

- K. Phase 2 outdoor wood-fired boiler. A Phase 2 outdoor wood-fired boiler is permitted as an accessory use and accessory structure only if the following criteria are met:  
[Added 8-20-2009 by Ord. No. 2009-05; amended 12-6-2012 by Ord. No. 2012-05]
- (1) The outdoor wood-fired boiler shall only burn allowed fuels.
  - (2) The outdoor wood-fired boiler shall be located on a lot with not less than 1 1/2 acres.
  - (3) The outdoor wood-fired boiler shall be situated not less than 50 feet from any property line.
  - (4) The outdoor wood-fired boiler shall not be permitted in a front yard.
  - (5) The outdoor wood-burning boiler shall have a chimney height as required by the manufacturer, and the chimney must extend a minimum of 10 feet above the ground and be installed according to the manufacturer's specifications.
  - (6) All ashes or waste may be disbursed on the property where the outdoor wood-fired boiler is located. Any large accumulation of ashes or waste exceeding five yards must be disposed of in a manner approved by the Township or the Pennsylvania Department of Environmental Protection.
  - (7) All outdoor wood-fired boilers shall be used for the sole purpose of furnishing heat and/or hot water to a dwelling or other structure pursuant to a permit issued hereunder, including residential swimming pools.
  - (8) In the event that any outdoor wood-fired boiler is damaged by more than 50%, or it is physically deteriorated or decayed, the said appliance must be removed and/or replaced with a Phase 2 unit within 60 days of the date that notice is received from the Township. In such event, all provisions of this subsection, including but not limited to permitting procedure, shall be complied with.
  - (9) Before a zoning permit is issued for the installation of an outdoor wood-fired boiler, a site plan is required showing the location of the proposed appliance on the property, location and height of all existing structures on the property, and distances from the appliance to existing structures on the property. The manufacturer's specifications and instructions shall also be furnished to the Township before a permit can be issued.

- L. **Small solar energy systems.** Small solar energy systems are permitted as an accessory use and structure in all zoning districts if the following criteria are met:

[Added 12-6-2012 by Ord. No. 2012-05]

- (1) No person shall install or construct a small solar energy system until a principal building is constructed and all applicable zoning and building permits are issued.
- (2) All owners of property upon which a solar energy system is installed shall be required, as a condition of the issuance of the zoning permit, to acknowledge in writing to the Township that the issuance of a zoning permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title, or create in the property itself:
  - (a) The right to remain free of shadows and/or obstruction to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or
  - (b) The right to prohibit the development on or growth of any trees or vegetation on such property.
- (3) The design and installation of small solar energy system shall conform to applicable industry standards, including those of the ANSI, Underwriters' Laboratories (UL), the ASTM, or other similar certifying organizations and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer's specifications shall be submitted as part of the application.
- (4) All solar energy system installations must be certified by a professional firm from a list of approved solar electric installers provided on the Pennsylvania Sunshine Program website operated by the Pennsylvania Department of Environmental Protection or from the North American Board of Certified Energy Practitioners.

