

HEIDELBERG TOWNSHIP

ZONING ORDINANCE

**ORDINANCE NO. 114-2009
ADOPTED SEPTEMBER 8, 2009**

As Amended by Ordinance No. 128-2012, Adopted April 24, 2012

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**HEIDELBERG TOWNSHIP
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ARTICLE I

TITLE, PURPOSE, AND INTERPRETATION

SECTION 101. TITLE

This Ordinance shall be known and may be cited as "The Heidelberg Township Zoning Ordinance".

SECTION 102. PURPOSE

These zoning regulations are enacted for the following purposes:

- A. To promote, protect, and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds, and other public requirements.
- B. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use, and to preserve environmentally sensitive lands.
- C. To prevent overcrowding of land, blight, danger, and congestion in travel and transportation. This Zoning Ordinance is made in accordance with an overall program, the community development objectives as set forth in the Heidelberg Township Comprehensive Plan, and with consideration for the character of the Township, its various parts, and the suitability of the various parts for particular uses and structures, and with the view to conserving the value thereof and encouraging the most appropriate use of land throughout the Township.

SECTION 103. COMMUNITY DEVELOPMENT OBJECTIVES

As empowered and directed by the Municipalities Planning Code, as amended, this Ordinance was developed in accordance with the community development objectives as set forth in the adopted Comprehensive Plan of Heidelberg Township. The general community development goals developed by the Board of Supervisors and the Planning Commission of Heidelberg Township for the Comprehensive Plan are as follows:

- A. To encourage greater resident awareness, understanding, and participation in implementation of this Comprehensive Plan.

- B. To retain Heidelberg Township's scenic beauty, open space, heritage and natural features.
- C. To encourage the continuation of farming as a major part of community life in Heidelberg Township.
- D. To manage the growth rate within the next decade to what it has been in the past.
- E. To preserve prime agricultural land used to support working farms, nurseries, and other high value agricultural activity.
- F. To keep Heidelberg Township as a residential community with a rural living environment.
- G. To provide areas for commercial development within the villages to serve the day to day need of the Township residents. Commercial activities should be located to be compatible with existing development and designed to adequately serve the community.
- H. To provide areas suitable for non-polluting industrial growth that support the Heidelberg Township tax base.
- I. To orient and locate commercial and industrial uses generating high traffic volumes along major highway corridors and designed for safe and convenient access.
- J. To encourage industrial activities that will not be objectionable to the environment and our infrastructure.
- K. To preserve the natural features of Heidelberg Township to include flood plains, wetland areas, woodland areas, and areas with slopes in excess of fifteen percent.
- L. To provide buffer areas/open space to accommodate intensive agricultural uses to reduce adverse impact on residential centers.
- M. To maintain Schaefferstown as a historical center of the Township.
- N. To support recreation areas and facilities, police services, fire services, ambulance services, and educational facilities throughout the Township to appropriately serve our residents.
- O. To ensure a safe and adequate water supply and sewage disposal system for the community.
- P. To establish a Wellhead Protection Plan to adequately preserve the integrity of the community's water system.

- Q. To support recreational activities maintained by the Middle Creek Wildlife Management Area and the State Game Lands.
- R. To provide for adequate off-street parking and loading spaces in the town center, commercial, industrial and higher density residential areas of Heidelberg Township.
- S. To provide for the future, movement of traffic through Heidelberg Township in a safe effective manner by developing a road classification system with design standards for each type of road.
- T. To attempt to minimize dangerous road conditions and discourage development that hinders the smooth and safe flow of traffic.
- U. To work with Penn DOT and all State agencies to minimize the impact of new or improved highways on the residents of Heidelberg Township.
- V. To support public transportation bus service and local airport facilities.

SECTION 104. INTERPRETATION

In interpreting and applying this Zoning Ordinance, its provisions shall be held to be minimum requirements for the promotion of health, safety and general welfare of the Township. Any use permitted subject to the regulations prescribed by the provisions of this Zoning Ordinance shall conform with all regulations for the zoning district in which it is located and to all other pertinent regulations of the Ordinance. This Zoning Ordinance is not intended to interfere with, abrogate, annul, supersede, cancel any easements, covenants, restrictions, or reservations contained in deeds or other agreements, but if the Ordinance imposes more stringent restrictions upon the use of buildings, structures, and land, than are contained in the deeds or agreements, the provisions of the Zoning Ordinance shall control.

ARTICLE 2

DEFINITION OF TERMS

SECTION 201. RULES OF INTERPRETATION

For the purpose of this Ordinance, the terms and words listed in this Section shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary (most recent edition) and shall be interpreted so as to give this Ordinance its most reasonable application.

For the purpose of this Ordinance, the following rules of interpretation shall apply:

- A. Words in the present tense include the future tense.
- B. Words in the singular include the plural and words in the plural include the singular.
- C. The words "used" and "occupied" as applied to any land or buildings shall be construed to include the words "or intended, arranged or designed to be used or to be occupied, or offered for occupancy".
- D. The term "such as" shall be considered as introducing a typical or illustrative designation of items, and shall not be interpreted as constituting a complete list.
- E. The words "person" and "owner" shall be deemed to include a firm, company, corporation, unincorporated association, organization, trust and a partnership, or other legal entity, as well as an individual.
- F. The words "building" and "structure" shall be construed as if followed by the phrase "or part thereof".
- G. The word "lot" includes the words "plot" and "parcel".
- H. The word "water body" includes lake, pond, dammed water and water-filled quarry.
- I. The word "watercourse" includes channel, creek, ditch, dry run, spring, stream and river.
- J. The word "erect" shall mean to build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any structure or building and shall also include the painting of exterior wall signs.
- K. The term "shall" is always mandatory; the terms "may" and "should" are permissive.
- L. The masculine gender shall include the feminine and the neuter and vice versa.

SECTION 202. TERMS DEFINED

Other terms or words used herein shall be interpreted or defined as follows:

ACCESS DRIVE. An open space of not less than the width required herein which provides vehicular access from a street or private road to the main building on a lot.

ACCESSORY APARTMENT. A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the principal building, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the principal building, and is permitted only for occupancy of a relative of the owner-occupant of the principal dwelling, and for only as long as the relative is in residence in the unit.

ACCESSORY BUILDING. See “Building, Accessory”.

ACCESSORY STRUCTURE. See “Structure, Accessory”.

ACCESSORY USE. See “Use, Accessory”.

ACTIVE PLAY AREA. An area designed and constructed for outdoor recreational use including playground equipment such as slides, swings and climbing apparatus.

AEU PER ACRE. An animal equivalent unit per acre of crop land or acre of land suitable for application of animal manure.

AGRICULTURAL OPERATIONS. The management and use of farming resources for the production of crops, livestock or poultry.

AGRITAINMENT/AGRITOURISM ENTERPRISE. An enterprise conducted upon, and accessory to, an active principal agricultural operation or agri-business use, providing a combination of agriculture, entertainment, education, recreation, or active involvement elements, characteristics, and experiences related to the agricultural operation or agri-business.

AIRPORT. Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or navigation facilities or rights-of-way, together with all airport buildings and facilities thereon.

ALLEY. A public thoroughfare (less than 20 feet in width), other than a street, which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

ALTERATION. Any enlargement of the total floor area of a building, any enclosure by adding walls beneath a previously roofed area, any extension of a roof line to cover additional lot area not previously covered, or any construction which increases the cubic content of a building.

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

AMENDMENT. A change in use in a district that includes revisions to the zoning text and/or the official zoning map. The authority for any amendment lies solely with the Board of Supervisors.

AMUSEMENT ARCADE. A commercial establishment that provides as a principal use, amusement devices and/or video games of skill or chance (e.g. pinball machines, video games, firing ranges, and other similar devices). This definition does not include the use of two (2) or less such devices as an accessory use.

ANIMAL EQUIVALENT UNIT (AEU). One thousand (1,000) pounds live weight of livestock and/or poultry animals, regardless of the actual number of animals that comprise the unit. For purposes of administering this Ordinance, the reference table of standard animal weights shall be used to calculate animal equivalent units. (See Appendix A).

ANIMAL HOSPITAL. Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include overnight boarding of animals.

ANIMAL HOUSING FACILITY. A roofed structure or facility, or any portion thereof, used for occupation by livestock or poultry.

ANIMAL HUSBANDRY. The breeding, care, and production of farm animals and livestock including bees, fowl, or birds as a business or gainful occupation, not including Intensive Animal Operations.

ANTENNA. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which system is external to or attached to the exterior of any building. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna. The height of an antenna shall be the total maximum to which it is capable of being raised and shall be measured from the highest point of the finished grade adjacent to the structure if ground-mounted or adjacent to the principal structure if roof-mounted. (SEE COMMUNICATIONS ANTENNA)

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. A dwelling unit for rent or lease, which is either accessory to a principal use or one of three or more dwelling units in an apartment building, and which provides separate, independent living, and sanitary facilities for one (1) family or individual, including provisions for cooking and sleeping. Where such a unit contains no specific bedroom area, it shall be deemed an efficiency apartment and regulated as all other apartment dwelling units.

APARTMENT, CONVERSION. An apartment created within a single family dwelling, where said conversion is done without altering the exterior of the building except to provide improvements necessary to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

APARTMENT BUILDING. A building consisting of three (3) or more dwelling units.

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

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

APPOINTING AUTHORITY. The Board of Supervisors.

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".

AUTOMOBILE. A self-propelled, free-moving vehicle, primarily for conveyance on a street or roadway.

AUTOMOBILE SERVICE STATION. See Vehicle Service Station.

AUTOMOBILE BODY SHOP. See "Vehicle Body Shop".

AUTOMOBILE WASHING CENTER (CAR WASH). See "Vehicle Washing Center (Car Wash)".

BASEMENT. A story partly below the finished grade, but having at least one-half of its height (measured from the finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building.

BED AND BREAKFAST ESTABLISHMENT. A single family detached dwelling that contains the primary residence of the owner/manager (s) and his family as well as short-term housing primarily for transient automotive travelers. No facilities for cooking or eating are provided in any rooming unit, and meals, if provided, are served family style to guests as a part of the overall lodging arrangements.

BERM. An earthen mound designed to create a visual and sound barrier between a use and adjoining properties, streets, and adjacent uses.

BOARDING HOUSE. A residential building that contains the primary residence of the owner(s)/manager(s) and his family as well as long term housing for a maximum of 15 additional persons. No provisions for cooking shall be allowed in any rooming unit; however, congregate meals may be provided to residents where meals are served family style rather than by ordering individual portions from a menu.

BUFFER AREA. A yard space, adjacent to a property line or building, which contains landscaping and plantings designed to screen, separate and shield a potentially incompatible use from adjoining properties, streets and uses.

BUILDING. A structure that has a roof supported by columns, piers or walls, which is intended for the shelter, housing or enclosure of persons, animals or chattel or which is to house a use of a commercial or manufacturing activity.

BUILDING, ATTACHED. A building that has two (2) party walls in common.

BUILDING, DETACHED. A building that has no party walls.

BUILDING, SEMI-DETACHED. A building that has only one (1) party wall.

BUILDING, ACCESSORY. A building detached from and subordinate to the principal building or use on the same lot and used for purposes customarily incidental to the principal building, but not including vehicles, mobile homes, travel trailers, truck trailers, or any parts thereof. An accessory building may not house a principal use nor may it stand alone on a lot as a principal building.

BUILDING, PRINCIPAL. A building in which the principal use of the lot is conducted.

BUILDING AREA. The total areas of outside dimensions on a horizontal plane at ground level of the principal buildings and all accessory buildings exclusive of cornices, eaves, gutters, or chimneys projecting not more than eighteen (18) inches; bay windows not extending more than one (1) story and not projecting more than five (5) feet; and steps and balconies.

BUILDING HEIGHT. The vertical dimensions measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling at the top story in the case of a flat roof, to the deck line of a mansard roof and to the average height between the plate and ridge of a gable, hip or gambrel roof.

BUILDING LINE (BUILDING SET-BACK LINE). An imaginary line located along and drawn parallel to a wall or other exterior supporting member of a structure or portion thereof, excluding self-supportive projecting architectural features that project five (5) feet or less. Minimum yard requirements are applied from the lot lines to said building lines.

BUILDING LINE (BUILDING SET-BACK LINE), REQUIRED. The line within a property (usually parallel to the right-of-way or property line), defining the required minimum distance between any wall or other exterior supporting member of a structure or portion thereof and the adjacent street right-of-way or property line.

REQUIRED FRONT BUILDING LINE. The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.

REQUIRED SIDE BUILDING LINE. The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.

REQUIRED REAR BUILDING LINE. The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line.

BUSINESS. Any enterprise, occupation, trade or profession engaged in, either continuously or temporarily, for profit. The term "business" shall include the occupancy or use of a building or premises or any portion thereof for the transaction of business or the rendering or receiving of professional or personal service.

BUSINESS OFFICE BUILDING. A building used as offices and occupied by personnel to perform business, professional, administrative or clerical functions.

BUSINESS SERVICES. Includes such uses as banks, credit unions, loan and insurance agencies, utility offices, government, business and professional offices, medical or dental office facilities.

CAMPGROUND. A parcel of land upon which two (2) or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes and where acceptable sanitary facilities are provided for each campsite or for the campground as a whole. Camping units that are not occupied on a daily basis shall not be stored in areas reserved as campsites but may be stored in designated areas elsewhere in the

campground. Flood plain areas shall not be utilized for sanitary facilities or camping unit storage.

CAMPING UNITS. Any tent, travel or camping trailer, truck camper, motor home, cabin, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes. A dwelling unit located on the campground and occupied by the owner or manager of the campground shall not be considered a camping unit.

CARPORT. See “Garage, Private”.

CAR WASH. See “Vehicle Washing Center”.

CELLAR. A story partly below the finished grade having at least one-half of its height (measuring from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A cellar shall not be considered a story in determining the permissible number of stories.

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

CENTER LINE OF STREET OF ROAD. A line midway between and parallel to the two street or road property lines, or as otherwise defined by the Board of Supervisors.

CERTIFICATE OF ZONING COMPLIANCE. A certificate issued by the Zoning Officer upon completion of construction of a new building or upon a change or conversion of a structure or use of a building. This document certifies that the applicant has complied with any and all requirements and regulations provided herein and all other applicable requirements. This certificate is also utilized for registration of nonconforming uses of land or nonconforming uses of land and structures in combination.

CHANGE OF USE. An alteration of a building or a change of use theretofore existing within a building or on a lot to a new use which imposes other provisions of the Zoning Ordinance.

CHURCH AND RELATED USES. A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, and church-related educational and/or day-care facilities.

CLEAR SIGHT TRIANGLE. An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center line.

CLINIC. An individual building or cluster of buildings (or a lot in single or common ownership) operated by one or more licensed medical or dental practitioners for the purpose of providing medical or dental treatment to the public on an outpatient basis.

CLUB, NON-PROFIT. Buildings or facilities owned and/or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business. A non-profit club shall not include churches, synagogues, or other places of worship.

CLUB, PRIVATE. 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 of such club. Clubs shall include but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Private clubs shall not include adult-related facilities as defined herein.

COMMERCIAL MESSAGE. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

COMMERCIAL USE. A use of land or improvements thereto for the purpose of engaging in retail, wholesale, or service activities for profit.

COMMON OPEN SPACE. A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMMUNICATIONS ANTENNA. Any device 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 omnidirectional 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 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.

COMPREHENSIVE PLAN. The Comprehensive Plan adopted by the Board of Supervisors pursuant to Article III of the Pennsylvania Municipalities Planning Code which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the Township, and includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.

CONCENTRATED ANIMAL FEEDING OPERATION. 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.

CONCENTRATED ANIMAL OPERATION. Concentrated animal operations are those agricultural operations where the animal density exceeds two AEU's per acre on an annualized basis.

CONDITIONAL USE. A use specified in the district regulations, which is permitted only if the use complies with specific conditions and criteria prescribed for such uses, the Board of Supervisors of Heidelberg Township grants it as a Conditional Use and allows issuance of a permit by the Zoning Officer pursuant to the provisions of the Ordinance.

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 parts of the structure in common with other owners.

CONSTRUCTION. The building, reconstruction, demolition activities for reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including mobile homes. This shall include the placing and fastening of construction materials in a permanent position. Earth moving activities shall not be deemed construction.

CONVENIENCE STORE. A retail use that primarily sells routine household goods, groceries, and ready-to-eat foods to the general public, but that is not primarily a restaurant, and that includes a building that complies with the provisions of this Zoning Ordinance.

CORNER LOT. See "Lot, Corner".

COUNTRY CLUB. Premises or buildings for social, recreational and administrative purposes by an organization catering to members and their guests. A country club may include restaurants, banquet halls, golf courses, or other facilities open to the general public.

COUNTY. The County of Lebanon, Commonwealth of Pennsylvania.

COUNTY PLANNING DEPARTMENT. The Lebanon County Planning Department 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.

COURT, INNER. A court that does not extend to a street, alley, yard or outer court.

COURT, OUTER. A court that extends to a street, alley, yard or other outer court.

COVERAGE. See "Lot Coverage".

CUL-DE-SAC. A street with a single means of entry and exit. A cul-de-sac has two (2) parts, the stem and the turnaround.

DAY CARE CENTER. A facility in which child care is provided for seven (7) or more children at any one time, for profit or not for profit, where child care areas are not also being used as a family residence. A day care center, if situated on the premises of an operating community service facility, including but not limited to a public or private school, place of worship, community center or library, and associated with that activity, shall be considered accessory to the principal use of the property concerned. Child care services also may be provided as an accessory use to office, commercial or industrial uses provided that such services are for the sole use of current employees of said business or industry.

DAY CARE FACILITY, ADULT. A non-residential premises in which out-of-home care, excluding care provided by relatives, is provided for four (4) or more functionally disabled, elderly adults for parts of a 24 hour day. When such care is situated within an existing health care or nursing home facility, overnight adult care may be provided on a limited basis.

DAY CARE HOME, FAMILY. Any family residence, other than the child's own home, in which child day care is provided as an accessory use in the living areas of the residence. Child day care is provided, for profit or not for profit, to four to six children, who are not relatives of the caregiver.

DAY CARE HOME, GROUP. Any family residence, other than the child's own home, in which child day care is provided as an accessory use in the living areas of the residence. Child day care is provided, for profit or not for profit, to more than six (6) but less than twelve (12) children, who are not relatives of the caregiver.

DECISION. Final adjudication of any board or other body granted jurisdiction under any land use ordinance or the MPC to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall

be appealable to the court of common pleas of the county and judicial district wherein the municipality lies.

DEDICATION. The deliberate appropriation of land by its owner for any general and public, or limited public, use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

DENSITY. A measure of the number of dwelling units that occupy, or may occupy, an area of land.

DENSITY FACTORS. Numerical values applied to residential dwelling unit types for the purpose of computing permitted densities.

DENSITY, GROSS RESIDENTIAL. The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, excluding public rights-of-way, whether exterior or interior, but including interior parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces, etc.

DENSITY, NET RESIDENTIAL. The number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks, playgrounds, common open spaces, etc.

DETERMINATION. Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. the governing body;
- B. the zoning hearing board; or
- C. the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPER. Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

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

DEVELOPMENT PLAN. The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

DISTRICT. A portion of Heidelberg Township within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Ordinance.

DOG KENNEL. See "Kennel".

DRIVE-IN SERVICE PLACE. An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in a motor vehicle. Accessory services provided for customers which do not require the direct assistance of personnel of the establishment outside of the confines of the building (e.g. self-service gasoline pumps, vending machines, automatic teller machines etc.) shall not be encompassed in this definition.

DRIVEWAY. See "Access Drive".

DWELLING, SINGLE FAMILY, ATTACHED. A building with one (1) dwelling unit from the ground to the roof, located on its own lot, and having two (2) or more party walls in common with two (2) or more other dwelling units. (See "Town House".)

DWELLING, SINGLE FAMILY, DETACHED. A detached (separate) building designed for or occupied exclusively by one (1) family on an individual lot; however, this shall not include single unit mobile homes that are defined separately.

DWELLING, SINGLE FAMILY SEMI-DETACHED. A building with one (1) dwelling unit from the ground to roof and only one (1) party wall in common with another dwelling unit. Commonly described as a duplex, the semi-detached, single family dwelling is on an individual lot, is connected on one (1) side to a similar dwelling on an adjacent lot and is usually owner-occupied.

DWELLING, TWO FAMILY, ATTACHED (TOWNHOUSE OR ROW). A building used by two families and having two side party walls in common with other dwellings, except in the case of an end-of-row unit that only has one sidewall that is a party or lot-line wall.

DWELLING, TWO FAMILY, DETACHED. A separate building on an individual lot with two (2) dwelling units from ground to roof (one unit over the other). These units are normally renter-occupied and are not designed for further subdivision.

DWELLING, TWO FAMILY, SEMI-DETACHED. A building with two (2) dwelling units from ground to roof (one unit over the other) and only (1) party wall in common with another, connected to a building which may contain one (1) or two (2) dwelling units. The two-family semi-detached dwelling is on an individual lot, and may be rental or owner-occupied.

DWELLING UNIT. One (1) or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities for one (1) family.

EASEMENT. The authorization by a property owner of a right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee of the easement.

ELDER COTTAGE HOUSING (ECH) UNIT. An additional dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption, to the owners or lessees of the property.

ENCROACHMENT. Any physical action which may jeopardize the health and longevity of a natural feature, or any structure or activity which in any manner changes the course, current or cross-section of any wetland, water course, or body of water.

ENGINEER, PROFESSIONAL. A person duly licensed as a professional engineer by the State of Pennsylvania.

ENGINEER, TOWNSHIP. The Township Engineer or any consultant designated by the Board of Supervisors to review a subdivision plan and perform the duties of engineer in behalf of the Township.

FACADE. The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

FAMILY. One (1) or more persons living together as a single, nonprofit housekeeping unit and doing the cooking on the premises; however this shall not include a group of persons occupying a boarding house, guest home, club, hotel, motel, fraternity or sorority house, etc.

FARM. Contiguous land, twenty-five (25) acres or greater in size, held in single or joint ownership, used primarily in the raising or production of agricultural products, including crops and livestock, irrespective of whether such land (i) is divided into one or more lots, parcels, purports, or tracts, (ii) was acquired by the landowner at different times or

by different deeds, devise, partition, or otherwise, or (iii) is bisected by public or private streets or rights-of-way.

FARM-BASED BUSINESS. Any occupation in addition to the primary agricultural use whereby the farmer in residence engages in an occupation that is secondary to the primary agricultural use.

FARM DWELLING, ACCESSORY. An accessory farm dwelling is a second dwelling having as its occupant(s) an owner (or any family member thereof) or one or more full-time laborers (or any family member thereof) on the farm.

FARM DWELLING, PRINCIPAL. A dwelling unit occupied by the farm owner, whether or not he is farming the land, or by permanently employed persons and their families who receive housing in lieu of all or part of their wages.

FENCE. Any combination of man-made materials (usually consisting of posts, boards, wire or rails) creating an enclosure or barrier to prevent intrusion from outside or straying from within or to mark a boundary.

FINANCIAL INSTITUTION. A bank, savings and loan association, credit union, finance or loan company, etc.

FLOOD PLAIN. See Article 14 of this Ordinance.

FLOOR AREA OF A BUILDING. The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, HABITABLE. See "Habitable Floor Area".

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

FUNERAL HOME OR MORTUARY. A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE, PRIVATE. A building or structure for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a

commercial or public nature, and in which no occupation, business or service for profit is conducted.

GARAGE, PUBLIC. A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

GARAGE, REPAIR. See "Vehicle Repair Garage".

GARDEN APARTMENTS. Multi-family apartment buildings located on a plot of land under one (1) ownership. Garden apartments are two (2) stories high, with individual apartments on each story. Garden apartment buildings shall contain at least four (4), but not more than sixteen (16) dwelling units in a single structure, with units generally renter-occupied. The garden apartments share: (a) a common yard area which is the sum of the required lot areas of all dwelling units within the complex, (b) common off-street parking, (c) common outside apartment access for some or all units and (d) central utilities.

GARDENING. The cultivation of herbs, fruits, flowers, or vegetables, excluding the keeping of livestock.

GOLF COURSE. A tract designed and improved for the playing of golf, with a minimum of 2,800 yards of play in nine holes, not including "chip-n'putt", or miniature golf courses. A golf course may include accessory uses such as a clubhouse and golf equipment shop provided that these uses are clearly incidental and subordinate to the use of the property as a golf course and are not directed primarily toward the general public.

GOVERNING BODY. The Board of Supervisors of Heidelberg Township, Lebanon County, Pennsylvania.

GRADE, FINISHED. The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GREEN AREA. The portion of a lot which may not be occupied or covered by buildings or paved areas.

GREENHOUSE. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. Any greenhouse in which there are retail sales and/or items stocked for resale is a commercial use.

GROUP FAMILY DWELLING. A group of individuals not related by blood, marriage, adoption or guardianship living together in a single family dwelling unit as one (1) housekeeping unit under a common housekeeping management plan based on an

intentionally structured relationship providing organization and stability. A Group Family Dwelling shall not include hospitals, sanitariums, sanatoriums, clinics or professional offices.

GUEST HOME. See "Bed and Breakfast Establishment."

HABITABLE FLOOR AREA. The sum of the floor area of all heated, finished rooms within a dwelling unit, used on a daily basis for habitation. Such area may include living rooms; recreation rooms; kitchens; dining rooms; bedrooms; bathrooms; hallways; closets; heated and finished basements, cellars and attics; attached garages which have been converted into an integral part of the living quarters; but does not include garages; porches, whether roofed unroofed or enclosed; roofed terraces; unfinished and unheated basements, attics, cellars or garages; etc.

HEALTH AND RECREATION CLUB. A commercial business that offers active recreational and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses.

HEAVY COMMERCIAL USE. A commercial use with a predominantly manufacturing or industrial character due to the extent of production, repairing or storing of goods such as contractor's yards or storage tanks.

HEIGHT OF A COMMUNICATIONS TOWER. The vertical distance measured from the ground level to the highest point on an Communications Tower, including antennas mounted on the tower.

HELIPORT. A defined area to accommodate all phases of operation of rotor-wing aircraft or helicopters, with sufficient space for all required safety controls and maneuvers in accordance with all state and federal requirements, as well as to allow for the provision of service facilities.

HOME BUSINESS. An occupation, profession, activity or use conducted within a residential dwelling by the resident-operator and not more than two (2) nonresident employees. Home business uses are intended to be of a service nature and not involve the purchase and/ or sale of goods. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and the exterior appearance of the structure and premises shall remain residential in character. There shall be no exterior evidence of the home business except a permitted sign and the use shall cause no offensive noise, vibration, smoke, dust, odor, heat or glare. Home businesses are limited to twenty-five (25) percent of the total floor area of the principal building. Since the use may be of such nature that may require regular visits by customers and/or deliveries, off-street parking space will be required in addition to the spaces required for the residential use. (See NO-IMPACT HOME BUSINESS). Examples of home businesses include, but are not limited to the following:

- A. Medical offices and dental offices

- B. Barber shops and beauty salons
- C. Lawyers, architects, engineers and accountants
- D. Insurance, real estate and securities brokers
- E. Photographers
- F. Organized classes with up to four (4) students at one time
- G. Television and other electrical appliance repairs excluding major appliances such as refrigerators or stoves
- H. Upholsterers, seamstresses, tailors
- I. Uses not listed that, in the opinion of the zoning officer and upon review and approval of the Zoning Hearing Board, are considered to be of the same general character as the home businesses permitted.

HOMEOWNERS ASSOCIATION. A nonprofit, private organization comprised of property owners within a cluster development or planned residential development, operating under Commonwealth guidelines for the purpose of administering to the needs of residents and the maintenance of commonly owned property and improvements. All such associations shall comply with the requirements for unit owners' associations contained in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. Section 3101 et seq.

HOSPITAL. A place for the diagnosis, treatment, or other care of humans and having facilities for inpatient care including such establishments as a sanitarium, sanatorium and preventorium.

HOTEL. A building containing a minimum of at least ten (10) sleeping rooms that are used as the more or less temporary abiding place of individuals who, for compensation, are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite. A hotel may include restaurants, banquet/conference rooms, shops, newsstands, and other accessory services which are established primarily for servicing hotel occupants and only incidentally to the public.

IMPERVIOUS AREA. Any portion of a lot covered by impervious surfaces.

IMPERVIOUS SURFACE. Any surface that has been compacted or covered over with a building, structure or layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as graveled driveways and parking areas and most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures and paved areas. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

INDUSTRIAL PARK. A tract of land laid out in accordance with an over-all plan for a group of industries with separate building sites designed and arranged on streets and with utility services, setbacks, side yards, landscaped yards, and covenants controlling the architecture and uses.

INDUSTRIAL USE.

- A. GENERAL INDUSTRIAL USE: Manufacturing or storage uses which, because of their shipping, storage and other requirements, should not be located in close proximity to residential areas.
- B. LIGHT INDUSTRIAL USE: Manufacturing or storage uses which are characterized by uses of large sites, attractive buildings and inoffensive processes, and which can be compatible with neighboring residential uses.

INN. See "Hotel".

JUNK YARD. See "Salvage Yard".

KENNEL. Facilities for housing more than three (3) dogs that are more than six (6) months old.

- A. BOARDING KENNEL. A facility available to the general public, where more than three (3) dogs are boarded for a specified period of time or housed for training purposes. This shall also include facilities operated by a licensed veterinarian in the treatment of animals.
- B. BREEDING KENNEL. A facility operated for the purpose of breeding, buying, selling or in any way transferring more than three (3) dogs for research or nonresearch purposes.

LAND DEVELOPMENT. Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets,

common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. Excluded from this definition of land development are the following:

1. the conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
2. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
3. the addition or conversion of buildings or rides within the confines of an enterprise that would be considered an amusement park. For the purposes of this definition, an amusement park is defined as a tract or area used principally as the location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

LAND USE ORDINANCE. Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI, and VII of the Pennsylvania Municipalities Planning Code.

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

LANDSCAPING. Changing, rearranging or adding to the vegetation or appearance of land to produce a visual, aesthetic or environmental effect appropriate to the use of land. Landscaping may include reshaping the land by moving earth, as well as preserving the original vegetation or adding vegetation.

LAUNDROMAT. A business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in a multi-family housing development.

LIVESTOCK. Any member of the avian, bovine, equine, porcine, ovine, and piscine species, including but not limited to poultry, fowl, cows, steers, horses, ponies, pigs, sheep, goats and fish.

LOADING / UNLOADING SPACE. An off-street space not less than twelve (12) feet wide by 55 feet long and having a minimum clear height of 15 feet, exclusive of access

area, for the parking of one (1) vehicle while loading or unloading merchandise or materials.

LODGING HOUSE (ROOMING HOUSE). See "Boarding House".

LOT. A single tract or parcel of land, which may legally be described as such, held in single or joint ownership, which is occupied or capable of being occupied by one (1) principal building or principal use together with such accessory buildings, structures, and such open spaces as are arranged and permitted by this Ordinance.

LOT, CORNER. A lot at the point of intersection of and abutting on two (2) or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of the two (2) street lines.

LOT, FLAG. A lot or parcel that has been approved with access provided to the bulk of the lot by means of a narrow corridor. Said lot has less frontage on a street than is normally required.

LOT, INTERIOR. A lot other than a corner lot, the side property lines of which do not abut a street.

LOT, THROUGH. A lot extending between and having frontage on two (2) streets.

LOT AREA. An area of land that is determined by the limits of the property lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot within a street right-of-way shall not be included in calculating the required lot area.

LOT COVERAGE. The percentage of the lot or property area covered by buildings or structures, excluding driveways, sidewalks, and other standard paved vehicular or pedestrian accessways.

LOT DEPTH. A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

LOT FRONTAGE. That portion of a lot extending along a street or road right-of-way line.

LOT LINE. Any line dividing one lot from another lot, street or parcel.

LOT LINE, FRONT. On an interior lot, the lot line abutting the street; on a corner or through lot, each lot line which abuts a street; on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR. The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

LOT LINE, SIDE. Any lot line that is not a front or rear lot line

LOT WIDTH. The horizontal distance between the side lot lines measured at right angles to its depth. The required lot width shall be measured at the required minimum front-yard setback line, except that pie-shaped lots at the turnaround of cul-de-sac streets shall have lot frontage equal to at least fifty (50) percent of the required lot width and shall achieve required lot width at a point equal to fifty (50) percent of the lot depth

MANUFACTURING. A process whereby substances, raw materials, and/or semi-finished materials are chemically, mechanically, or otherwise transformed to goods and products that have some economic value.

MANURE MANAGEMENT FACILITY. A manure storage facility, including a permanent structure or facility, or a portion of a structure or facility, utilized for the primary purpose of containing manure. The term includes liquid manure structures, manure storage ponds, component reception pits and transfer pipes, containment structures built under a confinement building, permanent stacking and composting facilities and manure treatment facilities. The term does not include the animal confinement areas of poultry houses, horse stalls, free stall barns or bedded pack animal housing systems.

MARQUEE. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

MEDIATION. A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

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-WAREHOUSE. A building or group of buildings that are divided into individual accessible units, each of which unit is available for rent or lease to the public for the self-storage of tangible personal property. All such storage facilities shall not be used for processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities.

MIXED USE. Occupancy of a building for more than one use.

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

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

MOBILEHOME PARK. A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes.

MOBILE HOME SITE. An area within a mobile home park or mobile home subdivision designated to contain one (1) mobile home and the necessary utility connections and appurtenances. The area may be rented to an occupant as in a mobile home park, or sold to an occupant, as in a mobile home subdivision.

MOBILE HOME SUBDIVISION. An area designed exclusively for mobile homes and mobile dwelling units where lots are sold and not rented.

MODULAR HOME. A sectional, single family dwelling, intended for permanent occupancy, contained in two (2) or more units designed to be permanently joined into one (1) integral unit, which arrives at a site complete and ready for occupancy except for assembly operations and construction of the necessary permanent foundation. For the purposes of this Ordinance, modular homes shall be treated the same as conventional stick-built single family dwelling.

MOTEL. A building or group of building, whether detached or in connected units, used as individual sleeping or dwelling units, designed primarily for transient travelers. Units are provided with separate entrances and off-street parking facilities. The term “motel” includes buildings designed as tourist courts, tourist cabins, motor lodges, and similar terms, but shall not be construed to include mobile or immobile trailers or homes.

MUNICIPAL USE. Any use owned or operated by the Township or an authority created by the Township.

MUNICIPALITY. Heidelberg Township, Lebanon County, Pennsylvania.

NIGHTCLUB. Any building used for on-site consumption of alcoholic or nonalcoholic 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

and wine as an accessory use. This is meant to include an “under 21” club which features entertainment.

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

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

NONCONFORMING SIGN. A lawful sign that does not conform to the regulations of the district in which it is located.

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

NON-INTENSIVE AGRICULTURAL OPERATION. Any agricultural activity that does not exceed two (2) Animal Equivalent Units per acre of land.

NON-RESIDENTIAL. Any use other than a dwelling. An institutional use, in which persons may reside, such as a dormitory, prison, nursing home, or hospital, shall be considered a non-residential use.

NORMAL AGRICULTURAL OPERATION. The activities, practices, equipment and procedures that farmers adopt, use or engage in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and is:

- (1) not less than ten contiguous acres in area; or

(2) less than ten contiguous acres in area but has an anticipated yearly gross income of at least \$10,000.

The term includes new activities, practices, equipment and procedures consistent with technological development within the agricultural industry. Use of equipment shall include machinery designed and used for agricultural operations, including, but not limited to, crop dryers, feed grinders, saw mills, hammer mills, refrigeration equipment, bins and related equipment used to store or prepare crops for marketing and those items of agricultural equipment and machinery defined by the act of December 12, 1994, [P.L. 944, 3 P.S. §§1901-1915], known as the Farm Safety and Occupational Health Act. Custom work shall be considered a normal farming practice.

NURSERY, DAY CARE. See "Day Care".

NURSERY, HORTICULTURE. Any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the principal use.

NURSING OR CONVALESCENT HOME. An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

OFFICE. A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations.

OFFICE PARK. A large tract of land that has been planned, developed and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics and compatibility.

OFFICE, PROFESSIONAL. An office building containing space for one (1) or more persons engaged in occupations or callings which require extensive learned and academic preparation to secure knowledge or skill in a profession such as medicine, law, divinity or science, wherein professional advice, guidance, or instruction is provided. Occupations or vocations that are trades, crafts, or businesses and often involve the sale of a product shall not be considered professional offices.

ON-LOT UTILITIES.

SEWAGE DISPOSAL SYSTEM. Any septic system or structure designed to biochemically treat sewage within the boundaries of an individual lot.

WATER DISTRIBUTION SYSTEM. A system for supplying and distributing potable water to a single dwelling or other building from a source located on the same lot.

OPEN AREA. A percentage which when multiplied by the lot area will determine the required unbuildable area of the lot. However, paved area is to be considered as part of the required Open Area.

OPEN SPACE. The unoccupied space open to the sky on the same lot with the building.

OPEN SPACE, COMMON. See “Common Open Space”.

PaDEP. The Department of Environmental Protection of the Commonwealth of Pennsylvania.

PARENT TRACT. When used in determining the permissible number of lots that may be subdivided or dwellings erected in A-Agricultural Districts, all contiguous land held in single and separate ownership, regardless of whether

- A. such land is divided into one or more lots, parcels, purparts, or tracts;
- B. such land was acquired by the landowner at different times or by different deeds, devise, partition, or otherwise; or
- C. such land is bisected by public or private streets or rights-of-way,

that was held by the landowner or his predecessor in title on May 22, 2007, or, if such land was not classified as an A-Agricultural or AT-Agricultural Transitional District on May 22, 2007, that was held by the landowner or his predecessor in title on the date such land was first classified as an A-Agricultural or AT-Agricultural Transitional District after May 22, 2007.

PARKING LOT. An area not within a building where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking.

PARKING SPACE. An off-street, open or enclosed area accessible from a street or alley for parking of motor vehicles for owners, occupants, employees, customers, or tenants of the principal building or use. Each parking space shall be not less than nine (9) feet wide and not less than eighteen (18) feet long, exclusive of all drives, curbs and turning space.

PARTY WALL. A common, shared wall between two (2) separate structures, buildings, or dwelling units.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC). For the purposes of this Ordinance, the Code, enacted as Act 247 of 1968, and amended by Act 170 of 1988, and Acts 67 and 68 of 2000, is intended to include the current code and any future amendments and shall be referred to hereafter as "MPC".

PERMANENT FOUNDATION. The term permanent foundation as it relates specifically to mobile homes shall include a "skirt" around the perimeter of the mobile home that shall be of masonry construction upon footers set below the frost line and oriented to the perimeter of the mobile home so as to provide a weather-tight joint on all four sides.

PERMEABLE SURFACE. A surface that permits the passage of water (opposite of impervious surface).

PERMIT. Building and Zoning Permit issued by the duly appointed Zoning Officer.

PERSONAL CARE FACILITY. 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 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.

PERSONAL CARE ROOM. A dwelling room located in a personal care facility, licensed by the Pennsylvania Department of Health, which is occupied by no more than one resident and which is located in a building in which meals are provided in a common dining room.

PERSONAL SERVICES. Includes such uses as barber shops, beauty salons, photographic studios, tailor, dress-making, millinery shops and dry cleaning / laundry drop-off points.

PET, CUSTOMARY HOUSEHOLD. Any normally domesticated animal or bird that is kept for pleasure rather than utility and which may be kept inside or outside of a dwelling.

