

## **Chapter 27**

### **Zoning**

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#### **Zoning Map**

*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.

*Kenel* - 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,

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

*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

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.

1. *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.

2. *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.

3. *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).

4. *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.

**§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)