- (5) All structural parts of any ground-mounted small solar energy system shall meet all accessory structure setback requirements for the zone in which it is located, but in no event shall they be closer than 15 feet to any side or rear property line.
  - (6) Small solar energy systems mounted on the roof of any building shall be allowed to exceed the maximum height of the district, provided that they do not exceed the maximum height by more than five feet. If the panels cover more than 50% of the roof area, the owner shall provide evidence, in the form of stamped plans certified by a professional engineer, that the roof is capable of holding the load.
  - (7) Small solar energy systems which are ground-mounted or detached from the principal or accessory structure shall comply with all height restrictions for accessory structures in that zone.
  - (8) The determination as to whether or not the system constitutes pervious or impervious coverage shall be undertaken by the Zoning Officer at the time of submission of the application based on the material used for ground cover under the system.
  - (9) The owner shall provide evidence, in the form of electric usage data, demonstrating that the sizing of the system does not exceed the needs of the property. Off-grid systems shall be exempt from this requirement.
  - (10) Ground-mounted solar energy systems shall not be placed within any legal easement or right-of-way location or be placed within any stormwater conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.
  - (11) In the Rural Agricultural District, roof-mounted systems are preferred; and if the property owner wishes to install a ground-mounted or freestanding system, the owner shall demonstrate that roof-mounted systems are not practical. Ground-mounted and freestanding components of the small solar energy system shall be permitted on prime agricultural land or prime agricultural soils, provided that the total area of prime agricultural land or prime agricultural soils utilized for the ground-mounted and freestanding components does not exceed 1/4 acre. All underground on-site utility and transmission lines located on prime agricultural land or prime agricultural soils shall be placed at a sufficient depth so as not to interfere with surface farming activities.
  - (12) A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners and similar materials. The manufacturer's or installer's identification and any appropriate warning signs and placards may be displayed on the solar energy system, provided they comply with the Township's sign regulations.
  - (13) The solar energy system shall be kept in good repair and sound condition. Upon abandonment of use, the solar panels and all related structures and equipment shall be dismantled and removed from the lot within 60 days.
  - (14) If a ground-mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground-mounted solar energy system shall be graded and reseeded.
  - (15) Multiple solar energy systems. In the event that a property owner seeks to install more than one roof-mounted or ground-mounted solar energy system, the second or subsequent apparatus shall require approval by the Zoning Officer upon review and certification of the impact of the same by a registered engineer.
- M. Geothermal energy systems. Open-loop geothermal energy systems and any system not meeting the definition of a closed-horizontal-loop geothermal energy system or closed-vertical-loop geothermal energy system are prohibited in the Township. Closed-horizontal-loop geothermal energy systems and closed-vertical-loop geothermal energy systems, as specifically defined, are permitted as accessory structures and accessory uses in all zoning districts if the following criteria are met:  
[Added 12-6-2012 by Ord. No. 2012-05]
- (i) The design and installation of geothermal energy systems and related boreholes for geothermal heat pump systems shall conform to applicable industry standards, including those of the ANSI, the IGSHPA, ASTM, the AR1, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable Township requirements. The manufacturer's specifications shall be submitted

A **Zoning Permit** is required prior to a change in use of land or structure; the erection, construction, improvement or alteration of any structure or portion thereof; the alteration or development of any improved or unimproved real estate; the erection or alteration of certain permanent and/or temporary signs. A **Building Permit** is required to ensure that all newly proposed structures and proposed structural alterations are performed in compliance with the Pennsylvania Uniform Construction Code.

