes only. Applicants shall refer to the in the Flood Insurance Study (FIS) dated September 25, 2009 and the accompanying maps or

the most recent revision thereof as issued by the Federal Emergency Management Agency, including all digital data developed as part of the Flood Insurance Study for official determination.

J. Flood Plain Management Overlay District Boundary Changes

The delineation of any of the Flood Plain Management Overlay Districts may be revised by the Heidelberg Township Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, Susquehanna River Basin Commission, or other qualified agency or individual documents the need or possibility for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.

## **6.2 NATURAL FEATURES OVERLAY DISTRICTS**

A. Purpose

The purpose of the Natural Features Overlay Districts are to ensure the public health, safety and welfare through the protection of steep slopes, streams/watercourses, surface water, wetlands, and their associated critical environmental areas/features which are considered some of Heidelberg Township's most important natural resources, features and resources, as set forth in the most recent version of the Heidelberg Township Comprehensive Plan. The Natural Features Overlay Districts shall include the following features, resources, and areas:

1. Steep Slope Protection Overlay District;
2. Stream Protection Overlay District;
3. Surface Water Protection Overlay District; and
4. Wetland Protection Overlay District.

B. Conflict

1. In the event that the provisions of this Section and the provisions of other applicable Heidelberg Township ordinances and regulations are in conflict, the more restrictive provisions shall apply.
2. In the event that two (2) or more natural resources, features, and areas identified in this Section overlap, the resources, features, and areas with the most restrictive standard (the least amount of permitted alteration regarding clearing or building) shall apply to the area of overlap.
3. The boundaries of the Natural Features Overlay or subsequent Steep Slope Protection Overlay, Stream Protection Overlay, Surface Water Protection Overlay; or Wetland Protection Overlay shown on the Official Zoning Map, for reference purposes only and shall not be used to determine the location of the overlay district on individual lots.

C. Steep Slope Protection Overlay District

1. Purpose

Steep slopes and hillsides are unique areas. Steep slope areas are fragile and susceptible to erosion, landslides, mudslides, degradation of their natural vegetation and increased flooding using conventional development practices. By protecting these assets Heidelberg Township intends to:

- a. Guide development away from steep slope areas;
- b. Minimize grading and other site preparation in steep slope areas;



- c. Provide safe means for ingress and egress while minimizing scarring from steep slope and hillside construction;
  - d. Preserve the natural conditions in steep slope areas; and
  - e. Prevent flooding and the deteriorating effects of erosion to streams, watercourses, and drainage areas.
2. Establishment of Steep Slope Protection Overlay District Boundaries
- a. The Steep Slope Protection Overlay District shall consist of all land which has a twelve (12) percent or greater slope, based on a field or aerial survey of the property as determined by a Professional Land Surveyor or Professional Engineer licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of land surveying and/or engineering.
  - b. The boundaries of the Steep Slope Protection Overlay District shown on the Official Zoning Map, for reference purposes only and shall not be used to determine the location of the overlay district on individual lots.
3. Permitted Uses
- a. On slopes less than twenty-five (25) percent, uses shall be regulated by the underlying zoning district.
  - b. On slopes equal to or greater than twenty-five (25) percent, the following uses shall be permitted, provided they are in compliance with the provision of the underlying zoning district and are not prohibited elsewhere by this Ordinance or other Heidelberg Township ordinances and regulations, and further provided they do not require structures:
    - 1) Common open space, nature preserves, forest preserves, passive recreational and park areas, trails, greenways, and similar uses.
    - 2) Agriculture, excluding Agribusiness.
    - 3) Educational and scientific uses.
    - 4) Essential services.
4. Prohibited Uses
- a. Storing of junk (residential and non-residential)
  - b. Automobile wrecking, junk, and scrap storage and/or sales
  - c. Unenclosed storage or stockpiling of manure
5. Disturbance Limits
- a. Based upon the slope of the land, the following disturbance limits shall be the maximum area of such steep slopes that may be regarded and/or stripped of vegetation. Such percentages shall be based on the steep slopes contained within the entire lot or lots to be developed at the time of application for development.

<b>Slope Range</b>	<b>Maximum Disturbed Area (Percent)</b>
12.0% to 14.99%	25%
15.0% to 17.99%	15%
18.0% to 24.99%	5%
25.0% +	0%

- b. Grading or earthmoving on all steep slope areas shall not result in earth cuts and/or fills in which the highest vertical dimensions exceed ten (10) feet, except where no reasonable alternatives exist for construction of streets, drainage structures, and other improvements (whether public or private), in which case such vertical dimensions shall not exceed twenty (20) feet. Finished slopes of all cuts and/or fills shall not exceed three to one (3:1), unless the applicant can demonstrate that steep slopes can be stabilized and maintained adequately. The landscape shall be preserved in its natural state insofar as a practicable.
- c. The type and location of any permitted on-lot sewage disposal facility shall be provided in accordance with Part 7, Section 7.27 of this Ordinance, Article 5 of the Heidelberg Township Subdivision and Land Development Ordinance, and the PA DEP.
  - 1) Minimum Lot Area Standards: No portion of a lot containing a slope equal to or greater than twenty five (25) percent shall count toward the minimum lot area required by the underlying zoning district.
  - 2) Minimum Yard Setbacks: No change in existing topography, which results in a slope greater than the predevelopment condition, may be located within ten (10) feet of the neighboring property.
  - 3) Design Information: All applications for development shall include a detailed description of the methods proposed to be used for construction in areas containing slopes of twelve (12) percent or greater to attain the following:
    - a) Protection and stabilization of areas that have a high potential for soil erosion;
    - b) Accommodate stormwater runoff/drainage;
    - c) Assure structural safety and minimize harm to the environment associated with development on steep slopes;
    - d) Protection and preservation of on-site and off-site valuable natural wildlife and/or plant habitats;
    - e) Protection and preservation of on-site and off-site water quality; and
    - f) Protection of steep slopes on abutting properties.

6. Standards

- a. The Steep Slope Protection Overlay District shall be established at the time of the submission of the application for development.
- b. In all applications for development, the Steep Slope Protection Overlay District and each related steep slope range within the overlay shall be described by metes and bounds, delineated by hatching and shown on a site plan indicating the location and measurements of the overlay in accordance with the above standards. In the case of a subdivision and/or land development, a conservation easement covering the Steep Slope Protection Overlay District Zoning District shall be provided in accordance with the Heidelberg Township Subdivision and Land Development Ordinance.

D. Stream Protection Overlay District

1. Purpose

It is the intent of this overlay district to preserve natural and manmade streams, creeks, watercourses, and the critical natural areas around them as important hydrological and environmental assets. These natural and manmade streams, creeks, watercourses, and the critical natural areas around them are considered some of the Heidelberg Township's most important natural resources, features and resources, as set forth in the most recent version of the Heidelberg Township Comprehensive Plan.

2. Establishment Of Stream Protection Overlay District Boundaries

a. The Stream Protection Overlay District shall consist of all land and water areas in and around all streams, creeks, and watercourses (including intermittent streams and water courses) that are typically inundated throughout the year. The size and limits of the Stream Protection Overlay District shall be based on size and width of the streams, creeks, and watercourses as well as the critical environmental features present in the areas surrounding the streams, creeks, and watercourses.

b. Critical Environmental Features and Areas to be included in the Stream Protection Overlay District

In addition to the streams, creeks, and watercourses, the following critical environmental features, resources and areas adjacent to such streams, creeks, and watercourses shall be included in the Stream Protection Overlay District:

- 1) All lands within twenty-five (25) feet of the edge of the stream, creek, and watercourse under typical flow conditions.
- 2) Alluvial soils located within fifty (50) feet of edge of the stream, creek, and watercourse under typical flow conditions.
- 3) Springs located within fifty (50) feet of edge of the stream, creek, and watercourse under typical flow conditions.
- 4) Slopes of twenty five (25) percent or greater located within fifty (50) feet of edge of the stream, creek, and watercourse under typical flow conditions. In determining the limits and extent of these features, these slope areas shall extend to the uppermost edge of the area with twenty five (25) percent or greater slopes.

c. The boundaries of the Stream Protection Overlay District shown on the Official Zoning Map, for reference purposes only and shall not be used to determine the location of the overlay district on individual lots.

3. Permitted Uses

The following uses shall be permitted in the Stream Protection Overlay District, provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by another Heidelberg Township ordinance or regulation, and further provided that they do not require building(s), fill or storage of materials and equipment.

- a. Common open space, nature preserves, forest preserves, passive recreational and park areas, trails, greenways, and similar uses requiring no structures, improvements, or manmade features.
- b. Educational and scientific uses
- c. Stream bank and watershed improvements approved by the York County Conservation District and/or DEP.
- d. Crossings by farm vehicles, livestock, recreational trails, roads, railroads, sewer and water lines, and public utility transmission lines provided that all necessary

permits and approvals from federal, state, and local agencies are received and that required plantings are maintained to the greatest extent possible.

4. Prohibited Uses

- a. Grading or filling other than that required for a permitted use.
- b. Storage or disposal of any toxic, hazardous, or noxious substances.
- c. Storing of junk (residential and non-residential).
- d. Automobile wrecking, junk, and scrap storage and/or sales.
- e. Unenclosed storage or stockpiling of manure.

5. Required Vegetation

Within the Stream Protection Overlay District, native species of trees, shrubs and ground cover must be provided and maintained for stream bank stabilization, soil stability and habitat for native animal species. Where adequate vegetation does not already exist, new plantings shall be provided.

6. Standards

- a. The Stream Protection Overlay District shall be established at the time the submission of the application development.
- b. In all applications for development, the Stream Protection Overlay District and each critical environmental area and feature within the overlay shall be described by metes and bounds, and shown on a site plan indicating the location and measurements of the overlay in accordance with the above standards. In the case of a subdivision and/or land development, a conservation easement covering the Stream Protection Overlay District shall be provided in accordance with the Heidelberg Township Subdivision and Land Development Ordinance.

E. Surface Water Protection Overlay District

1. Purpose

Natural and manmade lakes and ponds and the natural areas around them are important hydrological and environmental assets. It is the intent of this Surface Water Protection Overlay District to preserve these natural and manmade assets. By protecting these assets identified in the most recent version of the Heidelberg Township Comprehensive Plan, the Township intends to:

- a. Protect wildlife.
- b. Preserve existing vegetation along lakes or ponds.
- c. Minimize the negative effects on lakes or ponds from agriculture and development related erosion.
- d. Minimize scenic degradation.
- e. Protect the integrity of ponds and lakes as functioning wetland areas.

2. Establishment Of Surface Water Protection Overlay District Boundaries
  - a. The Surface Water Protection Overlay District shall consist of all land and water areas in and around all natural and manmade lakes and ponds. The size and limits of the Surface Water Protection Overlay District shall be based on size and width of the lakes and ponds as well as the area within twenty-five (25) feet of the edge of all manmade and natural lakes or ponds under typical conditions. All natural and manmade lakes, ponds and established easement areas shall remain in permanent open space. Because these areas may relate to other hydrologic features, no development or diverting of these water bodies shall be permitted without proper approval from PA DEP.
  - b. The boundaries of the Surface Water Protection Overlay District shown on the Official Zoning Map, for reference purposes only and shall not be used to determine the location of the overlay district on individual lots.
3. Permitted Uses
  - a. Common open space, nature preserves, forest preserves, passive recreational and park areas, trails, greenways, and similar uses.
  - b. Agriculture, excluding Agribusiness.
  - c. Educational and scientific uses.
  - d. Essential services.
  - e. Stream bank and watershed improvements approved by the York County Conservation District and/or DEP.
  - f. Crossings by farm vehicles, livestock, recreational trails, roads, railroads, sewer and water lines, and public utility transmission lines provided that all necessary permits and approvals from federal, state, and local agencies are received and that required plantings are maintained to the greatest extent possible.
4. Prohibited Uses
  - a. Grading or filling other than that required for a permitted use.
  - b. Storage or disposal of any toxic, hazardous, or noxious substances.
  - c. Storing of junk (residential and non-residential).
  - d. Automobile wrecking, junk, and scrap storage and/or sales.
  - e. Unenclosed storage or stockpiling of manure.
5. Standards
  - a. At least seventy (70) percent of the Surface Water Protection Overlay District shall remain and be preserved in its natural state as open space insofar as a practicable.
  - b. The Surface Water Protection Overlay District shall be established at the time the submission of the application development.
  - c. In all applications for development, the Surface Water Protection Overlay District shall be described by metes and bounds, delineated by hatching and shown on a site plan indicating the location and measurements of the overlay in accordance with the above standards. In the case of a subdivision and/or land development, a conservation easement covering the Stream Protection Overlay District shall be provided in accordance with the Heidelberg Township Subdivision and Land Development Ordinance.

F. Wetland Protection Overlay District

1. Purpose

Wetland areas are indispensable and fragile hydrological natural resources that provide:

- a. Habitat for fish, wildlife and vegetation.
- b. Water-quality maintenance and pollution control.
- c. Flood control.
- d. Erosion control.
- e. Open space.
- f. Scientific study opportunities.
- g. Recreational opportunities.

2. Damaging or destroying wetlands threatens public safety and the general welfare. By protecting these assets identified in the most recent version of the Heidelberg Township Comprehensive Plan, Heidelberg Township intends to:

- a. Require planning to avoid and minimize damage of wetlands whenever prudent or feasible.
- b. Require that activities not dependent upon wetlands be located to other upland sites.
- c. Allow wetland losses only where all practical or legal measures have been applied to reduce these losses that are unavoidable and in the public interest.

3. Establishment of Wetland Protection Overlay District Boundaries

- a. The Wetland Protection Overlay District shall consist of all land and water areas in and around non-tidal wetland. The size and limits of the Wetland Protection Overlay District shall be based on size and width of the non-tidal wetlands as well as the areas within twenty-five (25) feet of the edge of the wetlands. The Wetland Protection Overlay District shall be based on a wetland investigation by the applicant. Wetland delineations shall be performed in accordance with the procedures of the PA DEP as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and any subsequent amendments thereto. Wetland mitigation shall be permitted. Wetland mitigation shall be approved by the PA DEP. Wetlands proposed to be mitigated shall not be considered part of the Wetland Protection Overlay District.
- b. The boundaries of the Wetland Protection Overlay District shown on the Zoning Map, for reference purposes only and shall not be used to determine the location of the overlay district on individual lots.

4. Review of Wetland Delineation

Where the applicant has provided a determination of the Wetland Protection Overlay District, the Heidelberg Township Engineer or qualified Heidelberg Township consultant shall review, and may render adjustments to, the boundary delineation. In the event that the adjusted boundary delineation is contested, the applicant may appeal to the Zoning Hearing Board for a variance.

5. Permitted Uses

The following uses shall be allowed within the Wetland Protection Overlay District to the extent that they are in compliance with the provisions of the underlying zoning district and are not prohibited by any other Heidelberg Township ordinance or regulation, provided that they do not require structures, fill or storage of materials and equipment, and provided that a permit is obtained from the PA DEP and the United States Army Corps of Engineers, if applicable:

- a. Common open space, nature preserves, forest preserves, passive recreational and park areas, trails, greenways, and similar uses.
- b. Agriculture, excluding Agribusiness.
- c. Educational and scientific uses.
- d. Essential services.
- e. Crossings by farm vehicles, livestock, recreational trails, roads, railroads, sewer and water lines, and public utility transmission lines provided that all necessary permits and approvals from federal, state, and local agencies are received and that required plantings are maintained to the greatest extent possible.

6. Prohibited Uses

- a. Storage or disposal of any toxic, hazardous, or noxious substances.
- b. Storing of junk (residential and non-residential).
- c. Automobile wrecking, junk, and scrap storage and/or sales.
- d. Unenclosed storage or stockpiling of manure.

7. Standards

- a. The Wetland Protection Overlay District shall be established at the time of the application for development. The wetland delineations shall be performed in accordance with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and any subsequent amendments thereto.
- b. In all applications for development, the Wetland Protection Overlay District shall be described by metes and bounds, delineated by hatching and shown on a site plan indicating the location and measurements of the overlay in accordance with the above standards. In the case of a subdivision and/or land development, a conservation easement covering the Wetland Protection Overlay District shall be provided in accordance with the Heidelberg Township Subdivision and Land Development Ordinance.

### **6.3 VILLAGE OVERLAY DISTRICT**

A. The purpose of the Village Overlay District is to:

1. Protect and enhance the development patterns and characteristics of well established village areas of Menges Mills and Porters Sideling in Heidelberg Township by accommodating new uses, reuse, replacement, and infill development that is consistent and compatible with the character and scale of the established development patterns and distinctive features of the village via the Village Overlay District Compatibility Design Guidelines and Standards set forth herein this Section below.
2. Address the purposes, objectives, and standards of Article VII-A, Traditional Neighborhood Development, of the MPC.

3. Provide a manual of written and graphic design guidelines that shall be used by applicants in the preparation of proposals for traditional neighborhood development in accordance with Section 708-A of the Pennsylvania Municipalities Planning Code.

**B. Designation of the Village Overlay District**

1. For the purposes of this Ordinance the Village Overlay District shall include those areas and properties identified on the Official Zoning Map as the "Village Overlay District".

**C. Conflict**

1. Except for the standards and regulations established in this Part relating to Flood Plain Management Overlay district standards and as otherwise specifically noted elsewhere, wherever and whenever the requirements of this Section are at variance with the standards and requirements of any other Part of this Ordinance, those standards and regulations set forth in this Section shall govern new development.
2. If a standard, regulation, or a guideline is not defined or otherwise provided for in this Section, those regulations, and standards defined in the underlying zoning district in which the lot proposed for development situated, shall govern.

**D. Permitted Uses**

1. In the Village Overlay District, all uses, activities, and/or development shall be undertaken in compliance with the Village Overlay District Compatibility Design Guidelines and Standards set forth herein in this Section below.
2. The following uses shall be permitted in the Village Overlay District:

<b>TYPES OF USES</b>	<b>USE BY</b>
<b>1. AGRICULTURAL &amp; FORESTRY USES</b>	
Agriculture Operations (excluding Agribusiness)	P
Forestry	P
<b>2. RESIDENTIAL USES</b>	
Bed and Breakfasts	P
Boarding/Rooming House	P
Conservation Subdivision	P
Continuing Care Retirement Facility	P
Flag Lot Residence	P
Group Home	P
Long Term Care Nursing Home or Personal Care Facility	P
Multi-Family Conversions	P
Single-Family Detached Dwelling	P
Two Family Conversions	P
Two Family Detached Dwelling	P
Two Family Dwelling	P



<b>TYPES OF USES</b>	<b>USE BY</b>
<b>3. NON-RESIDENTIAL USES</b>	
Banks	P
Business Service	P
Clinic, Medical	P
Club, Clubhouse or Lodge, Private	P
Commercial Recreation, Indoor	P
Contractors' Office and Storage Yard	P
Convenience Store, General	P
Daycare, Commercial	P
Financial Services, Other	P
Municipal Owned Uses	P
Offices, Business Professional	P
Offices, Medical	P
Personal Services	P
Place of Worship and Related Uses	P
Post Office	P
Restaurant (Fast Food & Sit Down)	P
Retail Business	P
Taverns/Bars	P
<b>4. ACCESSORY USES</b>	
Accessory Apartment in Conjunction with Permitted Business	P
Automated Banking Facility	P
Daycare, Accessory	P
Daycare, Commercial	P
Daycare, Family	P
Essential Services	P
Home Occupation	P
No Impact Home Based Business	P
Outdoor Café/Dining	P

E. Village Overlay District Compatibility Design Guidelines and Standards

1. The Village Overlay District Compatibility Design Guidelines and Standards is enabled by Section 708-A of the MPC as the manual of written and graphic design guidelines.
2. These compatibly design guidelines and standards provide the Township officials, residents, business owners, builders, and other interested parties with a written and visual set of compatibility design standards and characteristics prevalent in and important to the protecting and enhancing the established development patterns and features of the village areas in Heidelberg Township.
3. These design guidelines and standards provide the desired direction for new development within these designated village areas in Heidelberg Township to ensure consistency and compatibility between established building and development types, styles, and patterns, and new development.
4. In addition to the general building and land requirements set forth elsewhere in this Ordinance, proposals for development shall be consistent with the compatibility design standards and guidelines set forth herein this Section.
5. These compatibility design guidelines and standards highlight important design characteristics relating to buildings and land development via written standards and visual images which are intended to provide guidance and inspiration for implementing the desired design concepts generally provided for in the Heidelberg Township Comprehensive Plan. The images and visual examples of these design guidelines and standards are provided for general illustrative purposes only, and shall not be construed to be operative language of the ordinance. The written standards of these design guidelines and standards shall take precedent and therefore govern.
6. Applications for Zoning and/or Building Permits
  - a. In addition to the information required in Part 11 of this Ordinance, applications for development, including construction of new principal buildings in this Village Overlay District shall be submitted with the following information:
    - 1) A complete set of calculations (i.e. averages of setbacks, heights, etc.) used to determine and demonstrate compliance with all applicable standards set forth herein this Section below.
    - 2) A schematic architectural drawing of the principal building's front façade(s).

7. Specific building and development compatibly design guidelines and standards shall apply to the following features:

a. Dimensional and Design Standards

Use	Minimum Lot Area Per Unit	Minimum Lot Width at Lot Frontage	Maximum Permitted Impervious Lot Coverage / Minimum Vegetative Coverage	Building Setbacks			Minimum/Maximum Permitted Building Height
				Required Front	Minimum Side	Minimum Rear	
Single-family detached dwelling	See underlying zoning district	40 ft.	50% Impervious / 50% Vegetative/ Open Space	See below	5 ft., except that shall not be closer than 10 ft. to an existing principal building	10 ft.	See below
Two-family detached dwelling	See underlying zoning district	30 ft.	55% Impervious / 50% Vegetative/ Open Space	See below	5 ft., except that shall not be closer than 10 ft. to an existing principal building	10 ft.	See below
Other permitted use	Limited to total of 3,500sq ft of building footprint/coverage per lot	25 ft.	65% Impervious / 35% Vegetative/ Open Space	See below	5 ft. except that it may be reduced to zero (0) ft. at the shared lot line of lawfully attached dwellings constructed with a shared common party wall and the written consent of the owner of the abutting lot and building.	10 ft.	See below

Use	Minimum Lot Area Per Unit	Minimum Lot Width at Lot Frontage	Maximum Permitted Impervious Lot Coverage / Minimum Vegetative Coverage	Building Setbacks			Minimum/Maximum Permitted Building Height
				Required Front	Minimum Side	Minimum Rear	
Accessory use or structure see also Part 7	N/A	N/A	See underlying zoning district	Not permitted to be located between the principal building and the public street	3 ft.	5 ft., except that detached garages adjacent to and having access to a street right-of-way, shall be setback five (5) feet from the right-of-way or fifteen (15) feet from the centerline of the right-of-way, whichever is greater	20 ft. or not higher than the principal building, whichever is less

b. Required Front Building Setback

- 1) For a lot proposed for development, the distance the front of the principal building is set back from the street right-of-way shall be similar to those distances between existing principal buildings on the abutting lots and the abutting street right-of-way in accordance with the following standard:
  - a) Identify the existing principal buildings on the lots abutting the lot proposed for development.
  - b) Using these results, calculate the average setback distance between the existing principal buildings on the abutting lots and the street rights-of-way line.
    - i. If an abutting lot is vacant, the required setback of the abutting vacant lot shall be assumed to be the minimum front setback standard defined in the underlying zoning district in which it is situated.

- ii. For corner lots, the standards set forth in this subsection above shall be calculated using each abutting lot, which includes those abutting lots having frontage on and the existing principal buildings oriented toward the intersecting street.
  - c) The required front building setback for the building on the lot proposed for development shall be the average setback distance calculated in subsections a. and b. above, which may be adjusted by not more fifteen percent (15%), unless all buildings on the abutting lots have the same set back distance. Front building façades and/or covered front porches shall be permitted to fulfill this requirement.
  - d) However, no building shall extend into any street right-of-way.
  - e) Otherwise the building on the lot proposed for development shall comply with all front setback standards defined in the underlying zoning district in which it is situated.
- c. Building Height
- 1) For a lot proposed for development, the height of the principal building shall be similar to those building heights (in stories and feet) for existing principal buildings on abutting lots in accordance with the following standard:
    - a) Roof heights, cornice lines, eaves, parapets and porches of the principal building on the lot proposed for development shall respect and maintain the architectural context of the principal buildings on the abutting lots and, when feasible, shall incorporate the scale and character of the majority of the existing principal buildings on the abutting lots.
    - b) Identify the existing principal buildings on the lots abutting the lot proposed for development.
    - c) Using these results, calculate the average number of stories and feet of the heights of the existing principal buildings on the abutting lots.
      - i. If an abutting lot is vacant, unless the building height standards defined in the underlying zoning district in which it is situated have a different minimum building height, the number of stories for an abutting vacant lot shall be assumed to be one story.
      - ii. For corner lots, the standards set forth in this subsection above shall be calculated using each abutting lot, which includes those abutting lots having frontage on and the existing principal buildings oriented toward the intersecting street.
      - iii. No principal building shall have less than the average number of stories or feet of the heights of the existing principal buildings on abutting lots, and shall not have more stories or height in feet than the tallest of the existing principal buildings on the abutting lots.
    - d) However, no principal building height shall be less than one story.
    - e) Otherwise the principal building on the lot proposed for development shall comply with all building height standards defined in the underlying zoning district in which it is situated.

d. Building Orientation

- 1) Unless otherwise noted herein this subsection below, for a lot proposed for development, the orientation or location of a front entrance (door) and windows for the principal building shall be similar to those building orientations for existing principal buildings on abutting lots in accordance with the following standard:
  - a) Interior Lots  
Principal buildings shall have their primary front facades provided with a front entrance (door) and windows oriented toward and facing the public street right-of-way.
  - b) Corner Lots  
Principal buildings on lots abutting more than one (1) public street shall have their primary front facades provided with a front entrance (door) and windows oriented towards and facing (in order of preference):
    - i. the corner; or
    - ii. the street right-of-way upon which the majority of the principal buildings on the adjacent lots are oriented towards.

e. Lot Access

- 1) Unless otherwise noted herein this subsection below, for a lot proposed for development, lot access shall be provided in accordance with the following standard:
  - a) Lot access shall be provided at the rear of lots for lots abutting alleys.
  - b) Lot access shall not be taken from the front of the property for lots abutting alleys.
  - c) No new curb cut for a driveway or access drive shall be provided along a public street for lots abutting alleys.
  - d) Where a new curb cut for driveway or access drive accessing public streets is permitted, it shall not exceed twenty (20) feet in width for residential uses and twenty four (24) feet in width for other uses.
  - e) Where sidewalks are installed, the required driveway surfacing shall end at the street side of the sidewalk.

f. Off-Street Parking and Loading

- 1) Unless otherwise noted herein this subsection below, for a lot proposed for development, parking shall be provided in accordance with the following standard:
  - a) Off Street Parking and Loading Location
    - i. Required off-street parking (lots and areas) and loading facilities shall generally be located in the rear or side yard behind the front façade of the principal building. However, off-street parking and loading for non-residential, multi-family dwellings/apartments, single family attached, or mixed uses, shall not be located between the principal building and a public street right-of-way.

- ii. Off-street parking areas and loading facilities for non-residential, multi-family dwellings/apartments, single family attached, or mixed uses shall not be located on corner lots, on or adjacent to the intersection of two (2) streets.
  - b) Off-Street Parking and Loading Interconnections
    - i. Abutting non-residential, multi-family dwellings/apartments, single family attached, or mixed use parking lots and loading facilities are strongly encourage to be interconnected via internal vehicular connections to one another or connection via a rear alley.
    - ii. Each non-residential, multi-family dwellings/apartments, single family attached, or mixed use lots are strongly encouraged to provide cross-access easements for its parking areas, loading facilities, and access drives guaranteeing access to abutting lots. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.
- g. Refuse Areas
  - 1) The storage of refuse, including dumpsters, trash bins, and recycling receptacles, for non-residential, multi-family dwelling/apartment, and mixed uses shall be provided within the principal or accessory building(s) or within an outdoor area enclosed by walls or opaque fencing. Any refuse areas outside of a principal or accessory building shall be:
    - a) designed to be architecturally compatible with the principal or accessory building (including design, materials, and colors); and
    - b) located behind the rear wall of the principal building; and
    - c) entirely screened by a six (6) foot high wall/fence or other enclosure, and plantings.
- h. Screening
  - 1) In addition to the standards set forth in Par 7, Section 7.3 screening shall be provided in accordance with the following:
    - a) Where permitted non-residential and multi-family dwellings/apartments, abut a lot with an existing single family detached or two family detached dwelling, the aforementioned non-residential, multi-family dwellings/apartments, single family attached, or mixed uses shall provide a five (5) foot wide buffer yard and screening with no less than ninety (90) percent opacity.
    - b) All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes (not including residential uses) and vent pipes shall be screened from public view by parapets, walls, fences, landscaping, or other approved means.
    - c) All rooftop mounted equipment and other appurtenances shall be concealed by or integrated within the roof from or screened from view at ground level of nearby streets. The following when above the roofline requires screening: stair wells, air conditioning units, large vents, heat pumps, and mechanical equipment. In no case shall fencing be used as a rooftop equipment screen.

- d) Service areas must be visually screened from the public street rights-of-way, sidewalks, and abutting existing residential uses. For new construction of non-residential, multi-family dwellings/apartments, single family attached, or mixed uses, service areas must be behind the principal building.
- e) Where non-residential, multi-family dwellings/apartments, single family attached, or mixed uses off-street surface parking lots are permitted to abut public street right-of-way including alleys, each shall be provided with a continuous street-fronting minimum three (3) foot high masonry wall and five (5) foot wide buffer yard with screening with no less than ninety (90) percent opacity. Wall breaks for driveways shall be not more than twenty-four (24) feet in width.



## **PART 7 - STANDARDS FOR USES - GENERAL REGULATIONS**

### **7.1 APPLICATION**

The regulations contained in this Part shall apply to all uses within Heidelberg Township.

### **7.2 ACCESSORY BUILDINGS AND SIMILAR STRUCTURES**

- A. Unless otherwise specified elsewhere in this Ordinance, accessory buildings and similar structures, such as but not limited to detached garages, barns, storage buildings, garden structures and greenhouses (not used for commercial purposes if not otherwise permitted) shall be permitted by right in all zoning district, and may be constructed, erected, placed, or set in accordance the accessory building and structure requirements of the underlying zoning district as well as with the following requirements:
1. Accessory buildings and similar structures of not more than one hundred forty-four (144) square feet in ground floor area and ten (10) feet in height are exempted from zoning/building permit requirements; provided, however, the building does not involve any electrical, plumbing or mechanical installation. Otherwise, all accessory buildings and similar structures shall comply with all applicable standards of this Ordinance and the Uniform Construction Code.
  2. Accessory buildings and similar structures with permanent foundations shall be calculated as part of any impervious lot coverage standards or requirements.
  3. Accessory buildings and similar structures shall be located no closer than ten (10) feet to the nearest wall of the principal building on the same lot. For accessory buildings and similar structures erected, set or placed less than ten (10) feet from the principal, they shall be attached to the principal building and shall be considered as part of that principal building.
  4. Otherwise, accessory buildings and similar structures shall comply with the dimensional requirements of the underlying zoning district relating to accessory buildings and similar structures
  5. The use of non-traditional storage units, including those commercially known as “pods” or enclosed “container” of a box trailer with or without wheels, shall be permitted on a temporary basis subject to the following:
    - a. Units shall be permitted for a maximum period of sixty (60) consecutive days in any one calendar year. This period may be extended upon written request to the Zoning Officer for a period not exceeding one hundred eighty (180) days.
    - b. The “container” of a box trailer, with or without wheels, shall not be used for permanent storage in any zoning district.
    - c. Any “container” of a box trailer or “pod” used for the temporary storage of construction equipment and materials shall comply with Temporary Construction Trailers or Sheds standards herein this Part 7, Section 7.24.

### **7.3 BUFFER AND SCREENING REGULATIONS**

- A. Any non-residential zoning district (RRA-A, RRA-Cv, DGA-C, or DGA-I) with a non-residential use or non-agricultural/forestry use within the DGA-R or DGA-MR zoning districts

or an existing residential use, shall meet the buffer yard type and width requirements herein this Section, unless otherwise stipulated in this Ordinance.

- B. Any non-residential or non-agricultural/forestry use, or use other than a single-family detached or semi-detached dwelling in the DGA-R or DGA-MR zoning districts, abutting land with an existing single-family detached or semi-detached dwelling, shall meet the requirements for buffer yard type 1, unless otherwise stipulated in this Ordinance.
- C. Buffer Yard Landscaping minimum shall be as follows:
  - 1. Buffer Yard Type 1:
    - a. One shade tree per fifty (50) linear feet of buffer yard; and
    - b. One evergreen tree per forty (40) linear feet of buffer yard.
  - 2. Buffer Yard Type 2:
    - a. One shade tree per forty (40) linear feet of buffer yard; and
    - b. One evergreen tree per thirty (30) linear feet of buffer yard; and
    - c. One deciduous or evergreen shrub per twenty (20) linear feet of buffer yard.
  - 3. Buffer Yard Type 3:
    - a. One shade tree per thirty (30) linear feet of buffer yard; and
    - b. One evergreen tree per ten (10) linear feet of buffer yard; and
    - c. One deciduous or evergreen shrub per ten (10) linear feet of buffer yard.
- D. All buffer yards shall meet the following requirements.
  - 1. Required buffer yards shall extend the entire length or width of the property line of the adjoining zoning district or lot.
  - 2. Buffer yards may coincide within any required building setback and yard requirements.
  - 3. The buffer yard shall be a landscaped, and where required, screen planted area free of buildings; structures; dumpsters and refuse containers; commercial or industrial sales, storage and display; manufacturing or processing activity; materials; loading and unloading areas; and vehicle parking, sales, and display. Signs shall be permitted in a buffer yard abutting a street right-of-way.
  - 4. Buffer yards may be crossed by access drives, driveways, sidewalks, or easements with a maximum width of thirty-five (35) feet, provided that the centerline of access drive, driveway or easement crosses the property line and buffer yard at not less than seventy-five (75) degrees; however, no turning or maneuvering of vehicles shall be permitted in the buffer yard area.
  - 5. No buffer yard shall be required for any non-residential use separated from a residential use by a public street right-of-way.
- E. Screen Planting
  - 1. Each buffer yard shall include screen plantings located in the exterior portion of the required buffer yards, extending the length or width of the property line in accordance with the following requirements:
    - a. Plant materials used in screen planting shall be at least four (4) feet in height (measured from the finished grade) when planted, shall be planted no more than three (3) feet apart, and be of such species as will produce, within three (3) years, a complete year-round visual screen of at least six (6) feet in height.