PET, NOVELTY. An animal, bird or insert that is kept for pleasure, which is not a customary household pet, nor of a domesticated variety, provided that it is not otherwise prohibited by law and is kept inside a dwelling.

PLAN. See "Plat".

PLANNED CENTER. A group of uses planned and designed as an integrated unit with controlled ingress and egress and shared off-street parking provided on the property as an integral part of the unit.

PLANNING COMMISSION. The Heidelberg Township Planning and Zoning Commission.

PLAT. The map or plan of a subdivision or land development, whether preliminary or final.

PREMISES. Any lot, parcel or tract of land and any building constructed thereon. The term “premises” shall also include the area occupied by a business or other commercial, professional or industrial enterprise. When more than one such enterprise occupies a building, each business area shall be considered a separate premises.

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 Resource And Conservation Services County Soil Survey.

PRINCIPAL BUILDING. See “Building, Principal”.

PRIVATE. Not publicly owned, operated or controlled.

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

PUBLIC GROUNDS. includes the following:

- A. parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. publicly owned or operated scenic and historic sites.

PUBLIC HEARING. A formal meeting held pursuant to public notice by the Board of Supervisors, Zoning Hearing Board or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

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

PUBLIC NOTICE. 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 be not more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

QUARRY, SAND PIT, GRAVEL PIT, BORROW PIT, TOP SOIL STRIPPING. A lot or land or part thereof used for the purpose of extracting minerals, stone, sand, clay, gravel, or top soil for sale, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

RECREATION, ACTIVE. Leisure time activities, usually of a more formal nature and performed with other individuals, often requiring equipment and taking place at prescribed places, site or fields. Such areas usually require physical alteration to the area before they can occur and are intensively used, such as playgrounds, ball courts and swimming pools.

RECREATION, PASSIVE. Leisure time activities, usually of an informal nature and which can be carried out with little alteration or disruption to the area in which they occur, such as hiking and picnicking.

RECYCLABLE MATERIAL. Reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstruction for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with state requirements.

RECYCLING COLLECTION FACILITY. A center for the acceptance by donation, redemption or purchase of recyclable materials from the public.

RECYCLING PROCESSING FACILITY. A building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specification, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing.

REGISTERED PROFESSIONAL. A person duly licensed as a professional engineer, surveyor, geologist or landscape architect by the Commonwealth of Pennsylvania.

RENEWABLE ENERGY SOURCE. Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

REPAIR SERVICES. Includes such uses as radio, television and appliance repair shops, plumbing shops, carpenter shops, and shoe repair shops.

REPORT. Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed

recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESTAURANT, DRIVE-IN. A commercial establishment where food or beverage is sold for consumption on the premises either in a customer's vehicle or in an outside area, but not within a building.

RESTAURANT, DRIVE-THROUGH. An accessory use to a commercial restaurant where the customer receives food or beverage via a drive-up window, without the need for the customer to leave his vehicle.

RESTAURANT, FAST-FOOD. A commercial establishment where a limited selection of food or beverage is sold either for consumption on the premises or as a "takeout" service. Food preparation is designed for immediate service to customers and food is normally prepared in advance to facilitate this type of "fast" service.

RESTAURANT, SIT-DOWN. A commercial establishment where a variety of foods and beverages are sold for consumption on the premises. Customers are normally seated at a table where they select food and beverage from individual menus, and they are served foods and beverages by a restaurant employee at the same table at which said items are ordered and consumed.

RETAIL BUSINESS. Includes such uses as variety stores, apparel stores, drug stores, grocery stores, eating establishments, antique shops, music shops, sporting goods stores, and book, stationery, magazine, candy and tobacco shops.

RETAIL STORE/SALES. Retail stores are those businesses whose primary activities involve the display and retail sales of goods and products. This term shall not include adult-related facilities as defined herein.

RETIREMENT HOME COMPLEX. A planned residential development designed to provide housing exclusively for mature residents, where occupancy of the dwellings is restricted to persons 55 years of age or older or couples where either the husband or wife is 55 years of age or older at the time of initial occupancy. This type of development does not necessarily include convalescent or nursing facilities.

RETREAT CENTER. A facility used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing, and recreation for participants during the period of the retreat or program only. Such centers may not be utilized by the general public for meals or overnight accommodations. Housing for participants may be in lodges, dormitories, sleeping cabins (with or without baths), or in such other temporary quarters as may be

approved, but kitchen and dining facilities shall be located in a single centrally located building or buildings.

RIDING ACADEMY. An establishment where horses are kept for riding or driving or are stabled for compensation.

RIGHT-OF-WAY. The total width of any land reserved or dedicated as a street, road, or other public or semi-public purposes.

ROOMING HOUSE. See "Boarding House".

ROOMING UNIT. Any habitable room or group of rooms forming a single habitable unit, used or intended to be used for living and sleeping, but not for cooking or eating.

ROW HOUSE. See "Town House".

SALVAGE YARD (JUNK YARD). A lot, land, or structure, or part thereof, used primarily for the collecting, storage, or sale of wastepaper, rags, scrap metal, or discarded materials, or for the collecting, dismantling, storage, or salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.

SANITARIUM, SANATORIUM. A private hospital, whether or not such facility is operated for profit.

SCHOOL, ELEMENTARY. Any school licensed by the Commonwealth of Pennsylvania and which meets the requirements for elementary education.

SCHOOL, NURSERY. Any place licensed by the Commonwealth of Pennsylvania and which is authorized to provide regular instruction and daytime care for two or more children under the age of elementary school.

SCHOOL, SECONDARY. Any school licensed by the Commonwealth of Pennsylvania and which is authorized to award diplomas for secondary education.

SCRAP PROCESSING AND MANUFACTURING. The receiving of unprepared or unprocessed scrap, the segregation of this material into grades, and the production of finished metal products in specific sizes and physical configurations according to the specifications of steel mills, foundries and refineries, by manufacturing processes such as baling, shearing, shredding, or otherwise processing the unprocessed materials through the use of specialized machinery and equipment.

SCREENING. The use of plant or landscaping materials, fencing, walls and/or earthen berms to aid in the concealment of one element of a development from other elements or from adjacent or contiguous development.

SEASONAL SALES: A temporary retail use carried on for only a part of the year, such as the sale of Easter flowers, fireworks, Christmas trees, etc.

SELF-SERVICE STORAGE FACILITY. See “Mini-Warehouse”.

SEMI-PUBLIC. Open to the public but owned, operated or controlled by a private, non-profit or non-public agency.

SEPARATION. The required horizontal distance or space between two or more objects (i.e., as in minimum separation distances between buildings in a multi-family development).

SETBACK. The horizontal distance from a lot line to the part of the building nearest to such a lot line.

SHOPPING CENTER. A group of stores, two (2) or more in number, planned, designed and constructed to function as an integrated unit with off-street parking provided on the property as an integral part of the unit.

SIGN. The word “sign” includes any writing (including letter, word or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); or any other device or similar character which (1) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a vehicle, building or other structure; (2) is used to announce, direct attention to, or advertise; and (3) is visible from outside a building. Specific sign types are defined as follows:

ANIMATED/MOVING SIGN. A sign employing actual motion or the illusion of motion. Animated signs, which are different from changeable signs as defined and regulated in this Ordinance, include the following types:

- A. Electrically activated. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - 1. Flashing. Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle of intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling. For the purposes of this Ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds five (5) seconds.

2. Patterned illusionary movement. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.
- B. Environmentally activated. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings and/or other devices or displays that respond to naturally occurring external motivation.
- C. Mechanically activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

BANNER. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

BEACON. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BUILDING MARKER. Any sign indicating the name of a building and data and incidental information about its construction, which sign is cut into a masonry surface or made bronze or other permanent material.

BUILDING SIGN. Any sign attached to any part of a building, as contrasted to a freestanding sign.

CANOPY SIGN. Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outside service area. A marquee is not a canopy.

CHANGEABLE SIGN: A sign with the capability of content change by means of manual or remote input, including signs which are:

- A. Manually activated. Changeable sign whose message copy or content can be changed manually, or
- B. Electrically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off

the changeable component display. (See also "Electronic Reader Board/Message Center")

DIRECTIONAL SIGN. A sign located "off-premises" which is intended to provide general directions to the noted institution. The sign typically includes the name of the institution, a directional arrow and approximate distance.

ELECTION/POLITICAL SIGN. Any temporary sign used for the purpose of promoting or advertising an election or candidate for election or other ballot initiative.

ELECTRONIC READER BOARD/MESSAGE CENTER. An electrically activated changeable sign whose variable message capability can be electronically programmed. A sign that contains a changing message within the copy area that remains on for a specified minimum period of time and blacks out for a specified period of time between messages. Messages contained on the sign do not travel or appear to travel in any direction.

FLAG. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

FLASHING SIGN. See "Animated/Moving Sign, electrically activated."

FREESTANDING SIGN. An independently supported sign that is not attached to any building or other structure.

IDENTIFICATION SIGN. Any sign indicating the name and address of an occupant of a building.

INCIDENTAL SIGN. A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

MARQUEE SIGN. Any sign attached to, in any manner, or made part of a marquee.

NONCONFORMING SIGN. Any sign that does not conform to the requirements of this ordinance.

PENNANT. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, usually in series, designed to move in the wind.

PORTABLE SIGN. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of way, unless said vehicle is used in the normal day-to-day operations of the business.

PROJECTING SIGN. A sign erected or displayed which is attached to the wall of a building and projects in a perpendicular fashion from said wall. Wall signs that project more than twelve (12) inches shall be treated as projecting signs.

RESIDENTIAL SIGN. Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of this ordinance.

ROOF SIGN. Any sign erected and constructed wholly on and over the roof of building supported by the roof structure, and extending vertically above the highest portion of the roof. Roof signs shall not exceed the maximum height requirements for buildings or structures.

ROOF SIGN, INTEGRAL. Any sign erected or constructed as an integral or essentially integral part of a normal roof structure or design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

SIDEWALK SIGN. A sign, such as an “A-frame” or “sandwich board”, which is placed on the sidewalk area of the public right-of-way adjoining the business or use it advertises and which is not attached to any structure, utility pole or tree.

SUSPENDED SIGN. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN. Any sign that is used temporarily and is not permanently mounted.

WALL SIGN. Any sign attached parallel to, but within twelve (12) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WINDOW SIGN. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, which is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

SIGN, ADVERTISING. Any sign that is owned or operated by any person, firm, or corporation engaged in the business of outdoor advertising for direct profit gained from the rental of such signs or any sign advertising a commodity not sold or produced on the premises, including "billboards".

SIGN, DOUBLE-FACED. A sign consisting of two (2) display areas placed back to back or joined along a common edge and is treated as having one (1) sign area. If the display areas are joined along a common edge and the interior angle is greater than forty-five (45) degrees, the structure shall be treated as giving two (2) sign areas.

SIGN AREA. The area of a sign shall be construed to include the entire display surface and background, whether open or enclosed, which encompasses lettering, wording, designs and symbols, but not including any supporting framework and bracing that is incidental to the display itself. The area shall be determined using the largest visible sign or silhouette area. When the sign consists of individual letters or symbols attached to or printed on a surface, the area shall be considered to be the smallest rectangular shape or shapes which can be drawn together to encompass all of the letters and symbols.

SIGN SETBACK. The distance from the property line or street right-of-way to the nearest part of the applicable sign, measured perpendicularly to the property line or street right-of-way line.

SITE DISTURBANCE. Any activity which involves removal of vegetation, or which causes land on a given site to be exposed to the danger of erosion, including clearing, grading, filling, plowing, and other types of earthmoving.

SITE PLAN. A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, right-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Board of Supervisors, Planning Commission or Zoning Hearing Board in unusual or special cases.

SPECIAL EXCEPTION. A use specified in the district regulations which is permitted only if the Zoning Hearing Board grants it as a Special Exception use and allows issuance of a permit by the Zoning Officer pursuant to the provisions of the Ordinance.

STABLE, PRIVATE. An accessory building in which horses are kept for private use and not for hire, remuneration, exhibition or sale.

STABLE, PUBLIC. A building in which horses are kept for hire, remuneration, exhibition or sale.

STORY. A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, the finished ceiling or roof above it. A "split level" story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the

top of a building which is more than two (2) feet below the top plate shall be counted as a story; and, if less than two feet below the top plate, it shall be counted as a half-story.

STREAM. A natural drainage way having defined bed and banks that supports aquatic life including, but not limited to, fish, reptiles and macroinvertebrates.

STREET. Any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, or any other way used or intended to be used by vehicular traffic or pedestrians, whether public or private. The word "street" includes the entire right-of-way and is not limited to the cartway area.

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

STREET LINE. The dividing line between the street and right-of-way line and the lot, also known as the street lot line.

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

STRUCTURE, ACCESSORY. A structure subordinate to and detached from the principal structure on the same lot and used for the purposes customarily incidental to the principal structure.

SUBDIVIDER. The Applicant and Developer.

SUBDIVISION. The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the fair market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

THEATER. A building or part of a building devoted to the showing of moving pictures or for dramatic, musical or live performances.

THEATER, OUTDOOR DRIVE-IN. An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or for dramatic, musical or live performances on a commercial basis to patrons seated in automobiles or on outdoor seats.

TIMBERING (TIMBER HARVESTING). The cutting down and removal of trees and logs to be converted to any forest product.

TINY HOUSE. A dwelling unit placed on a property for occupancy with a habitable floor area between 150 square feet and 400 square feet constructed with a foundation or on wheels.

TOURIST HOME. See "Guest Home".

TOWNHOUSE. A single family dwelling located on an independent lot and constructed as part of a series of three (3) or more connected single family dwellings with one (1) dwelling unit from floor to floor. Townhouses are typically (but not required to be) two (2) stories high and units are considered attached dwellings except for the end units of the building series, which are semi-detached. Townhouses are generally owner-occupied and provide residents with individual yards, parking, and utility access. Common areas and facilities, including parking areas, may be designed for joint utilization by all residents of the townhouse development.

TRAVEL TRAILER. A vehicular portable structure built on a chassis (motorized home, converted bus, tent trailer, tent or similar device) designed to be used as a temporary dwelling for travel and recreational purposes.

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

USE, ACCESSORY. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

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

VARIANCE. A modification of the regulations of this Ordinance granted by the Zoning Hearing Board on grounds of practical difficulties or an unnecessary hardship, not self-imposed, pursuant to the provisions of this Ordinance and the MPC.

VEHICLE BODY SHOP. A building that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers, and/or accessories of automobiles, trucks and other vehicles used for conveyance.

VEHICLE REPAIR GARAGE. A structure, building or area of land or any portion thereof used primarily for the servicing and repair of automobiles, trucks and similar vehicles. A vehicle repair garage may provide one (1) or more of the following services: general mechanical repair of motor vehicles including state inspection, lubrication, washing, or sale of accessories and motor vehicle fuels. Uses permissible as a repair garage do not include bodywork, straightening of body parts, painting, welding, and storage of certain vehicles. A repair garage is not an automobile body shop or retail automotive parts store.

VEHICLE SERVICE STATION. A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks and which may include accessory facilities for rendering vehicle services such as lubrication, washing and minor repairs.

VEHICLE WASHING CENTER (CAR WASH). A building on a lot, designed and used primarily for the washing and polishing of motor vehicles and which may provide for the retail sale of minor, automotive accessories.

VETERINARY FACILITY. A building used primarily for the treatment, by a veterinarian, of all types of animals. No boarding of animals is permitted.

WETLAND. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

WETLAND DELINEATION. The defined boundary between a wetland and an upland, in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987.

WIND ENERGY CONVERSION SYSTEM. A device that converts wind energy to electrical or mechanical energy.

WIND ROTOR. A structure that contains the blades and hub that are used to capture wind for purposes of energy conversion. The wind rotor is usually located on a tower and along with other generating and electrical storage equipment, forms the Wind Energy Conversion System.

YARD. An open space, other than a court, unoccupied by a structure; provided, however, that fences, walls, posts, trees, lawn furniture, and other customary yard accessories are permitted in any yard subject to the height limitations and requirements limiting obstruction of visibility.

YARD, FRONT. An unoccupied space, open to the sky, between the front property line (road right-of-way line) and the building line of the principal building closest to the front property line.

YARD, REAR. An unoccupied space, open to the sky, between the rear property line and the building line of the principal building that is closest to the rear property line.

YARD, REQUIRED FRONT. An unoccupied space, open to the sky, provided between the front property line (road right-of-way line) and a line drawn parallel thereto, at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

YARD, REQUIRED REAR. An unoccupied space, open to the sky, between the rear property line and a line drawn parallel thereto, at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

YARD, REQUIRED SIDE. An unoccupied space, open to the sky, between the side property line and a line drawn parallel thereto, at such distance therefrom as may be specified herein for any district, and extending the full depth of the lot.

YARD, SIDE. An unoccupied space, open to the sky, between the side property line and the side building line of the principal building. In most cases, a lot has two (2) side yards located on opposite sides of the principal building.

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 HEARING BOARD. The Zoning Hearing Board of and for Heidelberg Township.

ZONING MAP. The Zoning Map of Heidelberg Township adopted hereunder, together with all amendments thereto subsequently adopted.

ZONING OFFICER. The agent(s) or official(s) designated by Heidelberg Township to enforce the Zoning Ordinance of the Township.

ARTICLE 3

ESTABLISHMENT OF ZONING DISTRICTS AND MAP

SECTION 301. LIST OF DISTRICTS

For the purpose of this Ordinance, the territory of Heidelberg Township is hereby divided into the following zoning districts:

Base Districts

Conservation Recreation District (CR)
Agricultural District (A)
Agricultural Transitional District (AT)
Low Density Residential District (RLD)
Special Purpose Residential District (RSP)
Village Residential District (VR)
Village Center District (VC)
Highway Commercial District (HC)
Industrial District (I)

Overlay Districts

General Flood Plain District (GFP)
Historic Overlay District (H)
Airport Hazard Overlay District (A-H)
Wellhead Protection Overlay District (WHP)
Resource Extraction Overlay District (RX)

SECTION 302. OFFICIAL ZONING MAP

The Township is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors attested by the Secretary and bearing the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in Article 3, Section 302 of Ordinance Number ____ of the Township of Heidelberg, Lebanon County, Pennsylvania, together with the date of the adoption of this Ordinance."

If, in accordance with the provisions of this Ordinance and Article VI, Pennsylvania Municipalities Planning Code, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Township Supervisors with an entry on the Official Zoning Map as follows: "On (date), by official action of the Township Supervisors, the following (change) changes were made in the Official Zoning Map: (brief description of nature of change) which entry shall be signed by the Chairman of the Supervisors attested by the Township Secretary,. No amendment to this Ordinance, which involves matter portrayed on the Official Zoning Map, shall become effective until after such change and entry has been made on said map".

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind of any person or persons shall be considered a violation of this Ordinance and punishable as provided under Article 22.

Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Township Supervisors shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.

A. Replacement of the Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of change and additions, the Township Supervisors may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Chairman of Supervisors attested by the Township Secretary and bearing the seal of the Township under the following words: " This is to certify that this Official Zoning Map, adopted June 23, 2020 as part of Ordinance No. 163 of the Township of Heidelberg, Lebanon County, Pennsylvania".

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof, remaining shall be preserved together with all available records pertaining to its adoption or amendment.

SECTION 303. INTERPRETATION OF DISTRICT BOUNDARIES

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

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following Township limits shall be construed as following Township limits;
- D. Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines;
- E. Boundaries indicated as parallel to or extensions of features indicated in subsections A. through D. above shall be so construed.
- F. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in circumstances not covered by subsections A. through F. above, the Zoning Hearing Board shall interpret the district boundaries.

SECTION 304. USE ADJUSTMENT ON DISTRICT BOUNDARIES

Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Zoning Hearing Board may permit, as a Special Exception, the extension of the district regulations for either portion of the lot to extend for a distance not to exceed 50 feet beyond the district boundary line into the remaining portion of the lot.

ARTICLE 4

CONFORMANCE REQUIRED

SECTION 401. APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered:
 - 1. To exceed the height or bulk;
 - 2. To accommodate or house a greater number of families;
 - 3. To occupy a greater percentage of lot area; or
 - 4. To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or
 - 5. In any other manner contrary to the provisions of this Ordinance.
- C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of this Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 402. USES NOT PROVIDED FOR

When a specific use is neither permitted nor prohibited in the schedule of district regulations, the Zoning Hearing Board shall make a determination as to the similarity or compatibility of the use in question to the permitted uses in the district basing the decision on the overall intent stipulated for the district.

SECTION 403. ANNEXED TERRITORY

All territory, which may hereafter be annexed to the Township, shall be considered to be in the Agricultural (A) District until otherwise classified.

ARTICLE 5

CONSERVATION RECREATION DISTRICT (CR)

SECTION 501. INTENT

The regulations of the Conservation Recreation District are designed to protect and preserve the environmentally sensitive and wooded areas of the Township that also have significant value for passive and active recreational pursuits. Permitted uses within this District encourage conservation/recreation activities for these areas; however, some forms of development, including very low-density residential development, are allowed under prescribed criteria.

SECTION 502. PERMITTED USES

- A. Conservation areas and structures for the conservation of open space, water, soil, forest and wildlife resources.
- B. Park and recreation areas, forest preserves, campgrounds for tent camping only, game refuges and similar non-intensive uses, subject to the conditions listed in Section 1924 of this Ordinance.
- C. Single family detached dwellings.
- D. Group family dwellings, subject to the conditions listed in Section 1918 of this Ordinance.
- E. Family day care homes, subject to the conditions listed in Section 1915 of this Ordinance.
- F. No-impact home-based businesses, subject to the conditions listed in Section 1922 of this Ordinance.
- G. Forestry activities, subject to the conditions listed in Section 1620 of this Ordinance.
- H. Customary accessory uses and buildings incidental to any of the above permitted uses as provided for in Article 16 of this Ordinance.
- I. Elder Housing Unit (ECH) subject to the conditions listed in Section 1622 of this Ordinance.

SECTION 503. SPECIAL EXCEPTION USES

The following uses are permitted, as Special Exceptions, upon issuance of a permit by the Zoning Hearing Board as provided in Article 19 of this Ordinance:

- A. Semi-public or private recreation areas and structures operated by membership clubs solely for the benefit of their members and not for gain, subject to the conditions listed in Sections 1917 and 1924 of this Ordinance.
- B. Home Businesses, subject to the conditions listed in Section 1919 of this Ordinance.

SECTION 504. CONDITIONAL USES

The following uses are permitted, as Conditional Uses, upon issuance of a permit by the Board of Supervisors as provided in Article 19 of this Ordinance:

- A. Adult-oriented businesses, subject to the conditions listed in Section 1906 of this Ordinance.

SECTION 505. LOT AREA, BUILDING HEIGHT AND YARD REQUIREMENTS

A lot width, lot area, lot coverage, yard setback and building height requirement of not less than the dimensions shown in the following table, unless otherwise specified heretofore in this Article or elsewhere in this Ordinance shall be provided for every dwelling unit and/or principal non-residential building or use erected, altered or established in this district.

A. District Requirements

| <u>Use</u> | <u>Lot Requirements</u> | | | <u>Yard Requirements</u> | | |
|--------------------|-------------------------|-----------------------|--------------------------|--------------------------|------------------|-------------|
| | <u>Min. Lot Area</u> | <u>Min. Lot Width</u> | <u>Max. Lot Coverage</u> | <u>Front</u> | <u>Each Side</u> | <u>Rear</u> |
| All Permitted Uses | 3 acres | 250' | 10% | 75' | 50' | 75' |

- B. Height Requirements. No building shall exceed two and one-half (2 ½) stories or thirty-five (35') feet, whichever is less, unless authorized as a Special Exception.

SECTION 506. MINIMUM OFF-STREET PARKING REQUIREMENTS

Off-street parking shall be provided for in accordance with Article 18 of this Ordinance.

SECTION 507. LIVABLE FLOOR AREA

The minimum livable floor area of any dwelling unit hereafter erected, altered or designed shall be seven hundred and fifty (750) square feet.

SECTION 508. SUPPLEMENTARY DISTRICT REGULATIONS

The Supplementary District Regulations in Article 16 shall apply, where applicable, as additional requirements for this district.

ARTICLE 6

AGRICULTURAL DISTRICT (A)

SECTION 601. INTENT

The Pennsylvania Municipalities Planning Code sets forth as part of its intent the promotion of the preservation of the Commonwealth's prime agricultural land and the encouragement of that preservation through zoning. Heidelberg Township's Agricultural District is comprised primarily of existing agricultural areas of the Township and those areas where environmental conditions are most conducive to agriculture and animal husbandry pursuits. Consistent with the strong legislative policy of the Commonwealth, Heidelberg Township does not consider its prime agricultural land as undeveloped farmland awaiting another use. Rather, it is considered as developed land. It is land being used to produce a product. Farming is a land-intensive manufacturing process that converts raw materials into a product, comparable to other industrial operations, with accompanying nuisances of noise, odor, and dust. Agricultural zoning districts should not be considered holding zones, but as zones having a positive purpose of utilizing the Township's natural resources for the benefit of the entire community, and the Township should protect agricultural zoning districts from interference by incompatible uses that break down the integrity of such districts and interfere with normal and customary agricultural operations.

SECTION 602. PERMITTED USES

- A. Single family dwellings, in accordance with the requirements of Sections 605 and 606 of this Ordinance.
- B. Crop and truck farming, pasturing, truck gardening, horticulture, greenhouses, nurseries, aviaries, hatcheries, apiaries and similar enterprises.
- C. Animal husbandry, but not including concentrated animal operations.
- D. Public conservation areas and structures for the conservation of open space, water, soil, forest and wildlife resources.
- E. Public park and recreation areas, forest preserves, camps, game refuges, and similar non-intensive public uses, subject to the conditions listed in Section 1924 of this Ordinance.
- F. Municipal buildings.
- G. Churches and cemeteries, subject to the conditions listed in Section 1911 of this Ordinance.

- H. Nursery, elementary, and high schools, and institutions of higher education, subject to the conditions listed in Section 1927 of this Ordinance.
- I. Hospitals, convalescent homes, sanitariums, physicians' offices and physicians' family practice clinics.
- J. Golf courses and country clubs, subject to the conditions listed in Section 1917 of this Ordinance.
- K. Communications antennas mounted on an existing public utility transmission tower, building, or other structure, including existing communication towers, and communication equipment buildings, subject to the conditions listed in Sections 1912 of this Ordinance.
- L. Group family dwellings, subject to the conditions listed in Section 1918 of this Ordinance.
- M. Family day care homes, subject to the conditions listed in Section 1915 of this Ordinance.
- N. Forestry activities, subject to the conditions listed in Section 1620 of this Ordinance.
- O. Customary accessory uses and buildings incidental to any of the above permitted uses, as provided for in Article 16 of this Ordinance, and including, but not limited to, the following:
 - 1. Roadside stands for the sale of "home-grown" or "homemade" products when located not less than twenty (20) feet from the cartway of any highway and not within the road right-of-way.
 - 2. No-impact home-based businesses subject to the conditions listed in Section 1922 of this Ordinance.
- P. Elder Housing Unit (ECH) subject to the conditions listed in Section 1622 of this Ordinance.
- Q. Agritainment/Agritourism Enterprises, subject to the conditions listed in Section 1936 of this Ordinance.

SECTION 603. SPECIAL EXCEPTION USES

The following uses are permitted, as Special Exceptions, upon issuance of a permit by the Zoning Hearing Board as provided in Article 19 of this Ordinance:

- A. Semi-public or private recreational areas, game and wildlife hunting and gunning clubs, camps, and structures, subject to the conditions listed in Sections 1917 and 1924 of this Ordinance.
- B. Riding academies and stables (subject to the conditions listed in Section 1925 of this Ordinance).
- C. Animal hospitals and veterinary facilities (subject to the conditions listed in Section 1931 of this Ordinance).
- D. Kennels (subject to the conditions listed in Section 1930 of this Ordinance).
- E. Saw mills and other establishments associated with forestry, subject to the conditions listed in Section 1926 of this Ordinance.
- F. Agriculturally oriented commercial establishments, i.e. farm implemented dealers, and feed mills, subject to the conditions listed in Section 1907 of this Ordinance.
- G. Communications towers subject to the standards set forth in Section 1913; provided, however, that no such Towers shall be located within twelve hundred (1200) feet of any RLD - Low Density Residential District, any VR – Village Residential District or any VC – Village Center District.
- H. Home businesses, subject to the conditions listed in Section 1919 of this Ordinance.

SECTION 604. CONDITIONAL USES

The following uses are permitted, as Conditional Uses, upon issuance of a permit by the Board of Supervisors as provided in Article 19 of this Ordinance:

- A. Concentrated animal operations, provided that new structures or the renovation, conversion, or expansion of existing structures to house a concentrated animal operation are permitted only when the following requirements are met:
 - 1. The minimum lot size shall be ten (10) acres.
 - 2. The maximum impervious lot coverage shall be ten (10) percent.
 - 3. No animal housing facility that is part of a concentrated animal operation shall be permitted within five hundred (500) feet of any residential zoning district. However, where a manure containment facility is built under the animal housing facility, the setback requirements of the Pennsylvania Nutrient Management Act shall apply.
 - 4. No animal housing facility that is part of a concentrated animal operation shall be permitted within three hundred (300) feet of any existing

residential structure (except a residential structure located on the premises of the applicant). However, where a manure containment facility is built under the animal housing facility, the setback requirements of the Pennsylvania Nutrient Management Act shall apply.

5. No animal housing facility that is part of a concentrated animal operation shall be permitted within two hundred (200) feet of any property line or road right-of-way line. However, where a manure containment facility is built under the animal housing facility, the setback requirements of the Pennsylvania Nutrient Management Act shall apply.
6. When engaging in subdivision or land development, the plans filed shall show, and require, on either the subdivided or land developed lot, or the remaining land, the setbacks required hereunder.
7. The applicant shall present written evidence from the Lebanon County Conservation District certifying that the Lebanon County Conservation District has agreed to review the applicant's Act 6 Nutrient Management Plan for compliance with Act 6 and all regulations promulgated thereunder. In the event the Board of Supervisors grants the application for Conditional Use, it shall impose as a condition of that grant a requirement that no zoning permit for any construction pursuant to the Conditional Use shall be issued unless the applicant presents to the Township Zoning Officer written evidence from the Lebanon County Conservation District that an Act 6 Nutrient Management Plan for the proposed concentrated animal operation has been approved by the Conservation District.
8. The applicant shall present written evidence from the Lebanon County Conservation District certifying that the applicant has applied for approval of a Conservation Plan for the proposed concentrated animal operation. In the event the Board of Supervisors grants the application for Conditional Use, it shall impose as a condition of that grant a requirement that no zoning permit for any construction pursuant to the Conditional Use shall be issued unless the applicant presents to the Township Zoning Officer written evidence from the Lebanon County Conservation District that the applicant's Conservation Plan has been approved.
9. The applicant shall present written evidence from the Lebanon County Conservation District certifying either (i) that the Lebanon County Conservation District has agreed to design all manure storage facilities required by the application in compliance with the Pennsylvania Technical Guide developed by the Natural Resource Conservation Service or (ii) that the Lebanon County Conservation District has agreed to review and approve the design of the applicant's manure storage facilities prepared by the applicant's private consultant as being in compliance with the aforesaid Pennsylvania Technical Guide. In the event the Board of

Supervisors grants the application for Conditional Use, it shall impose as a condition of that grant a requirement that no zoning permit for any manure storage facility constructed pursuant to the conditional use approval shall be issued unless the applicant presents to the Township Zoning Officer written evidence from the Lebanon County Conservation District that the design for such facility has been approved by the Lebanon County Conservation District and is in compliance with the aforesaid Pennsylvania Technical Guide. A letter from the Conservation District must be supplied annually stating that a nutrient plan was in effect.

10. The applicant shall present written evidence from the Lebanon County Conservation District certifying that the applicant has applied for Chapter 102 Erosion and Sediment Control Plan approval for disturbances involving 5,000 square feet or more and/or a NPDES permit for disturbances involving one acre or more. In the event the Board of Supervisors grants the application for Conditional Use, it shall impose as a condition of that grant a requirement that no zoning permit for any construction pursuant to the Conditional Use shall be issued unless the applicant presents to the Township Zoning Officer written evidence from the Lebanon County Conservation District that the applicant's Chapter 102 Erosion and Sediment Control Plan and/or NPDES permit application have been approved.
11. The applicant shall present to the Board of Supervisors a plan certified by a traffic professional that the concentrated animal operation allows for the safe and efficient movement of all motorized vehicles on all public and private roads and rights-of-way associated with the concentrated animal operation, and including, but not limited to, information concerning traffic generation, size of vehicles, number of trips per day, and a design, and improvement where necessary, of each proposed entrance and/or exit to the intensive activity that does not allow mud, gravel, or other material to be deposited upon or to accumulate on or along abutting public roads.
12. The applicant shall provide for buffering, as determined satisfactory, by the Board of Supervisors with respect to any structure, access drive, parking, loading, or unloading area located within three hundred (300) feet of any residential structure or lot of record that is three (3) acres or less in size.
13. Operations utilizing food processing wastes shall be subject to the following:
 - a. All putrescible food processing wastes shall be fed to the animals on the premises or be removed from the premises within seventy-two hours after delivery.

- b. All food processing wastes shall be stored in enclosed buildings or covered containers prior to being fed to the animals.
 - c. Only such food processing wastes as can reasonably be expected to be consumed by the animals on the premises shall be stored on site.
 - d. Food processing waste shall be transported to and from the premises only in covered containers.
 - e. The owner shall at all times comply with all applicable state and Federal laws and regulations governing the transportation, storage, use, and disposal of food processing wastes.
- B. Commercial amusement or recreation establishments such as outdoor theaters, race tracks and other similar recreational uses requiring large segregated land areas, providing that any of these uses shall not be located nearer than one hundred (100) feet from the right-of-way of any highway, and further subject to the conditions listed in Sections 1917 and 1924 of this Ordinance.
- C. Farm-based businesses, subject to the conditions listed in Section 1916 of this Ordinance.

SECTION 605. GENERAL DISTRICT REQUIREMENTS

- A. Upon each parent tract, as it existed on May 22, 2007, or as it existed on the date the parent tract was first designated as being in an Agricultural District, if that designation first occurred after May 22, 2007, there shall be permitted the following number of single family dwellings, lots for other permitted uses and/or new farm parcels, including those existing on May 22, 2007, provided there is compliance with all requirements and limitations hereinafter set forth in this section:

| <u>Size of Parent Tract</u> | <u>Maximum Number of Single Family Dwellings or lots for other Permitted Uses/Maximum Acres Subdivided ⁽¹⁾</u> |
|----------------------------------|---|
| 0 acres to less than 10 acres | Any number of Single Family Dwellings or lots for other Permitted Uses in accordance with Section 606 below |
| 10 acres to less than 50 acres | 3 Dwellings or lots for other Permitted Uses/6 Acres |
| 50 acres to less than 100 acres | 4 Dwellings or lots for other Permitted Uses/8 Acres ⁽²⁾ |
| 100 acres to less than 175 acres | 5 Dwellings or lots for other Permitted Uses/10 Acres ⁽²⁾ |

| | |
|----------------------------------|--|
| 175 acres to less than 250 acres | 6 Dwellings or lots for other Permitted Uses/12 Acres ⁽²⁾ |
| 250 acres to less than 400 acres | 7 Dwellings or lots for other Permitted Uses/14 Acres ⁽²⁾ |
| 400 acres or more | 8 Dwellings or lots for other Permitted Uses/16 Acres ⁽²⁾ |

(1) The maximum number of dwellings and lots for other permitted uses allowable may be limited if the on-site soil suitability for on-site sewage disposal dictates lot sizes in excess of a maximum of 2 acres (see Section 606 A.). The maximum acreage permitted to be subdivided shall control. [For example: In the case of a 70-acre parent tract where the on-site sewage disposal suitability requires 4-acre lots, only 2 dwellings would be permitted (2 lots @ 4 acres per lot = 8 acres). In the case of a 70-acre parent tract where a 4-acre church is proposed, only two 2-acre dwelling lots would also be allowed (one 4-acre lot plus two 2-acre lots = 8 acres)].

(2) Each parent tract containing seventy-five (75) or more acres shall be permitted to subdivide one (1) farm parcel containing twenty-five (25) acres or more and/or the combination of one (1) farm parcel and dwellings/non-farm lots up to the number of dwellings/lots/acres as specified in the schedule above. In no case shall the parent tract be reduced to an area less than fifty (50) acres in size when a farm parcel is subdivided. The remaining dwellings/non-farm lots can then be subdivided from the fifty (50) acre (or greater) tract created. [For example: In the case of a 75-acre parent tract, one 25-acre farm and only three dwellings/non-farm lots (totaling no more than 6 acres) would be permitted to be subdivided from the remaining 50-acre tract.].

Existing unsubdivided single family dwellings shall be considered part of the principal allotment. The maximum permitted number of single family dwellings and lots for other permitted uses shall apply regardless of whether individual lots are subdivided at the time the dwellings and lots for other permitted uses are established. Further subdivision of lots created after the enactment date of this Ordinance shall be subject to the maximum allotment determined for the parent tract as set forth herein.

B. All applications for Zoning Permits to erect a single family dwelling or other permitted use on unsubdivided land and all applications for subdivision shall be accompanied by an agricultural plan identifying the following:

1. Size, shape, and dimensions of the parent tract; size and location of all existing buildings; and size, location, and use of all proposed buildings and lots.
2. All lots previously approved under these regulations.
3. Land under active cultivation and land in woodlots or forests.
4. Soil information for the parent tract, including soil series and soil capability class, subclass, and unit as classified within the latest revision of the Soil Survey of Lebanon County, Pennsylvania, prepared by the United States Department of Agriculture.

- C. All applications to erect a single family dwelling and to subdivide or resubdivide a parent tract shall be subject to the following:
1. All single family dwellings and lots for other permitted uses to be subdivided shall be established or located only on farmland classified as Soil Capability Classes III - VII, when such land is available; and
 2. The least suitable farmland (highest numbered Soil Capability Units) shall be utilized for development of a single family dwelling or other permitted use in all cases, unless the applicant can demonstrate its unsuitability for the proposed use. When a soil has been determined to be unsuitable because of slope, drainage, flooding, sewage disposal deficiencies, or other physical characteristics, then the least suitable remaining farmland, based on soil capability classes, shall be utilized for development; and
 3. When the land to be developed for a single family dwelling or other permitted use is comprised entirely of farmland classified as Soil Capability Classes I and II, then the least suitable (highest numbered Soil Capability Units) shall be utilized for development; and
 4. Single family dwellings and other permitted uses shall be grouped, where possible, adjacent to other similar uses and lots to avoid scattering of development. Dwellings shall be located as far from concentrated animal operations as possible. No subdivision or development shall necessitate any new streets except that one (1) lot or use may be accessed via an unimproved fifty (50) foot right-of-way; and
 5. Application for the last single family dwelling, new farm parcel or other permitted use permitted within a parent tract shall be accompanied by a proposed deed for the residue land. This proposed deed shall contain a restriction stating that subdivision and development allotments have been used and that no further subdivision, development, or establishment of additional single family dwellings shall be permitted. This restrictive deed shall be recorded within thirty (30) days of subdivision or permit approval for the last allowable dwelling, new farm parcel or other permitted use. Failure to record this deed, subsequent removal of the deed restriction, or subsequent subdivision or establishment of additional dwellings shall constitute a violation of this Ordinance, punishable in accordance with this Ordinance and the Pennsylvania Municipalities Planning Code.
 6. A property owner submitting a subdivision plan shall specify on the plan which lot or lots will carry with them the right to erect or place any unused portion of the quota of dwellings, new farm parcels or other permitted uses the parent tract may have. The property owner shall be required to assign to each lot the right to erect or place a least one dwelling and demonstrate that the lot can be approved as a location for the placement or erection of a dwelling unless the lot is being permanently merged with another parcel that has either an existing dwelling or the right to erect or place at least one

dwelling. A revised deed describing the residue land will be required to be recorded with each subdivision of additional lots.