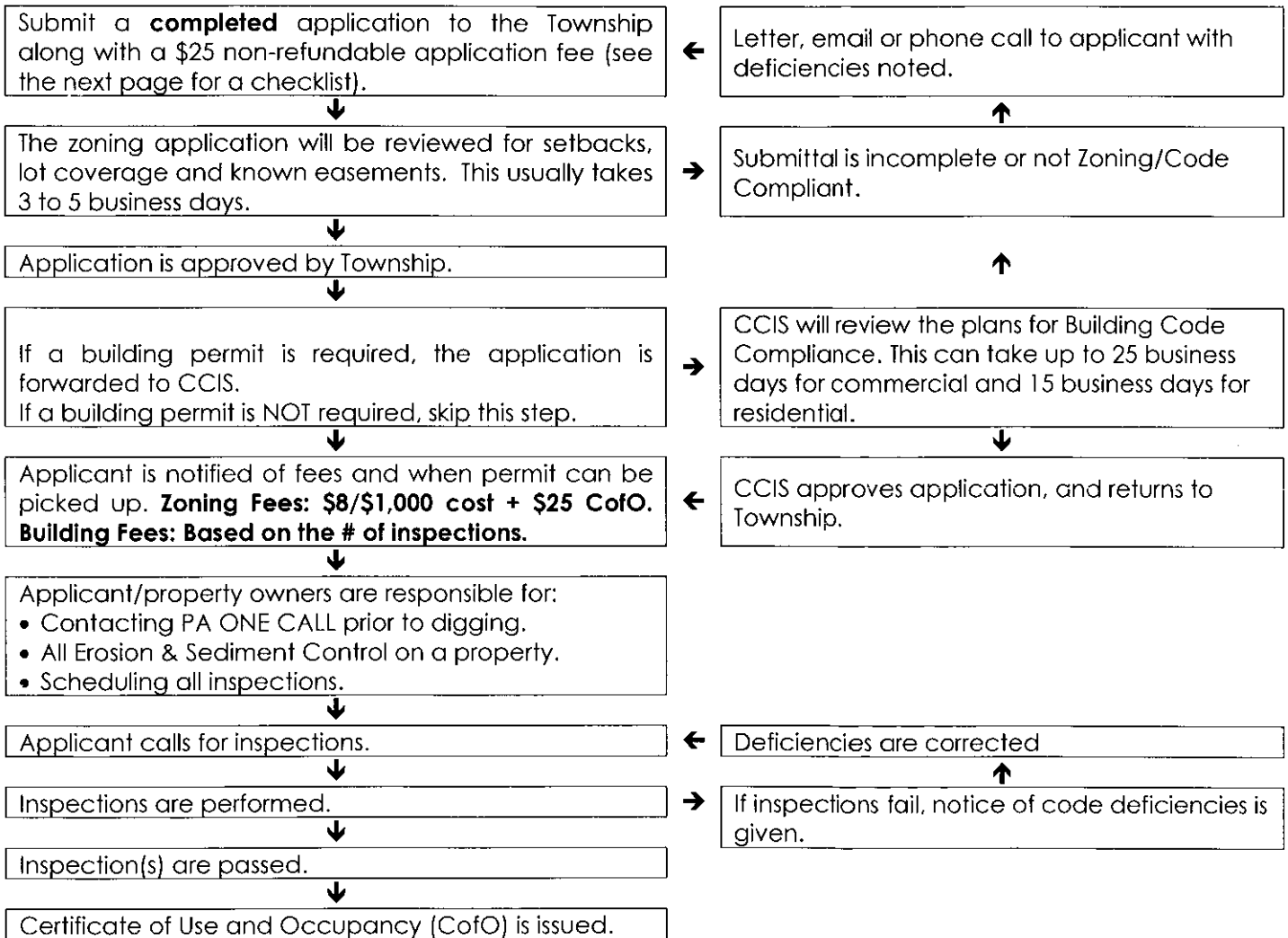
**Zoning Permits**

- Patios & Sidewalks
- Accessory Structures including sheds & greenhouses (under 1,000 s.f.)
- New uses or change of use of a property
- Retaining walls (under 4' high)
- Fences
- Timber Harvesting
- Grading or placing of fill
- Well/Water Quality
- Ponds
- Any work in a floodplain
- Driveways (separate permit application)

**Zoning & Building Permits**

- Residential dwellings & additions or alterations
- Commercial buildings & additions or alterations
- Decks & sunrooms
- Swimming pools (including temporary), pool fences & hot tubs
- Retaining walls (over 4' in height)
- Accessory structures (over 1,000 s.f.)
- Signs
- Patio or Breezeway enclosures
- Alternative Energy (solar, geothermal, outdoor furnace, etc.)
- Interior renovations including basement finishing, electrical & plumbing
- Home Occupations

**BASIC PROCEDURES FOR OBTAINING A ZONING/BUILDING PERMIT**



**NOTE:** This office does not have authorization to permit proposed work should this application be denied or refused. The Zoning Hearing Board has authority to grant permission to vary from what the Zoning Ordinance allows. Please be informed that:

- If this application should be denied due to a violation regarding dimensional requirements of the zoning district, you may file for a variance. Application is made through this office and forwarded to the Zoning Hearing Board.
- If this application should be denied due to a discrepancy against the proposed use in the indicated district zone you may file for a Special Use Permit or a Use Variance, whichever applies. Please inquire for further information and/or procedures.
- If the application is denied due to deficiencies, an applicant can re-apply once all the deficiencies have been eliminated.

