

## ORDINANCE NO. 2022- 1

AN ORDINANCE OF THE TOWNSHIP OF HEIDELBERG, LEHIGH COUNTY, PENNSYLVANIA, AMENDING THE "TOWNSHIP OF HEIDELBERG CODE OF ORDINANCES (CODE)" TO PROVIDE AS FOLLOWS: AMENDMENTS TO THE HEIDELBERG TOWNSHIP ZONING ORDINANCE OF 1981 AS AMENDED TO AMEND THE GENERAL REGULATIONS OF SAME, TO DEFINE A "MULTI-FAMILY DWELLING," TO PROVIDE A DEFINITION FOR AN "ACCESSORY APARTMENT," TO ALLOW AN ACCESSORY APARTMENT AS AN ACCESSORY USE IN ALL DISTRICTS, TO PROVIDE GUIDELINES FOR ACCESSORY APARTMENTS, AND PROVISIONS FOR A GENERAL REPEALER, VALIDITY CLAUSE, AND EFFECTIVE DATE.

WHEREAS, the Township of Heidelberg, Lehigh County, Pennsylvania has enacted the "Heidelberg Township Zoning Ordinance of 1981" pursuant to the Pennsylvania Municipalities Planning Code and the authority of the same provides for amendments from time to time as are consistent with the Pennsylvania Municipalities Planning Code; and

WHEREAS, the "Heidelberg Township Zoning Ordinance of 1981" is adopted as part of the "Township of Heidelberg Code of Ordinances (hereinafter "Code")" which together with other ordinances were enacted and codified pursuant to the authority of the Second Class Township Code.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Heidelberg, Lehigh County, Pennsylvania, in lawful session duly assembled, it is hereby ordained and enacted by the authority of the same as follows:

**SECTION 1:** Code Chapter 27, § 27-1001 is amended in its entirety to now read as set forth in the attached Exhibit A.

**SECTION 2:** The definition of an "Apartment" in Code Chapter 27, § 27-302 is amended such that the term is now known as a "Multi-family dwelling" and the definition now reads as set forth in the attached Exhibit B.

**SECTION 3:** Code Chapter 27, § 27-302 is amended such that a definition of an "Accessory Apartment" is added; said definition reads as set forth in the attached Exhibit C.

**SECTION 4:** Sub-section C of Code Chapter 27, § 27-1105.4 is hereby amended in its entirety to now read as set forth in the attached Exhibit D.:

**SECTION 5:** GENERAL REPEALER. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict.

**SECTION 6:** SEPARABILITY. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason declared unconstitutional, illegal, or otherwise invalid by the judgment or decree of a court of competent jurisdiction, then, such portion shall be deemed

a separate, distinct and independent provision and such invalidity shall not affect the validity of any of the remaining sections, subsections, paragraphs, sentences, clauses, phrases or portions of this Ordinance

**SECTION 7: EFFECTIVE DATE.** The provisions of this Ordinance shall become effective five (5) days following enactment.

DULY ENACTED AND ORDAINED this 17<sup>th</sup> day of March, 2022 by the Board of Supervisors of Heidelberg Township, in lawful session duly assembled.

ATTEST:

TOWNSHIP OF HEIDELBERG

  
JANICE M. MEYERS, SECRETARY

  
STEVE BACHMAN, Chairman

  
JONATHAN JAKUM, Vice Chairman

  
DAVID O. FINK, Member

# EXHIBIT A

## **§27-1001. General Regulations.**

1. *Placement of Accessory Uses and Structures.* The placement of a private garage, accessory parking area or other accessory building or use shall be subject to the following requirements:

A. Nothing contained herein shall prevent the construction of a private garage as a structural part of a main dwelling, provided that when so constructed, the exterior garage walls shall be regarded as the walls of the main dwelling in applying the front, rear, and side yard regulations of this Chapter.

B. *(Reserved).*

C. Any access driveway may be located within a required side yard and required front yard.

D. Accessory buildings and uses shall be on the same lot with the main building or buildings or on an immediately adjacent lot in the same ownership.

E. Required accessory parking areas and truck loading spaces shall have safe and adequate access to a public street either by a driveway on the same lot or by means of a permanent easement across an adjoining lot.

F. No required accessory parking area or off-street truck loading space shall be encroached upon by buildings, open storage, or by other uses.

