

Chapter 27

Zoning

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Zoning Map

Part 1**Title, Authority, Purpose, Community Development Objectives****§27-101. Short Title.**

This Chapter shall be known as and may be cited as the “Township of Tuscarora Zoning Ordinance.”

(Ord. 12, 4/10/1992, §101)

§27-102. Authority.

This Chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, the Pennsylvania Municipalities Planning Code, July 31, 1968, 53 P.S. §10101 *et seq.*, as amended.

(Ord. 12, 4/10/1992, §102)

§27-103. Purpose.

This Chapter is enacted for the following purposes:

A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; as well as,

B. To prevent one or more of the following: over-crowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

This Chapter is made in accordance with an overall program, and with consideration for the character of the Township, its various parts, and the suitability of the various parts for particular uses and structures.

(Ord. 12, 4/10/1992, §103)

§27-104. Community Development Objectives.

To promote and to foster the community development goals and objectives as contained in the Tuscarora Township Comprehensive Plan, as amended.

(Ord. 12, 4/10/1992, §104)

§27-105. Interpretation.

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

(Ord. 12, 4/10/1992, §105)

§27-106. Application.

The provisions, regulations, limitations and restrictions of this Chapter shall apply to all structures, buildings, uses, signs and land and their accessory structures, buildings, uses and signs. Nothing in this Chapter shall require any change in filed plans or existing construction of lawful use.

(Ord. 12, 4/10/1992, §106)

Part 2**Definitions****§27-201. Definition of Terms.**

1. The following words are defined in order to facilitate the interpretation of this Chapter for administrative purposes and for the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

2. Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning herein indicated.

A. Words used in the present tense include the future tense. The singular includes the plural.

B. The word "person" includes any individual or group of individuals, a corporation, partnership, or any other similar entity.

C. The word "lot" includes the words "plot" or "parcel." The term "shall" is always mandatory.

D. The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged or designed to be used or occupied."

3. Any words not included in the following definitions will be defined as described in the latest edition of *Webster's Abridged Dictionary*:

Abandonment - the relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

Access drive - a paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

Accessory building or structure - a building or structure subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

Accessory use - a use customarily incidental and subordinate to the principal use of the main building and located on the same lot with such principal use or main building.

ACCESSORY SOLAR ENERGY SYSTEM (ASES): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power: (a) primarily; or (b) solely for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted, solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

Addition - a structure added to the original structure at some time after the completion of the original.

Adult book store - an establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals, which are distinguished or characterized by their emphasis on obscene materials as defined below.

Agriculture - the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, fish culture, animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities; and, provided further, that the above uses shall not include the business of garbage feeding of hogs, fur farms or the raising of animals such as rats, mice, monkeys and the like for use in medical or other tests or experiments.

Air rights - the right to use space above ground level.

Alley - a public thoroughfare other than a minor street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alterations - as applied to a building or structure, any change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Alterations, structural - any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Amendment - a change in use in any district which includes revisions to the zoning text and/or the Official Zoning Map; and, the authority for any amendment lies solely with the Township Board of Supervisors.

Animal hospital - a building where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to hospital use.

Antenna - any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which is external to or attached to the exterior of any building.

Antenna, ground-mounted - any antenna with its base mounted directly in the ground, even if each antenna is supported or attached to the wall of a building.

Antenna, satellite dish - a device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

Apartment - a dwelling unit within a multiple dwelling. This classification includes apartments in apartment houses, studio apartments and kitchenette apartments. Conversion apartments are not included in the classification.

Apartment, accessory - an independent dwelling unit incorporated within an existing single-family detached dwelling without any substantial external modification.

Apartment, conversion - an existing dwelling unit that is or was converted to a dwelling for more than one family, without substantially altering the exterior of the building.

Apartment, garden - a two-story multifamily dwelling, containing one story dwelling units.

Apartment house - a building arranged, intended or designed to be occupied by three or more families living independently of each other.

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

APPLICANT - SOLAR ENERGY SYSTEM: The individual or entity seeking approval for a solar energy system pursuant to this Ordinance. The owner of the real property upon which the solar energy system shall be erected, as well as the Applicant, shall be responsible for compliance with this Ordinance.

Application for development - every application, whether preliminary or final, required to be filed and approved prior to the 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 approval of a development plan.

Area - the extent of surface contained within the boundaries or extremities of land or building.

Area, building - the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

Area, lot - the area contained within the property lines of a lot or as shown on a subdivision plan excluding space within any street, but including the area of any easement.

Auto body shop - any structure or any building or part thereof that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles of conveyance.

Automobile garage - a structure or building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing, or supplying of gasoline or oil to automobiles, trucks or similar motor vehicles.

Automobile and/or mobile home sales garage - a structure or building on a lot designed and used primarily for the display or sale of new and used automobiles, trucks, other similar motor vehicles, mobile homes and where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

Automobile and/mobile home sales lot - an open lot used for the outdoor display or sales of new or used automobiles, trucks, other similar motor vehicles or mobile homes and where minor and incidental repair work, other than body and fender, may be done.

Automobile service station - any area of land, including any structures thereon, or any building or part thereof, that is used for the retail sale of gasoline, oil, other fuel, or accessories for motor vehicles, and which may include facilities used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

Automobile wrecking - the dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Average gross residential density - the number of dwelling units per acre, computed by dividing the number of dwelling units which the applicant proposes to construct by the number of acres in the development which are planned to be devoted to residential and open space uses.

Basal area - the cross-sectional area of trees calculated in square feet as measured at the DBH (see definition, DBH), normally measured by a calibrated prism or angle gauge.

Base map - a map having sufficient points of reference, such as State, County, or municipal boundary lines, streets, easements, and other selected physical features to allow the plotting of other data.

Basement (cellar) - that portion of a building that is partially or wholly below ground level. This portion is not a completed structure and serves as a substructure or foundation for a building. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than 5 feet or is used for business or dwelling purposes, other than a game or recreation room.

Block - an area bounded by streets.

Boarding house - a building arranged or used for the lodging, with or without meals, for compensation, by either transient or permanent residents. This definition includes rooming houses and lodging houses.

Board of Supervisors - the Board of Supervisors of Tuscarora Township, Perry County, Pennsylvania.

Buffer yard - see "yard, buffer."

Buildable area - the area of a lot remaining after the minimum yard and open space requirements of this Chapter have been met. May also exclude other areas such as easements, critical areas, and floodplains.

Building - any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels, and including covered porches or bay windows and chimneys.

(1) *Attached* - a building which has two or more party walls except for the end units of the building.

(2) *Detached* - a building which has no party walls.

(3) *Semidetached* - a building which has only one-party wall.

Building, front line of - the line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

Building, height of - the vertical distance measured from the average elevation of the proposed finished grade at the side of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building line - a line parallel to the front, side, or rear lot line so as to provide the required yard.

Building permit - written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

Building, principal - a building in which is conducted the principal use of the lot on which it is located.

Building setback line - the line within a property defining the required minimum distance permitted between any enclosed structure and the adjacent right-of-way.

Camping ground - parcel of land used by campers for seasonal, recreational, or other similar temporary living purposes, in buildings of a movable, temporary, or seasonal nature, such as cabins, tents, or shelters.

Carport - a covered space, open on three sides, for the storage of one or more vehicles and accessory to a main or accessory building.

Cartway - that portion of a street or alley which is improved, designed, or intended for vehicular use, but not including shoulders, curbs, sidewalks or swales.

Cellar - a story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the maximum number of stories.

Change of use - an alternation of a building structure or land by change of use, theretofore existing, to a new use group which imposes other special provisions of law governing building construction, equipment, exists or zoning regulations.

Clear cut - the felling of substantially all trees on a tract of land, or portion thereof.

Clear-sight triangle - an area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the street's center lines.

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.

Comprehensive Plan - a comprehensive long-range plan adopted as an official document to guide the growth and development of the Township. The plan includes analyses, recommendations, and proposals for the Township's population, economy, housing transportation, community facilities, and land uses.

Conditional uses - uses, other than permitted uses, allowed or denied by the Board of Supervisors after recommendations by the Planning Commission, pursuant to express standards and criteria set forth in this Chapter.

Condominium - real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building structure, including the placement of manufactured homes.

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 enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, and that the court does not extend to a street, alley, yard or other outer court.

Court, outer - a court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

Coverage - that portion or percentage of the lot area covered by impervious materials.

Day care center - see definition "school, nursery."

DBH - the diameter of a tree at breast height, usually measured 4½ feet from the ground surface.

Density - the number of families, individuals, dwelling units, or housing structures per unit of land.

Developer - any landowner, agent of such landowner or tenant with 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 or other structures, filling, grading, paving, excavation, mining, dredging or drilling operations and the subdivision of land.

District, zoning - a district includes all buildings, lots, and surface areas within certain designated boundaries as indicated on the Tuscarora Township Zoning Map.

Drainage area - the removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.

Drainage system - pipes, swales, natural features and man-made improvements designed to carry drainage.

Drive-in use - an establishment which by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway - a private roadway providing access for vehicles to a parking space, garage dwelling or other structure.

Dump - a lot or land or part thereof used primarily for disposal by abandonment, dumping, burial, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind.

Dwelling - a building or structure designed for living quarters for one or more families, including manufactured homes which are supported either by a foundation or are otherwise permanently attached to the land, but not including hotels, boarding/rooming houses or other accommodations used for transient occupancy.

Dwelling group - any building or portion thereof which is designed or used as living quarters for five or more persons unrelated to each other or the family occupying the dwelling unit. Group quarters shall include, but not be limited to, lodging and boarding houses, nursing homes, and homes for the aged.

Dwelling, multifamily - a building, including apartment houses, row houses, or townhouses, used by three or more families living independently of each other and doing their own cooking.

Dwelling, single-family, attached (row) - a building used for one family and having two party walls in common with other buildings (such as row house or townhouse).

Dwelling, single-family, detached - a building used by one family, having only one dwelling unit and having two side yards.

Dwelling, single-family, semidetached - a building used by one family, having one side yard, and one-party wall in common with another building.

Dwelling, two-family, detached - a building used by two families, having two dwelling units, one located above the other, and having two side yards.

Dwelling, two-family semidetached - a building designed and built to contain four dwelling units, consisting of two sets of dwelling units, each with one dwelling unit above another, arranged side by side and separated by a party wall.

Dwelling unit - a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement - a grant of one or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Electric substation - an assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the needs of the general public.

Electric transmission and distribution facilities - electric public utilities transmission and distribution facilities, including substations.

Engineer - a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township.

Engineering specifications - the engineering specifications of the Township regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

Environmental assessment - an analysis of the effect of development proposals and other major actions on natural and socioeconomic features of the existing environment.

ENVIRONMENTALLY STABLE: The proper placing, grading, construction, reinforcing, lining, and covering of soil, rock or earth to ensure their resistance to erosion, sliding or other movement.

Erosion - the detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.

Excavation - any act by which earth, sand, gravel, rock, or any other similar materials is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting therefrom.

Existing use - the use of a lot or structure at the time of the enactment of a zoning ordinance.

Facade - the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Family - a single individual doing his/her own cooking and living upon the premises as a separate housekeeping unit, or no more than three unrelated individuals doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, legal marriage, or other domestic bond. This definition does not include a collective body of persons occupying a hotel, dormitory, lodge, boarding/rooming house, family care/group care facility, commune, or institution.

Family care facility - a facility providing shelter, counseling, and other rehabilitative services in a family-like environment for four or eight residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities, or home individual programs.

Family day care home - a residence offering baby-sitting services and child care services for four to six children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare. A family day care home is a permitted accessory use in any residential district.

Farm - any parcel of land containing 10 or more acres, which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. Such term includes necessary farm structures within the prescribed limits and the storage of equipment used, but excludes the raising of furbearing animals, riding academies, livery or boarding stables and dog kennels.

Felling - the act of cutting a standing tree so that it falls to the ground.

Fence - any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination. The structure is erected for one or more of the following purposes: to screen or divide one property from another to assure privacy; to protect the screened or divided property; or to define and mark the property line, when such structure is erected on or within 2 feet of any front, side or rear lot line. For the purpose of this Chapter, a freestanding masonry wall, when located for one of the preceding purposes, is considered to be a fence. Also, for the purpose of this Chapter, when the term "lot line" is used in relation to fences, it shall be synonymous with "rear yard lot lines," "side yard lot lines" and "front yard lot lines." Fences are not synonymous with "garden structures" which are defined elsewhere in this Chapter.

Fill - any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface.

Flood - a temporary inundation of normally dry land areas.

Flood, base (100-year flood) - a flood that, on the average is likely to occur once every 100 years (i.e., that has a 1 percent chance of occurring each year, although the flood may occur in any year).

Flood fringe - that portion of the floodplain outside the floodway.

Floodplain - (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any surface.

Flood proofing - any combination of structural and nonstructural additions, changes, or adjustments to proposed or existing structures which reduce or

eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of the 100-year magnitude without increasing the water surface elevation more than 1 foot at any point.

Floor area - 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 used as primary living and sleeping quarters, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

Floor area, habitable - the aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathrooms, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than 7 feet and the floor area of that part of any room where the ceiling height is less than 5 feet shall not be considered as part of the habitable floor area.

Floor area retail, net - all that space relegated to use by the customer and the retail employee to consummate retail sales and to include display area used to indicate the variety of goods available for the customer, but not to include office space, storage space and other general administrative areas.

Garage, private - an enclosed or covered space for the storage of one or more vehicles, provided that no business, occupation or service is conducted for profit therein.

Garage, public - any garage, other than a private garage, which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

Garden apartment - see definition "apartment, garden."

Garden structures - any accessory structure which may be occupied for other than sleeping or general housekeeping purposes, or which serves as a shelter primarily for human beings, except a permitted garage, porch or carport, which is located in any side or rear yard not closer than 3 feet to any side or rear lot line; included in this category of structures are arbors, aviaries, pergolas, trellises, barbecue shelters, bath houses, private greenhouses and freestanding screens and similar structures. No such structure may be located in any required front yard between the building setback line and the street line. Such structures may be solidly roofed and walled or open to the sky and on the sides, but if solidly roofed or solidly walled on more than two sides, they must be located within the building line of the lot and may not invade any required yard. Unscreened, unroofed, unwalled or unfenced patios, bird baths, ornamental pools and swimming pools are not considered as garden structures. Permitted structures may be attached to or be detached from a dwelling.

Gardening - the cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock.

Grade, established - the elevation of the center line of the streets, as officially established by the municipal authorities.

Grade, finished - the completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

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.

Ground floor - the floor of a building nearest the mean grade of the front of the building.

Group care facility - a facility providing shelter, counseling, and other rehabilitative services in a family-like environment for more than nine but fewer than 15 residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

Group day care home - a residence offering baby-sitting services and child care services for seven to 11 children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.

Hazardous waste - any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, (but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return permits under §402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. §1342) or source, special nuclear, or by-product material as defined by 33 §2014), which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

- (1) cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or,
- (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

The term "hazardous waste" shall not include coal refuse as defined in the Act of September 24, 1968, P.L. 1040, No. 318, known as the "Coal Refuse Disposal Control Act," 52 P.S. §30.51 *et seq.* "Hazardous waste" shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to the Act of June 22, 1937, P.L. 1987, No. 394, known as the "Clean Streams Law," 35 P.S. §691.1 *et seq.*

Height of building - see definition "building, height."

Home occupation - any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, and no more than one employee, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein.

Hospitals - an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, including, as if an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

Hotel - a facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities.

Impervious material - any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete sidewalks, paved driveways and parking areas, swimming pools and other nonporous structures or materials.

Incinerator - an approved device in which combustible material, other than garbage, is burned to ashes.

Industry - the manufacturing, compounding, processing, assembly or treatment of materials, articles, or merchandise.

Infrastructure - facilities and services needed to sustain industry, residential and commercial activities. These facilities and services may include water and sewer lines, streets and roads, communications, and public facilities (e.g., fire houses, parks, etc.).

Junkyard - a lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material, or for the collection, dismantling, storage, and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

Kennel - an establishment in which more than six dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold. (May need to specify buffer requirement and identify noise barrier from abutting residential uses.)

Land development - any of the following activities:

(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(a) A group of two 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.

(b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

(3) Exclusion of certain land development as defined above only when such development involves:

(a) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.

(b) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

(c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a 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 surveyor - a person who is licensed by the State as a land surveyor and is qualified to make accurate field measurements and mark, describe, and define land boundaries.

Landing - a place where logs are assembled for transportation in loads.

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.

Landscape planting - a planting of vegetative materials including trees, scrubs and ground cover.

Lighting, diffused - that form of lighting wherein the light passes from the source through a translucent cover or shade.

Lighting, direct or flood - that form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.

Lighting, indirect - that form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

Loading berth/space - an off-street area on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

Lopping - to cut tops and slash into smaller pieces to allow material to settle close to the ground.

Lot - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot, corner - a lot at the junction of and abutting on two or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than 135 degrees and the radius of the street line is less than 100 feet.

Lot, depth of - the average horizontal distance between the front and rear lot lines.

Lot, double frontage - an interior lot having frontage on two streets.

Lot, interior - a lot other than a corner lot.

Lot lines - the lines bounding a lot as defined herein.

Lot, minimum width - the minimum lot width at the building setback line.

Lot, nonconforming - a lot of the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

Lot of record - a lot which has been recorded in the Office of the Recorder of Deeds of Perry County, Pennsylvania.

Lot, reverse frontage - a lot extending between, and having frontage on a major street and a minor street, and with vehicular access solely from the latter.

Lot width - the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Manufactured home - a factory-built structure that is manufactured or constructed under the authority of 42 U.S.C. §5401, the National Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but not to be constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame, any wheels or axles. A mobile home is not a manufactured home, except as hereinafter provided.

Manufacturing - the processing and/or converting of raw unfinished or finished materials or products, or any, or either of them, into an article or substance of a different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

Major thoroughfare - a street or highway designated as an existing or planned major thoroughfare.

Medical center - establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health care practitioners, medical and dental laboratories, out-patient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services.

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

Mobile home - a transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two 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.

Mobile home 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 mobile home.

Mobile home park - a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Motel - a building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, with separate entrances and designed for year-round, occupancy, primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms.

Municipality - Tuscarora Township or Perry County.

Municipality, local - Tuscarora Township.

Noise - any undesired audible sound.

Nonconforming use - a use, whether of land or of structure, does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence 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.

Nonconforming structure - a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning 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.

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 primary use.

Nursing or convalescent home - a building with sleeping rooms where persons are housed or lodged and furnished with meals, nursing care for hire and which is approved for nonprofit/profit corporations licensed by the Pennsylvania Department of Public Welfare for such use.

Obscene materials - any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written or printed matter which depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or (in the case of articles or instruments) is designed or intended for use in achieving artificial sexual stimulation; and taken as a whole, appeals to the prurient interest; and taken as a whole, does not have serious literary, artistic, political or scientific value.