7. A limit of three (3) single family dwelling lots may be subdivided every three (3) years of continuous ownership, if any subdividable lot remains from the quota allocated to the parent tract. Rights to subdivide lots for single family dwellings shall not accumulate over time; there shall be three (3) years between each subdivision. The right to subdivide up to three (3) single family dwellings, (or the maximum number of single family dwelling lots available based on Section 605 A. above), shall accrue immediately upon the effective date of the enactment of this subsection.
8. Any landowner who disagrees with the classification of his or her land or any part of it by the latest revision of the Soil Survey of Lebanon County, Pennsylvania, prepared by the United States Department of Agriculture, may submit an engineering analysis of the soils on the portion of the land that the landowner seeks to have reclassified, and if the Board of Township Supervisors finds the analysis to be correct, it shall alter the Township Soil Map to reflect the results of such analysis.

SECTION 606. LOT AREA, BUILDING HEIGHT AND YARD REQUIREMENTS

A lot width, lot area, lot coverage, yard setback and building height requirement of not less than the dimensions shown in the following table, unless otherwise specified heretofore in this Article, or elsewhere in this Ordinance, shall be provided for every dwelling unit and/or principal non-residential building or use erected or altered for any use permitted in this district.

A. District Requirements

| Use | Lot Requirements | | | | Yard Requirements | | | |
|---|------------------|---------------|----------------|-------------------|-------------------|----------|-------------|------|
| | Min. Lot Area | Max. Lot Area | Min. Lot Width | Max. Lot Coverage | Front | One Side | Total Sides | Rear |
| Farm | 25 acres | N/A | 100' | 10% | 50' | 50' | 100' | 50' |
| Non-Residential Use or Building | 2 acres | 5 acres | 250' | 20% | 50' | 20' | 40' | 50' |
| Single Family Detached Dwelling | * see below | 2 acres | 125' | 20% | 50' | 20' | 40' | 50' |
| <p>* Minimum Lot Area shall be the minimum area that will permit:</p> <ol style="list-style-type: none"> 1. The construction of the proposed dwelling; 2. A driveway to serve it; 3. An approved on-lot sewage disposal system that includes a primary absorption area, a replacement absorption area, and any groundwater recharge area required by the Township's Act 537 Plan, the regulations of the Pennsylvania Department of Environmental Protection, and any approved sewage planning module applicable to the lot; and | | | | | | | | |

4. An on-lot well with the required isolation distance separating it from the absorption areas.

In the event the application of the Township's Act 537 Plan, the regulations of the Pennsylvania Department of Environmental Protection, and any approved sewage planning module applicable to the lot require a groundwater recharge area such that the total lot size would exceed the two (2) acre maximum lot size set forth in this section, the residential lot to be developed shall not be increased to more than the lot size required to accommodate the recharge area.

- B. No building, with the exception of farm structures, shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, unless authorized as a special exception.
- C. Structures in which livestock or fowl are kept shall be no closer than one hundred (100) feet to any lot line or road right-of-way and two hundred (200) feet to any residentially zoned property or existing non-farm property in residential use. (See Section 604 for regulations related to concentrated animal operations.)
- D. All animal waste storage facilities shall conform to the setbacks required by the Pennsylvania Nutrient Management Act. (See Section 604 for regulations related to concentrated animal operations.)

SECTION 607. MINIMUM OFF-STREET PARKING REQUIREMENTS

Off-street parking shall be provided in accordance with Article 18 of this Ordinance.

SECTION 608. LIVABLE FLOOR AREA

The minimum livable floor area of any dwelling unit hereafter erected, altered or designed shall be seven hundred and fifty (750) square feet.

SECTION 609. AGRICULTURAL DISCLAIMER

In the Agricultural District, agriculture is the primary use. Non-farm dwellings or uses in this district may be subject to some common characteristics of agriculture that are sometimes regarded as objectionable, including, but not limited to, odor, dust, night, holiday, early morning and weekend operation, noise, heavy vehicle use of roads, the storage and disposal of manure, the application of fertilizers, herbicides, etc. Residence, owners, and users of property in this district should accept these factors as normal and unavoidable characteristics of an agricultural area and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, referred to as "The Right of Farm Law", may bar them from obtaining a legal judgment against such normal agricultural operations.

ARTICLE 7

AGRICULTURAL TRANSITIONAL DISTRICT (AT)

SECTION 701. INTENT

The Pennsylvania Municipalities Planning Code sets forth as part of its intent the promotion of the preservation of the Commonwealth's prime agricultural land and the encouragement of that preservation through zoning. Heidelberg Township's Agricultural Transitional District is comprised primarily of existing agricultural areas of the Township and those areas where environmental and locational conditions are most conducive to agriculture and non-intensive animal husbandry pursuits. Consistent with the strong legislative policy of the Commonwealth, Heidelberg Township does not consider its prime agricultural land as undeveloped farmland awaiting another use. Rather, it is considered as developed land. It is land being used to produce a product. Farming is a land-intensive manufacturing process that converts raw materials into a product, comparable to other industrial operations, with accompanying nuisances of noise, odor, and dust. Agricultural zoning districts should not be considered holding zones, but as zones having a positive purpose of utilizing the Township's natural resources for the benefit of the entire community, and the Township should protect agricultural zoning districts from interference by incompatible uses that break down the integrity of such districts and interfere with normal and customary agricultural operations.

SECTION 702. PERMITTED USES

- A. Single family dwellings, in accordance with the requirements of Sections 705 and 706 of this Ordinance.
- B. Crop and truck farming, pasturing, truck gardening, horticulture, greenhouses, nurseries, aviaries, hatcheries, apiaries and similar enterprises.
- C. Animal husbandry, but not including concentrated animal operations.
- D. Public conservation areas and structures for the conservation of open space, water, soil, forest and wildlife resources.
- E. Public park and recreation areas, forest preserves, camps, game refuges, and similar non-intensive public uses, subject to the conditions listed in Section 1924 of this Ordinance.
- F. Municipal buildings.
- G. Churches and cemeteries, subject to the conditions listed in Section 1911 of this Ordinance.

- H. Nursery, elementary, and high schools, and institutions of higher education, subject to the conditions listed in Section 1927 of this Ordinance.
- I. Hospitals, convalescent homes, sanitariums, physicians' offices and physicians' family practice clinics.
- J. Golf courses and country clubs, subject to the conditions listed in Section 1917 of this Ordinance.
- K. Communications antennas mounted on an existing public utility transmission tower, building, or other structure, including existing communication towers, and communication equipment buildings, subject to the conditions listed in Sections 1912 of this Ordinance.
- L. Group family dwellings, subject to the conditions listed in Section 1918 of this Ordinance.
- M. Family day care homes, subject to the conditions listed in Section 1915 of this Ordinance.
- N. Forestry activities, subject to the conditions listed in Section 1620 of this Ordinance.
- O. Customary accessory uses and buildings incidental to any of the above permitted uses, as provided for in Article 16 of this Ordinance, and including, but not limited to, the following:
 - 1. Roadside stands for the sale of "home-grown" or "homemade" products when located not less than twenty (20) feet from the cartway of any highway and not within the road right-of-way.
 - 2. No-impact home-based businesses subject to the conditions listed in Section 1922 of this Ordinance.
- P. Elder Housing Unit (ECH) subject to the conditions listed in Section 1622 of this Ordinance.
- Q. Agritainment/Agritourism Enterprises, subject to the conditions listed in Section 1936 of this Ordinance.

SECTION 703. SPECIAL EXCEPTION USES

The following uses are permitted, as Special Exceptions, upon issuance of a permit by the Zoning Hearing Board as provided in Article 19 of this Ordinance:

- A. Semi-public or private recreational areas, game and wildlife hunting and gunning clubs, camps, and structures, subject to the conditions listed in Sections 1917 and 1924 of this Ordinance.
- B. Riding academies and stables (subject to the conditions listed in Section 1925 of this Ordinance).
- C. Animal hospitals and veterinary facilities (subject to the conditions listed in Section 1931 of this Ordinance).
- D. Kennels (subject to the conditions listed in Section 1930 of this Ordinance).
- E. Saw mills and other establishments associated with forestry, subject to the conditions listed in Section 1926 of this Ordinance.
- F. Agriculturally oriented commercial establishments, i.e. farm implemented dealers, and feed mills, subject to the conditions listed in Section 1907 of this Ordinance.
- G. Communications towers subject to the standards set forth in Section 1913; provided, however, that no such Towers shall be located within twelve hundred (1200) feet of any RLD - Low Density Residential District, any VR – Village Residential District or any VC – Village Center District.
- H. Home businesses, subject to the conditions listed in Section 1919 of this Ordinance.

SECTION 704. CONDITIONAL USES

The following uses are permitted, as Conditional Uses, upon issuance of a permit by the Board of Supervisors as provided in Article 19 of this Ordinance:

- A. Commercial amusement or recreation establishments such as outdoor theaters, race tracks and other similar recreational uses requiring large segregated land areas, providing that any of these uses shall not be located nearer than one hundred (100) feet from the right-of-way of any highway, and further subject to the conditions listed in Sections 1917 and 1924 of this Ordinance.
- B. Farm-based businesses, subject to the conditions listed in Section 1916 of this Ordinance.

SECTION 705. GENERAL DISTRICT REQUIREMENTS

- A. Upon each parent tract, as it existed on May 22, 2007, or as it existed on the date the parent tract was first designated as being in an Agricultural District, if that designation first occurred after May 22, 2007, there shall be permitted the following

number of single family dwellings, lots for other permitted uses and/or new farm parcels, including those existing on May 22, 2007, provided there is compliance with all requirements and limitations hereinafter set forth in this section:

| <u>Size of Parent Tract</u> | <u>Maximum Number of Single Family Dwellings or lots for other Permitted Uses/Maximum Acres Subdivided ⁽¹⁾</u> |
|----------------------------------|---|
| 0 acres to less than 10 acres | Any number of Single Family Dwellings or lots for other Permitted Uses in accordance with Section 606 below |
| 10 acres to less than 50 acres | 3 Dwellings or lots for other Permitted Uses/6 Acres |
| 50 acres to less than 100 acres | 4 Dwellings or lots for other Permitted Uses/8 Acres ⁽²⁾ |
| 100 acres to less than 175 acres | 5 Dwellings or lots for other Permitted Uses/10 Acres ⁽²⁾ |
| 175 acres to less than 250 acres | 6 Dwellings or lots for other Permitted Uses/12 Acres ⁽²⁾ |
| 250 acres to less than 400 acres | 7 Dwellings or lots for other Permitted Uses/14 Acres ⁽²⁾ |
| 400 acres or more | 8 Dwellings or lots for other Permitted Uses/16 Acres ⁽²⁾ |

⁽¹⁾ The maximum number of dwellings and lots for other permitted uses allowable may be limited if the on-site soil suitability for on-site sewage disposal dictates lot sizes in excess of a maximum of 2 acres (see Section 606 A.). The maximum acreage permitted to be subdivided shall control. [For example: In the case of a 70-acre parent tract where the on-site sewage disposal suitability requires 4-acre lots, only 2 dwellings would be permitted (2 lots @ 4 acres per lot = 8 acres). In the case of a 70-acre parent tract where a 4-acre church is proposed, only two 2-acre dwelling lots would also be allowed (one 4-acre lot plus two 2-acre lots = 8 acres)].

⁽²⁾ Each parent tract containing seventy-five (75) or more acres shall be permitted to subdivide one (1) farm parcel containing twenty-five (25) acres or more and/or the combination of one (1) farm parcel and dwellings/non-farm lots up to the number of dwellings/lots/acres as specified in the schedule above. In no case shall the parent tract be reduced to an area less than fifty (50) acres in size when a farm parcel is subdivided. The remaining dwellings/non-farm lots can then be subdivided from the fifty (50) acre (or greater) tract created. [For example: In the case of a 75-acre parent tract, one 25-acre farm and only three dwellings/non-farm lots (totaling no more than 6 acres) would be permitted to be subdivided from the remaining 50-acre tract.].

Existing unsubdivided single family dwellings shall be considered part of the principal allotment. The maximum permitted number of single family dwellings shall apply regardless of whether individual lots are subdivided at the time the dwellings are established. Further subdivision of lots created after the enactment date of this Ordinance shall be subject to the maximum allotment determined for the parent tract as set forth herein.

- B. All applications for Zoning Permits to erect a single family dwelling or other permitted use on unsubdivided land and all applications for subdivision shall be accompanied by an agricultural plan identifying the following:
1. Size, shape, and dimensions of the parent tract; size and location of all existing buildings; and size, location, and use of all proposed buildings and lots.
 2. All lots previously approved under these regulations.
 3. Land under active cultivation and land in woodlots or forests.
 4. Soil information for the parent tract, including soil series and soil capability class, subclass, and unit as classified within the latest revision of the Soil Survey of Lebanon County, Pennsylvania, prepared by the United States Department of Agriculture.
- C. All applications to erect a single family dwelling and to subdivide or resubdivide a parent tract shall be subject to the following:
1. All single family dwellings and lots for other permitted uses to be subdivided shall be established or located only on farmland classified as Soil Capability Classes III - VII, when such land is available; and
 2. The least suitable farmland (highest numbered Soil Capability Units) shall be utilized for development of a single family dwelling or other permitted use in all cases, unless the applicant can demonstrate its unsuitability for the proposed use. When a soil has been determined to be unsuitable because of slope, drainage, flooding, sewage disposal deficiencies, or other physical characteristics, then the least suitable remaining farmland, based on soil capability classes, shall be utilized for development; and
 3. When the land to be developed for a single family dwelling or other permitted use is comprised entirely of farmland classified as Soil Capability Classes I and II, then the least suitable (highest numbered Soil Capability Units) shall be utilized for development; and
 4. Single family dwellings and other permitted uses shall be grouped, where possible, adjacent to other similar uses and lots to avoid scattering of development. Dwellings shall be located as far from concentrated animal operations as possible. No subdivision or development shall necessitate any new streets except that one (1) lot or use may be accessed via an unimproved fifty (50) foot right-of-way; and
 5. Application for the last single family dwelling, new farm parcel or other permitted use permitted within a parent tract shall be accompanied by a proposed deed for the residue land. This proposed deed shall contain a

restriction stating that subdivision and development allotments have been used and that no further subdivision, development, or establishment of additional single family dwellings shall be permitted. This restrictive deed shall be recorded within thirty (30) days of subdivision or permit approval for the last allowable dwelling, new farm parcel or other permitted use. Failure to record this deed, subsequent removal of the deed restriction, or subsequent subdivision or establishment of additional dwellings shall constitute a violation of this Ordinance, punishable in accordance with this Ordinance and the Pennsylvania Municipalities Planning Code.

6. A property owner submitting a subdivision plan shall specify on the plan which lot or lots will carry with them the right to erect or place any unused portion of the quota of dwellings, new farm parcels or other permitted uses the parent tract may have. The property owner shall be required to assign to each lot the right to erect or place a least one dwelling and demonstrate that the lot can be approved as a location for the placement or erection of a dwelling unless the lot is being permanently merged with another parcel that has either an existing dwelling or the right to erect or place at least one dwelling. A revised deed describing the residue land will be required to be recorded with each subdivision of additional lots.
7. A limit of three (3) single family dwelling lots may be subdivided every three (3) years of continuous ownership, if any subdividable lot remains from the quota allocated to the parent tract. Rights to subdivide lots for single family dwellings shall not accumulate over time; there shall be three (3) years between each subdivision. The right to subdivide up to three (3) single family dwellings, (or the maximum number of single family dwelling lots available based on Section 705 A. above), shall accrue immediately upon the effective date of the enactment of this subsection.
8. Any landowner who disagrees with the classification of his or her land or any part of it by the latest revision of the Soil Survey of Lebanon County, Pennsylvania, prepared by the United States Department of Agriculture, may submit an engineering analysis of the soils on the portion of the land that the landowner seeks to have reclassified, and if the Board of Township Supervisors finds the analysis to be correct, it shall alter the Township Soil Map to reflect the results of such analysis.

SECTION 706. LOT AREA, BUILDING HEIGHT AND YARD REQUIREMENTS

A lot width, lot area, lot coverage, yard setback and building height requirement of not less than the dimensions shown in the following table, unless otherwise specified heretofore in this Article, or elsewhere in this Ordinance, shall be provided for every dwelling unit and/or principal non-residential building or use erected or altered for any use permitted in this district.

A. District Requirements

| Use | Lot Requirements | | | | Yard Requirements | | | |
|---|------------------|---------------|----------------|-------------------|-------------------|----------|-------------|------|
| | Min. Lot Area | Max. Lot Area | Min. Lot Width | Max. Lot Coverage | Front | One Side | Total Sides | Rear |
| Farm | 25 acres | N/A | 100' | 10% | 50' | 50' | 100' | 50' |
| Non-Residential Use or Building | 2 acres | 5 acres | 250' | 20% | 50' | 20' | 40' | 50' |
| Single Family Detached Dwelling | * see below | 2 acres | 125' | 20% | 50' | 20' | 40' | 50' |
| <p>* Minimum Lot Area shall be the minimum area that will permit:</p> <ol style="list-style-type: none"> 1. The construction of the proposed dwelling; 2. A driveway to serve it; 3. An approved on-lot sewage disposal system that includes a primary absorption area, a replacement absorption area, and any groundwater recharge area required by the Township's Act 537 Plan, the regulations of the Pennsylvania Department of Environmental Protection, and any approved sewage planning module applicable to the lot; and 4. An on-lot well with the required isolation distance separating it from the absorption areas. <p>In the event the application of the Township's Act 537 Plan, the regulations of the Pennsylvania Department of Environmental Protection, and any approved sewage planning module applicable to the lot require a groundwater recharge area such that the total lot size would exceed the two (2) acre maximum lot size set forth in this section, the residential lot to be developed shall not be increased to more than the lot size required to accommodate the recharge area.</p> | | | | | | | | |

- B. No building, with the exception of farm structures, shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, unless authorized as a special exception.
- C. Structures in which livestock or fowl are kept shall be no closer than one hundred (100) feet to any lot line or road right-of-way and two hundred (200) feet to any residentially zoned property or existing non-farm property in residential use. (See Section 604 for regulations related to concentrated animal operations.)
- D. All animal waste storage facilities shall conform to the setbacks required by the Pennsylvania Nutrient Management Act. No storage of other odor or dust producing substances shall be permitted within one hundred (100) feet of any lot line or road right-of-way line or two hundred (200) feet from any residentially zoned property or existing non-farm property in residential use. (See Section 604 for regulations related to concentrated animal operations.)

SECTION 707. MINIMUM OFF-STREET PARKING REQUIREMENTS

Off-street parking shall be provided in accordance with Article 18 of this Ordinance.

SECTION 708. LIVABLE FLOOR AREA

The minimum livable floor area of any dwelling unit hereafter erected, altered or designed shall be seven hundred and fifty (750) square feet.

SECTION 709. AGRICULTURAL DISCLAIMER

In the Agricultural Transitional District, agriculture is the primary use. Non-farm dwellings or uses in this district may be subject to some common characteristics of agriculture that are sometimes regarded as objectionable, including, but not limited to, odor, dust, night, holiday, early morning and weekend operation, noise, heavy vehicle use of roads, the storage and disposal of manure, the application of fertilizers, herbicides, etc. Residence, owners, and users of property in this district should accept these factors as normal and unavoidable characteristics of an agricultural area and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, referred to as "The Right of Farm Law", may bar them from obtaining a legal judgment against such normal agricultural operations.

ARTICLE 8

LOW DENSITY RESIDENTIAL DISTRICT (RLD)

SECTION 801. INTENT

The regulations of the RLD Residential District are designed to promote, provide for, and protect single-family residence in harmony with existing uses, physical conditions, and proposed community facilities and public utilities of the Township.

SECTION 802. PERMITTED USES

- A. Single family dwellings.
- B. Churches and similar places of worship, subject to the conditions listed in Section 1911 of this Ordinance.
- C. Municipal buildings, public parks, and playgrounds.
- D. Customary agricultural operations such as gardening, truck farming, flower and tree nurseries, but not including the raising, keeping or breeding of poultry, bees and livestock, except as provided for in Section 802 J. below.
- E. No-impact home-based businesses, subject to the conditions listed in Section 1922 of this Ordinance.
- F. Group family dwellings subject to the conditions listed in Section 1918 of this Ordinance.
- G. Family day care homes, subject to the conditions listed in Section 1915 of this Ordinance.
- H. Communications antennas mounted on an existing public utility transmission tower, building, or other structure, including existing communication towers, and communication equipment buildings, subject to the conditions listed in Section 1912 of this Ordinance.
- I. Forestry activities, subject to the conditions listed in Section 1620 of this Ordinance.
- J. Non-commercial keeping of horses, as regulated in Section 1932 of this Ordinance.
- K. Customary accessory uses and buildings incidental to any of the above permitted uses as provided for in Article 16 of this Ordinance.
- L. Elder Housing Unit (ECH) subject to the conditions listed in Section 1622 of this Ordinance.

SECTION 803. SPECIAL EXCEPTION USES

The following uses are permitted, as Special Exceptions, upon issuance of a permit by the Zoning Hearing Board as provided in Article 19 of this Ordinance, and provided they do not have an adverse effect on the area due to noise, dirt, dust or traffic:

- A. Nursery, elementary, high schools and institutions of higher education, subject to the conditions of Section 1927 of this Ordinance.
- B. Recreation areas and structures operated by membership clubs for the benefit of their members, subject to the conditions of Sections 1917 and 1924 of this Ordinance.
- C. Cemeteries, hospitals, convalescent homes, physicians' offices and physicians' family practice clinics provided they do not have an adverse effect on the area due to noise, dirt, odor, or traffic circulation.
- D. Golf courses and country clubs, subject to the conditions of Section 1917 of this Ordinance.
- E. Commercial swimming pools, subject to the conditions of Sections 1917 and 1924 of this Ordinance.

SECTION 804. LOT AREA, BUILDING HEIGHT, AND YARD REQUIREMENTS

A lot width, lot area, lot coverage, yard setback and building height requirement of not less than the dimensions shown in the following table, unless otherwise specified heretofore in this Article, or elsewhere in this Ordinance, shall be provided for every dwelling unit and/or principal non-residential building or use erected or altered for any use permitted in this district.

A. District Requirements

| <u>Public Utilities</u> | <u>Lot Requirements</u> | | | <u>Yard Requirements</u> | | |
|-------------------------|-------------------------|-----------------------|--------------------------|--------------------------|------------------|-------------|
| | <u>Min. Lot Area</u> | <u>Min. Lot Width</u> | <u>Max. Lot Coverage</u> | <u>Front</u> | <u>Each Side</u> | <u>Rear</u> |
| Single Family Dwellings | | | | | | |
| None | 1 Acre | 150' | 25% | 40' | 15' | 40' |
| Public Water or Sewage | 20,000 SF | 100' | 30% | 40' | 10' | 30' |
| Public Water and Sewer | 12,000 SF | 85' | 35% | 30' | 10' | 30' |
| Non-Residential Uses | | | | | | |
| | 4 Acres | 200' | 35% | 40' | 25' | 40' |

- B. Height Requirements. No building shall exceed two (2) and one-half (2-1/2) stories or thirty-five (35) feet in height unless authorized as a special exception.

SECTION 805. MINIMUM OFF-STREET PARKING REQUIREMENTS

Off-street parking shall be provided in accordance with Article 18 of this Ordinance.

SECTION 806. LIVABLE FLOOR AREA

The minimum livable floor area of any dwelling unit hereafter erected, altered or designed shall be seven hundred and fifty (750) square feet.

ARTICLE 9

SPECIAL PURPOSE RESIDENTIAL DISTRICT (RSP)

SECTION 901. INTENT

The regulations of this district are designed to provide reasonable standards for the development of mobile home parks within a residential area since these uses are recognized as a special form of housing requiring special, specific standards.

SECTION 902. PERMITTED USES

- A. All uses permitted in the RLD Residential District subject to the regulations of the RSP Residential District.
- B. Mobile home parks subject to the following regulations:
 - 1. A mobile home park shall contain a minimum of ten (10) acres.
 - 2. Maximum density in a mobile home park or subdivision shall be five (5) units per acre.
 - 3. Regardless of lot size, each mobile home shall have a minimum front yard of 30 feet, rear yard of 25 feet, and two (2) side yards of ten (10) feet each. In no case shall the distance between any two (2) mobile homes be less than 25 feet.
 - 4. All roads in a mobile home park or subdivision shall be paved with an all-weather surface approved by the Township Board of Supervisors at least thirty-four (34) feet wide.
 - 5. Each mobile home in a mobile home park must have paved parking spaces sufficient in size for at least two (2) automobiles, provided on the individual mobile home lots.
 - 6. Each parking space in a mobile home park or subdivision shall abut on a park driveway, with access to such driveway. Access at all parking spaces shall be from the driveways and not from public streets or highways.
 - 7. All mobile home parks shall be provided with a buffer yard at least 50 feet in width around the park perimeter. Such yards shall be well landscaped and maintained and planted with shrubbery approved by the Township Planning Commission.
 - 8. All mobile home parks shall be served by a public water and public sanitary sewer facilities or other systems approved by the Pennsylvania Department of Environmental Protection.

9. Recreation and open space areas shall be provided at the rate of one (1) acre of recreation space for every 20 mobile home spaces.
 10. Application for a permit to establish a mobile home park shall be approved by the Township Planning Commission prior to issuance of a zoning permit by the Zoning Officer.
 11. The minimum livable floor area for any mobile home hereafter erected or altered in a mobile home park shall be five hundred (500) square feet.
- C. Tiny homes, which must be in mobile home parks, subject to the conditions listed in Section 1936 of this Ordinance.

SECTION 903. LOT AREA, BUILDING HEIGHT, AND YARD REQUIREMENTS

A lot width, lot area, lot coverage, yard setback and building height requirement of not less than the dimensions shown in the following table, unless otherwise specified heretofore in this Article, or elsewhere in this Ordinance, shall be provided for every dwelling unit and/or principal non-residential building or use erected or altered for any use permitted in this district.

A. District Requirements

| <u>Use</u> | <u>Min. Lot Area</u> | <u>Lot Requirements</u> | | <u>Yard Requirements</u> | | |
|---|----------------------|-------------------------|--------------------------|--------------------------|------------------|-------------|
| | | <u>Min. Lot Width</u> | <u>Max. Lot Coverage</u> | <u>Front</u> | <u>Each Side</u> | <u>Rear</u> |
| Mobile Home Park | 10 Acres | ----- | 25% | 50' | 50' | 50' |
| Non-Residential Building Single-Family Detached: | 3 Acres | 250' | 25% | 50' | 20' | 50' |
| - No Utilities | 1 Acre | 150' | 25% | 40' | 15' | 30' |
| - Public Water or Sewer | 30,000 SF | 125' | 30% | 30' | 10' | 25' |
| - Public Water and Sewer | 20,000 SF | 100' | 35% | 30' | 10' | 25' |

- B. Height Requirements. No building shall exceed two (2) and one-half (2-1/2) stories or thirty-five (35) feet in height unless authorized as a special exception.

SECTION 904. MINIMUM OFF-STREET PARKING REQUIREMENTS

Off-street parking shall be provided in accordance with Article 18 of this Ordinance.

ARTICLE 10

VILLAGE RESIDENTIAL DISTRICT (VR)

SECTION 1001. INTENT

The VR - Village Residential District seeks to provide for all types and densities of residential development where centralized sewer and water facilities can be provided and are necessary for development. Non-residential uses permitted within the District by special exception intend to complement and coordinate with the residential land uses. These uses are limited to banks and similar financial institutions, medical and dental clinics, and professional offices that do not generate service vehicle or truck traffic and do not encourage high volumes of automobile traffic. New development in this District is encouraged to occur in a manner that is compatible with the character of the existing villages.

SECTION 1002. PERMITTED USES

- A. Single family detached dwellings.
- B. Single family semi-detached dwellings.
- C. Two family detached (duplex) dwellings.
- D. Two family semi-detached dwellings.
- E. Single family attached dwellings (row houses/townhouses).
- F. Two family attached dwellings.
- G. Apartments
- H. Municipal uses.
- I. No-impact home-based businesses, subject to the conditions listed in Section 1922 of this Ordinance.
- J. Group family dwellings subject to the conditions listed in Section 1918 of this Ordinance.
- K. Family day care homes, subject to the conditions listed in Section 1915 of this Ordinance.
- L. Communications antennas mounted on an existing public utility transmission tower, building, or other structure, including existing communication towers, and communication equipment buildings, subject to the conditions listed in Section 1912 of this Ordinance.

- M. Forestry activities, subject to the conditions listed in Section 1620 of this Ordinance.
- N. Customary accessory uses and buildings incidental to any of the above permitted uses as provided for in Article 16 of this Ordinance.
- O. Elder Housing Unit (ECH) subject to the conditions listed in Section 1622 of this Ordinance.

SECTION 1003. SPECIAL EXCEPTION USES

The following uses are permitted, as Special Exceptions, upon issuance of a permit by the Zoning Hearing Board as provided in Article 19 of this Ordinance, and provided that the proposed use is not found to have an adverse effect on the welfare of the area due to noise, odor, dust, glare, lighting, traffic circulation, or design:

- A. The following commercial uses, but only when established in an existing building or structure in the Village Residential District, and also subject to the requirements of Article 19:

- 1. Banks and similar financial institutions.
- 2. Bed and breakfast establishments.
- 3. Medical and dental clinics.
- 4. Professional offices.

Upon approval of the Zoning Hearing Board, the footprint of the existing building or structure may be expanded by not more than twenty-five (25) percent. The expanded footprint shall not extend closer to the front property line than the front façade of the existing building or structure and the expansion shall be architecturally compatible with the existing building.

- B. Home businesses, subject to the conditions listed in Section 1919 of this Ordinance.
- C. Parks, recreation areas, and playgrounds, subject to the conditions listed in Sections 1917 and 1924 of this Ordinance.
- D. Day care centers, subject to the conditions listed in Section 1914 of this Ordinance.
- E. Churches and similar places of worship, subject to the conditions listed in Section 1911 of this Ordinance.
- F. Nursery, elementary, high schools and institutions of higher education, subject to the conditions listed in Section 1927 of this Ordinance.

SECTION 1004. LOT AREA, BUILDING HEIGHT, AND YARD REQUIREMENTS

A lot width, lot area, lot coverage, yard setback and building height requirement of not less than the dimensions shown in the following table, unless otherwise specified heretofore in this Article, or elsewhere in this Ordinance, shall be provided for every dwelling unit and/or principal non-residential building or use erected or altered for any use permitted in this district.

A. District Requirements

| | <u>Lot Requirements</u> | | | <u>Yard Requirements</u> | |
|---|---|-------------------------|--------------------------|----------------------------|-----------------------|
| | <u>Min. Lot Area</u> | <u>Min. Lot Width</u> | <u>Max. Lot Coverage</u> | <u>Min. Side Yard (EA)</u> | <u>Min. Rear Yard</u> |
| <u>NON RESIDENTIAL BUILDING</u> | | 80' | 70% | 10' | 25' |
| No Utilities | 1 Acre | | | | |
| Public Sewer Only | 15,000 SF | | | | |
| Public Sewer and Water | 10,000 SF | | | | |
| <u>SINGLE FAMILY DETACHED DWELLING</u> | | 80' | 40% | 10' | 25' |
| No Utilities | 1 Acre | | | | |
| Public Sewer Only | 15,000 SF | | | | |
| Public Sewer and Water | 10,000 SF | | | | |
| <u>SINGLE FAMILY SEMI-DETACHED, TWO FAMILY SEMI-DETACHED, TWO FAMILY DETACHED (DUPLEX) DWELLINGS - PER UNIT OF OCCUPANCY</u> | | 40' | 50% | 10' | 25' |
| No Utilities | 1 Acre | | | | |
| Public Sewer Only | 12,000 SF | | | | |
| Public Sewer and Water | 8,000 SF | | | | |
| <u>SINGLE FAMILY ATTACHED DWELLINGS (TOWNHOUSES/ROW HOUSES), TWO FAMILY ATTACHED DWELLINGS - PUBLIC SEWER AND WATER</u> | 3,000 SF per dwelling unit (maximum overall density = 6 units/acre) | 20' (40' for end units) | 60% | 10' | 25' |
| <u>APARTMENTS - PUBLIC SEWER AND WATER</u> | 3,500 sq. ft. per unit (maximum overall density = 10 units/acre) | 80' | 60% | 25' | 40' |

- B. Front Yard Requirements Except as provided below, the minimum front yard setback shall be fifteen (15) feet from the front property line/street right-of-way line, whichever setback is greater / further from the street centerline.

When the subject property is situated between two improved lots, at least one of which with front yard dimensions less than those required, the minimum front yard required for the subject property may be reduced to a depth equal to the average of the adjoining two lots.

- C. Side Yard Exception In a case where two (2) or more commercial buildings could compatibly abut each other, no side yard is required between them, provided that a written agreement is made between the affected property owners.
- D. Building Height No building shall exceed two (2) and one-half (1-1/2) stories or thirty five (35) feet in height unless authorized as a special exception.

SECTION 1005. ADDITIONAL DESIGN STANDARDS FOR ATTACHED (TOWNHOUSE/ROW HOUSE) DWELLINGS AND APARTMENT BUILDINGS

- A. No group of townhouses/row houses shall consist of more than six (6) units, with no more than three (3) continuous townhouses/row houses with the same front set back, each variation of the set back being at least (4) feet.
- B. No group of townhouses/row houses or apartment building shall exceed an overall length of two hundred (200) feet.
- C. All apartment buildings shall be separated by a horizontal distance equal to the height of the taller structure, with the exception that parallel building placements of front to front, rear to rear, and front to rear shall be separated by a horizontal distance equal to two (2) times the height of the taller structure.

SECTION 1006. ADDITIONAL DESIGN STANDARDS FOR NON-RESIDENTIAL BUILDINGS

Landscaping and planting shall be provided for a depth of fifteen (15) feet along all residential lots, district boundaries, and street rights-of-way exclusive of access locations. Buffer planting shall be provided along the side and rear of any commercial lot adjoining any residential lot and shall include a suitable and uninterrupted evergreen planting of sufficient height and density to give maximum screening.

SECTION 1007. ACCESSORY STRUCTURES

In the Village Residential District, no accessory structures or buildings shall be located closer to the front lot line than the face of the principal building. Accessory structures or buildings located in any side yard or in the building area to the side of the principal building shall be screened from the street.

SECTION 1008. MINIMUM OFF-STREET PARKING REQUIREMENTS

Off-street parking shall be provided in accordance with Article 18 of this Ordinance.

Required off-street parking spaces in the Village Residential District shall not be located closer to the front lot line than the face of the principal building. Off-street parking located in any side yard or in the building area to the side of the principal building shall be screened from the street.

SECTION 1009. LIVABLE FLOOR AREA

The minimum livable floor area of any dwelling unit hereafter erected or designed shall be seven hundred and fifty (750) square feet, unless otherwise specified.

ARTICLE 11

VILLAGE CENTER DISTRICT (VC)

SECTION 1101. INTENT

The VC - Village Center District seeks to provide for a variety of land uses in a manner which encourages a village growth concept and which provides for both new development and the reuse of existing buildings in a manner that is consistent with the existing development pattern and building characteristics. This District represents those areas of the Township where public sewer and/or water facilities, if not currently provided, are most likely to be considered, and where higher density development could then be provided. Because of the existing mix of residential and commercial land uses within this District, it also seeks to accommodate the everyday commercial needs of the Township's local residents by allowing a variety of commercial land uses through the special exception process and by establishing specific criteria which seeks to buffer residential uses from commercial activity within the District.

SECTION 1102. PERMITTED USES

- A. Single family detached dwellings.
- B. Single family semi-detached dwellings.
- C. Two family detached (duplex) dwellings.
- D. Two family semi-detached dwellings.
- E. Single family attached dwellings (row houses/townhouses).
- F. Two family attached dwellings.
- G. Apartments
- H. Municipal uses.
- I. No-impact home-based businesses, subject to the conditions listed in Section 1922 of this Ordinance.
- J. Group family dwellings, subject to the conditions listed in Section 1918 of this Ordinance.
- K. Family day care homes, subject to the conditions listed in Section 1915 of this Ordinance.
- L. Communications antennas mounted on an existing public utility transmission tower, building, or other structure, including existing communication towers, and

communication equipment buildings, subject to the conditions listed in Section 1912 of this Ordinance.

- M. Forestry activities, subject to the conditions listed in Section 1620 of this Ordinance.
- N. Customary accessory uses and buildings incidental to any of the above permitted uses as provided for in Article 16 of this Ordinance.
- O. Elder Housing Unit (ECH) subject to the conditions listed in Section 1622 of this Ordinance.

SECTION 1103. SPECIAL EXCEPTION USES

The following uses are permitted, as Special Exceptions, upon issuance of a permit by the Zoning Hearing Board as provided in Article 19 of this Ordinance, and provided that the proposed use is not found to have an adverse effect on the welfare of the area due to noise, odor, dust, glare, lighting, traffic circulation, or design:

- A. Bed and breakfast establishments, subject to the conditions listed in Section 1909 of this Ordinance.
- B. Boarding houses, subject to the conditions listed in Section 1910 of this Ordinance.
- C. Churches and related uses, subject to the conditions listed in Section 1911 of this Ordinance.
- D. Home businesses, subject to the conditions listed in Section 1919 of this Ordinance.
- E. Nursing, rest, or retirement homes, subject to the conditions listed in Section 1923 of this Ordinance.
- F. Public and private schools, subject to the conditions listed in Section 1927 of this Ordinance.
- G. Amusement arcades, subject to the conditions listed in Section 1908 of this Ordinance.
- H. The following uses are permitted by Special Exception, provided that such uses are contained within a residential building as it existed on May 22, 2007, or are contained within a residential building with a building footprint of no more than one thousand five hundred (1,500) square feet, and an overall size of no more than three thousand six hundred (3,600) square feet of floor area:
 - 1. Stores for the commercial retailing of food, clothing, drugs, confectionery, hardware, sporting goods, household appliances, flowers, antiques, etc.

2. Personal services shops including barbershops, beauty parlors, tailors, shoe repair, dry cleaning (excluding dry cleaning plants), laundromats, etc.
3. Sit down restaurants, tearooms, cafes, and other places serving food and drink, but not including drive-in, drive through or fast food restaurants.
4. Business and professional offices.
5. Medical and/or dental offices or clinics and associated pharmacies.
6. Banks and other similar financial institutions.
7. Funeral homes.

Upon approval of the Zoning Hearing Board, the footprint of the existing building or structure may be expanded by not more than twenty-five (25) percent. The expanded footprint shall not extend closer to the front property line than the front façade of the existing building or structure and the expansion shall be architecturally compatible with the existing building.

- I. The following uses are permitted by Special Exception in a non-residential building that existed on a separate lot on May 22, 2007:
 1. Stores for the commercial retailing of food, clothing, drugs, confectionery, hardware, sporting goods, household appliances, flowers, antiques, etc.
 2. Shops for contractors of plumbing, heating, air conditioning, electrical, roofing, flooring, glass and windows, installation, carpentry, cabinetmaking, and other structural components of buildings.

Upon approval of the Zoning Hearing Board, the footprint of the existing building or structure may be expanded by not more than twenty-five (25) percent. The expanded footprint shall not extend closer to the front property line than the front façade of the existing building or structure and the expansion shall be architecturally compatible with the existing building.