## OTHER PERMITS WHICH MAY BE REQUIRED

<b>Sewage/Septic</b>	For new OLDS or repairs. If adding bedrooms the existing septic system will need to be evaluated. <i>(If the project is connected to a sewer system, contact appropriate agency)</i>	1. Obtain a sewage permit application from Township office. 2. Contact & forward the original application to the Township Sewage Enforcement Officer.
<b>Erosion &amp; Sedimentation (E&amp;S) Controls</b>	For projects covering 5,000 s.f. of ground cover, a written E&S plan is required. If 1 acre or more in area is disturbed, an NPDES permit is required.	Contact York County Conservation District (YCCD) for process and procedures at 717-840-7430.
<b>Water of the Commonwealth</b>	For stream/creek crossing for driveways, bridges; any work in the streambed or in the floodway.	Contact the Department of Environmental Protection at 717-705-4820.
<b>Roadway openings</b>	If utilities are to be installed under a Township or State road.	1. Obtain a roadway opening application from the Township. 2. Complete the application and return to the Township with the fee. Fees are per PSATS Schedule.
<b>Stormwater Management (SWM)</b>	For projects disturbing 100 s.f. or more and/or adding 100 s.f. or more of impervious area. This number is cumulative.	1. Obtain a SWM application from the Township Office 2. Complete per application. <b>NOTE:</b> building & zoning permits cannot be released until a SWM Plan/Permit has been approved.

## CONTACTS

Rachel Vega -- Zoning Officer Hellam Township	717-434-1300 717-434-1301 (fax) <a href="mailto:zoning@hellamtownship.com">zoning@hellamtownship.com</a>	44 Walnut Springs Rd York, PA 17406
Pete Schilling, ICC Certified MCP -- Building Official Commonwealth Code Inspection Services (CCIS)	717-846-2004 717-846-2294 (fax) <a href="http://www.codeservices.net">www.codeservices.net</a>	40 W. 11 <sup>th</sup> Ave. York, PA 17404
John Klinedinst, PE -- Township Engineer C.S. Davidson, Inc.	717-846-4805 717-846-5811 (fax) <a href="http://www.csdavidson.com">www.csdavidson.com</a>	38 N. Duke Street York, PA 17401
Keith Hunnings -- Sewage Enforcement Officer South Penn Code Consultants LLC	717-887-9946 717-792-1436 (fax) <a href="mailto:khunnings@comcast.net">khunnings@comcast.net</a>	1479 Seven Valleys Rd York, PA 17408

## GENERAL ZONING REQUIREMENTS

ZONE	BUILDING TYPE	MAX. LOT COVERAGE	YARD SETBACKS			MAX. HEIGHT	<b>NOTE:</b> <ul style="list-style-type: none"> <li>• These numbers may be increased by the purchase of development rights (depending on location of property).</li> <li>• Accessory structure setbacks shown are the minimum. Setbacks are 1:1 ratio of the height of the structures.</li> <li>• Contact the Zoning Department if you have additional questions.</li> </ul>
			FRONT	SIDE	REAR		
RA	Principal	15%	40'	30'	60'	35'	
RA	Accessory	15%	100'	20'	20'	20'	
R	Principal	30%	40'	15'	30'	35'	
R	Accessory	30%	100'	10'	10'	20'	
MU-1	Principal	25%	40'	15'	30'	35'	
MU-1	Accessory	25%	40'	10'	10'	20'	
MU-2	Principal	35%	30'	6'	20'	35'	
MU-2	Accessory	35%	30'	6'	10'	35'	
C-1	All uses	30%	40'	15'	30'	35'	



### IS YOUR APPLICATION PACKAGE COMPLETE?



- Zoning Application (Completed in ink, cost of improvement is included; initialed, signed & dated)
- Supplemental applications attached (RDO, Building, SWM, alternative energy, etc.)
- Copies of deeds, easements, proof of insurance, and/or required permits from other agencies are included.
- Lot Coverage worksheet is completed & attached (page 4).
- Site plan is included (page 3). All information is shown (dimensions, structures, wells, OLDS, etc.)
- 3 sets of plans are included (folded).
- \$25 non-refundable application fee is included (payable to Hellam Township).