Obstruction - any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property. *Occupancy permit* - a required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.

Office building - a building designed or used primarily for office purposes, no part of which is used for manufacturing.

Office, professional - a room or rooms used for the carrying on of a profession to include, but not limited to, physicians, dentists, architects, engineers, accountants, attorneys, real estate brokers, insurance agents entitled to practice under the laws of the Commonwealth of Pennsylvania or similar type.

Official Map - a legally adopted map that conclusively shows the location and width of existing and proposed public streets, watercourses and public grounds, including widenings, narrowings, extensions, diminutions, openings or closing of same, for the whole of the municipality.

Off-street parking space - a temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

Open space - the unoccupied space open to the sky on the same lot with the building.

Operator - the individual, partnership, company, firm, association, or corporation engaged in, a business, including his agents, or subcontractors, or employees.

Owners - the individual, partnership, company, firm, association, or corporation which holds title to a business or land on which it is situated, including his agents, or subcontractors, or employees.

Parking lot - any lot, municipally or privately owned, for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

Parking space - the space within a building, or on a lot or parking lot, for the parking or storage of one automobile.

Party wall - a common shared wall between two separate structures, buildings, or dwelling units.

Percolation test - a test designed to determine the ability of ground to absorb water and used in determining the suitability of a soil for the use of a septic system.

Permitted use - any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Person - any individual or group of individuals, corporations, partnership, or any similar entity.

Personal services - businesses primarily engaged in providing services generally to individuals, such as home laundries, portrait photographic studios, and beauty and barber shops.

Planning Code - the Pennsylvania Municipalities Planning Code, Act 247, dated July 31, 1968, 53 P.S. §10101 *et seq.*, as amended.

Planning Commission - the Tuscarora Township Planning Commission, appointed by the Board of Supervisors in accordance with the Second-Class Township Code of Pennsylvania, 53 P.S. §65101 *et seq.*, and the Municipalities Planning Code, Act No. 247, 53 P.S. §10101 *et seq.*

Plat - the map or plan of a subdivision or land development, whether preliminary or final.

Porch - a covered area in excess of 4 feet by 5 feet or 20 square feet in area at a front, side or rear door.

Premises - any lot, parcel, or tract of land and any building constructed thereon.

PRINCIPAL BUILDING: A building or structure in which is conducted the principal use of the lot on which the building or structure is located.

PRINCIPAL SOLAR ENERGY SYSTEM (PSES): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted, solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers; substations; electrical infrastructure; transmission lines and other appurtenant structures.

Private - not publicly owned, operated, or controlled.

Private road - a legally established right-of-way, other than a public street, which provides the primary vehicular and/or pedestrian access to a lot.

Professional forester - a person who holds a B.S. or higher degree in forestry from a 4-year school associated with or accredited by the Society of American Foresters.

Professional occupation - the practice of a profession by any professional including, but not limited to, attorney, physician, surgeon, osteopath, chiropractor, dentist, optician, optometrist, chiropodist, engineer, surveyor, architect, landscape architect, planner or similar type, entitled to practice under the laws of the Commonwealth of Pennsylvania.

Property line - a recorded boundary of a plot.

Public- owned, operated or controlled by a government agency (Federal, State, or local, including a corporation and/or board created by law for the performance of certain specialized governmental functions).

Public grounds - includes the following:

(1) Parks, playgrounds, trails, paths and other recreational areas and other public areas.

(2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

(3) Publicly owned or operated scenic and historic sites.

Public hearing - a formal meeting held pursuant to public notice by the Board of Supervisors or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

Public meeting - a forum held pursuant to notice under the, Act of October 15, 1998, P.L. 719, No. 93, 65 Pa.C.S.A. §701 *et seq.*, known as the "Sunshine Act." [Ord. 33]

Public notice - notice published once each week for 2 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 not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

Public sewer and water system - any system, other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment and disposal of wastes and the furnishing of potable water.

Public swimming pool - any pool, other than a residential pool, which is used, or intended to be used, for swimming, bathing, or wading, and is operated by an owner, lessees, operator, licensee, or concessionaire, regardless of whether a fee is charged for use.

Public utility facility - a structure and its equipment, where necessary, for the transmission and exchange of cable television, telephone, gas, power, sewer, or water facilities, or for the pickup and/or discharge of passengers from a public transportation vehicle.

Recreation facility, private - a recreation facility operated by a nonprofit organization, and open only to bona fide members and guests of such nonprofit organization.

Recreation facility, public - a recreation facility operated by governmental agency and open to the general public.

Recreational vehicle - a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own motor power or is mounted or drawn by another vehicle; having a body width of no more than 8 feet and a body length of no more than 35 feet when factory equipped for the road, and licensed as such by the Commonwealth to include, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational vehicle park or campground - a parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping or travel use, or recreational vehicle or camp ground lots rented for such use, thereby constituting a "land development."

Recycling facility - an establishment which provides the means for the collection, separation, recovery, and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed of and processed as municipal waste.

Residential swimming pool - any pool, portable or permanent, which is used or intended to be used noncommercially for swimming, bathing or wading.

Riding academy - an establishment where horses are kept for riding or driving, or are stabled for compensation, or incidental to the operation of any club, association, ranch, or similar establishment.

Right-of-way - a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses; generally, the right of one to pass over the property of another.

Right-of-way, street - a public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

Roadside stand - a structure designed or used for the display or sale of neighborhood agricultural products or other goods produced on the premises upon which such a stand is located.

Runoff - the surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

Salvage yard - any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling salvage. The term shall not include: (1) a scrap metal processing facility; (2) any tract or lot adjacent to a manufacturing or processing business where salvage is stored on an interim basis pending the final disposition of the same in the normal operation of such business; (3) lots maintained by a dealer (as defined by the Pennsylvania Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*); (4) salvage, all of which is stored or accumulated inside a wholly self-enclosed building or other structure.

Satellite dish - see definition "antenna, satellite dish."

School - any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania.

School, nursery (day care centers) - a facility, not in a private residence, enrolling four or more children no more than 5 years of age and where tuition, fees, or other forms of compensation for the instruction and care of the children is charged. Such facility shall employ licensed personnel and shall be licensed by the Commonwealth of Pennsylvania.

Screen planting - a vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

Sedimentation - the process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

Sewage - organic waste and waste water generated by residential and industrial and commercial establishments.

Shopping center - a group of stores planned and designed to function as a unit for the lot on which it is located with off-street parking provided as an integral part of the unit.

Sight distance - the length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

Sign - any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

Sign, advertising - a sign intended for the painting, posting or otherwise displaying of information inviting attention to any product, business, service or cause not located on or related to the premises on which the sign is situated.

Sign, business - a sign which directs attention to a use conducted, product or commodities sold or service performed upon the premises.

Sign, identification - a sign or name plate, indicating the name of noncommercial buildings or occupants thereof, or describing the use of such buildings; or when displayed at a residence, indicating a home occupation legally existing thereat.

Sign, nonconforming - any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

Sign, off-premises advertising - a sign, including billboards, intended for the painting, posting or otherwise displaying of information inviting attention to any product, business, service or cause not located on or related to the premises on which the sign is situated.

Sign, real estate - a sign relating to the property upon which it is located, offering such property for sale or lease, announcing improvements or changes in connection therewith, warnings, or other similar notices concerning such property.

Sign, service - a sign which is incidental to a use lawfully occupying the property upon which the sign is located which sign is necessary to provide information to the public such as direction to parking lots, location of rest rooms; or other such pertinent facts.

Sign, temporary - a temporary sign shall be construed to mean any sign, banner, cardboard or other material carrying an advertisement or announcement, which is displayed or intended to be displayed for a period not exceeding ordinance requirement.

Sign, wall - a sign painted on or affixed to and paralleling the outside wall of a building, and extending not more than 12 inches from such wall.

Site development plan - a scaled graphical depiction of the proposed development of a lot, parcel or tract of land describing all covenants assigned, as well as, accurately depicting the use, location, and bulk of all buildings and structures, intensity of use or density of development, streets, driveways, rights-of-ways, easements, parking facilities, open space, public facilities and utilities, setbacks, height of buildings and structures, and other such data necessary for municipal officials to determine compliance with this Chapter and appropriate provisions of other such ordinances, as they may apply.

Skidding - dragging trees on the ground, by any means, from stump to the landing.

Slash - debris left after logging, including logs, chunks, bark, branches, stumps, and broken understory trees or brush.

Solar access - a property owner's right to have the sunlight shine on his land.

SOLAR ENERGY: Radiant energy (direct, diffuse and/or reflective) received from the sun.

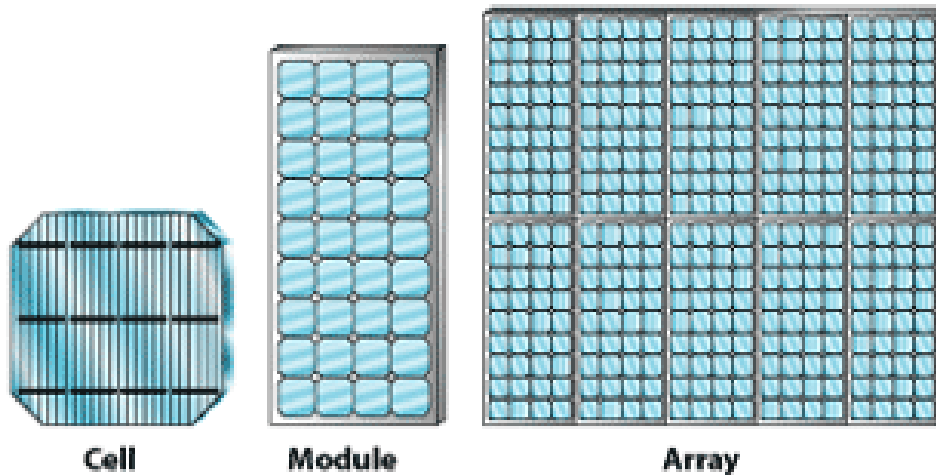
SOLAR ENERGY SYSTEM: A solar photovoltaic cell, module, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

SOLAR GRAZING: The practice of grazing livestock on solar farms. Sheep are the most common solar grazing animals, as they are the best-suited species. For the safety of low-mount solar arrays, goats, cows, pigs, and horses are not recommended.

1. **SOLAR ARRAY:** A grouping of multiple solar modules with the purpose of harvesting solar energy.

2. **SOLAR CELL:** The smallest basic solar electric device which generates electricity when exposed to light.

3. SOLAR MODULE: A grouping of solar cells with the purpose of harvesting solar energy.



SOLAR RELATED EQUIPMENT: Items including a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used or intended to be used for collection of solar energy.

Solar skyspace - the space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

Solar skyspace easement - a right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy.

Special exception - permission or approval granted an applicant to use land in a district for a purpose other than that generally permitted outright in that district. The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with standards and criteria established by the Board of Supervisors and determine if the special exception is consistent with the public interests. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purpose of the Pennsylvania Municipalities Planning Code, Act 247, 53 P.S. §10101 *et seq.*, as amended, and this Chapter.

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 any horse is kept for remuneration, hire, exhibition, or sale.

Stand prescription - the type of forest management treatment, if any, to be applied to a particular stand to achieve the stand management objectives. The stand prescription should include, but not be limited to, detailed instructions on how that treatment is to be carried out on the ground, the desired residual stand, and details on any other treatments to be applied.

Stand regeneration treatment - a selection, shelter wood, seed tree, or clear-cut that is designed to replace the existing stand with a new stand of young trees.

Storage facility - a structure intended for lease for the sole purpose of storing household goods, motor vehicles, or recreational equipment.

Story - that portion of any building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

Story, half - a story under a gabled, hipped, or gambrel roof, the wall plates of which on at least two opposite exterior walls, are not over 3 feet above the finished floor of such story.

Stream - any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Stream, intermittent - a stream whose water flow normally occurs in the wetter parts of the year (October through April) or following major storm events.

Stream, perennial - a stream whose water flow normally occurs year-round.

Stream, trout - see "trout stream."

Street-includes Street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Street, cul-de-sac - a street intersecting another street at one end and terminating at the other in a vehicular turnaround.

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

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

Street width - the distance between street lines measured at right angles to the center line of the street.

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

Structure, temporary - a structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Structure, nonconforming - a structure or part of a structure manifestly not designed to comply with the applicable use provisions in a zoning 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 reasons of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Subdivision (see "land development") - the division or redivision of a lot, tract or parcel of land by any means into two 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, 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 10 acres, not involving any new street or easement of access or residential dwellings, shall be exempted.

Substantially completed - where, in the judgment of the Township Engineer, at least 90 percent (based on the cost of the required improvements for which financial security was posted pursuant to §509 of the Municipalities Planning Code, 53 P.S. §10529) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

Surface drainage plan - a plan showing all present and proposed grades and facilities for storm water management.

Swale - a low-lying stretch of land characterized as a depression used to carry surface water runoff.

Swimming pool - a water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches, designed, used and maintained for swimming and bathing.

Timber harvesting - the cutting down and removal of trees and logs to be converted to any forest product or for sale to others.

Township - Tuscarora Township, Perry County, Pennsylvania.

Township erosion and sedimentation control plan - a written description, with a map, of a specific logging operation prepared before the operation commences in accordance with Part 10.

Transformer substation - an electric substation containing an assemblage of equipment for the purpose other than generation or utilization, through which electrical energy in bulk is passed for the purpose of switching and modifying its characteristics to meet the needs of the general public.

Tops - the upper portion of a felled tree not merchantable because of small size, taper, or defect.

Trout stream - any cold-water stream which supports a trout fishery that is managed, stocked, or regulated by the Pennsylvania Fish Commission.

Undeveloped land - any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

Use - the specific purpose for which land or a building is designated, 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, nonconforming - see definition "nonconforming use."

Use, principal - the primary or predominant use of any lot.

Use, temporary - a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Variance - the permission granted by the Zoning Hearing Board for an adjustment to some regulation which if strictly adhered to would result in an unnecessary physical hardship, where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of this Chapter.

Vegetative cover - shall consist of trees, shrubs, flowers, grass, ground or bank cover or suitable pervious decorative substitute.

Watercourse - a stream of water, river, brook, creek or a channel or ditch for water whether natural or man-made.

Wind energy conversion system (WECS) - a device which converts wind energy to mechanical or electrical energy.

Wind rotor - the blades, plus hub to which the blades are attached, that are used to capture wind for purpose of energy conversion. The wind rotor is used generally on a pole or tower and along with other generating and electrical storage equipment forms a wind energy conversion system.

Yard - an unoccupied space, outside the building setback lines, other than a court, open to the sky, on the same lot with a building or structure.

Yard, buffer - a strip of required yard space adjacent to the boundary of a property or district, not less than the width designated in this Chapter, and on which is placed (planted) year-round shrubbery, hedges, evergreens, or other suitable plantings of sufficient height and density to constitute an effective screen and give maximum protection and immediate screening to an abutting property or district and may include a wall, as provided for in this Chapter.

Yard, exterior - an open, unoccupied space between the buildings of a dwelling group or its accessory building and the project boundary or street line.

Yard, front - an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the building front setback line projected to the side lines of the lot. The depth of the front yard shall be measured between the front building setback line and the street line. Covered porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

Yard, interior - an open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not a front, side, or rear yard.

Yard, rear - an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear building setback line projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear building setback line. A building shall not extend into the required rear yard.

Yard, side - an open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.

Zoning - the demarcation of the Township into zones or areas, and the application of this Chapter to establish regulations to govern the use of the land including the control of location, bulk, height, shape, use and coverage of structures within each zone in accordance with the purposes as given in §604 of the Municipalities Planning Code, 53 P.S. §10604.

Zoning Hearing Board - a group of three Township residents appointed by the Board of Supervisors as required by the Pennsylvania Municipalities Planning Code, Act No. 247, 53 P.S. §10101 *et seq.*

Zoning Map - the map setting forth the boundaries of the zoning districts of the Township which shall be part of this Chapter. [Ord. 33]

Zoning Officer - the duly constituted municipal official designated to administer and enforce this Chapter. The Zoning Officer shall administer this Chapter in accordance with its literal terms.

Zoning permit - a statement signed by the Zoning Officer indicating an application for permission to construct, alter, erect a building, structure or to use land is approved and in accordance with the provisions of this Chapter.

(Ord. 12, 4/10/1992, §201; as amended by Ord. 33, 1/21/2010; as amended by Ord. 2023-1 9/26/23)

Part 3**Designation of Districts****§27-301. Zoning Districts.**

For the purpose of this Chapter, the Township is hereby divided into districts which shall be designated as follows:

- A. CV Conservation District
- B. A Agricultural District
- C. V Village District
- D. C Commercial District
- E. LI Limited-Industrial District [*Ord. 33*]

(*Ord. 12, 4/10/1992, §301; as amended by Ord. 33, 1/21/2010*)

§27-302. Zoning Map.

1. The boundaries of the CV, A, V, C, and LI Districts shall be as shown, upon the map attached to and made a part of this Chapter which shall be designated "Zoning Map." The said map and all the notations, reference and other data shown thereon are hereby incorporated by reference into this Chapter as if all were fully described herein.

2. The boundaries of the FP Floodplain Districts shall serve as overlays to the underlying districts as shown on the Official Zoning Map, and as specifically described on the Flood Insurance Rate Map prepared for the Township by the Federal Emergency Management Agency (FEMA) dated November 19, 1982. That map and all notations, reference and other data shown thereon are hereby incorporated by reference into this Chapter as if all were fully described herein.

(*Ord. 12, 4/10/1992, §302*)

§27-303. Boundaries Between the CV, A, V, C, and LI Districts.

1. The boundaries between these districts are, unless otherwise indicated, either the center lines of streets, alleys, rights-of-way, lot lines, or such lines extended, or lines parallel thereto.

2. Where figures are shown on the Zoning Map between a street, alley, right-of-way, or lot line, and a district boundary line, they indicate that the district boundary line runs parallel to that line at a distance therefrom equivalent to the number of feet so indicated.

3. Where district boundaries are not clearly fixed by the above methods, they shall be determined by the use of the scale of the Zoning Map.

(*Ord. 12, 4/10/1992, §303*)

§27-304. Interpretation of Boundaries.

When a C, A, V, C, and LI District boundary line divides a lot held in single and separate ownership at the effective date of this Chapter, the regulations of either abutting district may be construed by the owner to be applicable to the portion of such

lot in the other abutting district for a distance of not more than 100 feet beyond the district boundary line.

(Ord. 12, 4/10/1992, §304)

Part 4**CV Conservation District****§27-401. Intended Purpose.**

These district regulations are designed to protect areas in the Township for the preservation and conservation of the natural environment and permit and encourage the retention of existing forested and open land; wetlands; floodplain areas of streams, creeks, and drainageways; and no intensive land uses located in such a way to constitute a harmonious and integral part of the physical development of the Township. To constitute a harmonious and appropriate part of the physical development of the Township.