G. Accessory private garages may be constructed within or under any portion of a main building.

H. A mobile home may be placed on a lot as a temporary dwelling unit for a period not to exceed 1 year but must comply with the current UCC regulations. The use of the mobile home as a temporary dwelling shall only be used while the existing structure is undergoing major renovations, construction or reconstruction. [*Ord. 2010-1*]

2. *Small Lots of Record.* Notwithstanding the lot area, lot width and lot coverage requirements of any district listed in Parts 5, 6, 7, and 8, a building or structure constituting a permitted, accessory, or special exception use may be erected on any lot with less than the required lot width or lot area if separately owned and not adjacent to any lot in the same ownership at the effective date of this Chapter, provided that the lot is not less than 10,000 square feet, has a minimum width of 60 feet, that the aggregate width of the side yards be not less than 30 percent of the lot width, and that the narrower side yard be not less than 5 feet in width. [*Ord. 5-84*]

3. *Height.*

A. Nothing herein contained shall restrict the height of a church spire, cupola, dome, mast,



belfry, clock tower, radio or transmission line, tower, flagpole, chimney, flue, water tank, elevator or stair bulkhead, stage tower, scenery loft, smoke stack, silo, well drilling rig, or similar structure. No structure shall:

(1) *(Reserved)*.

(2) *(Reserved)*.

(3) Have any advertising signs or device inscribed upon or attached to such structure. [Ord. 1-86]

B. *(Reserved)*.

#### 4. *Yards and Fences.*

A. *Front Yard.* The space in a required front yard shall be open and unobstructed except for an unroofed balcony or terrace projecting not more than 8 feet or steps giving access to a porch or first floor entry door.

B. *All Yards.* Every part of a required yard shall be open to the sky unobstructed by structure except for retaining walls and for accessory buildings in a rear and side yard, and except for the ordinary projections of sills, belt courses, and for ornamental features projecting not to exceed 6 inches.

C. Open or lattice enclosed fireproof fire escape or stairways as required by law, which project into a yard not more than 4 feet and the ordinary projections of chimneys and pilasters shall be permitted when placed so as not to obstruct light and ventilation.

D. *Fences.* Fences are exempt from front, side, and rear yard setbacks established for other accessory structures, except in that the standards of §27- 1001.6 which provide for adequate visibility shall apply.

5. *Through Lots.* Where a lot extends through from street to street, the applicable front yard regulations shall apply to the mailing address of the property.

6. *Corner Clearance.* On a corner lot, within the triangular area (shown in the following figure) determined as provided in this Section, no wall or fence or other structure shall be erected to a height in excess of 2 feet; and, no vehicle, object or any other obstruction of a height in excess of 2 feet shall be parked or placed; and no hedge, shrub or other growth, shall be maintained at a height in excess of 2 feet, marking signs and trees whose branches are trimmed away to a height of at least 10 feet above the curb. Such triangular area shall be determined by the intersecting street centerline and a diagonal connecting two points, one at each street centerline, each of which points is 75 feet from the intersection of such street centerlines.

7. *Special Setbacks from Quarries.* No structure shall be erected closer to the near edge of a quarry than 200 feet plus 1 foot for every foot that the maximum depth of the quarry exceeds 100 feet. The depth of the quarry shall be determined by measuring from the absolute highest to absolute lowest point of the quarry.

8. *Private Garages or Private Parking Area in the Rural District, Agriculture*

*Preservation District, Blue Mountain Preservation District, Environmental Protection Districts and Residential Lots in the Rural Village Districts. [Ord. 2007-1]*

A. A private garage or private parking area may be utilized only as an accessory to the main use, except that no more than two parking spaces in a private garage accessory to a one family or two family dwelling may be rented to a person who is not a resident of the main building.

B. Not more than one commercial vehicle with four or more axles, or two commercial vehicles with less than four axles may be parked on any lot and then only subject to the following requirements:

(1) There shall be a minimum lot size of 1.00 acre exclusive of any road right-of-way.

(2) Each commercial vehicle shall be placed in a designated parking area of stone to be located not closer than 25 feet from any lot line or street right-of way line, or 100 feet from any neighboring residence, whichever is the greater.

(3) Any application for permit pursuant to this Section shall be accompanied by a site plan detailing the layout and dimensions of the parking area. The application procedure pursuant to this Section shall be as set forth in §27-1203. [Ord. 2010-1]

(4) Only those commercial vehicles operated by a resident or owner of the lot shall be parked on that lot. [Ord. 1-89],

C. No major recreational equipment shall be parked or stored within 15 feet of the right-of way of any road nor within the sight distance triangle as determined by the Township Roadmaster, except in an existing building or car port or structure designed for that purpose. Only one recreational vehicle can be stored in the front yard. For the purposes of this regulation, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick up trailers, or coaches (designed to be mounted on automotive vehicles), motor homes, tent trailers, and the like. No such equipment shall be used for living, sleeping, or house-keeping purposes except for temporary arrangements not to exceed 30 days in a year. [Ord. 2010-1]

D. Nothing in this Section shall be construed to regulate or to limit the use, storage or parking of farm related vehicles off the public right-of-way. [Ord. 1-89]

9. *Private Swimming Pool (Noncommercial)*. A private swimming pool which is designed to contain a water depth of 24 inches or more shall not be located, constructed or maintained on any lot or land area, except in conformity with the following requirements. A permit shall be required to locate and construct a private swimming pool.

