

The Zoning Ordinance of  
**HIGHLAND TOWNSHIP**

Chester County, Pennsylvania

Adopted: October 11, 2005

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**ARTICLE I**

**GENERAL PROVISIONS**

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**SECTION 101 SHORT TITLE AND EFFECTIVE DATE**

This Ordinance shall be known and may be cited as the "Highland Township Zoning Ordinance of 2004", as amended. This Ordinance shall be effective five (5) days after adoption, except that with respect to any amendment as it may affect a nonconforming use, the effective date of this Ordinance shall be the date upon which the particular amendment becomes effective.

**SECTION 102 PURPOSES**

This Ordinance is enacted under and pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, 53 P.S. §§ 10101 et seq., to promote, protect and facilitate the public health, safety, and welfare through:

- A. The preservation of prime agricultural soils and farmland, considering the topography, soil type, soil classification and present use.
- B. The promotion and facilitation of one (1) or more of the following:
  - 1. The preservation of natural (forests, wetlands, aquifers, floodplains), scenic and historic resources and agricultural land and related activities;
  - 2. Sound community development;
  - 3. Appropriate population density relative to the Township's infrastructure and agricultural economy;
  - 4. Adequate light and air, open space, police protection, vehicle parking and loading space provisions;
  - 5. Transportation, water, sewage, schools, recreational facilities, public grounds and other public requirements; and
  - 6. Safe, reliable, and adequate water supplies for domestic, agricultural, commercial, and industrial uses.
- C. The prevention of one (1) or more of the following:
  - 1. Overcrowding of land, blight, danger and congestion in travel and transportation; and
  - 2. Loss of health, life, or property from fire, flood or other dangers.
- D. For the provision of residential housing encompassing all basic housing forms within the Township.

This Article is enacted in accordance with a comprehensive plan and with consideration for the character of the Township, its various parts and the suitability of its various parts for particular uses and structures.

**SECTION 103 COMMUNITY DEVELOPMENT OBJECTIVES**

This Ordinance is also enacted in accordance with the community development objectives in the *Highland Township Comprehensive Plan (2001)* and with other applicable codes ordinances and or studies formulated to implement the purposes set forth in Section 102, above, and particularly according to the following community development objectives:

- A. To foster agriculture as a viable industry and as a desirable open space land use.
- B. To preserve the open, rural character of the Township and maintain the quality of the existing scenic and rural landscape by preserving agricultural lands.
- C. To preserve and manage the valuable natural and cultural resources of the Township, including but not limited to, prime agricultural soils, wetlands, steep slopes, groundwater supplies, forested areas, the headwaters of the Brandywine and Octorara Creeks, the one hundred year floodplain of all creeks and associated riparian buffer areas, the flora and fauna, the Township's scenic roads, vistas and landscapes, and historic buildings, structures and sites.
- D. To ensure that future growth is consistent with the rural character of the Township.

**SECTION 104 INTERPRETATION AND SCOPE**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the purposes of this Ordinance. From and after the effective date of the Ordinance, the use, construction and development of all land, structures, buildings, signs or portions thereof, will be subject to the regulations herein. Any existing buildings, land or uses not in conformity with the regulations herein shall be considered nonconforming, but may be continued or changed subject to regulations herein regarding nonconformities except for developments falling within the provisions of Section 508(4) of the Municipalities Planning Code (MPC). In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Board of Supervisors, in favor of the property owner and against any implied extension of the restriction.

**SECTION 105 RELATIONSHIP TO OTHER LAWS AND REGULATIONS**

Where this Ordinance imposes greater restriction upon the use of buildings or land, or upon height and bulk of buildings, or prescribes larger open spaces than are required by the provisions of another ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Ordinance, the provisions of such statute, ordinance, or regulation shall control.

**SECTION 106 VALIDITY AND SEVERABILITY**

The provisions of this Ordinance are severable. If any court of competent jurisdiction decides any section, sentence, clause, part of provision is illegal, invalid or unconstitutional then such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts of provisions of this Ordinance.

**SECTION 107 REPEALER**

The Highland Township Zoning Ordinance of 1979, and all amendments thereto are hereby repealed.