- J. Day care centers, subject to the conditions listed in Section 1914 of this Ordinance.
- K. Parks, recreation areas and playgrounds, subject to the conditions listed in Sections 1917 and 1924 of this Ordinance.
- L. Mixed use buildings, subject to the conditions listed in Section 1921 of this Ordinance.
- M. Any other commercial use and its accessory uses or buildings which, in the opinion of the Zoning Hearing Board, are of the same general character as any of the above.

SECTION 1104. PERFORMANCE REQUIRED

All of the above listed uses must be non-objectionable in terms of smoke or dust emission, odors, noise, or glare, and shall not be injurious or have an adverse effect on adjacent areas or the Township as a whole. Since the Village Center districts include the centers of Schaefferstown and Klinefeltersville, which have historical significance, all construction and remodeling in the Village Center district shall be so designed so as not to detract from the indigenous character of the area.

Should the Zoning Officer feel there is any possibility of the above mentioned dangers, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued.

SECTION 1105. LOT AREA, BUILDING HEIGHT, AND YARD REQUIREMENTS

A lot width, lot area, lot coverage, yard setback and building height requirement of not less than the dimensions shown in the following table, unless otherwise specified heretofore in this Article, or elsewhere in this Ordinance, shall be provided for every dwelling unit and/or principal non-residential building or use erected or altered for any use permitted in this district.

A. District Requirements

| | <u>Lot Requirements</u> | | | <u>Yard Requirements</u> | |
|---|-------------------------|-----------------------|--------------------------|----------------------------|-----------------------|
| | <u>Min. Lot Area</u> | <u>Min. Lot Width</u> | <u>Max. Lot Coverage</u> | <u>Min. Side Yard (EA)</u> | <u>Min. Rear Yard</u> |
| NON RESIDENTIAL BUILDING | | 80' | 70% | 10' | 25' |
| No Utilities | 1 Acre | | | | |
| Public Sewer Only | 15,000 SF | | | | |
| Public Sewer and Water | 10,000 SF | | | | |
| SINGLE FAMILY DETACHED DWELLING | | 80' | 40% | 10' | 25' |
| No Utilities | 1 Acre | | | | |
| Public Sewer Only | 15,000 SF | | | | |
| Public Sewer and Water | 10,000 SF | | | | |
| SINGLE FAMILY SEMI DETACHED, TWO FAMILY SEMI-DETACHED AND TWO FAMILY DETACHED (DUPLEX) DWELLINGS - PER UNIT OF OCCUPANCY | | 40' | 50% | 10' | 25' |
| No Utilities | 1 Acre | | | | |
| Public Sewer Only | 12,000 SF | | | | |
| Public Sewer and Water | 8,000 SF | | | | |

| | | | | | |
|---|--|----------------------------|-----|-----|-----|
| SINGLE FAMILY ATTACHED DWELLINGS (TOWNHOUSES/ROW HOUSES), TWO FAMILY ATTACHED DWELLINGS - PUBLIC SEWER AND WATER* | 3,000 SF per dwelling unit (maximum overall density = 6 units/acre) | 20' (40' for end units) | 60% | 10' | 25' |
| APARTMENTS - PUBLIC SEWER AND WATER | 3,500 sq. ft. per unit (maximum overall density = 10 units/acre) | 80' | 60% | 25' | 40' |

- B. Front Yard Requirements Except as provided below, the minimum front yard setback shall be fifteen (15) feet from the front property line/street right-of-way line, whichever setback is greater / further from the street centerline.

When the subject property is situated between two improved lots, at least one of which with front yard dimensions less than those required, the minimum front yard required for the subject property may be reduced to a depth equal to the average of the adjoining two lots.

- C. Side Yard Exception In a case where two (2) or more commercial buildings could compatibly abut each other, no side yard is required between them, provided that a written agreement is made between the affected property owners.
- D. Building Height No building shall exceed two (2) and one-half (1-1/2) stories or thirty five (35) feet in height unless authorized as a special exception.

SECTION 1106. ADDITIONAL DESIGN STANDARDS FOR ATTACHED (TOWNHOUSE/ROW HOUSE) DWELLINGS AND APARTMENT BUILDINGS

- A. No group of townhouses/row houses shall consist of more than six (6) units, with no more than three (3) continuous townhouses/row houses with the same front set back, each variation of the set back being at least (4) feet.
- B. No group of townhouses/row houses or apartment building shall exceed an overall length of two hundred (200) feet.
- C. All apartment buildings shall be separated by a horizontal distance equal to the height of the taller structure, with the exception that parallel building placements of

front to front, rear to rear, and front to rear shall be separated by a horizontal distance equal to two (2) times the height of the taller structure.

SECTION 1107. ADDITIONAL DESIGN STANDARDS FOR NON-RESIDENTIAL BUILDINGS

Landscaping and planting shall be provided for a depth of fifteen (15) feet along all residential lots, district boundaries, and street rights-of-way exclusive of access locations. Buffer planting shall be provided along the side and rear of any commercial lot adjoining any residential lot and shall include a suitable and uninterrupted evergreen planting of sufficient height and density to give maximum screening.

SECTION 1108. ACCESSORY STRUCTURES

In the Village Center District, no accessory structures or buildings shall be located closer to the front lot line than the face of the principal building. Accessory structures or buildings located in any side yard or in the building area to the side of the principal building shall be screened from the street.

SECTION 1109. MINIMUM OFF-STREET PARKING REQUIREMENTS

Off-street parking shall be provided in accordance with Article 18 of this Ordinance.

Required off-street parking spaces in the Village Center District shall not be located closer to the front lot line than the face of the principal building. Off-street parking located in any side yard or in the building area to the side of the principal building shall be screened from the street.

SECTION 1110. LIVABLE FLOOR AREA

The minimum livable floor area of any dwelling unit hereafter erected or designed shall be seven hundred and fifty (750) square feet, unless otherwise specified.

ARTICLE 12

HIGHWAY COMMERCIAL DISTRICT (HC)

SECTION 1201. INTENT

The regulations of this district are designed to accommodate all types of commercial uses, including those kinds of commercial enterprises that are dependent on traffic generated by a major highway or other major generator and are associated with vehicle shopping.

SECTION 1202. PERMITTED USES

- A. All uses permitted in the VC - Village Center District, except residential dwellings.
- B. Taxi and bus service, passenger stations, and terminals.
- C. Shopping centers.
- D. Hotels and motels.
- E. Vehicle dealers, repair shops, body shops, parts centers, and supply centers.
- F. Printing and publishing establishments.
- G. Shops for contractors, plumbing, heating, printing, upholstering, etc.
- H. Lumber and fuel distribution yards.
- I. Vehicle filling and service stations.
- J. Drive-in restaurants.
- K. Funeral homes.
- L. Convenience stores subject to the requirements of Section 1934 of this Ordinance.
- M. Vehicle washing centers (car washes) subject to the requirements of Section 1935 of this Ordinance.

SECTION 1203. PERFORMANCE REQUIRED

All of the above listed uses must be non-objectionable in terms of smoke or dust emission, odors, noise, or glare, and shall not be injurious or have an adverse effect on adjacent areas. Should the Zoning Officer feel there is any possibility of the above-mentioned dangers, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued.

SECTION 1204. LOT AREA, BUILDING HEIGHT AND YARD REQUIREMENTS

- A. A lot width, lot area, and lot depths of not less than the dimensions shown in the following table shall be provided for every principal building hereafter erected or altered for any use permitted in the district.

District Requirements

| Area Requirement | | | Yard Requirement | | | |
|------------------------|---------------|-----------------|------------------|-------------|----------------|------|
| Min. Parcel Size | Min. Width | Max Coverage | Front | One Side | Total Sides | Rear |
| 1 Acre | 200' | 50% | 60' | 20' | 60' | 40' |

- B. Parking areas may be included in 50% of the required yards of the HC Highway Commercial District except where the yards adjoin a residential district. All yards or portions of yards not used for parking shall be appropriately landscaped and maintained.
- C. Where side or rear yards adjoin a Residential District, they shall be no less than 50 feet in width, shall not be used for parking and shall be appropriately landscaped and maintained.
- D. Side Yard Exception In a case where two (2) or more commercial buildings could compatibly abut each other, no side yard is required between them, provided that a written agreement is made between the affected property owners.
- E. Landscaping and planting shall be provided for a depth of fifteen (15) feet along all residential lots, district boundaries, and street rights-of-way exclusive of access locations. Buffer planting shall be provided along the side and rear of any commercial lot adjoining any residential lot and shall include a suitable and uninterrupted evergreen planting of sufficient height and density to give maximum screening.
- F. No building shall exceed two (2) and one-half (2-1/2) stories or thirty-five (35) feet in height unless authorized as a special exception by the Zoning Hearing Board.

SECTION 1205. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS

- A. Off-street parking shall be provided in accordance with Article 18 of this Ordinance.
- B. Off-street loading shall be provided in accordance with Article 18 of this Ordinance.

ARTICLE 13

INDUSTRIAL DISTRICT (I)

SECTION 1301. INTENT

This district is designed to facilitate a combination of manufacturing activities, industrial operations, industrial warehousing, wholesaling, mineral extraction, bulk water extraction, and limited commercial activities dependent upon the availability of transport facilities and municipal utilities. The district accommodates all of those activities so as to minimize any detrimental effects that they may have on other uses in the Township.

SECTION 1302. PERMITTED USES

- A. Any use not otherwise prohibited by law of a manufacturing, fabricating, processing, packaging, compounding, or treatment nature which, in the opinion of the Zoning Officer, would be non-objectionable in terms of smoke or dust emissions, odors, noise, or glare, and will not otherwise be injurious to the public health, safety, and welfare and will not have an adverse effect on adjacent areas. Should the Zoning Officer conclude there is any likelihood of the aforementioned dangers or nuisances, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued.
- B. Warehousing and wholesaling establishments and storage yards not including salvage yards.
- C. Mini-Warehouses subject to the requirements of Section 1937 of this Ordinance.
- D. Railroad, trucking, busing, and other facilities including storage, repair, and transfer operations.
- E. Customary accessory uses and buildings incidental to any of the above permitted uses.
- F. Communications antennas mounted on an existing public utility transmission tower, building, or other structure, and communications equipment buildings, subject to the conditions listed in Section 1912 of this Ordinance.
- G. Forestry activities, subject to the conditions listed in Section 1620 of this Ordinance.

SECTION 1303. SPECIAL EXCEPTION USES

The following uses are permitted, as Special Exceptions, upon issuance of a permit by the Zoning Hearing Board as provided in Article 19 of this Ordinance, and provided that the proposed use is not found to have an adverse effect on the welfare of the area due to noise, odor, dust, glare, lighting, traffic circulation, or design:

- A. Salvage yards subject to the requirements of Section 1920 of this Ordinance.
- B. Commercial establishments that are compatible with manufacturing uses and which are not excessive traffic generators, including sale of hardware, sporting goods, household appliances, furniture and shops for contractors, plumbing, heating, printing, and upholstering etc., subject to the following:
 - 1. No equipment or materials shall be stored out of doors.
 - 2. A lot width, lot area, and lot depths of not less than the requirements specified in the HC Highway Commercial District shall be observed.
 - 3. Except as regulated elsewhere in this Ordinance, parking areas may be included in 50% of the required yards specified in of the HC Highway Commercial District. All yards or portions of yards not used for parking shall be appropriately landscaped and maintained.
- C. Communications towers which are to be located in an Industrial District which does not abut a Residential District of the Township, subject to the requirements of Section 1913 of this Ordinance.
- D. Airports and heliports subject to the requirements of Section 1933 of this Ordinance.

SECTION 1304. CONDITIONAL USES

The following uses are permitted, as Conditional Uses, upon issuance of a permit by the Board of Supervisors as provided in Article 19 of this Ordinance:

- A. The outdoor storage and/or parking of recreational vehicles, boats, campers, trailers or similar vehicles accessory to a mini-warehouse, subject to the requirements of Section 1937 of this Ordinance.

SECTION 1305. LOT AREA, BUILDING HEIGHT, AND YARD REQUIREMENTS

A lot width, lot area, and yard depths of not less than the dimensions shown in the following list shall be provided for every principal building hereafter erected or altered for any use permitted in this district.

- A. Area Regulations The width of a lot in any Industrial District shall not be less than two hundred (200) feet and not more than fifty (50) percent of the lot area shall be covered with buildings.
- B. Yard Regulations For every main or accessory building or use in an Industrial District, the minimum yard regulations are as follows:
 - 1. Front yards, measured from the lot line to the building line, shall be as follows:
 - a. Not less than fifty (50) feet along any public road and not less than twenty-five (25) feet along any private road, provided that a recorded written ownership and maintenance agreement is made among all property owners using the private road.
 - b. Not less than one hundred fifty (150) feet if opposite a Residential District.
 - c. Off-street parking may be provided in the front yard, subject to the following setbacks:
 - (1) Twenty-five (25) feet from a public road right-of-way line.
 - (2) Ten (10) feet from a private road right-of-way line.

Loading is prohibited in the front yard.
 - 2. Side yards shall be provided in the Industrial Districts as follows:
 - a. Not less than fifty (50) feet in width on each side of the building; except, if the side yard adjoins another lot in the Agricultural District, Agricultural Transitional District, Highway Commercial District or Industrial District the side yard shall not be less than twenty-five (25) feet.
 - b. Where a side yard adjoins a Residential District, the side yard shall be no less than one hundred (100) feet in width.

- c. No building or structure permitted in an Industrial District shall be located less than one hundred fifty (150) feet from any residential district.
- 3. Rear yards of fifty (50) feet in width shall be provided, except if the rear yard adjoins another lot in the Agricultural District, Agricultural Transitional District, Highway Commercial District or Industrial District the rear yard shall not be less than twenty-five (25) feet.
- 4. Parking may be provided in any required side or rear yard that does not adjoin a residential district. In cases where the yard adjoins a public roadway and is not opposite a residential district, parking may be provided in the side or rear yard as long as it is at least twenty-five (25) feet from the street right-of-way line.
- 5. All front yards shall be appropriately landscaped and well maintained. Side and rear yards shall be well maintained and may be developed for recreational purposes, to within fifty (50) feet of the property line.
- C. Side and Rear Yard Exception In a case where two (2) or more industrial buildings could compatibly abut each other, no side or rear yard is required between them, provided that a recorded written agreement is made between the affected property owners regarding rights of access and maintenance.
- D. Landscaping and planting shall be provided for a depth of fifteen (15) feet along all residential lots, district boundaries, and street rights-of-way exclusive of access locations. Buffer planting shall be provided along the side and rear of any industrial lot adjoining any residential lot and shall include a suitable and uninterrupted evergreen planting of sufficient height and density to give maximum screening.
- E. Height Regulations The height of any main or accessory building shall not exceed seventy-five (75) feet, except that chimneys, flagpoles, towers, water tanks, and other mechanical appurtenances may be built to a height not exceeding one hundred twenty-five (125) feet above the finished grade when erected upon or as an integral part of the building.

SECTION 1306. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS

- A. Off-street parking shall be provided in accordance with Article 18 of this Ordinance.
- B. Off-street loading shall be provided in accordance with Article 18 of this Ordinance.

SECTION 1307. SPECIAL SITING PROVISIONS FOR CERTAIN INDUSTRIAL USES

In the case of industrial activities involving processing, production, repair, or testing of materials, goods, and/or products, or involving those industries primarily performing conversion, assembly, or non-toxic chemical operations, the following special siting provisions shall also apply:

- A. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Heidelberg Township Comprehensive Plan, or a street in a proposed subdivision or land development plan that conforms to prevailing arterial or collector street design and improvement requirements.

SECTION 1308. INDUSTRIAL PERFORMANCE STANDARDS

All industrial activities shall be subject to the conditions listed in Section 1619, Industrial Performance Standards, of this Ordinance.

ARTICLE 14

SPECIAL OVERLAY DISTRICTS

FLOODPLAIN DISTRICT (FP)

SECTION 1401. GENERAL PROVISIONS

The Floodplain District shall encompass all lands and land developments within Heidelberg Township (1) which are located within the boundary of a floodplain area as shown on the Flood Insurance Rate Maps (FIRMs) which accompany the Flood Insurance Study (FIS) prepared for the Township by the Federal Emergency Management Agency (FEMA), dated July 8, 2020, (or the most recent revision thereof), which map is incorporated herein by reference and, (2) any Community Identified Flood Hazard Areas.

SECTION 1402. CONFORMANCE WITH OTHER REGULATIONS

Uses permitted and procedures to follow for development in the Floodplain District are presented in the Heidelberg Township Floodplain Management Ordinance, as amended. Said Ordinance supplements other articles of this Zoning Ordinance. To the extent that the Heidelberg Township Floodplain Management Ordinance imposes greater requirements or more complete disclosures in any respect, or to the extent that the provisions of said Ordinance are more restrictive, it shall be deemed and interpreted to control other provisions of this Zoning Ordinance and the Heidelberg Township Subdivision and Land Development Ordinance.

SECTION 1403. OVERLAY CONCEPT

The Floodplain District described above shall be an overlay to the existing underlying districts, as shown on the Official Heidelberg Township Zoning Map, and, as such, the provisions of the Heidelberg Township Floodplain Management Ordinance shall serve as a supplement to the underlying district provisions.

- A. In the event of any conflict between the provisions or requirements of the Floodplain District and those of any underlying zoning district, the more restrictive provisions shall apply.
- B. In the event any provision concerning a Floodplain District is declared inapplicable or illegal as a result of any legislative or administrative actions or judicial decision, the regulations of the underlying district shall remain applicable.

HISTORIC OVERLAY DISTRICT (H)

SECTION 1413. PURPOSE

The purpose of the Historic Overlay District is to promote the cultural and economic general welfare through the preservation and protection of historic places and areas of unique and historic interest in Heidelberg Township. Structures or areas with special historic, cultural, architectural or educational significance enhance the quality of life for all residents of Heidelberg Township. Accordingly, the specific purposes of the Historic Overlay District are:

- A. To safeguard the historic and cultural heritage embodied in historically significant areas of the Township;
- B. To preserve property values, attract tourists and strengthen the economy of the Township;
- C. To foster public education and civic pride in the beauty and noble accomplishments of the past; and
- D. To establish special development requirements and procedures to assure that new construction, reconstruction, alteration or demolition of buildings within these districts enhances the character of the district

SECTION 1414. DEFINITION OF TERMS UTILIZED IN THE HISTORIC OVERLAY DISTRICT

- A. Historic Structure Any structure that is:
 - 1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Department of Interior as meeting the requirements for individual listing on the National Register;
 - 2. Certified or preliminarily determined by the Secretary of the Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - 3. Individually listed on the Pennsylvania Inventory of Historic Places; or
 - 4. Individually listed in the Lebanon County Survey of Historic Properties by the Pennsylvania Historical and Museum Commission.

SECTION 1415. OVERLAY CONCEPT

The Historic Overlay District described above shall be an overlay on any zoning district now or hereafter applicable to any lot, as shown on the Official Heidelberg Township Zoning Map and, as such, the provisions of this section shall serve as a supplement to the underlying district provisions.

- A. To the extent the provisions of this section are applicable and more restrictive; they shall supersede conflicting provisions within all other sections of this Zoning Ordinance and all other Ordinances of Heidelberg Township. However, all other provisions of all other articles of this Zoning Ordinance and all other Ordinances of Heidelberg Township shall remain in full force.
- B. In the event any provision concerning the Historic Overlay District is declared inapplicable or illegal as a result of any legislative or administrative actions or judicial decision, the regulations of the underlying district shall remain applicable.

SECTION 1416. DELINEATION OF DISTRICT

The Historic Overlay District shall include the following areas:

- A. The portions of Heidelberg Township delineated on the Zoning Map as the historic developments in the Villages of Schaefferstown and Klinefeltersville.
- B. Individual structures, groups of structures, land or land and structures in combination designated by this Ordinance as Historic Structures in this Historic Overlay District, subject to the provisions of this Section.

SECTION 1417. DISTRICT PROVISIONS

No building, structure or land occurring within the Historic Overlay District shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with the provisions of this section, provisions elsewhere in this Ordinance and all other applicable state and federal codes, ordinances and requirements.

- A. In those portions of Heidelberg Township identified in Section 1416 A.
 - 1. No new construction and/or additions to buildings and structures existing on the effective date of this Ordinance shall be permitted between the front face of the building or structure and the front property line.
 - 2. No new driveways and/or off-street parking areas shall be constructed between the front face of the building or structure and the front property line.

- B. Historic Structures identified in Section 1416 B.
 - 1. Every subdivision and land development plan shall consider, protect, and, to the maximum feasibility, ensure the preservation of the historical resources identified in Heidelberg Township.
 - 2. All subdivision and development plans must take into account historical and cultural values of the site and neighboring sites and formulate plans to protect the historical and cultural significance of the subdivision or development.
- C. No demolition of any historical or cultural site as defined in Section 1414 A., or deemed as having historical value in the Heidelberg Township Comprehensive Plan of 2000, will be permitted without the permission of the Heidelberg Township Board of Supervisors.

SECTION 1418. PERMITTED USES

- A. All uses permitted by right, or by Special Exception, or by Conditional Use in the underlying zoning district.

SECTION 1419. CONDITIONAL USES

In order to encourage the preservation of the identified historic resources in the Township, the following uses may be established by Conditional Use in an existing Historic Structure, where not otherwise permitted in an underlying zoning district; provided the use complies with the conditions listed herein and the applicable requirements specified in Article 19 of this Ordinance:

- A. Municipal buildings and community facilities such as museums, libraries, etc.
- B. Bed and breakfast establishments, subject to the conditions listed in Section 1909 of this Ordinance.
- C. Family day care homes, subject to the conditions listed in Section 1915 of this Ordinance.
- D. Day care centers, subject to the conditions listed in Section 1914 of this Ordinance.
- E. The following commercial uses:
 - 1. Business and professional offices.

2. Medical and/or dental offices or clinics.

Said commercial uses shall also be subject to the requirements of Article 19.

G. Home businesses, subject to the conditions listed in Section 1919 of this Ordinance.

Any use approved by Conditional Use shall maintain the historical / architectural character of the historic structure and its compatibility with its surrounding environment.

AIRPORT HAZARD OVERLAY DISTRICT (AH)

SECTION 1420. PURPOSE

The purpose of the Airport Hazard Overlay District is to regulate and restrict the height to which structures may be erected, or objects of natural growth may extend, and otherwise regulate the use of property in the vicinity of the Keller Brothers Airport and the Deck Airport. This Overlay district is adopted pursuant to the authority conferred by 1984 PA. Laws 164, codified at 74 PA.C.S. §§5101 et seq. It is hereby found that an obstruction has the potential for endangering the lives and property of users of Keller Brothers Airport and Deck Airport, and property or occupants of land in their vicinity; that an obstruction may affect existing and future instrument approach minimums of these airports; and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of these airports and the public investment therein. Accordingly, it is declared:

- A. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the regions served by Keller Brothers Airport and Deck Airport;
- B. That it is necessary in the interest of the public health, safety, morals and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and,
- C. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

SECTION 1421. DEFINITION OF TERMS UTILIZED IN THE AIRPORT HAZARD OVERLAY DISTRICT

The following words and phrases when used in Sections 1420 through 1427 shall have the meaning given to them in this Section unless the context clearly indicates otherwise.

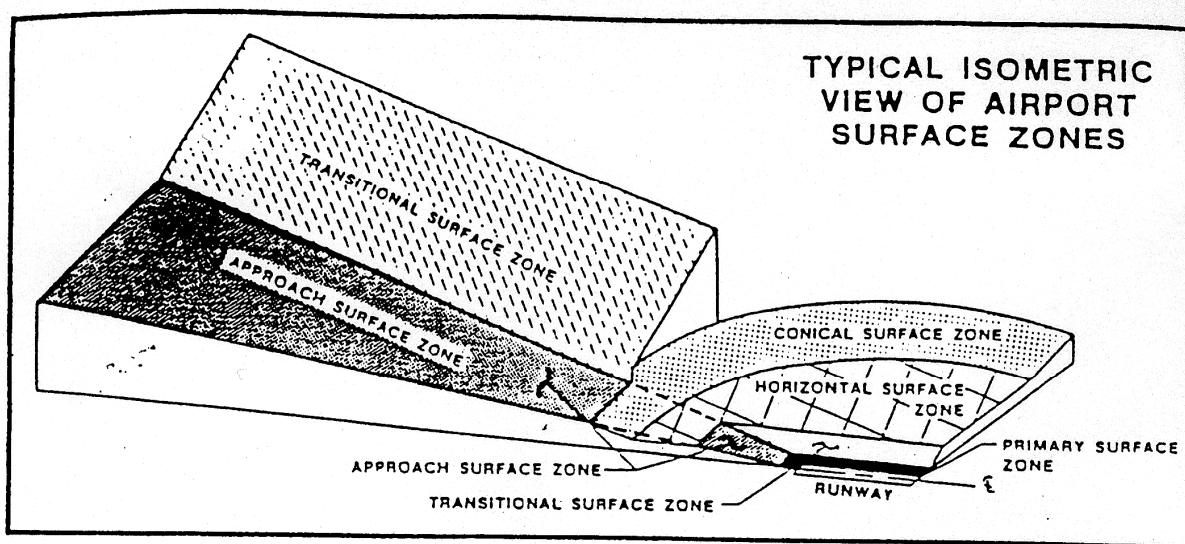
- A. Aircraft Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into or flight through the air.
- B. Airport Keller Brothers Airport and Deck Airport. Defined as: Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft

and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. As used herein, the term "Airport" includes public airports but excludes private airports and heliports. Public and private airports are defined separately in this section.

- C. Airport Elevation Keller Brothers Airport – 550 feet; Deck Airport – 500 feet. Defined as: The highest point of an airport's usable landing area measured in feet above sea level.
- D. Airport Hazard Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined by "Airport Hazard" in 74 PA.C.S. §5102.
- E. Airport Hazard Area Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Ordinance and the Act 164 of 1984 (Pennsylvania Laws Relating Aviation).
- F. Approach Surface A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation slope set forth in Section 1422 of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach surface zone.
- G. Approach, Transitional, Horizontal, and Conical Surface Zones These zones are set forth in Section 1422 of this Ordinance.
- H. Conical Surface A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- I. Department Pennsylvania Department of Transportation.
- J. FAA Federal Aviation Administration of the United States Department of Transportation.
- K. Height For the purpose of determining the height, limits in all zones set forth in this Ordinance and shown on the Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.
- L. Horizontal Surface A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal surface zone.

- M. Larger than Utility Runway A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
- N. Nonconforming Use Any pre-existing structures, object of natural growth, or use of land, which is inconsistent with the provisions of this Ordinance or an amendment thereto.
- O. Nonprecision Instrument Runway A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
- P. Obstruction Any structure, growth, or other object, including any mobile object, which exceeds a limiting height set forth in Section 1422 of this Ordinance.
- Q. Person An individual, firm partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative or any of them.
- R. Precision Instrument Runway A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- S. Primary Surface A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 1422 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- T. Private Airport An airport which is privately owned and which is not open or intended to be open to the public as defined in 74 PA.C.S. §5102.
- U. Public Airport An airport which is either publicly or privately owned and which is open to the public as defined in 74 PA.C.S §5102.
- V. Runway A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- W. Structure An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

- X. Transitional Surface These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.
- Y. Tree Any object of natural growth.
- Z. Utility Runway A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.
- AA. Visual Runway – A runway intended solely for the operation of aircraft using visual approach procedures.
- BB. Zoning Hearing Board – The Heidelberg Township Zoning Hearing Board.



SECTION 1422. AIRPORT SURFACE ZONES

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Keller Brothers Airport and Deck Airport. Such zones are shown on the Keller Brothers Airport and Deck Airport Height Limitation and Zoning District Maps prepared by the Pennsylvania Department of Transportation, Bureau of Aviation, which are attached to this Ordinance and made a part hereof. An area located in more than one

(1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- A. Utility Runway Visual Approach Surface Zones Established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface and is 250 feet wide. The zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- B. Transitional Surface Zones Established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on the Height Limitation and Zoning District Map.
- C. Horizontal Surface Zone Established beneath the horizontal surface, 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal surface zone does not include the approach surface and transitional surface zones.
- D. Conical Surface Zone Established beneath the conical surface. This zone commences at the periphery of the horizontal surface and extends outward therefrom a horizontal distance of 4,000 feet.

SECTION 1423. AIRPORT SURFACE ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no trees shall be allowed grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in questions as follows:

- A. Utility Runway Visual Approach Surface Zone Slopes twenty (20') feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- B. Transitional Surface Zones Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, which is 550 feet above mean sea level for Keller Brothers Airport and 500 feet above mean sea level for Deck Airport. In addition to the foregoing, when an airport has a precision instrument runway approach zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and

extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

- C. Horizontal Surface Zone Established at 150 feet above the established airport elevation or at a height of 700 feet above mean sea level for Keller Brothers Airport and 650 feet above mean sea level for Deck Airport.
- D. Conical Surface Zone Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal surface and at 150 feet above the established airport elevation and extending to a height of 350 feet above the established airport elevation or at a height of 900 feet above mean sea level for Keller Brothers Airport and 850 feet above mean sea level for Deck Airport.

SECTION 1424. AIRPORT ZONING REQUIREMENTS

- A. Reasonableness All airport zoning regulations under this Ordinance shall be reasonable; none shall impose any requirement or restriction unless it is reasonably necessary to effectuate the purpose of this Ordinance as detailed in Section 1420. In enacting these regulations, Heidelberg Township has considered, among other factors, the character of the flying operations expected to be conducted at the airports, the nature of the terrain within the airport hazard areas, the character of the neighborhoods, and the uses to which the properties to be zoned are put and adaptable.
- B. Use Restrictions Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- C. Nonconforming Uses:
 - 1. Regulations Not Retroactive The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of May 23, 1995, or otherwise interfere with the continuance of any nonconforming uses, except as provided in Section 1425 (relating to permits and variances). Nothing contained herein shall

require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to May 23, 1995, and was diligently executed.

2. Marking and Lighting Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the Board of Supervisors of Heidelberg Township to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of Heidelberg Township.

SECTION 1425. PERMITS AND VARIANCES

- A. Future Uses Except as specifically provided in 1., 2., or 3. hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with this Section 1425, Subsection D.
 1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet (75') of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 2. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet (75') of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.
 3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit shall be required for any tree or structure less than seventy-five feet (75') of vertical height above the ground, except when such tree or structure, because of terrain, land

contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance, except that no permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

- B. Existing Uses Before any nonconforming structure may be replaced, substantially altered or rebuilt, or tree allowed to grow higher or replanted, a permit must be secured from the municipality authorizing the replacement or change. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on May 23, 1995, or after any amendments to this Ordinance, or than it is when the application for a permit is made.
- C. Nonconforming Uses Abandoned or Destroyed Whenever the Zoning Officer of Heidelberg Township determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this Ordinance.
- D. Variance Any person desiring to erect any structure or increase the height of any structure or permit the growth of any object of natural growth or otherwise use his property in violation of airport zoning regulations may apply to the Zoning Hearing Board for a variance from the zoning regulations in question. A variance shall only be granted after the requirements of Section 1426 are satisfied. A variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, but would do substantial justice and would be in accordance with the spirit of the regulations and this Ordinance. Any variance may be granted subject to any reasonable conditions that the Zoning Hearing Board may deem necessary to effectuate the purposes of this Ordinance.

The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the Airport Manager (or person of equivalent description) for advice as to the aeronautical effects of the variance. If the Airport Manager (or person of equivalent description) does not respond to the application within

fifteen (15) days after receipt, the Zoning Hearing Board may act without such input to grant or deny said application.

- E. Hazard Marking and Lighting In granting any permit or variance under this section, the Zoning Hearing Board shall, if it deems the action advisable to effectuate the purpose of this Ordinance and reasonable under the circumstances, so condition the permit or variance as to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person or persons requesting the permit or variance, to install, operate and maintain thereon such markers and lights as may be required by guidelines or regulations adopted by the FAA.

SECTION 1426. ENFORCEMENT NOTICE

- A. Local Enforcement It shall be the duty of the Heidelberg Township Zoning Officer to administer and enforce the regulations prescribed herein. Applications for permits shall be made to the Heidelberg Township Zoning Officer upon a form published for that purpose. Applications required by this Ordinance to be submitted to the Heidelberg Township Zoning Officer shall be promptly considered and granted or denied. Application for action by the Zoning Hearing Board shall be forthwith transmitted by the Heidelberg Township Zoning Officer to the Zoning Hearing Board.
- B. Notice to Department Notwithstanding any other provision of law, a municipality or board, which decides to grant a permit or variance under this Ordinance shall notify the Department of Transportation of its decision. This notice shall be in writing and shall be sent so as to reach the department at least ten days before the date upon which the decision is to issue.

SECTION 1427. RELATION TO OTHER ZONING REGULATIONS

In the event of conflict between any airport zoning regulations adopted under this Ordinance and any other zoning, subdivision, or land development regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, and whether the other regulations were adopted by Heidelberg Township or by some other municipality or otherwise, the more stringent limitation or requirement shall govern and prevail.

WELLHEAD PROTECTION OVERLAY DISTRICTS (WHP)

SECTION 1428 PURPOSE

The purpose of the Wellhead Protection Overlay Districts is to promote the health and general welfare through the protection of the community's water supply sources by regulating land uses in the Township's active wellfield areas in a manner consistent with the Heidelberg Township Wellhead Protection Program approved by the Pennsylvania Department of Environmental Protection on December 1, 2004, in accordance with the Pennsylvania Safe Drinking Water Regulations. Accordingly, the specific purposes of the Wellhead Protection Overlay Districts are:

- A. To delineate those areas around the wells of the Heidelberg Township Municipal Authority that are the immediate areas of drawdown of well water for those wells ("Zone I") and to provide the land use restrictions necessary to protect these areas in order to maintain the quantity and quality of the ground water that is a source water for the public water supply;
- B. To delineate those areas near the wells of the Heidelberg Township Municipal Authority that are the capture zone of the aquifer for a ten year time of travel for those wells ("Zone II") and to provide the land use restrictions for these areas designed to eliminate the potential for the entry into the groundwater of persistent contaminants; and
- C. To delineate those areas in the vicinity of the wells of the Heidelberg Township Municipal Authority where run off contributes to the recharge of the aquifer ("Zone III") and to provide the land use restrictions for those areas that protect the quantity and quality of storm water runoff.

SECTION 1429. DEFINITION OF TERMS UTILIZED IN THE WELLHEAD PROTECTION OVERLAY DISTRICTS

Regulated Substances - any substance regulated under Federal, state, or county environmental pollution control, hazardous substance, and drinking water laws and regulations.

SECTION 1430. OVERLAY CONCEPT

The Wellhead Protection Overlay Districts described above shall be an overlay on any zoning district now or hereafter applicable to any lot, as shown on the Official Heidelberg Township Zoning Map and, as such, the provisions of this section shall serve as a supplement to the underlying district provisions.

- A. To the extent the provisions of this section are applicable and more restrictive; they shall supersede conflicting provisions within all other sections of this Zoning Ordinance and all other Ordinances of Heidelberg Township. However, all other provisions of all other articles of this Zoning Ordinance and all other Ordinances of Heidelberg Township shall remain in full force.
- B. In the event any provision concerning the Wellhead Protection Overlay Districts is declared inapplicable or illegal as a result of any legislative or administrative actions or judicial decision, the regulations of the underlying district shall remain applicable.

SECTION 1431. DELINEATION OF DISTRICTS

The Wellhead Protection Overlay Districts shall include those portions of Heidelberg Township delineated on the Zoning Map as HMTA Wells (Zone I), Zone II, and Zone III.

SECTION 1432. DISTRICT PROVISIONS

No building, structure or land occurring within the Wellhead Protection Overlay Districts shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with the provisions of this section, provisions elsewhere in this Ordinance and all other applicable state and Federal codes, ordinances and requirements.

- A. WELLHEAD PROTECTION DISTRICT ZONE I. This district includes an area that covers a radius of one hundred fifty feet (150') around Well 3 and Well 5 of the Heidelberg Township Municipal Authority (both east of the Village of Schaefferstown) and a radius of one hundred feet (100') around Well 8 of the Heidelberg Township Municipal Authority (northwest of the Village of Schaefferstown). The uses prohibited in this district and those permitted in this district are as follows:
 - 1. PROHIBITED USES. The following uses and activities are strictly prohibited in Wellhead Protection District Zone I:
 - a. Bulk storage of regulated substances;
 - b. Dry cleaning establishments;
 - c. Garages, service stations;
 - d. Heavy manufacturing uses;
 - e. Junk yards;

- f. Land application of waste water or sludge;
- g. Livestock animals in excess of two animal equivalency units per acre for operations, or twenty-five animal equivalency units per acre in yarding areas;
- h. Metal plating establishments;
- i. Open burning sites and dumps;
- j. Quarries and mining operations;
- k. Salt stockpiles;
- l. Sales and/or storage of fuels;
- m. Sanitary landfill;
- n. Sewage treatment facility with on-site disposal of primary or secondary treated effluent in excess of 500 gallons per day; or residential units not approved by the Township Sewage Enforcement Officer or in accordance with land development plan requirements;
- o. Storage and mixing of regulated substances including pesticides and fertilizers;
- p. Storage of inflammable liquids and gasses;
- q. Use with principal activity being the manufacture, storage, use, transportation, or disposal of regulated substances;
- r. Use that involves the use or storage of regulated substances in quantities greater than those with normal household use;
- s. Motorized vehicle sales area or storage;
- t. All-terrain vehicle or snowmobile recreation;
- u. New surface or ground water withdrawal and geothermal wells;
- v. Cemeteries;
- w. Medical offices, veterinarian clinics, and funeral homes.

2. PERMITTED USES. Notwithstanding anything else in this Ordinance to the contrary, the only use permitted in this district is natural vegetated growth that may be seasonably mowed or harvested to gain necessary clearance and access to wellhead locations.
- B. WELLHEAD PROTECTION DISTRICT ZONE II. For Wells 3 and 5 this zone encompasses approximately 60 acres. For Well 8 it encompasses 36 acres. The uses prohibited in this district and those permitted by Special Exception are as follows:
1. PROHIBITED USES. The following uses and activities are strictly prohibited in Wellhead Protection District Zone II:
 - a. Bulk storage of regulated substances;
 - b. Dry cleaning establishments;
 - c. Garages, service stations;
 - d. Heavy manufacturing uses;
 - e. Junk yards;
 - f. Land application of waste water or sludge;
 - g. Livestock animals in excess of two animal equivalency units per acre for operations, or twenty-five animal equivalency units per acre in yarding areas;
 - h. Metal plating establishments;
 - i. Open burning sites and dumps;
 - j. Quarries and mining operations;
 - k. Salt stockpiles;
 - l. Sales and/or storage of fuels;
 - m. Sanitary landfill;
 - n. Sewage treatment facility with on-site disposal of primary or secondary treated effluent in excess of 500 gallons per day; or residential units not approved by the Township Sewage Enforcement Officer or in accordance with land development plan requirements;

- o. Storage and mixing of regulated substances including pesticides and fertilizers;
- p. Storage of inflammable liquids and gasses;
- q. Use with principal activity being the manufacture, storage, use, transportation, or disposal of regulated substances;
- r. Motorized vehicle sales area or storage;
- s. All-terrain vehicle or snowmobile recreation;
- t. New surface or ground water withdrawal and geothermal wells;
- u. Cemeteries;
- v. Medical offices, veterinarian clinics, and funeral homes.