- b. The screen planting shall be maintained permanently in a healthy condition. Any landscaping that dies or is severely damaged shall be replaced by the current property owner as soon as is practical considering growing seasons, within a maximum of one hundred fifty (150) days.
  - c. The screen planting shall be so placed that at maturity it will be not be closer than two (2) feet from any street right-of-way or property line.
  - d. In order to aid surveillance and minimize the potential for crime, planting shall also be sited, massed, and scaled to maintain visibility of doors and first (1st) or ground floor windows from the street and from within the development to the greatest extent possible. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths. A clear sight triangle shall be maintained at all street intersections and at all points where access drives and driveways intersect public streets.
  - e. The screen plant screen shall be interrupted only at:
    - 1) approved points of approximately perpendicular [not less than seventy-five (75) degrees] vehicle or pedestrian ingress and egress to the lot;
    - 2) locations necessary to comply with safe sight distance requirements; and
    - 3) locations needed to meet other specific state, township and utility requirements.
  - f. Trees that are used in the planting of a buffer yard and elsewhere on the lot shall be in accordance with those identified within Article 5 of the Heidelberg Township Subdivision and Land Development Ordinance.
    - 1) American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements. If more than twenty (20) evergreen plants are proposed, no more than fifty (50) percent shall be of one species.
  - g. Screen plantings shall be provided between the property line and any off-street parking area and any outdoor solid waste storage and refuse area for any non-residential use, or a use other than a single family detached or semi-detached dwelling, where the parking or solid waste storage and refuse area abuts the DGA-DGA-R or DGA-MR zoning districts or a lot occupied by a single family detached or semi-detached dwelling.
- 2. Fencing shall be permitted to comprise no more than sixty (60) percent of any screen planting, and shall be placed in the buffer yard on the inside (towards the proposed non-residential principal use) of any required plant screening Clear Sight Triangle
  - 3. Clear sight triangles shall be provided and maintained in accordance with Article 5 of the Heidelberg Township Subdivision and Land Development Ordinance.

#### **7.4 FENCES AND WALLS**

- A. Fences and walls shall be permitted by right in all zoning districts.
- B. Fences and walls are permitted without complying with any setback requirements, except that they shall not be installed directly on any lot line or within an easement; however a small setback is recommended to provide future maintenance.
- C. Fences and walls shall be durably constructed and well-maintained. Fences and walls that have deteriorated parts and/or materials shall be replaced or removed.
- D. No fence or wall shall obstruct the clear-sight triangle requirements of this Ordinance.
- E. No fence or wall shall be erected within a street right-of-way or other rights-of-way or easements including public or private drainage, utility or access easements, unless otherwise required by this Ordinance or other Heidelberg Township regulations.
- F. Fences shall comply with the following:
  - 1. Any fence located between the principal building and the street right-of-way in the DGA-R zoning district shall:
    - a. be an open-type of fence (such as picket, metal post, wrought iron or split rail) with a minimum ratio of 1:1 of open structural areas; and
    - b. not exceed three (3) feet in height.
  - 2. Fences within the DGA -R zoning district or on lots with a residential use upon it shall not exceed six (6) feet in height. Fences within all other zoning districts shall not exceed twelve (12) feet in height.
    - a. Any fence or wall exceeding six (6) feet in height shall contain openings therein equal to fifty (50) percent of the area of that portion of the wall or fence exceeding six (6) feet.
    - b. Any fence used to maintain horses, livestock or other agricultural uses in any district where agricultural uses are allowed may be as high as needed to contain that use, not to exceed the height listed above. Pasture lands may occur between the principle structure and the street right of way.
  - 3. Structural posts of a fence may extend above the height of the fence.
  - 4. All fence heights shall be measured from the average surrounding ground level.
  - 5. Unless for the keeping of livestock, active agricultural operations, or for security purposes, no fence shall be constructed of barbed wire.
    - a. If required for security purposes, the barbed wire portion shall not be lower than six (6) feet above the average surrounding ground level.
  - 6. No fence shall be constructed out of fabric, junk, abandoned vehicles, appliances, tanks or barrels.
  - 7. Brick may be used for posts or as a base for a fence, provided the maximum fence height for the fence portion is not exceeded.
- G. Walls, in addition to the applicable standards provided herein subsection F above, shall also comply with the following standards:

1. Engineered retaining walls necessary to hold back slopes are exempted from the regulations of this Section and are permitted by right as needed in all zoning districts. Retaining walls greater than forty-eight (48) inches in height must conform to the current standards of the Uniform Construction Code.
2. Walls that are structurally part of a building shall be regulated as part of that building.

## **7.5 FRONTAGE REQUIRED ONTO IMPROVED STREET**

- A. Lot frontage required onto improved streets shall comply with the following:
  1. Each proposed new lot and principal building shall directly abut one of the following:
    - a. A public street (existing or proposed) other than an alley or service street.
    - b. Where approved, private street (existing or proposed) which is in conformance with the specifications and requirements of minor or local streets set forth in Article 5 of the Heidelberg Township Subdivision and Land Development Ordinance and/or any applicable Heidelberg Township construction and materials specifications. Approved access shall be in accordance with the Heidelberg Township Subdivision and Land Development Ordinance and/or any applicable Heidelberg Township construction and materials specifications.
  2. Access to lots containing single-family dwellings shall be via driveways and access to lots containing other uses shall be via access drives.
  3. The erection of a principal building on any lot which existed at the time of the enactment of this Ordinance and does not have frontage on a public right-of-way shall be permitted if the applicant provides proof of access to the property in the form of a legal document recorded with the York County Recorder of Deeds. If the existing document does not address access rights and maintenance responsibilities between the landowner and effected parties, or if no such document exists, a new document shall be recorded that does address these issues. In addition, the landowner shall enter into a binding legal agreement with Heidelberg Township prepared by the Heidelberg Township Solicitor outlining the responsibility of each party as it pertains to the private right-of-way.

## **7.6 GARAGE AND YARD SALES**

- A. In any zoning district, a landowner and/or occupant may conduct a maximum of two (2) garage or yard sales per year. The total number of garage or yard sales permitted per calendar year shall not exceed two (2) per unit of occupancy.
- B. No garage or yard sale shall be conducted for a period longer than three (3) consecutive days.
- C. Sales shall be limited to personal items.
- D. Only two (2), six (6) square foot signs shall be permitted advertising the garage or yard sale located upon the premises where the sale occurs. Signs shall be placed a maximum of three (3) days before permitted garage sale or yard sale begins, and be removed maximum of twenty four (24) hours after event ends. No signs shall be permitted within any public right-of-way.
- E. In no case shall any aspect of the garage or yard sale interfere with or otherwise obstruct pedestrian and vehicular traffic, and shall not be conducted in a public right-of-way including sidewalks and streets, except that parking may occur where permitted.

- F. The conduct of a garage or yard sale beyond the extent herein represents a commercial business and requires appropriate zoning authorization.

## **7.7 HEIGHT REGULATIONS**

- A. In all zoning districts, height regulations shall not apply to the following structures, provided they do not exceed the height limitations of the zoning district for which they are located by more than fifteen (15) feet:
1. Penthouses, including those not intended for human occupancy; nor
  2. Skylights, steeples of places of worship, antennas, flagpoles, spires, belfries, windmills, cupolas, domes, chimneys, ventilators, water tanks, bulkheads, utility poles or towers, silos, clock or bell towers, elevator shafts, mechanical equipment or other appurtenances usually required to be and customarily placed above roof level and not intended for human occupancy.
- B. Otherwise, the height of any building may exceed the maximum permitted height requirements by one (1) additional foot for each one (1) additional foot by which the width of each yard exceeds the required setback regulations for the zoning district in which the building or structure is located.
- C. Agricultural buildings, farm silos, and other similar structures used as part of an agricultural operation may exceed the maximum permitted height requirements provided each structure is setback a distance at least equal to its height from each property line.

## **7.8 LANDSCAPING & VEGETATION PRESERVATION**

- A. Any part of a non-residential, multi-family dwelling/apartment, or single family attached lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.
- B. In order to aid surveillance and minimize the potential for crime, planting shall also be sited, massed, and scaled to maintain visibility of doors and first (1st) or ground floor windows from the street and from within the development to the greatest extent possible. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths. A clear sight triangle shall be maintained at all street intersections and at all points where access drives and driveways intersect public streets in accordance with the clear sight triangle requirements of this Ordinance.
- C. Vegetation preservation
1. Vegetation preservation is governed by the standards in this Section and the provisions of the MPC. The removal of trees, shrubbery, foliage, grass or other natural growth shall be permitted when in conformance with the provisions of this Ordinance or any other Ordinances of Heidelberg Township regulating land use, subdivision/development, and logging. A permit shall be prepared and issued for an approved application. Violations and penalties associated with cutting and clearing of vegetation include:

Forestry activities of timber harvesting and/or logging shall comply with Part 8, Section 8.2.B. of this Ordinance.

- b. The cutting of trees and/or clearing of vegetation within a buffer yard applicable to the lot as required by this Ordinance, or within the minimum building setback as required by this Ordinance, whichever is greater, is prohibited. Only the removal and replacement of damaged/deceased trees and/or vegetation is permitted. Grubbing activity is permitted where the purpose is to improve the appearance of the lot.

D. Shade Trees

- 1. As part of the construction of any new street or any new principal non-residential, multi-family dwelling/apartment, single family attached, or mixed use building, shade trees shall be required to be planted in accordance with Article 5 of the Heidelberg Township Subdivision and Land Development Ordinance.

#### **7.9 MANURE STORAGE FACILITIES**

- A. All manure management practices and operations shall comply with the provisions set forth in the Nutrient Management Act of 1993, Act 38 of 2005, or as amended.
- B. All waste storage facilities shall be designed and constructed in compliance with 25 PA Code, Chapter Ordinance 91, Section 91.3.6.a.

#### **7.10 MANURE DIGESTERS**

- A. Manure digesters shall be permitted as accessory uses and/or accessory structures to agricultural and farm uses and shall be subject to the standards of the zoning district in which it is proposed. Evidence shall be provided indicating that the manure digester complies with state and federal regulations. Additionally, the owner shall provide evidence written authorization that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

#### **7.11 NATURAL OR MAN-MADE LAKES, DAMS, PONDS AND IMPOUNDMENTS**

- A. All lakes, dams, ponds and impoundments shall be permitted in any zoning district, subject to the Heidelberg Township Subdivision and Land Development Ordinance and all state and/or federal requirements.
- B. All lakes, dams, ponds and other impoundments shall be regularly maintained to prevent stagnation and to prevent a nuisance to adjacent properties. Floating debris shall be removed from all pipes and spillways. If the ponds, lakes, dams and impoundments have pipes and spillways, they shall be regularly cleaned.

## **7.12 NON-RESIDENTIAL WASTE HANDLING REQUIREMENTS**

- A. All non-residential uses shall be required to provide detailed information regarding materials and waste handling, including:
1. Listing of all materials to be both used and/or produced on the site;
  2. Listing of all wastes generated on the site; and
  3. Evidence shall be provided indicating that the disposal of all materials and wastes shall be accomplished in a manner that complies with state and federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Heidelberg Township and/or York County which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future, such that the materials used or wastes generated changes significantly either by type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

## **7.13 NUMBER OF PRINCIPAL USES AND PRINCIPAL BUILDINGS PER LOT**

- A. More than one principal use may be erected on a single lot only within the DGA-C and DGA-I zoning districts, provided that all lot and yard requirements, standards, and other requirements of this Ordinance shall be met for each structure, as though it were on an individual lot. In addition, such proposals shall gain approval for a land development plan, and provide individually approved methods of sewage disposal.
- B. Uses and Buildings in the DGA-C and DGA-I Zoning Districts:
1. A lot in a DGA-C and DGA-I zoning districts may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building, except if permitted as a shopping center or via use of shared parking as provided in Part 10, Section 10.4.K. of this Ordinance is provided. Otherwise, if differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
  2. The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property-owners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Heidelberg Township Solicitor, that there will be appropriate legal mechanisms in place.
- C. Uses and Buildings in the DGA-R or DGA-MR Zoning Districts:
1. A lot within the DGA-R or DGA-MR zoning districts shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this Ordinance.



2. A mobile home park, condominium residential development which also includes multi-family dwelling/apartment and single-family attached dwellings on one (1) type development may include more than one principal building per lot, provided all other requirements of this Ordinance are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Heidelberg Township Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable state law.

D. Uses and Buildings in Other Zoning Districts:

1. Except for agricultural and farm operations, all other zoning districts, more than one principal use is permitted only in one building on a single lot.

#### **7.14 OPERATIONS AND PERFORMANCE STANDARDS**

- A. All uses proposed within Heidelberg Township shall operate in compliance with applicable state and federal regulations, as they are periodically amended.
1. The following lists known governmental regulations associated with various land use impacts. This list in no way excludes or limits federal or state jurisdiction over uses within Heidelberg Township, but is merely provided for information to applicants and landowners.
    - a. Noise Pollution and Vibration: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection.
    - b. Air Pollution: Airborne Emissions and Odor: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection.
    - c. Water Pollution: The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691, or as amended.
    - d. Mine Reclamation and Open Pit Setback: Pennsylvania Act 147, the "Surface Mining Conservation and Reclamation Act" of 1971, or as amended.
    - e. Glare and Heat: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection.
    - f. Handicap Access: The latest version of the American Disabilities Act.
    - g. No use or operations shall be permitted which creates a public nuisance or hazard to adjoining property by reason of fire, explosion, radiation or other similar cause.
    - h. Outdoor Lighting: Where on-site outdoor light fixtures are installed to provide exterior illumination of buildings, parking areas, and other on-site facilities outdoor lighting shall be designed to prevent glare to adjoining properties by employing hooded, shielded, or screened fixtures that confine glare to the site, and security lighting should be directed toward the building, rather than the area around it. Otherwise, the standards of Article 5 of the Heidelberg Township Subdivision and Land Development Ordinance shall apply. Outdoor lighting provisions herein do not include overhead street lighting and warning, emergency, or traffic signals.

#### **7.15 ORNAMENTAL PONDS AND WADING POOLS**

- A. Ornamental ponds and wading pools shall comply with all accessory uses and structure setbacks for the underlying zoning district which they are located.
- B. All such ponds or pools shall be maintained so as not to pose a nuisance by reason of odor, or the harboring of insect, vermin, or both.
- C. No such pond shall be used for the commercial hatching of fish or other species.

#### **7.16 OUTSIDE DISPLAY AND SALES**

- A. Except for the display and sale of agricultural products in accordance with Part 7, Section 7.20 of this Ordinance, the outside display of goods, material, and merchandise offered for sale shall be permitted only in the DGA-C and DGA-I zoning districts.
- B. To be considered outside sales and display, the goods, material, and merchandise which are being displayed, must be offered for sale to customers. Otherwise, it shall be considered outdoor storage or stockpiling must comply with outdoor storage and stockpiling provisions set forth elsewhere herein this Ordinance.
- C. No outside display of goods, material, and merchandise offered for sale shall occupy any public right-of-way (including public sidewalk areas), required yard and setback areas, buffer yards, or required parking and loading areas. In no case shall the location of such outside sales and display areas occur within any area used for pedestrian or vehicular circulation, parking or loading, or emergency vehicle access (e.g., fire lanes).
  - 1. Additionally, the location of the outside sales and displays shall not interfere with or otherwise obstruct pedestrian and vehicular traffic:
    - a. Traveling within a public right-of-way including sidewalks and streets (including alleys).
    - b. Entering or leaving the lot or adjacent lots (including access drives and driveways), and
    - c. Shall be not located within a clear-sight triangle as set forth in the clear sight triangle requirements of this Ordinance.
- D. No outside sales and display shall occur on areas with a slope in excess of twenty five (25) percent nor within any area designated as the floodway as provided for in the Heidelberg Township floodplain regulations.
- E. Outside sales and display areas shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as brick, concrete or bituminous concrete surface.
- F. Outside sales and display areas shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
- G. No signage, except as authorized by Part 9 of this Ordinance, shall be permitted.

- H. Intended outside sale and display areas shall be graphically depicted upon any permits and/or plans required by Heidelberg Township.

#### **7.17 OUTDOOR STORAGE AND OUTDOOR STOCKPILING**

- A. Unless otherwise permitted elsewhere in herein this Ordinance, the outdoor storage and outdoor stockpiling (including personal material, but excluding firewood) shall not be located between the principal building and the public street nor within any required front, side, or rear setback area.
- B. Outdoor storage and outdoor stockpiling shall not include the sale of any bulk materials such as goods, material, and merchandise offered for sale to customers as a principal use or as accessory use to a permitted principal use. Otherwise, it shall be considered outside sales and display and must comply with provisions set forth elsewhere herein this Ordinance.
- C. In the DGA-R or DGA-MR zoning districts or on lots used for single and two-family residential purposes:
1. The outdoor stockpiling of personal material, except firewood, for more than one (1) year is prohibited. In all instances, outdoor stockpiling of personal material shall not be located between the principal building and the public street (excluding alleys) or within any required front setback area. All such stockpiling shall comply with accessory structure and use setback requirements of the underlying zoning district.
  2. The outdoor stockpiling of non-personal material including goods, junk, material, or merchandise associated with and generated by an off-site business or non-residential establishment shall be considered outdoor storage and shall not be permitted.
- D. In the DGA-R or DGA-MR zoning districts, the outdoor storage of bulk materials for non-residential, multi-family dwelling/apartment, single family attached developments, including but not limited to goods, material, and merchandise; but also including junk, waste, discarded or salvaged material, machinery, or equipment, including automobile, truck, or other vehicle parts shall not be permitted. All related storage must be within a completely enclosed building.
- E. Unless otherwise specified elsewhere in this Ordinance, in the DGA-C zoning district, permitted outdoor storage of bulk materials whether or not intended for sale to customers including but not limited to goods, material, or merchandise shall not be located between the principal building and the public street (excluding alleys) nor within any required front setback area. The related storage of junk, waste, discarded or salvaged material, machinery, or equipment, including automobile, truck, or other vehicle parts must be within a completely enclosed building.
- F. In the RRA-A, RRA-Cv, and DGA-I zoning districts:
1. The outdoor storage and outdoor stockpiling may be located between the principal building and the public street, but shall not be within any required setback area.
  2. For all principal, non-agricultural/forestry uses or developments, materials and activities not within completely enclosed buildings shall be surrounded by a fence or wall at least six (6) feet in height. Such fence shall be completely sight obscuring and maintained in good condition. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.

G. Compost

1. The placement of compost as an accessory use to a residential use of a lot is permitted, subject to all accessory use, building, and structure setback standards of the underlying zoning district. Only waste materials from the residential use of the lot shall be deposited within the compost, and in no case shall meat, or meat by-products, dairy products or bones be composted. All compost shall be properly maintained so as not to become a nuisance to nearby properties.

**7.18 PARKING AND STORAGE OF UNLICENSED OR UNINSPECTED MOTOR VEHICLES**

- A. Motor vehicles, requiring state registration and inspections, without such current, valid license plates or inspection stickers which are more than sixty (60) days beyond their expiration dates, shall not be parked or stored in any zoning district, unless stored within a completely enclosed building.
- B. Nothing in this section shall be interpreted to prevent the unenclosed storage of motor vehicles without current, valid license plates and current valid inspection stickers if such storage is performed in conjunction with the legal operation of a permitted motor vehicle sales establishment, a motor vehicle service or repair establishment, or automobile wrecking, junk and scrap storage and sales.

**7.19 PETS, KEEPING OF**

- A. Keeping of pets is permitted by right accessory use in all zoning districts.
- B. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets.
- C. Where lots are less than two (2) acres, and/or located within the DGA-R zoning district, keeping pets outdoors shall not be permitted in the front of the principal building or front yard area. In all other instances, no accessory structure used for the outdoor keeping of pets shall be located in the required front setback.
- D. Keeping of pets shall comply with all Heidelberg Township regulations relating to animals, and other applicable health and safety codes, as well as any applicable State regulations.

**7.20 SALE OF AGRICULTURAL PRODUCTS**

The retail sales of agricultural products shall be permitted on all lots upon which they are produced, in all zoning districts. Additional standards for roadside stands shall be set forth in Part 8, Section 8.5.K. of this Ordinance.

#### **7.21 SALE OF PERSONAL, PASSENGER, OR RECREATIONAL MOTOR VEHICLES**

- A. In any zoning district, a landowner or occupant may display a maximum of two (2) [per unit of occupancy] personal, passenger, or recreational motor vehicles titled to the landowner or occupant of the building or lot, for sale at any time. Such displays shall be for a maximum of sixty (60) days not more than twice a calendar year. Two (2) signs a maximum of six (6) square feet each may be displayed per vehicle. All such vehicle sale activities shall be in accordance with applicable state regulations.
- B. Neither of the following shall be sold on residential lots nor in the DGA-R or DGA-MR zoning districts:
  - 1. Trucks with an aggregate gross weight of over fourteen thousand (14,000) pounds;
  - 2. Vehicles not owned or leased by a resident of the lot.
- C. Otherwise, it shall be considered motor or automobile vehicle sales and must comply with all applicable provisions set forth elsewhere of this Ordinance.

#### **7.22 SERVICE STRUCTURES SCREENING AND LOCATION**

- A. Service structures and areas such as solid waste dumpsters, refuse and recycling containers, propane tanks, air conditioning units (except window units) and condensers, electrical transformers and other equipment or elements providing essential services to a building or lot shall be permitted in any zoning district, but not located:
  - 1. Between the principal building and the public street or within any required front setback area;
  - 2. In any required setback or a required buffer yard;
  - 3. In any area of a parking lot that causes obstructed access to designated parking spaces; or
  - 4. Within fifteen (15) feet of the DGA-R or DGA-MR zoning districts or an existing single or two family dwelling on an abutting lot.
- B. All service structures and areas shall be fully screened on all sides.
  - 1. A continuous planting, hedge, fence, wall or earthen mounding shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required.
  - 2. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height unless specified otherwise by this Ordinance.
  - 3. When a service structure is located adjacent to a building wall, perimeter landscaping material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section.

4. Whenever screening material is placed around any solid waste or trash disposal unit that is emptied or removed mechanically on a regular basis, a fixed barrier (e.g. mounted metal brackets) to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least eighteen (18) inches from the screening material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved. The minimum front opening of the screening material shall be twelve (12) feet to allow service vehicles access to the container.
- C. The locations of all service structures and screening shall be shown on all site plans and land development plans submitted to Heidelberg Township.
- D. This section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises, or for recycling containers that do not involve garbage.

#### **7.23 SMALL SOLAR ENERGY SYSTEMS**

- A. Small solar energy systems shall be permitted in all zoning districts as appurtenances to any building or as accessory structures and shall be subject to the following regulations:
  1. The design and installation of small solar energy system shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Uniform Construction Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
  2. All small solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
  3. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
  4. No part of any small solar energy system shall be located within or above any front yard, along any street frontage, nor within any required setback of any property.
  5. Small solar energy systems mounted on the roof of any building shall be subject to the maximum height regulations specified within each zoning district.
    - a. The owner shall provide evidence in the form of stamped plans certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania that the roof is structurally.
  6. Small solar energy systems which are ground mounted or detached from the principal or accessory structure shall not exceed fifteen (15) feet in height.
  7. The applicant shall submit a plan for the removal of the small solar energy system when it becomes functionally obsolete or is no longer in use. The owner shall be responsible for the removal of the system within six (6) months from the date the applicant ceases use of the system or the system becomes obsolete. It shall be presumed that the solar energy system is obsolete or is no longer in use if no electricity is generated for a continuous period of six (6) months.

8. The owner of the small solar energy system shall provide written authorization that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

#### **7.24 SMALL WIND ENERGY SYSTEMS**

- A. Small wind energy systems shall be permitted in all zoning districts as accessory uses and accessory structures and shall be subject to the following regulations:
  1. The design and installation of all small wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Uniform Construction Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
  2. No more than one (1) small wind energy system shall be permitted per property.
  3. Small wind energy systems shall not generate noise which exceeds fifty-five (55) decibels nor ten (10) decibels above ambient noise in any one hour, whichever is higher. Noise is measured from the property line (alternative: closest neighboring inhabited structure or nearest habitable structure setback on abutting property, whichever is closer. The ambient sound measurement, known as "A-weighted sound level" is taken where the noise from the wind turbine cannot be heard, or with the wind turbine shut down. The ambient sound level shall be considered the level that is exceeded ninety (90) percent of the time when the noise measurements are taken. The fifty-five (55) decibel or ten (10) decibel level may be exceeded during short-term events such as utility outages and/or severe wind storms.
  4. Small wind energy systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA).
  5. All on-site utility and transmission lines shall be placed underground.
  6. No part of any small wind energy system shall be located within or above any front yard, along any street frontage, nor within any required setback of any property.
  7. All small wind energy systems shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure not located on the lot on which the accessory wind energy system is proposed, property line, street right-of-way, or overhead utility line.
  8. No portion of any small wind energy system shall extend over parking areas, access drives, driveways or sidewalks.
  9. The minimum height of the lowest position of the wind turbine shall be fifteen (15) feet above the ground.
  10. Small wind energy systems shall not display advertising, except for reasonable identification of the small wind energy system's manufacturer. Such sign shall have an area of less than four (4) square feet.
  11. When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall not have a floor area exceeding two hundred (200) square feet, and shall comply with the accessory building requirements specified within each Zoning District.

- a. Accessory buildings shall not be located within any front yard or along any street frontage, nor within any required setback of any property.
12. The owner of the small wind energy system shall provide written authorization that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator, and also approves of such connection. Off-grid systems shall be exempt from this requirement.
13. The owner of the small wind energy system shall, at the owner's expense, complete decommissioning within six (6) months after the end of the useful life of the small wind energy system. It shall be presumed that the wind turbine is at the end of its useful life if no electricity is generated for a continuous period of six (6) months.
14. The owner of the small wind energy system shall provide evidence that the owner's insurance policy has been endorsed to cover damage or injury that might result from the installation and operation of the small wind energy system.

## **7.25 SWIMMING POOLS**

- A. Every outdoor swimming pool, excluding "kiddie" or "wading" pools or pools designed with pools walls not capable of holding water at a depth of more than twenty-four (24) inches of water, must conform to all applicable Heidelberg Township and state codes and shall be subject to the following regulations:
  1. No swimming pool shall be permitted to be located between the principal building and the public street or within any required front setback area.
  2. Swimming pool setback shall be a minimum of ten (10) feet from the lot line to water's edge and seven (7) feet from impervious surface or support structure to the lot line.
  3. Water may not be discharged from a swimming pool directly onto or within twenty (20) feet of any public right-of-way or adjacent property without the applicable owner's consent.
  4. Pools shall not be located over a drainage, utility, or access easement.
  5. All swimming pools shall be completely enclosed with fencing at least four (4) feet in height. Such fence or wall shall be erected before any pool is filled with water.
  6. All on-site, outdoor lighting shall be designed to prevent glare to adjoining properties by employing hooded, shielded, or screened fixtures that confine glare to the site.
  7. Otherwise, all swimming pools shall comply with the requirements of the Heidelberg Township Building Code.

## **7.26 TEMPORARY CONSTRUCTION TRAILERS OR SHEDS**

- A. Temporary construction trailers or sheds shall be permitted in all Zoning Districts subject to the following conditions:
  1. Temporary construction trailers or sheds shall be permitted only during the period that the construction work is in progress. A permit for the temporary structure shall be obtained from the Zoning Officer prior to the commencement of construction and shall be renewed every six (6) months.
  2. Temporary construction trailers or sheds shall be located on the lot on which the construction is progressing and shall not be located within ten (10) feet of any lot line abutting an existing residential use.



3. Temporary construction trailers or sheds shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use.
4. A temporary construction trailer may be permitted for use as a sales center for residential lots. The maximum gross floor area of such a temporary sales center shall be five hundred (500) square feet.
5. No combustible materials shall be stored in temporary construction trailers or sheds.

## **7.27 UNENCLOSED VEHICLE STORAGE**

- A. Upon residential lots, the unenclosed storage of recreation vehicles, campers, travel trailers, boats and trailers is permitted only according to the following requirements:
  1. For purposes of this Section, recreational vehicles, campers, travel trailers, boats and trailers are divided into two (2) separate categories, as follows:
    - a. Class I Vehicles
      - 1) Recreational vehicles, campers, travel trailers, boats and trailers used solely for the transport of residents' recreational vehicle(s) that possess no more than two hundred (200) square feet, as measured to the vehicle's outermost edges, nor exceeding a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.
    - b. Class II Vehicles
      - 1) Those recreational vehicles, campers, travel trailers, boats and trailers used solely for the transport of residents' recreational vehicle(s) that possess more than two hundred (200) square feet, as measured to the vehicle's outermost edges, nor exceeding a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.
  2. The temporary parking of one (1) Class DGA-I or Class II vehicle for a period not to exceed forty eight (48) hours shall be permitted on a paved or gravel surface in any yard, so long as the vehicle is set back no less than ten (10) feet from any street right-of-way (excluding alleys), and five (5) feet from abutting lot lines or alley right-of-way.
  3. The storage of Class DGA-I vehicles registered to the land owner or tenant of a property shall be permitted on the basis of one (1) vehicle per one half (1/2) acre of lot area up to a maximum of five (5) vehicles, so long as the unit is set back no less than ten (10) feet from any street right-of-way (excluding alleys) and five (5) feet from abutting lot lines or alley right-of-way.
  4. The storage of one (1) Class II vehicle is permitted, subject to the following requirements:
    - a. All vehicles shall be set back a horizontal distance equal to the underlying zoning district's principal use setbacks.
    - b. Within the DGA-R or DGA-MR zoning districts, no vehicle shall be stored between the principal building and the public street (excluding alleys) or within

any required front setback area. In other zoning districts, or on vacant lots, the vehicle must be stored behind the required front setback line, as specified for principal uses.

- c. Screening shall be provided along any side or rear lot lines in accordance with the provisions elsewhere herein this Part 7 of this Ordinance. Such screening shall not be required along a common side lot line when the owner resides on one lot, and stores a vehicle on an abutting vacant lot that he/she owns. One ten (10) foot wide break in required screening may be provided along one (1) rear or side lot line for vehicle access onto an adjoining street.
  - d. All areas used for storage of Class II vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and shall prevent the leakage of fuels, lubricant, or both, onto the ground.
5. The storage or parking of one (1) commercial truck upon any residential lot is permitted. For the purpose of this section, commercial trucks shall include those that do not exceed a gross vehicle weight (truck plus rated payload) of ten thousand (10,000) pounds.
  6. The parking or storage of any trailer other than those accessory to a principal residential use is prohibited.

#### **7.28 WATER AND SEWAGE DISPOSAL FACILITIES**

##### **A. Connection to Water Supply and Sewage Disposal Facilities**

1. All principal, non-agricultural/forestry uses or developments shall be served with water supply and sewage disposal methods in accordance with Article 4 and 5 of the Heidelberg Township Subdivision and Land Development Ordinance.
2. All methods and plans for the on-lot disposal of sewage or wastes shall be designed in accordance with all applicable regulations. A certificate or statement of adequacy from the Heidelberg Township Sewage Enforcement Officer shall be prerequisite to the issuance of a building permit.

#### **7.29 YARD SETBACK AND LOT REGULATIONS**

##### **A. General**

1. All yard setbacks shall be provided in accordance with the provisions of this Ordinance and shall be planted with grass, seed, sod, ground cover, mulch or other pervious decorative or vegetative cover except in cases where sidewalks, walkways, access drives, driveways, off-street parking lots, patios and other types of surfaces are permitted by this Ordinance.
2. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Ordinance. This includes, but is not limited to: yard setback areas, non-impervious areas and off-street parking and loading areas.
3. Emergency Access. All principal buildings shall have adequate provisions for access by emergency vehicles and fire ladders in order to reach all sides of a building.

4. Where the street (public or private) right-of-way upon which the lot abuts is less than fifty (50) feet in width, the required front yard setback shall be measured from a line parallel to and twenty-five (25) feet from the center line of the street.

B. Corner Lots

1. Front yards are required on both street frontages for yards abutting street rights-of-way. For the purposes of determining side and rear yards, one yard shall be deemed to be a rear yard, with the other deemed a side yard (as defined in Part 2 of this Ordinance).
2. No obstructions to vision, including structures or vegetation, shall be permitted within a clear-sight triangle in accordance with the clear-sight triangle requirements of this Ordinance.

C. Triangular Lots

1. All triangular lots shall have a rear yard established by a radial setback from the vortex of the two side yards

D. Double Frontage Lots Prohibited

1. Double frontage lots are prohibited, except where created as reverse frontage lots to prevent direct vehicular access to collector or minor arterial streets.
2. All residential reverse frontage lots shall have a rear yard with a minimum depth of fifty (50) feet, measured along the shortest distance from the proposed dwelling unit of occupancy to the street right-of-way line. Within such rear yard, and immediately adjacent to the right-of-way line, there shall be a planting screen of at least ten (10) feet in width, across which there shall be no right of access.
3. Lots utilizing driveways shall not directly access a minor arterial or collector street. Reverse frontage lots are required along such streets in order to limit traffic hazards and to provide for the efficient movement of traffic.

E. Front Yard Setback Exception

Where at least two (2) adjacent buildings (one on each side of the said proposed building), on the same side of the street within one hundred (100) feet of the said property being developed, are set back a lesser distance than required, the average of the lesser distances becomes the required minimum front setback for the property. However, unless otherwise specified elsewhere in this Ordinance, the minimum setback line shall be no less than fifteen (15) feet from any abutting street right-of-way line.

F. Projections Into Required Setbacks

1. Unenclosed and uncovered patios, terraces, and porches, thirty six (36) inches or less above ground level may extend into required side and rear yard setback a maximum of [4] four feet.
2. Cornices, eaves, sills or other similar architectural features, gutters, bay windows, chimneys, or similar structures, may project into the required front, rear or side yard setback, not more than twenty four (24) inches.
3. Exterior stairways, fire escapes or other required means of egress, ground-mounted doors for basement access, window awnings, chase for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard setback, except as may be required within a drainage or utility easement.

4. Covered porches, whether enclosed or unenclosed, shall be considered as part of the principal building and shall not project into any required yard setback.
5. Attached carports, garages, and other similar structures attached to the principal buildings shall be considered as part of the principal building and shall not project into any required yard setback.
6. Apparatus or architectural structures needed for efficient operations of solar energy systems, including but not limited to overhangs, insulating walls and roofs, solar collectors or reflectors, may project into a required setback not more than four (4) feet.
7. Light fixtures, sidewalks or walkways on grade, open fire escapes, handicapped ramps when connected to a building; flagpoles, sidewalks, walkways or handicapped ramps when not connected to a building; and vegetation, landscaping materials, decorative lawn ornaments, bird feeders, handrails along sidewalks or ramps, school bus shelters, and telephone booths may project into any required yard setback.