ZONING (office use)  
 APPLICATION FEE: \$25  
 DATE RECEIVED: \_\_\_\_\_  
 DATE COMPLETE: \_\_\_\_\_  
 PERMIT #: \_\_\_\_\_  
 SENT TO CCIS: \_\_\_\_\_

# HELLAM TOWNSHIP ZONING PERMIT APPLICATION

TOWNSHIP FEES	CCIS FEES
ZONING: \$ _____	BUILDING: \$ _____
SWM @ \$25 \$ _____	OTHER: \$ _____
C of O: \$25.00	<b>TOTAL: \$ _____</b>
OTHER: \$ _____	
<b>TOTAL: \$ _____</b>	

**PRINT LEGIBLY – USING BLUE OR BLACK INK**

*An incomplete application will not be reviewed until all missing information is submitted. This includes all signatures. If information is not submitted the application can be deemed incomplete and can be denied. Mark N/A if a section is not applicable.*

CONTACT INFORMATION				
	Name	Address	Phone(s)	E-mail
<input type="checkbox"/> Property Owner				
<input type="checkbox"/> Applicant				
<input type="checkbox"/> Contractor				

PA Act 132 Registration # \_\_\_\_\_

Provide a list of sub-contractors if any are being used.

Indicate insurance and attach a copy:

- Self - provide copy of homeowners insurance
- Contractor's Workers Compensation or Waiver

## EXISTING INFORMATION

Site Address: \_\_\_\_\_ Tax Parcel ID #: 31-000-\_\_\_\_-0\_\_\_\_-\_\_\_\_ Lot Area: \_\_\_\_\_ acres

Zoning District:  Rural-Ag.  Res.  Comm/Ind  MU-1  MU-2  Interchange  Quarry  
 Floodplain  Historic  Village  TDR  Steep Slopes  Woodlands/Canopy  Riparian

Overlay Zone: Buffer

Utilities: Sewer Service:  Public  Private Water Service:  Public  Private

- Are there any easements or right-of-ways on the property?  Yes  No
- Are any utility poles on your property?  Yes  No
- Are there any underground utilities through the property?  Yes  No
- Are there any deed restrictions or homeowner's association for the property?  Yes  No
- What type of road does the site access?  Township  State  Private

Attach a copy of documents (deed, restriction, HOP permits, driveway permits, etc).

## PROPOSED IMPROVEMENTS

**STRUCTURAL ACTIVITY**

**TYPE OF IMPROVEMENT**

**OTHER DEVELOPMENT ACTIVITIES**

**USE**

- New Structure
- Addition
- Alteration
- Demolition
- Replacement
- Other \_\_\_\_\_

- Accessory Structure
- Alternative Energy
- Deck
- Fence/Wall
- Single Family Residence
- Sidewalk/Patio/Pavers
- Sign
- Swimming Pool/Spa
- Other \_\_\_\_\_

- Fill, Grading, Excavation
- Pond
- Watercourse Alteration Drainage Improvements
- Well
- Timber Harvesting
- Other \_\_\_\_\_

- Change of Use
- Home Occupation
- Special Event
- Temporary Use
- Other \_\_\_\_\_

<u>SIZE OF IMPROVEMENT</u>	<u>DISTANCE FROM PROPERTY LINES</u>	<u>DESCRIPTION OF WORK</u>
Length: _____	Front: _____	_____
Width: _____	Rear: _____	_____
Height: _____	Right: _____	_____
Total Area: _____	Left: _____	_____

- Is a construction entrance being utilized for this project?  No  Yes - provide details of location and method
- Is the proposed land disturbance (construction entrance, grading, etc.) over 100 s.f. in area?  No  Yes - submit Stormwater Management Application
- Is a Knox Box for Emergency Access installed at the site?  Yes  No- submit necessary paperwork (required for all business in the Township)

"Total cost of construction" means the actual cost incurred by the owner, all contractors, subcontractors and other parties for labor, material, equipment, profit and incidental expenses for the entire project.