ARTICLE II

**ESTABLISHMENT OF DISTRICTS**

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**SECTION 201 CLASSES OF DISTRICTS**

For the purposes of this Ordinance, Highland Township is hereby divided into four (4) base districts and two (2) overlay districts. These districts are intended to support and implement the recommendations of the *Highland Township Comprehensive Plan* (2001), as amended, and shall be designated as follows:

A. **Base Districts**

- A Agricultural Preservation District
- RC Rural Conservation District
- RV Rural Village Districts
  - RV-1 Rural Village – Gum Tree Village
  - RV-2 Rural Village – Cochranville and Parkesburg Extension
- IND Industrial District

B. **Overlay Districts**

- SR Scenic Overlay District
- FH Flood Hazard District

**SECTION 202 ZONING MAP**

A. **Base Districts**

The boundaries of all base districts shall be shown on the map made part of this Ordinance; this map shall be known as the "Zoning Map of Highland Township." Said map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part hereof as if all were fully described herein. Whenever an amendment of this Ordinance involves a change of district boundaries, said change shall be recorded on the master "Zoning Map of Highland Township" as maintained at the Township offices.

B. **Overlay Districts**

Overlay districts shall be additional regulations to the otherwise applicable base zoning district. The location and provisions of the overlay districts are set forth in Article IV.

**SECTION 203 INTERPRETATION OF DISTRICT BOUNDARIES**

A. **Base Districts**

Boundary lines shall, unless otherwise indicated, follow property lines or the center lines of roads, watercourses, ponds or lakes, or rights-of-way of power lines and other public utilities, or such lines extended, parallel or perpendicular thereto. If uncertainty arises as to the location of any said boundary as shown on the Zoning Map, the following rules shall apply:



Article II Establishment of Districts

1. Where a district boundary is indicated as approximately following the centerline of a road, land, watercourse, pond or lake, or the rights-of-way of a power line, public utility, or other property line, such centerline shall be construed as the boundary.
2. Where a district boundary is indicated as approximately following a lot or other property line, such lot or property line shall be construed to be such boundary.
3. Where a district boundary divides a lot or runs through undivided property, the location of such boundary, unless otherwise specified by dimensions on the Zoning Map, shall be determined by the use of the scale appearing on said map.
4. Where specific dimensions are shown on the Zoning Map between a road or watercourse and a district boundary, they indicate that the district boundary runs parallel to the centerline of the road or watercourse at a distance therefrom equivalent to the number of feet so indicated, unless otherwise specified. Where scaled distances do not agree with such dimensions, the written dimensions shall control.

B. Overlay Districts

In the case of the overlay districts, rules and interpretations of district boundaries shall be as described in Article IV.

**SECTION 204 BOUNDARY TOLERANCES**

Where a lot held under single and separate ownership is divided by a district boundary line, other than a boundary of the Flood Hazard Overlay District, the uses permitted in the less restrictive district may extend into that portion of said lot in the more restrictive district to either the nearest lot line or a distance of fifty (50) feet in the case of the (RC) Rural Conservation district or twenty-five (25) feet in the case of the (RV) Rural Village and (IND) Industrial districts, whichever is less.

- A. In no case shall a use extend into the more restrictive district unless full use is first made of the less restricted area before extension.
- B. Any extension of a use into the more restrictive district must meet the area and bulk requirements of the more restrictive district.
- C. In no case shall the uses and area and bulk requirements permitted in an abutting district be extended for any distance into the Flood Hazard District.

**ARTICLE III**  
**ZONING DISTRICTS**

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**SECTION 301 (A) AGRICULTURAL PRESERVATION DISTRICT**

301.1 **Authority.** The (A) Agricultural Preservation District is established in accordance with:

1. Pennsylvania Act No. 247, The Municipalities Planning Code, Sections 603(b)5, 603(c)7, 603(g)1, 603(h), 604(3), and 605(2)(vii);
2. The goals and objectives of the *Highland Township Comprehensive Plan (2001)*; and
3. The Community Development Objectives in Section 103 of this Ordinance.