**G. Setbacks Between Residential Buildings On The Same Lot**

1. Except for mobile home parks as provided in Part 8, Section 8.3.E of this Ordinance and Article 5 and 7 of the Heidelberg Township Subdivision and Land Development Ordinance, the required setback distance between principal residential buildings on one lot shall be provided as follows, unless otherwise stipulated in this Ordinance for specific uses.
  - a. When parallel or obliquely aligned, buildings shall have fifty (50) feet between front or rear faces for one story in height, plus five (5) feet for each additional story, shall be required.
  - b. Between end walls of buildings, a yard space of twenty-five (25) feet for each one-story building plus five (5) feet for each additional story shall be required.
  - c. Between end walls and front or rear faces of buildings a yard space of thirty (30) feet for one story, plus five (5) feet for each additional story shall be required.
  - d. When two (2) adjacent buildings differ in the number of stories, the spacing shall be not less than one-half (1/2) of the sum of the required distance between two (2) buildings of lower height, plus that between two (2) buildings of the greater height.

## 7.30 NONCONFORMITIES

**A. Lots of Record**

1. 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 regulation for the minimum lot area and/or lot width for the zoning district 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.

**B. 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 zoning 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.

C. Expansion or Alteration

1. Upon application for a special exception and in accordance with the provisions of Part 12 of this Ordinance relating to special exceptions, 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 Part 12 of this Ordinance relating to special exceptions, the Zoning Hearing Boars may authorize additions or improvements to dimensional nonconformities.

D. 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.

E. Restoration

1. 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 Part 12 of this Ordinance relating to variances. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe.

F. Abandonment

1. A nonconforming use shall be adjudged as abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date cessation or discontinuance. Such use shall not thereafter be reinstated and the structure shall not be reoccupied except in conformance with this Ordinance.

G. Reversion

1. No nonconformity shall, if once changed to conform to the regulations of this Ordinance, be changed back again to a nonconformity.

H. District Changes

1. Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one (1) zoning district to another zoning district of a different classification, the foregoing provisions shall also apply to any nonconforming uses or dimensional nonconformities existing therein or created thereby.

I. Identification and Registration

1. Nonconforming uses, lots, and structures shall be identified and registered by the Zoning Officer, together with the reasons why the Zoning Officer identified them as nonconformities, upon request of the owner of the nonconforming use, lot, or structure.

## **PART 8 - SPECIFIED CRITERIA AND SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES**

### **8.1 APPLICABILITY**

- A. In addition to the general provisions for principal, accessory and/or temporary uses, buildings, and structures within a particular zoning district established in Parts 4 and 5 of this Ordinance; the additional general provisions for uses, buildings, and structures established in the Part 7 and elsewhere in the Ordinance, this Part sets forth the specific standards and supplemental regulations that shall be applied to each principal and accessory use identified herein. These specific use standards and supplemental regulations must be satisfied prior to approval of any application for a zoning permit, building permit, occupancy permit, temporary permit, special exception. The applicant shall be required to demonstrate compliance with these standards and regulations and must furnish whatever evidence is necessary to demonstrate such compliance.
- B. All principal and accessory uses identified subsequently herein this Part, must comply with the general provisions for uses within a particular zoning district in which the use is to be located, unless different standards are established herein the subsequent sections of Parts 4 and 5 of this Ordinance; in any case, the more restrictive of the general and specific provisions shall apply.
- C. For the purposes of this Part, any required setbacks shall be measured from the boundary line of the site for which the zoning permit, building permit, occupancy permit, temporary permit, special exception is requested, regardless of whether or not this line corresponds to a property line, lot line, or a lease line.
- D. For uses allowed within a specific zoning district as "Special Exceptions", see also the procedures and standards in Part 12 as applicable of this Ordinance.

### **8.2 ADDITIONAL SUPPLEMENTAL STANDARDS AND REQUIREMENTS FOR SPECIFIC PRINCIPAL AGRICULTURAL AND FORESTRY USES**

- A. Agribusiness
  - 1. Setbacks. The following setbacks are required:
    - a. No structure other than a dwelling or residential accessory use shall be constructed closer than fifty (50) feet to any property line.
    - b. For new agribusiness operations or expansions of existing agribusiness operations, any manure storage facility shall be located in accordance with the setback requirements established by Act 38 of 2005 known as ACRE.
  - 2. The applicant shall demonstrate that the methods of disposing of dead animals are in strict compliance with applicable standards established by PA DEP. Dead turkeys, chickens, or piglets shall be kept in airtight containers. Larger dead animals shall be kept in a manner so as to minimize the spread of odors and disease.
  - 3. The applicant shall demonstrate that the farming operation allows for the safe and efficient movement of all vehicles associated with the operation.
  - 4. All areas utilized for grazing or pasture areas shall be fenced.

5. All proposed entrances and exits to the operation shall be designed and improved in a manner which does not allow mud or gravel to be deposited or accumulate on or along abutting public streets.
6. Areas designed for outdoor storage of pallets, machinery, or other materials shall be provided with buffering and screening in accordance with Part 7 of this Ordinance.
7. The perimeter of any parking area shall be landscaped with at least three (3) of the following materials: landscape mulch, grass, shrubs, or trees.
8. A water supply feasibility report shall be prepared in accordance with Article 4 of the Heidelberg Township Subdivision and Land Development Ordinance.
9. A land development plan shall be submitted to, and approved by, the Township in accordance with the requirements of the Heidelberg Township Subdivision and Land Development Ordinance.
10. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval. Specifically, new agribusiness operations, or expansions of existing agribusiness operations, which require a nutrient management plan in accordance with Act 38 of 2005 known as ACRE, the applicant shall demonstrate that such plan has been prepared and submitted to the York County Conservation District for review prior to the hearing for approval. Further, the applicant shall demonstrate that such plan has been approved by the York County Conservation District prior to the issuance of the zoning permit.

B. Forestry

1. Forestry or commercial timber harvesting, excluding the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement, is permitted subject to the following criteria:
  - a. Timber harvesting shall be setback a minimum of fifty (50) feet front and rear setbacks and twenty [20] feet side setbacks.
  - b. All timber harvesting practices must protect nearby structures and utility lines. No uncontrolled felling shall be allowed.
2. Compliance with Applicable Regulations
  - a. The logging plan shall address and comply with the requirements of all applicable state laws and regulations and Township ordinances, including, but not, limited to, the following:
    - 1) Soil Erosion and Sedimentation control regulations and standards of the County Conservation District and/or PA DEP requirements.
    - 2) Stream crossing and wetlands protection regulations of PA DEP and/or the U.S. Army Corps of Engineers.
    - 3) Stormwater management plans and regulations issued pursuant to Articles 4 and 5 of the Heidelberg Township Subdivision and Land Development Ordinance.
3. Relationship of State Laws, Regulations, and Permits to the Logging Plan
  - a. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. A soil erosion and sedimentation control plan that satisfies the requirements of Section 25 Pennsylvania Code, Chapter 102 shall also satisfy the minimum requirements for the logging plan and associated map specified



previously, provided that all information required by these subsections is included or attached.

4. Responsibility for Road Maintenance and Repair; Road Bonding
  - a. The landowner and the operator shall be responsible for repairing any damage to Township streets caused by traffic associated with the timber harvest operation pursuant to the provisions of Section 67 Pennsylvania Code, Chapter 189, hauling in excess of posted weight limit. The Township may require the landowner and/or operator to furnish a bond to guarantee the repair of any such damage, pursuant to the said provisions of the Pennsylvania Code.

### **8.3 ADDITIONAL SUPPLEMENTAL STANDARDS AND REQUIREMENTS FOR SPECIFIC PRINCIPAL RESIDENTIAL USES**

- A. Bed and Breakfasts: Bed and Breakfasts are permitted subject to the following criteria:
  1. The building must be an existing single-family detached dwelling.
  2. All principal buildings permitted to be bed and breakfast uses shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modification to the external appearances of the building (except fire and safety requirements) which would alter its residential character shall be permitted.
  3. Fire escapes, where required, shall be located in the rear of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.
  4. Accommodations shall be limited to no more than five (5) guest bedrooms be available.
  5. The owner of the facility or resident manager must reside therein, and must be on the premises when guests are present.
  6. Individual overnight guests shall not occupy the facility for more than fourteen (14) consecutive nights in a thirty (30) day period.
  7. No cooking facilities shall be provided or permitted in individual guest bedrooms.
  8. Accessory uses, customarily incidental to the use of a bed and breakfast, shall be permitted so long as they complement the bed and breakfast use and do not encumber activities of surrounding lots.
  9. All uses must comply with Township building, health, housing, rental, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.
  10. The applicant shall obtain any required land development approvals in accordance with the requirements of the Heidelberg Township Subdivision and Land Development Ordinance.
- B. Boarding Houses. Boarding houses are permitted subject to the following criteria:
  1. Minimum lot area shall be one (1) acre.
  2. All principal buildings permitted to be boarding house facilities shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modification to the external appearances of the building (except fire and safety requirements) which would alter its residential character shall be permitted.
  3. Fire escapes, where required, shall be located in the rear of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.

4. All floors above grade shall have direct means of escape to ground level.
5. Accommodations shall be limited to no more than five (5) tenants/guests.
6. All tenant/guest rooms available for boarding shall be located within the principal building.
7. All tenant/guest rooms shall contain the International Building Code minimum habitable floor area per person, exclusive of common areas.
8. Meals for compensation shall be provided only to registered tenants of the boarding house. No cooking facilities shall be provided or permitted in the individual guest rooms.
9. No signs shall be permitted.
10. A land development plan shall be submitted to, and approved by, the Township in accordance with the requirements of the Heidelberg Township Subdivision and Land Development Ordinance.
11. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

C. Continuing Care Retirement Community Facility

1. Whenever a party or parties seeks to establish a continuing care retirement facility, the party or parties shall file a detailed statement of intent with the Township describing the proposed use and development of the lot. Such statement shall detail the proposed number and nature of the anticipated occupants and uses. The statement shall identify how said use satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding properties and neighborhood.
2. The continuing care retirement community is designed primarily for persons aged fifty-five (55) and over.
3. Access shall be via an arterial or collector street as designated by the most recent version of the Heidelberg Township Comprehensive Plan.
4. The following uses shall be permitted as principal uses within a continuing care retirement community.
  - a. Residential uses.
    - 1) Long-term care nursing centers
    - 2) Personal care centers
    - 3) Single-family attached dwellings
    - 4) Single-family detached dwellings
    - 5) Two family detached dwellings
    - 6) Multi-family dwellings/apartments
  - b. Public-Semi-Public uses.
    - 1) Parks, other outdoor recreational uses
    - 2) Libraries and community activity buildings
    - 3) Indoor recreation uses and structures operated for the benefit or use of the community
    - 4) Post office
  - c. Institutional uses.
    - 1) Places of worship
5. The following uses shall be permitted as accessory uses in the continuing care retirement community for the use of residents and guests:

- a. Accessory service uses:
    - 1) Medical offices and clinics
    - 2) Common dining facilities
    - 3) Indoor recreation facilities
    - 4) Outdoor recreational facilities
  - b. Accessory commercial uses.
    - 1) Banks
    - 2) Food services
    - 3) Retail businesses
    - 4) Personal services
    - 5) Restaurants (no drive in or drive thru)
  - c. Each accessory use shall be located in a building occupied by residential uses or in a community activities building.
  - d. Each accessory commercial use shall not exceed two thousand five hundred (2,500) square feet of net floor area.
  - e. The total area reserved of commercial accessory uses shall not exceed four (4) percent of the total gross land area of the original tract/lot, and no more than twenty five thousand (25,000) square feet, whichever is less.
6. Continuing care retirement communities shall meet the following area, density, coverage and setback requirements:
- a. Minimum lot area shall be ten (10) acres.
  - b. Maximum density shall be (12) units per acre.
  - c. Maximum impervious lot coverage shall be sixty (60) percent.
  - d. Minimum vegetative coverage shall be thirty (30) percent.
  - e. No building shall be within twenty-five (25) feet of the property line of the continuing care retirement community, nor within thirty-five (35) feet of an outside or public street right-of-way.
  - f. In instances where there is more than one building on a single lot, the following minimum building setback requirements shall be met:
    - 1) Front to front: 70 feet.
    - 2) Front to side: 50 feet.
    - 3) Front to rear: 40 feet.
    - 4) Side to rear: 20 feet.
    - 5) Side to side: 15 feet.
    - 6) Rear to rear: 30 feet.
    - 7) Corner to corner: 20 feet.
  - g. Staging of development. When the continuing care retirement community is to be developed in stages, the following criteria must be met:
    - 1) The land development plan presented to the Township must show the approximate location and type of use for each stage of the development.
    - 2) If nonresidential uses will be a part of the development, the sequencing shall be shown so that not all residential development is constructed prior to the construction of the nonresidential development, unless the development involves an existing continuing care retirement community that already includes existing nonresidential components, in which case the staging requirement would not apply.
7. Safe vehicular access and areas for discharging and picking up guests shall be provided.

8. The location, orientation and lot circulation shall be coordinated with the Township in order to minimize the disturbance of adjacent land uses and neighborhood, and traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
9. Deed restrictions or covenants should be included to provide for the creation of a property owners association or board of trustees for the proper protection and maintenance of the development improvements in the future; at a minimum, all development improvements relating to internal streets, sidewalks, curbs, parks, parking areas, etc. shall remain private and the responsibility of the landowner and/or the operator. Should the property owners association or board of trustees, or landowner and/or the operator neglect to maintain the designated improvements, as depicted on the plan, the Township may then maintain said areas and assess the responsible party for any costs incurred.
10. The institution shall submit a copy of its emergency operations plan (EOP) to the local and county emergency management agency coordinator. The EOP shall also include detailed information regarding solid, medical and hazardous materials and waste handling, including a listing of all medical and hazardous materials and wastes used and generated on site and evidence indicating the disposal of all materials and wastes will be accomplished in a manner that complies with Township, state, and federal regulations.
11. A land development plan shall be submitted to, and approved by, the Township in accordance with the requirements of the Heidelberg Township Subdivision and Land Development Ordinance.
12. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

D. Group Home

1. All principal structures permitted to be group home uses shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modification to the external appearances of the building (except fire and safety requirements) which would alter its residential character shall be permitted.
2. Fire escapes, where required, shall be located in the rear of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.
3. Under no circumstances shall any uses qualifying for or falling under the definition of a "half-way house" or "treatment center" be considered a group home facility.
4. Occupants of the group home facility shall live as a family unit.
5. All uses must comply with Township building, health, housing, rental, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licensed, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

E. Long Term Care Nursing Home or Personal Care Facility

1. Whenever a party or parties seeks to establish a long term nursing home or personal care facility on a lot or occupy a dwelling or other building as a long term nursing home or personal care facility, the party or parties shall file a detailed statement of intent with the Township describing the proposed use and development of the lot or dwelling or building. Such statement shall detail the proposed number and nature of the anticipated occupants. The statement shall identify how said use satisfies a demonstrative need and

shall be conducted in a responsible manner without detriment to surrounding properties and neighborhood.

2. In addition to residential units (living and sleeping quarters with or without kitchen facilities), the following accessory uses may be provided for the exclusive use of residents and their guests:
  - a. Dispensaries
  - b. Medical offices and clinics
  - c. Common dining facilities
  - d. Parks and other non-commercial recreation uses
  - e. Indoor recreation uses
  - f. Bank
  - g. Retail business
  - h. Personal Service
3. Buildings on the same lot shall meet the following minimum setback requirements between buildings:
  - a. Front to front: Seventy (70) feet
  - b. Front to side: Fifty (50) feet
  - c. Front to rear: Forty (40) feet
  - d. Side to rear: Twenty (20) feet
  - e. Side to side: Fifteen (15) feet
  - f. Rear to rear: Thirty (30) feet
  - g. Corner to corner: Twenty (20) feet
4. Minimum vegetative coverage shall be forty (40) percent.
5. All principal structures permitted to be long term nursing homes and personal care facilities shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modification to the external appearances of the building (except fire and safety requirements) which would alter its residential character shall be permitted.
6. Fire escapes, where required, shall be located in the rear of the building and shall not be located on any wall facing a street right-of-way.
7. The location, orientation and lot circulation shall be coordinated with the Township in order to minimize the disturbance of adjacent land uses and neighborhood, and traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
8. A long term nursing home or personal care facility shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the long term nursing home or personal care facility.
9. The institution shall submit a copy of its emergency operations plan (EOP) to the local and county emergency management agency coordinator. The EOP shall also include detailed information regarding solid, medical and hazardous materials and waste handling, including a listing of all medical and hazardous materials and wastes used and generated on site and evidence indicating the disposal of all materials and wastes will be accomplished in a manner that complies with Township, state, and federal regulations.
10. A land development plan shall be submitted to, and approved by, the Township in accordance with the requirements of the Heidelberg Township Subdivision and Land Development Ordinance.

11. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

F. Mixed Residential Development: Mixed residential developments shall comply with the following standards and requirements:

1. Minimum lot area of the mixed residential development shall be ten (10) acres.
2. Maximum density in a mixed residential development shall be eight (8) units per acre.
3. Permitted Uses and Dimensional and Design Standards: The permitted uses and related dimensional and design standards in mixed residential developments are as follows:

4.

Use / Dwelling Type	Minimum Lot Area Per Unit	Minimum Lot Width at Lot Frontage	Maximum Permitted Impervious Lot Coverage / Minimum Vegetative Coverage	Minimum Building Setbacks			Max. Building Height*
				Front	Side	Rear	
Single Family Detached Dwelling	8,000 SF	70 ft.	45% Impervious / 55% Vegetative/ Open Space	25 ft.	10 ft.	20 ft.	3 stories / 35 ft.
Single-Family Semi-Detached Dwelling	6,500 SF	50 ft.	50% Impervious / 50% Vegetative/ Open Space	25 ft.	10 ft.**	20 ft.	3 stories / 35 ft.
Single Family Attached Dwelling	2,500 SF	20 ft.	65% Impervious / 35% Vegetative/ Open Space	25 ft.	10 ft.**	20 ft.	3 stories / 35 ft.
Two Family Detached Dwelling	6,500 SF	70 ft.	60% Impervious / 40% Vegetative/ Open Space	25 ft.	10 ft.	20 ft.	3 stories / 35 ft.
Multi-Family Dwellings	2,000 SF	100 ft.	60% Impervious / 40% Vegetative/ Open Space	25 ft.	15 ft.**	30 ft.	3 stories / 35 ft.

Use / Dwelling Type	Minimum Lot Area Per Unit	Minimum Lot Width at Lot Frontage	Maximum Permitted Impervious Lot Coverage / Minimum Vegetative Coverage	Minimum Building Setbacks			Max. Building Height*
				Front	Side	Rear	
Accessory buildings and structures permitted in the zoning district, see also Part 7.	N/A	N/A	Included in above if on a permanent foundation	Not permitted to be located between the principal building and the public street	5 ft.	5 ft., except that detached garages adjacent to and having access to an alley, shall be setback five (5) feet from the right-of-way or fifteen (15) feet from the centerline of the alley, whichever is greater	2 stories / 25 ft. but not higher than the principal building

\* The maximum height limit may be increased to four (4) stories or forty-five (45) feet provided that each minimum building setback is increased in size one (1) foot for each additional one (1) foot building height over thirty five (35) feet.

\*\* Except that it may be reduced to zero (0) ft. at the shared lot line of lawfully attached dwellings constructed with a shared common party wall and the written consent of the owner of the abutting lot and building.

5. General Requirements: All Mixed residential developments shall comply with the following general requirements:
  - a. All mixed residential developments must provide open space in compliance with Part 8.3, subsection 8.3 F.6. herein below.
  - b. All mixed residential developments shall be served by public sewer and public water.
  - c. All mixed residential developments shall meet the following mixing requirements:
    - 1) The development shall include at least three (3) dwelling types. To qualify as one of the three (3) dwelling types, a dwelling type must comprise at least fifteen (15) percent of the total dwelling units in a mixed residential development.
    - 2) No dwelling type shall exceed the following maximum percentage of the total number of dwelling types:

<b>Use / Dwelling Type</b>	<b>Maximum Percentage of Mix</b>
Single Family Detached Dwelling	60%
Single-Family Semi-Detached Dwelling	45%
Two Family Detached Dwelling	35%
Single Family Attached Dwelling	30%
Multi-Family Dwellings	30%

6. Design Standards: All Mixed Residential Developments shall comply with the following design standards:

a. General Layout of Mixed Residential Developments

- 1) Mixed residential developments should be designed so that the different dwelling types are well integrated, similar to patterns found in traditional village areas within and around Heidelberg Township.
- 2) In general, mixed residential developments should be laid out so the single-family attached and multi-family dwellings and apartments are located close to an established village setting (where one exists), close to existing or similar single-family attached and multi-family dwellings and apartments (where they exist) on adjoining tracts, close to major roadways, or close to the large required central open space park.
- 3) At least fifty (50) percent of the proposed multi-family lots shall directly abut central open space, as defined in Part 8.3, subsection 8.3 F.6. herein below, along at least one hundred (100) feet of the boundary or shall abut central open space as defined in Part 8.3 subsection 7.b
- 4) To create variety along the streetscape, dwelling types shall be mixed along a street. The following lists the maximum number of dwelling units that may be located in a row on the same street. Breaks may be created by at least four (4) dwelling units of a different dwelling type or by open space with at least one hundred fifty (150) feet of frontage on the street.

<b>Use / Dwelling Type</b>	<b>Maximum Number of Dwelling Units (DUs) in a row along one side of a street</b>
Single Family Detached Dwelling	10 DUs
Single-Family Semi-Detached Dwelling	12 DUs
Two Family Detached Dwelling	8 DUs
Single Family Attached Dwelling	16 DUs
Multi-Family Dwellings	20 DUs

b. Pedestrian Design Standards

- 1) Walkways designed and constructed in accordance with the Heidelberg Township Subdivision and Land Development Ordinance, shall be required along all road frontages.



- 2) Walkways are required to connect the road frontage walkways to all front building entrances, parking areas, central open space, and any other destination that generates pedestrian traffic.
  - 3) Where cul-de-sacs are permitted, sidewalk connections shall be required to connect the bulb of the cul-de-sac with the nearest through street. These walkways shall be located in a right-of-way with a width of at least fifteen (15) feet which is fenced, physically defined as a public walkway, and/or contains screening and buffering as set forth in Part 7, Section 7.3 of this Ordinance.
  - 4) Walkways shall connect to existing walkways on abutting tracts and other nearby pedestrian destination points.
- c. Building Design Standards
- 1) All dwelling units must have at least one primary entrance in the front façade. For single-family semi-detached units, this requirement may be met if at least one of the units has its primary entrance in the front façade.
  - 2) Additional building design standards:

Use / Dwelling Type	Maximum Number of Dwelling Units Per Building	Minimum Distance Between Buildings on the Same Lot	Maximum Building Length
Single Family Detached Dwelling	1	20'	N/A
Single-Family Semi-Detached Dwelling	2	25'	N/A
Single Family Attached Dwelling	4	30'	N/A
Two Family Detached Dwelling	2	25'	N/A
Multi-Family Dwellings	8	30'	80'

- d. Parking Design Standards
- 1) Garages, driveways, and/or access drives should not be the dominant aspect of the building design, as seen from the street.
  - 2) When garage doors face a street, the garage shall comprise no more than thirty (30) percent of the total area of the front façade elevation of a dwelling unit, measured from ground level to the lower edge of the roof. A garage door facing a street shall not exceed a width of ten (10) feet. No more than two (2) garage doors facing a street may be located in a row, and such rows of garage doors must be separated from any other garage door facing a street by at least ten (10) feet.

- 3) Parking for single-family detached and single-family semi-detached dwellings: Garages for single-family detached and single-family semi-detached dwellings shall meet one of the following design options:
  - a) The garage is side entry, so garage doors are perpendicular or radial to the street which the front façade faces.
  - b) The garage is front-entry and set back at least ten (10) feet from the front façade of the house.
  - c) The garage is located behind the rear façade of the house. This garage may be detached from or attached to the house, and the garage doors may face any direction.
  - d) The garage is rear-entry, so garage doors are on the opposite side of the house from the front façade.
- 4) Parking for Single-Family Attached Dwellings
  - a) Interior Units: Single-family attached dwellings located in the interior or middle of single-family attached buildings shall meet the following requirements:
    - i. Garages may be located behind the unit or may be located in the front, with the garage door facing the street, provided the garage complies with Part 8.3, subsection 8.3 F.6.d.2). herein above.
    - ii. One off-street unenclosed parking space may be provided in a driveway located between the building and the street right-of-way. All other unenclosed off-street parking spaces must be located to the rear of the building or in common parking to the side of single-family attached building.
  - b) End Units: Single-family attached dwellings located at the end of single-family attached buildings shall meet the following requirements:
    - i. Garages may be located behind the rear façade of the dwelling unit or may be side entry so that the garage doors are perpendicular or radial to the street which the front façade faces.
    - ii. Off-street unenclosed parking space may be located in the side or rear yards. They shall not be located between the front building and the street right-of-way.
- 5) Parking for Multi-Family Dwellings
  - a) Parking areas and/or garages for multi-family buildings may not be located between the front façade of the building and the street. Instead, parking areas and/or garages shall meet one of the following requirements:
    - i. The parking, whether consisting of surface spaces or garages, is located behind the rear façade of the building or buildings.
    - ii. The parking is in garages located to the side of the multi-family building or buildings and the garage doors are side entry, so garage doors are perpendicular or radial to the street which the front façade faces.
    - iii. Surface parking maybe located to the side of the multi-family buildings provided the side of the parking lot facing the street frontage(s) shall be screened in accordance with

Part 7, Section 7.3 of this Ordinance or one of the following mechanisms:

- iv. A low architectural wall, no less than three (3) feet and no more than four (4) feet in height (made of brick, stone, or other materials deemed appropriate by the Township).
- v. Screen planting in the form of one canopy tree, two (2) ornamental trees, 2 evergreen trees, and five (5) shrubs per one hundred (100) feet of road frontage

6) Street, Access Drive and Driveway Standards

- a) Streets and access drives with mixed residential developments shall be interconnected with each other and with streets on abutting properties in a grid or modified grid pattern.
- b) Cul-de-sacs shall be minimized. In no case shall a cul-de-sac exceed a length of three hundred and fifty (350) feet.
- c) On parent tracts of twenty (20) acres or more, new streets with a mixed residential development shall have a street connectivity index of 1.40 or more. The street connectivity index shall be computed by dividing the number of new street links (defined as street segments between intersection and/or cul-de-sac bulbs) but the number of new street intersections/permanent cul-de-sac bulbs.
- d) For mixed residential developments on tracts of ten (10) acres or more, no lot or dwelling unit shall take driveway access from an existing collector or higher classification street.

7. Open Space Standards

- a. In addition any requirements set forth in Article 5 of the Heidelberg Township Subdivision and Land Development Ordinance relating to park and recreation land requirements the following quantities of open space shall be provided by and in all mixed residential developments containing ten (10) or more dwelling units:

Type of Open Space	Minimum Amount to be Provided
Total Open Space	Twenty (20) percent of gross parent tract area. Total open space includes central open space and the primary park.
Central Open Space	Ten (10) percent of the gross parent tract area. Central open space includes the primary park.
Primary Park	Six (6) percent of the gross parent tract area or two (2) acres, whichever is less.

- 1) Total Open Space: Open space shall consist of one or more of the following types of open space:
    - a) central open space;
    - b) primary park;
    - c) active recreation facilities;
    - d) passive open space; and/or
    - e) other similar types of open space.
  - 2) No portion of any building lot or street right-of-way area may be used for meeting the minimum required amount of total open space.
- b. Central Open Space Requirements

- 1) Central Open Space Design options: All central open space shall meet one of the following design options:
  - a) Village Green: Each village green shall be at least twenty thousand (20,000) sq. ft. in size, shall be surrounded along at least one half (1/2) of its perimeter by streets, and shall be configured so that a circle with a radius of fifty (50) feet can fit within the confines of the green.
  - b) Parkway: Each parkway shall have a minimum average width of thirty-five (35) feet, shall have a length of at least one hundred fifty (150) feet, and shall be surrounded by streets on all sides.
  - c) Eyebrow: Each eyebrow shall be surrounded by streets on all sides, shall be generally configured as a semi-circle, and shall be configured so that a circle with a radius of thirty (30) feet can fit within the confines of the eyebrow.
  - d) Cul-de-sac Island: Each cul-de-sac island shall be located in the bulb of the cul-de-sac, shall have a radius of at least thirty (30) feet, and shall be surrounded by streets on all sides.
- 2) Additional Central Open Space Standards
  - a) All units within a mixed residential development shall be located within eight hundred (800) feet of some type of central open space.
  - b) In accordance with the Heidelberg Township Subdivision and Land Development Ordinance, healthy trees and shrubs shall be preserved within central open space areas.
  - c) Street trees shall be provided along the perimeter of central open space areas that border streets, in accordance with the Heidelberg Township Subdivision and Land Development Ordinance.
  - d) All portions of central open space areas, except for those areas under sidewalks, water, recreational structures, or other furnishings, shall be landscaped with trees, shrubs, ground cover or grass.
  - e) Fifty (50) percent of the stormwater management areas may be included as central open space, provided they include best management practices (BMP's), are well landscaped, are creatively designed, and are incorporated integrally in the overall open space design.
- c. Primary Park Requirements
  - 1) A primary park shall be located near the middle of the development and shall be easily and conveniently accessible from all lots and dwelling units in the development.
  - 2) The primary park shall be accessible by sidewalk or trail from every dwelling in the development.
  - 3) On a tract of ten (10) acres or more, the primary park shall be configured as a village green in accordance with Part 8.3, subsection 8.3 F.6.c. herein above. On tracts under ten (10) acres, the park may be configured as any of the options in accordance with Part 8.3, subsection 8.3 F.6. herein above.
  - 4) The primary park shall be improved with either a gazebo, pavilions, or paved patio area with benches or other treatments to help identify this park as the central gathering place for the development. The aforementioned improvements shall be minimum of three hundred (300) square feet in size.

8. Development Restrictions: All open space land shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the open space land at any time.
9. Ownership and Maintenance of Common Open Space and Facilities: Common open space shall be owned and maintained in a form acceptable to the Board of Supervisors and as reviewed by the Township Engineer and Township Solicitor.
  - a. Ownership Options
    - 1) The following methods may be used, either individually or in combination, to own common open space land and facilities. Common open space land and facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this subsection, and then only when there is no change in the common facilities or in the open space land ratio of the overall development. Ownership methods shall conform to the following:
      - a) Fee Simple Dedication to the Township: The Township may, but shall not be required to, accept any portion of the common open space land or facilities, provided that:
        - i. There is no cost of acquisition to the Township; and
        - ii. The Township agrees to and has access to maintain such facilities.
      - b) Condominium Association: Common open space land and facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law. All open space land and common facilities shall be held as "common element." In addition to the provisions of this section, all requirements set forth in the Heidelberg Township Subdivision and Land Development Ordinance shall be met.
      - c) Homeowner's Association: Common open space land and facilities may be held in common ownership by a homeowner's association, subject to all of the provisions for homeowner's associations set forth in state regulations and statutes, and the Heidelberg Township Subdivision and Land Development Ordinance shall be met:
        - i. The applicant shall provide the Township a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common open space land and facilities.
        - ii. The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development.
        - iii. Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.
        - iv. The association shall be responsible for maintenance and insurance of common open space land and facilities.
        - v. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. Such dues shall be paid with the accrued interest before the lien may be lifted.

- vi. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common open space land and facilities must be given to all members of the association and to Heidelberg Township no less than thirty (30) days prior to such event.
    - vii. The association shall have adequate staff to administer, maintain, and operate such common open space land and facilities.
  - d) Private Conservation Organization or York County: With permission of the Board of Supervisors, an owner may transfer either fee simple title of the open space land or easements on the open space to a private non-profit conservation organization or to York County provided that:
    - i. The conservation organization is acceptable to Heidelberg Township and is a bona fide conservation organization intended to exist indefinitely.
    - ii. The conveyance contains appropriate provisions for proper reverter or re-transfer in the event that the organization or York County becomes unwilling or unable to continue carrying out its functions.
    - iii. The open space land is permanently restricted from future development through a conservation easement and the Township is given the ability to enforce these restrictions.
    - iv. A maintenance agreement acceptable to Heidelberg Township is established between the owner and the organization or York County.
  - e) Dedication of Easements to Heidelberg Township: Heidelberg Township may, but shall not be required to, accept easements for public use of any portion of the common open space land or facilities. In such cases, the facility remains in the ownership of the condominium association, homeowner's association, or private conservation organization while the easements are held by the Township. In addition, the following regulations shall apply:
    - i. There shall be no cost of acquisition to the Township.
    - ii. Any such easements for public use shall be accessible to the residents of the Township.
    - iii. A satisfactory maintenance agreement shall be reached between the owner and the Township.
- b. Maintenance
  - 1) Unless otherwise agreed to by the Board of Supervisors, the cost and responsibility of maintaining common facilities and open space land shall be borne by the property owner, condominium association, homeowners' association, or conservation organization.
  - 2) The applicant shall, at the time of Preliminary Plan submission, provide a Plan for Maintenance of Open Space Lands and Operation of Common Facilities in accordance with the following requirements:
    - a) The Plan shall define ownership.

- b) The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, cropland, woodlands, etc.).
  - c) The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the open space land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
  - d) At the Township's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year.
  - e) Any changes to the maintenance plan shall be approved by the Board of Supervisors.
- 3) In the event that the organization established to maintain the open space lands and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the Township may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
  - 4) The Township may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowner's association, conservation organization, or individual property owners who make up a condominium or homeowner's association and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the Township in the office of the Prothonotary of York County.

G. Mobile Home Park: Mobile home parks are permitted subject to the following criteria:

- 1. Minimum lot area shall be ten (10) acres.
- 2. Maximum density in a mobile home park shall be (7) units per acre.
- 3. Each mobile home stand/pad (or lot if provided on individual lots) shall contain no more than one (1) mobile home, not more than one (1) family, and be at least four thousand, two hundred fifty (4,250) square feet of lot area provided for siting each mobile home dwelling unit.
- 4. Each mobile home stand/pad (or lot if provided on individual lots) shall have a minimum required:
  - a. Lot width of forty (40) feet,
  - b. Front building setback of twenty (20) feet,
  - c. Rear building setback of fifteen (15) feet, and
  - d. Two (2) side building setbacks of ten (10) feet each.
- 5. In no case shall the distance between any two (2) mobile home units be less than twenty (20) feet (these setbacks shall also apply to the mobile home park office, service, utility, or other buildings).
- 6. No mobile home stand/pad (or lot if provided on individual lots), or building shall be within twenty-five (25) feet of the lot or property line of the mobile home park, nor within thirty-five (35) feet of an outside public street right-of-way.