(Ord. 12, 4/10/1992, §401)

§27-402. Permitted Uses.

1. Public conservation areas and structures for the conservation of open land, water, soil, wetlands, wildlife resources, and historical preservation.
2. Single-family detached dwelling units, including seasonal cottages, and hunting and fishing cabins.
3. Churches or similar places of worship and cemeteries.
4. Municipal facilities, including water pumping stations, reservoirs, and similar structures.
5. Public Park and recreation areas.
6. Semipublic and private recreational areas.
7. Agriculture, horticulture of forestry, truck gardening, and nurseries.
8. Production of forest products.
9. Radio and television towers.
10. Electric and telephone public utility transmission and distribution facilities.
11. Customary accessory uses and buildings incidental to any permitted uses in accordance with Part 10.
12. Home Occupations

(Ord. 12, 4/10/1992, §402, as amended by Ord. 2023-1 9/26/23)

§27-403. Height Regulations.

The height of a principal building shall be not greater than 30 feet. No accessory building shall exceed 24 feet in height.

(Ord. 12, 4/10/1992, §403)

§27-404. Lot Regulations.

The minimum lot size shall be 10 acres. Density of residential units shall be 10 acres per unit.

(Ord. 12, 4/10/1992, §404)

§27-405. Width Regulations.

The lot width at the required front building setback line shall be not less than 275 feet on an interior lot and the same on each side facing a street on a corner lot.

(Ord. 12, 4/10/1992, §405)

§27-406. Yard Regulations.

Each lot shall have front, side and rear yards of not less than the depth and width indicated below.

A. Front yard depth, 30 feet.

B. Side yards (two), width, 20 feet each, on interior lot. On a corner lot, the side yard abutting the street shall be not less than 30 feet in width.

C. Rear yard depth, 50 feet.

(Ord. 12, 4/10/1992, §406)

§27-407. Buffer Yard.

All nonresidential uses shall provide an additional 180-foot buffer area to all side and rear yards abutting a residential use and/or residential district. Continuation of the nonresidential use shall be in accordance with Part 12 of this Chapter.

(Ord. 12, 4/10/1992, §407)

§27-408. Coverage Regulations.

The coverage shall be no more than 20 percent. (Ord. 12, 4/10/1992, §408)

§27-409. Clear-Cut Regulations.

No more than 30 percent of a lot may be clear-cut or defoliated, with the exception of commercial timbering.

(Ord. 12, 4/10/1992, §409)

§27-410. Minimum Off-Street Parking Requirements.

Off- street parking shall be provided in accordance with the provisions of Part 14 of this Chapter.

(Ord. 12, 4/10/1992, §410)

§27-411. Signs Requirements.

Signs shall be provided in accordance with the provisions of Part 13 of this Chapter. (Ord. 12, 4/10/1992, §411)

§27-412. Environmental Assessment.

An Environmental Assessment (EA) shall be required for all land development plans and subdivisions dividing land into four or more lots. The EA shall be submitted to the Township Engineer and Planning Commission for review and recommendation to the Board of Supervisors. The intent of the EA is to conserve significant environmental features of the

tal features of the district and shall be in accordance with §27-1107. (*Ord. 12, 4/10/1992, §412*)

§27-413. Conditional Uses.

- A. The following uses, commercial in nature but agriculture based, are allowed as Conditional Uses in the Conservation District subject to the requirements set forth in Sections 27-703 through 27-710 (Commercial District), inclusive (Where these provisions conflict with any similar subject provision of Sections 27-403 through 27-412, such Commercial District requirements shall control; where there are no similar Commercial District requirements, Conservation District Requirements shall control) and to the requirement that the use is not detrimental to the character of the Conservation District in terms of size or scope:
- i. General vehicle repair shops
 - ii. Repair Services
 - iii. Miscellaneous Services
 - iv. Wholesale and retail business or storage in connection with and/or compatible to Permitted Uses
 - v. Production of Accessory and/or Farm/Agricultural buildings, including, but not limited to storage buildings, but specifically excluding buildings intended for habitation.
 - vi. Wood manufacturing, including, but not limited to Sawmills, Cabinetmaking, and Pallet manufacturing.
- B. The following additional requirements must also be met:
- i. Total Square Footage may not exceed 25,000 Sq. Ft.
 - ii. Employees may not exceed 15
 - iii. Private and unshared direct road frontage and access (to a State or Township Road) in accordance with a valid PADOT HOP/Township Driveway permit.
- C. The Board of Supervisors shall consider the conditional use application and render its decision in accordance with the requirements of the Municipalities Planning Code.
- D. Submittal. All applications for a conditional use shall be made in writing. Detailed site engineering (such as stormwater calculations and profiles) are not required at the conditional use stage and shall consist of the following:
- a. Site plan. The applicant shall submit a minimum of two copies of a site plan with the application if the application involves a new building, expansion of a building or addition of three or more parking spaces. The site plan shall be drawn to scale and show the following:
 - i. Locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features;

- ii. Notes showing the dimensions of all buildings from lot lines and street rights-of-way;
 - iii. Locations of any watercourses and any 100-year floodplain;
 - iv. Proposed lot areas, lot widths and other applicable dimensional requirements;
 - v. Locations and widths of existing and proposed sidewalks;
 - vi. A North arrow and scale; and
 - vii. Well and primary and alternate septic system locations, if applicable.
- E. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a conditional use is approved. Or an applicant may voluntarily choose to submit a subdivision or land development plan for review at the same time as a conditional use application.
- F. Reviews.
 - a. The Zoning Officer should provide a review to the Board regarding the compliance of the application with this chapter and the Board shall submit a conditional use application to the Planning Commission for any review that the Commission may wish to provide. However, the Board of Supervisors shall meet the time limits for a decision, regardless of whether the Planning Commission has provided comments.
 - b. Time limit. See Section 913.2 of the State Municipalities Planning Code.
- G. Conditions. In approving conditional use applications, the Board of Supervisors may attach conditions they consider necessary to protect the public safety and/or welfare and meet the standards of this chapter. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this chapter and be subject to the penalties described in this chapter.

(Ord. 2023-1 9/26/23)

Part 5**A Agricultural District****§27-501. Intended Purpose.**

Agricultural land is considered a special nonreplaceable resource within the Township which, if lost, is not reclaimable once developed. Agricultural activities are an integral part of the culture and economy of Tuscarora Township and therefore deserving of preservation. The A Agricultural District is intended and designed to preserve and promote agricultural activities in areas of productive soils and active farming as an ongoing and viable major component of the Township's economy and lifestyle. It is further intended to prevent adverse effects resulting from encroachment by guiding development types and intensities incompatible with agricultural operations into more appropriate zoning districts. In the A Agricultural District, agricultural and related support activities are considered primary uses, with residential and other non-agricultural uses being secondary. Therefore, nonagricultural uses permitted to develop in this district must accept the nuisances which are a normal adjunct to farming and related operations.

(Ord. 12, 4/10/1992, §501)

§27-502. Permitted Uses.

1. Raising of crops, fruits and vegetables, and tilling of the soil.
2. Storage and packing of fruits and vegetables raised on the premises.
3. Temporary roadside stand for sale of garden products and commodities, limited to those produced on the premises. (§27-1101.19)
4. Commercial scale raising, slaughtering, dressing and marketing of fowl or poultry, rabbits, fish, frogs hatched or raised on the premises.
5. Raising and grazing of horses, cattle, sheep and goats, including the supplementary feeding of such animals, provided the raising or grazing is not a part of, nor conducted in conjunction with, a livestock slaughter house or animal by-products business.
6. Keeping and raising hogs, provided there shall be no feeding of any market or house refuse, garbage, or offal, other than that produced on the premises, and no slaughter house or animal by-products business.
7. Processing, storage, and sale of milk and milk products produced on the premises.
8. Wholesale nurseries and florists.
9. Dog kennels, public and private stables, and riding academies.
10. Veterinary services and animal hospitals.
11. Single-family detached dwelling units.

12. Home occupations.
13. Churches and similar places of worship.
14. Public or private preschool, primary, and secondary educational facilities and related school uses, so long as no more than 2,000 Sq. Feet of interior space is used for such use and there is at least 1 acre of land is dedicated for such use.
15. Customary accessory uses and building incidental to any permitted uses in accordance with Part 11.

(Ord. 12, 4/10/1992, §402, as amended by Ord. 2023-1 9/26/23)

(Ord. 12, 4/10/1992, §502)

§27-503. Height Regulations.

The height of a principal building shall be not greater than 30 feet. No accessory building shall exceed 24 feet in height except that buildings devoted for farm use shall be exempt from height restrictions.

(Ord. 12, 4/10/1992, §503)

§27-504. Lot Regulations.

The minimum lot size shall be 1½ acres. Density of residential units shall be 1½ acres per unit.

(Ord. 12, 4/10/1992, §504)

§27-505. Width Regulations.

The lot width at the required front building line shall be not less than 150 feet on an interior lot and the same on each side facing a street on a corner lot.

(Ord. 12, 4/10/1992, §505)

§27-506. Minimum Lot Depth.

The minimum lot depth shall be 150 feet. (Ord. 12, 4/10/1992, §506)

§27-507. Yard Regulations.

Each lot shall have front, side and rear yards of not less than the depth and width indicated below:

A. Front yard depth, 30 feet.

B. Side yards (two) width, 20 feet each, on interior lot. On a corner lot, the side yard abutting the street shall be not less than 30 feet in width.

Rear yard depth, 35 feet.

C. (Ord. 12, 4/10/1992, §507)

§27-508. Coverage Regulations.

Building coverage shall be no more than 20 percent.

(Ord. 12, 4/10/1992, §508)

§27-509. Minimum Off-Street Parking Requirements.

Off-street parking shall be provided in accordance with the provisions of Part 14 of this Chapter.

(*Ord. 12, 4/10/1992, §509*)

§27-510. Signs Requirements.

Signs shall be provided in accordance with the provisions of Part 13 of this Chapter. (*Ord. 12, 4/10/1992, §510*)

§27-511. Environmental Assessment.

An environmental assessment (EA) shall be required for all land development plans and subdivisions dividing land into four or more lots. The EA shall be submitted to the Township Engineer and Planning Commission for review and recommendation to the Board of Supervisors. The intent of the EA is to conserve significant environmental features of the district and shall be in accordance with §27-1107.

(*Ord. 12, 4/10/1992, §511*)

§27-512. Conditional Uses.

A. The following uses, commercial in nature but agriculture based, are allowed as Conditional Uses in the Agricultural District subject to the requirements set forth in Sections 27-703 through 27-710 (Commercial District), inclusive (Where these provisions conflict with any similar subject provision of Sections 27-503 through 27-511, such Commercial District requirements shall control; where there are no similar Commercial District requirements, Agricultural District Requirements shall control) and to the requirement that the use is not detrimental to the character of the Agricultural District in terms of size or scope:

- i. General vehicle repair shops
 - ii. Repair Services
 - iii. Miscellaneous Services
 - iv. Wholesale and retail business or storage in connection with and/or compatible to Permitted Uses
 - v. Production of Accessory and/or Farm/Agricultural buildings, including, but not limited to storage buildings, but specifically excluding buildings intended for habitation.
 - vi. Wood manufacturing, including, but not limited to Sawmills, Cabinetmaking, and Pallet manufacturing.
- B. The following additional requirements must also be met:
- i. Total Square Footage may not exceed 25,000 Sq. Ft.
 - ii. Employees may not exceed 15
 - iii. Private and unshared direct road frontage and access (to a State or Township Road) in accordance with a valid PADOT HOP/Township Driveway permit.

- C. The Board of Supervisors shall consider the conditional use application and render its decision in accordance with the requirements of the Municipalities Planning Code.
- D. Submittal. All applications for a conditional use shall be made in writing. Detailed site engineering (such as stormwater calculations and profiles) are not required at the conditional use stage and shall consist of the following:
- a. Site plan. The applicant shall submit a minimum of two copies of a site plan with the application if the application involves a new building, expansion of a building or addition of three or more parking spaces. The site plan shall be drawn to scale and show the following:
 - i. Locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features;
 - ii. Notes showing the dimensions of all buildings from lot lines and street rights-of-way;
 - iii. Locations of any watercourses and any 100-year floodplain;
 - iv. Proposed lot areas, lot widths and other applicable dimensional requirements;
 - v. Locations and widths of existing and proposed sidewalks;
 - vi. A North arrow and scale; and
 - vii. Well and primary and alternate septic system locations, if applicable.
- E. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a conditional use is approved. Or an applicant may voluntarily choose to submit a subdivision or land development plan for review at the same time as a conditional use application.
- F. Reviews.
- a. The Zoning Officer should provide a review to the Board regarding the compliance of the application with this chapter and the Board shall submit a conditional use application to the Planning Commission for any review that the Commission may wish to provide. However, the Board of Supervisors shall meet the time limits for a decision, regardless of whether the Planning Commission has provided comments.
 - b. Time limit. See Section 913.2 of the State Municipalities Planning Code.

- G. Conditions. In approving conditional use applications, the Board of Supervisors may attach conditions they consider necessary to protect the public safety and/or welfare and meet the standards of this chapter. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this chapter and be subject to the penalties described in this chapter.

(Ord. 2023-1 9/26/23)

Part 6**V Village District****§27-601. Intended Purpose.**

The purpose of this district is to provide a mixture of uses to create a Village atmosphere in the Donnelly Mills area of Tuscarora Township; to preserve the residential uses; and to limit commercial, and office uses to those which are compatible with the village atmosphere of the district.

(Ord. 12, 4/10/1992, §601)

§27-602. Permitted Uses.1. *Residential Uses.*

- A. Single-family detached dwelling units.
- B. Single-family semidetached dwelling units.
- C. Single-family attached dwelling units.
- D. Multifamily dwellings (when sewers are present).
- E. Home occupations.

2. *Public/Semipublic Uses.*

- A. Churches and similar places of worship.
- B. Public or private preschool, primary, and secondary educational facilities and related school uses.
- C. Public parks and recreation areas.
- D. Municipal and public buildings.

3. *Commercial Uses.*

A. The following uses shall be permitted subject to meeting the following standards and criteria:

(1) Off-street parking shall be required.

(2) A 5-foot-wide screen planting of not less than 4 feet in height shall be placed in side and rear yards of commercial uses abutting a residential use.

(3) Commercial uses shall not equal more than 50 percent of the uses within the boundaries of the V Village District.

(4) Commercial uses may occupy no more than 7,500 square feet of floor area.

B. Commercial uses shall be limited to the following:

(1) Garden supplies.

(2) General merchandise stores.

(3) Food stores.

(4) Service stations when erected and conducted as follows:

(a) No repair work is performed out-of-doors.

(b) Pumps, lubricating, and other devices are located at least 15 feet from any street line or highway right-of-way.

(c) All fuel, oil, or similar substances are stored at least 25 feet distant from any street or lot line.

- (5) Apparel and accessory stores.
- (6) Furniture and home furnishing stores.
- (7) Restaurants.
- (8) Drug stores and proprietary stores.
- (9) Miscellaneous shopping goods stores.
- (10) Retail stores.
- (11) Private amusement and recreation services.

C. *Professional/Business Offices and Services.*

- (1) Banking.
- (2) Credit agencies other than banking.
- (3) Security, commodity brokers, and services.
- (4) Insurance carriers.
- (5) Insurance agents, brokers, and service.
- (6) Real estate.
- (7) Combined real estate, insurance, etc.
- (8) Holding and other investment offices.
- (9) Personal services.
- (10) Business services.
- (11) Miscellaneous repair services.
- (12) Health services.
- (13) Legal services.
- (14) Educational services.
- (15) Social services.
- (16) Museum and art galleries.
- (17) Veterinary services.
- (18) Nursing homes.

D. Customary accessory uses and buildings incidental to any permitted use in accordance with Part 11.

(Ord. 12, 4/10/1992, §602)

§27-603. Building Height Requirements.

No building shall exceed two stories or 30 feet in height. (Ord. 12, 4/10/1992, §603)

§27-604. Yard Regulations.

Each lot shall have front, side and rear yards of not less than the depth and width indicated in Table 27-6-1/27-6-2.

(Ord. 12, 4/10/1992, §604)

§27-605. Area, Width, and Coverage Regulations.

The lot area per dwelling unit and lot width at the required front building line shall be not less than, and the coverage shall be no greater, than indicated in Table 27-6-1 or 27-6-2, whichever is appropriate.

(Ord. 12, 4/10/1992, §605)

§27-606. Off-Street Parking Requirements.

Off-street parking shall be provided in accordance with the provisions of Part 14 of this Chapter.

(Ord. 12, 4/10/1992, §606)

§27-607. Signs Requirements.

Signs shall be provided in accordance with the provisions of Part 13 of this Chapter. (Ord. 12, 4/10/1992, §607)

§27-608. Environmental Assessment.

An environmental assessment (EA) shall be required for all land development plans and subdivisions dividing land into four or more lots. The EA shall be submitted to the Township Engineer and Planning Commission for review and recommendation to the Board of Supervisors. The intent of the EA is to conserve significant environmental features of the district and shall be in accordance with §27-1107.

(Ord. 12, 4/10/1992, §608)

**Table 27-6-1
Area Regulations for Areas Without Pubic Sewer Systems**

Dwelling Type	Minimum Development Area (Sq. Ft.)	Minimum Lot Area for Each Permitted Dwelling Unit (Sq. Ft.)	Minimum Individual Lot Width (Feet)	Maximum Building Coverage	Open Space Exclusive of Vehicular Access and Parking Space	Minimum Yard Setback (Feet)			
						Front Yard	One Side	Total Side	Rear Yard
Single-Family Detached	65,340 (1.5 Acre)	65,340 (1.5 Acre)	150	30%	60%	30	20	40	30
Single-Family Semidetached	130,680 (3 Acres)	65,340 (1.5 Acre)	125	30%	60%	30	20	20	30
Two-Family Detached	87,120 (2 Acres)	65,340 (1.5 Acre)	100	30%	60%	30	20	40	30
Principal Nonresidential Building		87,120 (2 Acres)	125	30%	50%	30	20	40	30

**Table 27-6-2
Area Regulations for Areas with Public Sewer Systems**

Dwelling Type	Minimum Development Area (Sq. Ft.)	Minimum Lot Area for Each Permitted Dwelling Unit (Sq. Ft.)	Minimum Individual Lot Width (Feet)	Maximum Building Coverage	Open Space Exclusive of Vehicular Access and Parking Space	Minimum Yard Setback (Feet)			
						Front Yard	One Side	Total Side	Rear Yard
Single-Family Detached	15,000	15,000	75	30%	60%	30	15	30	30
Single-Family Semidetached	30,000	15,000	100	30%	60%	30	15	30	30
Two-Family Detached (Duplex)	30,000	15,000	75	30%	60%	30	15	30	30
Single-Family Attached (Townhouse) b	43,560	5,000	(20' Interior) a (30' Exterior)	30%	60%	30	10	20	30
Multifamily c	43,560	2,500	—	20%	55%	30	20	40	30
Principal Nonresidential Building		21,780 (.5 Acres)	100	30%	50%	30	20	40	30

- a. Minimum lot width for interior and/or exterior individual dwelling unit within specified minimum development area.
- b. Limited to a maximum of six dwelling units per row of attached single-family units.
- c. Limited to a maximum of eight dwelling units per building. Includes Garden Apartments.