- 2. USES PERMITTED BY SPECIAL EXCEPTION. Permitted as Special Exceptions upon approval by the Zoning Hearing Board are uses that involve the use or storage of regulated substances in quantities greater than those of normal household use. In no event, however, shall any such use be permitted by Special Exception unless such use is also permitted, either by right or by Special Exception, in the underlying zoning district.

- C. WELLHEAD PROTECTION DISTRICT ZONE III. For Wells 3 and 5 this zone encompasses approximately 1.3 square miles. For Well 8 it encompasses approximately 1.64 square miles. The uses prohibited in this district and those permitted by Special Exception are as follows:

- 1. PROHIBITED USES. The following uses and activities are strictly prohibited in Wellhead Protection District Zone III:
 - a. Junk yards;
 - b. Livestock animals in excess of two animal equivalency units per acre for operation , or twenty-five animal equivalency units per acre in yarding areas;
 - c. Metal plating establishments;
 - d. Open burning sites and dumps;
 - e. Quarries and mining operations;

- f. Salt stockpiles;
- g. Sanitary landfill;
- h. Use with principal activity being the manufacture, storage, use, transportation, or disposal of regulated substances;
- i. All-terrain vehicle or snowmobile recreation;
- j. Cemeteries.

2. USES PERMITTED BY SPECIAL EXCEPTION. Permitted as Special Exceptions upon approval by the Zoning Hearing Board are the following uses and activities:

- a. Bulk storage of regulated substances;
- b. Land application of waste water or sludge;
- c. Sales and/or storage of fuels;
- d. Sewage treatment facility with on-site disposal of primary or secondary treated effluent in excess of 500 gallons per day; or residential units not approved by the Township Sewage Enforcement Officer or in accordance with land development plan requirements;
- e. Storage and mixture of regulated substances including pesticides and fertilizers;
- f. Storage of inflammable liquids and gasses;
- g. Use that involves the use or storage of regulated substances in quantities greater than those with normal household use;
- h. Motorized vehicle sales area or storage;
- i. New surface or ground water withdrawal and geothermal wells;
- j. Medical offices, veterinarian clinics, and funeral homes.

In no event, however, shall any such use be permitted by Special Exception unless such use is also permitted, either by right or by Special Exception, in the underlying zoning district.

RESOURCE EXTRACTION OVERLAY DISTRICT (RX)

SECTION 1433. PURPOSE

The purpose of the Resource Extraction Overlay District is to provide locations in the Township where the extraction of minerals and the bulk extraction of water may be permitted.

SECTION 1434. OVERLAY CONCEPT

The Resource Extraction Overlay District described above shall be an overlay on any zoning district now or hereafter applicable to any lot, as shown on the Official Heidelberg Township Zoning Map and, as such, the provisions of this section shall serve as a supplement to the underlying district provisions.

- A. To the extent the provisions of this section are applicable and more restrictive; they shall supersede conflicting provisions within all other sections of this Zoning Ordinance and all other Ordinances of Heidelberg Township. However, all other provisions of all other articles of this Zoning Ordinance and all other Ordinances of Heidelberg Township shall remain in full force.
- B. In the event any provision concerning the Resource Extraction Overlay District is declared inapplicable or illegal as a result of any legislative or administrative actions or judicial decision, the regulations of the underlying district shall remain applicable.

SECTION 1435. DELINEATION OF DISTRICT

The Resource Extraction Overlay District shall include those portions of Heidelberg Township delineated on the Zoning Map as Resource Extraction Areas.

SECTION 1436. DISTRICT PROVISIONS

No building, structure or land occurring within the Resource Extraction Overlay District shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with the provisions of this section, provisions elsewhere in this Ordinance and all other applicable state and federal codes, ordinances and requirements.

SECTION 1437. PERMITTED USES

- A. All uses permitted by right, or by Special Exception, or by Conditional Use in the underlying zoning district.

SECTION 1438. SPECIAL EXCEPTION USES

In order to provide locations in the Township where the extraction of minerals and the bulk extraction of water may be permitted, the following uses may be established by Special Exception, where not otherwise permitted in an underlying zoning district; provided the use complies with the conditions listed herein and the applicable requirements specified in Article 19 of this Ordinance:

- A. Mineral extraction, including, but not necessarily limited to, sandpits, gravel pits, removal of topsoil, and the excavation, extraction, or removal of any natural resource from the land or ground for any purpose, but not bulk water extraction, subject to the conditions listed in Section 1928 of this Ordinance.
- B. Bulk water extraction, subject to the conditions listed in Section 1929 of this Ordinance.

ARTICLE 15

NONCONFORMITIES – LOTS, USES AND STRUCTURES

SECTION 1501. INTENT

Within any zoning district established by this Ordinance or subsequent amendment thereto there exists:

- A. Lots,
- B. Structures,
- C. Uses of Land,
- D. Uses of structures or land and structures in combination, or
- E. Characteristics of use

which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed. It is further the intent of this Ordinance that non-conformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavations or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

SECTION 1502. NONCONFORMING LOTS OF RECORD

In any district a permitted building and customary accessory buildings may be erected on any single lot on record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance, except for the limitations set forth in the provisions found in Article 6, Sections 605 and 606 and Article 7, Sections 705 and 706, of this Ordinance and in the definition of “parent tract” set forth in Article 2 of this Ordinance. Such lot must be in separate ownership. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in this district, provided that yard requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of yard requirements shall be obtained only through action of the Zoning Hearing Board.

SECTION 1503. NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY)

Where lawful use of land exists at the time of the passage of this Ordinance or as a result of a subsequent amendment, which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no principal structure, the use may be continued, provided that:

- A. No such nonconforming use of land, which is ceased, removed, discontinued or abandoned for a period of 180 consecutive days, shall thereafter be reestablished. This cessation, discontinuance or abandonment time limit may be extended by an additional 180 day time period where contracts or agreements are being negotiated, provided (1) the property owner makes written application for an extension, citing the reasons necessary for the extension and the length of extension requested and (2) the Zoning Officer issues a Temporary Certificate of Zoning Compliance to register the reasons for extension, the length of extension, and the nature of the nonconformity.
- B. No principal structures shall be erected in connection with such nonconforming use of land.
- C. Expansion of nonconforming uses shall be limited to a maximum aggregate enlargement of 50% of the area of land so used, as compared to the land in nonconforming uses at the date of adoption of this Ordinance. Contiguous land owned at the effective date of this Ordinance may be used for expansion of the nonconforming use. However, for purposes of this Ordinance, approved streets or road rights-of-way define the limit of expansion of any nonconforming use of land, and such uses shall not extend across said streets or road rights-of-way.

SECTION 1504. NONCONFORMING STRUCTURES

A lawful structure existing at the effective date of adoption of this Ordinance, or at the date of subsequent amendment that makes it nonconforming, that could not otherwise be built due to restrictions on lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, may remain, subject to the following provisions:

- A. Except as provided for in Subsection B below, a nonconforming structure shall not be enlarged or altered in a way that increases its nonconformity; but a structure or portion thereof may be altered to decrease its nonconformity.
- B. A nonconforming structure or portion thereof may be extended along established, existing building lines provided:
 - 1. The extension meets all other applicable yard, lot coverage and height regulations; and
 - 2. Extension or enlargement along the nonconforming setback shall be limited to a maximum 100% increase of the area of land covered by the portion of structure which is in a nonconforming status. Extension or enlargement in a conforming manner shall not be subject to the 100% limitation. Any extension or enlargement shall be regulated by other applicable yard, lot coverage and height restrictions.
- C. A nonconforming structure which has been damaged or destroyed to any extent by fire, explosion, accident or calamity may be repaired or reconstructed provided:
 - 1. The rebuilt structure is unchanged in its original size or location, or is less nonconforming than the original structure; and
 - 2. Repair or reconstruction is commenced within one (1) year from the date of damage or destruction. Failure to repair or reconstruct within one (1) year shall result in loss of nonconforming rights and any successive structure shall conform with all applicable Ordinance requirements.
- D. A nonconforming structure which has been demolished or destroyed to any extent by deterioration or removal shall not be reconstructed or structurally replaced, except that:
 - 1. Any conforming portion of the nonconforming structure may be reconstructed or replaced; and
 - 2. Repairs and maintenance shall be permitted to maintain the nonconforming structure in a safe condition. However:

- a. Restoration and repairs shall be limited to protective exterior improvements; and
- b. A maximum aggregate of 50% of the structural or weight bearing components of the nonconforming structure may be replaced, during structural alterations, so that repairs and maintenance do not actually involve replacement of the old structure with a new one over any period of time.

E. Should a nonconforming structure be moved for any reason then:

- 1. Relocation on part of the same land area previously covered by the structure shall equal or decrease the nonconformity; or
- 2. Relocation to a previously unoccupied area shall conform to all applicable Ordinance requirements.

SECTION 1505. NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION

If lawful use involving principal structures or land and structures in combination exists at the effective date of adoption of this Ordinance, or at the date of subsequent amendment that makes it nonconforming, the use may be continued so long as it remains otherwise lawful, subject to the following:

- A. Abandonment of a nonconforming use of a structure (or land and structure in combination) shall remove the nonconforming status of the structure (or land and structure in combination) so that the nonconforming use may not thereafter be reestablished. Furthermore, use of the structure (or land and structure in combination) shall thereafter conform with the regulations for the zoning district in which it is located. Abandonment shall be deemed to have occurred when the nonconforming uses is ceased, removed or discontinued for a period of 365 consecutive days. However, this cessation, discontinuance or abandonment time limit may be supplemented by an additional 365 day time period while the property is being marketed, provided (1) the property owner makes written application for an extension, citing the reasons necessary for the extension and the length of extension requested and (2) the Zoning Officer issues a Temporary Certificate of Zoning Compliance to register the reasons for extension, the length of extension, and the nature of the nonconformity.
- B. Extension or enlargement of (1) the structure containing the nonconforming use or (2) the area of land used for storage, display or sales of products or materials in combination with the nonconforming uses, shall be subject to the following:

1. Expansion of the nonconforming use shall be limited to a maximum aggregate enlargement of 50% of the area of land so uses at the date of adoption of this Ordinance, or at the date of subsequent amendment that makes it nonconforming, subject to the requirements that:
 - a. The structure containing the nonconforming use may be enlarged to cover 50% additional land area; and
 - b. Expansion may include only the same number of stories existing on the structure at the date of adoption of this Ordinance, or at the date of subsequent amendment that makes it nonconforming. Additional stories shall not be permitted; and
 - c. The area of land used for storage, display or sales of products or materials in combination with the nonconforming use may be enlarged to cover 50% additional land area; and
 - d. Contiguous land may be used for the maximum 50% expansion, provided the land so used was owned at the date of adoption of this Ordinance, or at the date of subsequent amendment that makes it nonconforming, and expansion does not extend across any street or road right-of-way.
- C. Any nonconforming use of a structure (or land and structure in combination) may, as a Special Exception, be changed to another nonconforming provided the Zoning Hearing Board finds that the proposed uses is equally appropriate or more appropriate to the district than the existing nonconforming use.
- D. Where the nonconformity applies to the use of structure (or land and structure in combination), removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction, for the purposes of this subsection, is defined as damage to an extent of more than ninety (90) percent of the replacement cost at the time of destruction.
- E. Where the nonconformity applies to the use of structure (or land and structure in combination), if the structure (or land and structure in combination) has been damaged or destroyed to any extent by fire, explosion, accident or calamity, it may be repaired or reconstructed provided:
 1. The rebuilt structure is unchanged in its original size or location, or is less nonconforming than the original structure; and
 2. Repair or reconstruction is commenced within one (1) year from the date of damage or destruction. Failure to repair or reconstruct within one (1) year shall result in loss of nonconforming rights and any successive structure shall conform with all applicable Ordinance requirements.

SECTION 1506. REPAIRS AND MAINTENANCE

Nothing in this Ordinance shall be deemed to prevent any repairs of maintenance of a non-conforming building or structure.

SECTION 1507. USES UNDER SPECIAL EXCEPTION OR CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES

Any existing use that is permitted as a Special Exception or Conditional Use in a district under the terms of this Ordinance (other than a change through Zoning Hearing Board action from one nonconforming use to another nonconforming use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use. However, expansion, enlargement or change to that existing use shall be subject to the same criteria specified for Special Exception or Conditional Use approval within the district and administrative sections of this Ordinance.

SECTION 1508. NONCONFORMING USES, ACTIVITIES, CONSTRUCTION AND OTHER DEVELOPMENT IN THE GENERAL FLOOD PLAIN DISTRICT

In addition to the requirements of this Article, all nonconforming uses, activities, construction, and other development occurring within the General Flood Plain (GFP) District shall also comply with the applicable requirements of Article 14 of this Ordinance and the Lebanon County floodproofing Building Code.

ARTICLE 16

SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 1601. VISIBILITY AT INTERSECTIONS

On a corner lot in any district a clear sight triangle shall be provided at all street and alley intersections. Within such triangles, no vision obstructing object other than utility poles shall be permitted which obscures vision above the height of thirty (30) inches and below ten (10) feet measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of:

- A. Seventy-five (75) feet from the point of intersection of the center lines of the intersecting streets, except that;
- B. Clear sight triangles of one hundred (100) feet shall be provided for all intersections with arterial and major streets as designated in the Township comprehensive plan.

SECTION 1602. FENCES, WALLS AND HEDGES

Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over thirty (30) inches in height.

In all zoning districts, retaining walls for landscaping purposes may be erected in required yard setbacks but shall not be located closer than two (2) feet from property lines, street and utility rights-of-way, or in clear sight triangles. Landscaping (retaining) walls shall only be constructed of masonry or landscape timbers and shall be maintained in good condition.

SECTION 1603. ACCESSORY BUILDINGS

No separate building or structure shall be permitted in any required front yard. In rear yards, they shall not be permitted within ten (10) feet of any lot line. In the VR and VC Districts, such buildings or structures are permitted within five (5) feet of a lot line not abutting a public street or alley. In rear yards abutting a public street or alley, a garage shall be no less than twenty (20) feet from the right-of-way of said street or alley.

SECTION 1604. ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

SECTION 1605. EXCEPTIONS TO HEIGHT REGULATIONS

The height limitations contained in the schedule of district regulations or in the height and area regulations do not apply to any communications antennas, communication towers, spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

SECTION 1606. STRUCTURE TO HAVE ACCESS

Every building hereafter erected or moved shall be:

- A. On a lot that adjoins a public street, and the applicant for the permit to erect such building shall first obtain a road occupancy permit from the Pennsylvania Department of Transportation or Heidelberg Township, whichever has the authority to grant such a permit, evidencing that ingress and egress to and from the lot by way of the adjoining public street meets all Commonwealth or Township requirements for establishing such ingress and egress; or
- B. On a lot that adjoins a private street that has been approved pursuant to Heidelberg Township Ordinance No. 101, its amendments and supplements, and the applicant for the permit to erect such building shall first present evidence that all Township requirements that would be necessary to the grant of a road occupancy permit if the approved private street were a Township public street, have been met.

Every building shall also be so located on its lot so that fire and other emergency vehicles and equipment can safely access the building.

SECTION 1607. PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such

equipment or not. No major recreational equipment shall be parked or stored on any street or lot in a residential or agricultural district except in a carport or enclosed building or in a rear yard; however, such equipment may be parked no less than fifteen (15) feet from a road right-of-way on residential premises for a period not to exceed 24 hours during loading and unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. Furthermore, no such equipment shall be parked or stored in any manner, which creates a visibility restriction and thereby endangers the safety of passerby.

SECTION 1608. PARKING AND STORAGE OF CERTAIN VEHICLES

Automotive vehicles or trailers of any kind without current license plates and/or state inspection shall not be parked or stored on any residentially zoned property other than in completely enclosed structures.

SECTION 1609. CORNER LOT RESTRICTION

On every corner lot, there shall be provided on the side street a side yard equal in depth to the required front yard of all other properties along said side street, unless such lot is bounded by a public thoroughfare or private road which is less than twenty (20) feet in width (right-of-way). Then those requirements indicated for interior lots shall apply.

SECTION 1610. LOT AREA AND LOT WIDTH FOR LOTS NOT SERVED WITH PUBLIC WATER AND/OR SANITARY SEWERS

Where a lot is not served by a public water supply and/or sanitary system and the Heidelberg Township Subdivision Ordinance, or State or other local laws or ordinances in force require a higher standard for lot area or lot width than this Ordinance, the more restrictive regulations of such ordinance or laws shall apply.

SECTION 1611. PROJECTIONS INTO YARDS

The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

- A. Terraces and patios, provided that such terraces or patios are not under roof or otherwise enclosed and are not closer than five (5) feet to any adjacent property line.
- B. Projecting architectural features – bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other architectural features, provided they do not

extend more than five (5) feet into any required yard nor closer than 5 feet to any adjacent property line.

- C. Uncovered stairs and landings.
- D. Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any required yard nor closer than five (5) feet to any adjacent property line.

SECTION 1612. ACCESSORY USES

- A. Private, non-commercial swimming pools which are designed to contain a water depth of twenty four (24) inches or more must be located in a rear or side yard only. Such pools shall be not less than fifteen (15) feet from side or rear property lines, with a continuous fence not less than four (4) feet in height above the ground level.
- B. Private tennis courts shall be permitted within side or rear yards provided that such facility shall not be less than fifteen (15) feet from side or rear property line.
- C. Patios, paved terraces, or open porches shall be permitted in all yards provided that no impermeable surfaces shall be within five (5) feet of any property line.
- D. Nothing in this section shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principle permitted use of the land and do not create a threat to the public health, safety, and/or welfare of the community.

SECTION 1613. MUNICIPAL USES

- A. In any district a building may be erected, altered, or extended and land may be developed that is arranged, intended, or designed for municipal recreation uses.
- B. In any district on any land owned by this Township or the Heidelberg Township Municipal Authority of Lebanon County, except that land identified by the Lebanon County Tax Assessment Office as Map 45, Lot 385, the following shall be permitted uses:
 - 1. Communications antennas mounted on an existing public utility transmission tower, building or other structure, including existing communications towers, and communications equipment buildings, subject to the standards set forth in Article 19, Section 1912.

2. Communications towers subject to the standards set forth in Article 19, Section 1913.

SECTION 1614. PUBLIC UTILITIES EXEMPT

The regulations 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.

SECTION 1615. EXCEPTION TO MINIMUM LOT SIZES

In view of recent amendments to the Pennsylvania Sewerage Facilities Act (Act 537) minimum lot size for on lot sewage disposal shall be one acre unless the proposed development falls within an area encompassed by the official sewer plan of Heidelberg Township. If the amended by the Township Supervisors to include said development, the lot sizes listed in the District Regulations shall apply.

SECTION 1616. GASOLINE PUMPS AND ALL OTHER SERVICE EQUIPMENT

Gasoline pumps and all other service equipment shall be set back not less than twenty-five (25) feet from any lot line and/or street right-of-way and located that vehicles stopped for service will not extend over the property line.

SECTION 1617. FOUNDATIONS

All dwelling units hereafter erected or altered shall have a permanent stand consisting of a footer and continuous block foundation.

SECTION 1618. DANGEROUS STRUCTURES

Upon notification and request by the Zoning Officer, any building or structure which has deteriorated to the state where it is dangerous and/or unsafe for human occupancy, constitutes a fire hazard, endangers surrounding buildings, shelters rats or vermin, or endangers the safety of children playing whereabouts, shall be repaired, altered or removed to eliminate the dangerous conditions.

SECTION 1619. INDUSTRIAL PERFORMANCE STANDARDS

- A. LEGISLATIVE INTENT The Board of Supervisors desires to provide standards for the operation of industrial and heavy commercial uses within the Township in order to protect the health, safety, and welfare of Township residents, workers at such establishments, and visitors to the Township. Public health and safety shall be maintained through control of noise, vibrations, dust, and particulate emissions, sulfur oxides, smoke, odor, toxic matter, detonable materials, fire hazards, glare heat, radioactive radiation, liquid or solid wastes, and electromagnetic radiation.

The Board of Supervisors also seeks to protect the public health and safety by imposing traffic and access controls to lessen the possibility of vehicular accidents and landscaping and screening requirements to provide a buffer area to the use and to discourage trespassing.

The Board of Supervisors also seeks to protect the public through the requirement of a plan of access in the event of emergency conditions to allow police, fire fighters, and rescue personnel to gain access to the premises efficiently and safely.

B. ENFORCEMENT

1. Industrial and heavy commercial uses existing within the Township on the effective date of this Zoning Ordinance which do not currently meet and maintain the standards contained herein shall bring the operation into compliance within six (6) months from the effective date of this Zoning Ordinance, unless otherwise specified. It shall be the responsibility of the owner and/or operator of the industrial or heavy commercial use to determine if the use meets and maintains the standards set forth in this section.
2. The Industrial Performance Standards contained in this section shall be the minimum standards to be met and maintained by all industrial uses and heavy commercial uses within the Township. Industrial and heavy commercial uses shall be defined as those uses, regardless of location, which are specified as permitted uses in Section 1302 of this Zoning Ordinance or uses by special exception in Section 1303 of this Zoning Ordinance, including uses of a similar nature not specifically identified in the Zoning Ordinance but which would be permitted in the (I) Industrial District pursuant to Section 402 herein.
3. The owner and/or operator of any industrial or heavy commercial use existing on the effective date of this Zoning Ordinance shall have the right to appeal to the Zoning Hearing Board a determination that the use does not meet and maintain the Industrial Performance Standards contained herein in accordance with Article 21, Section 2106 of this Zoning Ordinance.

4. The owner and/or operator of any industrial or heavy commercial use shall have the ability to apply to the Zoning Hearing Board for a variance from the Industrial Performance Standards contained in this section. The Zoning Hearing Board shall consider such requests in accordance with Section 2106 herein.
- C. BUILDING REQUIREMENTS With the exception of quarries, and exclusive of the arrival, departure, loading, unloading and parking of permitted vehicles, all business, servicing, manufacturing, or processing of materials, goods, or products shall be conducted within completely enclosed buildings.
- D. STORAGE
1. Storage shall be permitted outdoors, but the items stored shall not be visible from a public right-of-way. Outdoor storage within five hundred (500) feet of a residential district boundary shall be effectively screened by a solid wall, fence, or planting so that the materials shall not be visible from the residential district.
 2. All organic rubbish or storage shall be in airtight, vermin-proof containers.
- E. CERTIFICATION All applications for industrial and heavy commercial uses must be accompanied by a certification from a professional engineer registered in the Commonwealth of Pennsylvania that the proposed use can meet the performance standards of the district. Further, the Zoning Officer may employ consultants to evaluate the environmental effects with respect to performance standards.
- F. NOISE
1. Noise shall be measured with a sound level meter have an A-weighted filter constructed in accordance with specifications of the American National Standards Institute (A.N.S.I.). Measurements are to be made at any point in abutting zoning districts as indicated in Table I following.
 2. Impact noise (intermittent sounds such as from a punch press or drop forge hammer) shall be measured using the fast response of the sound level meter and are to be made at any point in abutting zoning districts as indicated in Table I.
 3. Between the hours of 7:00 p.m. and 7:00 a.m. the permissible sound levels in an abutting zoning district shall be reduced by five (5) decibels for impact noises.
 4. The following sources of noise are exempt:

- a. Transportation vehicles not used in the ordinary cause of business and not under the control of the owner, tenant, or lessor.
- b. Occasionally used safety signals, warning devices, and emergency pressure relief valves.
- c. Temporary construction activity between 7:00 a.m. and 7:00 p.m.

Table I describes the maximum sound pressure level permitted from any industrial source and measured in any abutting zoning district. All industrial operations shall be limited by the standards listed below:

TABLE I

| Octave band in cycles per second | Maximum sound pressure level in decibels - 0.002 dynes per square centimeter | |
|--|---|------------------------|
| | 7:00 a.m. to 7:00 p.m. | 7:00 p.m. to 7:00 a.m. |
| 0 - 75 | 74 | 69 |
| 75 - 150 | 59 | 54 |
| 150 - 300 | 52 | 47 |
| 300 - 600 | 46 | 41 |
| 600 - 1,200 | 42 | 37 |
| 1,200 - 2,400 | 39 | 34 |
| 2,400 - 4,800 | 36 | 31 |
| above - 4,800 | 33 | 28 |

For any noise of an impulsive or periodic character, the permissible limits for each octave band shall be reduced by five (5) decibels.

Sound levels shall be measured at the lot line with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association.

G. VIBRATION

1. Vibration shall be measured at or beyond any adjacent lot line or zoning district line as indicated below and such measurements shall not exceed the particle velocities so designated. The instrument used for these measurements shall be a three (3) component measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.
2. The maximum vibration is given as particular velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$P.V. = 6.28 F \times D$$

P.V. = Particle velocity (inches per second)

F = Vibration frequency (cycles per second)

D = Single amplitude displacement of the vibration (inches)

Table II designates the applicable columns of Table III that apply on or beyond adjacent lot lines within the zone, and on or beyond appropriate district boundaries. Vibration shall not exceed the maximum permitted particle velocities in Table III. Where more than one (1) set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.

TABLE II

| | ABUTTING ZONING DISTRICT | ADJACENT LOT LINE |
|----------------------------|---------------------------------|--------------------------|
| (M) Manufacturing District | A | B |

The maximum peak particle velocities that correspond to the above designations are as follows:

TABLE III

MAXIMUM PEAK PARTICLE VELOCITY - IN/SEC

| VIBRATION | A | B |
|------------------|----------|----------|
| Steady State | 0.02 | 0.10 |
| Impact | 0.04 | 0.20 |

3. The maximum particle velocity shall be the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously. Particle velocity in inches multiplied by the frequency in cycles per second.
4. For purposes of this Zoning Ordinance, steady-state vibrations are vibrations that are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses that do not exceed sixty (60) per minute shall be considered impact vibrations.
5. Between the hours of 7:00 p.m. and 7:00 a.m. all of the permissible vibration levels indicated in the previous table for Column A shall be reduced to one-half (1/2) of the indicated values.

H. DUST AND PARTICULATES

1. The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues, or other opening or any process, operation, or activity within the boundaries of any lot shall not exceed the levels set forth below.

Emissions of dust and particulates shall be in accordance with the Commonwealth of Pennsylvania Rules and Regulations governing air contamination and air pollution. In case of conflict, the most restrictive shall apply.

2. The emission rate of any particulate matter in pounds per hour from any single stack shall be determined by selecting a continuous four (4) hour period that will result in the highest average emission rate.
 3. Particulate matter emission from materials or products subject to becoming windborne shall be kept to a minimum by paving, oiling, wetting, covering, or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles of bulk material such as coal, sand, cinders, slag, sulfur, etc.
 4. The maximum emission rate of dust and particulate matter from all stacks shall be 2.0 pounds per hour per acre of lot area.
- I. SULFUR DIOXIDES Emission of oxides of sulfur (as sulfur dioxide) from combustion and other processes shall be limited in accordance with the standard of 1.0 pounds per hour per acre of lot area and may be computed from the sulfur analysis in the fuel or from known test data of sulfur oxides emission.
- J. SMOKE
1. For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used. However, the Umbrascope readings of smoke may be used when correlated with Ringelmann's Chart.
 2. The emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited. However, smoke of a shade not to exceed Ringelmann No 3 is permitted for up to three (3) minutes total in any one (1) eight (8) hour period.
- K. ODOR
1. Odor thresholds shall be measured in accordance with ASTM d1391-57 "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)" or its equivalent.
 2. Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the district boundary line measured either at ground level or habitable elevation.

L. TOXIC MATTER

1. The ambient air quality standards for the Commonwealth of Pennsylvania shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the Commonwealth of Pennsylvania, the release of such materials shall be in accordance with the tractional quantities permitted below, of those toxic materials currently listed in the Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hour sampling period.
2. The release of airborne toxic matter shall not exceed 1/30 of the threshold limit value beyond the district boundary line.

M. DETONABLE MATERIALS

1. Activities involving the storage, utilization, or manufacture of products which decomposed by detonation shall include but not be limited to all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35) percent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.
2. The storage, utilization, or manufacture of materials or products that decompose by detonation is limited to five (5) pounds. Quantities in excess of five (5) pounds of such materials may be stored or utilized, but not manufactured.

- N. FIRE HAZARD - SOLIDS The storage, utilization, or manufacture of solid materials which are active to intense burning shall be conducted within walls having a fire resistance no less than two (2) hours or protected by an automatic fire extinguishing system or the building wall shall be no less than seventy-five (75) feet from all lot lines. The outdoor storage of such materials shall not be closer than one hundred (100) feet from all lot lines.

O. FIRE HAZARD - LIQUIDS AND GASES

1. The storage, utilization, or manufacture of flammable liquids or gases that produce flammable or explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original sealed containers (60 gallons or less), which shall be unrestricted.
2. The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in the following Table IV:

TABLE IV

STORAGE CAPACITY OF FLAMMABLE LIQUIDS AND GASES

| LIQUIDS | | GASES |
|---|-----------------|----------------------------|
| <u>ABOVE GROUND FLASH POINT, F</u> | | <u>ABOVE GROUND</u> |
| Less than 70 | 70 - 200 | |
| 7,500 gal. | 30,000 gal. | 225,000 SCF* |
| <u>BELOW GROUND FLASH POINT, F</u> | | <u>BELOW GROUND</u> |
| 15,000 gal. | 60,000 gal. | 450,000 SCF* |

*SCF - Standard Cubic Feet at 60 F. and 29.92 inches Hg.

P. GLARE Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot-candles when measured within an adjacent non-industrial property.

1. Direct Glare Direct glare, for the purpose of this Zoning Ordinance, is illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent, or arc lighting, or from such high temperature processes as welding or petroleum or metallurgical refining. No such direct glare shall be permitted with the exceptions that parking areas and walkways maybe illuminated by luminaries so hooded or shielded that the maximum angle or the cone of direct illumination shall be sixty (60) degrees drawn perpendicular to the ground, with the exception that such angle may be increased to ninety (90) degrees if the luminary is less than four (4) feet above the ground. Such luminaries shall be placed not more than sixteen (16) feet above ground level and the maximum illumination at ground level shall not be in excess of three (3) foot-candles
2. Indirect Glare Indirect glare, for the purpose of this Zoning Ordinance, is illumination beyond property lines caused by diffuse reflecting from a surface such as a wall or roof of a structure. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface not to exceed 0.3 foot-candles (maximum) and 0.1 foot-candles (average).

Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

- Q. HEAT , for the purpose of this Zoning Ordinance, is the thermal energy of a radioactive, conductive, or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of ten (10) degrees F.; whether such change being the air or in the ground, in a natural stream or lake, or in any structure on such adjacent property.
- R. RADIOACTIVE RADIATION No activities shall be permitted which emit dangerous radioactivity at any point beyond the property line or which produces emission injurious to humans, animals, or vegetation, or be of an intensity which interferes with the use of any other property. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes, shall be in conformance with the regulations of the Nuclear Regulatory Commission as set forth in Title 10, Chapter One, Part 20 - Standards for the Protection Against Radiation, as amended, and all applicable regulations of the Commonwealth of Pennsylvania.
- S. LIQUID OR SOLID WASTES No discharge shall be permitted at any point into any sewage disposal system, watercourse, lake, or into the ground, except in accord with standards approved by the Department of Environmental Protection or other regulating department or agency, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.
- T. ELECTROMAGNETIC RADIATION No activities shall be permitted which emit electromagnetic radiation at any point beyond the property line or which produces emissions injurious to humans, animals, or vegetation, or be of an intensity which interferes with the use of any other property. It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, for any other use directly or indirectly associated with these purposes which does not comply with the ten (10) current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all governmental communications facilities, governmental agencies and government-owned plants, the regulations of the Interdepartment Radio Advisory committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission or the Interdepartment Radio Advisory Committee regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic

radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious-radiation, harmonic content, modulation, or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1) American Institute of Electrical Engineers, (2) Institute of Radio Engineers, and (3) Electronic Industries Association.

U. SCREENING

1. A completely planted visual barrier of landscape screen shall be provided and maintained between any use in (I) Industrial District and contiguous zoning districts or residential properties in the (I) Industrial District except where natural or physical man-made barriers exist. This screen shall be composed of plants and trees arranged to form both a low level and a high level screen within a strip of land with a minimum width of twenty (20) feet. The high level screen shall consist of trees planted with specimens no younger than three (3) years in age, and planted at intervals of not more than ten (10) feet. The low level screen shall consist of shrubs or hedges planted at an initial height of not less than two (2) feet and spaced at intervals of not more than five (5) feet. The low level screen shall be placed in alternating rows to produce a more effective barrier. All plants that have been dead for six (6) months shall be replaced.
2. Any existing industrial or heavy commercial facility shall not be required to comply with the screening requirements except in case of enlargement or major alteration of same.
3. The screen planting shall be permanently maintained.
4. Outdoor Activities and Equipment Screening - All outdoor industrial or heavy commercial use operations, mechanical equipment, and other function accessories of each building, such as elevator, penthouses, ventilation pipes, and ducts, water pressure tanks, heating, air conditioning, and power supply units should have an architectural building material screen or covering which is an integral part of the building envelope and/or which is harmonious with the building design.

V. LANDSCAPING

1. Any part or portion of a site that is not used for building or other structures, loading, parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all season ground cover. It shall be maintained to provide an attractive appearance and all non-surviving plants shall be promptly replaced.
2. No less than ten (10) percent of any parking area providing more than five (5) spaces must be landscaped and continually maintained. Planting along the perimeter of a parking area, whether for required screening or general beautification, will not be considered as part of the ten (10) percent parking area landscaping. In complying with the ten (10) percent landscaping requirements, the planting beds must be distributed throughout the parking areas as evenly as possible. For each one hundred (100) square feet of parking area, there shall be ten (10) square feet of landscaped area.

W. ACCESS AND TRAFFIC CONTROL

1. All access ways from any industrial or heavy commercial development to any public street or highway shall be located at least two hundred (200) feet from the centerlines of any public street intersection and shall be designed in a manner conducive to safe ingress and egress.
2. Where possible, exits shall be located on minor rather than major streets or highways. The developer shall be responsible for the construction of any necessary traffic control devices or additional acceleration or deceleration lanes required for egress or ingress.

X. INTERIOR DRIVES AND PARKING FACILITIES

1. Interior drives within an industrial or heavy commercial land development shall be designed to prevent blockage of vehicles entering or leaving the site.
2. Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of facilities by refuse collection, fuel and other service vehicles shall be adequate in size, and shall be so arranged that they may be used without blockage or interference with the use of access ways or automobile parking facilities.
3. Interior drives shall be clearly marked by adequate painting markings, (curbing and signs) so that vehicular movements within parking areas and access drives do not impede the general traffic circulation.

- Y. EMERGENCY PLAN OF ACCESS A written Plan of Access must be provided by the owner in the event of emergency conditions such as fire, assuming the worst condition. All existing uses shall have twelve (12) months to comply with this requirement. The Plan of Access for emergency access to the building shall be submitted to the Township at the time of submission for a zoning permit.

SECTION 1620. FORESTRY ACTIVITIES

In accordance with the requirements of Section 603 (f) of the MPC, as amended by Act 68 of 2000, forestry, including the harvesting of timber, is permitted as of right in all zoning districts within the Township subject to the provisions generally applicable to all uses in the district in which such land is located. If in the future the General Assembly amends the MPC to repeal Section 603(f) or to remove the requirement that forestry be permitted in all zoning districts in every municipality, this Section will be of no further force or effect.

SECTION 1621. SIGNS

Signs may be erected and maintained only when in compliance with the provisions of this ordinance and all Other Provisions relating to the erection, alteration or maintenance of signs and similar devices.

A. General Regulations for all Districts

1. Religious symbols displayed on property being used for religious purposes shall not be regulated by this Section 1621 (and shall not require a permit) except that in all events such symbols must conform with the provisions of Sections 1621.A.2., A.3., A.4., A.7., and A.11. hereof.
2. All signs (including projecting signs), except official signs or directional signs erected by the Township, shall be setback the greater of the edge of the public road right-of-way or easement or fifteen (15) feet from a street cartway.
3. No advertisement, advertising structure, billboard, building structure or other object shall be erected, used or maintained which in any way simulates official, directional or warning signs erected or maintained by the State, County, or Township or by any railroad or public utility or similar agency concerned with the protection of public health or safety.

4. Clear Sight Triangle - No Signs Permitted

In order to reduce and eliminate existing and potential hazards to life and property, no sign more than two (2) feet above undisturbed grade may be located or maintained in the clear sight triangles as determined below.

- a. Near Driveways. There shall be provided and maintained at all driveways a sight triangle with a clear line of sight between points not less than seventy-five (75) feet from the intersection of the centerlines of the street and the driveway. No sign exceeding two (2) feet of height above undisturbed grade shall be located or maintained in this sight triangle.
 - b. Near Intersections. There shall be provided and maintained at all street intersections a sight triangle with a clear line of sight between points not less than one hundred (100) feet from the centerline of each intersecting street. No sign exceeding two (2) feet of height above undisturbed grade shall be located or maintained in this sight triangle.
5. The following advertisements are specifically prohibited: any advertisement which uses a series of two (2) or more free-standing signs placed in a line parallel to the highway, or in a similar fashion each carrying a word or words which are parts of a single advertising message.
 6. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving, fluttering, or revolving devices. These devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not a part of a sign.
 7. Any illuminated sign or lighting device shall employ glare shields and guards to prevent light from interfering with adjacent properties or roads, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be so placed or directed as to permit beams or illumination therefrom to be directed or beamed upon a public road, highway, or adjacent lot so as to cause glare or reflection that may constitute a traffic hazard or nuisance. Any lit signs shall be lighted from the structure and not from off-structure spotlights.
 8. No free standing signs shall be placed on the roof of any residential building. No free-standing signs shall be placed on the roof of any non-residential building, except by Special Exception from the Zoning Hearing Board.

9. No sign shall be higher (measured from the ground level) than the height limitations of the particular district in which it is located.
10. The area of a sign shall be computed by measuring the largest side used for advertising.
11. Signs shall not be erected which will obstruct entrance to or exit from a door, window, fire escape, or other exit way or from a driveway or access way.
12. Unless specifically provided herein to the contrary, no signs shall be permitted to advertise uses not undertaken on the lot on which the sign is erected.
13. The following signs are allowed in all districts:
 - a. Legal notices, identification information, or directional signs erected by governmental bodies.
 - b. One (1) sign for each lot not exceeding three (3) square feet in area and bearing only property numbers, post office numbers, names of occupants of premises, or other identification not having commercial connections.
 - c. Flags and insignia of any government. When displayed in connection with commercial promotion, they shall be considered as signs.
 - d. Two (2) incidental signs directing and guiding traffic and parking on private property not exceeding ten (10) square feet in area, bearing no advertising matter.
 - e. Directional Signs complying with the provisions of Section 1621.C.6 and other relevant provisions hereof.
 - f. In advertising property for development, sale, rent or lease, any property is permitted one (1) temporary sign not exceeding sixteen (16) square feet in area. Such sign shall be placed on the advertised property, only, and shall not be placed closer than fifteen (15) feet to any street cartway or twenty-five (25) feet to any side or rear property line. "Temporary" shall be for a period not to exceed six (6) months.
14. One (1) temporary (until issuance of certificate of occupancy) identification sign (not-exceeding thirty-six (36) square feet) is permitted on each lot actively undergoing construction activity. No permit shall be issued for

more than twelve (12) months and all such signs shall in all other respects comply with setback and other requirements of this ordinance.