7. Protective skirting shall be placed around the area between the stand surface and the floor level of each mobile home so as to prevent that area from forming a harborage for rodents, creating a fire hazard, or exposing unsightly conditions.
  8. Individual mobile home owners may install accessory or storage sheds, extensions and additions to mobile homes, and exterior patio areas. Any such facilities so installed shall not intrude into any required front, side, or rear building setbacks, and, in every case, shall substantially conform in style, quality, and color to the existing mobile homes.
  9. Each mobile home shall be erected and connected to utilities in accordance with the Uniform Construction Code, Article 5 and 7 of the Heidelberg Township Subdivision and Land Development Ordinance, and all applicable state and federal requirements.
  10. All mobile homes shall abut on a street of the mobile home park's internal street system. In no case shall access to such mobile homes and mobile home stands/pads or lots be provided directly to or abutting public streets.
  11. All internal streets and/or access drives shall, as a minimum, comply with standards of Article 5 and 7 of the Heidelberg Township Subdivision and Land Development Ordinance.
  12. The location, orientation and lot circulation shall be coordinated with the Township in order to minimize the disturbance of adjacent land uses and neighborhood, and traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
  13. There shall be a minimum of fifteen (15) percent of the gross acreage of the mobile home park devoted to active and/or passive common recreational facilities. Responsibility for maintenance of the recreational areas shall be with the landowner and/or the operator, or property owners association.
  14. Deed restrictions or covenants should be included to provide for the creation of a property owners association for the proper protection and maintenance of the development improvements in the future; at a minimum, all development improvements relating to internal streets, sidewalks, curbs, active and/or passive common recreational facilities, parking areas, etc. shall remain private and the responsibility of the landowner and/or the operator. Should the property owners association, or landowner and/or the operator neglect to maintain the designated improvements as depicted on the plan, the Township may then maintain said areas and assess the responsible party for any costs incurred.
  15. A land development plan shall be submitted to, and approved by, the Township in accordance with the requirements of the Heidelberg Township Subdivision and Land Development Ordinance.
  16. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.
- H. Multi-Unit Residential Conversions: Multi-unit residential conversions are permitted subject to the following criteria:
1. Minimum lot area shall be one (1) acre.
  2. The building must be a single-family detached dwelling that existed on the effective date of this Chapter, and contained (at that time) at least two thousand four hundred (2,400) square feet of habitable floor area.
  3. All principal buildings permitted as part of a multi-unit residential conversion use shall maintain an exterior appearance that resembles and is compatible with any existing



dwelling in the neighborhood. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.

4. Fire escapes, where required, shall be located in the rear of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.
5. All floors above grade shall have direct means of escape to ground level.
6. All multi-unit residential conversions shall comply with the minimum lot area per unit requirements for the underlying zoning district.
7. The total number of dwelling units permitted per lot shall be four (4).
8. No dwelling unit shall be less than eight hundred (800) square feet.
9. All dwelling units shall be located within the principal building.
10. All dwelling units must have separate kitchen and bathroom facilities as well as living/sleeping spaces.
11. The location, orientation and lot circulation shall be coordinated with the Township in order to minimize the disturbance of adjacent land uses and neighborhood, and traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
12. For multi-unit residential conversions involving three (3) or more dwelling units, a land development plan shall be submitted to, and approved by, the Township in accordance with the requirements of the Heidelberg Township Subdivision and Land Development Ordinance. Otherwise the applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized.
13. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

#### **8.4 ADDITIONAL SUPPLEMENTAL STANDARDS AND REQUIREMENTS FOR SPECIFIC PRINCIPAL NON-RESIDENTIAL USES**

- A. Adult Related Uses. Adult-related uses are permitted, subject to the following criteria:
1. Access shall be via an arterial or collector street as designated by the most recent version of the Heidelberg Township Comprehensive Plan
  2. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
  3. No portion of an adult related use shall be located within five hundred (500) feet of another adult related use.
  4. No portion of a building occupied by an adult-related use shall be located within two hundred fifty (250) feet of adjacent property in the Residential zoning district or existing residential use.
  5. No portion of a building occupied by an adult-related use shall be located within one thousand (1,000) feet of any property which contains any one (1) or more of the following specified land uses where minors may congregate:
    - a. Commercial recreation facility, Indoor/Outdoor;
    - b. Daycare facility primarily for children;
    - c. Library;
    - d. Park, playground, playfield;

- e. Place of Worship;
  - f. School, Private/Public;
  - g. Swimming pool, Public; or
  - h. Other lands, buildings, and uses where minors are permitted to congregate.
6. No materials, merchandise, or film offered for sale, rent lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure.
  7. Any building or structure used and occupied as an adult related establishment shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure.
  8. All signs shall comply with Part 9 of this Ordinance. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
  9. Each entrance to the premises shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter therein and warning all other persons that they may be offended upon entry.
  10. No adult-related use may change to another adult related use, except upon additional approval by the entity with jurisdiction for initial approval.
  11. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
  12. No unlawful sexual activity or conduct shall be permitted.
  13. No more than one (1) adult related use may be located within one (1) building or on one lot.
  14. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

B. Airports/Heliports. Airport/Heliport uses are permitted, subject to the following criteria:

1. Minimum lot area shall be:
  - a. thirty (30) acres for airports; and
  - b. three (3) acres for heliports.
2. No part of the takeoff/landing strip and/or pad shall be located within three hundred (300) feet from any property line, nor within five hundred (500) feet from any land within the DGA-R or DGA-MR zoning districts or any existing residential use.
3. The hazard zone shall be delineated in accordance with the regulations of the applicable Federal and/or State agencies.
4. All facilities shall not be detrimental to the health, welfare and safety of Heidelberg Township residents and their property.
5. Heliports shall meet the following additional requirements:
  - a. The landing pad shall be at least eighty (80) feet square or a circle with an eighty (80) foot diameter. This pad shall be paved, level, and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
  - b. At least two (2) approach lanes to each landing pad shall be provided and maintained free of obstructions and shall be located not less than ninety (90)

degrees apart. Each approach lane shall be located within forty-five (45) degrees left or right of the prevailing winds and shall fan out at an angle of ten (10) degrees from the width of the landing pad to a width of one thousand (1,000) feet, and shall have a glide angle slope of eight (8) degrees to one (1), measured from the outer edge of the pad.

6. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval. Specifically, the applicant shall submit evidence confirming that the facility will be constructed, operated, and maintained in accordance with applicable rules and regulations of the Federal Aviation Administration and the Pennsylvania Department of Transportation, Bureau of Aviation, related to the use of airports and/or heliports.
- C. All Other Uses. If a use clearly is not permitted by right or as a special exception use by this Ordinance within any zoning district, the use is prohibited, except that the Zoning Hearing Board may permit such use as a special exception if the applicant specifically proves to the Zoning Hearing Board that all of the following terms would be met:
1. The proposed use is in general conformity with the most recent version of the Heidelberg Township Comprehensive Plan and harmony with the area in which it is proposed.
  2. The proposed use would be equal to or less intensive in external impacts than uses that are permitted in the zoning district.
  3. The proposed use would not endanger the public health and safety if located where proposed and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.
  4. All uses must comply with Township building, health, housing, rental, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.
  5. The proposed use is not specifically prohibited in that zoning district where it is proposed.
  6. The proposed use would meet the standards that apply under Part 11 of this Ordinance pertaining to Special Exception.
  7. The applicant shall provide a detailed description of the proposed use in each of the following topics:
    - a. The nature of the on-site activities and operations, the type of products, materials, equipment and/or processes involved in the proposed use.
    - b. The number of employees. The total number of employees on each shift.
    - c. The floor area of the building or gross area of the lot devoted to the proposed use.
    - d. The magnitude of walk-in trade.

The disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
    - e. The traffic and environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by

applicable laws and ordinance, including but not limited to those listed in Part 7, Section 7.14 of this Ordinance.

- f. The hours of operation.
- g. The extent of pervious and impervious surfaces in relationship to that currently present on adjacent lots and the overall block in which the use and development is proposed.
- h. A schematic architectural drawing of the principal building's front façade.
- i. Site plans required in Part 11 of this Ordinance.
- j. How the proposed use and development complies with subsection 1-6 herein above.

D. Antique Business. Antique business uses are permitted, subject to the following criteria:

- 1. Any outdoor display of articles for sale shall be at least fifty (50) feet from any property or street line.
- 2. Access shall be via an arterial or collector street as designated by the most recent version of the Heidelberg Township Comprehensive Plan; and traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.

E. Animal Hospitals/Veterinary Offices/ Kennels. Animal hospital/veterinary office/ kennel uses are permitted, subject to the following criteria:

- 1. Minimum Lot Area - Unless animals are kept inside at all times, each site shall contain at least five (5) acres; otherwise, the minimum lot area requirement of the applicable zoning district shall apply.
- 2. Unless animals are kept inside at all times, all animal boarding and related buildings that are not completely enclosed, and any outdoor animal pens, stalls or runways shall be located within the rear yard shall be provided with buffering and screening in accordance with Part 7 of this Ordinance, and shall be a minimum of two hundred (200) feet from all property lines, and five hundred (500) feet from any land within the DGA-R or DGA-MR zoning districts or any existing residential use. Otherwise, the setback requirements of the applicable zoning district shall apply.
- 3. All structures where animals are kept shall be soundproofed in a manner to prevent sound and odor from traveling outside, such as solid core doors, sound absorbent ceilings and forced air ventilation.
- 4. All areas used for outdoor exercise shall be enclosed or securely fenced to prevent the escape of animals.
- 5. All outdoor pasture areas shall be securely fenced to prevent the escape of animals; all such outdoor pasture area enclosures shall be set back a minimum of ten (10) feet from all property lines.
- 6. Animals are permitted to exercise outside daily between the hours of 8:00 a.m. to 8:00 p.m.
- 7. The applicant shall furnish evidence of effective means of animal and veterinary waste collection and disposal that shall be implemented.
- 8. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval, including the PA State Animal Welfare Act and applicable state kennel regulations.

- F. Automobile, Heavy Equipment and Similar Motor Vehicle Rental/Sales, Repair/Service, Washing, and/or Fuel/Gasoline Sales. Automobile, heavy equipment and similar motor vehicle rental/sales, repair/service, washing and/or fuel/gasoline sales are permitted, subject to the following criteria:
1. Access shall be via an arterial or collector street as designated by the most recent version of the Heidelberg Township Comprehensive Plan; and traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
  2. On-lot traffic circulation channels, storage, inventory/display/sales, and parking areas shall be clearly delineated. Additionally, any fuel delivery shall not impede traffic-flow patterns.
  3. Automobiles, boats, heavy equipment, recreational vehicles or similar motor vehicles offered for rent/sale, in any state of being fixed/serviced, or washed/dried, or otherwise stored, displayed or serviced shall not occupy any part of the existing or future street right-of-way (including sidewalks) or required off-street parking areas.
  4. All areas used for the storage, inventory/display/sales, parking, and otherwise permitted servicing of automobiles, boats, heavy equipment, recreational vehicles or similar motor vehicles shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
  5. All areas used for the storage, inventory/display/sales, parking, and otherwise permitted servicing of automobiles, boats, heavy equipment, recreational vehicles or similar motor vehicles shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as concrete or bituminous concrete surface, unless an alternative material and/or design as part of an readily accepted stormwater BMP is approved by the Township Engineer.
  6. All buildings and structures (including fuel/gasoline pumps, but excluding permitted signs) shall be setback at least twenty five (25) feet from any street right-of-way or property line.
  7. All permitted activities except for the inventory/display/sales, parking, and those normally required to be performed at the gasoline/fuel and air pumps, and washing and vacuuming areas shall be performed within a completely enclosed building.
  8. Where outside automobile, boat, heavy equipment, recreational vehicle or similar motor vehicle sales/rental inventory/display areas abut a street right-of-way, a perimeter landscape strip, a minimum of five (5) feet in width planted with grass or other living ground cover shall be planted, mulched and maintained on all portions of the perimeter landscape strip, and shall be provided and protected by permanent curbing, or otherwise comply with Part 10 of this Ordinance relating to parking.
  9. In no case shall any automobile, boat, heavy equipment, recreational vehicle or similar motor vehicle in any state of servicing/repair, be permitted to be stored between the principal building and the public street.
  10. All materials and activities not within completely enclosed buildings shall be surrounded by a fence or wall at least six (6) feet in height. Such fence shall be completely sight obscuring and maintained in good condition. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.
  11. All ventilation equipment outlets, fume collection, and other similar equipment associated with the service/repair work area(s) and/or service/repair and wash bay doors/opening shall not be located or oriented directly toward any abutting property in the DGA-R or DGA-MR zoning districts or existing residential use.

12. The demolition or junking of automobiles, boats, heavy equipment, recreational vehicles or similar motor vehicles is prohibited. The storage of inoperable automobiles, boats, heavy equipment, recreational vehicles or similar motor vehicles and related parts shall be within a completely enclosed building.
13. The outdoor storage automobiles, boats, heavy equipments, recreational vehicles and similar motor vehicles on the property without current registration is prohibited.
14. No automobile, boat, heavy equipment, recreational vehicle or similar motor vehicle, except those with current registration and offered for sales/rental, shall be stored upon the site for more than thirty (30) days.
15. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.
16. In addition to the aforementioned criteria herein this section above, automobile, boat, heavy equipment, recreational vehicle or similar motor vehicle washing facilities are permitted, subject to the following additional criteria:
  - a. All uses must provide sufficient stacking areas for waiting motor vehicles, which shall be a minimum of three (3) stacking spaces per washing bay, prior to entering such washing bay.
  - b. All uses must provide an area of at least eight hundred (800) square feet beyond the exit end of the washing building to be used for hand finishing operations of the washing process.
  - c. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.
  - d. Gray water recycling is mandatory.
  - e. Water from the vehicle wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
  - f. Exterior trash and recycling receptacles shall be provided amid any outdoor sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.

G. Automobile Wrecking, Junk and Scrap Storage and Sales. Automobile wrecking, junk and scrap storage and sales are permitted, subject to the following criteria:

1. Minimum lot area shall be ten (10) acres.
2. All junk, scrap, machinery and equipment stored outside shall be at least two hundred (200) feet from any adjacent property in the DGA-R or DGA-MR zoning districts or existing residential use.
3. No junk, scrap, machinery or equipment of any kind shall be stored in required front, side, or rear setback areas. All unpaved building setback areas shall be covered with grass or similar vegetative material and shall at all times be clean, vacant and well maintained.
4. All materials and activities not within completely enclosed buildings shall be surrounded by a fence or wall at least six (6) feet in height. Such fence shall be completely sight obscuring and maintained in good condition. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.

5. No material shall be placed in any establishment in such a manner that it is capable of being transferred off the premises by wind, water or other natural causes.
    - a. All paper, cloth and rags and other fibers, and activities involving the same other than loading and unloading, shall be within fully enclosed building.
  6. All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, and with no junk, scrap, machinery or equipment piled to a height greater than ten (10) feet.
  7. No material may be stored or stacked so that it is visible from abutting properties or adjoining street rights-of-way.
  8. No material shall be burned or incinerated at any time.
  9. No automotive wrecking, junk, scrap storage and sales establishments shall be located on land with a slope in excess of five (5) percent.
  10. All vehicles within the automotive wrecking, junk, scrap storage and sales establishments shall be completely drained of fuel, lubricants, battery fluid, transmission fluid, brake fluids, coolants, and air conditioning fluids.
  11. The establishment shall at all times be maintained in such a manner as to prevent:
    - a. any menace to public health and safety;
    - b. offensive or obnoxious odors;
    - c. the breeding, harboring or infestation of rats and other rodents and vermin; and
    - d. violation of any health, sanitary law, ordinance, or regulation of the Heidelberg Township or the Commonwealth of Pennsylvania.
  12. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.
- H. Billboards are permitted subject to the following criteria:
1. Billboard shall be located along an arterial or collector street as designated by the most recent version of the Heidelberg Township Comprehensive Plan.
  2. No billboard shall be located within five hundred (500) feet of another billboard, including billboards on either side of a street, including existing billboards in other municipalities. No lot or structure shall include more than one billboard, except that a billboard may have two (2) sign faces if they are placed approximately back-to-back.
  3. All billboards shall be a minimum of thirty five (35) feet from all side and rear property lines.
  4. All billboards shall be setback at least twenty-five (25) feet from any street right-of-way lines.
  5. All billboards shall be setback at least two hundred fifty (250) feet from any land within the DGA-R or DGA-MR zoning district or any existing residential use.
  6. No billboard shall obstruct the view of motorists on adjoining roads, or the view of abutting business uses, which depend upon visibility for identification.
  7. No billboard shall be attached in any way to a building. Additionally, no billboard shall be attached to any way to another billboard, except that a billboard may have two (2) sign faces if they are placed approximately back-to-back.
  8. No billboard shall exceed an overall size of three hundred (300) square feet.
  9. Maximum Height. Whichever is less of the following:

- a. Twenty-five (25) feet above the ground level upon which the billboard is located, or
    - b. Twenty-five (25) feet above the elevation of the centerline of pavement of the adjacent street at the point nearest the billboard
  - 10. Billboards shall comply with lighting standards set forth in this Ordinance.
  - 11. Landscaping Requirements:
    - a. A decorative landscaped strip shall be located immediately adjoining the supporting structure of the billboard in all directions;
    - b. A hedge or other desirable planting of at least two (2) feet in height shall extend the entire length and breadth of the required landscaped strip; and
    - c. The rear side of a single-faced billboard shall be of one (1) color and screened by existing or natural landscaping materials or by a planting of evergreen trees at least six (6) feet tall.
  - 12. All properties upon which a billboard is erected shall be regularly maintained in such a manner as to prevent:
    - a. any menace to public health and safety;
    - b. offensive or obnoxious odors;
    - c. the breeding, harboring or infestation of rats and other rodents and vermin; and
    - d. violation of any health, sanitary law, ordinance, or regulation of the Heidelberg Township or the Commonwealth of Pennsylvania.
- I. Campgrounds or Camps. Campgrounds and camps are permitted subject to the following criteria:
- 1. The minimum lot area shall be five (5) acres.
  - 2. All campgrounds containing more than one hundred (100) campsites shall have vehicular access via an arterial or collector street as designated by the most recent version of the Heidelberg Township Comprehensive Plan. For all campgrounds, traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
  - 3. If the site is in RRA-A or RRA-Cv zoning districts, the applicant shall demonstrate that the proposed location is located on the least productive soils (Class IV-VIII).
  - 4. All campsites shall be located at least twenty five (25) feet from any side or rear property line and at least fifty (50) feet from any public street right-of-way.
  - 5. Each campsite shall be at least one thousand five hundred (1,500) square feet in size.
  - 6. An internal road system shall be provided. All roads, streets, and access drives shall be designed and constructed in accordance with Article 5 of the Heidelberg Township Subdivision and Land Development Ordinance and construction and materials specifications standards.
  - 7. All outdoor play areas shall be used exclusively by registered guests and their visitors.
  - 8. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100) feet from any property line.
  - 9. Any accessory retail or service commercial uses shall be solely designed and constructed to serve only the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road rather than the public street right-of-way.
  - 10. A minimum of twenty (20) percent of the gross area of the campground shall be devoted to active and passive recreational facilities for exclusive use by registered guests and their



visitors, which shall not be located within fifty (50) feet of any lot line. Responsibility for maintenance of the recreation area shall be with the landowner.

11. During operation every campground shall have an office in which shall be located the person responsible for operation of the campground.
12. No permanent structures shall be permitted on any campsite other than fire places, pad for recreational vehicles, and required utility facilities.
13. No recreational vehicles may be parked within a campground for more than one hundred eighty (180) consecutive days.
14. No persons shall be permitted to permanently reside on any campsite, except the campground owner and/or resident manager.
15. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

J. Commercial Recreation, Indoor. Indoor commercial recreation uses are permitted subject to the following criteria:

1. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
2. All activities shall take place in a completely enclosed building.
3. All structures where indoor commercial recreation occurs shall be soundproofed in a manner to prevent sound from traveling outside, such as solid core doors, sound absorbent ceilings and forced air ventilation.
4. No exterior microphone/speaker system shall be permitted.
5. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

K. Commercial Recreation, Outdoor. Commercial recreation, outdoor are permitted subject to the following criteria:

1. Minimum lot size shall be five (5) acres.
2. Minimum lot width shall be three hundred (300) feet.
3. All outdoor recreational facilities generating more than five hundred (500) vehicle trips per day then the facility shall have vehicular access via an arterial or collector street as designated by the most recent version of the Heidelberg Township Comprehensive Plan. For all facilities, traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
4. Required setbacks:
  - a. All outdoor recreation/activity areas shall be set back at least fifty (50) feet from the street right-of-way and two hundred (200) feet from any adjacent property in the DGA-R or DGA-MR zoning districts or existing residential use.
  - b. Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all property lines at least the horizontal distance equal to their height, plus an additional fifty (50) feet. Furthermore, such structures shall not be used for occupancy.
  - c. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on abutting roads

and streets during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining street.

- d. Otherwise all structures shall comply with the underlying zoning district setbacks.
  5. Existing trees and vegetation shall be preserved, to the extent possible, to keep the area as close as possible to its original condition.
  6. Any exterior microphone/speaker system shall be oriented, arranged and/or screened to prevent any objectionable noise impact on adjoining properties.
  7. Exterior trash and recycling receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.
  8. All outdoor storage not within completely enclosed buildings shall be surrounded by a fence or wall at least six (6) feet in height. Such fence shall be completely sight obscuring and maintained in good condition. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.
  9. Hours of operation shall be limited to between the hours of 9:00 a.m. and 11:00 p.m.
  10. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.
- L. Communication, Television, and Radio Transmitting and Receiving Antenna, Towers, and Equipment. Communication, Television, and Radio Transmitting and Receiving Antenna, Towers, and Equipment are permitted subject to the following criteria:
1. Unless co-located upon another existing structure, the applicant shall demonstrate that the proposed location is necessary for the efficient operation of the system.
  2. All towers and guide wire anchors shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
  3. No new site shall be located within five hundred (500) feet of any of adjacent property in the DGA-R or DGA-MR zoning districts or existing residential use.
  4. If the site is in the RRA-A or RRA-Cv zoning districts, the applicant shall demonstrate that the proposed location is located on the least productive soils (Class IV-VIII).
  5. The applicant must be licensed by the Federal Communication Commission.
  6. No tower shall be artificially lighted except when required by the Federal Aviation Administration.
  7. The applicant shall submit expert testimony that the communication tower or antenna is the minimum height required to function satisfactorily.
  8. Any utilities extended to the tower site shall be placed underground.
  9. The applicant shall submit a plan for the removal of the communication tower and the communication antenna when they are no longer in use. The applicant shall be responsible for the removal of the facility within three (3) months from the date the applicant ceases use of the facility.
  10. In order to reduce the number of antenna support structures needed in the Township in the future, any proposed support structure shall be designed to accommodate the maximum load of carriers and equipment.

11. If an antenna site is fully automated, the site shall provide a turnaround located off the access drive. If the site is not automated, the number of required parking spaces shall comply with Part 10 of this Ordinance.
  12. The maximum size of an equipment shelter should be five hundred (500) square feet.
  13. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval. The application shall submit notice of approval for the proposed installation from the Federal Aviation Administration and the Federal Communication Commission.
- M. Convenience Store, General. Convenience store, general are permitted subject to the following criteria:
1. Access shall be via an arterial or collector street as designated by the most recent version of the Heidelberg Township Comprehensive Plan.
  2. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
  3. If motor vehicle washing and/or fuel/gasoline sales are provided as part of the general convenience store, then such use shall comply with all applicable provisions of automobile, heavy equipment and similar motor vehicle washing, and/or fuel/gasoline sales herein this Part, except that no sale/rental or repair/servicing of motor vehicles shall occur, and all activities except parking and those normally required to be performed at the fuel and air pumps and washing and vacuuming areas shall be performed within a completely enclosed building.
  4. If restaurant and food service facilities are provided as part of the general convenience store, then such use shall comply with all applicable provisions of restaurants and food services herein this Part.
  5. No outdoor stockpiling of trash is permitted. An area enclosed by a wall, fence with a self-latching door or gate and screened from view of adjoining properties shall be provided whenever outdoor storage is required. No materials may be stored as to create a fire hazard.
  6. At least twenty [20] percent of the lot on which the facility is situated must be devoted to natural landscaping.
- N. Daycare, Commercial. Daycare, commercial are permitted subject to the following criteria:
1. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
  2. An outdoor play area for children shall be provided.
    - a. Off street parking lots and areas shall not be used as outdoor play areas.
    - b. Outdoor play areas shall not be located between the principal building and the public street right-of-way.
    - c. All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s). Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.)
    - d. Additionally, outdoor play areas shall be located at least twenty five (25) feet from abutting property in the DGA-R or DGA-MR zoning districts or existing residential use, and screened in accordance with this Part 7 of this Ordinance, along with a fence at least four (4) feet in height.
    - e. Outdoor play areas shall be limited to use between 8:00 a.m. and 8:00 p.m.

3. No part of a child daycare property shall be located within one thousand (1,000) feet of a property containing an adult-related facility.
  4. Off-street parking areas shall be provided and arranged so that persons and/or children do not have to cross streets on or adjacent to the site.
  5. Primary passenger "drop-off" and "pickup" areas should be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site, and passenger "drop-off" and "pickup" areas shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
  6. Enrollment shall be defined as the largest number of persons and/or children under daycare supervision at any one time during a seven (7) day period.
  7. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.
- O. Dog Day Care. Dog day cares are permitted subject to the following criteria:
1. Minimum Lot Area - Unless animals are kept inside at all times, each site shall contain at least five (5) acres; otherwise, the minimum lot area requirement of the applicable zoning district shall apply.
  2. All structures where animals are kept shall be soundproofed in a manner to prevent sound and odor from traveling outside, such as solid core doors, sound absorbent ceilings and forced air ventilation.
  3. If the overnight keeping of dogs is provided as part of the dog day care, then such use shall comply with all applicable provisions of animal hospitals/veterinary offices/commercial kennels regarding the overnight keeping of animals.
  4. Unless animals are kept inside at all times, all animal boarding and related buildings that are not completely enclosed, and any outdoor animal pens, stalls or runways shall be located within the rear yard shall be provided with buffering and screening in accordance with Part 7 of this Ordinance, and shall be a minimum of two hundred (200) feet from all property lines, and five hundred (500) feet from any land within the DGA-R or DGA-MR zoning districts or any existing residential use. Otherwise, the setback requirements of the applicable zoning district shall apply. Animals shall be permitted to exercise outside in the play areas during the hours of 8:00 a.m. to 8:00 p.m.
  5. The applicant shall furnish evidence of effective means of animal waste collection and disposal that shall be implemented.
  6. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.
- P. Farmer's Market and/or Flea Market. Farmer's market and/or flea market are permitted subject to the following criteria:
1. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
  2. If the site is in RRA-A or RRA-Cv zoning district, the applicant shall demonstrate that the proposed location is located on the least productive soils (Class IV-VIII).
  3. The retail display/sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or

stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail display/sales area shall include all indoor and/or outdoor areas as listed above.

4. All areas used for outdoor retail display/sales area shall comply with Outside Sales and Display areas in Part 7 of this Ordinance.
5. All outdoor display and sales of merchandise shall begin no earlier than 6:00 a.m., and be completed no later than 8:00 pm.
6. Any exterior microphone/speaker system shall be oriented, arranged and/or screened to prevent any objectionable noise impact on adjoining properties.
7. Exterior trash and recycling receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.
8. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

Q. Golf Courses. Golf courses are permitted subject to the following criteria:

1. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
2. In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street right-of-way, access drive, or driveway.
3. Golf paths shall be graded so as to discharge stormwater runoff. Surface conditions of paths shall be adequately protected from an exposed soil condition.
  - a. The golf course design shall minimize golf path crossings of streets, access drives and driveways. Easily identifiable golf paths must be provided for crossings of streets, access drives or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives and driveways. Golf path crossings shall conform to the following:
    - 1) Each crossing shall be perpendicular to the traffic movements.
    - 2) Only one street access drive or driveway may be crossed at each location.
    - 3) No crossing is permitted between a point fifteen (15) feet and one hundred fifty (150) feet from the cartway edge of a street, access drive, or driveway intersection.
    - 4) The crossing must be provided with a clear sight triangle in accordance with Article 5 of the Heidelberg Township Subdivision and Land Development Ordinance.
    - 5) Golf path intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment. The required sight distance shall be governed by Article 5 of the Heidelberg Township Subdivision and Land Development Ordinance.
    - 6) The golf cart path shall not exceed a slope of eight (8) percent within twenty-five (25) feet of the cartway crossing.
    - 7) Golf path crossings shall be signed warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes.
    - 8) Golf path crossings of collector or arterial streets shall consist of a tunnel that is located below street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial streets and require the use of the

tunnel. The construction of the collector or arterial roadway crossing of the tunnel shall comply with Penn DOT standards.

4. All golf course buildings shall be set back seventy-five (75) feet from any abutting roads and one hundred (100) feet from adjoining existing residential properties;
5. Golf courses may include the following accessory uses, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users:
  - a. Clubhouse, which may consist of:
    - 1) Restaurant (excluding Drive-In), snack bar, lounge and banquet facilities.
    - 2) Locker and rest rooms.
    - 3) Pro shop.
    - 4) Administrative offices.
    - 5) Golf cart and maintenance equipment storage and service facilities.
    - 6) Guest lodging for those using the golf course, provided:
      - a) no lodging units have separate exterior means of ingress/egress.
      - b) all lodging units shall be contained within the main clubhouse.
      - c) such guest lodging shall have a total occupancy of no more than twenty (20) persons.
    - 7) Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms.
    - 8) Game rooms, including card tables, billiards, ping-pong, and other similar table games.
    - 9) Baby-sitting rooms and connected fence-enclosed playlots.
  - b. Accessory recreation amenities located outside of a building, including:
    - 1) Driving range, provided the applicant shall furnish expert evidence that all lighting has been arranged to prevent glare on adjoining properties.
    - 2) Practice putting greens.
    - 3) Swimming pools.
    - 4) Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts.
    - 5) Boccie ball, croquet, shuffleboard, quoits, horseshoe pits, and washers courses.
    - 6) Picnic pavilions, picnic tables, park benches, and barbecue pits.
    - 7) Hiking, biking, horseback riding, and cross-country ski trails.
    - 8) Playground equipment and play-lot games, including 4-square, dodge ball, tetherball, and hopscotch.
    - 9) Freestanding maintenance equipment, supply buildings and storage yards.
6. All outdoor storage of maintenance equipment and/or golf carts shall be set back at least one hundred (100) feet and provided with buffering and screening in accordance with Part 7 of this Ordinance.

R. Hospital. Hospitals are permitted subject to the following criteria:

1. Access shall be via an arterial or collector street as designated by the most recent version of the Heidelberg Township Comprehensive Plan.
2. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
3. Primary visitor or passenger "drop-off" and "pickup" areas should be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.

4. Emergency entrances shall not be located or oriented directly toward any adjacent property in the DGA-R or DGA-MR zoning districts or existing residential use.
5. Sufficient off-street stacking area for the movement of the emergency vehicles shall be provided on the site. A minimum one hundred (100) foot long on-site stacking area for the emergency vehicles shall be provided on the site. No emergency vehicle will be allowed to stack or be stored on public streets.
6. Maximum permitted height shall be sixty (60) feet provided that each building and/or structure shall be set back a horizontal distance from each property line at least equal to its height. For buildings exceeding thirty-five (35) feet, the applicant shall be required to submit expert evidence that sufficient safeguards regarding fire protection and rescue are in place.
7. The institution shall submit a copy of its emergency operations plan (EOP) to the local and county emergency management agency coordinator. The EOP shall also include detailed information regarding solid, medical and hazardous materials and waste handling, including a listing of all medical and hazardous materials and wastes used and generated on site and evidence indicating the disposal of all materials and wastes will be accomplished in a manner that complies with Township, state, and federal regulations.
8. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

S. Industrial Park. Industrial parks are permitted subject to the following criteria:

1. Access shall be via an arterial or collector street as designated by the most recent version of the Heidelberg Township Comprehensive Plan.
2. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
3. All access drives shall be designed and located in accordance with Article 5 of the Heidelberg Township Subdivision and Land Development Ordinance.
4. All access drives serving the site shall have a paved minimum thirty-five (35) foot wide cartway for a distance of at least two hundred (200) feet from the intersecting street right-of-way line.
5. The applicant shall provide a traffic study prepared in accordance with Article 4 of the Heidelberg Township Subdivision and Land Development Ordinance.
6. The industrial park shall contain non-motorized transportation facilities, including but not limited to sidewalks, walking paths, greenway linkages that shall be an integral part of the industrial park. The non-motorized transportation facilities shall connect all proposed lots and building sites within the industrial park and provide linkages to abutting lots and future and existing development. The application shall identify the function or functions of each non-motorized pathway and shall design such pathway to adequately perform such function or functions.
7. Permitted Uses: The industrial park shall be permitted to have a mix of those listed as industrial uses in Part 4 (Industrial District) of this Ordinance and accessory commercial uses limited to the following:
  - a. Banks and financial institutions.
  - b. Restaurants, (excluding Drive-Thru facilities).
  - c. Commercial daycare.
  - d. School, commercial.

- e. Hotels, motels.
  - f. Commercial Recreation, Indoor.
  - g. Convenience stores (excluding Fuel Dispensing).
  - h. Medical offices and clinics
  - i. Essential Services.
  - j. Business Services.
  - k. Municipal Owned Uses.
  - l. Retail business.
  - m. Personal services.
  - n. Wholesale warehousing facilities which do not exceed twenty thousand (20,000) square feet in building size and where clientele are specific users located elsewhere in the industrial park and retail sales are not conducted.
  - o. Other similar commercial and related accessory uses when deemed appropriate by the Township as part of any approval process.
8. A maximum of twenty (20) percent of the gross floor area of the buildings within the industrial park shall be permitted to be developed with such accessory commercial uses. If the development of the industrial park is proposed in phases, at no time during the development shall the portion of the floor area dedicated toward the accessory commercial uses exceed twenty (20) percent of the total building floor area within the developed phases of the industrial park.
  9. The areas of the industrial park set aside for the accessory commercial use shall be identified on the plans and shall be so designed to be internal to the industrial park and to be accessory and in support of the overall industrial uses within the industrial park. The commercial uses shall be located within the industrial park to best facilitate motorized and non-motorized access.
  10. No equipment or materials shall be stored in required front, side, or rear building setback areas. All unpaved building setback areas shall be covered with grass or similar vegetative material and shall at all times be clean, vacant and well maintained.
  11. All accessory storage of equipment or materials and activities not within a completely enclosed buildings shall be surrounded by a fence or wall at least six (6) feet in height. Such fence shall be completely sight obscuring and maintained in good condition. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.
  12. The industrial park shall be permitted to erect one business center sign along each of the industrial park's frontages.
    - a. At least fifty (50) percent of the total sign area shall be devoted to advertisement of the industrial park's name.
    - b. The size of such sign shall not exceed one square foot for each four (4) feet of frontage contained within the business center. In no case shall a business center sign exceed a maximum size of one hundred (100) square feet nor an overall height of twenty (20) feet. In addition, individual uses within the business center may have signs; however, such signs shall be flat wall, wall projecting, or roof signs as described in Part 9 of this Ordinance.
  13. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.