Part 7**C Commercial District****§27-701. Intended Purpose.**

These district regulations are designed to provide adequate and accessible commercial services to the Township.

(Ord. 12, 4/10/1992, §701)

§27-702. Permitted Uses.

1. Building materials and garden supplies store.
2. General merchandise stores
3. Food stores
4. Automotive dealers and service stations
5. Apparel and accessory stores
6. Furniture and home furnishings stores
7. Restaurants
8. Drug stores and proprietary stores
9. Used merchandise stores
10. Miscellaneous shopping goods
11. Retail stores
12. Banking
13. Credit agencies other than banking
14. Security, commodity brokers and service
15. Insurance carriers
16. Insurance agents, brokers and service
17. Real estate
18. Combined real estate, insurance, etc.
19. Holding and other investment offices
20. Hotels and other lodging places
21. Personal services
22. Business services
23. Automotive rentals, without drivers
24. General automotive repair shops
25. Automotive services
26. Miscellaneous repair services
27. Motion picture production and services
28. Motions picture distribution and services
29. Motion picture theaters, excluding drive-in

30. Health services.
31. Legal services
32. Educational services.
33. Social services
34. Museums and art galleries
35. Membership organizations
36. Miscellaneous services
37. Wholesale and retail business or storage in connection with and/or compatible to permitted uses.
38. Residence facilities only incidental to and accessory to any permitted use for occupancy by caretakers, watchmen, guards or firefighters only.
39. Customary accessory uses and buildings incidental to any permitted use in accordance with Part 10.
40. Single-family detached dwelling units.
41. Private amusement and recreational services. (*Ord. 12, 4/10/1992, §702*)

§27-703. Height Regulations.

The height of a principal building shall be not greater than 30 feet; and no accessory building shall exceed one story or 24 feet in height.

(*Ord. 12, 4/10/1992, §703*)

§27-704. Lot Regulations.

The size of the lot for all users shall be not less than 1½ acres. Lots served by public sewer shall have a minimum lot size of 15,000 feet.

(*Ord. 12, 4/10/1992, §704*)

§27-705. Width Regulations.

The lot width at the front building setback line shall be not less than 125 feet on an interior lot and the same on, each side facing a street on a corner lot. Lots served by public sewer shall have a minimum lot width of 75 feet.

(*Ord. 12, 4/10/1992, §705*)

§27-706. Yard Regulations.

Each lot shall have front, side and rear yards of not less than the depth and width indicated below:

A. Front yard depth, 35 feet.

B. Side yards (two) width, 20 feet each, on interior lot. On a corner lot, the side yard abutting the street shall be not less than 35 feet in width. No side yard shall be required where adjoining property owners shall mutually agree in writing. However, in no case shall party walls be permitted between properties or lots of separate ownership. In case of a series of

abutting structures paralleling and abutting a public right-of-way, an open and unobstructed passage for vehicles and pedestrians, of at least 20 feet in width shall be provided at grade level at intervals of not more than 400 feet.

C. Rear yard depth, 35 feet.

(*Ord. 12, 4/10/1992, §706*)

§27-707. Coverage Regulations.

Building coverage shall be no more than 50 percent.

(*Ord. 12, 4/10/1992, §707*)

§27-708. Minimum Off-Street Parking Requirements.

Off- street parking shall be provided in accordance with the provisions of Part 14 of this Chapter.

(*Ord. 12, 4/10/1992, §708*)

§27-709. Signs Requirements.

Signs shall be provided in accordance with the provisions of Part 13 of this Chapter. (*Ord. 12, 4/10/1992, §708*)

§27-710. Environmental Assessment.

An environmental assessment (EA) shall be required for all land development plans. The EA shall be submitted to the Township Engineer and Planning Commission for review and recommendation to the Board of Supervisors. The intent of the EA is to conserve significant environmental features of the district and shall be in accordance with §27-1107.

(*Ord. 12, 4/10/1992, §710*)

Part 8**LI Limited Industrial District****§27-801. Intended Purpose.**

The purpose of these district regulations are to provide for a range of limited industrial uses to supplement existing activities and to provide new employment opportunities, while preserving the integrity of the adjacent land uses.

(Ord. 12, 4/10/1992, §801)

§27-802. Permitted Uses.

1. Agricultural, horticultural, and forestry uses, including the raising, breeding, and grazing of animals, when part of a farm.
2. A single-family dwelling only when accessory and incidental to one or more of the permitted uses.
3. Recycling facility.
4. Auto salvage yard, body shops, painting, tire retreading or recapping, welding shops and the like.
5. Bottling works
6. Bookbinding
7. Machine shops.
8. Metal fabrication and forging.
9. Manufacture of metal dies and taps.
10. Distribution plants and other service industries.
11. Wholesale business, warehousing, and other storage plants.
12. Carpenter, cabinet making, furniture repair and upholstery, electrician, tinsmith, plumbing, and metal working shops.
13. The manufacturing, compounding, processing, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, pharmaceutical, and food products, except vinegar, yeast, and the rendering or refining of fat and oils.
14. The manufacturing of pottery and figurines or other similar ceramic products, using only clay and kilns fired only by electricity or gas.
15. The manufacturing of wood products.
16. Printing and newspaper publishing.
17. Agricultural operations, nurseries, green houses, kennels, boarding stables, animal hospital.
18. Freight and trucking terminals.
19. Laboratories.
20. Public utility and communications buildings and structures.
21. Municipal buildings and uses.
22. Customary accessory uses and buildings incidental to any permitted use in

accordance with Part 11.

23. All uses similar to the above and not otherwise prohibited by law.

(Ord. 12, 4/10/1992, §802)

§27-803. Height Regulations.

The height of a principal building shall not be greater than 30 feet and no accessory building shall exceed one story or 24 feet in height.

(Ord. 12, 4/10/1992, §803)

§27-804. Lot Regulations.

1. The lot area for all nonresidential uses shall be not less than 1½ acres.

2. The minimum lot area for an accessory single-family dwelling using on-lot septic and/or well shall be not less than 1½ acres.

3. The minimum lot area for an accessory single-family dwelling with public sewer shall be not less than 15,000 square feet.

(Ord. 12, 4/10/1992, §804)

§27-805. Width Regulations.

1. The minimum lot width for all nonresidential uses at the front building setback line shall be 125 feet on an interior lot and the same on each side facing a street on a corner lot.

2. The minimum lot width for an accessory single-family dwelling use having on-lot septic and/or well shall be not less than 125 feet.

3. The minimum lot width for an accessory single-family dwelling use having public sewer shall be not less than 75 feet.

(Ord. 12, 4/10/1992, §805)

§27-806. Yard Regulations.

Each lot shall have front, side and rear yards-of not less than the depth and width indicated below:

A. Front yard depth, 50 feet.

B. Side yard width, 20 feet each side of a principal building, provided that when adjoining property owners shall mutually agree in writing, no side yard shall be required where two or more uses abut side to side. However, in no case shall party walls be permitted between properties or lots of separate ownership. In the case of a series of abutting structures paralleling and abutting a public right-of-way, an open and unobstructed passage for vehicles and pedestrians, of at least 20 feet in width shall be provided at grade level at intervals of not more than 400 feet.

C. Rear yard depth, 50 feet.

(Ord. 12, 4/10/1992, §806)

§27-807. Buffer Yards.

A buffer yard shall be provided between residential and nonresidential uses in accordance with Part 11 of this Chapter.

(*Ord. 12, 4/10/1992, §807*)

§27-808. Coverage Regulations.

1. Building coverage shall be no more than 50 percent.
2. At least 15 percent of the total lot area shall be maintained with vegetative material.

(*Ord. 12, 4/10/1992, §808*)

§27-809. Minimum Off-Street Parking Requirements.

Off street parking shall be provided in accordance with the provisions of Part 14 of this Chapter.

(*Ord. 12, 4/10/1992, §809*)

§27-810. Signs Requirements.

Signs shall be provided in accordance with the provisions of Part 13 of this Chapter. (*Ord. 12, 4/10/1992, §810*)

§27-811. Environmental Assessment.

An environmental assessment (EA) shall be required for all land development plans. The EA shall be submitted to the Township Engineer and Planning Commission for review and recommendation to the Board of Supervisors. The intent of the EA is to conserve significant environmental features of the district and shall be in accordance with §27-1107.

(*Ord. 12, 4/10/1992, §811*)

Part 9**Solar Energy Systems****§27-901 Accessory Solar Energy Systems (ASES)****A. Regulations Applicable to All Accessory Solar Energy Systems:****1. Exemptions**

a. ASES with an aggregate collection and/or focusing area of 2,500 square feet or less are exempt from this ordinance.

b. ASES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing ASES, whether or not existing prior to the effective date of this Section that materially alters the ASES, shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

2. Accessory solar energy systems are a permitted use in all zoning districts.

3. The ASES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Tuscarora Township, and with all applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the Tuscarora Township codes under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by Tuscarora Township in accordance with applicable ordinances.

4. All on-site utility, transmission lines, and plumbing shall be placed underground to the greatest extent possible.

5. The ASES shall be designed to use all energy created solely for personal electric consumption and will be non-commercial.

6. Signage shall comply with the prevailing sign regulations.

7. All solar energy systems should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.

8. All ASES shall be situated to eliminate concentrated glare onto nearby structures or roadways.

B. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

1. A roof mounted or wall mounted ASES may be located on a principal or accessory building.

2. The total height of a building with an ASES shall not exceed by more than 3 feet the maximum building height specified for principal or accessory buildings within the applicable zoning district.

3. Wall mounted ASES shall comply with the setbacks for principal and accessory buildings in the applicable zoning districts.

4. Solar panels shall not extend beyond any portion of the roof edge.

5. For roof and wall mounted systems, the applicant shall evidence that the plans comply with the Uniform Construction Code and adopted building code of Tuscarora Township that the roof or wall is capable of holding the load imposed on the structure.

C. Ground Mounted Accessory Solar Energy Systems:

1. Setbacks.

a. The minimum setbacks from side and rear property lines shall be equivalent to the principal building setbacks in the applicable zoning district.

b. A ground mounted ASES shall not be located in the required front setback.

c. Such physical conditions may include, but are not limited to, restricted solar access in other yards, other resource constraints, unusual situation of the principal use on the parcel, etc.

2. Freestanding ground mounted ASES shall not exceed the maximum accessory structure height in the applicable zoning district.

3. Coverage. The area beneath the ground mounted ASES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the overall lot coverage requirement for the applicable zoning district.

4. Ground mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system, or in any other manner that would alter or impede storm water runoff from collecting in a construed storm water conveyance system.

5. If a ground mounted ASES is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and re-seeded.

(Ord. 2023-1; 9/26/23)

§27-902 Principal Solar Energy Systems (PSES)

A. Regulations Applicable to All Principal Solar Energy Systems:

1. PSES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to any existing PSES, whether or not existing prior to the effective date of this Section that expands the PSES shall require approval under this Ordinance. Routine maintenance or replacements do not require a permit.

2. Principal solar energy systems (PSES) are a permitted use only in the LI-Limited Industrial Zoning District (Part 8).

3. The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Tuscarora Township and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

4. All on-site utility transmission lines and plumbing shall be placed underground to the greatest extent feasible.

5. The owner of a PSES shall provide Tuscarora Township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.

6. If a PSES is being used as an accessory use for commercial/industrial activity on another property, then the municipality shall be informed of the intent of the PSES.

7. No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.

8. All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures, roadways or beyond the boundaries of the land upon which it is located.

9. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses. The Municipality will require anti-glare coating and the Municipality may, in its sole and absolute determination, require applicant to provide the Municipality with a glare report/study. The said

report/study may be required at the time of application or any time thereafter. The said report/study shall be subject to review and approval by the Municipality. The cost of the review and approval shall be paid by applicant or owner

10. All solar energy systems should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.

11. A noise study will be performed and submitted with the application. The noise study will be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed 50 dBA, except during construction, as measured at the property line of non-participating landowners. The study shall be subject to review and approval of Tuscarora Township, the costs of the same to be paid by applicant.

12. No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES, subject to approval of the Municipality.

13. For Emergency purposes, the PSES owner and/or operator shall maintain a phone number and address of a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number, address and name to the Municipality, the same to be updated when changed. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints no later than 3 days after the complaint was filed.

14. PSES owners shall properly maintain all panels, structures and equipment and shall repair or replace any damaged or visibly degraded components. Components shall be replaced in kind, or with equivalent parts or materials, consistent with the original design and manufacturer's specifications and shall be completed within sixty (60) days of the mailing of a notice by the Municipality of the need to make repairs or replacement. Said notice to be mailed by First Class Mail to the said responsible person provided for herein.

15. A Contingency Plan of Emergency Procedures shall be developed by the PSES owner consistent with standard operating practices of the industry and furnished to the Municipality, the local fire company and the Perry County Department of Emergency Services at the time the application for a permit is submitted. The same shall be reviewed and updated, if necessary, every five (5) years.

B. Ground Mounted Principal Solar Energy Systems:

1. Minimum Lot Size-The PSES shall not be situated on a parcel smaller than 50 acres.

2. Setbacks-PSES shall comply with the setbacks of the applicable zoning districts for principal buildings.

3. Height-Ground mounted PSES shall comply with the building height restrictions for principal buildings of the applicable zoning district.

4. Impervious Coverage

- a. The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district:
 - i. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - ii. All mechanical equipment of PSES including any structure for batteries or storage cells.
 - iii. Gravel of paved access roads servicing the PSES,
5. Stormwater
 - a. The Applicant shall submit a storm water management plan that demonstrates stormwater from the PSES will infiltrate into the ground beneath the PSES at a rate equal to that of the infiltration rate prior to the placement of the system.
 - b. PSES owners are encouraged to use low maintenance and/or low growing vegetative surfaces under the system as a best management practice for stormwater management.
6. Screening
 - a. Ground mounted PSES shall be screened from adjoining residential uses or zones according to the standards found in the controlling ordinance.
7. Ground mounted PSES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
8. Security
 - a. All ground mounted PSES shall be completely enclosed by fencing that consists of a minimum eight (8) foot high fence with a locking gate, or as designated by the municipality.
 - b. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.
9. Access drives are required to allow for maintenance and emergency management vehicles. The minimum cart way width is 12'.
10. If a ground mounted PSES is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system must be graded and re-seeded.
11. Solar grazing. Solar grazing with sheep is highly encouraged and a preferred method of controlling ground cover growth. Benefits of solar grazing:

- (a) Farm income is more diversified and increases family farm viability.
- (b) Farmland conservation and keeps farmland in farm production.
- (c) Added visual benefit and aesthetics for the community.
- (d) Solar grazing contributes dairy, meat, and wool to the locally sourced, renewable farm market.
- (e) With time, planning, and good management, sheep can do 90% to 100% of the vegetative maintenance work inside the fence, eliminating the need for mowing and reducing emissions and costs.
- (f) If solar grazing to be provided, the following features are to be supplied, provided, or allowed:
 - (1) Provide a water well for sheep if public water or reliable on-lot water (stream or pond) is not available.
 - (2) Seed fenced area with grazing-friendly seed mix, such as Fuzz & Buzz seed mix or similar.
 - (3) Where applicable, install fencing gates between adjoining solar parcels for moving sheep and line up gates between separately fenced sections of the arrays.
 - (4) Allowance to farmer to use portable low-voltage energizers and fences. In lieu of this fencing, installation of low (three-foot) interior fences to facilitate best grazing/vegetation management.
 - (5) Install pipe fences and gates around inverter/transformer pads.
 - (6) Allow signs on road gates for sheep farmers to advertise their organic, value-added products.

C. Roof Mounted Principal Solar Energy Systems:

1. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Municipality that the roof or wall is capable of holding the load imposed on the structure.
2. PSES mounted on roofs of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within the applicable zoning district.

(Ord. 2023-1; 9/26/23)

§27-903 Decommission

A. Documentation

1. An affidavit, or similar evidence, signed by the property owner and the PSES facility owner affirming a lease agreement with a decommissioning clause (or similar) and a successor and assigns clause. The decommissioning clause must provide sufficient funds to dismantle and remove the PSES, including all solar-

related equipment or appurtenances related thereto, including but not limited to buildings, electrical components, roads and other associated facilities from the property. The successors and assigns clause must bind those successors and assigns to the lease agreement.

2. The PSES owner is required to notify the Municipality immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of 12 continuous months and the owner has not initiated necessary remedial actions to return the PSES to a generating state. If the PSES owner fails to dismantle and/or remove the PSES within 18 months of cessation or abandonment, the Municipality may complete the decommissioning at the property owner's expense. The PSES owner must post a bond when the application for such a system is filed with the Municipality in an amount determined by the Municipality's Engineer, to ensure the proper decommissioning.

(Ord. 2023-1; 9/26/23)

§27-904 Administration and Enforcement

A. Applications

1. Permit applications shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the solar energy system on the building or property, including property lines. Permits must be kept on the premises where the solar energy system is located.

2. The permit shall be revoked if the solar energy system, whether new or preexisting, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the solar energy system not to be in conformity with this Ordinance.

3. The solar energy system must be properly maintained and be kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare.

4. An approved land development plan shall accompany all permit applications excluding those for ASES which are accessory to a single-family residential use.

B. Fees and Costs

1. The Applicant shall pay all permit application fees and inspection fees when seeking approval of a solar energy system under this Ordinance, which fees shall be set by resolution.

2. The Applicant shall, prior to receipt of an approved permit, reimburse the Municipality for any actual fees or costs incurred arising out of or related to the Application (collectively the "Costs"). The Costs shall include, but not be limited to, engineering, zoning officer, building code official and legal fees.

C. Access

The landowner and developer shall execute an agreement with the Municipality authorizing the Municipality, its employees, agents and contractors to enter upon the real estate for the purpose of making inspections, repairs, replacements, dismantling and/or removal as provided herein, the same to include a release of liability for any damages caused by the Municipality, its employees, agents or contractors and an indemnification of the Municipality, its employees, agents or contractors. The said agreement shall be prepared by the Municipality and shall be submitted with the application for a permit signed by said owner and developer.

D. Modifications

The Municipality may grant modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the property in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed. All requests for a modification shall be in writing and shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary.