301.2 **Intended Purpose.** In promoting the policies of the *Highland Township Comprehensive Plan*, the purpose of this district is to:

1. Encourage the continued agricultural use on soils classified by the U.S. Department of Agriculture within agricultural capability Class I, Class II, and Class III, as listed in Appendix 5-2 of this Ordinance;
2. Accommodate the residential needs of those employed in agriculture at a density compatible with agricultural use;
3. Accommodate commercial activities which are carried out on farm properties and involve principally the sale of farm products;
4. Preserve open space and the rural character of the Township;
5. Protect prime agricultural soils and existing farmland and reduce development pressure that negatively impact agriculture;
6. Provide development options so that properties may be subdivided for development as to protect the viability of the remaining land for agricultural production; and
7. Limit the type and amount of non-agricultural uses within the district in order to lessen conflicts between agricultural and non-agricultural uses.

301.3 **Use Provisions**

A. **By-Right Uses.** The following uses are permitted by right in the (A) Agricultural Preservation District:

1. Farm house or detached single family dwellings in accordance with Section 301.4.
2. Agricultural uses in accordance with Section 603.

Article III Zoning Districts

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3. Woodland preserve, game farm, wildlife sanctuary, or other conservation purpose.
4. Accessory agricultural dwellings, in accordance with Section 603.C.
5. Highland Township Municipal use such as a Township building, fire station, municipal park, police station, and related public uses and structures.
6. Horticultural uses relating to the raising, propagating and selling of trees, shrubs, flowers, and other vegetative materials.
7. Residential accessory uses, subject to the requirements in Section 602.
8. Minor home occupations, subject to the requirements in Section 613.
9. Forestry, subject to the requirements in Section 611.
10. Co-location or replacement of existing wireless communications facilities, subject to the requirements of Section 627.
11. Attached wireless communications facilities, subject to the requirements of Section 627.

B. Special Exceptions. The following uses are permitted following review and approval as special exceptions by the Zoning Hearing Board, subject to the provisions of Section 1111.

1. Recreational Facility, subject to the requirements in Section 619.
2. Cemetery, subject to the requirements in Section 608.
3. Kennels, subject to the requirements in Section 604.B.
4. Riding academies and stables, subject to the requirements in Section 623.
5. Commercial greenhouses, subject to the requirements in Section 612.
6. Mushroom houses, subject to the requirements of Section 603.
7. Residential conversions, subject to the requirements in Section 621.
8. Bed and breakfast facilities, subject to the requirements in Section 606.
9. Secondary farm businesses, subject to the requirements in Section 603.B.8.
10. Agricultural utilization of sludge, subject to the requirements in Section 603.G.
11. Major home occupations, subject to the requirements in Section 613.

C. Conditional Uses. The following uses are permitted following review and approval as a conditional use by the Board of Supervisors, subject to the provisions in Section 1005, and subject to the individual design requirements of the applicable use.

1. Intensive agricultural uses, subject to the requirements in Section 603.E.
2. Composting operations, subject to the requirements in Section 603.F.
3. Wireless communications facilities, subject to the requirements in Section 627.

301.4 **Area and Bulk Regulations**

Area, lot width, and coverage requirements of not less nor more than the dimensions shown below shall be provided for each dwelling unit/or nonresidential building or use hereafter erected, established, re-established, or altered for any use permitted in this district.

A. Agricultural Uses

1. Parcels for agricultural uses shall comply with the following standards:

|   |                  |
|---|------------------|
| Minimum lot area:                       | 25 acres         |
| Minimum lot width at road line:         | 300 feet         |
| Minimum setback from road right-of-way: | 50 feet          |
| Minimum side yard setback:              | 25 feet each     |
| Minimum rear yard setback:              | 25 feet          |
| Maximum impervious surface coverage:    | 2 percent total* |
| Maximum building height:                | 35 feet          |

\* Impervious surface coverage reflects the total coverage for the entire parent tract, inclusive of future subdivided lots for residential purposes.

2. Unless otherwise stated, all lot sizes specified herein are exclusive of public rights-of-way.
3. All agricultural building setbacks are subject to Section 603.
4. Silos and bulk bins are exempt from area and bulk regulations if attached to an existing structure.
5. Barns, silos and bulk bins shall be exempt from the maximum building height limit when located such that the distance from the base of the barn, silo, or bulk bin to both the nearest property line and the nearest street right-of-way is no less than the height of said barn, silo, or bulk bin.