T. Industrial Use, Light Industrial, Light Uses. Light industrial uses are permitted subject to the following criteria:

1. The subject property shall have direct access via a public street to an arterial or collector road as provided in the most recent version of the Heidelberg Township Comprehensive Plan.
2. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
3. The applicant shall provide a detailed description of the proposed use in each of the following topics:
  - a. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any by-products. In addition the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
  - b. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.
  - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust litter, glare, vibration, electrical disturbance, waste water, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including, but not limited to, those of Part 7 of this Ordinance.
4. No machinery, equipment, or materials shall be stored in required front, side, or rear building setback areas. All unpaved building setback areas shall be covered with grass or similar vegetative material and shall at all times be clean, vacant and well maintained.
5. All machinery, equipment, or materials provided in unenclosed storage facilities shall be a minimum of fifty (50) feet from any adjacent property in the DGA-R or DGA-MR zoning districts or existing residential use.
6. All machinery, equipment, or materials and activities not within a completely enclosed buildings shall be surrounded by a fence or wall at least six (6) feet in height. Such fence shall be completely sight obscuring and maintained in good condition. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.
7. All machinery, equipment, or materials shall be stored or arranged in an orderly fashion so that circulation for fire safety can be maintained at all times.
8. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

U. Large Solar Energy Production Facility. Large solar energy production facilities are permitted subject to the following criteria:

1. If the site is in the RRA-A or RRA-Cv zoning districts, the applicant shall demonstrate that the proposed location is located on the least productive soils (Class IV-VIII).
2. The layout, design, and installation of large solar energy production facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for

Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Uniform Construction Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

3. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
4. All large solar energy production facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
5. Large solar energy production facilities mounted on any building shall be subject to the maximum height regulations specified within each the underlying zoning district.
  - a. The owner shall provide evidence in the form of stamped plans certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania that the roof is structurally sound.
6. All ground-mounted and free standing solar collectors of large solar energy production facilities shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
7. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
8. The large solar energy production facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The large solar energy production facility owner shall then have twelve (12) months in which to dismantle and remove the large solar energy production facility from the property. At the time of issuance of the permit for the construction of the large solar energy production facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.
9. The owner of the large solar energy production facility shall be required to provide a certificate of insurance to the Township providing evidence of liability insurance of not less than One Million (\$1,000,000.00) Dollars and naming the Township as an additional insured on the policy or policies of the owner and/or lessee.
10. As applicable, a land development plan shall be submitted to, and approved by, the Township in accordance with the requirements of the Heidelberg Township Subdivision and Land Development Ordinance.
11. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained.

V. Large Wind Energy Production Facility. Large wind energy production facilities are permitted subject to the following criteria:

1. If the site is in the RRA-A or RRA-Cv zoning districts, the applicant shall demonstrate that the proposed location is located on the least productive soils (Class IV-VIII).
2. The layout, design, and installation of large wind energy production facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Uniform Construction and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

3. Large wind energy systems shall not generate noise which exceeds fifty-five (55) decibels nor ten (10) decibels above ambient noise in any one hour, whichever is higher. Noise is measured from the property line (alternative: closest neighboring inhabited structure or nearest habitable structure setback on abutting property, whichever is closer. The ambient sound measurement, known as "A-weighted sound level" is taken where the noise from the wind turbine cannot be heard, or with the wind turbine shut down. The ambient sound level shall be considered the level that is exceeded ninety (90) percent of the time when the noise measurements are taken. The fifty-five (55) decibel or ten (10) decibel level may be exceeded during short-term events such as utility outages and/or severe wind storms. All on-site utility and transmission lines shall be placed underground.
4. All large wind energy production facilities shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Staff regulation shall not be considered a sufficient braking system for over speed protection.
5. Large wind energy production facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA).
6. Wind turbines and towers shall not display advertising, except for reasonable identification of the large wind energy production facility's manufacturer. Such sign shall have an area of less than four (4) square feet.
7. Wind turbines and towers shall be a non-obtrusive color such as white, off-white or gray.
8. All large wind energy production facilities shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building on adjacent property.
9. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
10. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
11. No portion of any large wind energy production system shall extend over parking areas, access drives, driveways or sidewalks.
12. All large wind energy production facilities shall be independent of any other structure and shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility line.
13. The minimum height of the lowest position of the wind turbine shall be thirty (30) feet above the ground.
14. All large wind energy production facilities shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, or the wind turbines' climbing apparatus shall be limited to no lower than twelve (12) feet from the ground, or the wind turbines' climbing apparatus shall be fully contained and locked within the tower structure.
15. The large wind energy production facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The large wind energy production facility owner shall then have twelve (12) months in which to dismantle and remove the large wind energy production facility from the property. At the time of issuance of the permit for the construction of the large wind energy production facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.

16. The owner of the large wind energy production facility shall be required to provide a certificate of insurance to the Township providing evidence of liability insurance of not less than One Million (\$1,000,000.00) Dollars and naming the Township as an additional insured on the policy or policies of the owner and/or lessee. As applicable, a land development plan shall be submitted to, and approved by, the Township in accordance with the requirements of the Heidelberg Township Subdivision and Land Development Ordinance.
17. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained.

W. Laundry & Dry Cleaning Establishment (Industrial). Laundry & dry cleaning establishments (industrial) are permitted subject to the following criteria:

1. The applicant shall provide a detailed description of the proposed use in each of the following topics:
  - a. The nature of the on-site processing operations, the materials used in the process, and the generation and methods for disposal of any by-products. In addition the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
  - b. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.
  - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust litter, glare, vibration, electrical disturbance, waste water, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including, but not limited to, those of Part 7 of this Ordinance.
2. No equipment or materials shall be stored in required front, side, or rear building setback areas. All unpaved building setback areas shall be covered with grass or similar vegetative material and shall at all times be clean, vacant and well maintained.
3. All accessory storage of equipment or materials and activities not within a completely enclosed building shall be surrounded by a fence or wall at least six (6) feet in height. Such fence shall be completely sight obscuring and maintained in good condition. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.
4. All equipment or materials shall be stored or arranged in an orderly fashion so that circulation for fire safety can be maintained at all times.
5. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

X. Mineral Extraction and Processing Establishments. Mineral extraction and processing establishments are permitted subject to the following criteria:

1. General - Operations:
  - a. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties.

- b. Must demonstrate compliance with a water feasibility study in accordance with the provisions of Article 4 of the Heidelberg Township Subdivision and Land Development Ordinance.
  - c. May not adversely affect the local, efficient and economical extensions of public services, facilities and utilities throughout the Township.
  - d. May not create any significant damage to the health, safety, or welfare of the Township and its residents and property owners.
  - e. May not result in the land area subject to mining operations being placed in a condition that will prevent the use of that land for economically and ecologically productive uses upon completion of the mining operation.
  - f. Must demonstrate compliance with all applicable state and federal regulations at all times.
2. Site Plan Requirements
- As a part of each application, the applicant shall furnish an accurately surveyed site plan on a scale no less than 1:2,400 showing the location of the tract or tracts of land to be affected by the operation. The surveyed site plan shall be certified by a registered professional engineer or a registered professional land surveyor with assistance from experts in related fields and shall include the following:
- a. The boundaries of the proposed land affected, together with the drainage area above and below the area.
  - b. The location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the area.
  - c. The location of all buildings within one thousand (1,000) feet of the outer perimeter, of the area affected, and the names and addresses of the owners and present occupants;
  - d. The purpose for which each building is used.
  - e. The name of the owner of the affected area and the names of adjacent landowners, the municipality, and the county.
3. Minimum Lot Area
- a. The minimum lot area will be fifty (50) acres.
4. Screening and buffering
- A fence measuring at least eight (8) feet in height must enclose the area of actual mining operations. All fencing shall be provided with buffering and screening in accordance with Part 7 of this Ordinance. Earthen berms are preferred, and shall be provided in accordance with the minimum standards:
- a. Shall have a slope of not less than one (1) vertical to two (2) horizontal and must extend at least eight (8) feet above the ground level of the highest target.
  - b. The crest of the berm at the eight (8) foot minimum height limit shall be at least four (4) feet in width as measured between the wall of the berm facing the range and the opposite wall.
5. Setback
- The following table identifies minimum setbacks imposed upon specific features of the mining and other extractive-related uses from abutting and/or adjacent uses:

Quarry-Related Feature	Existing Residential Use	Existing Nonresidential Building	Residentially Zoned District	Adjoining Street	Public/Nonprofit Park	Cemetery or Stream Bank	Abutting Property
Stock piles or spoil piles	300 ft.	300 ft	1,000 ft.	100 ft	300 ft	100 ft.	100 ft
Mineral processing equipment (e.g. crushers, sorters, conveyors, dryers, etc.)	300 ft	300 ft	1,000 ft	100 ft	300 ft	100 ft	100 ft.
Quarry pit	300 ft.	300 ft	1,000 ft	100 ft	300 ft	100 ft	100 ft.
On-site access roads and off-street parking, loading and vehicle storage and weighing facilities	300 ft	300 ft	500 ft	100 ft	300 ft	100 ft	100 ft
Other operational equipment, structures and/or improvements	300 ft	300 ft	500 ft.	100 ft	300 ft.	100 ft.	

6. Access

- a. Access shall be via an arterial or collector street as designated by the most recent version of the Heidelberg Township Comprehensive Plan.
- b. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- c. All access drives shall be designed and located in accordance with Article 5 of the Heidelberg Township Subdivision and Land Development Ordinance.
- d. All access drives serving the site shall have a paved minimum thirty-five (35) foot wide cartway for a distance of at least two hundred (200) feet from the intersecting street right-of-way line. In addition, a fifty (50) foot-long gravel section of access drive should be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels.

7. Traffic Impact

The applicant shall provide a traffic study prepared in accordance with Article 4 of the Heidelberg Township Subdivision and Land Development Ordinance.

8. Reclamation

The applicant shall demonstrate compliance with Section 7.(c) of the Pennsylvania Act No. 1984-219, as may be amended. The applicant shall provide a detailed description of the proposed use of the site, once reclamation has been completed, including a description of any zoning and/or subdivision approvals or remedies that would be necessary to accommodate the proposed use. Finally, the applicant shall provide written notification to the Township within thirty (30) days, whenever a change in the reclamation plan is proposed to the PA DEP.

9. Operations Progress Report

Within ninety (90) days after commencement of surface mining operations, and each year thereafter, the operator shall file an operations and progress report with the Zoning Officer setting forth all of the following:

- a. The name or number of the operation.

- b. The location of the operation with reference to the nearest public road.
  - c. A description of the tract or tracts, including a site plan showing the location of all improvements, stockpile, mining pits, etc.
  - d. The name and address of the landowner or his duly authorized representative.
  - e. An annual report of the type and quantity of mineral produced.
  - f. The current status of the reclamation work performed in pursuance of the approved reclamation plan.
  - g. A maintenance report for the site that verifies that all required fencing, berming and screening has been specifically inspected for needed repairs and/or maintenance and that such needed repairs and/or maintenance has been performed.
  - h. Verification that the proposed use continues to comply with all applicable State regulations. The operation shall furnish copies of any approved permits and/or any notices of, violation issued by the PA DEP.
- 10. Responsibility for road maintenance and repair; road bonding.
  - 11. The landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the mineral extraction or recovery operations pursuant to the provisions of Section 67 Pennsylvania Code, Chapter 189, hauling in excess of posted weight limit. The Township may require the landowner and/or operator to furnish a bond to guarantee the repair of any such damage, pursuant to the said provisions of the Pennsylvania Code.
  - 12. A land development plan shall be submitted to, and approved by, the Township in accordance with the requirements of the Heidelberg Township Subdivision and Land Development Ordinance.
  - 13. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

Y. Mini-Storage Warehouses. Mini-storage warehouses are permitted subject to the following criteria:

- 1. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- 2. All areas used for storage and loading, interior traffic aisles, required off-street parking areas, and accessways shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as concrete or bituminous concrete surface, unless an alternative material and/or design as part of an readily accepted stormwater BMP is approved by the Township Engineer.
- 3. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
- 4. Outdoor storage shall be limited to recreational vehicles, boats and trailers parked on paved areas. All such items stored outside of an unenclosed building must be licensed and inspected, if applicable, and in operable condition.
- 5. All permitted outdoor storage of recreational vehicles, boats and trailers not within a completely enclosed buildings shall be surrounded by a fence or wall at least six (6) feet in height. Such fence shall be completely sight obscuring and maintained in good condition. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.

6. The storage inoperable, unlicensed, or uninspected motor vehicles outside of a completely enclosed building shall be prohibited
7. All mini-storage units shall be of fire-resistant construction.
8. Mini-storage units shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited upon the site:
  - a. Auctions, commercial wholesale or retail sales, or garage sales.
  - b. Offices or residential dwellings.
  - c. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
  - d. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
  - e. The establishment of a transfer and storage business.
  - f. The storage of trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items that are dangerous, noxious or offensive because of odors, dust, noise, fumes, or vibrations.
  - g. The applicant shall adequately demonstrate that all mini-storage/ rental and/or use contracts shall specifically prohibit these uses.
9. All garage doors of mini-storage units or outdoor storage areas shall not be located directly facing toward abutting property in the DGA-R or DGA-MR zoning districts or existing residential use.
10. All buildings and permitted outdoors storage shall be a minimum of fifty (50) feet from any adjacent property in the DGA-R or DGA-MR zoning districts or existing residential.
11. Minimum separation between buildings shall be twenty (20) feet, which shall allow passage by emergency vehicles.
12. No building shall be longer than two hundred (200) feet.

**Z. Parks, Playgrounds and Other Non-Commercial Recreational Uses.**

1. Parks, playgrounds, and other non-commercial recreational uses shall be developed in a manner that preserves natural features, watercourses, unique rock outcrops, slopes of greater than fifteen (15) percent, and vegetation.
2. Hours of operation and activities shall comply with all applicable Township policies and regulations relating to parks and public outdoor facilities.
3. Exterior trash and recycling receptacles shall be provided. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.

**AA. Place of Worship and Related Uses.** Places of worship and related uses are permitted subject to the following criteria:

1. In the DGA-R or DGA-MR zoning districts, any permitted place of worship shall maintain an exterior appearance that is compatible with any existing dwellings and buildings in the neighborhood.
2. Primary passenger "drop-off" and "pickup" areas should be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site, and passenger "drop-off" and "pickup" areas shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.



3. All places of worship with attendance or seating capacity for a congregation of two hundred-fifty (250) or more shall front and have access to an arterial or collector road as provided in the most recent version of the Heidelberg Township Comprehensive Plan.
4. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
5. Off-street parking areas shall be provided and arranged so that persons do not have to cross streets on or adjacent to the site.
6. Related accessory uses such as daycare and educational/school operations, shall comply with provisions of this Part 7 and other provisions of this Ordinance as applicable.

**BB. Public/Private Utility Building or Structure.**

1. The applicant must demonstrate that the selected location is necessary for public service and the use cannot be supplied if located elsewhere.
2. In the DGA-R or DGA-MR zoning districts, any permitted public building shall maintain an exterior appearance that resembles and is compatible with any existing dwellings and buildings in the neighborhood, and building height and setbacks shall be consistent with surrounding development in the neighborhood. In all other districts, all height, area, setback and coverage standards within the underlying zoning district shall apply.
3. In the DGA-R or DGA-MR zoning districts, the outdoor storage of vehicles, materials, and equipment shall not be permitted.
4. Principal buildings and structures shall be setback fifty (50) feet from an abutting property in the DGA-R or DGA-MR zoning districts or existing residential use.

**CC. Saw Mill. Saw mills are permitted subject to the following criteria:**

1. Access shall be via an arterial or collector street as designated by the most recent version of the Heidelberg Township Comprehensive Plan.
2. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
3. All access drives shall be designed and located in accordance with Article 5 of the Heidelberg Township Subdivision and Land Development Ordinance.
4. All access drives serving the site shall have a paved minimum thirty-five (35) foot wide cartway for a distance of at least two hundred (200) feet from the intersecting street right-of-way line. In addition, a fifty (50) foot-long gravel section of access drive should be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels.
5. On-lot traffic circulation channels, storage, loading, and parking areas shall be clearly delineated.
6. All areas used for storage, loading, and parking shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
7. No equipment or materials (permanent or temporary) shall be stored in required front, side, or rear building setback, yard or buffer yard areas.
8. Storage and loading areas, and other activities of similar nature shall not occupy any part of the street right-of-way, required off-street parking areas.
9. All permitted outdoor storage not within a completely enclosed buildings shall be surrounded by a fence or wall at least six (6) feet in height. Such fence shall be completely sight obscuring and maintained in good condition. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.

10. All cutting, sawing, grinding, or other processing shall be conducted within a completely-enclosed building.
11. All sawmill by-products shall be routinely disposed of on a monthly basis.
12. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

DD. Schools, Commercial.

1. Enrollment shall be defined as the largest number of students under educational supervision at any one time during a seven (7) day period.
2. All schools with an enrollment of two hundred-fifty (250) or more students shall front and have access to an arterial or collector road as provided in the most recent version of the Heidelberg Township Comprehensive Plan.
3. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.

EE. Schools, Public or Private.

1. In the DGA-R or DGA-MR zoning districts, any permitted school shall maintain an exterior appearance that is compatible with any existing dwellings and buildings in the neighborhood.
2. Primary passenger "drop-off" and "pickup" areas should be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site, and passenger "drop-off" and "pickup" areas shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
3. All schools with an enrollment of two hundred-fifty (250) or more students shall front and have access to an arterial or collector road as provided in the most recent version of the Heidelberg Township Comprehensive Plan.
4. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
5. No part of the school property shall be located within one thousand (1,000) feet of a property containing an adult-related facility.
6. Enrollment shall be defined as the largest number of students under educational supervision at any one time during a seven (7) day period.
7. Off-street parking areas shall be provided and arranged so that students and teachers do not have to cross streets on or adjacent to the site.

FF. Schools, Vocational. Vocational schools are permitted subject to the following criteria:

1. Enrollment shall be defined as the largest number of students under educational supervision at any one time during a seven (7) day period.
2. All schools with an enrollment of two hundred-fifty (250) or more students shall front and have access to an arterial or collector road as provided in the most recent version of the Heidelberg Township Comprehensive Plan.
3. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
4. On-lot traffic circulation channels, storage, loading, and parking areas shall be clearly delineated.
5. All areas used for storage, loading, and parking shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.

6. All outdoor storage and other activities not within a completely enclosed buildings shall be surrounded by a fence or wall at least six (6) feet in height. Such fence shall be completely sight obscuring and maintained in good condition. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.
7. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

GG. Shooting Range, Indoor. Shooting ranges, indoor are permitted subject to the following criteria:

1. All activities shall take place in a completely enclosed building.
2. All structures where indoor shooting occurs shall be soundproofed in a manner to prevent sound from traveling outside, such as solid core doors, sound absorbent ceilings and forced air ventilation.
3. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.
4. The applicant shall present a plan demonstrating the use will utilize adequate safety techniques with regards to adjacent properties. At a minimum all operations shall be conducted in accordance with National Rifle Association guidelines.

HH. Shooting Range, Outdoor. Shooting ranges, outdoor are permitted subject to the following criteria:

1. Minimum lot size shall be ten (10) acres.
2. Minimum lot width shall be three hundred (300) feet.
3. Adjacent areas must be predominantly undeveloped. The range boundaries must be set back at least two hundred fifty (250) feet from any property line or street right-of-way line, and also located at least one thousand (1,000) yards from any land within the DGA-R or DGA-MR zoning districts or any existing residential use. The range boundaries shall be determined as a one hundred fifty (150) yard radius from each of the stands.
4. An earthen background berm must be provided within twenty (20) feet of the farthest target post to prevent wild or ricocheting bullets or wild or stray arrows. Such berm shall have a slope of not less than one (1) vertical to two (2) horizontal and must extend at least eight (8) feet above the ground level of the highest target. The crest of the berm at the eight (8) foot minimum height limit shall be at least four (4) feet in width as measured between the wall of the berm facing the range and the opposite wall.
5. Earthen side berms must be provided immediately adjacent to the range and shall extend from the firing line to the background berm. The side berms shall meet the same design qualifications as set forth for background berms in subsection 4. Above.
6. A development plan shall identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan.
7. The firing range, including the entire Safety Fan, shall be enclosed with a six foot (6') high non-climbable fence to prevent unauthorized entry into the area. Range caution

signs with eight inch (8") tall, red letters on a white background shall be posted at a minimum of one hundred foot (100') intervals around the range perimeter. Signs shall read "Shooting Range Area. Keep Out!"

8. Range flags shall be displayed during all shooting activities. Range flags shall be located in a manner visible from entrance drives, target areas, range flood, and the perimeter of the Safety Fan.
9. All surfaces located within the Safety Fan, including the backstop, overhead baffles, berms, and range floor, shall be free of hardened surfaces, such as rocks or other ricochet-producing materials.
10. Only targets mounted on target posts shall be permitted. No targets of any kind shall be set directly on the ground.
11. Sound abatement shields or barriers shall be installed on shooting ranges.
12. Screening shall be provided in accordance with Part 7 of this Ordinance.
13. Adult supervision must be provided for children under sixteen (16) years of age.
14. Hours of operation shall be limited to between the hours of 10:00 a.m. and 6:00 p.m.
15. The applicant shall present a plan demonstrating the use will utilize adequate safety techniques with regards to adjacent properties. At a minimum all operations shall be conducted in accordance with National Rifle Association guidelines.
16. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

II. Solid Waste Disposal and Processing Facilities. Solid waste disposal and processing facilities are permitted subject to the following criteria:

1. Access shall be via an arterial or collector street as designated by the most recent version of the Heidelberg Township Comprehensive Plan.
2. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
3. All access drives shall be designed and located in accordance with Article 5 of the Heidelberg Township Subdivision and Land Development Ordinance.
4. All access drives serving the site shall have a paved minimum thirty-five (35) foot wide cartway for a distance of at least two hundred (200) feet from the intersecting street right-of-way line. In addition, a fifty (50) foot-long gravel section of access drive should be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels.
5. All facilities shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting will not have to back upon onto public roads.
6. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.
7. Any processing of solid waste (including but not limited to incineration, composting, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a completely enclosed building.
8. No refuse shall be deposited or stored, and no building or structure shall be located within two hundred (200) feet of any property line, and five hundred (500) feet of any land in the DGA-R or DGA-MR zoning districts or any existing residential use.

9. Any external area used for the unloading/loading, transfer, storage or deposition of material must be provided with buffering and screening in accordance with Part 7 of this Ordinance.
10. The applicant shall submit a traffic study prepared in accordance with Article 5 of the Heidelberg Township Subdivision and Land Development Ordinance.
11. Hazardous waste, as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, or as amended, shall not be disposed of within the proposed area.
12. The unloading, processing, transfer, and deposition of solid waste shall be continuously supervised by a qualified facility operator.
13. Any waste that cannot be used in any disposal process, or material that is to be recycled, shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely-enclosed building.
14. All storage of solid waste shall be indoors in a manner that is leak- and vector- proof. During normal operation, no more solid waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than seventy-two (72) hours.
15. A contingency plan for the disposal of solid waste during a facility shutdown shall be submitted to the Township.
16. All structures shall be set back at least a distance equal to their height.
17. A water supply feasibility report shall be prepared in accordance with Part 4 of the Heidelberg Township Subdivision and Land Development Ordinance to demonstrate that sufficient water resources are available to serve the proposal.
18. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to the Township.
19. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

JJ. Treatment Center. Treatment centers are permitted subject to the following criteria.

1. All uses must comply with Township building, health, housing, rental, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.
2. A treatment center shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the treatment center.
3. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
4. The residents of the treatment center shall reside on the premises to benefit from the services provided.
5. No portion of a treatment center shall be located within five hundred (500) feet of another treatment center, group home facility, group care facility, and/or half way house.
6. No portion of a building occupied by a treatment center use shall be located within one thousand (1,000) feet of any property which contains any one (1) or more of the following specified land uses where minors may congregate:

- a. Commercial recreation facility, Indoor/Outdoor;
  - b. Daycare facility primarily for children;
  - c. Library;
  - d. Park, Playground, Playfield;
  - e. Place of Worship;
  - f. School, Private/Public;
  - g. Swimming Pool, Public; or
  - h. Other lands, buildings, and uses where minors congregate.
7. Each application shall be accompanied by a statement describing the following:
- a. The composition of the treatment center;
  - b. The policies and goals of the treatment center and the means proposed to accomplish those goals;
  - c. The characteristics of the residents and number of residents to be served;
  - d. The operating methods and procedures to be used; and
  - e. Any other facts relevant to the proposed operation of the treatment center.
  - f. Any use permit granted for the treatment center shall be bound to the type and number of offenders listed on the application. Any change in the type or number of offenders being housed shall require a new review and subsequent consideration for approval.
8. The institution shall submit a copy of its emergency operations plan (EOP) to the local and county emergency management agency coordinator. The EOP shall also include detailed information regarding solid, medical and hazardous materials and waste handling, including a listing of all medical and hazardous materials and wastes used and generated on site and evidence indicating the disposal of all materials and waste will be accomplished in a manner that complies with Township, state, and federal regulations.
- KK. Warehousing, Distribution, and Wholesaling. Warehousing, distribution, and wholesaling are permitted subject to the following criteria:
- 1. The subject property shall front on or have direct access via a public street an arterial or collector road as provided in the most recent version of the Heidelberg Township Comprehensive Plan.
  - 2. Storage, loading, parking areas, and other activities of similar nature shall not occupy any part of the existing or future street right-of-way (including sidewalks) or required off-street parking areas.
  - 3. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
  - 4. On-lot traffic circulation channels, storage, loading, and parking areas shall be clearly delineated.
  - 5. All areas used for storage, loading, and parking shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
  - 6. All areas used for the storage, loading, parking areas shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as concrete or bituminous concrete surface, unless an alternative material and/or design as part of an readily accepted stormwater BMP is approved by the Township Engineer.
  - 7. All storage and loading areas shall be a minimum of fifty (50) feet from any adjacent property in the DGA-R or DGA-MR zoning districts or existing residential use.

8. All permitted outdoor storage and other activities not within a completely enclosed buildings shall be surrounded by a fence or wall at least six (6) feet in height. Such fence shall be completely sight obscuring and maintained in good condition. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.
9. The applicant shall provide a detailed description of the proposed use in each of the following topics:
  - a. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
  - b. The general scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift and an overall needed site size.
  - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Part 7 of this Ordinance.
10. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval

#### **8.5 ADDITIONAL SUPPLEMENTAL STANDARDS AND REQUIREMENTS FOR SPECIFIC ACCESSORY USES**

- A. Automated Banking Facility. Automated banking facilities are permitted subject to the following criteria:
  1. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and implement a working plan for the cleanup of litter and debris.
  2. All on-site, outdoor lighting of buildings and surrounding areas shall be designed to prevent glare to adjoining properties by employing hooded, shielded, or screened fixtures that confine glare to the site, and security lighting should be directed toward the building, rather than the area around it.
  3. All automated teller machines shall be located, or contain convenient parking spaces, so that the movement of vehicles will not be hampered by those cars belonging to persons using the automated teller machines.
  4. Where practicable, all drive-thru window lanes shall be separated from the parking lot's interior driveways.
  5. Where practicable, all drive thru window facilities and lanes shall be located on a building wall facing away from an adjoining property within the DGA-R or DGA-MR zoning districts or any existing, adjacent residential use.

6. Where practicable, all drive thru window facilities and lanes shall be located on a building wall facing away from a public street.
  7. Sufficient stacking lanes shall be provided associated with drive-thru windows, to prevent vehicle backups on adjoining streets. A minimum one hundred (100) foot long on-site stacking area for the vehicles shall be provided on the site. No vehicle will be allowed to stack or form on public streets. Furthermore each drive-thru lane shall have on-site directional signs, indicator lights or pavement markings identifying the direction of travel and lane status (i.e. open vs. closed).
  8. Screening shall be provided in accordance with Part 7 of this Ordinance for drive-thru facilities.
- B. Daycare, Accessory. Accessory daycares as defined in this Ordinance are exempted from zoning permit requirements, except that the principal residential dwelling must comply with all other applicable requirements of this Ordinance.
- C. Daycare, Commercial. Commercial daycares are permitted, subject to the criteria for commercial daycares set forth in Section 8.4.N. of this Ordinance.
- D. Daycare, Family. Family daycare uses are permitted, subject to the following criteria:
1. Family daycare facilities shall be conducted within a single-family detached dwelling.
  2. A family day-care facility shall offer care and supervision to no more than six (6) different non-resident persons during any calendar day.
  3. All principal structures permitted to be family daycare facilities shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modification to the external appearances of the building (except fire and safety requirements) which would alter its residential character shall be permitted.
  4. Fire escapes, where required, shall be located in the rear of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.
  5. An outdoor play area for children shall be provided. Off street parking lots and areas shall not be used as outdoor play areas. Outdoor play areas shall not be located between the principal building and the public street (excluding alleys). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s). Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.)
    - a. Additionally, outdoor play areas shall be located at least twenty (20) feet from property in the DGA-R or DGA-MR zoning districts or existing residential use, and screened in accordance with Part 7 of this Ordinance, along with a fence at least four (4) feet in height. Outdoor play areas shall be limited to use between 8:00 a.m. and 8:00 p.m.
  6. No part of a family daycare property shall be located within one thousand (1,000) feet of a property containing an adult-related facility.
  7. Off-street parking areas shall be provided and arranged so that persons do not have to cross streets on or adjacent to the site.
  8. Primary passenger "drop-off" and "pickup" areas should be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site, and passenger "drop-off" and "pickup" areas shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.



9. Enrollment shall be defined as the largest number of persons under daycare supervision at any one time during a seven (7) day period.
10. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

E. Drive-Thru Facilities for Permitted Uses.

1. Access shall be via an arterial or collector street as designated by the most recent version of the Heidelberg Township Comprehensive Plan.
2. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
3. No part of the facility shall be located within fifty (50) feet of any adjacent property in the DGA-R or DGA-MR zoning districts or existing residential use.
4. All drive-in facility buildings and structures shall be designed and planned to take advantage of and be compatible with natural and built features of the site and area.
5. Where practicable, all drive-thru window lanes shall be separated from the parking lot's interior driveways.
6. Where practicable, all drive-thru window facilities and lanes shall be located on a building wall facing away from an abutting property in the DGA-R or DGA-MR zoning districts or existing residential use.
7. Where practicable, all drive-thru window facilities and lanes shall be located on a building wall facing away from a public street.
8. On-lot traffic circulation channels and parking areas shall be clearly delineated.
9. Sufficient stacking lanes shall be provided associated with drive-thru windows, to prevent vehicle backups on adjoining streets. A minimum one hundred (100) foot long on-site stacking area for the vehicles shall be provided on the site. No vehicle will be allowed to stack or form on public streets. Furthermore each drive-thru lane shall have on-site directional signs, indicator lights or pavement markings identifying the direction of travel and lane status (i.e. open vs. closed).
10. Any exterior microphone/speaker system shall be oriented, arranged and/or screened to prevent any objectionable noise impact on abutting property in the DGA-R or DGA-MR zoning districts or existing residential use.
11. A traffic study is required to demonstrate safe access and control of traffic into and out of the facility. The traffic study shall include at a minimum the following study elements:
  - a. A study of the internal traffic patterns in the off-street parking area to ensure the safe movement of traffic for pedestrians and vehicles and convenient access to the development and nearby areas.
  - b. The traffic study shall be completed in accordance with Article 4 of the Heidelberg Township Subdivision and Land Development Ordinance.

F. ECHO Housing. ECHO Housing is permitted subject to the following criteria:

1. The minimum lot area shall be one acre.
2. The ECHO housing unit shall meet the minimum required habitable floor area set forth in Uniform Construction Code, but shall not exceed nine hundred (900) square feet of floor area.

3. The total lot coverage for the principal dwelling, any existing accessory structures and the ECHO housing unit or apartment addition together shall not exceed the maximum lot coverage requirement for the respective zoning district.
4. The ECHO housing unit or apartment addition shall only be occupied by at least one person who is at least sixty-two (62) years old, or is handicapped or disabled, and is related to the occupants of the principal dwelling by blood, marriage or adoption.
5. The ECHO housing unit or apartment addition shall be not occupied by more than two (2) people.
6. Utilities
  - a. The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used. Additionally, all utilities shall meet the applicable utility company standards.
7. A minimum of one all-weather, off-street parking space, with unrestricted ingress and egress to a street right-of-way, shall be provided for the ECHO housing unit or apartment addition, in addition to that required for the principal dwelling.
8. The ECHO housing unit or apartment addition shall adhere to setback requirements for principal uses, but shall not be located in any front yard area.
9. The ECHO housing unit or apartment addition shall be removed from the property or reestablished as a use permitted in the district within twelve (12) months after it is no longer occupied by a person who qualifies for the use.
10. Upon the proper installation of the ECHO housing unit or apartment addition, the Zoning Officer shall issue a temporary use and occupancy permit. The applicant shall apply for a temporary use and occupancy permit (renewal) annually from the date the original permit(s) was/were issued.

G. Farm Occupations are permitted subject to the following criteria:

1. For the purposes of this Section, farm occupations may involve any one of a wide range of uses, so long as it remains secondary to and compatible with the active farm use. Retail sales shall only be permitted incident to the production of goods on the site.
2. The use must be conducted within one completely enclosed building. Where practicable the farm occupation shall be conducted within an existing farm building. However, any new building constructed for use by the farm occupation shall be located in the side or rear yard of the dwelling, and must be no less than one hundred (100) feet from any adjoining street right-of-way or property line.
3. Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued.
4. No part of a farm occupation shall be located within one hundred (100) feet of any side or rear lot line, nor three hundred (300) feet from any property in the DGA-R or DGA-MR zoning districts or existing residential use. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line.
5. The farm occupation shall occupy no more than four thousand (4,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any driveway serving the farm occupation and the farm shall not be calculated as land serving the farm occupation.
6. No more than fifty (50) percent of the land devoted to a farm occupation shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces.