15. Temporary signs advertising a sale or event for a civic or religious group or a commercial use in the Highway Commercial District shall be permitted, provided that such signs shall not be displayed in excess of one month and shall be removed promptly after such event.
16. All signs shall be constructed of durable materials and kept in good condition and repair, safe from hazards, nuisances and collapse. When any sign becomes dilapidated, structurally unsafe or endangers the public safety, or the safety of a building or premises, the Township shall give written notice to the owner of the sign or the owner of the premises on which the sign is located that such sign be made safe or removed within thirty (30) days. Should the remedy not occur within this time frame, it shall be considered a violation of this Ordinance.
17. If a use ceases for a period of six (6) months, signs advertising the ceased business, or businesses, must be removed by the owner of the property or the owner of the sign. If not removed within thirty (30) days of written notice to the owner from the Township, it shall be considered a violation of this Ordinance.
18. All signs shall be made a harmonious part of the architectural design and character of the building(s) located on the same lot and of the district in which the sign is located.
19. All signs shall be securely mounted or fastened to the building upon which they are erected, or, if freestanding, must be securely and safely installed in the ground.
20. Projecting, freestanding, canopy or wall signs shall have a minimum clearance of ten (10) feet from the finished grade of any sidewalk or fourteen and one-half (14 ½) feet above any parking area or drive.
21. All signs located along state highways shall comply with the appropriate state regulations. Evidence that the sign has been approved by PennDOT, or that such approval is not necessary, shall be provided with the permit application.

B. Specific District Regulations

In addition to the signs permitted under the General Regulations for all Districts, the following additional signs shall be permitted.

1. Conservation Recreation (CR), Agricultural Transition (AT), Agricultural (A), Low Density Residential (RLD), Special Purpose Residential (RSP), and Village Residential (VR) Districts
 - a. One (1) sign advertising a permitted home business provided such sign shall not exceed four (4) square feet in area.
 - b. One (1) sign or bulletin board of religious institutions, schools, colleges, farms, hospitals, nursing homes, medical and dental clinics, private park and recreation area, libraries, municipal uses and other special exception uses (other than home businesses) shall be permitted subject to the following:
 - (1) One (1) sign for each lot not exceeding twenty (20) square feet in area. Such sign is not to be placed closer than fifteen (15) feet to any street cartway or twenty-five (25) feet to any side or rear lot line.
2. Highway Commercial District
 - a. Any sign permitted under Section 1621.B.1, hereof.
 - b. A free-standing sign advertising a business or other activity that is conducted on the premises shall be permitted subject to the following:
 - (1) One (1) sign not exceeding forty (40) square feet in area.
 - (2) Such sign shall not be placed closer than fifteen (15) feet to any street cartway or twenty-five (25) feet to any side or rear property line.
 - c. In cases where two (2) or more separately owned and/or leased businesses, on one (1) site, have been authorized in accordance with the regulations of this Zoning Ordinance, the Zoning Hearing Board as a Special Exception, may permit a permanent sign not to exceed one hundred twenty-five (125) square feet in area upon the presentation of sufficient documentation by the owners for a demonstrated need.
 - d. One (1) additional sign is permitted, if such sign shall be attached to a building and shall advertise a business or other activity that is conducted on the premises. The maximum square footage of this sign shall not be greater than fifteen percent (15%) of the wall area of the shortest-length wall of the building. In no instance shall the sign exceed a sign area of sixty (60) square feet.

- e. Where two or more separately owned and/or leased businesses have been authorized in accordance with the regulations of this Ordinance and the Heidelberg Township Subdivision and Land Development Ordinance, or a shopping center has been approved in accordance with the regulations of this Ordinance, each separately owned and/or leased business shall be permitted one (1) sign attached to the facade of the business and/or building of the shopping center, not exceeding twenty (20) square feet in area. Should the owner of the shopping center, or an owner/lessee of a separate business desire more than one (1) sign at his business location, the Zoning Officer will permit each user one more sign not to exceed eight (8) square feet of area upon presentation of sufficient documentation by the applicant for demonstrated need, and said sign shall be placed where it cannot be seen from the public street.
- f. Shopping Centers. In the Highway Commercial (HC) District, if a separately owned and/or leased business or shopping center has a setback of its building of over one hundred (100) feet from the edge of the street right-of-way and the sign for the tract is located on the building at least such minimum setback, the permitted size of such a sign may be increased from twenty (20) square feet in area to a maximum of thirty-five (35) square feet in area.

3. Industrial District

- a. Any sign permitted under Section 1621.B.1, hereof.
- b. One (1) wall sign or one (1) ground sign shall be permitted for each business, as follows:
 - (1) Wall signs shall not exceed fifty (50) square feet in area, or an area equal to ten (10) percent of the surface area of the wall of the building fronting on the road or street, whichever is greater.
 - (2) Ground signs shall not exceed thirty-two (32) square feet, with a maximum height to five and one-half (5.5) feet above the ground.
 - (3) Freestanding signs, projecting signs and neon signs are expressly prohibited.
- b. In addition to the above, in industrial parks having two (2) or more individual businesses, one (1) ground sign which bears the name of the industrial park together with the name of each industrial park

occupant may also be erected upon the lands occupied by the park, subject to the following:

- (1) Said ground sign shall not exceed forty-eight (48) square feet, with a maximum height of five and one half (5.5) feet.
- (2) Any ground sign hereafter erected shall be centrally located within a planted green area at least equal to two (2) times the allowable area of the sign. Said planting area shall also include ornamental evergreen shrubbery to minimize the visibility of any structural supports of such sign.

4. Village Center District

- a. Any sign permitted under Section 1621.B.1. hereof.
- b. Signs for permitted and nonconforming commercial and other nonresidential uses as follows:
 - (1) For each property involved in a permitted or nonconforming commercial or other nonresidential use, a total sign area of forty (40) square feet shall be permitted. No sign or portion thereof shall be located closer to the road right-of-way than $\frac{1}{2}$ the depth of the existing front yard or fifteen (15) feet, whichever is less.
 - (2) For all permitted and nonconforming commercial and other nonresidential uses in the Village Center District, a sign or signs may be erected in accordance with one (1) of the following:
 - (a) One (1) freestanding sign up to sixteen (16) square feet, plus one of the following:
 - i. One (1) wall sign mounted flush on a wall up to twelve (12) square feet; or
 - ii. One (1) wall sign (when part of the architectural design of the building) consisting of individual letters or symbols not to exceed fifteen (15) percent of the wall area; or
 - iii. One (1) window sign consisting of individual letter or symbols not to exceed thirty (30) percent of the total glass area of the building front.

or

- (b) One (1) projecting sign projecting not more than five (5) feet from the wall up to twelve (12) square feet in size, plus one of the following:
 - i. One (1) wall sign mounted flush on a wall up to twelve (12) square feet; or
 - ii. One (1) wall sign (when part of the architectural design of the building) consisting of individual letters or symbols not to exceed fifteen (15) percent of the wall area; or
 - iii. One (1) window sign consisting of individual letter or symbols not to exceed thirty (30) percent of the total glass area of the building front.

If a building fronts on more than one (1) street, one (1) additional sign in conformity with either (a) or (b) above may be permitted on each street frontage.

- c. Temporary Signs. Exterior temporary signs, including moveable signs such as those advertising a commercial sale, when located on the site where such use is conducted, may be permitted for a period not to exceed thirty (30) days in any one (1) calendar year for any one (1) premises or commercial use. The size of such sign may not exceed twelve (12) square feet per side.

5. Historic Overlay District

In addition to the requirements of the underlying zoning district, signs in the Historic Overlay District shall be further restricted as follows. The more restrictive requirements of the underlying and overlay districts shall govern:

- a. Signs for permitted and nonconforming commercial and other nonresidential uses as follows:
 - (1) For each property involved in a commercial use, a total sign area of thirty (30) square feet shall be permitted. No sign or portion thereof shall be located no closer to the road right-of-way than $\frac{1}{2}$ the depth of the existing front yard or fifteen (15) feet, whichever is less.

(2) For all permitted and nonconforming commercial and other nonresidential uses in the Historic Overlay District, a sign or signs may be erected in accordance with one (1) of the following:

(a) One (1) freestanding sign up to ten (10) square feet, plus one of the following:

- i. One (1) wall sign mounted flush on a wall up to eight (8) square feet; or
- ii. One (1) wall sign (when part of the architectural design of the building) consisting of individual letters or symbols not to exceed fifteen (15) percent of the wall area; or
- iii. One (1) window sign consisting of individual letter or symbols not to exceed thirty (30) percent of the total glass area of the building front.

or

(b) One (1) projecting sign projecting not more than five (5) feet from the wall up to ten (10) square feet in size, plus one of the following:

- i. One (1) wall sign mounted flush on a wall up to eight (8) square feet; or
- ii. One (1) wall sign (when part of the architectural design of the building) consisting of individual letters or symbols not to exceed fifteen (15) percent of the wall area; or
- iii. One (1) window sign consisting of individual letter or symbols not to exceed thirty (30) percent of the total glass area of the building front.

If a building fronts on more than one (1) street, one (1) additional sign in conformity with either A. or B. above may be permitted on each street frontage.

(3) Signs Permitted by Special Exception

Signs for schools, colleges, churches, hospitals, and other public institutions, as well as directional signs and signs indicating the nature of a particular organization, home for aging, nursing or convalescent home, etc., may be permitted as a Special Exception by the Zoning Hearing Board. The Zoning Hearing Board shall place limitations on the size, location, design, and types of signs so as to protect the appearance and character of the district.

C. Requirements for Specific Types of Signs

1. Freestanding Signs

In addition to the other requirements of this Ordinance, the following regulations shall apply to all freestanding signs:

- a. Freestanding signs, with all parts, braces and supports thereof, shall be located entirely behind the property line and shall not project over the public right-of-way or other adjoining lands.
- b. No individual business or other enterprise within a shopping center may erect or maintain a freestanding sign.
- c. Freestanding signs shall not be placed as to obstruct sight distance.

2. Projecting Signs

In addition to the other requirements of this Ordinance, the following regulations shall apply to all projecting signs:

- a. Projecting signs shall not project more than five (5) feet beyond the building line in the direction of the street nor shall any portion of a projecting sign be closer than two (2) feet to the plane of the vertical face of the street curb or curb line.
- b. Projecting signs shall not have any portion less than ten (10) feet above grade level.
- c. No individual business or other enterprise within a planned center may erect or maintain a projecting sign.

3. Canopy Signs

In addition to the other requirements of this Ordinance, the following regulations shall apply to all canopy signs:

- a. A canopy sign shall not project more than ten (10) feet beyond the building line in the direction of the street nor shall any portion of a canopy sign be closer than two (2) feet to the plane of the vertical face of the street curb or curb line.
- b. Canopy signs shall not have any portion less than ten (10) feet above grade level.

4. Wall Signs

In addition to the other requirements of this Ordinance, the following regulations shall apply to all wall signs:

- a. Marquee signs shall be classified as wall signs for the purposes of this Ordinance.
- b. No wall sign, except for a marquee sign, shall extend above the top of the wall upon which it is placed.
- c. The sign area of a wall sign shall not exceed an area equal to fifteen (15) percent of the building wall/face to which it is attached. In no instance shall a wall sign exceed a sign area of sixty (60) square feet.
- d. No wall sign shall extend laterally beyond the extremities of the wall to which it is attached.

5. Sidewalk Signs

The following shall apply to sidewalk signs:

- a. Sidewalk signs shall be permitted only in the Village Center (VC) Zone.
- b. Sidewalk signs shall not exceed 48 inches in height and 36 inches in width.
- c. Sidewalk signs shall be non-illuminated.
- d. Only one (1) sidewalk sign shall be permitted per premises.

- e. Sidewalk signs shall be removed from the sidewalk during the overnight hours.
- f. No sidewalk sign shall block the flow of pedestrian traffic or create a hazard for persons with disabilities, nor shall a sign be placed at any bus stop, loading zone or driveway, or block corner visibility for drivers. Furthermore, no sidewalk sign shall be fastened to any tree, utility pole, parking meter, street sign or other structure

6. Directional Signs and Standards

- a. No Directional Sign Standards shall be located in the Township within one hundred (100) feet of any other Directional Sign Standard.
- b. More than one (1) Directional Sign can be erected on any Directional Sign Standard, as long as the number or location of Directional Signs on each Standard does not interfere with the health or safety of the traveling public.
- c. Directional Sign Standards shall be made of 4 X 4 pretreated wood, shall be erected outside the ultimate right-of-way line of all roads and shall be erected so as to not interfere with any clear sight distances. Each standard shall be no more than 8 feet or less than 6 feet in height from ground level and shall be the natural color of wood.
- d. Each Directional Sign shall also meet the following standards:
 - (1) The size of the Directional Sign shall be 24 inches long by 6 inches wide.
 - (2) The Directional Sign shall be constructed of 12 gauge or thicker metal or $\frac{3}{4}$ inch wood only.
 - (3) The color of the Directional Sign shall be white on green only.
 - (4) Printing appearing on the Directional Sign shall only name the name of the institution to which directed, contain an arrow, and may show a distance.
- e. Any Directional Sign or Standard that is not properly maintained in a good and attractive state may, following thirty (30) days written notice by Township to the owner of the property on which it is erected or to the erector of the Directional Sign, be removed by the Township.

7. Election/Political Signs

Election and/or political signs shall not be placed earlier than thirty (30) days before the date of an election for which the sign is intended and shall be removed within seven days following the election or within seven days after the election is not challenged. Election and or political signs shall not exceed 12 square feet in sign area.

8. Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers

Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers may be erected and maintained in the Highway Commercial (HC) Zoning District and as accessory uses to institutional uses in any zoning district, provided that:

- a. No Electrically Activated Changeable Sign or Electronic Reader Board/Message Center shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.
- b. When approved as a Special Exception by the Zoning Hearing Board, Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers, may also contain electrically activated, patterned illusionary movement (animation) as defined in this Ordinance. As part of its approval, the Zoning Hearing Board may attach whatever conditions it deems necessary (a) to maintain the character of the neighborhood in which the sign is located and (b) to mitigate any negative impacts on neighboring properties and/or uses.
- c. Change Interval. Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers must provide a minimum change interval of at least five (5) seconds. A “change interval” is defined as the time period in which the display of an electronic sign must remain static and during which the display may not transition to display another image.
- d. Transition Interval. Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers must provide a maximum transition interval of one (1) second. The “transition interval” is defined as the time period in which the display of an electronic sign transitions to another display.
- e. On-premises Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers shall not be illuminated

more than one-half hour before the time at which the premises is open to the public or more than one-half hour after the time at which the premises is closed to the public, or 11:00 p.m., whichever is earlier, unless a Special Exception to allow longer hours is granted by the Zoning Hearing Board. In the case of schools, colleges, churches, hospitals, and other public institutions, the signs may be illuminated from 7:00 AM until 11:00 PM.

- f. The changeable portion of an Electrically Activated Changeable Sign or Electronic Reader Board/Message Center shall not exceed an area of thirty-two (32) square feet, unless a Special Exception to allow a larger area is granted by the Zoning Hearing Board.
- g. The display may only be used to advertise goods and services sold on-premises, time and temperature, and public service announcements.
- h. No Electrically Activated Changeable Sign or Electronic Reader Board/Message Center shall be permitted on any residential land use.
- i. Any premises with an Electrically Activated Changeable Sign or Electronic Reader Board/Message Center shall not be permitted to have any other freestanding sign on the property.
- j. Video is prohibited.

D. Administration and Enforcement

- 1. No sign shall be erected prior to the issuance of a zoning permit from the Township Zoning Officer.
- 2. The following operations shall not require a permit:
 - a. Replacing Copy. The changing of the advertising or message on an approved painted or printed sign which is specifically designed for the use of replaceable copy, as long as the sign is not made non-conforming by such action.
 - b. Maintenance, Painting, Repainting, Cleaning, and other normal maintenance and routine repair of sign or a sign structure unless a structural change is made. If the sign is non-conforming, the normal painting, repainting, cleaning or routine repairs required to maintain the original integrity of the sign or sign structure shall not require a permit.

3. No sign, whether new or existing, shall hereafter be erected or altered, except in conformity with the provisions of this Ordinance. All signs must be kept clean, neatly painted and free from all hazards, such as but not limited to, faulty wiring, loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health and safety.
4. Any signs existing on or after the effective date of this Ordinance relating to a development, business or product that no longer exists or which otherwise violates the provisions of this Ordinance, shall be removed by the owner or lesser of the sign or the owner of the lot on which the sign is located after receipt of a written notice from the Township Zoning Officer. The Zoning Officer, upon determining that any such sign exists, shall notify the owner of the lot in writing to remove said sign within fifteen (15) days from date of such notice. Upon failure to comply with such notice within the prescribed time, the Zoning Officer is hereby authorized to remove or cause removal of such sign, and shall assess all costs and expenses incurred in said removal or repair against the landowner and/or owner of lessee of the sign. The Zoning Officer may cause any sign which is a source of immediate peril to persons or property to be removed summarily and without notice.
5. The foregoing remedies are in addition to and not in limitation of, other remedies provided in this Zoning Ordinance, including prosecution.

SECTION 1622. ELDERLY COMMUNITY HOUSING (ECH) UNITS

- A. Purpose and Legislative Intent It is hereby declared a matter of legislative declaration and belief that the increasing numbers of elderly persons in the Township are in need of suitable forms of housing which would allow for the elderly to remain as independent as possible, while maintaining a close connection to the members of their family. It is the intent of the Board of Supervisors to provide for such housing since this is an acceptable form of alternative housing for the elderly if properly limited.
- B. For the purposes of this Section, "Resident" shall mean the owner or lessee of the property.
- C. General Requirements of ECH Unit
 1. At least one of the proposed occupants of the Elder Cottage Housing Unit ("ECH Unit") shall be a blood relative or adopted relative of the primary Resident of the property where the ECH Unit is to be situated.

2. At least one occupant of the ECH Unit shall be at least sixty-two (62) years of age.
3. There shall be no more than two (2) occupants of the ECH Unit. In no event shall a health care provider be deemed to be an occupant of the ECH Unit when that said health care provider is providing medically necessary nursing care for the occupant or one of the occupants of the ECH Unit.
4. The right to utilize the ECH Unit shall terminate upon any one of the following events:
 - (a) the death of the occupants of the ECH Unit
 - (b) the date of the conveyance or other transfer of the lot to other than the Resident or property owner family member
 - (c) the failure to comply with any of the requirements specified herein or other provisions of this Ordinance
 - (d) the Resident moves from the property.
5. Upon termination under Section 1622.C.4(a), Section 1622.C.4(b) or Section 1622.C.4(d), the Resident shall give written notice of such event to the Zoning Officer within thirty (30) days of the date thereof.
6. Upon written notice from the Zoning Officer, the property owner shall have thirty (30) days to appeal or remedy violations of Section 1622.C.4(c).
7. Changes in the property owner or lessee shall require new approval/permits from the Township.
8. Upon termination, the ECH Unit together with all related construction items shall be removed from the property within ninety (90) days.
9. One additional off-street parking space shall be provided for the ECH unit.

D. Location, Size, Height and Area Requirements

1. The ECH Unit shall have a maximum floor area of one thousand, five hundred (1,500) square feet.
2. The ECH Unit shall not exceed sixteen (16) feet in height measured from the bottom of the main floor to highest point of the roof.

3. The ECH Unit shall not be permanently attached to the principal dwelling unit nor shall the ECH Unit be located more than fifty (50) feet from the principal dwelling unit.
4. The ECH Unit shall be located to the rear of the principal building unless terrain or sewer facilities make such impractical, in which case the ECH unit may be located in the side yard.
5. The ECH Unit shall observe all yard setback requirements of the zoning district wherein the lot is located.

E. Additional Regulations

1. The ECH unit shall utilize existing water and sewer facilities, subject to the approval of the Township Sewage Enforcement Officer. A Storm Water Management Plan may also be required.
2. Approved Pre-Manufactured Units may be utilized and do not require PA Uniform Construction Code approval except for connections to electric, water and sewer.
3. No more than two (2) ECH units shall be permitted on any property at any time.
4. Variances from the above regulations shall require a hearing before the Zoning Hearing Board.

F. Inspection Schedule

Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the elder cottage is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

G. Agreement

The Resident shall execute a Heidelberg Township Elder Cottage Housing Agreement and record said Agreement in the Lebanon County Recorder of Deeds office.

SECTION 1623. DEER (CERVID) FARMING REGULATIONS

- A. Purpose. Chronic wasting disease presents a significant risk to both wild and raised deer and cervidae livestock (deer, elk, moose, reindeer, caribou, and the hybrids of such animals). Portions of the Township are located within a Chronic Wasting Disease Management Area. The Board of Supervisors desires to address this issue.
- B. All properties on which deer or any other cervid is maintained shall maintain such animals in an enclosure surrounded by two (2) perimeter fences which shall be at least four (4) feet and not more than eight (8) feet apart. Such fences shall be constructed of such material, strength and design to contain the animals within the enclosure, to prevent transmission of disease by contact between the captive animals and wild cervids; and to prevent wild cervids from entering the enclosure. Each fence shall have a minimum height of eight (8) feet. Such fencing shall be installed within ninety (90) days after the effective date of this Section.
- C. The landowner shall follow all applicable nutrient management regulations and shall have a conservation plan. The conservation plan shall be prepared by a certified individual and shall be submitted to the Township.
- D. The landowner shall maintain the enclosure for the deer or other cervid in a non-erodible condition.
- E. The landowner shall keep all captive animals free from parasites, sickness or disease. If sick, the animals shall be given professional medical attention or be humanely destroyed and, where required, tested for chronic wasting disease.

ARTICLE 17

ALTERNATIVE ENERGY CONSERVATION REQUIREMENTS

SECTION 1701. INTENT

The alternative energy conservation requirements are designed to recognize the need for conservation of energy and natural resources to facilitate the utilization of renewable resources. These regulations are designed to allow the installation of renewable energy dependence by encouraging the productive use of solar and wind energy components.

SECTION 1702. DEFINITIONS

The following terms are specifically designed for use within this Article:

- A. Active Solar Energy System A solar energy system that requires external mechanical power to move collected heat.
- B. Energy Storage Facility Equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gas, or solids), controls, and related structural support for transporting and storing collected energy (from solar energy system), including structural elements designed for use in passive solar energy systems.
- C. Passive Solar Energy System A solar energy system that uses natural and architectural components to collect and store energy without using any external mechanical power.
- D. Solar Collector A freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy that contributes significantly to a structure's energy supply.
- E. Solar Energy Radiant energy (direct, diffuse and reflected) received from the sun.
- F. Solar Energy System A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.
- G. Skyspace The open space between a solar or wind collector and the sun or prevailing wind which must be free of obstruction that may shade or impede the collector to an extent that would reduce its cost-effective operation.

- H. Wind Energy Conversion System A device which converts wind energy to mechanical or electrical energy; commonly referred to as windmills.
- I. Wind Rotor The blades, plus hub to which the blades are attached, that are used to capture wind for the purpose of energy conversion. The wind rotor is used on a pole or tower along with other generating and electrical storage equipment and forms a wind energy conversion system.

SECTION 1703. SOLAR, WIND AND ALTERNATE ENERGY STANDARDS

The use of solar, wind and alternate energy systems is encouraged within these regulations and permitted within any zoning district. Although the installation of such systems is not mandatory, where they are utilized, the following shall apply:

- A. Active and passive solar system, wind energy systems and similar alternate energy systems, including customary energy storage accessories, shall be permitted for the production, collection, movement, distribution or storage of heated water, air or other medium which is intended for conveyance to a principal accessory building. Systems may include the following subject to the requirements contained herein:
 - 1. Solar panels with a combined glazing area of sixty-five (65) square feet or less may be placed in any required yard but shall not be closer than two (2) feet from any property line.
 - 2. Solar panels with a combined glazing area in excess of sixty-five (65) square feet, provided that:
 - a. Solar panels attached to a principle structure shall comply with the zoning setbacks prescribed for a principle structure in the applicable zoning district;
 - b. Solar panels which are freestanding or attached to an accessory structure shall comply with the accessory structure requirements of Section 1603 of this Ordinance.
 - 3. Solar greenhouses attached to principal structures shall meet all yard requirements for a principle structure in the applicable zoning district. Solar greenhouses attached to accessory structures shall meet all yard requirements specified for accessory structures in Section 1603 of this Ordinance.
 - 4. Detached solar greenhouses shall meet all yard requirements specified for accessory structures in Section 1603 of this Ordinance.

5. Wind energy conservation system, provided that:
 - a. The structure supporting the wind rotor unit shall be located a minimum distance of the tower height (measured from the ground to the top of the rotor) plus fifteen (15) feet from any property line or road right-of-way. The height of such structures shall not exceed seventy-five (75) feet.
 - b. Towers may be ground or roof-mounted and shall be securely fastened as per manufacture's specifications or a demonstrable equivalent to achieve maximum safety and prevent collapse or fall. Any propeller or turning device that reacts to wind velocity shall have a governor to control the speed of revolutions. Such governor may include a rubber that turns the propeller away from the wind, individually spring-mounted paddles that turn away from the wind, or other suitable manufacturer's device. Towers shall be locked or secured to prevent unauthorized access, and in no case shall a permanently mounted ladder be affixed less than ten (10) feet from grade level.

SECTION 1704. PROTECTION AND MAINTENANCE

The improvements required and permitted within the Article shall be protected and maintained to assure the environmental benefits of non-polluting, replenishable alternate energy. The following requirements shall apply:

A. Protection

1. Where a solar or wind energy system has been installed to serve an existing structure, it shall be the responsibility of the property owner to secure any easements or restrictive covenants necessary to protect the skyspace affecting the solar or wind energy system. Such an agreement shall be negotiated between owners of affected properties, but it is not a requirement for approval of a zoning permit for the solar or wind energy system.
2. Maximum height requirements of this Ordinance shall not apply to roof-mounted solar collector system.

B. Maintenance

1. Energy systems shall be maintained in a safe manner. Broken glass or other potentially hazardous conditions shall be promptly repaired.

2. A disconnected or abandoned energy system shall be dismantled and removed from the property within sixty (60) days of such abandonment.

SECTION 1705. PLANS AND PERMITS

- A. Plans depicting solar or wind energy installations shall be submitted at the time of application for a zoning permit. Information may be included on the required plot plan specified in Section 2003 of this Ordinance or submitted on a separate plan. In addition to the information required within Section 2003 of this Ordinance, plans shall include:
 1. Exact size and location of proposed solar or wind energy conversion system.
 2. Any associated apparatus, structures, or architectural features necessary for the efficient operation of a solar or wind energy device.
- B. Zoning Permits A zoning permit shall be required for installation of, expansion or alteration to any of the energy systems described within this Article. Applicable procedures of Article 20 of this Ordinance shall apply during the processing of such permit applications. Where desired, the Zoning Officer may refer plans to any other applicable agencies for review and comment prior to formal action on the permit application.

ARTICLE 18

OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 1801. OFF-STREET FACILITIES, WHEN REQUIRED

Accessory off-street parking facilities, including access driveways, shall be required in accordance with the provisions of this article as a condition precedent to the occupancy of such building use. Facilities shall be provided for the entire building or use:

- A. Whenever a building is constructed or a new use established;
- B. Whenever the use of an existing building is changed to a use requiring more parking facilities;
- C. Whenever an existing building is altered or enlarged so as to increase the amount of parking spaces required under this chapter.

SECTION 1802. CONTINUATION OF PARKING FACILITIES

All off-street parking facilities or those required as accessory to a use of a proposed or altered building, shall continue unobstructed in operation, shall not be used for automobile service or repair and shall not be reduced below the required size as long as the main use remains, unless an equivalent number of spaces is provided for such use in another approved location.

In order to insure the continued use for parking purposes of any areas established therefore by persons who are not the owners thereof, the Township Supervisors may require, before approval, evidence in writing that the Owner or Owners of the land to be included in such parking areas have by covenant agreed to allow the use of such land for the required off-street parking; such covenant to be filed for record with the Recorder of Deeds of Lebanon County.

SECTION 1803. STANDARDS AND DEFINITIONS

For the purpose of determining accessory off-street parking requirements, definitions and standards shall be as follows:

- A. "Accessory parking space" means an open or enclosed area accessible from a street for parking of motor vehicles of owners, occupants, employees, customers, or tenants of the main building or use. Each parking space shall be not less than ten (10) feet wide and not less than twenty (20) feet long, exclusive of all drives,

curbs, and turning space. The number of spaces shall be determined from an accurate plan of the area.

- B. "Floor Area" means the total area of all the floors measured from the exterior faces of the building (except the floor area used for storage or packaging or merchandise may be excluded), or, where set forth in the schedule in Section 1804 only the floor area used by a specific use.
- C. "Seat" means the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs or similar seating facilities; spacing of rows shall be thirty (30) inches on center.
- D. "Required minimum parking spaces" means the minimum number of spaces required by applying the schedule in Section 1804 to a specific building or group of buildings.

SECTION 1804. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES

| <u>Structure or Use</u> | <u>Parking Spaces Required</u> |
|--|---|
| <u>A. Institutional</u> | |
| Churches/Places of worship | 1 space for each 3 seats in principal assembly room |
| Health care centers | 1 space per 150 sq.ft. floor area |
| Hospitals | 1 space per 2 beds plus 1 space for each employee on the largest shift |
| Libraries, places for public assembly | 1 space for each employee plus 1 space for each 4 seats in assembly rooms |
| Municipal buildings used for administrative functions | 1 space for each 200 sq.ft. of office floor area plus 1 space for each 4 seats in assembly room |
| Schools below grade ten, including principal day-care and kindergarten | 6 students enrolled plus 1 for each employee |
| Schools, tenth grade and above, including colleges | 3 students enrolled plus 1 for each employee |
| Vocational training and adult education facilities | 2 students enrolled plus 1 for each employee |

| <u>Structure or Use</u> | <u>Parking Spaces Required</u> |
|---|--|
| Special care residential communities / retirement housing (individual or combined total, depending upon the use): | |
| Nursing homes/rehabilitation centers | 1 space for each 4 personal care units plus 1 space for each employee on the largest shift |
| Elderly housing complexes / retirement home apartments / personal care facilities | 0.5 space for each personal care room or apartment plus 1 space for each employee |
| Independent living dwellings | 2 spaces for each single family dwelling unit |
| Administrative offices | 1 space for each employee |
| <u>B. Residential</u> | |
| One, two and multi-family dwellings | 2 spaces per dwelling unit; must be off-street, but need not be improved with hard surface |
| Group family dwellings | 2 spaces plus sufficient additional off-street parking spaces shall be provided to adequately handle the parking needs of the use (e.g. one additional space for each resident). |
| <u>C. Home Business/Day Care</u> | |
| Home businesses | In addition to parking required for the residence, the requirement for additional parking facilities shall be determined by the Zoning Hearing Board. |
| Day care centers | See Section 1914 |
| Family day care homes | 2 spaces plus those required for the residence |

| <u>Structure or Use</u> | <u>Parking Spaces Required</u> |
|--|---|
| <u>D. Commercial</u> | |
| Medical and dental offices; clinics | 1 space per 150 sq.ft. of floor area plus 1 space for each practitioner, doctor, dentist, or professional |
| Professional and other offices | 1 space per 200 sq.ft. of ground floor area; 1 space per 300 sq.ft. of floor area of upper floors |
| Motels, hotels, or boarding houses | 1 space per guest room or unit |
| Bed and breakfasts | 1 space per guest room or unit plus 1 for each 2 employees |
| Funeral homes | 1 space per 30 sq.ft. of assembly rooms, or 1 space for each 4 seats whichever requires the greater number but in no case less than 20 spaces |
| Outdoor retail activities, flea markets, etc. | 1 space for each 200 sq.ft. of stall space and customer circulation area |
| Retail stores, service establishments and shopping centers | 1 space per 200 sq.ft. of ground floor area; 1 space per 300 sq.ft. of floor area of upper floors |
| Sit down restaurants, bars, taverns | 1 space per 50 sq.ft. of floor area, or 1 space per 4 seats whichever requires the greater number of spaces |
| Drive-in, fast food restaurants | 1 space per 2 seats plus 1 for each 2 employees |
| Service and storage establishments | 1 space for every 2 employees on the combined employment of the 2 largest shifts |
| Vehicle filling/service stations, repair garages | 1 space per employee plus 1 space per 200 sq.ft. of floor area |
| Auto body shops | 1 space per employee plus 2 spaces per repair bay |

| <u>Structure or Use</u> | <u>Parking Spaces Required</u> |
|--|---|
| Car washes, self-service | 4 spaces per bay/stall, plus 1 space for each employee |
| Car washes, full-service | 10 stacking spaces per bay/stall, plus 1 space for each employee |
| <u>E. Recreational</u> | |
| Amusement arcades | 1 space per employee plus 1 space per each 80 sq.ft. of gross leasable floor area |
| Bowling alleys | 6 spaces per bowling lane |
| Carnivals, racetracks and other outdoor amusement or recreation uses | 1 space for each 4 seats or 4 visitors at maximum capacity |
| Clubs, lodges, or other assembly halls | 1 space per 4 seats in building |
| Dance halls, skating rinks, swimming pools | 1 space per 50 sq.ft. of area used for dancing, skating or swimming |
| Golf courses, regulation | 4 spaces for each green plus 50% of the requirement for any associated uses |
| Golf courses, par three or miniature | 25 spaces per 9 holes, plus 1 space for each employee |
| Golf driving ranges | 1 space per tee, plus 1 space for each employee |
| Indoor and outdoor theaters | 1 space per each 4 seats |
| Riding schools or horse stables | 2 stalls plus 1 per every 4 seats of spectator seating |
| <u>F. Industrial</u> | |
| Service and storage establishments; laboratories; manufacturing, fabricating or processing plants; and other industrial uses | 1 space for every 2 employees on the combined employment of the 2 largest successive shifts |

| <u>Structure or Use</u> | <u>Parking Spaces Required</u> |
|--|--|
| Executive offices, sales offices and outlet stores | 1 space per 200 sq.ft. of executive and sales office floor area in addition to parking requirements for manufacturing area |

G. Other Structures or Uses

1. For a specific structure or use not scheduled, the Zoning Officer shall apply the unit or measurement of the above schedule deemed to be most similar to the proposed structure or use.
2. In lieu of a similar structure or use, one of the following minimum standards shall be applied when deemed applicable by the Zoning Officer:
 - a. 1 space for each 200 sq.ft. of ground floor plus 1 space for each 300 sq.ft. of upper floor areas, or
 - b. 1 space per 4 seats, visitors or clients at maximum capacity or frequenting the premises or main assembly area at any given time.

SECTION 1805. SEPARATE OR COMBINED USE OF FACILITIES

A building containing one use shall provide the off-street parking spaces as required for the specific use. A building or group of buildings containing two or more use, operating normally during the same hours, and which have different off-street parking requirements, shall provide spaces for not less than the sum of the spaces required for each use.

SECTION 1806. PARKING AND GARAGE FACILITIES FOR RESIDENCES

Accessory parking facilities shall be located on the same lot as the dwellings served, each single family, duplex, two family and multi-family dwelling shall have on it premises a private parking space sufficient in capacity for the storage at one time of at least two passenger automobiles for each dwelling unit on the premises.

SECTION 1807. ACCESS DRIVES TO PARKING AREAS

The location and width of entrance and exit driveways to parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets. The center line of the access

driveways on the frontage street shall be at least thirty-five (35) feet from the right-of-way line of the nearest intersecting street. Where there is more than one driveway to a parking area, the driveways, whenever possible, shall be limited to one-way travel either as an entrance to or exit from the parking area. In no case shall there be more than two driveways for each one hundred feet of frontage on any street.

Entrances and exits shall be limited to three lanes. The width of such entrances and exits, measured at the street property line, shall conform with the following schedule:

| | <u>Width (feet)</u> | |
|-------------|---------------------|----------------|
| | <u>Minimum</u> | <u>Maximum</u> |
| One Lane | 12 | 14 |
| Two Lanes | 20 | 28 |
| Three Lanes | 30 | 40 |

In all cases, the radius of the edge of the driveway apron shall be at least fifteen (15) feet so that a car entering or leaving may not obstruct vehicles in other traffic lanes in the driveway or street.

SECTION 1808. IMPROVEMENTS TO PARKING AND LOADING AREAS

All parking areas, loading areas, and access driveways, except for one and two-family dwellings, shall have an asphalt, concrete, or other similar hard surface, approved by the Township Supervisors. Surface water shall not be permitted to discharge over on the public sidewalks or roadways or onto other premises. The maximum grade of the parking area shall not exceed two percent. Appropriate bumper guards or curbs shall be provided in order to define parking spaces or limits of paved areas and to prevent vehicles from projecting into required yards. The Township Supervisors may require landscape features or a fence between a parking or loading area and a side or rear lot line of a residential use or district. All curbs and bumper guards shall be lot line of a residential use or district. All curbs and bumper guards shall be constructed in accordance with standards established by the Township Supervisors.

SECTION 1809. ILLUMINATION OF PARKING AND LOADING AREAS

Parking and loading areas shall be illuminated whenever necessary to protect the public safety. Such illumination shall be so designed and located that the light sources are shielded from adjoining residences and residential streets and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers.

SECTION 1810. APPROVAL OF PARKING AND LOADING PLANS

Detailed drawings of off-street parking and loading areas (except for one and two family dwellings) shall be submitted to the Zoning Officer for approval prior to their construction. The drawing shall show each space, dimensions of driveways, aisles and other features required under the provisions of this Article. In instances when the drawings do not show full compliance with the requirements of the Article, the Zoning Officer shall reject the plans. The decision of the Zoning Officer may be appealed to the Zoning Hearing Board who may, in specific cases, when the size, shape, or location of the parking or loading area is such that it is impractical to meet the strict requirements of this Article, upon proper showing, vary the strict terms hereof in accordance with the powers granted in this Ordinance.

SECTION 1811. LOADING AND UNLOADING SPACE

Each commercial or industrial use shall provide off-street loading and unloading space at the side or rear of the principal structure according to the following table. Such space or spaces shall be not less than 660 square feet in area with dimension of 12' x 55' per space, which shall be located exclusive of any buffer area, public right-of-way or required front yard. Each space shall have a vertical clearance of not less than 15 feet. Additionally, any loading or unloading spaces necessitated by uses in other districts shall also comply with the specifics of this Section.

| <u>GROSS FLOOR AREA</u> | <u>LOADING/UNLOADING SPACE REQUIRED</u> |
|-------------------------|--|
| 0 to 2000 sq.ft. | None, provided all loading/unloading can be accomplished on-site without restricting traffic flow or disrupting off-street parking access. |
| 2001 to 10,000 sq.ft. | One (1) space |
| 10,001 to 50,000 sq.ft. | Two (2) spaces |
| 50,001 sq.ft. and over | Three (3) spaces plus one (1) additional space or each 40,000 sq.ft. in excess of 50,000 sq.ft. |

SECTION 1812. SCREENING AND LANDSCAPING

- A. Parking areas for non-residential uses, which are designed to contain more than five (5) vehicles shall be screened from adjacent land areas within the CR, A, AT, RLD, RSP, VR, and VC Zoning Districts. The screening shall be comprised of a fence, wall and/or landscaping materials of at least four (4) feet in height, which shall be designed to obstruct headlight glare of the parked cars.

- B. Off-street parking areas shall be suitably landscaped in order to enhance or buffer the surrounding area. Raised concrete or curbed planter islands shall be placed at each end of a row of parking spaces, which begins or terminates at an internal circulation drive, and within each row of parking spaces. The raised planter islands shall be placed so that there are not more than fifteen (15) off-street parking spaces in a continuous row without an intervening landscaped planter island. The raised continuous concrete curbing shall be required around each planting island. Each such island shall be at least one hundred sixty-two (162) square feet in size and planted with landscaping materials.
- C. Landscape islands shall be required every 15 parking spaces.
- D. The design of the landscaping strip shall be subject to the approval of Heidelberg Township.