**TOTAL COST OF CONSTRUCTION:** \$ \_\_\_\_\_

**STATEMENTS AND VERIFICATION BY APPLICANT**

<b>Initials</b>	<b>I hereby understand and agree to the following:</b>
	This application authorizes any municipal representative of Hellam Township to access the above property as stated within this application during normal business hours, without an administrative warrant; to inspect and verify that any proposed use and/or structure contained within this application complies with all Hellam Township Zoning Ordinance.
	The Township office is not responsible for any property dimensions shown on the site plan and establishment of property lines is the sole responsibility of the property owner and applicant.
	The failure to adhere to any and all provisions of the Hellam Township Ordinances shall constitute a violation as to any Permit issued per this Application, which shall cause any Permit to become Null and Void, and revocable by Hellam Township via its Zoning Officer or other designated agent.
	No construction, including moving of earth, can begin until the appropriate permits are acquired.

The application, together with the signed site plan and construction documents, is made part of this application by the undersigned. I/We hereby certify that as applicants, owners, or others that I/we completed and read the foregoing Application, that the information and statements provided on this application is true and correct to the best of their knowledge or belief. I/We do hereby certify under penalty of perjury.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_  
 Signature of Property Owner \_\_\_\_\_ Date \_\_\_\_\_

The property owner(s) must sign this application to verify the contractor or tenant has permission from the property owner(s) to do all construction work authorized by the issuance of this permit.

**ZONING OFFICER ACTION**  
(office use only)

\_\_\_\_\_ The application is in accordance with the Hellam Township Zoning Ordinance and is hereby **approved**.

\_\_\_\_\_ The application is hereby **disapproved** for the following reason(s): \_\_\_\_\_

\_\_\_\_\_ in violation of §490-

Signature of Zoning Officer \_\_\_\_\_ Date \_\_\_\_\_

Special Instructions or Restrictions: \_\_\_\_\_

# APPLICATION FOR BUILDING PERMIT / USE CERTIFICATE

Applicable Codes: 2009 IBC/IRC, 2012 IBC Chapter 11, 2009 ICC A11 7.1

Please print legibly – failure to do so may result in a denial, delay or rejection of this application.

Permit Application Date \_\_\_\_\_ Permit Application No. \_\_\_\_\_

## 1. PROPERTY INFORMATION

Owner: \_\_\_\_\_ Tax Map: \_\_\_\_\_

Site Address: \_\_\_\_\_ Parcel No.: \_\_\_\_\_

Municipality: \_\_\_\_\_ County: \_\_\_\_\_ Use Permit No. \_\_\_\_\_

Use:  Single-Family Dwelling / Duplex  Multi Family  New Manufactured Home  Relocated Manufactured Home

Commercial  Other \_\_\_\_\_ Floodplain present:  Yes  No

Improvement Type:  New  Addition  Alteration  Repair/Replacement  Relocation  Other \_\_\_\_\_

## 2. BUILDING OWNER'S INFORMATION

First Name \_\_\_\_\_ Mi. \_\_\_\_\_ Last Name \_\_\_\_\_ Phone No: \_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

## 3. BUILDING PERMIT APPLICATION

Provide below description of Work: (Also provide details on plot plan: Show all improvements on lot & approx. distances to lot lines)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Total Lot Area: \_\_\_\_\_ Acres/Sq. Ft. ESTIMATED COST OF CONSTRUCTION: \$ \_\_\_\_\_

ICC Use Group: \_\_\_\_\_ ICC Construction Type: \_\_\_\_\_

ESTIMATED START DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ ESTIMATED COMPLETION DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

## 4. CERTIFICATION

I certify that I am the owner of record, or that I have been authorized by the owner of record to submit this application and that the work described has been authorized by the owner of record. I understand and assume responsibility for the establishment of official property lines for required setbacks prior to the start of construction, and agree to conform to all applicable local, state, and federal laws governing the execution of this project. I certify that the Code official or his representative shall have the authority to enter the areas in which this work is being performed, at any reasonable hour, to enforce the provisions of the Codes governing this project. I further certify that this information is true and correct to the best of my knowledge and belief. Ref. 18 Pa. Cons. Stat. § 4903.