7. For purposes of regulation signs for farm occupations, all signs shall be considered Home Occupation signs, and meet all applicable provisions of Part 9 of this Ordinance.
8. For purposes of this section, any farm occupation which is not a permitted principal use within the zoning district which the principal agriculture or farm use is occurring shall not be subdivided or separated from the principal agriculture or farm use.
9. All off-street parking shall comply with Part 10 of this Ordinance.
10. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

H. Home Occupations.

1. The business use shall be clearly incidental to the principal use of the premises as a single-family detached dwelling for living purposes.
2. No more than three (3) persons per lot, at least one (1) of whom shall be a resident of the dwelling, may be engaged in the home occupation use.
3. There shall be not more than one (1) home occupation per lot, but such business use may be located in the principal dwelling unit and/or accessory building.
4. Any permitted home occupation use shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.
5. All business activities shall take place in a completely enclosed building. No outdoor storage or display or unenclosed storage related to the home occupation shall be permitted.
6. Home occupations shall be limited to not more than twenty-five (25) percent of the gross floor area of the principal dwelling unit, or five hundred (500) square feet of gross floor area, whichever is less, even if the use is conducted within an accessory building.
7. No sales of any goods or merchandise shall occur on the premises other than those goods or merchandise which are produced on the premises or are customarily incidental to the accessory home occupation business use and directly related thereto, such as hair care products by a barber or beautician.
8. No goods shall be displayed or stored so as to be visible from the exterior of the premises.
9. Activities associated with the home occupation shall be conducted in such a way that no traffic congestion, noise, glare, air pollution, odor, smoke, vibration, fire hazards, safety hazards, electromagnetic interference, or otherwise, shall be noticeable at or beyond the property line.
  - a. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation and other performance standards in accordance with Part 7 of this Ordinance.
10. The use shall not require delivery or pickup by tractor-trailer trucks.
11. A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9:00 p.m. and 7:00 a.m.
12. The use shall not involve commercial repair of motor vehicles or similar type equipment.

13. Drive-thrus shall be prohibited.
  14. Signs shall be provided in accordance with Part 9 of this Ordinance
  15. All off-street parking shall comply with Part 10 of this Ordinance.
  16. In no case shall there be a rural occupation and a home occupation permitted on one lot.
  17. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.
- I. No-Impact Home Occupation. Shall be permitted subject to the following specific criteria:
1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  2. The business shall employ no employees other than family members residing in the dwelling.
  3. There shall be no display or sale of retail goods and no stockpiling or inventory of substantial nature.
  4. There shall be no outside appearance of a business use, including but not limited to parking, signs or lights.
  5. The business may not use any equipment or process that creates noise, vibration, glare, fumes, odors or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
  6. The business activity may not generate any solid waste or sewage discharge in volume or type, which is not normally associated with residential use in the neighborhood.
  7. The business activity shall be conducted only within the dwelling or accessory structure and may not occupy more than twenty-five (25) percent of the habitable floor area of the dwelling or five hundred (500) square feet of gross floor area, whichever is less.
  8. The business may not involve any illegal activities.
- J. Non-Commercial Keeping of Livestock shall be permitted subject to the following specific criteria:
1. The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house non-commercial livestock. Should one structure be used to house a combination of animal types, the most restrictive setback shall apply:
    - a. Animals less than ten (10) pounds: A twenty-five (25) foot setback.
    - b. Animals greater than or equal to ten (10) but less than or equal to sixty five (65) pounds: A fifty (50) foot setback.
    - c. Animals greater than sixty-five (65) pounds: A fifty (50) foot setback.
  2. All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals.
  3. All manure management practices and operations shall comply with the provisions set forth in the Pennsylvania Nutrient Management Act, as amended.
  4. All animals, their housing, and their outdoor pasture/recreation areas shall be maintained so as not become a nuisance to adjoining properties.
  5. Except in the Agricultural and Conservation districts where the minimum lot area shall be two [2] acres, the minimum lot area for all other zoning districts where this use is

permitted shall be five [5] acres. Additionally, the following list specifies additional requirements by size of animals kept:

- a. Group 1- Animals whose average adult weight is less than ten [10] pounds shall be permitted at an animal density of twelve [12] per acre, with a maximum of fifty [50] animals
  - b. Group 2- Animals whose average adult weight is between ten [10] and one hundred [100] pounds shall be permitted at an animal density of two [2] per acre, with a maximum of twenty [20] animals.
  - c. Group 3- Animals whose average adult weight is greater than one hundred [100] pounds shall be permitted at an animal density of one per acre, with a maximum of five [5] animals.
6. The keeping of a combination of animal types [Groups 1, 2 & 3] shall require an animal density equal to the ratio of the number of animals, by type. In no case shall a lot contain more than fifty [50] animals. Should one structure be used to house a combination of animal types, the most restrictive setback shall apply.

K. Outdoor Café/Dining. Outdoor Cafés/Dining shall be permitted subject to the following criteria:

1. Outdoor furnishings shall be limited to tables, chairs, umbrellas, benches, trash/recycling type facilities, outdoor heaters, and reservation podium.
2. The limits of the outdoor dining area shall be defined. In addition to decorative fencing and landscaping, decorative planters, posts with ropes, and other removable enclosures, as well as reservation podium are encouraged as a way of defining the area occupied by the outdoor dining area.
3. Any exterior microphone/speaker system shall be oriented, arranged and/or screened to prevent any objectionable noise impact on abutting property in the DGA-R or DGA-MR zoning districts or existing residential use.
4. Exterior trash and recycling receptacles shall be provided amid any outdoor dining area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.
5. Advertising or promotional features, other than permitted signs in accordance with Part 9 of this Ordinance, shall be limited to umbrellas and canopies.
6. Outdoor dining shall not impede public sidewalks. Where permission is granted by the entity having jurisdiction over the public right-of-way in which the outdoor dining is proposed, a minimum of six (6) feet of uninterrupted (obstacle free) pathway can be continuously maintained, public sidewalks may be utilized for outdoor dining areas.
7. All reasonable provisions shall be made to prevent or minimize noise, odor, and vibration, light or electrical interference adjoining property within a residential zoning district or any existing, adjacent residential use in accordance with Part 7 of this Ordinance.
8. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

L. Roadside stands are permitted subject to the following criteria:

1. Maximum floor area of the structure used as a roadside stand shall not exceed five hundred (500) square feet.
2. There shall not be more than one roadside stand on any one premises.
3. A roadside stand may be located in any yard area provided that it is at least ten (10) feet from street rights-of-way and property lines.
4. At least fifty (50) percent of the products sold must be produced on site.
5. Signs shall be provided in accordance with Part 9 of this Ordinance
6. All off-street parking shall comply with Part 10 of this Ordinance, except that paving shall not be required.
7. Following the harvesting seasons all structures and signage shall be moved to an area to the side or rear of the principal building and appropriately screened from view.
8. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

M. Rural occupations are permitted subject to the following criteria:

1. The business use shall be clearly incidental to the principal use of the premises as a single-family detached dwelling for living purposes.
2. No more than three (3) persons per lot, at least one (1) of whom shall be a resident of the dwelling, may be engaged in the home occupation use.
3. Only one rural occupation may be conducted on the same property as the owner's principal residence, and shall not exceed two thousand (2,000) square feet.
4. A rural occupation shall only be conducted within one completely enclosed building that satisfies at least one of the following:
  - a. The building will remain the same size and in the same location as it existed on the effective date of this Ordinance.
  - b. The building is limited to one story in height, or twenty (20) feet, whichever is lesser, is located in the rear yard of the principal residence. All applicants are required to design new buildings that exterior appearance that is compatible with any existing dwellings in the neighborhood.
5. In no case shall any new rural occupation building be constructed before the owner resides permanently on the subject property. In addition, rural occupations may only be conducted so long as the owner of the business resides on the site.
6. In no case shall the required maximum lot coverage be exceeded by those impervious surfaces associated with the principal residence, rural occupation and/or other permitted accessory uses and structures.
7. All off-street parking and loading spaces shall be provided with buffering and screening in accordance with Part 7 of this Ordinance.
8. No outdoor storage or display shall be permitted.
9. No rural occupation and its principal dwelling shall generate more than twenty (20) vehicle trips per day to and from the site. The applicant shall furnish evidence regarding the expected numbers of vehicles trips associated with the proposed use.
10. Vehicular access to the rural occupation shall be limited to the same driveway connection with the public street right-of-way that serves the principal residence.
11. Rural occupations shall on be conducted between the hours of 7 a.m. and 9 p.m.

12. No manufacturing, mechanical or industrial use shall be permitted which causes any noise, glare, fumes, smoke, dust, vibration, electromagnetic interference, or other hazard that is noticeable at any property line of the rural occupation. No use that requires application or permitting by the PA DEP for the handling of hazardous waste or other substances shall be permitted.
13. Any area devoted to retail sales display shall be limited to twenty (20) percent of the overall size of the rural occupation.
14. For purposes of regulation signs for rural occupations, all signs shall be considered Home Occupation signs, and meet all applicable provisions of Part 9 of this Ordinance.
15. All off-street parking shall comply with Part 10 of this Ordinance.
16. All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

N. Sawmill, Accessory. Sawmill, accessory are permitted subject to the following criteria:

1. Accessory sawmills shall only be conducted as an accessory use and shall occupy no more than one (1) acre.
2. The operation shall be limited to custom sawmill services or to the sawmilling of materials grown on the subject tract. For the purposes of this section "custom sawmill services" shall be defined as an individual (not a business) delivering uncut timber to the sawmill for customized sawing.
3. Then, once the sawing is completed, the same individual picks up the cut lumber and transports it from the site.
4. The accessory sawmill shall be operated as a part-time business, with no more than two (2) non-resident employees.
5. No trucks shall be specifically associated with the accessory sawmill, nor stored at the sawmill site.
6. All sawmill by-products shall be routinely disposed of on a monthly basis.

## **PART 9 - SIGNS**

### **9.1 GENERAL INTENT**

The sign regulations, controls and provisions set forth in this Part are made in accordance with an overall plan and program for the provision of public safety, land development, preservation of property values, and the general welfare of the Heidelberg Township and are intended to:

1. Aid in traffic control and traffic safety.
2. Preserve and protect property values.
3. Lessen congestion of land and air space.
4. Provide against undue concentrations of signs which distract and endanger traffic safety and traffic flow.
5. Establish reasonable standards for commercial and other advertising through the use of signs in order to:
  - a. Maintain and encourage business activity and development.
  - b. Recognize the rights of the public in roads, streets, highways and the areas adjacent to those roads, streets and highways.
  - c. Preserve the wholesome and attractive character of Heidelberg Township.
  - d. Recognize that the general welfare includes a community that shall be attractive, as well as healthy, spacious as well as clean, and well-balanced in its growth and development.

### **9.2 GENERAL REGULATIONS FOR SIGNS**

1. Signs must be constructed of durable material and maintained in good condition.
2. No sign shall be maintained within Heidelberg Township in such a state of disrepair as to have the appearance of complete neglect, which is rotting or falling down, which is illegible, or has loose parts separated from original fastenings.
3. Removal of Signs.
  - a. Whenever a sign becomes structurally unsafe or endangers the safety of the building or premise, or endangers the public safety, the Zoning Officer shall give written notice to the landowner/developer of the premises on which the sign is located that such sign must be made safe or removed within five (5) days.
  - b. Whenever any business, activity or product on a lot is discontinued, vacated or no longer sold, all signs relating to the discontinued or vacated business shall be removed within thirty (30) days of the vacation or discontinuance of the business or activity.
  - c. If the landowner and/or developer fails to remove the sign by the end of the thirtieth (30) day from the permit expiration date, Heidelberg Township shall be permitted to remove the sign at the landowner and/or developer's expense.
4. Advertising painted upon or displayed upon a barn or other building or structure shall be regarded as a flat wall sign and the regulations pertaining thereto shall apply.
5. Signs in the DGA-C and DGA-I zoning districts may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spotlights in accordance with Outdoor Lighting provisions of the Operations and Performance standards of Part 7, Section 7.14 of this Ordinance.



6. Directly illuminated signs, designed to give forth artificial light directly or through transparent or translucent material from a source of light within such sign, including, but not limited to neon, shall be permitted within the DGA-C and DGA-I zoning districts, provided that all such lighting is in accordance Outdoor Lighting provisions of the Operations and Performance standards of Part 7, Section 7.14 of this Ordinance.
7. No sign shall be of the intermittent flashing or rotating type in the DGA-R, DGA-MR, RRA-A, nor RRA-Cv zoning districts, and no sign within the DGA-R, DGA-MR, RRA-A, nor RRA-Cv zoning district shall include lighting.
8. No sign located within three hundred (300) feet of any traffic light shall be illuminated with red, green, or yellow lights light bulbs or neon tubing.
9. All electrically illuminated signs shall be constructed to the standards of the Uniform Construction Code, as applicable.
10. Signs must be positioned so that they do not interfere with any clear sight triangle in accordance clear-sight triangle requirements in Part 7, Section 7.4 of this Ordinance.
11. No loud, vulgar, indecent, or obscene advertising matter shall be displayed in any manner, including, but not limited to:
  - a. Any graphic illustration pertaining to specified sexual activities and/or specified anatomical areas.
  - b. Scenes wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above.
12. No sign shall be erected or located as to prevent free ingress or egress from any window, door or fire escape.
13. No sign shall be placed in such a position that it will obscure light or air from a building or which would create a traffic danger.
14. No sign shall be permitted which is permanently attached to public utility poles or trees which are within the street right-of-way.
15. No sign located within any designated floodplain areas shall exceed six (6) square feet of area per side.
16. Except in the case of billboards in accordance with the standards in Part 8, Section 8.4.H. of this Ordinance and directional signs, only those signs referring directly to services, materials or products made, sold, or displayed on the premises shall be permitted.
17. Except as otherwise permitted in this Section regarding attached projecting signs and "sandwich" board signs, no point of any sign, including trim, border and supports, shall be located within ten (10) feet of any lot or street right-of-way line.
18. Any sign attached to a building shall not be placed on the roof or be higher than the wall to which it is attached.
19. No point of a wall projecting sign shall be located less than eight and one-half (8 ½) feet above the grade directly below the sign.
20. No sign shall emit smoke, visible vapors or particles, sound or odors.
21. No sign shall contain information that states or implies that a lot may be used for any purpose not permitted under the applicable provisions of this Ordinance.
22. No signs shall be of such character, form, shape or color that they imitate or resemble any official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street.

23. No sign shall be affixed to any motor vehicle or trailer in such a manner that the carrying of such sign is no longer incidental to the vehicle's primary purpose.
24. No sign or sign structure shall constitute a hazard to public safety or health, including a sign which fails in the determination of the Zoning Officer to properly shield its light source from providing unacceptable glare to a neighboring property or the public street right-of-way.
25. No sign shall by reason of size, location, content, coloring or manner of illumination, obstruct the vision of drivers, either when leaving or entering a roadway from another roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads.
26. No signs shall make use of words such as "stop", "look", "one-way," "danger," "yield" or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic.
27. No sign located on public property or a public right-of-way shall bear any commercial business advertising or announcement.
28. No sign shall be painted on, attached to or supported by a tree, stone, cliff or other natural object.
29. Nothing in these regulations shall be construed as prohibiting signs intended for viewing principally from within a building or signs temporarily attached to the inside face of a display window, announcing a sale or similar feature, provided that the latter shall not occupy more than thirty-three and one-third (33 1/3) percent of the total display window area for a period not to exceed ten (10) days.
30. Determination of Size of Sign Area:
  - a. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting framework or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.
  - b. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign; provided, however, for a double-face sign, if the interior angle formed by the two faces of the double-face sign is less than forty-five (45) degrees and the two faces are at no point more than three (3) feet from one another, the area of only the larger face shall be included.
  - c. In the event that a symbol, trademark or other such figure is used as a sign post or standard which could be construed to indicate or identify a particular use or business, that symbol, trademark or figure is to be computed as part of the total allowable sign area.
31. Determination of Sign Height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:
  - a. existing grade prior to construction; or
  - b. the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign.

32. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

### **9.3 MISCELLANEOUS SIGN REQUIREMENTS**

The tables on the following pages tabulate requirements imposed upon permanent, temporary, and shopping center signs as permitted by the Township.

## 9.4 PERMANENT SIGN REQUIREMENTS

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Signs	Permitted Zones	Other Requirements	Permit Required
Signs owned and associated with uses operated by the Township	Unlimited	Unlimited	Unlimited	All		No
Signs identifying other public and semi-public uses	1 freestanding and 1 wall sign	30 square feet per lot	6 feet freestanding	All		Yes
Off-premise directional signs for public and semi-public uses	8 per principal use	2 square feet per sign	5 feet	All	-With permission of property owner -Not more than 2 signs shall be permitted along any one roadway or street	Yes
Residential nameplates identifying name of home and/or its occupant, not including name listing on mailbox	1 per dwelling unit	3 square feet per sign		All		No
Property control signs (e.g., "No Trespassing", "Private Property", "No Hunting or Fishing", "Posted", "Private Drive" or similar type signs)	1 per 100 lineal feet of property line	2 square feet per sign	6 feet	All	Allowed as long as they do not obstruct sight triangles	No
Residential development/neighborhood signs. Such signs shall only list the name of the neighborhood/development and shall not list any names of contractors and/or realtors	1 per street entrance, but no more than 2 total for development	1 square foot per dwelling, not to exceed 30square feet per sign	6 feet	R, A, Cv	The applicant shall submit a written description of the maintenance responsibilities in a form satisfactory to the Township Solicitor.	Yes
Individual business signs identifying the name and type of business and/or any trademark of the business conducted on the premises (not including Center signs)	1 wall and 1 freestanding sign	1 square foot per foot of building frontage up to a maximum area 30 ft. / business (R, A, Cv) and 50 sq. ft. / business (C & I)	6 feet freestanding	All	No flat wall sign nor wall projecting sign shall be larger than 15% of the wall area to which the sign is attached.	Yes
Home occupation signs	1 per dwelling unit	4 square feet	6 feet	All		Yes
Roadside stand signs for the sale of agricultural products upon a principal farm property	2 per farm	6 square feet per sign	6 feet	All	Roadside stand signs shall only be displayed during seasons when products are for sale.	No
On-site directional, entrance, exit, rest room and other informational signs	As approved by the township planning commission through its land development review process					
Billboards	See Specific Use Standards					

Sign Type		Unlimited	Unlimited	Unlimited	All	No
Signs owned and associated with uses operated by the Township		Unlimited	Unlimited	Unlimited	All	No
Signs identifying other public and semi-public uses		1 freestanding and 1 wall sign	30 square feet per lot	6 feet freestanding	All	Yes
Off-premise directional signs for public and semi-public uses		8 per principal use	2 square feet per sign	5 feet	All	Yes
			0			
Residential nameplates identifying name of home and/or its occupant, not including name listing on mailbox		1 per dwelling unit	3 square feet per sign		All	No
Property control signs (e.g., "No Trespassing", "Private Property", "No Hunting or Fishing", "Posted", "Private Drive" or similar type signs)		1 per 100 lineal feet of property line	2 square feet per sign	6 feet	All	No
Residential development/neighborhood signs. Such signs shall only list the name of the neighborhood/development and shall not list any names of contractors and/or realtors		1 per street entrance, but no more than 2 total for development	1 square foot per dwelling, not to exceed 30 square feet per sign	6 feet	DGA-R, DGA-MR, RRA-A, RRA-Cv	Yes
Individual business signs identifying the name and type of business and/or any trademark of the business conducted on the premises (not including Center signs)		1 wall and 1 freestanding sign	1 square foot per foot of building frontage up to a maximum area 30 ft. / business (DGA-R, DGA-MR, RRA-A, RRA-Cv) and 50 sq. ft. / business (DGA-C & DGA-I)	6 feet freestanding	All	Yes
Home occupation signs		1 per dwelling unit	4 square feet	6 feet	All	Yes
Roadside stand signs for the sale of agricultural products upon a principal farm property		2 per farm	6 square feet per sign	6 feet	All	No
On-site directional, entrance, exit, rest room and other informational signs						
Billboards						
As approved by the township planning commission through its land development review process. See Part 8, Section 8.4.H						

## 9.5 TEMPORARY SIGN REQUIREMENTS

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Signs	Permitted Zoning Districts	Other Requirements	Permit Required
Temporary signs of contractors, architects, mechanics, landscapers, and artisans, displayed only while actual on-site work is in progress.	1 per each separate firm involved in work on site	6 square feet per sign	4 feet	All	Removed upon completion of work.	No
Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold, containing less than 3 acres.	1 per street frontage, maximum of 2 signs	4 square feet	4 feet	All	Removal within one week of sale.	No
Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold, containing more than 3 acres.	1 per street frontage, maximum of 2 signs	24 square feet	6 feet	All	Removal within one week of sale.	Yes
Proposed development signs for residential and/or office complexes.	1 per street frontage, maximum of 2 signs	24 square feet	6 feet	All	Signs to be removed upon 75% completion of development or within 18 months of placement.	Yes
Proposed development signs for commercial/industrial, and/or other non-residential uses.	1 per street frontage, maximum of 2 signs	24 square feet	6 feet	All	Signs to be removed within 1 year of erection of sign.	Yes
Special event signs for businesses (e.g., grand openings, change of use or ownership, closeout sale, clearance sale, holiday sale, etc.). Sign is to be removed after 7 days.	1 per lot (attached or freestanding)	30 square feet	6 feet	All	Such signs may only be used during one consecutive period per calendar year, not exceeding 30 days.	Yes
Temporary portable sales/services sign for businesses	1 per lot, freestanding	30 square feet	6 feet	All	Such signs may only be used for less than one hundred twenty (120) days per calendar year, and shall not exceed a period of fourteen (14) consecutive days during the calendar year	Yes
Garage/yard sale signs upon properties conducting such sales.	1 per lot	4 square feet	4 feet	All	See Part 7, Section 7.7 for additional requirements.	No
Political signs. Not to be placed more than thirty [30] days prior to election date. Signs to be removed 2 weeks after election.	2 per lot	12 square feet	4 feet	All		No

## 9.6 SHOPPING CENTER SIGN REQUIREMENTS

Sign type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Permitted Height	Maximum Permitted Letter Height	Permitted Zoning Districts	Other Requirements	Permit Required
Freestanding planned center sign	1 per planned center	50 square feet	15 feet	18 inches	DGA-C and DGA-I	Sign shall devote no less than 50% of total sign area (per side) to advertisement of the planned centers name.	Yes
Anchor tenant sign for one use containing more than 150 lineal feet of storefront	1 per side facing a street, with a maximum of 2 signs	If sign is less than 300 feet from facing street, then sign can be 1 square foot per each lineal foot of storefront up to a maximum of 75 square feet. If sign is more than 300 feet from facing street, then sign can be 1.5 square feet per each lineal foot of storefront up to a maximum of 100 square feet.	Height of wall to which sign is attached	42 inches	DGA-C and DGA-I	Signs shall only be provided as flat wall or wall projecting signs.	Yes
Storefront under-canopy signs for all principal uses.	1 per principal use	4 square feet	To base of canopy, or where no canopy is provided, 10 feet.	8 inches	DGA-C and DGA-I	No under-canopy sign shall have a vertical dimension of more than 18 inches from lowest to highest point. The base of an under-canopy sign shall be no less than 8 feet, 6 inches above finished grade below such sign.	Yes
Freestanding planned center sign	1 per street frontage with entrance or exit	50 square feet	15 feet	18 inches	DGA-C and DGA-I	Sign shall devote no less than 50% of total sign area (per side) to advertisement of the planned center's name.	Yes
Anchor tenant sign for one use containing more than 150 lineal feet of storefront	1 per side facing a street, with a maximum of 2 signs	If sign is less than 300 feet from facing street, sign can be 1 square foot per each lineal foot of storefront up to a maximum of 100 square feet. If sign is more than 300 feet from facing street, then sign can be 1.5 square feet per each lineal foot of storefront up to a maximum of 150 square feet.	Height of wall to which sign is attached	42 inches	DGA-C and DGA-I	These signs shall only be provided as flat wall or wall projecting signs.	Yes
Storefront sign for use containing up to 150 lineal feet of store front	1 per principal use	2 square feet per lineal foot of store-front up to a maximum of 75 square feet	Height of wall to which sign is attached	20 inches	DGA-C and DGA-I	Sign shall only be provided as flat wall or wall projecting signs.	Yes
Outparcel signs for principal freestanding uses sharing common ingress and egress to planned center	2 per principal use, but only 1 per wall	75 square feet per sign, not exceeding 20% of wall area to which sign is attached	Height of wall to which sign is attached	28 inches	Same as above	Signs shall only be provided as flat wall or wall projecting signs	Yes

## **PART 10 - PARKING, LOADING/UNLOADING AND LOT ACCESS**

The parking, loading/unloading, and lot access provisions of this Ordinance shall apply as follows in this Part.

### **10.1 PARKING GENERAL REQUIREMENTS**

Off-street parking shall be required in accordance with the provisions of this section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets.

- A. Off-street parking facilities shall be provided whenever:
  - 1. A building is constructed or a new use is established.
  - 2. The use of an existing building or structure is changed to a use requiring more parking facilities.
  - 3. An existing building or structure or use is altered or enlarged so as to increase the amount of parking required.
- B. The term "parking space" includes either covered garage space or uncovered, improved and stabilized parking space located off the public right-of-way.
- C. All multi-family and non-residential uses shall provide handicapped parking spaces in accordance with the Americans with Disabilities Act Accessibilities Guidelines for Buildings and Facilities developed by the U.S. Architectural and Transportation Barriers Compliance Board. The applicant shall certify in writing or plan note that a zoning permit application and/or subdivision and/or land development plan complies with all relevant ADA requirements.
- D. In the DGA-R or DGA-MR zoning districts, no part of any minimum front yard setback shall be used for parking purposes, except that the driveway area located within the front yard setback may be used for off-street parking.
- E. For non-residential uses, parking facilities shall not be closer than fifteen (15) feet to any street right-of-way line.
- F. Where lot access, access drives, driveways, and parking lots are permitted along a street right-of-way at the front of the lot, and where sidewalks are installed (or will be installed), then the access drive or driveway surfacing shall end at the backside or building-side of the sidewalk and on the front-side or street side of the sidewalk, and no access drive or driveway surfacing shall extend over the sidewalk area.
- G. Required parking shall not be deemed to be part of the open space of the lot on which it is located, unless designated as overflow parking in accordance with this Ordinance.
- H. Required parking shall not encroach onto any required buffer yards as required in Part 7, Section 7.3 of this Ordinance.
- I. The parking of any non-motorized vehicle (including boats and trailers) or any motorized vehicle not having a current and valid registration and inspection certificate is prohibited within any street right-of-way.



## **10.2 OFF-STREET PARKING REQUIREMENTS**

Any of the following permitted uses or buildings hereafter established, erected or enlarged; any use or building hereafter converted into one or more of the following uses; and any open space hereafter used shall be provided with not less than the minimum off-street parking spaces as set forth below, together with adequate access drives, driveways or other means of circulation and access to and from a street right-of-way.

## **10.3 LOCATION AND MANAGEMENT REQUIREMENTS**

### **A. Existing parking**

Buildings and uses existing on the effective date of this Ordinance shall not be subject to the requirements of this Part provided that:

1. The type or extent of use is not changed.
2. Any parking facility now serving such structures or uses shall not in the future be reduced.

### **B. Changes in requirements**

1. When the intensity of use of any building, structure or premises shall be increased through addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for required parking facilities, parking facilities shall be provided for such increase in intensity of use in the amount by which the requirements for the increase in intensity would exceed those for the existing use if the latter were subject to the parking provisions of this Ordinance.
2. Whenever the existing use of a building, structure or land shall hereafter be changed to a new use, parking facilities shall be provided as required for such new use. However, if the existing use of land or structure was established prior to the effective date of this Chapter, additional parking facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking provisions of this Ordinance.

### **C. Conflict with other uses**

No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.

### **D. Continuing obligation**

All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Reasonable precautions are to be taken by the property owner or business owner to ensure the availability of required facilities for the employees, patrons, residents, or other persons for whom the parking areas are designed to serve. The property owner or business owner shall ensure that the parking area at no time constitutes a nuisance, hazard or unreasonable impediment to traffic.

### **E. Computation of spaces**

1. Required parking spaces shall be calculated for each individual use.
2. Where the computation of required parking spaces results in a fractional number, any fraction shall be counted as one full space.

### **F. Location of spaces**

1. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, except for spaces serving single-family or two-family dwellings.
2. No parking area shall be designed to require or encourage parked vehicles to back into a public street right-of-way in order to leave a parking space, except for a single-family or two-family dwelling with its access onto a local street right-of-way, access drive, or parking court. In any event, parking spaces may back onto an alley.
3. Parking spaces for a multi-family dwelling building(s) and non-residential uses (except agricultural and forestry uses) shall be readily accessible to the building(s) served. Such space shall be in the same zoning district as the principal building or use, and conform to the following requirements:
  - a. Required parking spaces shall be located within one hundred (100) feet of the principal building or use when located on the same side of the street.
  - b. Required parking spaces shall be located within three hundred (300) feet of the principal building or use when linked to a pedestrian trail or sidewalk when located on the same side of the street.
  - c. Fifty (50) percent of the required parking spaces may be located across a collector or local street with the following conditions:
    - 1) Crosswalks shall be provided in order to ensure safe pedestrian access to and from the parking area.
    - 2) Safety lighting shall be provided at the crosswalk to illuminate the cross area when the parking area is used in early morning or at night.
    - 3) A pedestrian crossing sign in accordance with the most recent versions of Penn DOT Publications 68 and 236 shall be provided on each side of the road.
    - 4) Parking lots located across a street shall be safe for pedestrian use. To ensure safety, the design of the crosswalk shall consider the speed limit, sight distance, visibility, road conditions and other safety factors. In the event that the crosswalk is deemed to be unsafe, the Zoning Officer shall not permit parking areas across a street.
    - 5) In the event that the crosswalk becomes a safety hazard due to increased traffic, adjacent development, the change of street classification or other circumstances that will affect pedestrian safety, the parking lot shall be abandoned. It is the responsibility of the applicant to provide and secure an alternative location for the parking spaces that were lost due to the abandonment.
4. The distances specified herein shall be measured from the nearest point of the parking lot to the nearest point of the principal building or use that the parking lot is required to serve.
5. The applicant for a zoning permit or use certificate shall submit, with his application, a legal document approved by the Township Solicitor that subjects such parcels of land to parking uses in connection with the principal use to which it is accessory. Prior to the issuance of a zoning permit, the Zoning Officer shall cause such legal documents to be recorded in the office of the York County Recorder of Deeds.

#### **10.4 DESIGN STANDARDS**

- A. Setbacks for parking areas shall be provided as follows:

1. All parking areas and access drives shall be located at least ten (10) feet from any multi-family dwelling building(s) and non-residential uses located on the lot. The ten-(10) foot setback between the parking area and building shall be for the purpose of providing a pedestrian access walkway and perimeter landscaping.
2. All parking areas and access drives shall be at least ten (10) feet from any side or rear lot line, except where buffer yards are required, in which case the standards set forth in Part 7, Section 7.3 of this Ordinance, shall apply.
3. No off-street parking area shall be located within a public right-of-way.

**B. Parking stall and aisle standards**

1. In all zoning districts, non-compact parking spaces per vehicle shall be not less than nine (9) feet wide and nineteen (19) feet long.
2. Parking space and aisle dimensions shall be not less than those listed in the following table.

Parking			Aisle -- Width	
Angle of Parking (degrees)	Stall Width (feet)	Stall Depth* (feet)	One-Way (feet)	Two-way (feet)
90°	9	19	25	25
60°	9	19	18.5	20
45°	9	19	13.5	20
30°	9	19	12	20
Parallel	8	22	12	20

\*Depth of parking space is the measurement from the curb or edge of the parking space toward the interior portion of the space to be occupied by a parked vehicle and not including any part of the aisle or driveway.

3. All dead-end parking lots shall be designed to provide sufficient backup area for the end parking spaces of the parking area. This shall include designing the end spaces to prevent backing up into an aisle, other than the one on which the end space directly accesses.
4. Trucks and trailers.
  - a. Where truck parking spaces or trailer parking spaces are provided and/or required, parking space and aisle dimensions shall not be less than listed in the following table:

Parking			Aisle -- Width	
Angle of Parking (degrees)	Stall Width (feet)	Stall Depth* (feet)	One-Way (feet)	Two-way (feet)
90°	12	60	75	75
60°	12	60	56	60
45°	12	60	41	60
30°	12	60	36	60

\*Depth of parking space is the measurement from the curb or edge of the parking space toward the interior portion of the space to be occupied by a parked vehicle and not including any part of the aisle or driveway.

- b. The minimum width shall be twelve (12) feet and the minimum depth shall be sixty (60) feet. Aisle widths in truck parking areas shall be seventy-five (75) feet for one-way or two-way.

C. Drainage, surfacing and maintenance

1. Drainage: Off-street parking areas for multi-family dwelling/apartment and non-residential uses shall be graded to a minimum slope of three-quarter (0.75) percent to provide for drainage.
2. Off-street parking facilities shall meet the requirements of for storm water management in accordance with Article 4 and 5 of the Heidelberg Township Subdivision and Land Development Ordinance.
3. Surfacing: Off-street parking areas shall be provided with a durable and dustless surface, including one or both of the surface and pavement treatments here in this subsection below, to the extent necessary to prevent dust, erosion or excessive water flow across streets or abutting property;
  - a. Impervious Surface: Crushed aggregate base course with a minimum thickness of six (6) inches, as specified in the Pennsylvania Department of Transportation Specifications, Form 408, and its latest revisions, or other Pennsylvania Department of Transportation approved equivalent. The bituminous surface shall consist of a minimum of Superpave PG 64-22, 0.0/0.3 ESALs, two (2) inches 19.0 mm mix, and one and one-half (1 ½) inches of 9.5 mm mix. Material shall be equal or superior to Penn DOT Specifications Publication 408/90, as amended, and shall be applied in accordance with those same specifications, and its latest revisions, or other Pennsylvania Department of Transportation approved equivalent.
  - b. Permeable Pavement: Permeable pavement is encouraged but not required. Permeable pavement shall not be located on heavy industrial sites, areas of high truck traffic, gasoline/fueling stations, sites with expansive soils or shallow depth to bedrock, areas draining to the permeable pavement greater than five (5) acres, and areas with the water table less than two (2) feet below the bottom of the pavement base. Permeable pavement includes paving units, porous asphalt pavement, or porous concrete (using single-sized aggregate and low water content); uniformly graded stone aggregate with void space; filter fabric lining the subsurface beds; and uncompacted (or hand compacted) subgrade. Permeable pavement shall consider the infiltration rate of the soil subgrade under the base. Constant supervision during construction is encouraged as sediment must be kept from the aggregate base.
4. Marking of Parking Spaces and Interior Drives: All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and directing vehicular circulation upon interior drives.
  - a. Parking spaces shall be provided with wheel stops/bumpers, painted solid lines at least four (4) inches in width on the pavement, other methods acceptable to the Township so as to indicate their location.
  - b. Interior drives (including directional arrows, etc.) shall be painted solid lines at least four (4) inches in width on the pavement, other methods acceptable to the Township so as to indicate their location.
  - c. Parking facilities shall be kept clean and free from rubbish and debris.