ARTICLE 19

CRITERIA FOR SPECIAL EXCEPTIONS, CONDITIONAL USES AND OTHER SELECTED USES

SECTION 1901. GENERAL DESCRIPTION

It is the intent of this Article to provide special controls and regulations for particular uses that may be permitted by right, or by Special Exception, or by Conditional Use within the various zoning districts established in this Ordinance. Special Exceptions and Conditional Uses are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth in this Article, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. The Zoning Hearing Board may grant approval of a Special Exception provided that the applicant complies with the standards for Special Exceptions set forth in this Article and demonstrates that the proposed Special Exception shall not be detrimental to the health, safety, and welfare of the neighborhood. Similarly, the Board of Supervisors may grant approval of a Conditional Use under applicable regulations. The burden of proof shall rest with the applicant. In granting a Special Exception or Conditional Use, the Zoning Hearing Board or Board of Supervisors, as appropriate, may attach such reasonable conditions and safeguards in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

SECTION 1902. PROCEDURE

The procedure for consideration of a Special Exception or Conditional Use shall follow the procedure for review and hearings as stated in Article 21 of this Ordinance.

SECTION 1903. PLAN REQUIREMENTS

In addition to any plan informational requirements for a specific land use identified in this Article, a Special Exception or Conditional Use application shall be accompanied by a scaled drawing of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance and shall include the following:

- A. The location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and other pertinent information.
- B. The names and addresses of adjoining property owners, including properties directly across a street right-of-way.
- C. Ground floor plans and building elevations of proposed structures.

- D. A written narrative of the proposed use in sufficient detail to determine that all applicable standards are adequately addressed.

SECTION 1904. GENERAL STANDARDS FOR ALL SPECIAL EXCEPTION AND
CONDITIONAL USE APPLICATIONS

In order to receive a Special Exception or Conditional Use approval, the applicant shall establish by credible evidence that:

- A. The proposed use is consistent with the purpose and intent of this Ordinance.
- B. The proposed use does not detract from the use and enjoyment of adjoining or nearby properties.
- C. The application complies with all criteria established for the respective land use proposal addressed elsewhere in this Ordinance.
- D. The proposed use does not substantially impair the integrity of the Township's Comprehensive Plan.
- E. The required front yard, side yards, open space areas, and height limitations for the applicable zoning district have been met.
- F. The off-street parking provisions are in conformance with those specified in Article 18 of this Ordinance.
- G. Points of vehicular access to the lot are provided at a distance from intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement traffic.
- H. The location of the site with respect to the existing roads giving access to it is such that the safe capacity of those roads is not exceeded by the estimated traffic generated or attracted is not out of character with the normal traffic using said public road.
- I. The pedestrian access from the off-street parking facilities is separated from vehicular access and sufficient to meet the anticipated demand.
- J. The proposed use is not incompatible with the existing traffic conditions and adjacent uses and will not substantially change the character of the immediate neighborhood.
- K. Facilities are available to adequately service the proposed use (e.g. schools, fire, police, and ambulance protection, sewer, water, and other utilities, etc.).

- L. Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other.
- M. The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.
- N. Operations in connection with a Special Exception or Conditional Use will not be more objectionable to nearby properties by reason of noise, odor, fumes, vibration, glare, or smoke than would be the operations of any permitted use.
- O. Sufficient setbacks to and/or from agricultural operations are provided, in accordance with the applicable district regulations.
- P. For development within the General Floodplain District, that the application complies with the requirements listed in Article 14.

SECTION 1905. CRITERIA FOR SPECIFIC LAND USES

In addition to those items required by Sections 1903 and 1904 (if applicable), each of the following land uses contains criteria that shall be addressed by the applicant and reviewed by the Zoning Officer, when permitted by right, or by the Zoning Hearing Board, when permitted by Special Exception, or by the Board of Supervisors, when permitted by Conditional Use.

SECTION 1906. ADULT-ORIENTED BUSINESSES

- A. Purpose The purpose of this Section is to provide for the establishment of adult-oriented businesses within the Township at such places, and in such manner, as is appropriate and reasonable; and to establish reasonable regulations which take into consideration the potential for adverse impact from such businesses upon adjoining property owners, occupants and uses.
- B. Interpretation and Application This Section shall be interpreted and applied in a manner consistent with the Constitution and shall not be applied to unduly restrict or infringe upon rights guaranteed thereby.
- C. Severability The provisions of this Section shall be severable, and in the event any one thereof shall be determined to be invalid or unenforceable, such determination shall not operate to repeal or invalidate the remaining provisions.
- D. As used in this Ordinance, the following terms, word and phrases shall have the meanings ascribed to them by this Section:

1. Adult Bookstore An establishment open to the general public in which five (5) percent or more of the occupied sales or display area offers for sale, for rent or lease, for loan, or for view upon the premises, pictures, photographs, drawings, prints, images, sculpture, still film, motion picture film, video tape, or similar visual representations distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or offers for sale of sexual devices.
 2. Adult Oriented Business Any business offering for sale, lease, or hire products, materials, or inventory, the majority of which consists of adult oriented products, or any business that provides any adult oriented services. Any business that restricts its clientele to persons over the age of eighteen (18) years in order to comply with the Pennsylvania Crimes Code shall be considered an adult oriented business.
 3. Adult Oriented Product Anything which depicts, describes, presents, or displays human nudity or humans engaging in sexual foreplay or intercourse and appearing to have at least a significant motivation for such depiction, presentation, or display the sexual stimulation or sexual gratification of the consumer of same. Also included within this definition is any object that is intended or may be used by the consumer for purposes of sexual stimulation or gratification. Movies having received an R or PG-13 rating, or the literary equivalent of it, shall not be considered adult oriented products.
 4. Adult Oriented Service Any action performed, for consideration, by one (1) or more persons to or for the benefit of another person or persons where at least one (1) motivation for such action is the sexual stimulation or gratification of either the performer or the recipient.
 5. Adult Theater A building or a room within a building open to the general public, used for presenting live entertainment, motion picture film, video tape or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.
- E. The use and occupancy of any land, building or structure as an adult-oriented business shall be subject to the following:
1. An adult-oriented business shall be permitted only by Conditional Use and only in a CR – Conservation Recreation District.
 2. An adult-oriented business shall not be permitted to be located within five hundred (500) feet of any of the following:
 - a. Any building or other structure used for residential purposes.

- b. Any residentially zoned land.
 - c. The geographical boundary line of the Township.
 - d. The boundary of the Middle Creek Wildlife Management Area.
 - e. The boundary of State Game Lands.
3. An adult-oriented business shall not be permitted to be located within one thousand (1,000) feet of any of the following:
- a. Any other adult-oriented business.
 - b. Any public or private school, park or playground, day care facility, public recreation facility, commercial recreation or entertainment facility, library, museum, or church or other house of worship.
4. No materials, merchandise, or film offered for sale, rent, lease, and loan or for view upon the premises shall be exhibited or displayed outside of a building or structure, or be visible from outside the building or structure.
5. Any building or structure used and occupied as an adult-oriented business shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, live entertainment or film shall be visible from outside of the building or structure.
6. No sign shall be located upon the premises that depicts a visual representation of the type of materials, merchandise, or film being offered therein.
7. All entrances to the premises shall be posted with notices that persons under the age of eighteen (18) years are not permitted to enter and warning all other persons that they may be offended by the materials, merchandise, or film exhibited or displayed therein.
8. No adult oriented business may change to another adult oriented business except upon approval by an additional Conditional Use.
9. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
10. No unlawful sexual activity or conduct shall be permitted.
11. No more than one (1) adult oriented business may be located within one building.

SECTION 1907. AGRICULTURALLY ORIENTED COMMERCIAL ESTABLISHMENTS

Agriculturally oriented commercial establishments include facilities for the sales, repair, and service of agricultural equipment, vehicles, or supplies. All agriculturally oriented commercial establishments shall comply with the following:

- A. Activities and services provided by the land use should address the needs of those engaged in local farming. The facility should be directed at providing materials and services needed to farm rather than the distribution of goods produced on the farm.
- B. Minimum lot areas shall be two (2) acres with the maximum lot area being five (5) acres.
- C. Vehicular and pedestrian traffic to and from the use shall not create undue congestion or hazards within the general neighborhood.
- D. Structures shall be located at least fifty (50) feet from all property lines.
- E. The maximum lot coverage shall be not greater than twenty (20) percent.
- F. Screening and/or landscaping as may be determined by the Zoning Hearing Board shall be provided.
- G. All driveways, parking areas, and loading zones shall be surface and maintained in a manner prescribed by the Zoning Hearing Board. Adequate parking and loading areas shall be provided and shall not be permitted on or along any public road.

SECTION 1908. AMUSEMENT ARCADES

All amusement arcades shall comply with the following:

- A. The subject tract shall front on and gain access from a collector road as identified in the Heidelberg Township Comprehensive Plan, or a street in a proposed subdivision or land development plan which conforms to prevailing collector street design and improvement requirements.
- B. All activities shall be located within wholly enclosed buildings.
- C. The applicant shall produce evidence that the proposed land use will not create a nuisance due to noise or loitering on the premises.
- D. One parking space per employee plus one space for each eighty (80) square feet of gross leasable floor area shall be provided.

- E. The site shall be kept free of litter at all times in accordance with a plan for the clean-up of litter to be provided by the applicant.

SECTION 1909. BED AND BREAKFAST ESTABLISHMENTS

All bed and breakfast establishments shall comply with the following:

- A. All bed and breakfast establishments shall be conducted in single-family detached dwellings legally existing as of the effective date of this Ordinance.
- B. Not more than five (5) units may be rented to guests.
- C. Not more than one (1) rental unit is permitted for each five thousand (5,000) gross square feet of lot area.
- D. Guests shall be limited to lodging for a maximum of fourteen (14) consecutive days. Each period of lodging for a guest shall be separated from another period of lodging for that guest by at least a thirty (30) day period.
- E. The residential character of the front facade shall be maintained.
- F. Each unit shall have not less than two (2) means of safe egress.
- G. One (1) off-street parking space shall be provided for each unit. No additional front yard areas shall be utilized as parking area.
- H. The owner and operator of the bed and breakfast establishment shall be a resident of the dwelling.
- I. There shall be no outside advertising other than a one (1)-sided or two (2)-sided sign, not more than two (2) square feet in area on each side. If illuminated, lights shall not glare towards other properties.
- J. Not more than two (2) persons, whether paid or unpaid, may be employed at the site.
- K. All sewage and water facilities shall be reviewed and inspected by the Township Sewage Enforcement Officer and shall comply with all applicable Pennsylvania Department of Environmental Protection regulations.
- L. The Township may require an annual review of these conditions to ensure compliance.

SECTION 1910. BOARDING HOUSES

All Boarding Houses shall comply with the following:

- A. All boarding houses shall be conducted in single-family detached dwellings legally existing as of the effective date of this Ordinance.
- B. Not less than five thousand (5,000) gross square feet of lot area shall be provided for each rental unit.
- C. The residential character of the front facade shall be maintained.
- D. All sewage and water facilities shall be inspected by the Township Sewage Enforcement Officer and shall comply with all applicable Pennsylvania Department of Environmental Protection regulations.
- E. Lot areas shall not be less than one (1) contiguous acre.
- F. All parking areas shall be set back twenty-five (25) feet from all lot lines.
- G. One (1) off-street parking space shall be provided for each unit. No additional front yard areas shall be provided for parking.
- H. All units shall have not less than two (2) means of egress.
- I. There shall be no outside advertising other than a one (1) or two (2) sided sign, not more than two (2) square feet on each side. If illuminated, lights shall not glare towards other properties.

SECTION 1911. CHURCHES (PLACES OF WORSHIP) AND RELATED USES

All churches (places of worship) and related uses shall comply with the following:

- A. Not less than one (1) acre shall be provided for each place of worship.
- B. Lots shall not be less than two hundred feet (200) in width.
- C. All facilities shall be set back not less than fifty (50) feet from all lot lines.
- D. Off-street parking shall be provided. All parking areas shall be set back not less than fifty (50) feet from all residentially-zoned areas.
- E. Accessory residences may be permitted, and may either be located within a place of worship or be located in a detached dwelling.

- F. All detached accessory residences shall comply with residential regulations of the underlying zoning district.
- G. Educational or day care uses may be permitted as accessory to a permitted use, but shall be located upon the same lot as a house of worship, or on an adjoining lot.
- H. Not less than one hundred (100) square feet of outdoor play area shall be provided per individual enrolled in any day care or school. Outdoor play areas shall not be located within the front yard and shall be set back twenty-five (25) feet from all property lines.
- I. The Township may require the applicant to provide a plan for controlling noise and traffic.
- J. The Township may require screening.

SECTION 1912. COMMUNICATIONS ANTENNAS AND COMMUNICATIONS EQUIPMENT BUILDINGS

All communications antennas and communications equipment buildings shall comply with the following:

- A. Building mounted communications antennas shall not be located on any single family dwelling or two family dwelling.
- B. Irrespective of anything contained in Section 1605 to the contrary, building mounted communications antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.
- C. Omnidirectional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
- D. Directional or panel communications antennas shall not exceed five (5) feet in height and three feet in width.
- E. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads, associated with the antenna location.
- F. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Township for compliance with applicable codes and laws.

- G. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.
- H. Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- I. Communications antennas shall not cause radio frequency interference with other communications facilities located in Heidelberg Township, Lebanon County.
- J. A communications equipment building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.
- K. The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.

SECTION 1913. COMMUNICATIONS TOWERS

Before any approval concerning communications towers shall be issued, the Board shall also require compliance with the following standards:

- A. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.
- B. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- C. Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Heidelberg Township Airport Zoning Regulations.
- D. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing building, structure, or Communication Tower. A good faith effort shall require that all owners of potentially suitable structures within a one-half mile radius of the proposed Communications Tower site be contacted and that one or more of the following reasons for not selecting such structure apply:

1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 3. Such existing structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
 4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 5. A commercially reasonable agreement could not be reached with the owners of such structures.
- E. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a durable and dustless surface, such as concrete or a bituminous surface for a minimum of thirty-five (35) feet shall, at a minimum, be surfaced with a durable and dustless gravel.
- F. A communication tower may be located at a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.
- G. The applicant shall comply with the Subdivision and Land Development Ordinance of Heidelberg Township to the extent the same are applicable.
- H. The applicant shall demonstrate that the proposed height necessary to perform its function.
- I. Irrespective of anything contained in Section 1605 to the contrary, the maximum height of any communications tower with communications antenna attached shall be one hundred fifty (150) feet; provided, however, that such height may be increased to no more than two hundred (200) feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one foot for each one foot of height in excess of one hundred and fifty (150) feet.
- J. The foundation and base of any communication tower shall set back from a property line (lot lease lines) at least fifty (50) feet.

- K. The base of a communication tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.
- L. The communications equipment building shall comply with the required yards and height requirements of the applicable Zoning District for an accessory structure.
- M. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communication Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna supporting structures, published by the Electrical Industrial Association/Telecommunications Industry Association and the requirements of any applicable Building Code.
- N. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antennas.
- O. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- P. The site of a communications tower shall be secured by a fence and gate of design approved by the Township Engineer. Such fence and gate shall be not less than eight feet in height, including barbed wire at the top, and shall completely enclose the communications tower and anchor locations of guy wire, if used. This fencing shall be designed to be compatible with surrounding land uses. The gate shall be kept locked to preclude access by the general public.
- Q. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.
- R. Communication towers shall be protected and maintained in accordance with the requirements of any applicable Building Code.
- S. If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six months of the expiration of such twelve (12) month period. Financial security shall be deposited with the Township in an amount equal to 110% of the cost estimated for the dismantling and removal.

Such financial security shall be in the form of Federal or Commonwealth chartered lending institution irrevocable letters of credit or restrictive or escrow accounts in such lending institutions; however, that the Township may accept other types of reasonable financial security that bear an equivalent guarantee. The cost estimate for the dismantling and removal shall be prepared and presented to the Township by a Professional Engineer, licensed to practice in the Commonwealth of Pennsylvania and shall bear his or her certification that the cost estimate is fair and reasonable. The applicant shall bear the cost of obtaining this estimate. The amount of the financial security may be increased by the Township by an additional 10% for each one-year period beyond the first anniversary date from the posting of financial security.

- T. One off-street parking space shall be provided within the fenced area.

SECTION 1914. DAY CARE CENTERS

Day care centers are subject to the following additional conditions:

- A. The property shall be served by public water and sewer facilities.
- B. Applicant shall obtain written approval or licensure of the day care center from the Pennsylvania Department of Public Welfare.
- C. Plans for the construction or modification of the facility shall be reviewed/approved by the Pennsylvania Department of Labor and Industry and written proof of said review/approval shall be provided.
- D. Unloading and loading of children from vehicles shall only be permitted on the driveway or on the approved parking area.
- E. Off-street parking shall be provided at a rate of one (1) space for each employee, plus four (4) spaces for the first ten (10) licensed capacity slots for children, plus one (1) space for each additional ten (10) slots for children approved for vehicles owned and operated by the facility as a part of its day care services.
- F. Play areas for children shall be fenced and shall be located no closer than fifty (50) feet to any lot line or road right-of-way, except that play area setbacks may be reduced to twenty-five (25) feet from side and rear lot lines when a dense screen planting is established and maintained within the setback area.

SECTION 1915. FAMILY DAY CARE HOMES

Family day care homes are subject to the following additional conditions:

- A. Day care shall be provided by the resident of the home and a maximum of one (1) non-resident assistant.
- B. Applicant shall obtain and maintain a registration certificate from the Pennsylvania Department of Public Welfare for the family day care home; a copy of said certificate shall be attached to the zoning permit.
- C. Two (2) off-street parking spaces shall be provided in addition to that required for the residence.
- D. No signs pertaining to the day care service shall be permitted.
- E. Where the proposed use is to be served by on-lot sewage disposal, a certification by the Township Sewage Enforcement Officer that the existing system is adequate to serve the proposed use.

SECTION 1916. FARM-BASED BUSINESSES

Farm-based businesses are subject to the following additional conditions:

- A. The primary economic activity of the subject tract shall be agricultural and shall be at least twenty-five (25) acres in area.
- B. For the purposes of this Ordinance, farm-based businesses may involve the following uses:
 - 1. Facilities for the service and repair of farm machinery and equipment, and small engines.
 - 2. Facilities contributing to the agrarian lifestyle characteristic of the residents of Heidelberg Township. Such facilities include, but are not limited to:
 - a. Arts and crafts manufacturing, with a retail sales display area not to exceed 1,000 square feet.
 - b. Hat shops.
 - c. Blacksmith and tool-sharpening shops.

- d. Carriage, buggy, wagon and related appurtenances manufacturing, sales and service.
 - e. Carpenters.
 - f. Woodworking, furniture, and cabinetmaking shops.
 - g. Metalworking shops.
 - h. Country housewares, hardware and dry goods stores with retail display area not exceeding 1,000 square feet.
 - i. Butcher shops.
 - j. Tailor and shoe shops.
 - k. Grain mills.
 - l. Processing of locally produced agricultural products.
 - m. Veterinary offices which primarily treat farm animals; stables; kennels.
 - n. Feed supply, feed and fertilizer distribution.
- C. No more than two (2) acres of land shall be devoted to such use, including areas used for structures, parking, storage, display, setbacks, landscaping, etc. However, any lane serving the farm-related business and a home and/or farm contained upon the same lot shall not be included as lot area devoted to the farm-based business.
- D. The farm-based business shall be conducted and owned by the farmer in residence on the property.
- E. The Township Board of Supervisors shall determine if the proposed farm based business and land use are not detrimental to the agricultural uses of the Agricultural District and do not interfere or conflict with the continuation and perpetuation of agricultural activities and the health, safety, and welfare of the community. Additionally, the Township Board of Supervisors may require that impact studies be furnished which evaluate the effect of the proposed business and land use upon the subject tract of land, the abutting properties and the community in general.
- F. The applicant shall acknowledge as part of the conditional use application that additional Township, County, Commonwealth, and Federal requirements may exist, and that it is his responsibility to comply with any additional requirements.

- G. In the case where the proposed farm based business requires the construction of new buildings or additions to existing buildings, the applicant shall provide information justifying that the location of the proposed construction does not unnecessarily utilize existing agricultural lands and/or does not have an adverse effect upon the existing agricultural uses of the farm.
- H. The land area of the farm-based business shall not, at any time, be permitted to be subdivided from the farm.
- I. No more than two (2) non-residents shall be employed in a farm-based business.
- J. The applicant shall demonstrate that the proposed farm based business and land use provide for the safe and efficient movement of traffic by addressing anticipated changes in vehicular movements.
- K. Signs that advertise the farm-based business shall not exceed fifteen (15) square feet in area.
- L. If determined by the Township Board of Supervisors, suitable buffering shall be provided when the farm based business is located within one hundred (100) feet of an adjacent residential structure.
- M. The owner and/or occupant of the farm-based business shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor. Additionally, the farm-based business shall be conducted in a manner that does not allow the accumulation of trash and debris.
- N. For purposes of this section, a farm shall be defined as an area of land employed by the farmer as a single economic enterprise, regardless of the contiguity or number of parcels, plots, or tracts comprising such enterprise.

SECTION 1917. GOLF COURSES/COUNTRY CLUBS AND SEMI-PUBLIC OR PRIVATE RECREATION AREAS AND STRUCTURES OPERATED BY MEMBERSHIP CLUBS

Golf courses, country clubs and semi-public or private recreation areas and structures operated by membership clubs solely for the benefit of their members and not for gain shall be subject to the following conditions:

- A. A minimum lot area of 200 acres for golf courses, 25 acres for retreat centers, and a 10-acre minimum for all other uses.
- B. The sum of all areas covered by principal and accessory buildings shall not exceed 10% of the total lot area.

- C. No building, structure or part thereof or any parking or loading area shall be located within 100 feet of any road right-of-way line or lot line.
- D. Exterior lighting, other than that essential for the safety and convenience of the users of the premises shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.
- E. Any such club shall be incorporated pursuant to the provisions of a membership corporation or unincorporated association approved by the Township Board of Supervisors and catering exclusively to members and their guests.
- F. No golf hole shall be designed which requires any shot to cross a street, driveway, building, or parking lot.
- G. At any point where the golf course crosses a public or private road or a private drive, the road or drive shall be signed to identify a golfer's crossing and the golfer's crossing shall be signed to identify the road or drive crossing.
- H. All accessory uses of the golf course, including but not limited to the club house, parking facilities, driving range, storage sheds, pro shop, snack bar, restaurant, and swimming pool, shall be setback at least one-hundred (100) feet from all property lines and seventy-five (75) feet from all street right-of-way lines.
- I. Outdoor storage of maintenance equipment or golf carts is not permitted.
- J. All lighting facilities for night play on a par 3 course or driving range shall be designed and located so as to not produce a glare or direct illumination onto abutting properties.
- K. There shall be a minimum setback of one hundred (100) feet from the field of play to any adjacent residential structure.

SECTION 1918. GROUP FAMILY DWELLINGS

Group family dwellings are subject to the following additional conditions:

- A. Proof of a group family living arrangement shall be verified through the appropriate state or local agency sponsoring/approving the use. A copy of the required license or registration and any subsequent changes thereto shall be filed with the Zoning Officer prior to initiation of the use or change.
- B. All parking for the use shall be off-street. In addition to the two (2) off-street parking spaces required for the dwelling unit, sufficient additional off-street parking spaces shall be provided to adequately handle the parking needs of the use (e.g. one additional space for each resident).

- C. Where the proposed use is to be served by on-lot sewage disposal, a certification by the Township Sewage Enforcement Officer that the existing system is adequate to serve the proposed use.

SECTION 1919. HOME BUSINESSES

- A. Purpose. It is the intent of this Section to establish regulations that will permit home businesses in a manner that will preserve the peace, quiet, and tranquility of residential neighborhoods and to ensure the compatibility of such uses with other uses permitted within the same zoning district.
- B. General Regulations. All dwellings containing a home business shall comply with the following:
1. The person primarily responsible for the home business shall be a full-time resident of the premises.
 2. An area equal to no greater than twenty-five (25) percent of the gross floor area of the dwelling unit may be used for the practice of a home business. Portions of accessory buildings may be used for the home business provided the 25% limitation is not exceeded. This 25% limitation may be increased only through the approval as a special exception by the Zoning Hearing Board.
 3. No displays or change in the building facade, including the dwelling and all accessory buildings, shall indicate from the exterior that the dwelling is being utilized for purposes other than a dwelling.
 4. Storage of materials, products, or machinery used for the home business shall be wholly enclosed by the dwelling or accessory building(s), within the maximum floor area previously defined, and shall not be visible from any adjacent lot or street.
 5. A home business shall not produce noise, obnoxious odors, vibrations, lighting glare, fumes, or smoke detectable to normal sensory perception on any adjacent lots or streets or electrical interference.
 6. The disposal of all materials, fluids, and gases shall be in a manner that complies with all regulations of Heidelberg Township and all other applicable government codes.
 7. Home businesses utilizing, or proposing to utilize, explosive or highly flammable materials shall require proof of fire department notification and compliance with applicable building codes prior to using such materials.

8. A home business shall limit any external evidence of said business to one (1) non-illuminated sign, not exceeding one (1) square foot in sign area, subject to the sign regulations of this Ordinance.
9. Sales of goods on the premises shall be limited to goods made on the premises and goods that are incidental to services performed on the premises.
10. The requirement for additional parking facilities shall be determined by the Zoning Hearing Board.
11. Deliveries shall not restrict traffic circulation.

SECTION 1920. JUNKYARDS

Junkyards used for storage, wrecking, or converting used or discarded materials, shall be located no less than 150 feet from any roadway and no less than 500 feet from any use district other than Industrial. In addition, such use must be completely enclosed by an evergreen screen planting to be planted and maintained at a height of not less than eight (8) feet and backed by a solid fence not less than six (6) feet in height.

SECTION 1921. MIXED USE BUILDINGS

Unless specifically regulated elsewhere in this Ordinance, when two (2) or more principal uses occupy the same building on the same lot, all parking, lot area and building area requirements pertaining to each use shall be met in full.

SECTION 1922. NO-IMPACT HOME-BASED BUSINESSES

No-Impact Home-Based Businesses are permitted as a use by right in all districts, except that such permission shall not exceed any deed restriction, covenant or agreement restricting the use of the land, nor any master deed, bylaw or other document applicable to a common interest ownership community.

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

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

SECTION 1923. NURSING, REST AND RETIREMENT HOMES

Nursing, rest and retirement homes are subject to the following additional conditions:

- A. The subject tract shall contain a minimum area of two (2) acres.
- B. The number of permitted independent residential units of occupancy shall be based upon the requirements of each respective zoning district, unless a centralized sewage facility is provided. In such case, the units of occupancy shall be based upon the density requirements of the V-C District for apartment-type dwellings.
- C. Pennsylvania Department of Environmental Protection-approved means of sewage disposal and water supply shall be utilized.
- D. Off-street parking lots and loading areas shall be screened from adjoining residentially-zoned lands.

- E. At least twenty (20) percent of required parking spaces shall be designed for handicapped persons.

SECTION 1924. RECREATION FACILITIES

Recreation facilities are subject to the following criteria:

- A. If the subject property contains more than two (2) acres, it shall front on a collector road as identified in the Heidelberg Township Comprehensive Plan, or a street in a proposed subdivision or land development plan which conforms to prevailing collector street design and improvement requirements.
- B. Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
- C. 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 structure shall not be used for occupancy.
- D. The applicant shall present evidence that the proposed use will not be detrimental to the use of adjoining properties as a result of, but not limited to, hours of operation, noise, light, litter, dust, pollution and traffic congestion.
- E. Required off-street parking will be determined upon the types of activities proposed. In addition, the Zoning Hearing Board may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
- F. 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 adjoining roads 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 roads. If, at any time after the opening of the recreation facility, the Zoning Officer determines that traffic backups are occurring on adjoining road, and such backups are directly related to the means of access to the subject property, the Zoning Officer can require the applicant to revise means of access to relieve the undue congestion.

SECTION 1925. RIDING ACADEMIES/STABLES

Riding academies/stables are subject to the following criteria:

- A. All animals except while exercising or pasturing shall be kept within a completely enclosed building which was erected or maintained for that purpose.
- B. No building or stable shall be located less than one hundred (100) feet from any lot line, nor closer than two hundred (200) feet from the nearest existing dwelling, other than that of the owner. A minimum lot size of one (1) acre per one and one-half (1 1/2) animals maintained shall be provided.
- C. All areas used for exercise and pasturing shall be securely fenced. A pasture fence shall be located a minimum distance of six (6) feet from the property line.
- D. No manure storage facility or area shall be established closer than one hundred fifty (150) feet to any property line.
- E. One sign shall be permitted which shall not be greater than two (2) square feet in area and located a minimum of twenty (20) feet from the street right-of-way line.
- F. Adequate off-street parking shall be provided in accordance with requirements of Article 18.
- G. The applicant shall provide a plan for the control of odor, litter, and noise.

SECTION 1926. SAW MILLS

Sawmills are subject to the following criteria:

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

SECTION 1927. SCHOOLS

Schools are subject to the following criteria:

- A. All height, area, setback, and coverage standards within the applicable zoning district shall apply.
- B. All off-street parking facilities shall be setback twenty-five (25) feet and screened from adjoining property lines.

- C. All structures shall be setback at least one hundred (100) feet from any adjoining land within a residential zone.
- D. Recreational areas shall be provided for all educational facilities below the college level at a scale of one hundred (100) square feet per individual enrolled. Off-street parking areas shall not be utilized as recreational areas, and such recreation areas shall not be located within the front yard and must be setback at least twenty-five (25) feet from all property lines. Outdoor recreation areas shall be screened from adjoining residentially-zoned properties by means of fences, plantings, or decorative enclosures sufficient to screen activities from adjacent lots. Fencing shall be provided at all locations where public safety is at issue. Any vegetative materials located within the recreation area shall be non-harmful (i.e. thorny, poisonous, allergenic, etc.). All outdoor recreation areas shall provide a means of shade either by the planting of shade trees or the construction of pavilions. Enrollment, for the purposes of this section, shall be defined as the largest number of students on the site at any one time during a seven (7) daytime period.
- E. Passenger drop-off and pick-up areas shall be provided and designed so that there is no cross-traffic pedestrian circulation.

SECTION 1928. MINERAL EXTRACTION

Mineral extraction, including, but not necessarily limited to, sandpits, gravel pits, removal of topsoil, and the excavation, extraction, or removal of any natural resource from the land or ground for any purpose, but not bulk water extraction, is permitted subject to the following conditions:

- A. Application for the Special Exception shall be accompanied by copies of all permits required for the conduct of such activities by the laws and regulations of the Federal Government and the Commonwealth of Pennsylvania, including, but not limited to, the Pennsylvania Department of Environmental Protection, certified to be true and correct copies of permits remaining in full force and effect, never having been revoked or suspended.
- B. The proposed operation shall not adversely affect soil fertility, drainage, and lateral support of abutting land or properties, nor shall it contribute to soil erosion by water or wind.
- C. When any open excavation will have a depth of ten (10) feet or more and a slope of more than thirty (30) percent, there shall be an appropriate, protective fence with suitable gates where necessary, effectively blocking access to the area in which extraction is located. Such fence shall be located no less than fifty (50) feet from the edge of the excavation. All operations shall be screened from nearby residential uses as required by the Zoning Hearing Board.

- D. That portion of access roads located within one hundred (100) feet of any lot in residential use or lot zoned residentially shall be provided with a dustless surface. Access roads shall connect to collector or major road networks avoiding undue movement through residential areas.
- E. At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
- F. A site plan for rehabilitation, showing both existing and proposed final contours, shall be submitted. After any such operations, the site shall be made reusable for a use permitted in the zoning district. Where topsoil is removed, sufficient arable soil shall be set aside for retention on the premises and shall be respread over the premises after the operation is terminated. Except where lakes are created and retained, the areas shall be brought to final grade by a layer of earth at least two (2) feet deep or to original thickness, whichever is less, and capable of supporting vegetation. Fill shall be of an acceptable material.
- G. Application for the Special Exception shall be accompanied by a Transportation Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Zoning Hearing Board, certifying that the public roads proposed to serve the proposed operation have sufficient carrying capacity to handle the load and volume of traffic projected to be generated by the proposed operation.
- H. The proposed operation will not generate traffic such that hazardous or unduly congested conditions occur.
- I. The proposed operation shall not adversely affect the character of the neighborhood, or the health and safety of the residents or workers on adjacent properties and in the general neighborhood.
- J. All quarries, pits, surface mines, or other areas where minerals are extracted by the surface mining method, shall comply with all the requirements of the Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act, all rules and regulations thereunder, and any other applicable state law, rule, or regulation.
- K. All quarries, pits, surface mines, or other areas where minerals are extracted by the surface mining method, excluding extraction of minerals by the landowner for his own non-commercial purposes from the land owned or leased by him, but including all other extractions, shall be licensed under the Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act, and any other applicable state law, rule, or regulation.

- L. No storage of products, by-products, over-burden, or cover materials shall be located closer than one hundred (100) feet from any lot line or within one hundred (100) feet from any street not located within the lot.
- M. No storage of products, by-products, over-burden, or cover materials shall exceed a height of fifty (50) feet above grade.
- N. No quarrying or mining activities and no buildings, structures, and equipment shall be located closer than one hundred (100) feet from any lot line, nor within one hundred (100) feet of any street not located within the lot, nor closer than one hundred fifty (150) feet from any residential district boundary line, provided that an office or storage building may be located no closer than fifty (50) feet to the same.
- O. Where materials are removed from the site, it shall be done in such a manner as to not cause any debris or other material to be deposited beyond the site boundaries.
- P. All machinery and devices used for extraction purposes shall be removed from the site upon completion of the process.
- Q. Activities shall not cause earth movements or erosion to extend beyond the lot boundaries.
- R. A planting strip of not less than ten (10) feet in width shall be placed within all side and rear yards or along fences surrounding the mining area, and shall contain evergreen plant material which is planted at a minimum height of four (4) feet and will attain and shall be maintained at a height of not less than eight (8) feet.
- S. The Zoning Hearing Board shall have the authority to impose such additional conditions as necessary to assure compliance with the general purpose and intent of this Zoning Ordinance.

SECTION 1929. BULK WATER EXTRACTION

Bulk water extraction is subject to the following criteria:

- A. Application for the Special Exception shall be accompanied by a Hydrogeologic Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Zoning Hearing Board, certifying that the proposed operation will not adversely affect existing wells located on nearby properties.
- B. Application for the Special Exception shall be accompanied by a Transportation Impact Analysis, prepared and certified by duly licensed professionals acceptable

to the Zoning Hearing Board, certifying that the public roads proposed to serve the proposed operation have sufficient carrying capacity to handle the load and volume of traffic projected to be generated by the proposed operation.

- C. The applicant shall comply with all Susquehanna River Basin Commission, Delaware River Basin Commission, Pennsylvania Department of Environmental Protection, and Pennsylvania Fish Commission regulations for the removal of water resources. Every Special Exception granted for bulk water extraction shall include as a condition of the grant that the applicant shall obtain all required approvals and permits therefor from those agencies and that the failure to do so shall constitute a violation of this Ordinance.
- D. Utilities and public services shall be available, or made available by the applicant, to adequately serve the proposed use.
- E. The proposed use will not generate traffic such that hazardous or unduly congested conditions occur.
- F. The use shall not adversely affect the character of the neighborhood, or the health and safety of the residents or workers on adjacent properties and in the general neighborhood.
- G. The Zoning Hearing Board shall have the authority to impose such additional conditions as necessary to assure compliance with the general purpose and intent of this Zoning Ordinance.

SECTION 1930. KENNELS

Kennels are subject to the following criteria:

- A. In addition to the requirements of this Section, kennels located in the A-Agricultural and AT-Agricultural Transitional Districts shall also comply with all the requirements for Farm-Based Businesses. In the event of conflicts between this section and the provisions of Section 1916, the more restrictive provision(s) shall apply.
- B. Breeding kennels shall not be permitted on tracts of less than twenty-five (25) acres. Boarding kennels may be located on tracts of two (2) acres or greater provided that such facilities are limited to not more than twenty-five (25) adult dogs. The minimum lot size for boarding kennels housing more than twenty-five (25) adult dogs must be increased by one (1) additional acre for every twenty-five (25) adult dogs or portion thereof.

C. Setbacks

1. No kennel facility may be located within two hundred and fifty (250) feet of a residential district or existing residential use.

2. No waste shall be stored within one hundred (100) feet of a property line.

D. All floor surfaces of outdoor pens and exercise areas shall be constructed of an impervious material and shall be located within the rear yard areas of the property.

E. All dogs shall be located indoors at night (sunset to sunrise).

F. Off-street parking shall be provided pursuant to Article 18.

G. The Applicant shall furnish copies of applicable State and / or Federal licenses, including renewals, to the Township.

H. The Applicant shall comply with all provisions of Township Ordinances, State laws and Federal laws relating to kennel(s) and the operation of kennel(s).

I. The Applicant shall comply with all requirements of the Heidelberg Township Sewage Enforcement Officer and DEP to meet the on-lot sewage requirements for the operation of kennel(s).

J. All facilities, including buildings, floors, cages, exercise runs, and all operations of the kennel shall be in accordance with applicable State and Federal regulations.

K. The Applicant shall furnish plans of the facilities to the Township, which demonstrate compliance with the above regulations.

L. The Applicant shall allow the Township Zoning Officer and / or other authorized Township representative to inspect the kennel(s) during normal business hours.

M. The Applicant shall allow the Township Zoning Officer and / or other authorized Township representative access to examine any and all records pertaining to the kennel operation.

N. The Zoning Hearing Board may attach other conditions it feels are necessary to protect the health, safety and welfare of the inhabitants of the surrounding neighborhood.

O. The Applicant shall meet provisions of all other applicable Township Ordinances.

SECTION 1931. ANIMAL HOSPITALS, VETERINARY FACILITIES

Animal hospital and veterinary facilities are subject to the following criteria:

- A. All animal hospital and veterinary facilities shall be in fully enclosed buildings.
- B. The Applicant shall furnish current copies of applicable State and/or Federal licenses, and all renewals.
- C. Dog boarding shall be in accordance with Section 1930 (Kennels).
- D. The Applicant shall provide plans, if applicable, for:
 - 1. Housing or boarding of larger animals if essential to the facility
 - 2. Storage of drugs and medical supplies for the treatment of animals
 - 3. Lighting, off-street parking, and the control of noise
 - 4. Disposal of manure, hazardous waste and dead animals
- E. All facilities shall comply with the provisions of all other applicable Township Ordinances.

SECTION 1932. NONCOMMERCIAL KEEPING OF HORSES The following standards shall apply for the keeping of horses and related equine animals. However, these standards shall not be interpreted as applying to animal hospitals, veterinary facilities, kennels, riding clubs or stables, or normal farming operations.

- A. The minimum lot area required for the keeping of one (1) horse shall be three (3) acres. This minimum lot area shall be increased by one (1) additional acre for each additional horse kept.
- B. Maintaining horses shall be on a non-commercial basis and be strictly as an incidental use.
- C. The area within which horses are kept shall be enclosed by a fence designed for containment.
- D. No building, corral, or stable shall be closer than one hundred (100) feet to the nearest dwelling other than that of the owner, nor within fifty (50) feet of any property line. Any pasture fence shall be located a minimum distance of ten (10) feet from a Residential Zoning District boundary or the property line of an adjacent parcel in residential use.