E. Enforcement

1. Upon the receipt of a written complaint setting forth the existence of unauthorized construction, modification, or use in violation of this Ordinance, or other notice thereof, the Municipality's Superintendent of Public Works, Zoning Officer, Code Enforcement Officer, Solicitor or other representative that may be authorized by the Municipality's governing body (the "Enforcement Officer") shall cause written notice to be given either by personal service or registered or certified mail to the Applicant of the Property upon which the violation exists, to immediately cease and the construction, modification or the unauthorized use of the solar energy system. Such a written notice shall be required to enforce the remedies set forth in this section. However, the Municipality shall still be entitled to give a verbal notice for defective systems as authorized above.

2. Upon failure of such Applicant to comply as directed in said notice, the Enforcement Officer, other municipal officials or solicitor may appear on behalf of the Municipality and initiate legal proceedings to enforce the provisions of this Ordinance before a District Magistrate.

3. Any Applicant who or which shall violate or permit to be violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding brought by Tuscarora Township before a District

Magistrate, pay a fine of not less than five hundred (\$500.00) nor more than one thousand (\$1,000.00) dollars, plus all court costs, including reasonable attorney's fee's incurred by Tuscarora Township as a result thereof. No fine shall commence or be imposed, levied, or be payable until the date of the determination of the violation by a District Magistrate. Each day that a violation exists and is continued shall constitute a separate offense, unless the District Magistrate who determines that a violation has occurred further shall determine that there was a good faith basis for the defendant 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 determination by such District Magistrate and thereafter every day shall constitute a separate offense.

4. In addition, the Municipality shall also be entitled to recover from any Applicant all the Municipality's costs or fees (collectively the "Costs") arising out of or related to the application or enforcement of this Ordinance. Such Costs may also include those to remedy violations of this Ordinance or to abate nuisances. The Costs shall include, but not be limited, engineer fees, geologist fees, attorney fees, zoning officer fees, and staff/employee time. The Costs may be collected as a Municipal Claim under applicable law against the property upon which the solar energy system, or portions thereof, is located.

(Ord. 2023-1; 9/26/23)

Part 10**Timber Harvesting Regulations****§27-1001. Intended Purpose.**

The presence of living trees in our surrounding environment is important and desirable from an ecological and environmental standpoint. The timbering of forest lands for commercial purposes is a legitimate use of land in the Township. However, proper regulation of timbering operations is important in order to avoid potential problems such as soil erosion and sedimentation, excessive storm runoff, and damage to Township roads, etc., that can occur from poorly planned and managed timber harvesting operations. It is, therefore, the intent of this Chapter to provide for the regulation of tree harvesting practices and to allow for and encourage proper forest management within the Township. This Chapter is not intended to prescribe specific cutting practices; or to prevent or hinder any landowner from realizing financial return from the sale of trees; or prevent or hinder tree harvesting or forest industry operators from pursuing their business within this jurisdiction.

(Ord. 12, 4/10/1992, §1001)

§27-1002. Applicability.

These regulations shall apply to all tree harvesting operations within the Township with the exception of those activities pertaining to the cultivation and harvesting of “ornamental trees” and/or nursery endeavors. However, the removal of trees by the landowner for his personal use shall not be deemed a tree harvesting operation.

(Ord. 12, 4/10/1992, §1002)

§27-1003. Responsibility.

It shall be the responsibility of each landowner on whose land forest harvesting is to be carried out to have developed, by a person experienced in erosion and sedimentation control procedures, a Township erosion and sedimentation control plan and to submit notification as required in this Chapter. It shall be the joint responsibility of the landowner and the timber harvesting operator to see that the provisions of the Township erosion and sedimentation control plan are carried out.

(Ord. 12, 4/10/1992, §1003)

§27-1004. Regulations.

1. A Township erosion and sedimentation control plan shall be prepared for each tree harvesting operation within the Township.

2. The Township erosion and sedimentation control plan shall address and comply with all applicable standards for erosion and sedimentation control and stream crossing regulations under 25 Pa.Code, Chapter 102, Erosion Control Rules and Regulations, issued under the Act of June 22, 1937, P.L. 1987, Clean Streams Law, 35 P.S. §691.1 *et seq.*, and 25 Pa.Code, Chapter 105, Dam and Waterway Management Rules and

Regulations, issued under the Act of 1978, P.L. 1375, No. 325, Dam Safety and Encroachment Act, 32 P.S. §693.1 *et seq.*

3. The Township erosion and sedimentation control plan shall address and comply with all applicable standards for stormwater management as set forth in the Storm Water Management Act, 32 P.S. §680.1 *et seq.*, and regulations stormwater management plans and ordinances issued or enacted pursuant thereto.

4. At a minimum, the Township erosion and sedimentation control plan shall address each of the following:

- A. Design of road system.
- B. Water control structures.
- C. Stream crossings.
- D. Log landings.
- E. Haul roads, skid roads, and skid trails.
- F. Maintenance.
- G. Road and log landing retirement.
- H. The general location of the anticipated operation in relation to municipal and State highways.
- I. A sketch of the general location of property boundaries of the tract on which the logging will take place and the approximate boundaries of the proposed harvest area.

5. Approximate starting and completion dates for the operation.
The Township erosion and sedimentation control plan shall be filed with the Township within 30 days of any tree harvesting operation pursuant to the plan.

6. The plan will be available at the timber harvesting site.

7. *General Operational Requirements.* The following requirements shall govern all timber harvesting activity:

A. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.

B. No tops or slash shall be left within 25 feet of any public thoroughfare.

C. Because trout streams are an important natural resource which needs special protection, logging within 25 feet is prohibited unless all of the following conditions are met:

(1) The basal area of trees in the area within the 25-foot zone shall not be reduced below 50 percent of the basal area present before cutting.

(2) The name and location of all trout streams which cross the area to be logged must be clearly indicated on the Township erosion and sedimentation control plan.

D. *Daily Cleanup.* All soil washed or carried onto public streets during tree harvesting operations shall be cleaned up each day. The landowner shall be responsible to protect and clean up lower properties of silt and debris which have washed down onto the lower properties as a result of the tree harvesting on the higher property.

E. *Permanent Cleanup.* Litter including, but not limited to, shields, chains, oil and fuel cans milk bottles, etc., resulting from any logging operation shall be cleaned up and removed from the site before it is vacated by the operator. Any roads or grading to facilitate roads necessary for the logging operation shall be completely regraded and reseeded to restore the property to a condition acceptable to the landowner while maintaining compliance with the erosion and sedimentation control procedures. Proper erosion and sedimentation control measures shall be taken on disturbed property to prevent accelerated water run-off.

F. *Reseeding.* When a logging operation has been completed, all disturbed areas shall be reseeded in compliance with the erosion and sedimentation plan.

(Ord. 12, 4/10/1992, §1004)

§27-1005. Bonding.

Road bonding for timber harvesting shall be in compliance with the PennDOT regulations, 67 Pa.Code, Chapter 189, found in Publication 221, "Posting and Bonding of Municipal Roads."

(Ord. 12, 4/10/1992, §1005)

§27-1006. Enforcement.

1. The Township may go upon the site during any tree harvesting operation before, during, or after the active logging to review the tree harvesting operation, the Township erosion and sedimentation control plan, and other required documents to ensure that such plans and documents are in compliance with the provisions of this Chapter and to ensure that the actual operation is proceeding in compliance with the Township erosion and sedimentation control plan.

2. Any logging operation found to be proceeding without a Township erosion and sedimentation control plan or to be operating beyond the scope of a Township erosion and sedimentation control plan as described in this Chapter shall immediately cease operations and shall not resume until a Township erosion and sedimentation control plan is prepared and submitted to the Township.

3. When any operator or landowner is found to be violating any provision of this Chapter or of any Township erosion and sedimentation control plan, the Township shall provide the operator and landowner with a written statement describing each violation and specifying a date by which corrective action must be taken. Such corrective work shall be completed by the date specified, through written notification. If not so corrected by the date specified or within 7 days, the operator and the landowner shall be subject to the penalties provided in §27-1610 of this Chapter. Tree harvesting activities shall be suspended until the corrective work has been completed.

4. When the Township finds a condition in a logging operation to be causing an immediate environmental risk, it shall immediately order operations to cease, and contact the Perry County Conservation District and request enforcement of the rules and regulations referred to under §27-1004 of this Chapter.

(Ord. 12, 4/10/1992, §1006)

Part 11 General

Regulations

The following regulations shall qualify or supplement the district regulations appearing elsewhere in this Chapter:

§27-1101. Use Regulations.

1. *Animals and Poultry*. In the CV Conservation District, operations involving the use of buildings and land for farming, nurseries and greenhouses, dog kennels, animal hospitals, stock raising, dairying and poultry shall be subject to the following safeguards and regulations:

A. Buildings in which animals or poultry are kept shall not hereafter be erected within 180 feet from any residential lot line.

B. Storage of manure, or odor or dust-producing substances shall not be permitted within 180 feet from any residential lot line.

2. *Apartment (Conversion)*. Where permitted, any building existing at the effective date of this Chapter may be converted to a dwelling for more than one family, provided that:

A. The lot area per dwelling unit shall conform to the regulations for the district in which it is located. The minimum habitable floor area of such converted dwelling unit shall be provided in accordance with this Part.

B. There is no exterior evidence of change in the building except as required by State or local building or housing codes or regulations.

C. Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.

D. Parking shall be provided in accordance with the provisions of Part 14.

E. The plans for the conversion of said building shall be submitted to the Zoning Officer.

3. *Automobile Service Stations and Other Drive-In Type Uses*. Such uses, where permitted, shall comply with the following:

A. No street entrance or exit for vehicles and no portion or equipment of such service station or other drive-in uses shall be located:

(1) Within 500 feet of a street entrance or exit of any school, park or playground conducted for and attended by children and of any hospital, nursing home, library, or church.

(2) Within 100 feet of a lot in a residential district as established in this Chapter.

B. No equipment for the service of motor vehicles shall be closer than 25 feet to any property line or street line.

C. Canopies shall be located no less than 10 feet from the right-of-way line.

D. No two driveways leading from a public street to such service station or other drive-in use shall be within 25 feet of each other where they intersect with the curb or street line.

E. Parking and vehicle access shall be so arranged that there will be no need for the motorists to back over sidewalks or into streets.

F. No garage shall be located within 75 feet from any stream.

G. Any salvage yard or junk vehicles shall be fenced according to applicable standards set forth in §27-1109 of this Part.

4. *Clubs, Lodges, and Fraternal Organizations.* Where permitted, these and similar uses are restricted to those not conducted primarily for gain, although a dining room may be operated for the benefit of club members, provided that no permanent sign advertising the sale of food or beverages will be permitted. Buildings or structures hereafter converted or erected for such use are subject to all applicable regulations for the district in which the facility is to be located. A planted buffer no less than 5 feet in depth shall be maintained along all property lines abutting a residential use.

5. *Commercial Greenhouses and Nurseries.* Where permitted, these uses may be established subject to the following:

A. A buffer yard/screen planting of no less than 5 feet in depth shall be maintained along all property lines abutting a residential use.

B. Greenhouse heating plants which are not contained within the structure they serve may be located to the side or rear of any main building, but not in the required side or rear yard, provided that the heating plant is not hazardous to others and does not create noise, dirt or heat flows of objectionable amounts or intensities.

C. A greenhouse operated for noncommercial purposes shall be considered as an accessory structure and shall comply with all applicable district provisions.

6. *Containment of Large Pets and Farm Animals.* In the residential agriculture and conservation districts only, such animals may be permitted when associated with a single-family residential use provided that:

A. Such animals are owned by the property owner, or property lessee with written permission of the property owner.

B. On properties of less than 5 acres, open pasture area (in addition to the minimum lot area required for the residential use) having a minimum of 1½ acres shall be set aside for the following:

One equine (horse) per 1 acre, or One bovine (cattle) per 1 acre

and a minimum open pasture area of ½ acre for the following: One-three ovine (sheep) per ½ acre or

One-three caprine (goat) per ½ acre, or One-20 fowl or poultry per ½ acre.

C. The pasture area shall be enclosed with a fence of suitable construction to provide for safe and adequate confinement of all such animals. The pasture area shall not be permitted to encroach on any street right-of-way.

D. In the CV Conservation District, the storage of manure and location of animal shelter shall be located within the pasture area and no closer than 50 feet from any property line.

7. *Farming/Gardening.* The tilling of the soil, raising of crops and gardening shall be permitted in any district.

8. *Garden Apartments.* In the V Village District, all garden apartments shall comply with the following:

- A. There shall be not more than eight dwelling units per building.
- B. No garden apartment building shall be in excess of two stories in height.
- C. Lot area per dwelling unit shall not be less than the area required by the applicable district regulations when served by both public water and sanitary sewers.
- D. All applicable provisions of this Chapter.

9. *Home Occupation.* Where permitted, home occupations may be established subject to the following conditions:

- A. The home occupation shall be carried on completely within the dwelling unit or accessory building.
- B. Not more than one person other than the occupants of the dwelling unit shall be employed.
- C. Not more than 400 square feet of total floor area shall be devoted to a home occupation.
- D. There shall be no exterior display or sign (except as permitted in the regulation of signs in this Chapter), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building.
- E. No offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
- F. A home occupation shall, under no circumstances, be interpreted to include a commercial stable or a dog kennel.

10. *Mobile Homes (Other than in Mobile Home Parks)/Manufactured Homes.* A Manufactured home shall be permitted to be used as a single-family detached dwelling, including camps and seasonal dwellings in all residential districts subject to the following:

- A. Only one mobile/manufactured home is permitted on a lot and each such lot shall conform to regulations in the district in which it is located.
- B. A mobile/manufactured home shall meet the minimum habitable floor area requirements of a single-family detached dwelling as well as standards set forth by any Commonwealth of Pennsylvania agency.
- C. The wheels and axles shall be removed and the home shall be installed on and securely fastened to a frost-free foundation or footer; in no event shall it be erected on jacks, loose blocks or other temporary materials.
- D. An enclosure of compatible design and material shall be erected around the entire base of the mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

11. *Mobile Home Parks.* Mobile home parks shall be allowed by the Board of Supervisors in districts where permitted as set forth in Part 7, "Mobile Home Parks," of the Tuscarora Township Subdivision and Land Development Ordinance [Chapter 22]. In addition, the Board of Supervisors shall require the completion of an environmental

assessment (EA) by a qualified environmental scientist, licensed engineer, or landscape architect, to provide an analysis of the impact of the proposed project on the natural and socioeconomical environment. The EA will be written in narrative form with significant graphics to assist in developing an understanding of the proposed project, its impact on the existing and future environment, and mitigation measures to reduce adverse impact.

12. *Motels/Hotels*. In districts where permitted, motels/hotels shall be subject to the following safeguards and regulations:

A. Where one or more buildings are proposed, as a land development, a plat shall be prepared and submitted in accordance with the requirements of the Tuscarora Township Subdivision and Land Development Ordinance [Chapter 22].

B. Motels/hotels shall be connected to a public sanitary sewer and water supply where feasible or a sanitary sewerage collection and treatment system and water supply approved by the Department of Environmental Protection. [Ord. 33]

C. Front, side and rear yards of the motel/hotel shall be permanently landscaped and maintained in good condition.

D. Off-street parking and loading spaces for other facilities developed as part of the motel/hotel premises shall be provided as required by Part 14 of this Chapter.

E. Every unit shall be provided with running hot and cold water and separate toilet facilities.

F. Motel/hotel buildings or parts thereof shall be placed no closer than 30 feet to any lot line.

G. The space between motel/hotel buildings shall be not less than 20 feet and the space between the fronts or rears of units shall be not less than the dimensions required for courts, where such are formed by the arrangement of units.

13. *Municipal Uses*. In the districts permitted, a building may be erected, altered or extended and land may be developed which is arranged, intended or designed for municipal uses, including municipal recreation uses.

14. *Private Swimming Pools*. Private pools may be erected as an accessory use in any district, provided they comply with the following:

A. The pool is used solely for the enjoyment of the occupants of the principal building of the property on which it is located, including guests.

B. The pool structure, including perimeter walkway, shall not be located closer than 10 feet from any side or rear property line. No swimming pool may be placed nearer the street than the front line of a building on the lot. In a case where there may be no building on a lot, no swimming pool shall be placed nearer the street than the minimum building setback line permitted for the district in which it is located.

C. All permanent swimming pools hereafter constructed shall be enclosed by a permanent fence of durable material at least 4 feet in height and shall be so constructed as not to have openings, mesh or gaps larger than 4 square inches in any direction, and if a picket fence is erected or maintained the horizontal dimension shall not exceed 4 inches. All gates used in conjunction with the fence shall meet the same specifications as to the fence itself and shall be equipped with approved locking devices and shall be locked at all times when the swimming pool is not in use.

D. A dwelling or accessory building may be considered as part of the fence required under this Section; however, the height requirements for a fence shall not apply to the building.

E. The provisions regulating fencing shall not apply to pools having sides extending 4 feet above grade, provided that the stairs, or other means of access to the pool, are removed or locked in such a position as to make it readily inaccessible when not in use.

F. All materials used in the construction of private pools shall be waterproof and so designed and constructed as to facilitate emptying and cleaning and shall be maintained and operated in such a manner as to be clean and sanitary at all times.

G. Private pools shall not be connected to a sanitary sewerage system and all waters from the pool shall be discharged in such a manner that another person's property is not damaged or affected by the discharge of the said water. Water may be discharged from a swimming pool into a street, if proper drainage facilities are available and with the permission of the Board of Supervisors.

H. Enclosed indoor pools must comply with applicable regulations pertaining to accessory structures (§27-1117).

15. *Prohibited Uses.* The following uses are prohibited in all districts throughout the Township:

A. The commercial incineration, reduction or storage of garbage, offal, animals, fish or refuse, unless by the authority of or under the supervision of the Township.

B. Dumps and dumping of any kind, unless by the authority of or under the supervision of the Township.

C. The operation of any business which has as a substantial or a significant portion of its stock-in-trade, obscene materials, or offers live entertainment appealing to the prurient interest.

D. *Massage Parlor.* The operation of any massage parlor in which any of the following activities are carried on:

(1) The treatment of any person, except upon the signed order of a licensed physician, osteopath, chiropractor, or registered physical therapist, which order shall be dated and shall specifically state the number of treatments. The date and hour of each treatment given and the name of the operator shall be entered on such order by the establishment where such treatments are given and shall be subject to inspection by the police. The requirements of this provision shall not apply to treatments given in the residence of a patient, the office of a licensed physician, osteopath, or registered physical therapist, chiropractor, or in a regularly established and licensed hospital or sanitarium.

(2) The massage of, or physical contact with, the sexual or genital parts of one person by any other person

E. *Tattoo parlors.*

F. Head shops or any other businesses which involve, in whole or in part, the sale, lease, trade, gift, or display for sale of any and all types of drug paraphernalia.