D. Curbing

1. Curbing within a parking lot may be required if determined necessary by the Township Engineer to:
  - a. Channelize and control vehicular movement in a safe manner through the parking area.

- b. Direct stormwater and drainage within the parking area.
    - c. Define parking areas.
    - d. Delineate and/or protect perimeter and interior landscaped areas from vehicles.
    - e. Separate vehicle movement from pedestrian movement as necessary for safety.
  - 2. When required, curbing shall be constructed in accordance with Article 5 of the Heidelberg Township Subdivision and Land Development Ordinance and/or any applicable Township construction and materials specifications.
  - 3. Where curbs are provided in a parking lot, the minimum curb radii shall be five (5) foot radius curvature and shall be required for all curblines. However, larger curb radii may be designed when necessary for trucks, buses, and similar large vehicles.
- E. Lighting
- 1. All parking facilities open to the public, including entrances and exits, shall be lighted during evening, nighttime, and early morning operating hours as applicable.
  - 2. All parking facility light standards shall be located on raised parking islands and not on the parking lot surface.
  - 3. Lighting shall be provided at a minimum average of two (2) foot candles at an elevation of three (3) feet above the surface, but shall not exceed 0.1 foot candle at the abutting property line.
  - 4. Lighting shall be designed and arranged to reflect the light downward and away from, and otherwise prevent glare onto adjacent properties and public rights-of-way by employing hooded, shielded, or screened fixtures that confine glare to the site, rather than the area around it. At a minimum, lighting fixtures shall include flat lens, full cut-off shields.
  - 5. Lighting plans shall be provided as part of any permit application, if applicable. At a minimum, the lighting plans shall include photometrics and appropriate footer and mounting details.
- F. Landscaping
- 1. Perimeter landscaping
    - a. All non-residential and multi-family dwelling/apartments parking areas shall be provided with a planting strip at least fifteen (15) feet wide between the parking area and the edge of the street right-of-way line. Planting strips shall be landscaped and maintained with ground cover, shrubbery, trees or other landscape or decorative materials in order to prohibit vehicular and pedestrian access, except at approved ingress and egress points. Landscaping species at their mature heights shall not obstruct visibility for traffic entering or leaving the lot or traveling on the public street.
    - b. Vegetative ground cover alone is not sufficient to meet this requirement. Street trees, shrubs or other approved material shall be provided. Street trees shall be provided in accordance with Article 5 of the Heidelberg Township Subdivision and Land Development Ordinance, except that one (1) tree shall be provided for each forty (40) linear feet of planting strip.
    - c. Required perimeter landscaping and planting strips between parking areas and rear and side property lines may be provided as part of any required buffer yards in accordance with Part 7 of this Ordinance.

2. Interior landscaping
  - a. In parking areas or lots containing more than twenty (20) new spaces, at least ten (10) percent of the interior parking area shall be landscaped with plantings including at least one (1) deciduous tree with a caliper of the trunk, measured at a height of six (6) inches above finished grade, of minimum of two (2) inches, for each four (4) spaces.
  - b. One (1) internal landscape island shall be provided for every ten (10) parking spaces.
  - c. No more than ten (10) parking spaces shall be provided in an unbroken row without the provision of interior landscape islands.
  - d. At least one (1) deciduous tree with a caliper of the trunk, measured at a height of six (6) inches above finished grade, of a minimum of two (2) inches, shall be provided in each interior landscape island. The remaining area of the required interior landscape islands and/or interior landscape area shall be landscaped with shrubs or perennials, either of which should not exceed two (2) feet in height, or with turf grass.
  - e. Unless otherwise approved by Heidelberg Township Engineer for promoting sustainable stormwater management practices, all landscape islands shall be enclosed by appropriate curbing in compliance with curbing shall be constructed in accordance with Article 5 of the Heidelberg Township Subdivision and Land Development Ordinance and/or any applicable Township construction and materials specifications, or similar device at least six (6) inches wide and six (6) inches in height above the paving surface, acceptable to the Township Engineer.
3. Additionally, parking lot landscaping, trees, and plantings shall:
  - a. Be nursery grown in a climate similar to that of the locality of the project.
  - b. Have a normal habit of growth and shall be sound, healthy and vigorous; they shall be free from disease, insects, insect eggs, and larvae.
  - c. Be planted in conformance with good nursery and landscape practice including proper guying and staking.
  - d. Meet all requirements for the measurements, branching, grading, quality, balling, and burlapping of trees shall follow the code of standards recommended by the American Association of Nurserymen, Inc., in the American Standard for Nursery Stock, ANSIZ60, 1 1973, as amended.
  - e. Be perpetually maintained in a healthy condition by the property owner. Any required planting that dies, is removed, or is severely damaged shall be replaced by the current property owner as soon as is practical considering growing seasons, within a maximum of one hundred fifty (150) days.

G. Prohibited Uses Of A Parking Lot

1. Automobile parking lots are for the sole purposes of accommodating the passenger vehicles of persons associated with the use that requires them. Parking lots shall not be used for the following:
  - a. The sale, display or storage of automobiles or other merchandise;
  - b. Parking/storage of vehicles accessory to the use;
  - c. Performing services (including services to vehicles);
  - d. Loading and unloading purposes, except during hours when business operations are suspended;

- e. Temporary storage units and waste disposal (e.g. pallets, cardboard); or
- f. Recreational vehicle parking (when occupants not in store).

#### H. Schedule Of Required Parking Spaces

1. Except as provided in Part 10, Section 10.4.K. pertaining to shared parking, the following table lists required numbers of parking spaces by use type. Any use involving a combination of several uses shall provide the total number of spaces required for each individual use:

<b>AGRICULTURAL &amp; FORESTRY USES</b>	
<b>Type of Use</b>	<b>Minimum Required Spaces</b>
Agribusiness	1 space per non-resident farm employee on the peak shift
Agriculture, (excluding Agribusiness)	1 space per non-resident farm employee on the peak shift
Forestry	1 space per employee on the peak shift
Greenhouse or Horticultural Nursery	1 space per one thousand (1,000) square feet of gross floor area of display and sales area (indoor and outdoor) open to and accessible to the public, plus 1 space per employee on the peak shift
Nature Preserve and Wildlife Sanctuary	1 space per each acre or portion thereof devoted to the use
Riding School and Horse Boarding Stable	1 space per two (2) stalls, plus 1 space per every four (4) seats of spectator seating

<b>RESIDENTIAL USES</b>	
<b>Type of Use</b>	<b>Minimum Required Spaces</b>
Bed & Breakfast	2 spaces per dwelling unit, plus 1 space for each guest/sleeping room; and Other uses beyond the dwelling unit and guest/sleeping rooms, and open to the public: Number of spaces normally required for similar uses listed elsewhere within this schedule
Boarding/Rooming House	2 per dwelling unit of owner/resident manager and other permanent residents, plus 1 space for each sleeping/rooming unit for let
Conservation Subdivision	Number of spaces normally required for similar uses listed elsewhere within this schedule
Continuing Care Retirement Facility, Long Term Care Nursing Home, and/or Personal Care Facility (individual or in combination with the following:	Personal care or nursing care centers: 1 space for each 4 beds plus 1 space per employee on largest shift.
	Apartment units: 1space per dwelling unit.
	Cottage units (single family units): 1 space per dwelling unit plus 1 space per 5 units for guest parking.
	Other uses not specified herein above: Number of spaces normally required for similar uses listed elsewhere within this schedule
Flag Lot	2 spaces per dwelling unit
Group Home	2 spaces per dwelling unit, plus 1 space for each 4 residents
Mixed Residential Development	Number of spaces normally required for similar uses listed elsewhere within this schedule

<b>RESIDENTIAL USES</b>	
<b>Type of Use</b>	<b>Minimum Required Spaces</b>
Mobilehome Park	2 per dwelling unit, plus 1/2 additional space per dwelling unit shall be provided in a common visitor parking compound. Such visitor parking lots shall be sized, arranged, and located so that the spaces are within three hundred (300) feet walking distance to any unit served.
Multi-Family Conversions & Multi-Family Dwellings/Apartments	3 spaces per dwelling unit. Such parking spaces can take the form of private access drives, driveways, or garages and/or common parking lots provided all spaces required are within one hundred fifty (150) feet of the unit served. In addition, for developments containing more than six (6) multi-family dwellings and/or conversions, there shall be provided off-street parking/storage space for boats, travel trailers, tent campers, and trailers used to transport recreation vehicles. Such space shall be provided at a minimum rate of one hundred (100) square feet per dwelling unit and shall be placed at only one location that is no less than fifty (50) feet from any dwelling unit. Such storage space shall be screened from all dwellings.
Single-Family Attached Dwelling	3 spaces per dwelling unit. Such parking spaces can take the form of private access drives, driveways or garages and/or common parking lots. Of these spaces, at least two (2) must be provided on the same individual lot as the principal dwelling unit, and the remaining 1 space may be provided within common parking lots provided all spaces required are within one hundred fifty (150) feet of the unit served. In addition, for developments containing more than six (6) single-family attached, there shall be provided off-street parking/storage space for boats, travel trailers, tent campers, and trailers used to transport recreation vehicles. Such space shall be provided at a minimum rate of one hundred (100) square feet per dwelling unit and shall be placed at only one location that is no less than fifty (50) feet from any dwelling unit. Such storage space shall be screened from all dwellings.
Single-Family Detached Dwelling	2 spaces per dwelling unit
Single-Family Semi-Detached Dwelling	2 spaces per dwelling unit
Special Occasion Home	2 per dwelling unit; and
	Other uses beyond the dwelling unit and open to the public: Number of spaces normally required for similar uses listed elsewhere within this schedule
Two Family Conversions & Two Family Dwellings	2 spaces per dwelling unit

<b>NON-RESIDENTIAL USES</b>	
<b>Type of Use</b>	<b>Minimum Required Spaces</b>
Adult Related Uses	1 space per 200 square feet of net floor area, plus 1 space per employee on the peak shift
Airport or Airstrip	1 space for each 4 air vehicles stored, plus 1 space for each employee on the peak shift
All Other Uses	Number of spaces normally required for similar uses listed elsewhere within this schedule
Animal Hospital	2 spaces per exam table, plus 1 space per employee on the peak shift
Antique Business	1 per 200 square feet of net floor area, plus 1 per employee on the peak shift
Automobile Wrecking, Junk and Scrap Storage and Sales	1 space per ½ acre or portion thereof, plus 1 space per employee on the peak shift
Automobile, Boat, Heavy Equipment, Recreational Vehicle and Similar Motor	1 space per employee on the peak shift plus:
	Rental/Sales: 1 space per 15 vehicles or units of motor vehicle equipment



<b>NON-RESIDENTIAL USES</b>	
<b>Type of Use</b>	<b>Minimum Required Spaces</b>
Vehicle Rental/Sales, Repair/Service, Washing and/or Fuel/Gas Sales	Repair/Service: 2 spaces per service bay
	Washing: 1 space per 200 square feet of office floor area, plus 3 stacking spaces per wash bay
	Fuel/Gasoline Sales/Distribution: 1 space per fuel pump which may be provided at fuel pumps at a ratio of not more than 2 spaces per each pump (one [1] on each side), plus 1 space for each employee on the peak shift.
Banks	1 space per 400 square feet of gross floor area, plus 1 space per employee on the peak shift
Billboard	1 space per billboard
Business Commerce Park	1 space per 400 square feet of gross floor area
Business Service	1 space per 200 square feet of net floor area, plus 1 space per employee on the peak shift
Campground	1 space per campsite, plus 1 space per employee on the peak shift, plus one-half (½) of the spaces normally required for accessory uses listed elsewhere within this schedule
Cemetery	5 spaces, plus 1 space per employee on the peak shift
Clinic, Medical	4 spaces per patient examination room, plus 1 space per employee on the peak shift
Club, Clubhouse or Lodge, Private	1 space per 200 square feet of gross floor area, plus 1 space per employee on the peak shift.
Commercial Recreation, Indoor	1 space per 200 square feet of gross floor area, plus 1 space per employee on the peak shift.
Commercial Recreation, Outdoor	1 space per 200 square feet of gross floor area, plus 1 space per employee on the peak shift; or if completely outside of a structure 1 space per each 3 users at maximum utilization, plus 1 space per employee on the peak shift
Communication, Television, and Radio Transmitting and Receiving Tower Antennas, Towers, and Equipment	1 space per lot
Contractors' Office and Storage Yard	1 space per 750 square feet of office gross floor area, plus 1 space per employee on the peak shift
Convenience Store, General	1 space per 100 square feet of net floor area, plus 1 space per fuel pump, plus 1 space per employee on the peak shift
Daycare, Commercial	1 space per employee on the peak shift plus 1 space per 6 client (adult or child) enrolled
Dog Day Care	1 space per each 15 animals based on maximum animal capacity, plus 1 space per employee on the peak shift
Drive In	1 space for each motor vehicle served, plus 1 space per employee on the peak shift
Farmer's Market and/or Flea Market	1 space per 400 square feet of gross floor area (indoor and outdoor) open to and accessible to the public, plus 1 space per employee on the peak shift
Financial Services, Other	1 space per 400 square feet of gross floor area, plus 1 space per employee on the peak shift
Food Service	1 space per employee on the peak shift plus:
	Delivery: 1 space per vehicle stored on site
	Direct Patron Food Sales/Consumption: 1 space per 6 seats if restaurant is provided or 1 space per 200 square feet of gross floor area open to and accessible to the public, whichever is greater
Funeral Home	25 spaces for 1st parlor, plus 10 spaces for each additional parlor

<b>NON-RESIDENTIAL USES</b>	
<b>Type of Use</b>	<b>Minimum Required Spaces</b>
Golf Course	4 spaces per hole, plus 1 space per employee on the peak shift, plus one-half (½) of the spaces normally required for accessory uses listed elsewhere within this schedule
Historic Structure Conversion	2 spaces per dwelling unit; and Other uses beyond the dwelling unit and open to the public: Number of spaces normally required for similar uses listed elsewhere within this schedule
Home Improvement Center, Lumber, and Building Materials Sales	1 space per 500 square feet of gross floor area (indoor and outdoor) open to and accessible to the public, plus 1 space per employee on the peak shift
Hospital	2 spaces per 3 beds, plus 1 space per employee on the peak shift
Hotels	1 space per guest/sleeping room, plus 1 space per employee on the peak shift, plus one-half (½) of the spaces normally required for accessory uses listed elsewhere within this schedule
Indoor Shooting Range	2 spaces per target, plus 1 space per employee on the peak shift
Industrial Parks	1 space per 1,000 square feet of gross floor area of the building up to 20,000 square feet, plus 1 space for each 2,000 square feet gross floor area of the building up between 20,000 square feet and 40,000 square feet, plus 1 space for each 3,000 square feet gross floor area of the building in excess of 40,000 square feet. In addition to the off-street parking requirements and when there are 10 or more loading berths provided, trailer parking spaces shall be provided at 1 trailer parking space for each 4 loading berths.
Industrial Use, Heavy	1 space per 1,000 square feet of gross floor area of the building up to 20,000 square feet, plus 1 space for each 2,000 square feet gross floor area of the building up between 20,000 square feet and 40,000 square feet, plus 1 space for each 3,000 square feet gross floor area of the building in excess of 40,000 square feet. In addition to the off-street parking requirements and when there are 10 or more loading berths provided, trailer parking spaces shall be provided at 1 trailer parking space for each 4 loading berths.
Industrial Use, Light	1 space per 1,000 square feet of gross floor area of the building up to 20,000 square feet, plus 1 space for each 2,000 square feet gross floor area of the building up between 20,000 square feet and 40,000 square feet, plus 1 space for each 3,000 square feet gross floor area of the building in excess of 40,000 square feet. In addition to the off-street parking requirements and when there are 10 or more loading berths provided, trailer parking spaces shall be provided at 1 trailer parking space for each 4 loading berths.
Kennel	1 space per each 15 animals based on maximum animal capacity, plus 1 space per employee on the peak shift
Laundry & Dry Cleaning Establishment (Industrial)	1 space per 1,000 square feet of gross floor area of the building up to 20,000 square feet, plus 1 space for each 2,000 square feet gross floor area of the building up between 20,000 square feet and 40,000 square feet, plus 1 space for each 3,000 square feet gross floor area of the building in excess of 40,000 square feet. In addition to the off-street parking requirements and when there are 10 or more loading berths provided, trailer parking spaces shall be provided at 1 trailer parking space for each 4 loading berths.
Laundry & Dry Cleaning Establishment (Personal)	1 space per 300 square feet of net floor area, plus 1 space per employee on the peak shift
Library	1 space per 400 square feet of gross floor area, plus 1 space per employee on the peak shift

<b>NON-RESIDENTIAL USES</b>	
<b>Type of Use</b>	<b>Minimum Required Spaces</b>
Mineral Extraction or Processing Establishment	1 space per each employee on the peak shift
Mini-Storage Warehouses	1 space per 25 storage units, plus 1 space per employee on the peak shift
Motels	1 space per guest/sleeping room, plus 1 space per employee on the peak shift, plus one-half (½) of the spaces normally required for accessory uses listed elsewhere within this schedule
Municipal Owned Uses	Number of spaces normally required for similar uses listed elsewhere within this schedule
Nightclubs	1 space per 100 square feet of net floor area, plus 1 space per employee on the peak shift
Offices, Business Professional	1 per 300 square feet of gross floor area, plus 1 per employee on the peak shift
Offices, Medical	2 per patient examination room, plus 1 per employee on the peak shift
Outdoor Shooting Range	2 spaces per target, plus 1 space per employee on the peak shift
Parking Lot and Parking Structure	1 space per employee on the peak shift
Parks, Playgrounds and Other Non-Commercial Recreational Uses	3 spaces per acre or portion thereof
Personal Services	1 space per 300 square feet of net floor area, plus 1 space per employee on the peak shift
Place of Worship and Related Uses	1 space per 3 seats based on maximum seating capacity, or 1 space per 250 square feet of gross floor area
Post Office	1 space per 200 square feet of net floor area, plus 1 space per employee on the peak shift
Public/Private Utility Buildings and Structures	1 space per employee on the peak shift, plus 1 space per vehicle stored on site
Research Laboratory	1 space per 400 square feet of gross floor area
Restaurant (Fast Food)	1 space per 2 seats, plus 1 space for each 2 employees on the peak shift
Restaurant (Sit Down)	1 space per 4 seats, plus 1 space for each 2 employees on the peak shift
Retail Business	1 space per 200 square feet of net floor area, plus 1 space per employee on the peak shift
Sawmill	1 per employee on the peak shift
School, Commercial	1 space per 4 students, plus 1 space per employee on the peak shift
Schools, Public or Private (Primary)	1 space per each 30 students enrolled, plus 1 space per employee, plus 1 space per each 30 seats for auditorium, gymnasium, or multipurpose room
Schools, Public or Private (Secondary)	1 space per each 5 students enrolled, plus 1 space per employee, plus 1 space per each 30 seats for auditorium, gymnasium, or multipurpose room
Schools, Vocational	1 space per 4 students, plus 1 space per employee on the peak shift
Shopping Center	1 space per 200 square feet of gross floor area
Solid Waste Disposal Facility	1 space per employee on the largest shift, or 1 space for each 1,000 square feet of gross floor area, whichever is greater
Taverns/Bars	1 space per 4 seats, plus 1 space for each 2 employees on the peak shift
Theater, Indoor (excluding adult uses)	1 space per 3 seats based on maximum seating capacity, or 1 space per 250 square feet of gross floor area, whichever is larger
Treatment Center	1 space for each 3 patient/client, plus 1 space per employee on the peak shift
Veterinary Office	2 spaces per exam table, plus 1 space per employee on the peak shift

<b>NON-RESIDENTIAL USES</b>	
<b>Type of Use</b>	<b>Minimum Required Spaces</b>
Warehousing, Distribution, and Wholesaling	1 space per 1,000 square feet of gross floor area of the building up to 20,000 square feet, plus 1 space for each 2,000 square feet gross floor area of the building up between 20,000 square feet and 40,000 square feet, plus 1 space for each 3,000 square feet gross floor area of the building in excess of 40,000 square feet. In addition to the off-street parking requirements and when there are 10 or more loading berths provided, trailer parking spaces shall be provided at 1 trailer parking space for each 4 loading berths.
Wind Energy Facilities	1 space per lot

<b>ACCESSORY USES</b>	
<b>Type of Use</b>	<b>Minimum Required Spaces</b>
Accessory Apartment in Conjunction with Permitted Business	1 space per accessory apartment dwelling unit, in addition to parking spaces required with the permitted business
Automated Banking Facility	2 spaces when not associated with on-site principal bank or other financial service, otherwise no minimum required
Caretaker or Watchman Dwelling	1 space per dwelling unit
Daycare, Accessory	2 spaces per dwelling unit as part of principal use
Daycare, Commercial	1 space per employee on the peak shift plus 1 space per 6 clients (adult or child) enrolled
Daycare, Family	2 spaces per dwelling unit as part of principal use, plus 1 per non-resident employee, plus 1 for patron use
Drive Thru Facilities	no minimum required
ECHO Housing	1 space per dwelling unit
Essential Services	no minimum required
Farm Occupation	2 spaces per dwelling unit as part of principal use, plus 1 space per non-resident employee
Home Occupation	2 spaces per dwelling unit as part of principal use, plus 1 space per non-resident employee
No Impact Home Based Business	2 spaces per dwelling unit as part of principal use
Non-Commercial Keeping of Livestock	2 spaces per dwelling unit as part of principal use
Outdoor Café/Dining	no minimum required
Roadside Stand	1 space per 50 feet of gross floor area, or 2 spaces whichever is greater
Rural Occupation	2 spaces per dwelling unit as part of principal use, plus 1 space per non-resident employee
Sawmill Accessory	1 per employee on the peak shift

I. Off-Street Parking Interconnections

- Where applicable, non-residential and/or multi-family dwelling/apartment off-street parking lots abutting another non-residential and/or multi-family dwelling/apartment off-street parking lot, should be interconnected via internal vehicular connections to one (1) another to help reduce the number of access points onto roadways, reduce traffic congestion, and ensure convenient traffic flows.
- Where applicable, each non-residential and/or multi-family dwelling/apartment off-street parking lot shall provide cross-access easements for its parking areas and access drives guaranteeing access to abutting non-residential and/or multi-family dwelling/apartment off-street parking lots. Interconnections shall be logically placed and easily identifiable to

help reduce the number of access points onto roadways, reduce traffic congestion, and ensure convenient traffic flows.

J. Parking Reductions and Alterations

1. Overflow parking

- a. Overflow parking reservation, which shall include areas of required parking facilities that may remain unpaved, but must be leveled and stabilized in a grass condition, but that also may be constructed with other pervious surfaces acceptable to Heidelberg Township, so as to provide for overflow parking for other, seasonal or event peak times, shall be permitted subject to the following:
  - 1) The applicant shall submit a plan showing all required parking spaces, interior driveways, maneuvering areas, access drives, and buffer areas, designed in strict conformance with all other requirements of this Part of this Ordinance; and
    - a) All those parking related improvements and facilities that are to be constructed.
    - b) All overflow parking reservation spaces which shall be delineated on the plan and designated as "reserved for future use," required to meet the minimum number of required parking spaces but otherwise not to be constructed in full compliance with the requirements of the Ordinance.
- b. Overflow parking reservation spaces shall not exceed twenty (20) percent or more of the minimum required parking spaces.
- c. All areas designated as overflow parking reservation shall not count toward any open space or yard requirements.
- d. The applicant shall enter into an agreement with Heidelberg Township agreeing to design and construct all parking related improvements, including all related stormwater management improvements, which have not been previously constructed within six (6) months of notification from Heidelberg Township. Such agreement shall be in a form acceptable to Heidelberg Township.

K. Shared Parking

1. Shared off-street parking may be used between two (2) or more uses to satisfy all or a portion of the minimum off-street parking requirements set forth herein this Ordinance.
2. Shared off-street parking is permitted between different categories of uses or uses with different hours of operation.
3. The use(s) for which the request is being made for shared parking shall be located within eight hundred (800) feet of the off-street parking facility (surface parking lot or garage).
4. The reductions to parking permitted through shared use of off-street parking shall be determined as a percentage of the minimum required off-street parking requirements, as modified by the reductions permitted below.
5. An agreement providing for the shared use of off-street parking, executed by the parties involved, shall be filed with the application for development. Shared parking privileges shall continue in effect only as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, parking shall be provided as otherwise required by this Ordinance.
6. Where shared parking is proposed to be utilized, the following standards shall apply:

- a. Users of shared parking facilities shall be required to show shared parking is reasonably close in proximity to each use in accordance with the following standards:
  - 1) Less than one hundred (100) feet for:
    - a) People with disabilities; deliveries and loading; emergency services; fast food service type restaurant; and convenience store.
  - 2) Less than six hundred (600) feet for:
    - a) Residents; grocery stores; business and professional services; and medical/dental clinics; hospitals.
  - 3) Less than one thousand (1,000) feet for:
    - a) General retail sales and services; sit down service type restaurant; taverns/bars; employees; social/fraternal organizations/lodges; places of worship; schools; municipal uses; parks.
- b. If parking is to be shared by uses located on two (2) or more lots, an agreement in a form acceptable to Heidelberg Township must be presented assuring use of the required parking spaces until or unless the required parking spaces are located on the same lot as the use they serve. See subsection 7 below.
- c. The minimum amount of shared parking required to be calculated according to the following:
  - 1) Calculate the minimum amount of off-street parking required for each use as if it were a separate use.
  - 2) To determine the peak parking requirements, multiply the minimum parking required for each proposed use by the corresponding percentage in the table below for each of the six (6) time periods:

Uses	Monday - Friday			Saturday and Sunday		
	8 am - 6 pm	6 pm - Midnight	Midnight - 8 am	8 am - 6 pm	6 pm - Midnight	Midnight - 8 am
Residential	60%	100%	100%	80%	100%	100%
Office	100%	10%	5%	5%	5%	5%
Retail Sales/Services	90%	80%	5%	100%	60%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Theatre	40%	80%	10%	80%	100%	10%
Taverns/Bars/Nightclubs	40%	100%	10%	50%	100%	50%
Public/Institutional/School (Non-Place of Worship)	100%	40%	5%	10%	10%	5%
Places of Worship	20%	40%	5%	100%	50%	5%

- 3) Calculate the column total for each of the six (6) time periods
- 4) The column total (time period) with the highest value shall be the minimum parking requirement.

7. Written Agreement between Property Owners to Share Parking
  - a. Where an application for development for which shared parking is proposed includes two (2) or more separately owned properties, and the Zoning Officer has made a determination of the minimum number of required parking spaces for each of the applicable properties and uses, the Zoning Officer shall require that the owners of the properties enter into a legal agreement with Heidelberg Township guaranteeing access to, use of, and management of designated shared parking spaces. The agreement shall be in a recordable form approved by Heidelberg Township Solicitor, included as a condition of the approval and enforceable by Heidelberg Township.
  - b. Where an application for a zoning permit for which shared parking is proposed includes two (2) or more properties owned by the same property owner, and the Zoning Officer has made a determination of the minimum number of required parking spaces for the applicable properties and uses, the Zoning Officer shall require that the owner of the properties enter into a legal agreement with Heidelberg Township guaranteeing access to, use of, and management of designated shared parking spaces. The agreement shall be in a recordable form acceptable to Heidelberg Township, included as a condition of the approval and enforceable by Heidelberg Township.
8. Shared Parking Plan
  - a. As part of the application for development, Heidelberg Township may require an applicant who plans to incorporate shared off-street parking to submit a shared off-street parking plan. A shared parking plan includes one or more of the following:
    - 1) A site plan showing parking spaces intended for shared off-street parking and their proximity to the uses they will serve, as well as those on-street parking spaces abutting the frontage of the lots being developed.
    - 2) A signage plan that directs drivers to the most convenient off-street parking areas for each particular use or group of uses, if such distinctions can be made.
    - 3) A pedestrian circulation plan that shows connections and sidewalks between off-street parking areas, land uses and buildings.

L. Compact Vehicle Parking

Where more than ten (10) parking spaces are required, a maximum of forty (40) percent of the off-street parking spaces may be provided for compact vehicles. Each such off-street compact parking space shall be not less than eight (8) feet wide by seventeen (17) feet long. All off-street compact parking spaces shall be located in the same area of the off-street parking lot and be marked to indicate spaces designated for compact parking.

## **10.5 LOADING/UNLOADING GENERAL REQUIREMENTS**

A. General Requirements

Off-street loading/unloading shall be required in accordance with this section prior to the occupancy of any building or use. These facilities shall provide adequate off-street areas for the loading/unloading of delivery and service vehicles whenever:

1. A new use is established;

2. The use of a property or building is changed and thereby requiring an increase in loading space; and
3. An existing use is enlarged, thereby requiring an increase in loading space;

For all non-residential uses or other similar uses requiring the delivery or pickup of products or materials.

4. An off-street loading / unloading space shall be an area of land, open or enclosed, other than a street, used principally for the standing, loading or unloading of motor trucks, tractors and trailers, and/or other service vehicles so as to avoid undue interference with the public use of streets.
5. Off-street loading / unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking space.
6. Off-street loading / unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, sidewalk, designated fire lane, or adjacent property.
7. Off-street loading / unloading spaces shall not be located so that vehicles entering or leaving the spaces would conflict with parking spaces and require backing maneuvers in areas of customer or public circulation.

**B. Surfacing**

All off-street loading/unloading facilities shall be constructed and maintained with the same paved concrete or bituminous surface material required for access drives in Article 5 of the Heidelberg Township Subdivision and Land Development Ordinance and/or any applicable Township construction and materials specifications, so as to provide a durable and dustless surface.

**C. Separation from Streets, Sidewalks, and Parking Lots**

1. Off-street loading/unloading spaces shall be designed so that there will be no need for service vehicles to back over streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots.
2. All off-street loading/unloading spaces shall be marked with paint, or other methods so as to indicate their location.
3. All off-street loading/unloading facilities shall be kept clean and free from rubbish and debris.

**D. Drainage**

Off-street loading facilities (including access drives) shall be provided with adequate facilities to collect and convey stormwater in accordance with the Article 4 and 5 of the Heidelberg Township Subdivision and Land Development Ordinance and/or any applicable Township construction and materials specifications. Furthermore, all off-street loading facilities shall be designed to prevent the collection of standing water on any portion of the loading facility surface, particularly next to access drives. Adequately sized inlets and storm sewers shall be provided to discharge stormwater in accordance with a plan to be approved by the Township. At a minimum, all off-street loading facilities shall be graded to a minimum slope of one percent to provide for drainage.



E. Location

1. No off-street loading/ unloading spaces shall be within any required building setback nor required buffer yard area.
2. Except as provided elsewhere, a ground level off-street loading/unloading area may be located in any side or rear yard.
3. Where possible, off-street loading/unloading facilities shall be located on the side of a building not facing any abutting land in the DGA-R or DGA-MR zoning districts or an existing residential use.

F. Connection to Street

Every loading space shall be connected to a street by means of an access drive in accordance with Part 5 of the Heidelberg Township Subdivision and Land Development Ordinance.

G. Required Off-Street Loading Facilities Sizes

The following lists required minimum loading space sizes, in feet (excluding access drives, entrances and exits):

Facility	Length	Width	Height (If Covered or Obstructed)
Industrial (Light & Heavy), Wholesale and Storage Uses	63 feet	12 feet	15 feet
All Other Uses	33 feet	12 feet	15 feet

H. Lighting

1. All loading/unloading facilities, including entrances and exits, shall be lighted during evening, nighttime, and early morning operating hours as applicable.
2. Lighting shall be provided at a minimum average of two (2) foot candles at an elevation of three (3) feet above the surface, but shall not exceed 0.1 foot candle at the abutting property line.
3. Lighting shall be designed and arranged to reflect the light downward and away from, and otherwise prevent glare onto adjacent properties and public rights-of-way by employing hooded, shielded, or screened fixtures that confine glare to the site, rather than the area around it. At a minimum, lighting fixtures shall include flat lens, full cut-off shields.
4. Lighting plans shall be provided as part of any permit application, if applicable. At a minimum, the lighting plans shall include photometrics and appropriate footer and mounting details.

I. Buffering and Screening Requirements

1. Unless otherwise indicated, all loading/unloading facilities shall be provided with buffering and screening in accordance with Part 7, Section 7.3 of this Ordinance.

J. Schedule of Off-Street Loading/Unloading Spaces Required

1. When the intensity of use of any building, structure or premises shall be increased through addition of gross floor area, seating capacity or other units of measurement specified herein for required off-street loading/unloading facilities, off-street loading/unloading facilities shall be provided for such increase in intensity of use in the amount by which the requirements for the increase in intensity would exceed those for the existing use if the latter were subject to the loading provisions of this Ordinance.

2. Whenever the existing use of a building, structure or land shall hereafter be changed to a new use, off-street loading/unloading facilities shall be provided as required for such new use. However, if the existing use of land or structure was established prior to the effective date of this Chapter, additional off-street loading/unloading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the off-street loading/unloading provisions of this Section.
3. The following table lists required numbers of berths and spaces by use type:

Use	Gross Floor Area (square feet)	Number of Spaces
Commercial (Retail/Service) Wholesale Industrial/Manufacturing Hospitals Laundry Institutional and Similar Uses	Under 8,000	1
	8,000 to 40,000	2
	Over 40,000 to 100,000	3
	Over 100,000 to 250,000	4
	Each additional 200,000	1
Office buildings or hotels	Under 100,000	1
	Over 100,000 to 300,000	2
	Over 300,000	3

4. Where there are multiple uses within a development or on the same lot, shared loading / unloading spaces shall be used among as many uses as practical. Loading / unloading spaces shall be adjacent to the use or building served except that in a group of buildings in the same use on the same lot, one (1) building may be designated to receive and dispatch goods, provided the total applicable floor area in all buildings on the lot is aggregated in determining the total required loading spaces.

## 10.6 LOT ACCESS

### A. Driveways and Access Drives General Requirements

All driveway and access drives shall comply with and be designed and constructed in accordance with Article 5 of the Heidelberg Township Subdivision and Land Development Ordinance and/or any applicable Township construction and materials specifications.

