

**ORDINANCE NO. 2020-07**

**HELLAM TOWNSHIP**

**YORK COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF HELLAM TOWNSHIP, YORK  
COUNTY, PENNSYLVANIA, ADDRESSING TINY HOMES  
AND CORRECTING ERRORS, AMENDING THE ZONING  
ORDINANCE OF THE TOWNSHIP OF HELLAM**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Hellam, and it is hereby enacted and ordained, as follows:

**SECTION 1:** The Zoning Ordinance of the Township of Hellam, No 2004-8, as amended and codified in Chapter 490 of the Code of the Township of Hellam is further amended as follows:

**A. Section 490-11 is hereby amended to read as follows:**

DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourists' courts, and the like, offering overnight accommodations for guests or patients. In addition, all dwellings shall be properly connected to approved and permanently designed public or on-lot sewer, public or on-lot water, electrical and other utility systems.

- (1) SINGLE-FAMILY DETACHED (SFD) - A freestanding building containing one dwelling unit for one family, and having two side yards, one front yard, and one rear yard; in the case of a corner lot, the building will have two front and one side and rear yards. Mobile homes **and tiny homes** can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, they are permanently affixed to a completely enclosed foundation constructed of currently accepted materials that shall be an entire perimeter wall and extend from below the frost line to the first floor of the building. Such foundation shall be constructed to provide sufficient structural integrity to prevent the building from heaving, shifting, or settling unevenly, due to frost action. Travel trailers, as defined herein, shall not be construed as dwellings. Modular homes can be considered single-family detached dwellings so long as they comply with the general requirements of a dwelling.
- (2) MULTIPLE FAMILY - A building containing three or more dwelling units, at least one of which must be located above or below the remaining units.
- (3) TOWNHOUSE - A building containing between three and eight dwelling units arranged in a side-by-side configuration with two or more common party walls.

- (4) TWO-FAMILY OVER-UNDER - A freestanding building containing two dwelling units for two families, arranged in an over-and-under configuration and having one front and rear yard and two side yards.
- (5) SINGLE-FAMILY SEMIDETACHED – A freestanding building containing two dwelling units for two families, arranged in a side-by-side configuration. Each unit shall be constructed on individual lots and shall have one front yard, one side yard, and one rear yard (no yard along the common lot line).
- (6) MOBILE HOME - For the purposes of this chapter, all mobile homes, except those contained within mobile home parks, shall be governed by all regulations applicable to single-family detached dwellings of this chapter. Mobile homes located within Mobile Home Parks shall be governed by the Hellam Township Mobile Home and Mobile Home Park Ordinance of 1996, as amended.
- (7) **TINY HOME – A dwelling unit placed on a property for occupancy as a residential dwelling with a habitable area of not less than 150 square feet and not more than 699 square feet, constructed on a permanent foundation. A tiny home shall be considered a mobile home and shall comply with all requirements of Chapter 310 regarding mobile homes and Chapter 490 regarding single-family dwellings. All tiny homes must be certified by Housing and Urban Development (HUD).**

B. Section 490-11 is hereby amended to add the following definition:

**TINY HOME – A dwelling unit placed on a property for occupancy as a residential dwelling with a habitable area of not less than 150 square feet and not more than 699 square feet, constructed on a permanent foundation. A tiny home shall be considered a mobile home and shall comply with all requirements of Chapter 310 regarding mobile homes and Chapter 490 regarding single-family dwellings. All tiny homes must be certified by Housing and Urban Development (HUD).**

C. Section 490-11 is hereby amended to read as follows:

PUBLIC UTILITIES – Use or extension thereof which is operated, owned or maintained by a municipality or municipal authority or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal, treatment, or both; public water supply, storage, treatment, or any combination thereof; **or for the purpose of providing the transmission of energy, cable television or telephone service.**

D. Section 490-30 is hereby amended to read as follows:

All dwelling units must conform to the minimum habitable floor area following:

- A. Single-family, single-family semidetached dwellings, two-family over-under dwellings, and townhouse dwelling units: 700 square feet per dwelling unit.
- B. Multiple-family dwellings: 450 square feet per dwelling unit.
- C. **Tiny homes: 150 square feet per dwelling unit.**

E. Section 490-35.H is hereby amended to read as follows:

| Uses   | Minimum of One Parking Space for Each            |
|--|--|
| School, private and public ( <del>greater</del> <b>less</b> than 10 <sup>th</sup> grade, including kindergarten)         | Six students enrolled plus 1 space per teacher   |
| School, private and public ( <del>less</del> <b>greater</b> than or equal to 10 <sup>th</sup> grade, including colleges) | Three students enrolled plus 1 space per teacher |

F. Section 490-134.A(8) and (9) are hereby deleted:

- (8) ~~No expansion of a nonconforming structure or a nonconforming use located outside of a structure existing on the effective date of this chapter shall be permitted in the Floodplain Overlay District.~~
- (9) ~~Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use or structure located in the Floodplain Overlay District shall be permitted when either elevated above the base flood elevation or floodproofed. In no case shall any modification, alteration, repair, reconstruction or improvement cause unacceptable increases in flood height, velocities or frequencies.~~

G. Section 490-143.B(2)(e) is hereby amended to read as follows:

(e) For development within the Floodplain ~~Overlay District~~, that the application complies with those requirements listed in ~~§490-19 of this chapter~~; **Chapter 230, Floodplain Management**;

H. Section 490-143.C(6) is hereby amended to read as follows:

(6) That variances within the Floodplain ~~Overlay District~~ shall comply with ~~§490-19I of this chapter~~; **Chapter 230, Floodplain Management**;

I. Section 490-143.D(2) is deleted:

~~(2) Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any provisions contained within the Floodplain Overlay District.~~

**J. Section 490-149-B(2) is deleted:**

~~(2) If the proposed development, excavation or construction is located within the Floodplain Overlay District, the following information is specifically required to accompany all applications, as prepared by a licensed professional:~~

- ~~\_\_\_\_\_ (a) The accurate location and elevation of the floodplain and floodway;~~
- ~~\_\_\_\_\_ (b) The elevation, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), or the lowest floor, including basements;~~
- ~~\_\_\_\_\_ (c) The elevation, in relation to the NGVD, to which all structures and utilities will be floodproofed or elevated; and~~
- ~~\_\_\_\_\_ (d) Where floodproofing is proposed to be utilized for a particular structure, the building permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania, certifying that the floodproofing methods used meet the provisions of §490-19.H.~~

**K. Section 490-152.B(5) is hereby amended to read as follows:**

(5) For development within the Floodplain ~~Overlay District~~, that the application complies with those requirements listed in ~~§490-19 of this chapter~~; **Chapter 230, Floodplain Management**;

**SECTION 2.** In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board that the remainder of the Ordinance shall be and shall remain in full force and effect.

**SECTION 3.** This Ordinance shall become effective five (5) days after adoption.

**Enacted and Ordained** by the Board of Supervisors of Hellam Township, York County, Pennsylvania, in lawful session assembled, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**TOWNSHIP OF HELLAM**

Attest:

\_\_\_\_\_

Secretary

\_\_\_\_\_

Chairman, Board of Supervisors