G. Any use or activity prohibited by §5903 of the Pennsylvania Crimes Code, Pa.C.S.A. §5903, as amended and supplemented.

16. *Public Utility Facilities.* Public utility facilities shall be permitted in any district without regard to the use and minimum lot size; provided, however, that buildings or structures erected for these utilities shall be subject to the following regulations:

A. Front, side and rear yards shall be provided in accordance with the regulations of the district in which the facility is located.

B. Height restrictions shall be as required by the district regulations.

C. Equipment shall be enclosed within a chain link fence a minimum of 6 feet in height which may be topped with barbed wire.

D. *Housed Equipment.* When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in accordance with the district in which the facility is located.

E. Screen planting in all districts shall be completed in accordance with §27- 1105 of this Part.

F The external design of the building shall be in conformity with the buildings in the district.

17. *Solar Collectors and Solar-Related Equipment.*

A. Solar collectors and solar-related equipment shall be permitted in any district as an appurtenance to a building or as a detached accessory structure.

B. When a solar energy collection system is installed within the building setback lines on a lot, subsequent accessory structures or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of the solar collector that is protected is that portion located so as not to be shaded between the hours of 10 a.m. and 3 p.m. Eastern Standard Time (EST) by a hypothetical 12-foot obstruction located on the lot line; and has an area of not greater than one-half of the largest floor area of the structure served.

C. This subsection does not apply to accessory structures or vegetation existing on an abutting lot at the time of installation of the solar energy collection system, or on the effective date of this Part, whichever is later. This subsection controls any accessory structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.

D. A statement that a solar energy collection system is to be installed on a lot shall be filed with the Township Zoning Officer on the date the zoning permit for the solar system is issued, with the date of installation being the date of recordation. The solar facility must be completed and the Zoning Officer notified of completion, within 1 calendar year from the date of permit issuance.

18. *Solid Waste Storage Facilities.* All multifamily, commercial and manufacturing buildings or uses shall include adequate facilities on-site for the proper storage of solid wastes in accordance with the following:

A. Storage areas shall have hardened, stabilized surfaces with outdoor areas constructed to prevent accumulation of rainfall.

B. Storage areas shall be located such that collection vehicles will not obstruct the public street or otherwise violate Township regulations while parked for collection of refuse and shall be provided with accessways facilitating ready deposit and collection of refuse.

19. *Temporary Roadside Stands.* Such a structure and use may be permitted, provided the following are complied with:

- A. A highway occupancy permit shall be obtained from the appropriate State or municipal authority for any access or pull-off areas.
- B. Vehicular parking shall not be permitted within the cartway or berm, and such pull-off area shall be designated such that vehicles need not back onto the cartway to exit.
- C. No structure shall be located closer than 25 feet from the edge of the cartway.
- D. The structure shall be removed at the end of the growing and harvesting season of the products sold.
- E. No hazards to pedestrians or vehicular traffic shall be created.

20. *Townhouses.* In districts where permitted, all townhouses shall comply with the following:

- A. There shall be not more than six attached units in a row.
- B. Individual units may be subdivided and contained on individual lots only when served by community sewerage and water facilities.
- C. All other applicable provisions of this Chapter.

21. *Wind Energy Conversion Systems.* Windmills, windwheels, or wind energy conversion systems (WECS) shall not be permitted in the V Village District but shall be permitted in all other districts, subject to the following conditions:

- A. The structure supporting the wind rotor unit, including any necessary guideposts and supporting cables, shall be independent of any occupied structure and located a minimum distance of the tower height plus 10 feet from any occupied dwelling, and shall not be more than 75 feet in height.
- B. The minimum distance between the tower and any property line shall be not less than twice the height of the tower.
- C. The minimum distance between grade and the lowest point of the rotor blade shall be 20 feet.
- D. All electric lines/utility wires shall be buried underground.
- E. Any mechanical equipment associated and necessary for operation, including a building for batteries and storage cells, shall be enclosed by a 6-foot fence. The supporting structure shall also be enclosed by a 6-foot fence, unless the base of the tower is not climbable for a distance of 12 feet.
- F. When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed 140 square feet in area nor 8 feet in height and must be located at the base of the supporting structure.
- G. In permitted districts, only one windmill, windwheel or WECS shall be permitted per lot.
- H. The resultant energy harnessed from the wind shall not be used on property other than that on which located, unless all applicable cogeneration requirements are met, as established by the local power company.

I. The supporting structure and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the supporting structure and related structures shall be dismantled and removed from the property within 60 days.

J. The applicant shall demonstrate that any noise from the wind generating unit shall not exceed 45 dBA measured at the property line.

(1) A “decibel” shall mean a unit for measuring the relative intensity of sounds. More specifically, a unit for expressing the ratio of two amounts of acoustic signal power equal to 10 times the common logarithm of this ratio.

(2) “A” weighted sound level shall mean the total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of 20 micro-pascals using the “A” weighted network (scale) at slow response. The unit of measurement shall be defined as dBA.

22. *Uses Not Provided for.* Whenever in any district established under this Chapter a use is neither specifically permitted nor denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this Chapter.

(Ord. 12, 4/10/1992, §1101; as amended by Ord. 33, 1/21/2010)

§27-1102. Height Regulations.

1. Height regulations shall not apply to spires, belfries, cupolas, domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, utility poles or towers, solar collectors, and ornamental or necessary mechanical appurtenances not specifically regulated by this Chapter.

2. For all residential uses, accessory buildings shall not exceed 24 feet in height. (Ord. 12, 4/10/1992, §1102)

§27-1103. Area Regulations.

1. On an existing lot held in single and separate ownership from adjacent land, which does not fulfill the regulations for the minimum area and yard dimensions for the district in which it is located, a building may be erected, altered, and used thereon providing the yard space is not less than the minimum specified herein, and further that the proposed sanitary sewer system and water system is approved by the Department of Environmental Protection. [Ord. 33]

2. The area, width, and depth of lots shall provide adequate open space for off- street loading, unloading, and/or parking space. When necessary, septic tanks and drain fields shall be provided with open space in addition to the open space required for off- street parking, other paved areas, and the area covered by the main building and buildings and structures accessory thereto.

(Ord. 12, 4/10/1992, §1103; as amended by Ord. 33, 1/21/2010)

§27-1104. Yard Regulations.

1. Yards shall be provided in accordance with the provisions of this Chapter and shall be planted with grass, sod, or other vegetative cover excepting in cases where walks, access drives, off-street parking lots, patios or other types of surfaces are permitted. All yards shall be maintained and kept free of all debris and rubbish.

2. Where the street or streets upon which the lot abuts are less than 50 feet in ROW, the front yard depth and the width of the side yard abutting the street shall be measured from the ultimate street right-of-way, as defined for each street classification in the design standards set forth in the Tuscarora Township Subdivision and Land Development Ordinance [Chapter 22].

3. *Front Yards.*

A. When a vacant lot is situated between two lots each occupied by a principal building within 25 feet of the side lot line of such vacant lot which extends into the required front yard, the front yard of such vacant lot may be the average depth of the front yards of such two adjacent occupied lots.

B. Where a vacant lot adjoins only one lot occupied by a principal building within 25 feet of the common side lot line, which extends into the required front yard of such occupied lot, the front yard depth of such vacant lot may be the average depth of the front yard of such adjacent lot and the front yard required for the district in which such vacant lot is located. However, the second vacant lot from the original occupied lot must have at least the minimum front yard depth required in the district.

4. *Side Yards.*

A. On corner lots, the side yard abutting the street shall have a width equal to the depth of the front yard required in the district and shall be subject to all front yard requirements of this Chapter.

B. On a lot, in a district where residential structures are permitted, held in single and separate ownership at the effective date of this Chapter, with a lot width less than required for the zoning district, only one single-family dwelling may be erected, and side yard shall be provided according to the following requirements:

(1) On interior lots with a width of 80 feet or more, two side yards shall be provided as required by the district regulations.

(2) Corner lots with a width of 80 feet or more, two side yards shall be provided. The exterior side yard may be reduced by the number of feet by which the lot width is less than the district requires, but may not be reduced to less than the required interior side yard. The interior side yard shall be provided as required by the district regulations.

(3) On lots less than 80 feet but not less than 28 feet in width, two side yards shall be provided, each equaling 15 percent of the lot width.

C. On a lot in a C Commercial or LI Limited-Industrial District, held in single and separate ownership from adjacent land at the effective date of this Chapter, with a lot width less than that required for the zoning district, the required side yards shall be determined by the Zoning Hearing Board upon application for a variance based on the same criteria as listed under paragraph. B above for residential structures. [Ord. 33}

(Ord. 12, 4/10/1992, §1104; as amended by Ord. 33, 1/21/2010)

§27-1105. Buffer Yards and Screen Plantings.

1. *Buffer Yards.*

A. Where a commercial or industrial use adjoins a residential district or use, a buffer yard of not less than 15 feet in depth shall be provided along the lot lines, in addition to the yard required for the district in which it is located.

B. Where a church, school or other public building is permitted, a buffer yard/screen planting of no less than 10 feet in depth shall be maintained along all residential property lines.

C. No structure, manufacturing or processing activity, or storage of materials shall be permitted in buffer yards. However, access roads, service drives, and utility easements not more than 35 feet in width are permitted to cross a buffer yard provided that the angle of the centerline of the road, drive, or easement crosses the buffer yard at an angle not less than 60 degrees.

D. Parking of automobiles may not be permitted in the buffer yard.

E. *Screen Plantings.* Screen plantings shall be located in the exterior portion of the required buffer yards and shall be in accordance with the following requirements:

(1) Plant materials used in screen planting shall be at least 4 feet in height when planted, shall be planted no more than 3 feet apart, and be of such species as will produce, within 3 years, a complete year-round visual screen of at least 6 feet in height.

(2) The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within 1 year.

(3) The screen planting shall be so placed that at maturity it will be not closer than 3 feet from any ultimate right-of-way or property line.

(4) A clear sight triangle shall be maintained at all street intersections and at all points where vehicular accessways intersect public streets.

(5) The screen planting shall be broken only at points of vehicular or pedestrian access.

(6) Screen plantings shall be provided between the property line and any off-street parking area and any outdoor solid waste storage area for any multifamily, townhouse, commercial or manufacturing use where the parking or solid waste area abuts a residential zoning district or a lot occupied by a residential use.

(7) Trees that shall not be used in planting of buffer yards are:

(a) Poplars - all varieties.

(b) Willows - all varieties.

(c) White or Silver Maple.

(d) Aspen - all varieties.

(e) Common Black Locust.

(8) Prior to the issuance of a building permit, plans for buffer yards shall be submitted for review and approval to the Zoning Officer. Said plans shall show the arrangement of all of the buffer yards and the placement, species, and size of all plant materials to be placed in such buffer yard. Said plan must be

reviewed by the Planning Commission and approved by the Zoning Officer before a building permit may be issued.

(Ord. 12, 4/10/1992, §1105)

§27-1106. Projections in Yards.

1. Unenclosed ground-story terraces, patios and uncovered porches may project into any required yard (other than the front yard) not more than one-half its required dimension and not more than 10 feet in any case.

2. Chimneys, flues, columns, sills and ornamental architectural features may project not more than 2 feet into a required yard.

3. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into any yard.

(Ord. 12, 4/10/1992, §1106)

§27-1107. Environmental Assessment (EA).

An environmental assessment shall be provided for land developments and large subdivisions as required in each district. The EA shall be completed by a qualified environmental scientist, licensed engineer, or landscape architect and shall include:

A. A graphic of the project area drawn to scale depicting:

(1) Contours at 2-foot intervals.

(2) Soil types.

(3) Natural features including, but not limited to, forested areas, wetlands, and prime agricultural land.

B. Soils engineering report describing in detail the suitability of the soil for construction activity of the proposed land development.

C. A description of the geologic characteristics and ground water quality, and supply including the location of Harrell Formation, which contains concentrations of natural water contaminants.

D. A description of the development impact on the existing environment (e.g., forested areas, wetlands, endangered species, etc.) and mitigation measures to reduce adverse impacts.

E. For nonresidential developments and residential developments of 50 or more lots or dwelling units, the EA shall include an assessment of traffic and socioeconomic impacts and mitigation measures to reduce the impacts of the proposed project.

Ord. 12, 4/10/1992, §1107)

§27-1108. Obstruction to Vision.

1. Walls, fences, signs or other structures shall not be erected or altered, and hedges, trees or other growth shall not be planted or maintained, which may cause danger to traffic on a street or road by obstructing the view.

2. A clear sight triangle of 75 feet, measured along the centerlines of intersecting streets, shall be maintained; within which an unobstructed view shall be provided by limiting such structures or planting to a height of not more than 3 feet or less than 10 feet above

the street grade, excepting the trunks of street trees or other ornamental trees whose foliage is kept trimmed to a height of 10 feet above the street grade.

(Ord. 12, 4/10/1992, §1108)

§27-1109. Fences and Walls.

1. In the V Village District, fences and walls may be erected, altered and maintained within the yards subject to the following height requirements:

A. Any such fence or wall in the front yard shall not exceed 4 feet in height.

B. Any fence or wall in the side or rear yard may be a maximum of 8 feet in height. Furthermore, any fence or wall exceeding 6 feet in height shall contain openings therein equal to 50 percent of the area of that portion of the wall or fence exceeding 6 feet.

2. All yards used for the storage of any material needed or the operation or conduct of a manufacturing or commercial enterprise shall be enclosed by a solid wall, uniformly painted board fence, or screen planting on all sides which face upon a street or face upon a lot in a more restricted zone.

3. If the fence is wood cover on wood frame, the framework must face onto the interior of the lot, unless the fence is so designed as to provide equal frame and cover area to adjoining yards.

4. If the fence is open metal mesh, supported by posts and frame of either pipe or wood, the posts and frames must be on the interior of the mesh.

5. If the fence is of masonry construction, a finished surface must be provided on the exterior side.

6. No fence shall be constructed in any street or alley right-of-way.

7. All fences must meet the intersection visibility requirements set forth in §27- 1108, above.

(Ord. 12, 4/10/1992, §1109)

§27-1110. Habitable Floor Area.

The minimum habitable floor area of a dwelling unit hereafter erected shall be 600 square feet. In the case of buildings holding or containing two or more dwelling units, the minimum habitable floor area shall be not less than 300 square feet per dwelling unit, except those dwelling units designed for and occupied exclusively by one person, which dwelling units shall each contain not less than 200 square feet of habitable floor area.

(Ord. 12, 4/10/1992, §1110)

§27-1111. Illumination.

1. The illumination of any sign shall be arranged in such a manner that the light shall be shielded from any residential building nor fall within the right-of-way of any street or highway.

2. Outside lights must consist of a light source and reflector so that acting together, the light beam is controlled and not directed across any property lines.

(Ord. 12, 4/10/1992, §1111)

§27-1112. Performance Standards.

All uses of land, buildings and structures, or industrial processes shall be prohibited that may be noxious or injurious to the public health by reason of the production and/or emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration, or similar substances or condition; provided, however, that any uses may be permitted, except those specifically prohibited in the district regulations or general provisions, if safeguards to protect the health, safety, morals, and the general welfare of the community are established by a written agreement, between the Board of Supervisors and the property owner, subject to the securing of a permit therefore and subject to the carrying out of such provisions, restrictions, and safeguards. In the industrial and commercial districts, a reasonable amount of nuisances associated with the carrying on of normal business practices will be allowed. The occasional or periodic discharge of firearms, during normal daylight hours, shall not be construed or interpreted to mean excessive noise. General farming practices are excluded from these standards.

(Ord. 12, 4/10/1992, §1112)

§27-1113. Drainage Regulations.

1. Prior to obtaining a permit for any construction or earthmoving activities the applicant must submit an erosion and sedimentation control plan and stormwater management plan for approval by the Township Board of Supervisors upon recommendation and review of the Township Engineer.

2. Such plans shall be in conformance with those standards set forth in the Township Subdivision and Land Development Ordinance [Chapter 22], and any other applicable State, County and Township legislation or regulations, particularly the Pennsylvania Storm Water Management Act, 32 P.S. §680.1 *et seq.*

(Ord. 12, 4/10/1992, §1113)

§27-1114. Control of Traffic and Protection of Public Safety.

The application for a permit for any and all uses shall be accompanied by a site plan showing building location, service and parking areas, and access to highways. Where a driveway or access road gives access to a State Road or highway, approval by the Pennsylvania Department of Transportation shall be required.

(Ord. 12, 4/10/1992, §1114)

§27-1115. Reduction of Lot Dimensions.

The area, width, or depth of any lot shall not be reduced by subdivision, sale, or development so that the lot width, lot area, lot area per dwelling unit, courts and yards, or other spaces are smaller, or so that the coverage is greater than prescribed herein.

(Ord. 12, 4/10/1992, §1115)

§27-1116. Courts.

Courts shall conform to the following:

A. An open space in the form of an interior court or outer court shall be provided in connection with any building in any residential or business district wherever any room therein in which a person or persons live, sleep, or congregate, cannot be adequately lighted and ventilated. Such court shall be adjacent to such rooms, the windows of which shall open in such court. (This Section shall not apply to specialized commercial or manufacturing processes where controlled light and/or ventilation are required.)

B. *Outer Court.*

(1) The width of any outer court upon which windows open from a living room, bedroom, or dining room, shall be not less than the height of the wall opposite such windows.

(2) The depth of an outer court formed by walls on three sides shall be not greater than one and one-half times the width.

(3) The width of an outer court shall be not less than two-thirds the height of any opposing wall forming said court.

3. *Inner Court.*

(1) Each dimension of an inner court shall be not less than the full height of the walls enclosing such court; provided, however, that not less than 50 feet for apartment buildings and not less than 10 feet for two-family dwellings.

(2) An open and unobstructed passageway shall be provided for each inner court. Such passageway shall have sufficient cross-section area and headroom for the passage of firefighting equipment, and shall be continuous from the inner court to a yard or unobstructed open area with access to a street.

(Ord. 12, 4/10/1992, §1116)

§27-1117. Accessory Buildings.

1. An accessory building may only be erected within one of the side yards or within the rear yard provided:

A. Such accessory building shall be not less than 10 feet from the rear-most portion of the main building.

B. When constructed in the side or rear yard, the accessory building shall be located a minimum of 5 feet from the lot line.

C. When an accessory building is erected within the side or rear yard adjacent to a side street on a corner lot, the accessory building shall be not less than the required front yard depth from the exterior side lot line.

D. On a corner lot in the V Village District, an accessory building shall not be erected within 30 feet of the exterior side lot line (street line); provided, however, that when the main building exists on both the corner lot and the lot abutting the rear of the corner lot, an accessory building may be erected at the average distance from the street line established by the existing main building.