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## **PART 11 - ADMINISTRATION AND ENFORCEMENT**

### **11.1 DUTIES OF THE ZONING OFFICER**

- A. The provisions of this Ordinance shall be administered and enforced by the Heidelberg Township Zoning Officer. The Zoning Officer may designate other Heidelberg Township Staffpersons to serve as Assistant Zoning Officer(s). Such designations may be subject to concurrence by the Board of Supervisors. Assistant Zoning Officers serve with the same authority and duties as the Zoning Officer. The Zoning Officer and Assistant Zoning Officers shall not hold any elective office within Heidelberg Township, but may hold other appointed offices.
1. The Zoning Officer shall have the power and the authority to perform all the following duties:
    - a. To receive, examine and process all applications and permits as provided by the terms of this Ordinance. The Zoning Officer shall also issue zoning permits for special exceptions and variances after the same have been approved.
    - b. To record and file all applications for zoning permits or certificates of use and occupancy, and accompany plans and documents, and keep them for public record.
    - c. To inspect properties to determine compliance with all provisions of this Ordinance as well as conditions attached to the approval of variances, special exceptions, and curative amendments.
    - d. To inspect nonconforming uses, structures, and lots and to keep a file record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record and to examine them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations.
    - e. Upon the request of the Board of Supervisors or Zoning Hearing Board, present to such bodies, facts, records, and any similar information of specific requests to assist such bodies in reaching their decisions.
    - f. To be responsible for keeping this Ordinance and the Official Zoning Map up-to-date, including any amendments thereto.
    - g. To render a preliminary decision regarding a proposed land use in accordance with Section 916.2 (and any subsequent amendments) of the MPC.
    - h. To revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance, or as otherwise permitted by law.
    - i. To enforce the provisions of this Ordinance in accordance with the provisions of this Part 11.
    - j. To issue stop work orders when the Zoning Officer determines that a violation of this Ordinance exists or that construction is being commenced in a manner not authorized by a zoning permit or in a manner violating any approvals issued under this Ordinance. The Zoning Officer may issue stop work orders orally or in writing. If the Zoning Officer issues an oral stop work order, the Zoning Officer shall subsequently confirm the oral stop work order with a written notice within five (5) days.

## **11.2 PERMITS**

### **A. Zoning Permits**

#### **1. Requirements for Zoning Permits:**

- a. A zoning permit, issued by the Zoning Officer stating that the buildings or proposed uses fully comply with the provisions of this Ordinance, and the provisions of all other relevant ordinances (e.g. the Heidelberg Township Subdivision and Land Development Ordinance), shall be required prior to any:
  - 1) Approval of a building permit in compliance with the Pa. Uniform Construction Code; and
  - 2) Alteration or development of any improved or unimproved real estate, including but not limited to, mining, dredging, filling, grading, paving, excavation or drilling operations including the construction or installation of animal waste impoundments, lakes, ponds, dams or other water retention basins; or
  - 3) land and/or building being occupied by a principal use; or
  - 4) land and/or building changed from one principal use to another; or
  - 5) building and/or structure hereafter being erected or established, constructed, altered, extended, relocated, removed or demolished, except as provided below.
- b. No zoning permit shall be required for repairs or maintenance of any structure or land provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance.
- c. Application for zoning permits shall be made in writing to the Zoning Officer.
- d. Such zoning permits shall be granted or refused within ninety (90) days from date of application.
- e. No zoning permit shall be issued except in conformity with:
  - 1) all applicable regulations of this Ordinance;
  - 2) any conditions imposed upon the site by the Zoning Hearing Board or the Board of Supervisors; and,
  - 3) any recorded subdivision and/or land development plan.
- f. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all of the above-described requirements, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit will be denied.
- g. Application for a zoning permit shall be made by the Owner or Lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the Owner, it shall be accompanied by a written authorization of the Owner or the qualified person making an application, that the proposed work is authorized by this Owner. The full names and addresses of the Owner, Lessee, Applicant, the responsible officers, and all partners of a partnership if the Owner or Lessee is a corporate body, shall be stated in the application.
- h. The Zoning Officer may call upon other Heidelberg Township Staff and/or Heidelberg Township-appointed consultants in the review of submitted materials for applications.
- i. The Zoning Officer may revoke a zoning permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of

fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.

- j. Where a zoning permit is required by this Ordinance, but the work is commenced or the use is commenced or changed prior to obtaining such permit, the fees set by ordinance or resolution of the Heidelberg Township Board of Supervisors for such permit shall be doubled. The doubling of the permit fee shall be required to reflect the additional expense incurred by Heidelberg Township resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices and/or process the application as soon as it is received. The payment of such increased permit fee shall not relieve any person from complying with all requirements of this Ordinance or any other applicable Heidelberg Township ordinances or from any penalties of enforcement actions authorized by this Ordinance of the MPC.
- k. Issuance of Permits: Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing a complete application. If the application or plans do not conform to the provisions of all pertinent local laws including but not limited to subdivision and/or land development approval, and/or do not include copies of all other permits and approvals required for work proposed in the application or supporting plans including but not limited to permits and approvals by the PA DEP and/or Penn DOT, the Zoning Officer shall reject such application in writing, stating the reasons therefore. The Zoning Officer shall inform the applicant of his right to appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance and all laws and ordinances applicable thereto, copies of required permits and approvals by the PA DEP and/or Penn DOT, and that the certificate of use and occupancy as required herein has been applied for, the Zoning Officer shall issue a zoning permit therefore as soon as practical but not later than ninety (90) days from receipt of the application.
- l. Reconsideration of Application: An applicant whose request for a zoning permit has been denied by the Zoning Officer may make a later application for a permit provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to make a new inspection of the application if this condition is not met.
- m. Expiration of Permit: The zoning permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended an additional one (1) year, upon written request by the applicant which demonstrates good cause to the Zoning Officer.
- n. Compliance with Ordinance: The zoning permit shall be a license to proceed with the work and should not be construed as authority to deviate from any of the provisions of the Zoning Ordinance, except as approved by the Zoning Hearing Board.
- o. Compliance with Permit and Plot Plan: All work or uses shall conform to the approved application and plans for which the zoning permit has been issued as well as the approved plot plan.

- p. Display of Zoning Permit: All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its certificate of use and occupancy.

B. Temporary Use Permits:

1. Heidelberg Township recognizes that service organizations, limited liability company/corporations, other entities and landowners within Heidelberg Township may, from time to time, desire to institute a specific use for a brief period of time. Heidelberg Township recognizes that certain temporary uses, such as a fund raising auction for a service organization conducted on lands of a third party, may provide benefits for the entire municipality.
2. Where the proposed temporary use is permitted as a use by right in the zoning district, such as a sale of flowers from a tent prior to a holiday, the applicant shall apply to the Zoning Officer for a zoning permit. If the temporary use will be operated from a temporary, removable structure and shall have a duration of not more than fourteen (14) calendar days at any time, the Zoning Officer may issue a zoning permit upon the applicant's presentation of evidence that adequate off-street parking shall be provided, any signs will be temporary in nature, and any signs shall not exceed the number or area which would be permitted for a permanent use. The off-street parking for a temporary use may be shared with off-street parking for an existing permanent use. The Zoning Officer shall issue the temporary zoning permit that shall specify the dates upon which the temporary use may be operated, the temporary structures which may be erected and the temporary signs which may be erected.
3. The Zoning Hearing Board, by special exception, may authorize a temporary use in a zoning district where such use is not allowed if the applicant demonstrates compliance with the general standards for all special exceptions in Part 12, Section 12.6.DGA-C.4 General Criteria, of this Ordinance and with all of the following requirement:?
  - a. The temporary use shall not exceed five (5) calendar days in any calendar year.
  - b. The applicant shall demonstrate that adequate off-street parking and other facilities, including but not limited to sewage disposal facilities, are available for persons reasonably anticipated to attend the temporary use.
  - c. The applicant shall provide a plan for addressing traffic to be generated by the temporary use. If necessary, the applicant shall arrange for the provision of fire police or other persons to direct traffic to the temporary off-street parking facilities.
  - d. The applicant shall present evidence to demonstrate that the temporary use provides a benefit to the community.
  - e. The applicant shall present evidence to demonstrate that the temporary use will not adversely affect the health, safety or welfare of the abutting and adjoining residents or the uses permitted within the zoning district in which the temporary use is proposed.

C. Application for All Zoning Permits:

1. Applications shall contain a general description of the proposed work, development, use or occupancy of all parts of the structure or land and shall be accompanied by plans in sufficient detail as the Zoning Officer deems necessary from the following:

- a. Actual dimensions and shape of lot to be developed;
  - b. Exact location and dimensions of any structures to be erected, constructed and altered;
  - c. Existing and proposed uses, including the number of occupied units, businesses, etc., all structures are designed to accommodate;
  - d. Off-street parking and loading spaces;
  - e. Utility systems affected and proposed;
  - f. Alteration or development of any improved or unimproved real estate;
  - g. The size of structures and the number of employees anticipated;
  - h. Any other lawful information that may be required by the Zoning Officer to determine compliance with this Ordinance;
- 2. Copies of any applicable approved subdivision or land development plans;
  - 3. If the proposed activity requiring a zoning permit is located within the Floodplain Zone, the following information is specifically required to accompany all applications, as prepared by a licensed professional:
    - a. The accurate location and elevation of the floodplain and floodway;
    - b. The elevation, in relation to the National Geodetic Vertical Datum of 1988 (NGVD), of the lowest floor, including basements;
    - c. The elevation, in relation to the NGVD, to which all structures and utilities will be flood proofed or elevated; and,
    - d. Where floodproofing is proposed to be utilized for a particular structure, the zoning permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth, or a licensed professional architect registered by the Commonwealth certifying that the floodproofing methods used meet all applicable codes and ordinances.

D. Applications for Uses Subject to Land Development Approval

- 1. The uses set forth herein this sub-section below require review and approval as a land development in accordance with all applicable standards of the Heidelberg Township Subdivision and Land Development Ordinance. The information required in this subsection above to be submitted in the zoning permit application may be presented to Zoning Officer in the form of a copy of the approved land development plan. Such zoning permit application shall not be acted upon by the Zoning Officer until approval of any such Land Development is granted by the Board of Supervisors. For purposes of this Ordinance the following principal uses shall be considered land developments:
  - a. All institutional uses.
  - b. All commercial uses.
  - c. All utilities.
  - d. All industrial uses.
  - e. The following residential uses:
    - 1) Multi-family dwellings.
    - 2) Mobile home parks.



E. Certificate of Use and Occupancy

1. A certificate of use and occupancy issued by a certified building code official stating that the buildings or proposed uses fully comply with the provisions of the current edition of the International Residential and/or Building Code, and the provisions of all other relevant ordinances, shall be required prior to any proposed building or use being occupied or established.
2. It shall be unlawful to use and/or occupy a structure or building for which a building permit is required herein until a certificate of use and occupancy permit for such structure or building has been issued by the certified building code official as required herein.
3. The certificate of use and occupancy or true copy thereof shall be kept available for official inspection at all times.
4. Upon request of a holder of a building permit, the certified building code official may issue a temporary certificate of use and occupancy for a structure or building before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare.

**11.3 SCHEDULE OF FEES, CHARGES AND EXPENSES**

1. The Board of Supervisors shall establish by resolution a schedule of fees, charges, and expenses and collection procedures for Zoning Permits, Certificates of Use and Occupancy, uses by special exception, variances, and appeals and other matters pertaining to this Ordinance, including petitions for amendments.
2. The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by the Board of Supervisors.
3. Such alterations shall not be considered an amendment to this Ordinance and may be adopted as a resolution at any public meeting by the Board of Supervisors.
4. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

**11.4 VIOLATIONS**

The following shall constitute a violation of the Zoning Ordinance and shall be subject to the provisions of Part 11, Section 11.5, Enforcement, of this Ordinance:

1. The construction, alteration, maintenance or use of any structure, building, sign, land or landscaping or the change of use, area of use, percentage of use or displacement of the use of any structure, building, sign, land or landscaping without first obtaining a zoning permit;
2. The use of any building, structure, sign and/or land without receipt of a certificate of use and occupancy;
3. The use or maintenance of any building, structure, sign and/or land for a use or in a manner with is not in accordance with the provisions of this Ordinance;
4. The use of property for a use different from that set forth in any zoning permit or certificate of use and occupancy with has been granted for the property without applying for and being granted a zoning permit and certificate of use and occupancy for such new or different use or the excavation, grading of or earthmoving activities on any property in

- preparation for the erection of a structure or change in use of a property without first obtaining a zoning permit;
5. The failure to comply with any other provision of this Ordinance;
  6. The violation of any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or by a court of competent jurisdiction if a special exception or variance is granted by such court;
  7. The violation of any conditions imposed upon the grant of a conditional use by the Board of Supervisors or by a court of competent jurisdiction if a conditional use is granted by such court; and
  8. The inclusion of false or misleading information of any application filed with Heidelberg Township.

## **11.5 ENFORCEMENT**

### **A. Enforcement Notice**

1. Whenever the Zoning Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, or of any regulation adopted pursuant thereto, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Part.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:
  - a. The name of the owner of record and any other person against whom Heidelberg Township intends to take action.
  - b. The location of the property in violation.
  - c. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of the Ordinance.
  - d. The date before which the steps for compliance with the applicable provisions of the Ordinance must be commenced, not to exceed thirty (30) days from receipt of notice, and the date before which the steps must be completed.
  - e. An outline of remedial action that, if taken, will effect compliance with the provisions of this Ordinance, or any part thereof.
  - f. A statement indicating that the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time, in accordance with procedures set forth elsewhere in this Ordinance.
  - g. A statement indicating that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

### **B. Causes of Action**

In case any building, structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance or any other Township ordinances, code or regulation, the Board of Supervisors, or any officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies,

may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When such action is instituted by a landowner or tenant, notice that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

## **11.6 ENFORCEMENT REMEDIES AND PENALTIES**

### **A. Jurisdiction**

District Justices shall have initial jurisdiction over proceedings brought under Part 11, Section 11.5 of this Ordinance.

### **B. Enforcement Remedies**

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by Heidelberg Township, pay a judgment of not more than five hundred (500) dollars plus all court costs, including reasonable attorney fees incurred by Heidelberg Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fee collected for the violation of the Ordinance shall be paid over to Heidelberg Township.
2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Part shall be construed or interpreted to grant any person or entity other than Heidelberg Township the right to commence any action for enforcement pursuant to this Part.

### **C. Public Nuisance**

Any development initiated or any building or structure constructed, reconstructed, enlarged, altered, or relocated, not in compliance with this Ordinance may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

## **PART 12 - ZONING HEARING BOARD**

### **12.1 MEMBERSHIP**

#### **A. Creation**

1. The Zoning Hearing Board, referred to as the "Board" within this Part, shall consist of three (3) residents of Heidelberg Township appointed by the Board of Supervisors pursuant to Article IX (and any subsequent amendments) of the MPC. The Board shall perform all the duties and have all the powers prescribed by the MPC and as herein provided. The Board of Supervisors shall make provision in its budget for appropriate funds for the operation of the Board.
2. Members of the Zoning Hearing Board shall hold no other office (including appointed or elected) in Heidelberg Township, including membership on the Planning Commission and Zoning Officer.

#### **B. Terms of Office**

1. The terms of office shall be three (3) years and shall be so fixed that the term of office of no more than one member shall expire each year.
2. The members of the existing Board shall continue in office until their term of office would expire under the prior Zoning Ordinance.

#### **C. Vacancies**

The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.

#### **D. Alternate Members**

The Board of Supervisors may appoint by resolution at least one but no more than three (3) residents of Heidelberg Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated in accordance with Part 12, Section 12.2 of this Ordinance, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth on this Ordinance and otherwise provided by law. Alternates shall hold no other office in Heidelberg Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Part 12, Section 12.3 unless designated as a voting alternate member pursuant to Part 12, Section 12.2 of this Ordinance.

#### **E. Removal of Members**

Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

## **12.2 ORGANIZATION**

1. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms and as such may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action of the Board as provided in Part 12, Section 12.4 of this Ordinance.
2. If, by reason of absence or disqualification of a member, or if a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
3. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of Heidelberg Township and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of Heidelberg Township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

## **12.3 EXPENDITURES OF SERVICES**

Within the limits of funds appropriated by the Governing Body, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors. Alternate members of the Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to Part 12, Section 12.2 of this Ordinance, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

## **12.4 PUBLIC HEARINGS**

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

### **A. Public and Written Notices**

Public notice shall be given and written notice shall be given to the applicant, the Heidelberg Township Zoning Officer, such other persons as the Board of Supervisors shall designate by ordinance and to any person who has made timely request for same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

### **B. Fees**

The Board of Supervisors may prescribe reasonable fees, set by resolution, with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for

the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

C. Conduct of Hearing

The hearings shall be conducted by the Zoning Hearing 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 Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to Heidelberg Township, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.

D. Parties

The parties to the hearing shall be Heidelberg Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear before the Board. The Zoning Hearing 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.

E. Powers

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

F. Parties Right of Representation

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.

G. Rules

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

H. Record

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

I. Communication

The Zoning Hearing Board or 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 a communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

J. Decisions

The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with reasons therefore. Conclusions based on any provisions of this Ordinance or the MPC 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 Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Zoning Hearing Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Part 12, Section 12.4.A of this Ordinance. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Part shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

K. Notification of Decision

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. To all other persons who have filed their name and address with the Zoning Hearing Board no 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.

## **12.5 JURISDICTION AND FUNCTIONS**

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

- A. Substantive Validity Challenge  
Substantive challenges to the validity of this Ordinance, except those brought before the Board of Supervisors pursuant to Part 13, Section 13.3.A (Procedure for Landowner Curative Amendments) and Part 12, Section 12.6.A (Validity of Ordinance: Substantive Questions) of this Ordinance.
- B. Procedural Challenge  
Challenges to the validity of this Ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of this Ordinance.
- C. Appeals from the Determination of the Zoning Officer  
Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from the Determination of Flood Hazard or Floodplain Provisions  
Appeals from a determination by the Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard provisions within this Ordinance.
- E. Variances  
Applications for variances from the terms of this Ordinance and the flood hazard provisions within this Ordinance, herein the Part 6, Section 6.1, Flood Plain Management Overlay District.
- F. Special Exceptions  
Applications for special exceptions under this Ordinance.
- G. Appeals from the Preliminary Opinion of the Zoning Officer  
Appeals from the Zoning Officer's determination of Preliminary Opinion pursuant to Section 916.2 (and any subsequent amendments) of the MPC.
- H. Appeals from the Determination of Erosion and Sedimentation and Stormwater Management  
Appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any provision of this Ordinance with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving the Heidelberg Township Subdivision and Land Development Ordinance or Planned Residential Development applications.

## **12.6 FUNCTIONS**

- A. Substantive Validity Challenge
  - 1. Validity of Ordinance: Substantive Questions



- a. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either:
  - 1) To the Zoning Hearing Board under Part 12, Section 12.5 and this Section of this Ordinance.
  - 2) To the Board of Supervisors together with a request for a Curative Amendment under Part 13, Section 13.3.A.
- b. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desire to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon under Part 12, Section 12.5.A of this Ordinance.
- c. The submissions referred to in Part 12, Section 12.6.A.1.a.(1) shall be governed by the following:
  - 1) In the challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge.
- d. Based on the testimony presented at the hearing or hearings, the Zoning Hearing Board shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If a challenge heard by the Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged ordinance that will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:
  - 1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
  - 2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by a classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;
  - 3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features;
  - 4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to the development and any adverse environmental impacts; and
  - 5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- e. The Zoning Hearing Board shall render its decision within forty-five (45) days after the conclusion of the last hearing.
- f. If the Zoning Hearing Board fails to act on the landowner's request within the time limits referred to in this Section, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.
- g. The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time.

- h. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.
- i. Where a validity challenge is sustained by the Zoning Hearing Board pursuant to Part 12, Section 12.5 of this Ordinance or the court acts finally on a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two (2) years from the date of such approval to file an application for preliminary approval pursuant to the requirements for the Heidelberg Township Subdivision and Land Development Ordinance. Within the two (2) year period, no subsequent change or amendment in the Zoning Ordinance, Subdivision and Land Development Ordinance or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the sustained validity challenge.
- j. Upon the filing of the preliminary plan, the provisions of Section 508(4) of the MPC (and any subsequent amendments) shall apply.
- k. Where the proposal appended to the validity challenge is approved but does not require further application under any subdivision or land development ordinance, the developer shall have one (1) year within which to file for a building permit. Within the one-year period, no subsequent change or amendment in the Zoning Ordinance, Subdivision and Land Development Ordinance or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge.
- l. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be deemed necessary.
- m. Nothing in this Section shall be interpreted to preclude a landowner from first seeking a Final Plan approval prior to submission of a challenge.

#### B. Variances

##### 1. General

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application.

##### 2. Referral to Township Planning Commission

All applications for a variance shall be referred to the Heidelberg Township Planning Commission for review and comment. However, the Zoning Hearing Board shall meet the time limits for a decision provided in this Section, regardless of whether the Township Planning Commission has provided comments.

##### 3. Standards for Variance

The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

- a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or

conditions generally created by the provisions of 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.
- 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.

4. Filing Requirements

All applications for variances shall be submitted to the Zoning Officer. All applications shall be made on a form supplied by Heidelberg Township and shall contain all information requested on such form. All applications shall also contain the following information:

- a. Name and address of the applicant, and if different, the name and address of the landowner. If the applicant is not the landowner of record, information demonstrating that the applicant has the legal right to make the application shall accompany the application.
- b. Dimensions and shape of the lot to be developed, and the exact location and dimensions of any structure existing or to be erected.
- c. The height of any proposed buildings or structures.
- d. Existing and proposed uses of all existing and proposed structures and land uses.
- e. Existing and proposed off-street parking and loading facilities.
- f. A site plan with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
- g. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance, including citations to Articles of this Ordinance under which the application is filed.
- h. A listing of all special exception uses and/or variances that the applicant is requesting in connection with the proposed use.

5. Conditions

The Zoning Hearing Board, in approving variance applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zoning district. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Part 11 of this Ordinance.

6. Site Plan Approval

Any site plan presented in support of the variance shall become an official part of the record for said variance. Approval of any variance will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the variance, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property

not reflected on the originally approved site plan shall require the granting of another variance.

7. Expiration of Variance

Unless otherwise specified by the Zoning Hearing Board, a variance which has been authorized by the Zoning Hearing Board shall expire if the applicant fails to obtain a zoning permit within twelve (12) months from the date of authorization thereof or fails to commence a substantial amount of work within twelve (12) months from the date of issuance of the permit for such work.

C. Special Exceptions

1. General

The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with the standards and criteria set forth in this Ordinance.

2. Filing Requirements

All applications for special exceptions shall be submitted to the Zoning Officer. All applications made on the form supplied by Heidelberg Township shall contain all information requested on such form. All applications shall also contain the following information:

- a. Name and address of the applicant, and if different, the name and address of the landowner. If the applicant is not the landowner of record, information demonstrating that the applicant has the legal right to make the application shall accompany the application.
- b. Dimensions and shape of the lot to be developed, and the exact location and dimensions of any structure existing or to be erected.
- c. The height of any proposed buildings or structures.
- d. Existing and proposed uses of all existing and proposed structures and land uses.
- e. Existing and proposed off-street parking and loading facilities.
- f. A site plan with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
- g. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance, including citations to Sections of this Ordinance under which the application is filed.
- h. A listing of all special exception uses and/or variances that the applicant is requesting in connection with the proposed use.

3. Referral to Township Planning Commission

All applications for a special exception shall be referred to the Heidelberg Township Planning Commission for review and comment. However, the Zoning Hearing Board shall meet the time limits for a decision provided in this Section, regardless of whether the Township Planning Commission has provided comments.

4. General Criteria

Each applicant must demonstrate compliance with the following:

- a. The proposed use shall be consistent with the purpose of the Zoning District and intent of the Zoning Ordinance.
- b. The proposed use shall not detract from the use and enjoyment of abutting and adjacent or nearby properties.
- c. The proposed use will not substantially change the character of the subject property's neighborhood.

- d. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.).
  - e. For development within the Floodplain Protection Overlay District, that the application complies with those requirements listed in Part 6, Section 6.1, Flood Plain Management Overlay District, of this Ordinance.
  - f. The proposed use shall comply with those criteria and performance standards applicable to uses permitted in the Zoning District and those specifically listed in Part 7 and 8 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance.
  - g. The proposed use will not substantially impair the integrity of the Heidelberg Township Comprehensive Plan.
5. Conditions  
The Zoning Hearing Board, in approving special exception applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zoning district. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Part 11.
6. Site Plan Approval  
Any site plan presented in support of the special exception shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another special exception approval.
7. Expiration of Special Exception  
Unless otherwise specified by the Zoning Hearing Board, a Special Exception which has been authorized by the Zoning Hearing Board shall expire if the applicant fails to obtain a zoning permit within twelve (12) months from the date of authorization thereof or fails to commence a substantial amount of work within twelve (12) months from the date of issuance of the permit for such work.
- D. Appeals of the Determination of the Zoning Officer and Township Engineer
- 1. The Zoning Hearing Board shall hear and decide requests for appeals of the Zoning Officer and/or the Township Engineer pursuant to Part 12, Section 12.5.DGA-C. – D., and G. H. of this Ordinance.
- E. Parties Appellant before Zoning Hearing Board
- 1. Parties appellant before the Zoning Hearing Board may be anyone as identified in Section 913.3 of the MPC, as amended. Parties to the hearing shall be Heidelberg Township and those persons identified in Section 908(3) of the MPC, as amended.

F. Time Limitations

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate Municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan, or from an adverse decision by the Zoning Officer on a challenge to the validity of the Zoning Ordinance or Official Zoning Map pursuant to Part 13, Section 13.2 of this Ordinance shall preclude an appeal from the final approval, except in the case where the final submission substantially deviates from the approved tentative approval.
2. All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

G. Stay of Proceedings

1. Upon filing of any proceeding referred to in Part 12, Section 12.6.E of this Ordinance and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer, or of any agency or body, and all official action thereunder shall be stayed unless the Zoning officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property. In this case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body.
2. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board.
3. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
4. The question whether or not such petition should be granted and the amount of bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
5. If an appeal is taken by the respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction over zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

H. Appeal of the Zoning Hearing Board Decision

1. Any person, taxpayer, or Heidelberg Township aggrieved by any decision of the Zoning Hearing Board may within thirty (30) days after such decision of the Zoning Hearing Board, seek review by the Court of Common Pleas of such decision in the manner described in Part 14, Section 14.1 of this Ordinance, by the laws of the Commonwealth of Pennsylvania and Article X-A (and any subsequent amendments) of the MPC.

## **PART 13 - AMENDMENTS**

### **13.1 POWER OF ENACTMENT**

The Board of Supervisors may, from time to time, amend, supplement, change, modify or repeal this Ordinance or any part of this Ordinance, including the Official Zoning Map. When doing so, the Board of Supervisors shall proceed in the manner prescribed in this Part.

### **13.2 ENACTMENT OF ZONING ORDINANCE AND MAP AMENDMENTS**

#### **A. General Procedure**

Proposals for amendment, supplement, change, modification, or repeal of the Zoning Ordinance may be initiated by the Board of Supervisors, by the Heidelberg Township Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

1. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves an Official Zoning Map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by Heidelberg Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
  - a. In addition to the requirement that notice be posted under Section where the proposed amendment involves an Official Zoning Map change, notice of the public hearing shall be mailed by Heidelberg Township at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of Heidelberg Township. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this Section.
2. In the case of an amendment other than that prepared by the Heidelberg Township Planning Commission, the Board of Supervisors shall submit each such amendment to the Heidelberg Township Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Heidelberg Township Planning Commission an opportunity to submit recommendations.
3. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
4. At least thirty (30) days prior to the public hearing on the amendment by the Board of Supervisors, Heidelberg Township shall submit the proposed amendment to the York County Planning Commission for recommendations.
5. Within thirty (30) days after the enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the York County Planning Commission.



**B. Publication and Advertisement**

1. Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within Heidelberg Township where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed ordinance or amendment once in one newspaper of general circulation in Heidelberg Township neither more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Heidelberg Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
  - a. A copy thereof shall be supplied to a newspaper of general circulation in Heidelberg Township at the time the public notice is published;
  - b. An attested copy of the proposed ordinance shall be filed in the County Law Library or other County office designated by the York County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment by the Board of Supervisors, all applicable provisions of Part 13, Section 13.2.A - B shall be complied with as if it were a new amendment.
2. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

**C. Proposal Originated by Citizen Petition**

Owners of property in the Township may by petition submit proposals for amendment, supplement, change, modification or repeal of this Ordinance, subject to the procedures outlined herein this Section.

**13.3 CURATIVE AMENDMENTS**

A curative amendment may be initiated by either a landowner or by the Board of Supervisors.

**A. Procedure for Landowner Curative Amendments**

1. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in this Part and Part 12, Section 12.6.A of this Ordinance
2. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request as provided in this Part and Part 12, Section 12.6.A. The curative amendment and challenge shall be referred to the Heidelberg Township and York County Planning Commissions as provided in Part 13, Section 13.2.A and notice of the hearing thereon shall be given as provided in Part 12, Section 12.4 and in Part 12, Section 12.6.A of this Ordinance.

3. The hearing shall be conducted in accordance with Article and all references therein to the Zoning Hearing Board shall, for the purposes of this section, be referred to the Board of Supervisors. If the Board of Supervisors does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
4. If the Board of Supervisors determines that a validity challenge has merit, the Board of Supervisors may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that will cure the alleged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
  - a. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
  - b. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map.
  - c. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.
  - d. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
  - e. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

B. Procedure for Municipal Curative Amendments

1. If the Board of Supervisors determines that this Zoning Ordinance or any portion thereof is substantially invalid, the Board of Supervisors shall declare by formal action, this Zoning Ordinance or portions hereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal the Board of Supervisors shall:
  - a. By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include:
    - 1) references to specific uses which are either not permitted or not permitted in sufficient quantity;
    - 2) reference to a class of use or uses which require revision; or
    - 3) reference to the entire ordinance which requires revisions;
  - b. Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate, or reaffirm the validity of the Zoning Ordinance.

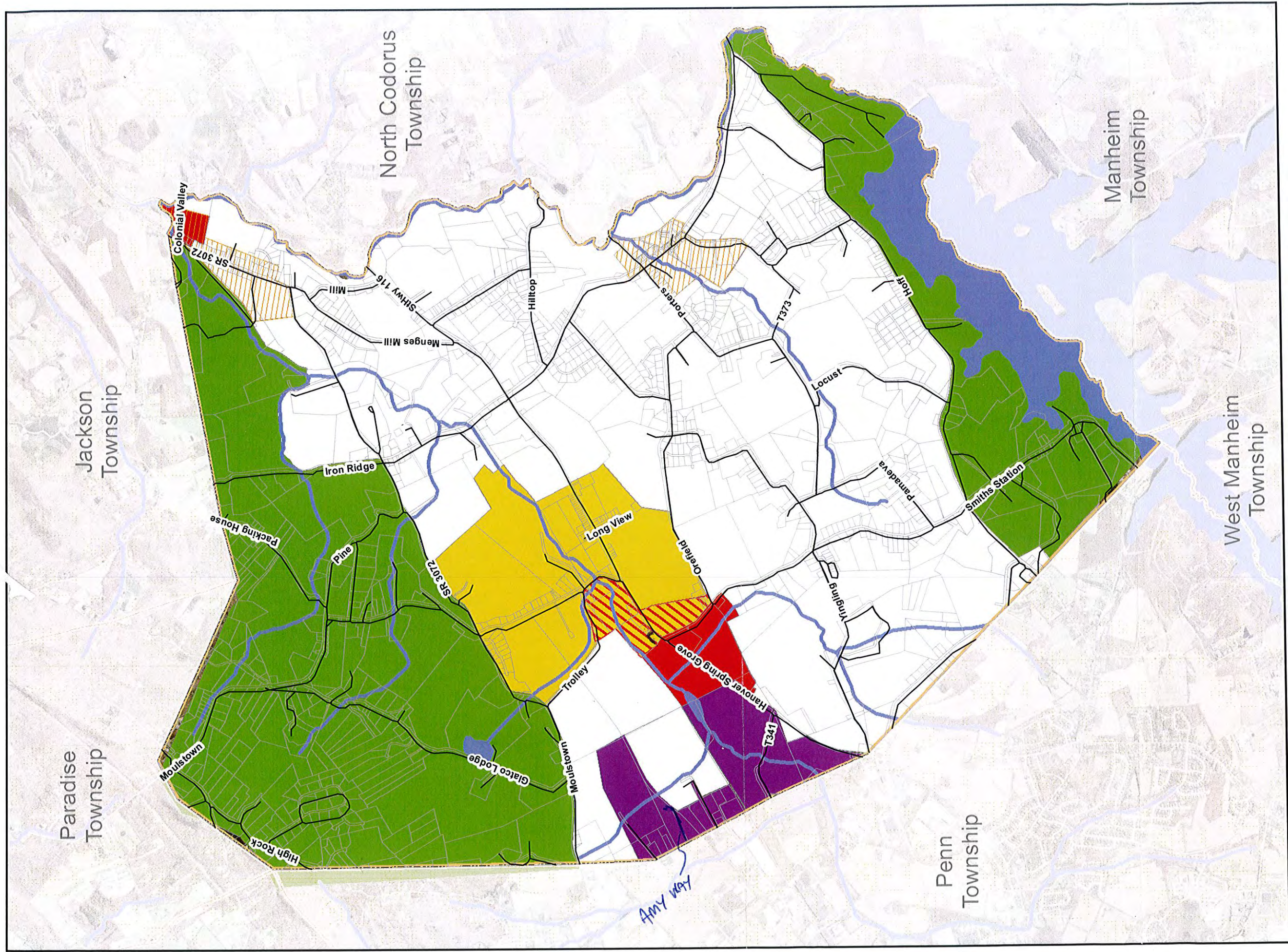
3. Upon initiation of the procedures as set forth in Part 13, Section 13.2.B.1, the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Part 13, Section 13.2.A nor shall the Zoning Hearing Board be required to give a report requested under Part 12, Section 12.6 subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by Part 13, Section 13.2.B.1.a. Upon completion of the procedures as set forth in Part 13, Section 13.2.B.1.- 2., no rights to a cure shall, from the date of declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment pursuant to this Part.
4. The Board of Supervisors having utilized the procedures as set forth in Part 13, Section 13.2.B.1.- 2 may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the zoning ordinance, pursuant to Part 13, Section 13.2.B.2; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon Heidelberg Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, Heidelberg Township may utilize the provisions of this Part to prepare a curative amendment to this Ordinance to fulfill said duty or obligation.

## **PART 14 - APPEALS TO COURT**

### **14.1 GENERAL**

Proceedings for securing review of any ordinance, decision, determination, or order of the Heidelberg Township Zoning Officer, Heidelberg Township Engineer, Zoning Hearing Board, Board of Supervisors, Zoning Hearing Board or other Heidelberg Township agencies, or officers adopted or issued pursuant to this Ordinance shall be in accordance with the Article IX or X-A [(whichever is applicable) and any subsequent amendments] of the MPC.





# Heidelberg Township Zoning Ordinance

## Zoning Map



**BETTER**

Source: York County GIS  
 Projection: PA State Plane South Pennsylvania  
 South, NAD 83 (feet)  
 J:\05\06-04845-003\GIS\Zoning\_2003 Data.mxd