A. Such pool shall be located in a rear yard only.

B. Pools shall be placed no closer than 10 feet from the side and rear lot lines. In cases where the side and rear lot lines coincide or abut street right-of-way lines, such pools shall not be



located than the 30 feet from the street right-of-way lines. No pool shall be constructed within 10 feet of any overhead electrical wires. [Ord. 2010-1]

C. Such pool shall not occupy more than 25 percent of the rear yard area, including all private garages or other accessory buildings or structures.

D. Every private swimming pool located on a lot of 2 acres or more shall not be located closer than 40 feet from any lot line.

E. If the water for such pool is supplied from a private well, there shall be no cross-connection with a central water supply system.

F. If the water for such pool is supplied from a central water supply system, the inlet shall be above the overflow level of said pool.

G. No permit shall be granted for the installation or construction of such swimming pool unless the plans shall meet the minimum construction requirements of the Township. The drainage of such pool shall be adequate and shall not interfere with the public water supply system, with existing sanitary facilities or with the public streets.

H. No loudspeaker or amplifying device shall be permitted which will project sound beyond the bounds of the property or lot where such pool is located.

I. No lighting or spot lighting shall be permitted which will shine directly beyond the bounds of the property or lot where such pool is located.

[Ord. 2-90]

(Ord. 4-81, 12/28/1981, §1010; as amended by Ord. 5-84, 10/5/1984, §§13 and 14; by Ord. 1-86, 4/4/1986, §3; by Ord. 1-89, 7/7/1989, §§3-5; by Ord. 2-90, 9/13/1990; by Ord. 2007- 1, 3/8/2007, §§1-4; and by Ord. 2010-1, 4/8/2010) 10.

#### 10. *Accessory Apartment.*

In all districts and subject to the requirements of the zone in which the property is located except as herein modified and provided:

(1) Only one accessory apartment shall be permitted in a single-family dwelling unit or its accessory structure.

(2) When the accessory apartment increases the total number of bedrooms to four (4) or more, the Township Sewage Enforcement Officer shall review a certification, provided by the applicant, of the existing system and its components. This review shall determine the adequacy of the existing facilities, and be made considering the current D.E.P. regulations and policies.

(3) *(Reserved).*

(4) Additions to the principal dwelling or its accessory structure for the purpose of creating an accessory apartment shall not increase the square footage of the original structure by more than

25 percent.

(5) The accessory apartment shall not comprise more than 30 percent of the dwelling unit's total floor area (after any additions or modifications thereto).

(6) At least one additional off-street parking space shall be provided for the occupants of the accessory apartment.

(7) The appearance of the structure shall remain that of a single-family §27-1105 Zoning §27-1105 27-85 dwelling. [Ord. 2010-1]

# EXHIBIT B

*Multi-family dwelling* – a permanent dwelling unit within a building containing three or more dwellings and being vertically arranged, sharing outside access and having one or more walls as well as a ceiling or floor in common with another dwelling unit. Also known as a "flat" or "garden apartment." [Ord. 2010-1]



# EXHIBIT C

*Accessory Apartment* – a separate housekeeping unit, usually with its own kitchen and bathroom, either within or adjacent to an existing one-family house. In some areas, the accessory apartment may be in a structure that is physically separated from the house, like a garage.

# EXHIBIT D

## *C. Accessory Apartment.*

In all districts and subject to the requirements of the zone in which the property is located except as herein modified and provided:

- (1) Only one accessory apartment shall be permitted in a single-family dwelling unit or its accessory structure.
- (2) When the accessory apartment increases the total number of bedrooms to four (4) or more, the Township Sewage Enforcement Officer shall review a certification, provided by the applicant, of the existing system and its components. This review shall determine the adequacy of the existing facilities, and be made considering the current D.E.P. regulations and policies.
- (3) *(Reserved)*.
- (4) Additions to the principal dwelling or its accessory structure for the purpose of creating an accessory apartment shall not increase the square footage of the original structure by more than 25 percent.
- (5) The accessory apartment shall not comprise more than 30 percent of the dwelling unit's total floor area (after any additions or modifications thereto).
- (6) At least one additional off-street parking space shall be provided for the occupants of the accessory apartment.
- (7) The appearance of the structure shall remain that of a single-family §27-1105 Zoning §27-1105 27-85 dwelling. [Ord. 2010-1]