2. A carport, open on three sides, may be erected within one of the side yards or rear yard when attached to a main building existing at the effective date of this Chapter, provided that the carport shall be not less than 8 feet from the side or rear lot line.

(*Ord. 12, 4/10/1992, §1117*)

§27-1118. Driveway Regulations.

All driveways shall be at least 50 feet from a neighboring property on either side if the lot width permits; provided, however, that if a garage is built in conformity with the applicable side and rear yard minimum setback lines, then the driveway may be as close to the neighboring property as the garage door is, but no closer. Provided, further, that if two neighbors want to share a common driveway entrance and such has been permitted by the Planning Commission or is shown on an approved subdivision plan, then the edges of the driveway that meet at the common entrance may touch the property line, but shall diverge so as to achieve the minimum permitted width within 100 feet of the front property line or within the distance a garage is set back from the front property line, whichever is less.

(*Ord. 12, 4/10/1992, §1118; as added by Ord. 25, 6/19/2003*)

Part 12**Extensions, Enlargements, and Other Changes**

All lawful uses of land or of a building, sign, or other structure existing on the effective date of this ordinance may be continued, altered, restored, reconstructed, changed, sold, or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the district in which it is located, provided such nonconforming conditions shall comply with the following:

§27-1201. Alterations.

Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use, provided such alterations and repairs conform with regulations set forth in this Chapter and all other applicable codes and ordinances adopted by the Township.

(*Ord. 12, 4/10/1992, §1202; as amended by Ord. 18, 6/21/1996, §2*)

§27-1202. Extensions, Enlargements and Other Changes.

1. The types of extensions and enlargements listed below are permitted for nonconforming uses and buildings existing on the effective date of this Chapter:

A. The extension of a nonconforming use of land upon a lot occupied by such use.

B. The extension or enlargement of a conforming building occupied by a nonconforming use.

C. The extension or enlargement of a nonconforming building occupied by a nonconforming use.

D. The extension or enlargement of a nonconforming building occupied by a conforming use.

2. The foregoing extensions or enlargements of such nonconforming buildings or uses shall be subject to the following conditions:

A. The extension or enlargement shall conform to the height, area, yard, and coverage regulations of the district in which it is located. Where a structure is nonconforming as to a required side yard or rear yard setback, the established nonconforming setback may be continued, so long as the proposed extension or enlargement does not project further into any yard, whether front, side, or rear, than the original building line extended. Extension or enlargement shall not exceed 50 percent of the existing floor area or use at the time this Chapter is adopted.

B. The entire building or use shall be provided with off-street parking and loading spaces as required by Part 14, herein.

C. The extension or enlargement does not replace a conforming use.

D. The extension or enlargement of a building used for a nonconforming use shall not be permitted to extend into vacant parcels of land adjacent to the initial parcel of land existing and occupied on the effective date of this Chapter, where such vacant parcels have been recorded separately or acquired following the

effective date of this Chapter.

E Any lawful nonconforming use of a building or land may be changed to another nonconforming use of substantially the same character upon approval by special exception by the Zoning Hearing Board. The applicant shall satisfactorily prove to the Zoning Hearing Board that the proposed change in nonconforming use will not increase the need for off-street parking, produce any noise, glare, heat, dust, traffic vibration, or illumination in excess of the existing nonconforming use.

3. If two adjacent property owners each have properties that are nonconforming in terms of area, yard, coverage or setback regulations or if one of two such adjacent properties is nonconforming in that way, and if they propose to subdivide one property for the purpose of transferring land to the other, such a land transfer shall be a permitted change in the previously existing nonconforming use provided neither property violates the zoning regulations in any new way as a result of the land transfer. [Ord. 12A]

(Ord. 12, 4/10/1992, §1203; as amended by Ord. 12A, 6/19/1995, §1, §2; and by Ord. 18, 6/21/1996, §2)

§27-1203. Reconstruction/Restoration.

A nonconforming building or use which is damaged by fire, explosion, windstorm or other natural or criminal acts, may be reconstructed and used for the same purposes, provided that:

A. The reconstruction and/or restoration of the building is commenced within 1 year from the date of occurrence of the damage and is carried to completion without undue delay.

B. The reconstructed building or occupied area does not exceed the height, area, and volume of the original structure and occupied use.

(Ord. 12, 4/10/1992, §1204; as amended by Ord. 18, 6/21/1996, §2)

§27-1204. Discontinuance.

If a nonconforming use of land or building ceases operations for a continuous period of more than 18 months, then such use and any subsequent use or building shall conform to the regulations of this Chapter.

(Ord. 12, 4/10/1992, §1205; as amended by Ord. 18, 6/21/1996, §2)

§27-1205. Nonconforming Signs.

Signs in existence at the effective date of this Chapter or amendments thereto, may be continued subject to the regulations contained in §27-1204 above and in Part 13, herein.

(Ord. 12, 4/10/1992, §1206; as amended by Ord. 18, 6/21/1996, §2)

§27-1206. Construction Approved Prior to Chapter.

1. Where a building permit has been issued 90 or more days prior to the effective date of this Chapter and the proposed building or use does not conform to the requirements of this Chapter, the proposed building or use shall be considered the same as a lawful building or use and shall be regulated by the requirements of this Part.

2. Where a building permit has been issued less than 90 days prior to the effective date of this Chapter and the proposed building or use does not conform to the requirements of this Chapter, the proposed building or use shall be considered the same as a lawful building or use and shall be regulated by the requirements of this Part, only if a least one of the following conditions has been met prior to the effective date of this Chapter:

A. Construction other than excavation has been started.

B. A contract for construction other than excavation has been let. (*Ord.*

12, 4/10/1992, §1207; as amended by Ord. 18, 6/21/1996, §2)

Part 13**Signs****§27-1301. Intended Purpose.**

Signs may be erected and maintained only when in compliance with the provisions of this Part and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.

(Ord. 12, 4/10/1992, §1301)

§27-1302. Signs in CV Conservation and A Agricultural Districts.

1. Signs advertising the sale or rental of the premises upon which they are erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided:

A. The area of any one side of the sign shall not exceed 6 square feet.

B. Not more than two signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.

C. Signs shall be removed within 7 days of final sale or rental.

2. Signs advertising the sale or development/improvement of the premises upon which they are erected, when erected in connection with the development/improvement of the premises by a builder, contractor, developer, or other person interested in such sale or development, may be erected and maintained, provided:

A. The area of any one side of the sign shall not exceed 20 square feet.

B. Not more than two signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.

C. After completion of the development, sign(s) shall be removed at the Zoning Officer's discretion.

3. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agent, may be erected and maintained, provided:

A. The area of any one side of the sign shall not exceed 6 square feet.

B. Not more than one such sign is erected on each 500 feet of street frontage, with a maximum of five such signs.

4. Signs bearing the word "sold" or the word "rented," with the name of the person effecting the sale or rental, provided the conditions in subsection .1 hereof, are complied with.

5. Signs of mechanics, painters, and other artisans during the period such persons are performing work on the premises on which such signs are erected, provided:

A. The area of any one side of any such sign shall not exceed 12 square feet.

- B. Such signs are removed promptly upon completion of the work.
6. Signs indicating the private nature of a driveway, or trespassing signs, provided that the area of any one side of any such sign shall not exceed 2 square feet.
7. Signs of schools, churches, sanitariums, or other institutions of a similar nature provided:
- A. The area of any one side of any such sign shall not exceed 30 square feet.
 - B. Not more than one sign is placed on property in single and separate ownership, unless such property fronts upon more than one street, in which event one such sign may be erected on each frontage.
 - C. In addition, one directory sign per property, not to exceed 20 square feet may be placed on each property.
8. Identification signs for permitted home occupations, provided:
- A. Such signs shall be placed only on the property for which the home occupation has been authorized.
 - B. The area of any one side on any such sign shall not exceed 6 square feet.
 - C. Not more than one such sign shall be placed on any property.
 - D. Such signs may be illuminated if such lighting is shielded or indirect; however, neon signs shall not be permitted.
 - E. Advertising statements appearing on the sign may contain a brief description of the services offered, but shall not contain any specific brand names or trademarks.
9. On-and/or off-premise signs necessary for the direction, regulation and control of traffic; street name signs; legal notices; warnings at railroad crossings; and other official signs which are similarly authorized or erected by a duly constituted governmental body. Such signs may be illuminated only as necessary or customary for traffic control or safety.
10. Public utility signs required in connection with the identification, operation, or protection of public utility, provided the area of one side of any such sign shall not exceed 8 square feet.
11. Signs indicating direction may be erected along streets to direct vehicles or pedestrians to premises or businesses not located on such streets, but the access to which is from such streets. The following regulations shall apply:
- A. Directional signs shall be ground signs with a maximum area of 6 square feet per side.
 - B. The content of directional signs shall be limited to the name of the establishment and direction and distance information.
 - C. Directional signs shall not be located more than 500 feet from an entrance or other street leading to the advertiser and shall be located in advance of such street or entrance and on the same side of the road as the advertiser's premises.
 - D. Written permission from the landowner must be obtained before a directional sign can be erected on private property.
 - E. Not more than one directional sign is authorized.

(Ord. 12, 4/10/1992, §1302)

§27-1303. Signs in V Village District.

1. All signs permitted in the CV Conservation and A Agricultural Districts may be erected and maintained.

2. *Business Identification Signs.*

A. One business identification sign may be permitted for each property in the V Village District with the following standards:

(1) One wall sign to a property, provided it is attached to the wall of a building and projects horizontally not more than 12 inches therefrom, is not less than 10 feet above the ground or sidewalk and occupies not more than 10 percent of the total area of the front of the principal building. It shall not project above the roof ridge line.

(2) One projecting sign to a property, providing it shall not project beyond a vertical plane 5 feet inside the lot from the street line with a minimum height of 10 feet and shall not exceed 3 square feet.

3. Nonilluminated and indirectly illuminated business signs are permitted, provided no objectionable glare or illumination are created on adjacent uses. Directly illuminated signs are not permitted within the V Village District.

4. Temporary nonilluminated signs advertising exhibits, shows or events located in the Township may be erected, subject to the following requirements:

A. Signs shall not exceed 15 square feet in area.

B. Signs shall not be posted earlier than 4 weeks before the occurrence of the event to which it relates and shall be removed within 1 week after the date of the exhibit, show or event.

C. Street banners are prohibited, except in the case of civic or charitable nonprofit organizations. When permitted, such banners are exempted from the size restrictions of paragraph A above but must fully comply with time limits for display set forth in paragraph B above.

(Ord. 12, 4/10/1992, §1303)

§27-1304. Signs in C Commercial and LI Limited-Industrial Districts. [Ord. 33]

1. Any sign authorized in CV Conservation, A Agricultural, and V Village Districts shall be permitted in the C Commercial and LI Limited-Industrial Districts. [Ord. 33]

2. *Business Identification Signs.* One of the following types of signs may be permitted for commercial and industrial properties within the C Commercial and LI Limited-Industrial Districts. [Ord. 33]

A. One wall sign to a property, provided it is attached to the wall of a building and projects horizontally not more than 12 inches therefrom, is not less than 10 feet above the ground or sidewalk and occupies not more than 20 percent of the total area of the front of the principal building. It shall not project more than 3 feet above the roof ridge line.

B. One projecting sign to a property, providing it shall not project beyond a vertical plane 5 feet inside the lot from the street line with a minimum height of

10 feet and shall not exceed 6 square feet.

C. One free-standing sign not to exceed 100 square feet in area. It shall not extend beyond a vertical plane 5 feet inside the lot from the street line and shall not exceed a height of 35 feet.

3. Shopping centers (for the purpose of this Chapter, a shopping center is defined as a group of three or more stores on a single parcel of ground) may have the following displays as provided:

A. One of the following types of signs may be permitted for each use in the shopping center, provided the type of sign is the same for each use.

(1) One wall sign to a property, provided it is attached to the wall of a building and projects not more than 12 inches therefrom, is not less than 10 feet above the ground or sidewalk and occupies not more than 10 percent of the total area of the front of the principal building. It shall not project above the roof ridge line.

(2) One projecting sign to a property, providing it shall not project beyond a vertical plane 5 feet inside the lot from the street line with a minimum height of 10 feet and shall not exceed 6 square feet.

B. In addition, one ground sign identifying the shopping center and uses may be erected on each street frontage. The area of any one side of any sign shall not exceed 75 square feet, and the location and orientation of such a sign shall be designated on, or in connection with, the required land development plan.

(*Ord. 12, 4/10/1992, §1304; as amended by Ord. 33, 1/21/2010*)

§27-1305. Billboards (Off-Premises Advertising Signs).

Off-premises advertising signs shall be permitted in the Township and are subject to the following:

A. Off-premises advertising may be located in any district, except the A Agricultural, CV Conservation, and V Village Districts, where such areas are located along a major or minor collector street as defined in the Tuscarora Township Comprehensive Plan.

B. Advertising signs shall not be placed closer than 300 feet to a dwelling which is located on the same side of the street as the sign nor closer than 2,500 feet to another billboard.

C. Such sign shall be placed no closer than 50 feet from any street right-of-way and may not exceed 300 square feet in area.

(*Ord. 12, 4/10/1992, §1305*)

§27-1306. Special Signs.

In addition to the sign regulations set forth in §27-1302 through §27-1305 above, the following signs shall be permitted:

A. Temporary signs advertising home garage sales, yard sales, and the like, as differentiated from signs advertising established commercial enterprises, may be erected in any zoning district subject to the following provisions:

(1) The sign may be erected only on the property on which the sale is

going to be held.

(2) The area of any one side of any such sign shall not exceed 4 square feet.

(3) Only one such sign may be erected on any one piece of property, unless such property fronts on two streets, in which case one sign is authorized on each street frontage.

(4) The sign shall be installed no earlier than 2 weeks prior to the sale and shall be removed within 1 day after the activity.

B. Temporary signs advertising public auctions or sales, as differentiated from signs advertising established commercial enterprises, may be erected in any zoning district subject to the following provisions:

(1) Such signs shall be subject to the same provisions as in paragraph. A.

(2) Such signs may be erected no earlier than 1 month prior to the date of the sale and shall be removed no later than 2 days after the sale or auction.

C. Temporary political signs advertising political parties or candidates for election may be erected, provided:

(1) The area of any one side of such sign shall not exceed 6 square feet.

(2) Such sign shall not be erected earlier than 60 days prior to the election to which they pertain and shall be removed no later than 7 days after the date of the election to which they pertain.

D. Holiday decorations displayed for recognized holidays shall be exempted from the provisions of this Chapter except as they may cause glare, interfere with traffic safety or in any other way become a public safety hazard.

(Ord. 12, 4/10/1992, §1306)

§27-1307. Signs Prohibited in All Districts.

The following signs shall not be permitted, erected, constructed or maintained in any zoning district, notwithstanding anything contained in this part or elsewhere. Such existing signs which are now prohibited shall be removed or brought into conformity with the provisions of this part within 3 years after this Chapter is enacted.

A. Signs which incorporate in any manner any flashing or moving illumination, or with illumination which varies in intensity or color and signs which have any visible revolving parts or visible mechanical movement of any description, or other apparent visible movement achieved by electrical pulsation or by actions of normal wind currents. Hanging signs which simply swing in the wind and clock, time or temperature signs and barber poles shall not be considered prohibited signs as long as they comply with the other provisions of this Part.

B. Signs with light sources which cast light not shielded by opaque material. All bulbs, floodlights, or tubes are not to be visible off the property on which the signs are located.

C. Signs advertising activities that are illegal under Federal, State or local laws, regulations or ordinances as applied to the location of a particular sign or the location of such activities.

D. Signs which by reason of size, location, movement, content, coloring or

manner of illumination obstruct the vision of drivers either when leaving or entering a public street from another street or driveway, and/or obstruct or detract from the visibility or effectiveness of any traffic control device or traffic sign on a public street.

E. Signs which make use of words such as “stop,” “look,” “one-way,” “danger,” “yield,” “go slow,” “caution,” or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic or which imitate an official traffic sign or signal.

F. Signs which advertise an activity, business, product or service no longer produced or conducted. In such case, such sign shall be removed within 30 days after the same is no longer produced or conducted.

G. Signs which are placed or located within the public right-of-way, except as provided elsewhere in this Chapter.

H. Signs painted on, pasted or attached to or supported by utility poles, trees, fences, a stone cliff or other natural objects.

I. Signs which consist of pennants, spinners, banners, streamers or search- lights, except for occasions such as grand openings and then only with permission of the Zoning Officer for a use limited to a period of 15 days.

J. String lights other than temporary holiday decorations or special events or function of public service, charitable, religious, educational, and civic organizations which are unshielded from off the premises on which they are located.

K. Signs which obstruct free ingress to or egress from a fire escape, door, window or other exitway.

L. Signs which are structurally unsafe or in a state of disrepair. (*Ord.* 12, 4/10/1992, §1307)

§27-1308. General Sign Regulations.

The following regulations shall apply to all sign uses.

A. *Computation of Sign Area.*

(1) The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background whether open or enclosed, on which they are displayed, and any supporting framework, but not including any bracing incidental to the display itself.

(2) Where the sign consists of individual letters or symbols attached to a building, wall or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.

(3) In computing square foot area of a double-face sign, only one side shall be considered, provided both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than 45 degrees, then both sides of such sign shall be considered in calculating the sign area.

B. Signs shall be limited to three sides.

C. Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.

D. Signs projecting beyond the property lines shall be not less than 10 feet above the public sidewalk areas.

E. Signs shall not project above the height limit permitted in any district in which they are located.

F. All signs erected within the right-of-way of a State highway shall be in accordance with the regulations of the Pennsylvania Department of Transportation.

G. Except for temporary signs, a permit shall be required for the erection or alteration of any sign permitted.

H. A permit shall be required for the erection, alteration or reconstruction of billboards, or advertising sign boards, including poster panels, bulletins, and the like.

I. All signs shall be removed when the circumstances leading to their erection no longer apply.

J. All nonconforming signs, or advertising sign boards, including poster panels, bulletins, and the like, shall be made to conform to all pertinent regulations or be removed within 3 years after the effective date of this Chapter, except that business identification signs on legal nonconforming uses may be continued and maintained as a part of the legal nonconforming use.

(Ord. 12, 4/10/1992, §1308)

Part 14

Off-Street Parking

§27-1401. General Parking Regulations.

1. Off-street parking facilities are required for all land uses to lessen congestion in the streets. The facilities required herein shall be available to patrons throughout the hours of operation of a particular business or use for which such facilities are provided. As used herein, the term “parking space” includes either covered garage space or uncovered parking space located off the public right-of-way.

2. Outdoor parking space shall be deemed to be part of the coverage of the lot upon which it is located.

3. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard; provided, that the level of such yard shall conform to the general level of the other yards on the lot. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.

(Ord. 12, 4/10/1992, §1401)

§27-1402. Facilities Required.