APPLICANT SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

PRINT NAME (legibly): \_\_\_\_\_

Address: \_\_\_\_\_ Phone No.: \_\_\_\_\_

( TURN PAGE OVER )

**5. CONTRACTOR INFORMATION**

Please list additional general contractor information on additional sheet(s) if needed.

Additional sheet(s) attached

Name of Contractor: \_\_\_\_\_ Phone No: \_\_\_\_\_

Contractor Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Person in Charge of Work: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Email: \_\_\_\_\_ Cell No.: \_\_\_\_\_

Workman's Compensation Insurance:  Provided  On Record  Exempt PA Home Improvement Contr. Reg. # \_\_\_\_\_

**6. PROJECT DETAILS**

Trades:  Building  Electrical Work  Plumbing Work  Mechanical Work (HVAC)  Fire Suppression/Fire Alarm System

Heat Source (if applicable): \_\_\_\_\_ Fuel Type: \_\_\_\_\_

Foundation Type:  Crawlspace  Foundation  Slab at Grade  Piers  Other: \_\_\_\_\_

**7. SUBCONTRACTOR INFORMATION**

Please list subcontractors for major trades. Use additional sheet(s) if needed.

Additional sheet(s) attached

Contractor \_\_\_\_\_ Address \_\_\_\_\_ Phone No \_\_\_\_\_ Pa HIC # \_\_\_\_\_

Contractor \_\_\_\_\_ Address \_\_\_\_\_ Phone No \_\_\_\_\_ Pa HIC # \_\_\_\_\_

Contractor \_\_\_\_\_ Address \_\_\_\_\_ Phone No \_\_\_\_\_ Pa HIC # \_\_\_\_\_

Contractor \_\_\_\_\_ Address \_\_\_\_\_ Phone No \_\_\_\_\_ Pa HIC # \_\_\_\_\_

Contractor \_\_\_\_\_ Address \_\_\_\_\_ Phone No \_\_\_\_\_ Pa HIC # \_\_\_\_\_

For official use only

**9. OFFICE INFORMATION**

APPLICATION FEE: \$ \_\_\_\_\_ ISSUANCE DATE \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

PERMIT FEE: \$ \_\_\_\_\_ EXPIRATION DATE \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

INSPECTION FEES \$ \_\_\_\_\_ EXTENSION DATE \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

TOTAL FEES \$ \_\_\_\_\_

APPLICATION IS:  GRANTED  DENIED  INCOMPLETE: \_\_\_\_\_

SIGNATURE OF PERMIT OFFICER: \_\_\_\_\_ DATE \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**APPLICANT OR AUTHORIZED AGENT IS RESPONSIBLE FOR CONTACTING BUILDING INSPECTOR FOR REQUIRED INSPECTIONS.**





# HELLAM TOWNSHIP

44 WALNUT SPRINGS ROAD  
YORK, PENNSYLVANIA 17406  
(717) 434-1300 FAX: (717) 434-1301  
E-mail: [info@hellamtownship.com](mailto:info@hellamtownship.com)  
Website: [www.hellamtownship.com](http://www.hellamtownship.com)

BOARD OF SUPERVISORS

GALEN WEIBLEY  
CHAIR

PHILIP SMITH  
VICE CHAIR

RIKI POTOSKY

DAVE MILLER

AMY NEVIN

## Small Solar Energy System Certification Statement

I, \_\_\_\_\_ (Property Owner Name), being the  
owner of property located at

\_\_\_\_\_ (Property address), do

hereby acknowledge that the issuance of a zoning permit for a solar energy  
system shall not and does not create in the property owner, its, his, her or their  
successors and assigns in title, or create in the property itself:

(a) The right to remain free of shadows and/or obstruction to solar energy  
caused by development of adjoining or other property or the growth of  
any trees or vegetation on such property; or

(b) The right to prohibit the development on or growth of any trees or  
vegetation on such property.

\_\_\_\_\_(Signature)

\_\_\_\_\_(Date)