- E. The owner of the horse(s) shall provide suitable shelter for the animal(s), shall exercise suitable control over the animal(s) and shall not allow a nuisance condition to be created in terms of excessive noise, odor or soil erosion.
- F. The minimum lot area requirements of Section 1932 A. may be modified only by a special exception granted by the Zoning Hearing Board.

SECTION 1933. AIRPORTS AND HELIPORTS

Airports and heliports are subject to the following criteria:

- A. An airport or heliport shall be permitted as a Special Exception within the Industrial (I) Zoning District.
- B. The following general provisions shall apply to airports and heliports:
 - 1. A minimum of twenty-five (25) contiguous acres of land shall be required to accommodate an airport or heliport facility.
 - 2. Airports and heliports shall be serviced by public or on-lot sanitary sewer facilities, which shall be consistent with any plans and ordinances adopted by Heidelberg Township.
 - 3. Airports and heliports shall be serviced by public or on-lot water facilities, which shall be consistent with any plans and ordinances adopted by Heidelberg Township.
 - 4. All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - 5. Unless otherwise specified in this Ordinance, airports and heliports shall comply with all other pertinent areas, bulk and height requirements of the Industrial District.
 - 6. All airports and heliports shall comply with the provisions of the Airport Hazard Overlay District provisions of this Ordinance.
 - 7. All facility operations shall be reviewed and permitted by the Federal Aviation Administration and the Pennsylvania Department of Transportation.
- C. The following setback requirements shall apply to all airports and heliports:
 - 1. All buildings, runways, landing strips, landing pads and/or other accessory structures related to the airport or heliport shall be located at least one hundred (100) feet from all street right-of-way lines and property lines.

2. With the exception of existing lots of record, no residential dwelling or facility where children regularly congregate shall be permitted within or vertically below any designated runway approach surface zone for a distance of five hundred (500) feet from the end of the designated primary surface zone for the runway, as established by either the Pennsylvania Department of Transportation, Bureau of Aviation, or the Federal Aviation Agency, whichever is greater.
3. Storage and sale of aviation fuels is permitted provided any such storage and sales area is located a minimum distance of one hundred (100) feet from any street right-of-way line or lot line and such storage and sale complies with all prevailing regulations.

D. The following general provision shall also apply to airports and heliports:

1. Any areas to be used by aircraft or helicopters under their own power shall be provided with a stabilized surface.
2. All outdoor storage, parking and loading areas shall be screened from adjoining properties that are within a residential zoning district. The landscaping screen or buffer yard shall be designed to provide a complete visual barrier within five (5) years of the initial planting. Areas designated for aircraft parking or tie-down space shall not be considered as outdoor storage, parking or loading area.
3. Vending machines, snack bars, newsstands, government installations, air service and industry offices, and aircraft repair facilities may be permitted within completely enclosed buildings where the Zoning Hearing Board determines that the facility is directly related to the services provided by the airport or heliport.
4. Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. Areas for trash and rubbish shall be located at least fifty (50) feet from any property line or street right-of-way line.

E. As part of the special exception application, the Zoning Hearing Board may require additional conditions and safeguards in order to protect and promote the health, safety and welfare of the community and the character of the neighborhood in which the proposed airport or heliport facility is to be erected.

SECTION 1934. CONVENIENCE STORES

Convenience stores shall be permitted as follows:

- A. Convenience stores shall be permitted by right within the Highway Commercial (HC) Zoning District.
- B. The following utility provisions shall apply to a convenience stores:
 - 1. The convenience store shall be serviced by public sanitary sewer facilities, which shall be consistent with any plans and ordinances adopted by Heidelberg Township.
 - 2. The convenience store shall be serviced by public water supply facilities, which shall be consistent with any plans and ordinances adopted by Heidelberg Township.
 - 3. All other utility provisions serving the convenience store shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, the utility services and connections shall be installed underground.
- C. The following provisions shall apply to convenience stores:
 - 1. Unless otherwise specified, all external structures, including the fuel dispensing islands, canopy covering the fuel islands, outdoor storage areas and/or display items (other than the permitted signs) shall comply with the setback, coverage and height requirements of the zoning district on which the building is located.
 - 2. The convenience store shall contain a principal building that complies with the following requirements:
 - a. The principal building shall have a maximum gross floor of not more than seven thousand five hundred (7,500) square feet.
 - b. The area of the principal building shall not include any areas designated as an accessory use and/or as part of the gasoline pumps including the canopy and fuel service lanes.
 - 3. The canopy covering the fuel pumps shall not exceed the following provisions:
 - a. The canopy shall not exceed a coverage area of seven thousand (7,000) square feet.

- b. The canopy shall not exceed a height of twenty-five (25) feet. Heidelberg Township may permit a greater canopy height up to thirty (30) feet if the design of the canopy is considered as an architectural or visual enhancement.
 - c. The canopy shall not be located within ten (10) feet of the street right-of-way line and shall comply with the minimum side and rear yard setback requirements for the zoning district on which the canopy is located.
- D. Unless otherwise permitted by Heidelberg Township, the following use limitations and restrictions shall apply to convenience stores:
 - 1. Retail sales of food, groceries, beverages, household products, automobile fuels and accessories, newspapers, magazines, periodicals, and other similar items may be sold within a convenience store.
 - 2. The sale of gasoline, diesel fuel, kerosene and/or other petroleum products shall be permitted as an accessory use for a convenience store. The maximum number of fueling pumps (one pump shall serve a maximum of two fueling positions only) shall be permitted based upon the size of the building housing the convenience store, which shall be specified as follows:
 - a. Maximum number of fuel pumps – 14
 - b. Maximum number of fueling positions - 28
 - 3. Automobile repair stations shall not be permitted as a principal use or commercial option for a convenience store.
 - 4. Indoor and outdoor seating for the consumption of food and beverages shall be permitted as an accessory component of the convenience store.
 - 5. Vehicle washing facilities shall be permitted as an accessory use in accordance with the provisions specified under Section 1935 of this Zoning Ordinance.
 - 6. A drive-up or drive-through service lane shall only be permitted as part of a convenience store.
 - 7. The on-site demolishing or dismantling of vehicles for salvage or parts shall be prohibited.
- E. General Requirements: The following general standards shall be required for a convenience store:

1. All merchandise or retail items sold on the premises shall not be located within the street right-of-way and areas designated as vehicular driveways or access lanes. All such areas may be located adjacent to the building provided that the storage of any merchandise does not interfere with the permitted retail sales use and that a five (5) foot minimum width is provided to accommodate pedestrian circulation.
2. All transactions shall be conducted within the convenience store or at automated fuel pumps.
3. All permitted materials that are stored outdoors shall be located at least ten (10) feet from the street right-of-way and no closer than ten (10) feet to any property line.
4. The parking or staging of vehicles within the automobile service lanes, drive through-service lanes or any queuing positions shall not be calculated or considered as part of the off-street parking area.
5. The use and related activities shall not emit noise, glare, vibration, electrical disturbance, electromagnetic interference, dust, smoke, fumes, toxic gas, radiation, heat and/or other perceptible or objectionable nuisances that would impact neighboring properties, or be noticeable at or beyond the property line
6. All exterior speaker, microphone or intercom systems shall be designed in a manner, so the messages, music or other sounds are not audible at any street line or property line.

SECTION 1935. VEHICLE WASHING CENTERS (CAR WASHES)

Vehicle washing centers (car washes) shall be permitted as follows:

- A. Vehicle washing centers shall be permitted by right within the Highway Commercial (HC) Zoning District.
- B. The following general regulations and restrictions shall apply to a vehicle washing center:
 1. The vehicle washing center shall be serviced by public sanitary sewer facilities, which shall be consistent with any plans and ordinances adopted by Heidelberg Township.

2. The vehicle washing center shall be serviced by public water supply facilities, which shall be consistent with any plans and ordinances adopted by Heidelberg Township.
3. Gray water recycling and treatment equipment shall be incorporated as part of the facility operations. All such equipment shall include provisions for the collection of waste, grease, oil, soap, wax, and other materials that can't be recycled or utilized as part of the operations. A minimum of 75 percent of the water used in the operation shall be collected and recycled. None of the water shall flow into any storm sewers.
4. All other utility provisions serving the car wash shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, the utility services and connections shall be installed underground.
5. The vehicle washing center shall comply with all applicable state and Federal regulations.
6. The sale of automobile parts, oil, lubricants and petroleum products may be permitted as an accessory use to a vehicle washing center. No more than twenty-five (25) percent of the gross floor area of the building occupying the vehicle washing center shall be utilized for retail sales or accessory uses.
7. The side and rear lot lines of the development shall be adequately screened with a fifteen (15) foot wide landscaped strip or buffer yard, which shall comply with the provisions of this Zoning Ordinance and the Subdivision and Land Development Ordinance.
8. All exterior speaker, microphone or intercom systems shall be designed in a manner, so the messages, music or other sounds are not audible at any street line or property line.
9. The proposed pre-service or drive-through service lanes shall be designed with sufficient on-site stacking or queuing lanes in order to prevent the traffic congestion and/or the back-ups onto adjoining roads or adjacent properties. Each pre-service or drive-through service lane for the car washing facility shall be at least ten (10) feet in width and one hundred (100) feet in length.
10. A post-washing drying area shall be provided for two (2) vehicles per car washing bay or unit.

11. Any booths or other structures utilized for the collection of admission and/or vehicle wash fees shall be setback and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees, such as by roaming parking lot attendants, shall be conducted in such a manner as to prevent vehicle backups on adjoining roads. The landowner and operator of the car wash shall be responsible to resolve, mitigate and/or correct any traffic congestion problems that occur on public roads, which are related to the points of ingress and egress to the vehicle washing center.
12. The use and related activities shall not emit noise, glare, vibration, electrical disturbance, electromagnetic interference, dust, smoke, fumes, toxic gas, radiation, heat and/or other perceptible or objectionable nuisances that would impact neighboring properties or be noticeable at or beyond the property line.

SECTION 1936. AGRITAINMENT/AGRITOURISM ENTERPRISES

Purpose – Lebanon County’s distinct character and quality resource provides the foundation for developing appropriate types of authentic tourism products that would ensure that the County remains a unique and competitive destination in the future. Any tourism venture or experience that would be permitted in the agricultural areas of the Township must be directly related to supporting the primary use of the farm by interpreting the agricultural heritage of the County and providing a distinctly Lebanon County experience.

A. Uses Permitted by Right

1. U-pick operations.
2. Christmas tree farm/cut your own.
3. Local farm products retail operations (including crafts; food products, garden and nursery products; clothing products; and products that are customarily incidental to the agritainment/agritourism use(s) and directly related thereto). A minimum of fifty (50) percent of those products shall be produced on the premises.
4. Corn mazes.
5. Hayrides on the farm property.
6. Farm-related historical facilities and historical exhibits.
7. Agriculturally related educational and learning experiences.

8. On-farm tours with demonstrations of agricultural practices, techniques and methods.
 9. Horseback/pony rides.
- B. Agritainment/agritourism enterprises are only permitted on farms. Farms must be existing and in operation.
 - C. Agritainment/agritourism use(s) shall be owned or operated by the landowner, landowner's immediate family member, the operator or employee of the active agricultural operation or agri-business, or a resident of the lot upon which the active agricultural operation or agri-business occurs.
 - D. No new buildings are permitted.
 - E. Applicants must submit a sketch plan or land development plan identifying the location of the agritainment/agritourism enterprise, all farm buildings, dwellings, existing and proposed driveways, access drives, parking areas, vehicle turn around areas, location of sanitary facilities (if required), and screening and landscaping in accordance with the applicable provisions of this and other relevant Township ordinances.
 - F. Parking must be in compliance with Article 18 of this Ordinance. Parking is not permitted in the street right-of-way.
 - G. A driveway occupancy permit must be approved by the Township for access to Township roads and must be reviewed by the Board of Supervisors and approved by PENN DOT for access to state roads.
 - H. Sanitary facilities shall be provided in accordance with PADEP requirements.
 - I. All prepared food available for sale must be prepared in accordance with applicable federal, state, or local regulations. Produce grown on the farm is permitted.
 - J. All buildings within which the agritainment/agritourism use(s) are conducted shall be designed and constructed in compliance with the most recent version of the IBC as referenced in the PA UCC adopted by the Township.
 - K. To the maximum extent feasible, the agritainment/agritourism use(s) shall be conducted within an existing agriculture building or other accessory building. All portable structures and signs used as part of the agritainment/agritourism use(s) shall be removed or shall be stored in an enclosed structure at the end of the harvesting season.

1. However, any new building constructed for use by the agritainment/agritourism use(s) shall be located no less than fifty (50) feet from any lot line.
 2. Any new building constructed for use by the agritainment/agritourism use(s) shall be of a design so that it is compatible with the surrounding buildings and can be readily converted to another permitted use, or removed, if the agritainment/agritourism use(s) is discontinued.
- L. The maximum permitted size for signs used for the agritainment/agritourism enterprise shall be in compliance with Section 1621 of this Ordinance.
- M. The Applicant shall submit evidence that all state and federal requirements have been met prior to the issuance of a final Certificate of Zoning Compliance. Applicants must consult with the Township's building code officer to determine if a building permit is required for any building proposed as part of the agritainment/agritourism enterprise.
- N. The Applicant shall submit proof of adequate liability insurance.
- O. Special events, fairs and festivals shall comply with the following regulations:
1. Tents or other temporary structures shall comply with all setback regulations for principal buildings in this Ordinance.
 2. All waste, trash and rubbish, tents and temporary structures, and any other displays or exhibits that resulted from the special event shall be removed from the property within 24 hours after the special event has ended.
 3. Overflow parking areas may be on grass surface areas of the lot. The grass surface area which is to be used for overflow parking shall be kept in suitable grass cover and shall not be allowed to degrade to an erodible condition. In the event any portion of the overflow parking area is disturbed, the areas shall be reseeded or planted with sod to ensure the area remains grass surface. Such planting shall occur within one week after the special event has ended. Overflow parking areas shall be enclosed by a temporary barrier fence to prevent the flow of traffic across property lines, all such fences shall be removed within one week of a special event ending. Overflow parking areas shall be set back at least 25 feet from side and rear property lines.
 4. All driveway locations must be permitted under applicable state or local regulations.

- P. No part of an agritainment/agritourism use shall be located within fifty (50) feet of any lot line.
- Q. It shall be the responsibility of the Applicant and/or landowner to prove compliance with these regulations at the time of application for a zoning permit.

SECTION 1937. MINI-WAREHOUSES

- A. Mini-warehouses shall be permitted as a principal use by right within the Industrial (I) District.
- B. Permitted Uses: The following provisions shall specifically apply to the permitted and prohibited uses contained within a mini-warehouse facility:
 - 1. The principal use shall be the self-storage units contained on the lot.
 - 2. One (1) office area or building may be included within the development site. The office use shall be an accessory use to the self-storage or portable storage facilities.
 - 3. Mini-warehouse facilities shall be used solely for the storage of personal property. The following uses and activities shall be prohibited:
 - a. On-site auctions, except storage lien auctions.
 - b. Wholesale uses, retail sales uses and garage sales.
 - c. Residential occupancy.
 - d. The storage of flammable, high combustible, explosive or hazardous chemicals shall be prohibited.
 - e. The servicing, repair, or fabrication of motor vehicles, motorcycles, boats, trailers, lawn mowers, appliances, or similar equipment.
 - f. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment. .
 - g. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations; retail sales and services; residential uses; and other similar non-compatible uses.

C. Lot Width, Setback, Coverage and Height Requirements: The mini-warehouse facility use shall comply with the following lot width, setback, coverage and height requirements.

1. The minimum lot width for the mini-warehouse facility shall be two hundred (200) feet.
2. The principal buildings and self-storage facilities located on the lot occupied by the mini-warehouse facility use shall be located at least fifty (50) feet from all street rights-of-way lines.
3. The outdoor storage and/or parking of recreational vehicles, boats, campers, trailers or similar vehicles, shall only be permitted by Conditional Use and shall only be permitted behind the mini-warehouse buildings, and shall be located at least fifty (50) feet from any property line.
4. No more than fifty (50) percent of the lot shall be covered by buildings.
5. No more than seventy (70) percent of a lot shall be covered by any combination of buildings, structures and impervious surfaces, including permeable paving,
6. The maximum height of any building or structure shall not exceed fifty (50) feet, as measured from the average ground elevation to the highest point of the building or structure.

D. General Requirements.

1. The mini-warehouse facility shall be serviced by public sanitary sewer facilities (where available) or on-lot sanitary sewer facilities, which shall be consistent with any plans adopted by Heidelberg Township.
2. The mini-warehouse facility shall be serviced by public water supply facilities (where available) or on-lot water supply facilities, which shall be consistent with any plans adopted by Heidelberg Township.
3. All other utility provisions serving the mini-warehouse facility shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, the utility services and connections shall be installed underground.
4. Each self-storage building shall be a fully enclosed building that shall be built of durable materials on a permanent foundation.

5. Truck trailers, box cars or similar structures shall not be used as storage units.
6. If required by the Township, the perimeter around the self-storage units shall be enclosed and contained by an eight (8) foot security fence, with a twenty-four (24) hour automated access gate.
7. The entrance and all vehicular access aisles shall be a minimum of twenty-four (24) feet in width and shall be unobstructed by vehicles and/or equipment. The entrance or main entrance shall be paved and landscaped from the cartway of the public road to a point fifty (50) feet within the automated access gate

SECTION 1938. TINY HOMES

- A. For the purposes of this Ordinance, a Tiny Home, as defined, shall only be permitted in a mobile home park.
- B. All Tiny Homes shall be subject to the same requirements as Mobile Homes, as regulated by the provisions of this Zoning Ordinance.
- C. No wheels shall be permitted to remain on the structure.

ARTICLE 20

ADMINISTRATION AND ENFORCEMENT

ZONING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

SECTION 2001. ADMINISTRATION AND ENFORCEMENT

- A. For the administration of this Ordinance, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed by the Township Supervisors. The Zoning Officer shall meet qualifications established by the Township Supervisors and shall be able to demonstrate to the satisfaction of the Township Supervisors a working knowledge of municipal zoning. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and he shall not have the power to permit any construction, or any use or change of use which does not conform to the Zoning Ordinance and other applicable Township codes and ordinances. The Zoning Officer shall issue all permits required by this Ordinance. He may be provided with the assistance of such other persons as the Township Supervisors may direct.
- B. If the Zoning Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall have the authority to order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings, signs or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work in process; or any other action provided by this Ordinance to ensure compliance with or to prevent violation of its provisions.
- C. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

SECTION 2002. ZONING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, altered, or the use therein changed without a permit therefore issued by the Zoning Officer. No zoning permit shall be issued by the Zoning Officer except in conformity with the provision of this Ordinance, unless he receives a written order from the Zoning Hearing Board in the form of an administrative review, Special Exception, or Variance, or a written order from the Township Board of Supervisors in the form of a Conditional Use, as provided by this Ordinance.

SECTION 2003. APPLICATION FOR ZONING PERMIT

All applications for zoning permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed uses of the building and land, the number of families, housekeeping units, or rental units the building is designed to accommodate, conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance. In some cases, architectural sketches may also be necessary.

One copy of the plans shall be returned to the applicant by the Zoning Officer, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the Zoning Officer.

In addition to the zoning permit, the Zoning Officer shall issue a placard which shall be displayed on the premises during the entire construction period. This placard shall show the permit number, the date of issuance and be signed by the Zoning Officer.

Further, the Zoning Officer shall issue no zoning permits for the construction of dwelling units or other structures requiring septic systems until the applicant has produced a valid septic tank permit showing approval of the proposed system by the Township's Sewage Enforcement Officer.

The Zoning Officer shall issue no zoning permits for the construction of, alteration of, additions to, improvements of, or repair to any animal waste storage facility, as defined in the Heidelberg Township Animal Waste Storage Facility Ordinance, Heidelberg Township, Lebanon County, Ordinance No. 73, including revisions and successors thereto, until the applicant has produced a valid permit issued by the Board of Supervisors of Heidelberg Township approving the proposed construction, alteration, addition, improvement, or repair, pursuant to the Heidelberg Township Animal Waste Storage Facility Ordinance.

SECTION 2004. CERTIFICATES OF ZONING COMPLIANCE FOR NEW, ALTERED, OR NON-CONFORMING USES

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, if erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a Certificate of Zoning Compliance has been issued by the Zoning Officer stating that the proposed use of the building or land conforms to this Ordinance.

No non-conforming structure or use shall be maintained, renewed, changed, or extended until a Certificate of Zoning Compliance shall have been issued by the Zoning Officer. The Certificate of Zoning Compliance shall state specifically wherein the non-conforming use differs from the provisions of this Ordinance. Upon enactment or amendment of this Ordinance, owners or occupants of non-conforming uses or structures shall apply for Certificates of Zoning Compliance.

No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a Certificate of Zoning Compliance, and the Certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

A temporary Certificate of Zoning Compliance may be issued by the Zoning Officer for a period not to exceed six (6) months during alterations or partial occupancy of a building pending its completion. Such temporary certificate may include such conditions and safeguard as will protect the safety of the occupants and public.

The Zoning Officer shall maintain a record of all Certificates of Zoning Compliance and a copy shall be furnished upon request of any person. Failure to obtain a Certificate of Zoning Compliance shall be in violation of this Ordinance and punishable under Article 22 of this Ordinance.

SECTION 2005. TEMPORARY USE PERMITS

It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of petition of Special Exception, they will:

- A. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone, or
- B. Contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved.

Then the Zoning Hearing Board may, subject to all regulations for the issuance of Special Exception elsewhere specified, direct the Zoning Officer to issue a permit for a period of time, as designated by the Zoning Hearing Board. In no case shall the temporary use be permitted to continue beyond the minimum time necessary to alleviate the applicant's hardship.

SECTION 2006. EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not begun within 90 days from the issuance thereof, said permit shall expire; it shall be cancelled by the Zoning Officer; and written notice thereof shall be given to the persons affected.

If the work described in any zoning permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be cancelled by the Zoning Officer, and written notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained.

SECTION 2007. CONSTRUCTION AND USE TO BE PROVIDED IN APPLICATION, PLANS, PERMITS, AND CERTIFICATES OF ZONING COMPLIANCE

Zoning permits, or Certificates of Zoning Compliance issued on the basis of plans and applications approved by the Zoning Officer authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use arrangement, or construction at variance with that authorized shall be deemed violation of this Ordinance, and punishable as provided by Article 22 hereof.

ARTICLE 21

ZONING HEARING BOARD AND OTHER ADMINISTRATIVE PROCEDURES

SECTION 2101. ZONING HEARING BOARD CREATION AND APPOINTMENTS.

- A. Terms of Office. Pursuant to Article IX of the Pennsylvania Municipalities Planning Code (MPC), as amended, the Heidelberg Township Board of Supervisors does hereby create a Zoning Hearing Board. The membership of the Board shall consist of three (3) residents of the Township appointed by the Board of Supervisors. The terms of office of the three member board shall be three (3) years and shall be so fixed that the term of office of one (1) of the members shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Vacancies shall be filled by resolution of the Board of Supervisors and shall be only for the unexpired term of the member affected. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the Township, nor shall any member be an employee of the Township.
- B. Alternate Members. The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated in accordance with Section 2102 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 in this Ordinance, in the MPC, and otherwise provided by law. Alternates shall hold no other elected or appointed office in the Township, including service as a member of the Planning Commission or as a Zoning Officer, nor shall any alternate be an employee of the Township. 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 Section 2103 unless designated as a voting alternate member of the Zoning Hearing Board pursuant to Section 2102 of this Ordinance.
- C. 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 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.

SECTION 2102. ORGANIZATION OF THE ZONING HEARING BOARD.

- A. 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 Section 908 of the MPC.
- B. The chairman of the Board may designate alternate members of the Board to replace any absent or disqualified member, and if, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final decision on the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
- C. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of 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 the Township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

SECTION 2103. EXPENDITURES FOR SERVICES.

Within the limits of funds appropriated by the Board of Supervisors, 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 Section 2102, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

SECTION 2104. HEARINGS OF THE ZONING HEARING BOARD.

The Zoning Hearing Board shall conduct hearings and make decisions as provided in Section 908 of the MPC.

SECTION 2105. JURISDICTION.

- A. Zoning Hearing Board's Jurisdiction. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
1. Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 2. Applications for variances from the terms of This Ordinance or any flood plain or flood hazard ordinance, or such provisions within a land use ordinance, pursuant to Section 2106.
 3. Applications for Special Exceptions under This Ordinance or any flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 2107.
 4. Other matters as specified in Section 909.1(a) of the MPC.
- B. Board of Supervisors' Jurisdiction. The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
1. All applications for approval of subdivisions or land developments in accordance with the requirements of the Heidelberg Township Subdivision and Land Development Ordinance.
 2. Applications for Conditional Use under the express provisions of This Ordinance.
 3. Other matters as specified in Section 909.1 (b) of the MPC.

SECTION 2106. ZONING HEARING BOARD'S FUNCTIONS – VARIANCES.

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 and may require preliminary application to the Zoning Officer. 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; and
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

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

In hearing a request for a variance, the Zoning Hearing Board shall conduct hearings and make its decision in accordance with the requirements of Section 908 of the MPC.

SECTION 2107. ZONING HEARING BOARD'S FUNCTIONS - SPECIAL EXCEPTIONS.

The Zoning Hearing Board shall hear and decide requests for Special Exceptions in accordance with the standards and criteria set forth in this Ordinance. Decisions to grant or deny the request shall be subject to the following:

- A. General Criteria
 - 1. The proposed use shall be consistent with the purpose and intent of the Ordinance and shall be a use specifically permitted as a Special Exception; and
 - 2. The proposed use shall comply with those criteria specifically listed in Article 19 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance.
- B. Special Exception Application. A Special Exception application must include all the plan requirements listed in Section 1903 of this Ordinance.

- C. Conditions. The Zoning Hearing Board in approving Special Exception applications may attach reasonable 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 zone. 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 this Ordinance.
- D. In hearing a request for a Special Exception, the Zoning Hearing Board shall conduct hearings and make its decision in accordance with the requirements of Section 908 of the MPC.

SECTION 2108. THE BOARD OF SUPERVISORS' FUNCTIONS - CONDITIONAL USES.

The Board of Supervisors of Heidelberg Township shall hear and decide petitions for Conditional Uses specifically authorized in this Ordinance. Decisions to grant or deny the petition shall be subject to the following:

- A. General Criteria
 - 1. The proposed use shall be consistent with the purpose and intent of the Ordinance and shall be a use specifically permitted as a Conditional Use;
 - 2. The proposed use shall comply with those criteria specifically listed in Article 19 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance.
- B. Conditional Use Application. A Conditional Use application must include all the plan requirements listed in Section 1903 of this Ordinance.
- C. Conditions. The Board of Supervisors in approving Conditional Use applications may attach reasonable 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 zone. 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 this Ordinance.
- D. Hearing Procedures. In hearing a request for a Conditional Use, the Board of Supervisors shall conduct hearings and make its decision in accordance with the requirements of Section 913.2 of the MPC.

SECTION 2109. EXPIRATION OR REVOCATION OF A ZONING HEARING BOARD OR BOARD OF SUPERVISORS' DECISION.

- A. If a Special Exception, Variance or Conditional Use is granted, the necessary permit shall be secured within two (2) years after the date when such approval is finally granted; provided that, if the necessary permit is not secured within the aforesaid time period due to reasons beyond the applicant's control (such as ongoing appeals), failure of governmental bodies other than Heidelberg Township to issue permits which are a condition precedent to the issuance of the permit, or the failure of Heidelberg Township or its agencies to proceed diligently and in good faith in the consideration of the permit application, the two (2) year period shall not apply. If the Special Exception, Variance or Conditional Use has not been implemented within two (2) years of the date of the Zoning Hearing Board (or the Board of Supervisors in the case of a Conditional Use), said approval shall expire and become null and void.

Alterations or changes to the use or building authorized by the Zoning Hearing Board, or the Board of Supervisors in the case of a Conditional Use, shall require reapplication to the Board (or to the Board of Supervisors in the case of a Conditional Use.).

- B. The Zoning Hearing Board may revoke approval of a Variance or Special Exception, and the Board of Supervisors may revoke approval of a Conditional Use where:
1. The petitioner repeatedly violates conditions or safeguards specified in the Zoning Hearing Board's (Board of Supervisors') decision, or
 2. The petitioner initiates use or construction contrary to the Zoning Hearing Board's (Board of Supervisors') decision, or
 3. The petitioner is found to have misrepresented or falsified information pertinent to the Zoning Hearing Board's (Board of Supervisors') decision, or
 4. The Zoning Hearing Board's (Board of Supervisors') decision was in error and the revocation is instituted within thirty (30) days of the original decision or prior to substantial reliance thereon by the petitioner.
- C. Violation of the conditions or safeguards or use or construction contrary to that specified by the Zoning Hearing Board's (Board of Supervisors') decision shall be deemed a Violation of this Ordinance, punishable under Article 22 of this Ordinance. Revocation of the Zoning Hearing Board's (Board of Supervisors') approval shall not preclude the Zoning Officer from instituting civil enforcement procedures or the Township from proceeding in a court of law or equity to prevent or remedy violations of this Ordinance.

SECTION 2110. TIME LIMITATIONS.

- A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate Township 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 by the Zoning Officer on a challenge to the validity of the Zoning Ordinance or Zoning Map pursuant to Section 916.2 of the MPC shall preclude an appeal from the final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- B. All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

SECTION 2111. STAY OF PROCEEDINGS.

Stay of proceedings shall be governed by the requirements of Section 915.1 of the MPC.

SECTION 2112. APPLICABILITY OF ORDINANCE AMENDMENTS.

When an application for either a Special Exception or Conditional Use has been filed with either the Zoning Hearing Board or the Board of Supervisors, as relevant, and the subject matter of such application would ultimately constitute either a "land development" or a "subdivision", as defined in Article 2 of this Ordinance, no change or amendment of the zoning, subdivision or other governing ordinance or plans shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed.

Provided, further, should such an application be approved by either the Zoning Hearing Board or the Board of Supervisors, as relevant, the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six months or longer or as may be approved by either the Zoning Hearing Board or the Board of Supervisors following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before either the Zoning Hearing Board or the Board of Supervisors, as relevant. If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of Sections 508(1) through 508(4) of Act 247, the Municipalities Planning Code, as amended, and specifically to the time limitations of Section 508 (4) which shall commence as of the date of filing such land development or subdivision plan.

ARTICLE 22

VIOLATIONS AND REMEDIES

SECTION 2201. ENFORCEMENT NOTICE.

- A. Whenever the Zoning Officer or other authorized Township representative 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 section.
- B. 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.
- C. An enforcement notice shall state at least the following:
 - 1. The name of the owner of record and any other person against whom the Township intends to take action.
 - 2. The location of the property in violation.
 - 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
 - 4. The date before which the steps for compliance must be commenced, not to exceed thirty (30) days from receipt of notice, and the date before which the steps must be completed.
 - 5. An outline of remedial action, which, if taken, will effect compliance with the provisions of this Ordinance, or any part thereof, and with, any regulations adopted pursuant thereto.
 - 6. 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.
 - 7. 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.

- D. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
- E. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

SECTION 2202. 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 of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

SECTION 2203. JURISDICTION.

District justices shall have initial jurisdiction over proceedings brought under Section 2104.

SECTION 2204. ENFORCEMENT REMEDIES.

- A. 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 therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the 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 the Township.

- B. 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.
- C. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

SECTION 2205. RIGHT OF ENTRY.

The Zoning Officer or other authorized Township representative is authorized to enter any structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Zoning Officer or other authorized Township representative is authorized to pursue recourse as provided by law.

ARTICLE 23

APPEALS TO COURT

SECTION 2301. APPEALS.

The procedures set forth in Article X-A of the MPC shall constitute the exclusive mode for securing review of any decision rendered pursuant to Article 21 of this Ordinance or deemed to have been made under this Ordinance.

ARTICLE 24
AMENDMENTS

SECTION 2401. POWER OF AMENDMENT.

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 Zoning Map. When doing so, The Board of Supervisors shall proceed in the manner prescribed in Article VI of the MPC..

ARTICLE 25
LEGAL PROVISIONS

SECTION 2501. REPEALER.

All prior zoning ordinances and amendments thereto are hereby repealed. All ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 2502. VALIDITY AND SEVERANCE.

If any article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Zoning Ordinance is declared for any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Zoning Ordinance as a whole, or any other article, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Zoning Ordinance. The Board of Supervisors hereby declares that they would have adopted this Zoning Ordinance and each article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the articles, sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional or invalid.

SECTION 2503. EFFECTIVE DATE.

This Ordinance shall become effective upon enactment.

Ordained and enacted into law this 8th day of September, 2009.

Board of Supervisors
Heidelberg Township

/s/ Paul K. Fetter

/s/ Donald A. Gettle

/s/ Bruce Kramer

ATTEST: /s/ Bruce Kramer
Township Secretary

As Amended by Ordinance No. 128-2012, Adopted April 24, 2012
As Amended by Ordinance No. 132-2012, Adopted June 12, 2012
As Amended by Ordinance No. 143-2014, Adopted June 24, 2014
As Amended by Ordinance No. 163, Adopted June 23, 2020

APPENDICES

APPENDIX A

Standard Animal Weights used to calculate Animal Equivalent Units (AEUs)

Table 1. Standard animal weights used to calculate animal equivalent units to identify concentrated animal operations.

| Type of animal | Standard weight (lb) during production (range) |
|------------------------------|---|
| Swine | |
| Nursery pig | 30 (15–45) |
| Finishing pig | 145 (45–245) |
| Gestating sow | 400 |
| Sow and litter | 470 |
| Boar | 450 |
| Beef | |
| Calf: 0–8 mo. | 300 (100–500) |
| Finishing: 8–24 mo. | 850 (500–1,200) |
| Cow | 1,150 |
| Veal | |
| Calf: 0–16 wk. | 250 (100–400) |
| Poultry | |
| Layer: 18–65 wk. | 3.25 (2.75–3.76) |
| Layer: 18–105 wk. | 3.48 weighted avg. |
| Layer, brown egg: 20–65 wk. | 4.3 (3.6–5) |
| Layer, brown egg: 20–105 wk. | 4.63 weighted avg. |
| Pullet: 0–18 wk. | 1.42 (0.08–2.75) |
| Broiler, large: 0–57 days | 3.0 (0.09–5.9) |
| Broiler, medium: 0–43 days | 2.3 (0.090–4.5) |
| Roaster | 3.54 (0.09–7) |
| Male: 0–8 wk. | |
| Female: 0–10 wk. | |
| Turkey, tom: 0–18 wk. | 14.1 (0.12–28) |
| Turkey, hen: 0–14 wk. | 7.1 (0.12–14) |
| Duck: 0–43 days | 3.56 (0.11–7) |
| Guinea: 0–14 to 24 wk. | 1.9 (0.06–3.75) |
| Pheasant: 0–13 to 43 wk. | 1.53 (0.05–3) |
| Chukar: 0–13 to 43 wk. | 0.52 (0.04–1) |
| Quail: 0–13 to 43 wk. | 0.26 (0.02–0.5) |

(continued)

Table 1. continued

| Type of animal | Standard weight (lb) during production |
|-----------------------------|---|
| Dairy | |
| <i>Holstein/Brown Swiss</i> | |
| Cow | 1,300 |
| Heifer: 1–2 yr. | 900 (650–1,150) |
| Calf: 0–1 yr. | 375 (100–650) |
| Bull | 1,500 |
| <i>Ayrshire/Guernsey</i> | |
| Cow | 1,100 |
| Heifer: 1–2 yr. | 800 (575–1,025) |
| Calf: 0–1 yr. | 338 (100–575) |
| Bull | 1,250 |
| <i>Jersey</i> | |
| Cow | 900 |
| Heifer: 1–2 yr. | 600 (400–800) |
| Calf: 0–1 yr. | 225 (50–400) |
| Bull | 1,000 |
| Sheep | |
| Lamb: 0–26 wk. | 50 (10–90) |
| Ewe | 150 |
| Ram | 185 |
| Goat | |
| Kid: 0–10 mo. | 45 (5–85) |
| Doe | 125 |
| Buck | 170 |
| Horse | |
| Foal: 0–6 mo. | 325 (125–625) |
| Yearling | 750 (625–875) |
| Nondraft breeds: mature | 1,000 |
| Draft breeds: mature | 1,700 |

APPENDIX B

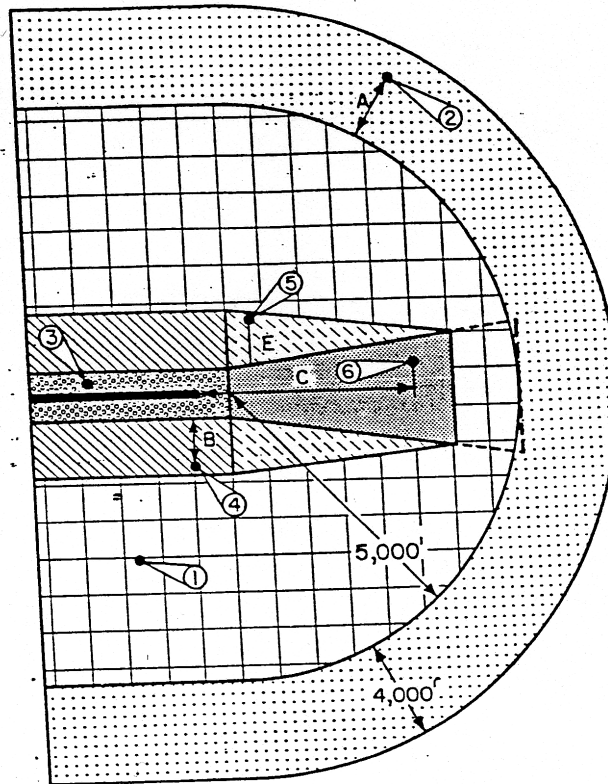
AIRPORT HAZARD OVERLAY DISTRICT (AH)

MAXIMUM ALLOWABLE HEIGHT

The following figures and formulas have been prepared for determining the maximum allowable heights of objects within the airport's vicinity. The formulas are used in conjunction with the figure; whereas a formula is assigned a number. That formula corresponds with a point location of the same number on the figure. By using the formula and following the steps outlined below, the maximum allowable height at a point location can be determined.

1. Locate the point (object) in question on the figure (sample point locations identified by numbers are given in various coded airport zones).
2. Apply the formula having the same number as the chosen point location to calculate the maximum allowable height for an object at that point (some formulas will have letter variables (A, B, C, etc.) which are shown on the figure).

VISUAL AND UTILITY NON-PRECISION RUNWAY ZONES



| <u>LOCATION ZONE</u> | |
|----------------------|----------------------|
| 1 | Horizontal Surface |
| 2 | Conical Surface |
| 3 | Primary Surface |
| 4 | Transitional Surface |
| 5 | Transitional Surface |
| 6 | Approach Surface |

FORMULA

Allowable Height = (Established Airport Elevation) + (150') - (Ground Elevation)

Allowable Height = (Established Airport Elevation) + (150') + (A/20) - (Ground Elevation)

Allowable Height = (Elevation of the Runway Perpendicular to the Location Point) - (Ground Elevation)

Allowable Height = (Elevation of the Primary Surface along the Runway Centerline Perpendicular to the Location Point) + (B/7) - (Ground Elevation)

Allowable Height = (Elevation of the Approach Surface along the Runway Centerline Perpendicular to the Location Point) + (E/7) - (Ground Elevation)

Allowable Height = (Runway End Elevation) + ((C-200) * / 20) - (Ground Elevation)

* For Turf Runways do not subtract 200 from C