Any of the following buildings hereafter erected or enlarged and any building hereafter converted into one of the following buildings and any open area hereafter used for commercial or industrial purposes shall be provided with not less than the minimum parking spaces as set forth below.

(Ord. 12, 4/10/1992, §1402)

§27-1403. Off-Street Parking Space Requirements.

Uses	Minimum Required Parking
A. Residential	
1. Single and Two-Family Dwellings	two spaces for each family or dwelling unit
2. Multiple Dwellings	two spaces per dwelling unit
3. Hotels, Motels, Tourist Houses, Hoarding and Lodging Houses	one space for each guest room, plus one space for each employee in the maximum working shift.
B. Commercial	
1. Automobile Wash	five spaces for each washing machine.

Uses	Minimum Required Parking
2. Automotive Sales and Service Garages	one space for each 400 sq. ft. of gross floor area devoted to service facilities or two spaces for each service bay which- ever is larger, plus one space for each 200 sq. ft. of gross floor area devoted to sales facilities or usage plus one space for each employee on the maximum work shift.
3. Banks	one space for each 200 sq. ft. of floor area.
4. Bowling Alleys	five spaces for each alley.
5. Dance Halls, Swimming Pools, Roller Rinks, Clubs, Lodges, and other similar uses	one space for each 100 sq. ft. of floor area or of water area in swimming pool.
6. Driving Ranges and Miniature Golf	one space for each tee, plus one space per each employee.
7. Food Markets and Convenience Stores	one space for each 200 sq. ft. of net retail floor area.
8. Funeral Homes and Mortuaries	one space for each 50 square feet of floor area, for use of memorial services, view- ing area, business office and products display.
9. Furniture or Appliance Stores	one space for each 200 sq. ft. of net retail floor area.
10. Medical and Dental Offices	five spaces for each practitioner, plus one per each employee on the maximum work shift.
11. Office Buildings and Professional Offices	one space for each 100 sq. ft. of floor area.
12. Restaurants, Cafes, and other similar places serving food or beverages	one space for every two seats.
13. Retail Stores and Shops	one space for each 120 sq. ft. of net retail floor area.
14. Sports Arenas, Auditoriums, Theaters, Assembly Halls, or Auction Houses	one space for each 3 seats.
15. Trailer or Monument Sales	one space for each 2,500 sq. ft. of lot area.

Uses	Minimum Required Parking
C. Industrial-Manufacturing Plants, Research or Testing Laboratories, Bottling Plants, Warehousing and Wholesaling Establishments.	one space for each 1,000 sq. ft. of floor area, plus one space for each employees in the maximum working shift.
D. Public and Semipublic Areas	
1. Churches and Schools	one space for each two and one-half seats in an auditorium, or one space for each 17 classroom seats, whichever is greater.
2. Community Buildings and Social Halls	one for each 100 sq. ft. of floor area.
3. Hospitals, Nursing and Convalescent Homes	one space for each two beds, plus one space for each employee.

(Ord. 12, 4/10/1992, §1403)

§27-1404. Location of Parking Space.

Parking spaces for multiple dwelling buildings, commercial or industrial uses shall be readily accessible to, and within a reasonable distance from, the buildings served thereby. Such spaces shall be on the same lot and in the same zoning district as the principal building conforming to the following regulations:

- A. The required parking spaces shall be situated within 600 feet of the principal building in question.
- B. Such spaces shall be in the same ownership as the principal use to which they are accessory and shall be subject to deed restrictions acceptable to the Zoning Hearing Board, binding the owner and heirs or assigns to maintain the required number of parking spaces throughout the life of the principal use.

(Ord. 12, 4/10/1992, §1404)

§27-1405. Design Standards.

The minimum dimensions of parking facilities to be provided shall be as follows:

- A. In all districts net parking spaces per vehicle shall be not less than 10 feet wide and 20 feet long, except when more than 10 parking spaces are required, in which case a maximum of 40 percent of the parking spaces may be provided for compact vehicles. Each compact parking space shall not be less than 8 feet wide by 18 feet long. All compact parking shall be arranged and located in the same area and be marked to indicate spaces designated for compact parking.
- B. In all districts except for single-family dwellings, there shall be no less than 10 feet of open space between the curb line or edge of any parking area and the outside wall of any building. No parking area shall be located within a public right-of-way.

C. Parking lot dimensions shall be not less than those listed in the following table.

Angle of Parking	Parking		Aisle-Width	
	Stall Width	Stall Depth*	One-Way	Two-Way
90 degrees	10 feet	20 feet	24 feet	24 feet
60 degrees	10 feet	22 feet	18 feet	20 feet
45 degrees	10 feet	21 feet	15 feet	20 feet
30 degrees	10 feet	19 feet	12 feet	20 feet

*Depth from curb is the perpendicular measurement from curb of edge of the parking lot toward the interior portion of the lot to be occupied by the parking vehicles and not including any part of the drive.

D. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.

E. Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.

F. The width of entrance and exit drives shall be a minimum of 12 feet for one-way use only, a minimum of 20 feet for two-way use (except where 90-degree parking is used in which case the minimum shall be not less than 24 feet.)

G. Setback for parking areas shall be provided as follows:

(1) All parking spaces and access drives shall be at least 10 feet from any multiple dwelling building, industrial building, or commercial building on the lot.

(2) All parking spaces and access drives shall be at least 5 feet from any exterior lot line, except where buffer yards are required in which case such parking spaces and access drives may not encroach on the buffer yard area.

(3) Except at entrance and exit drives, parking areas shall, be physically separated from any public and/or private streets by a minimum 5-foot planting strip. In no case shall parking areas be designed to require or encourage cars to back into a public or private street in order to leave the parking area.

(4) All off-street parking spaces shall be marked so as to indicate their location.

H. Separate parking areas on a parcel or development shall be physically separated from one another by 8-foot planting strips.

I. A structure or planting material shall be provided of sufficient height and density to screen off-street parking lots from the public street and from the ground level of adjoining residential districts and existing residential uses.

(Ord. 12, 4/10/1992, §1405)

§27-1406. Handicapped Parking.

Handicapped parking spaces shall be provided all uses, with the exception of single and two- family residential uses, and shall comply with the location, size, marking, and ingress and egress requirements set forth herein. Each reserved parking space for the physically handicapped person shall be not less than 12 feet wide. The number of accessible parking spaces required are as follows:

Total Parking in Lot	Required Accessible Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of Total
Over 1000	20 plus 1 for each 100 over 1000

(Ord. 12, 4/10/1992, §1406)

§27-1407. Drainage, Surfacing and Maintenance Standards.

1. The area of the parking lots, including driveways, shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Township Engineer to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining property.

2. Parking areas shall be kept clean and free from rubbish and debris.

3. In all cases, such drainage, surfacing, and maintenance activities and plans shall conform to other applicable codes and ordinances enacted by the Township.

(Ord. 12, 4/10/1992, §1407)

§27-1408. Lighting.

Any lighting used to illuminate off-street parking or loading areas shall be arranged so that the direct rays from the luminaries will not fall on any residence beyond the property line.

(Ord. 12, 4/10/1992, §1408)

§27-1409. Loading and Unloading Space.

1. In addition to the off-street parking space required above, all commercial and industrial establishments, hospitals or sanitariums, and other similar uses shall provide vehicles.

2. At least one loading berth shall be provided; however, should the gross floor area of the main building and buildings accessory thereto used for commercial and/or industrial purposes exceed 10,000 square feet, one additional loading berth shall be provided for each 10,000 square feet of gross floor area. The off-street loading berth shall be not less than 10 feet wide, 35 feet in length, and 14 feet in height

3. Hotels shall have at least one loading berth, with an additional loading berth when the floor area exceeds 50,000 square feet.

(Ord. 12, 4/10/1992, §1409)

§27-1410. Changes in Requirements.

Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of this Part.

(Ord. 12, 4/10/1992, §1410)

§27-1411. Continuing Obligation.

All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total number of spaces or area of these provisions, except upon the approval of the Zoning Hearing Board and then only after proof, that being, reason of diminution in floor area, seating area, number of employees or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of the Part. Reasonable precautions are to be taken by the owner or sponsor of particular uses to assure the availability of required facilities do not constitute a nuisance, hazard or unreasonable impediment to traffic.

(Ord. 12, 4/10/1992, §1411)

Part 15 Amendments**§27-1501. Procedure.**

The Township Board of Supervisors may, from time to time, on its own motion or on petition or recommendation of the Planning Commission, amend, supplement or repeal any of the regulations and provisions of this Chapter after public notice and hearing. Before the public hearing, each proposed amendment, except those coming from the Township Planning Commission, must be referred to the Township Planning Commission for its recommendations at least 30 days prior to the hearing on such amendment. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. At least 30 days prior to the hearing on the Part or amendment by the Township Board of Supervisors, the Township Planning Commission shall submit the proposed ordinance or amendment to the Perry County Planning Commission for recommendations. In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least 1 week prior to the date of the hearing.

(Ord. 12, 4/10/1992, §1501)

§27-1502. Procedure upon Curative Amendments.

The procedure upon curative amendments shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as amended, §609.1 and §609.2, 53 P.S. §§10609.1, 10609.2.

(Ord. 12, 4/10/1992, §1502)

§27-1503. Content of Public Notice.

Public notices of proposed zoning ordinances and amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing. Public notices shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as amended, §610, 53 P.S. §10610.

(Ord. 12, 4/10/1992, §1503)

§27-1504. Publication after Enactment.

After enactment, if the advertisement of a zoning ordinance or amendment is required by other laws respecting the advertisement of ordinances, such advertisement may consist solely of a reference to the place or places within the Township where such copies of such ordinance or amendment shall be obtainable for a charge not greater than the cost thereof and available for examination without charge. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

(Ord. 12, 4/10/1992, §1504)

Part 16 Administration and Enforcement

§27-1601. Appointment and Powers of Zoning Officer.

For the administration of this Chapter, a Zoning Officer, who may not hold any elective office in the Township, shall be appointed. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

(Ord. 12, 4/10/1992, §1601)

§27-1602. Enforcement.

It shall be the duty of the Zoning Officer to enforce the provisions of this Chapter and such power and authority as is necessary for enforcement is hereby conferred upon the Zoning Officer. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Chapter, record and file all applications for permits with accompanying plans and documents, and make such reports as the Board of Supervisors may require. Permits for construction and uses which are a variance to requirements of this Chapter shall be issued only upon written order of the Zoning Hearing Board. Permits for construction and uses which are a conditional use shall be issued only upon approval of such conditional use by the Board of Supervisors.

(Ord. 12, 4/10/1992, §1602)

§27-1603. Zoning Appeals.

The Board of Supervisors shall appoint a Zoning Hearing Board which shall be composed of three members, organized, empowered and conducted in accordance with Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 *et seq.*, existing or hereafter as amended and supplemented (the "Code"). The duly established Zoning Hearing Board shall have the following functions:

a. *Hearings.* The Zoning Hearing Board shall conduct hearings and make decisions in accordance with §908 of the Code, 53 P.S. §10908. Written notice shall be given to the public, the applicant, the County Planning Commission, the Zoning Officer, such other persons as the Zoning Hearing Board shall designate and any person who has made timely request for the same. Notices shall be given at such time and in such manner prescribed by adopted rules of the Zoning Hearing Board. The Board of Supervisors may establish reasonable fees, based on cost, to be paid by the applicant and persons requesting any notice or materials not required by ordinance.

b. *Jurisdiction.* The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- i. Substantive challenges to the validity of any land, use ordinance, except those brought before the Board of Supervisors pursuant to §§609.1 and 916.1(a)(2) in Act 247, 53 P.S. §§10609.1, 10916.1(a)(2).
- ii. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed

from is the initial zoning ordinance of the Township and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

iii. 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.

iv. Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

v. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2, 53 P.S. §10910.2.

vi. Applications for special exceptions under this Chapter or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1, 53 P.S. §10912.1.

vii. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.

viii. Appeals from the Zoning Officer's determination under §916.2 in Act 247, 53 P.S. §10916.2.

ix. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or VII applications in Act 247, 53 P.S. §§10501 *et seq.*, 10701 *et seq.*

c. *Variances.* The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Zoning Hearing Board shall prescribe the form of application and require application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided the following findings are made where relevant in a given case:

i. 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 this Chapter in the neighborhood or district in which the property is located.

ii. 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 this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

iii. That such unnecessary hardship has not been created by the appellant.

iv. 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.

v. That the variance, if authorized, will represent the minimum variance that will afford relief and 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 Chapter and of the Code.

(Ord. 12, 4/10/1992, §1603)

§27-1604. Permits.

1. *Requirements of Permits.* A building and/or zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof; prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. No such building permit or zoning permit shall be required in case of normal maintenance activities, minor repairs, and alterations which do not structurally change a building or structure.

2. *Application for Permits.* All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Chapter and all other ordinances. One copy of such plans shall be returned to the owner when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

3. *Issuance of Permits.*

A. No permit shall be issued until the Zoning Officer has certified that the proposed building, addition or alteration, complies with all the provisions of this Chapter, as well as the provisions of all other applicable ordinances.

B. The Zoning Officer shall act upon request within 30 days following application.

C. A permit issued hereunder shall become void 12 months after issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least 30 days prior to the permit expiration date.

4. *Temporary Permits.* A temporary permit may be authorized by the Zoning Officer for a structure or use which it deems necessary to promote the proper

development of the community; provided, that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Township. Such permits shall be issued for a specified period of time not to exceed 1 year, and may be renewed annually for an aggregate period not exceeding 2 years.

(Ord. 12, 4/10/1992, §1605)

§27-1605. Certificate of Nonconformance.

Certificate of nonconformance shall be issued by the Zoning Officer to the owner of any property which, at the time of the effective date of this Chapter, is identified as containing a nonconforming use or structure. The owner's property and the issuance date of such certificate shall be registered in the records of the Township as follows:

A. Such certificate of nonconformance shall be issued within 180 days after the effective date of this Chapter.

B. The certificate of nonconformance shall set forth in detail all of the nonconforming conditions of said property.

C. A copy of the certificate of nonconformance shall be retained and filed by the Zoning Officer.

D. The certificate shall be for the purposes of insuring the owner the right to continue a nonconforming use in accordance with the regulations of this Chapter.

(Ord. 12, 4/10/1992, §1605)

§27-1606. Conditional Uses.

Applications for any conditional use permitted by this Chapter shall be made to the Board of Supervisors through the Zoning Officer. The Zoning Officer shall refer all such applications to the Planning Commission for review and recommendation. The Planning Commission shall review the application pursuant to applicable standards and criteria and submit its recommendations to the Board of Supervisors for approval or denial pursuant to public notice and a public hearing.

(Ord. 12, 4/10/1992, §1606)

§27-1607. Fees.

1. The Township Board of Supervisors shall establish a schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, certificates of occupancy, appeals, variances, special exceptions, amendments, bonds and other matters pertaining to this Chapter. The schedule of fees shall be posted in the office of the Zoning Officer.

2. Such fees shall be payable to the Township and until all applicable fees, charges and expenses have been paid in full, the application shall be considered incomplete. [Ord. 33]

(Ord. 12, 4/10/1992, §1607; as amended by Ord. 33, 1/21/2010)

§27-1608. Inspection.

1. *Inspection by the Zoning Officer.* It shall be the duty of the Zoning Officer, or his duly appointed representative, to make the following minimum number of

inspections of property for which a permit has been issued:

A. *At the Beginning of Construction.*

(1) A record shall be made indicating the time and date of inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the approved permit application.

(2) If the actual construction does not conform to the application, a written notice of violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

B. *At the Completion of Construction.* A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to conformance to this Chapter, and the opinion of the Zoning officer in regard to the issuance of a certificate of use permit.

(Ord. 12, 4/10/1992, §1608)

§27-1609. Certificate of Use.

1. A certificate of use shall be a statement issued by the Zoning Officer setting forth that a building, structure, parcel, or use of land complies with the provisions of this Chapter.

2. No vacant land shall be occupied or used, and no structure or part of a structure hereafter erected, substantially altered or changed in use shall be occupied or used until a certificate of use shall have been issued by the Zoning Officer.

3. A certificate of use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, either for whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the application for a building or zoning permit, and shall be issued or denied within 15 days after a final inspection by the Zoning Officer.

4. A certificate of use for changing or extending a nonconforming use, existing at the time of the passage of this Chapter, or of an amendment thereto, shall be applied for and issued before any such nonconforming use shall be changed or extended. Such certificate shall be issued within 15 days after a final inspection and approval by the Zoning Officer.

5. A record of all certificates of use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

(Ord. 12, 4/10/1992, §1609)

§27-1610. Violations.

Failure to comply with any provision of this Chapter, failure to secure a building permit, or Zoning Hearing Board certificate, when required, previous to the erection, construction, extension, or addition to a building; or failure to secure a certificate of use, shall be violations of this Chapter.

A. *Notice of Violation.* When written notice of a violation of any of the provisions of this Chapter has been served by the Zoning Officer on the owner, agent or occupant, contractor, or building, such violation shall be discontinued immediately.

B. *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 Chapter, the proper officer of the Borough, 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 any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors of the municipality. No such action may be maintained until such notice has been given.

C. *Enforcement Remedies.*

(1) Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$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 payable until the date of the determination of a violation by the magisterial district judge. 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 magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter 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 magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation.

(2) The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

(3) Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

(4) Magisterial district justices shall have initial jurisdiction in proceedings brought under this Section.

[Ord. 33]

(Ord. 12, 4/10/1992, §1610; as amended by Ord. 19, 8/26/1996, §9; and by Ord. 33, 1/21/2010)

§27-1611. Appeals and Applications.

An appeal, or application for an amendment, or variance from the terms of this

Chapter shall be filed with the Zoning Officer, and shall contain:

- A. The name and address of the applicant.
- B. The name and address of the owner of the real estate to be affected by such proposal.
- C. A brief description and location of the real estate to be affected by such proposal.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- E. A statement of the Section of this Chapter under which the appeal or application requested may be allowed, and reasons why it should be granted; or a statement of the Section of this Chapter governing the situation in which the alleged erroneous ruling is being appealed, and reasons for the appeal.
- F. An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for, permits, indicating the location and size of the lot and location of improvements now erected, and proposed to be erected thereon.
- G. Any other pertinent data required by the Zoning Hearing Board, Township Board of Supervisors, and/or Zoning Officer, as appropriate to their individual authorities set forth in this Part.
- H. All appeals from determinations by the Zoning Officer under this Section shall be to the Zoning Hearing Board within 30 days of the date of the determination.

(Ord. 12, 4/10/1992, §1611)

§27-1612. Interpretation, Purpose, and Conflict.

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances, provided that where this Chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are imposed by such other rules, easements, covenants, restrictions, regulations or ordinances, the provisions of this Chapter shall control.

(Ord. 12, 4/10/1992, §1613)