**CHAPTER 27**

**ZONING**

**Part 5**

**Supplementary Lot Regulations**

**§501. Purpose.** The provisions of this Part represent standards and regulations that shall be applied to all uses in addition to those established for the applicable zoning district. These regulations are to be used either in common within all zoning districts or are to be applied to specific situations as may be otherwise stated throughout this Chapter.

**§502. General Lot Requirements.**

(1) No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by the Chapter.

(2) No part of a yard, or other open space, or off-street parking area or loading space required in connection with any building for the purpose of complying with this Chapter, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building, except as many be authorized herein.

(3) Every principal building hereinafter erected shall be located on a lot as defined. There shall not be more than one principal building and its accessory structures on one lot, except in the case of multi-family housing developments, mobile home parks, OR other land development approved pursuant to the requirements of the White Deer Township Subdivision and Land Development Ordinance.

(4) The minimum lot width of any lot shall be measured along the minimum building setback line as required for that district. Lots located on cul-de-sac turn-arounds or curves in the road or lots of unusual shape may have lot widths of less than those required provided that the average of the front and rear lot line is equal to or greater than the required lot width. In no case however, shall the front lot line have a width of less than 75 feet.

(5) No portion of a lot included in a street right-of-way shall be included in calculating the lot’s area.

(6) Every lot created hereafter shall be adjacent to a public street or shall have access to a public street via a private street or right-of-way approved pursuant to the requirements of the White Deer Township Subdivision and Land Development Ordinance.

**§503. Yard Requirements.**

(1) Projections.

(a) Chimneys, fireplace flues, cornices, eaves, gutters, uncovered stairs, bay windows, or other architectural features may project into any required yard, but not more than 36 inches. Such projections may also be no closer than five (5) feet to any property line.

(b) Porches, patios, decks and attached carports, whether enclosed or unenclosed, shall be considered part of the main building and shall not project into any required yard setback area.

(2) Front Yards.

(a) Front yard setbacks shall be as set forth in the District Regulations, and shall be measured from either the centerline of the adjoining street or from the edge of the adjoining street right-of-way, as provided in the District Regulations. Where however, a lot has no road frontage or in the case of a “flag” lot, the front yard requirement shall be equal to either the front yard setback specified in the applicable district or 25 feet, whichever is greater. In the case of a lot with no road frontage, the front yard requirement shall be measured from the edge of the front property line, and in the case of a “flag” lot, the front yard requirement shall be measured from the edge of the longest lot line opposite the rear lot line.

(b) When an unimproved lot is situated between two (2) improved lots, each having a principal building which extends into the required front yard, the front yard of such unimproved lot may be equal to the depth of the improved lot which is closest to the street right-of-way.

(c) Where an addition is proposed for an existing principal residential building which extends into the required front yard, the addition may be authorized by the Zoning Officer so long as the addition extends no further into the required front yard than the existing structure, and is no closer than 10 feet to the edge of the adjoining street right-of-way or front property line where the lot has no road frontage.

(d) Accessory buildings or structures may not be erected or located within any required front yard, except for fences or as may be otherwise provided herein for specific uses.

(e) Off-street parking and loading areas may be located within a required front yard, but only as provided in the District Regulations.

(3) Side Yards.

(a) On a corner lot, the side yard abutting the street shall have a depth equal to the front yard setback required for the district in which the lot is located. The remaining two (2) yards shall be considered as side yards.

(b) Where a single lot extends from one street along its front lot line to another parallel or nearly parallel street along its rear lot line, both yards abutting the streets shall have a depth equal to the front yard setback required for the district in which the lot is located. The remaining two (2) yards shall be considered as side yards.

(c) Accessory buildings or structures may be erected or located within required side yards, but only as provided in the District Regulations.

(d) Off-street parking and loading areas may be located within a required side yard, but only as provided in the District Regulations.

(4) Rear Yards.

(a) Accessory buildings or structures may be erected or located within required rear yards, but only as provided in the District Regulations.

(b) Off-Street parking and loading areas may be located within a required rear yard, but only as provided in the District Regulations.

**§504. Height Regulations.**

(1) Height regulations shall not apply to spires, belfries, cupolas, penthouses (not used for human occupancy), nor to chimneys, ventilators, skylights, utility poles, solar collectors or related equipment, and ornamental or other necessary mechanical appurtenances normally associated with homes, churches and similar establishments. Such appurtenances shall however be erected only to such height as is necessary to accomplish their intended purpose.

(2) Height regulations shall not apply for agricultural or industrial structures such as barns, silos, grain elevators, cooling tanks, discharge stacks, water storage tanks or similar types of structures generally erected to heights exceeding the maximum limits established in the District Regulations for these zones, but only where their setback from all property lines is equal to or greater than their height.

(3) Communications transmitting and/or receiving towers may also exceed the height regulations contained in the District Regulations, but only where their setback from all property lines is equal to or greater than their height.

(4) Notwithstanding any of the exceptions outlined above, the location and height of all structures shall be in accordance with all applicable local, state and federal laws, statutes, ordinances, rules and regulations.

**§505. Miscellaneous Provisions.**

(1) Two or More Principal Uses in the Same Building. When two (2) or more principal uses occupy the same building (not including home occupations), sufficient parking spaces, lot area, open space, etc., shall be provided so that the standards pertaining to each use will be met in full, unless provided otherwise in this Chapter or authorized as part of a land development approved pursuant to the requirements of the White Deer Township Subdivision and Land Development Ordinance.

(2) Accessory Buildings or Structures. An accessory building(s) or structure(s) may be maintained in conjunction with any permitted principal use provided that the following criteria are met:

(a) All accessory buildings or structures shall be setback in accordance with the yard requirements established in the District Regulations. In addition, accessory structures shall be separated by a minimum of 10 feet from all structures, including other accessory structures. And, in the Village and Rural Residential Districts, no storage or utility building shall be located in front of its principal structure.

(b) No manufactured housing, mobile home units, travel trailers, buses or similar units may be used as accessory buildings or structures. Accessory storage trailers may however be permitted in the Commercial and Manufacturing and Agricultural Districts as set forth herein.

(3) Fences and Walls.

(a) No fence or wall exceeding six (6) feet in height shall be erected within any of the yards required by this Chapter, except in the Commercial and Commercial and Manufacturing Districts where security fences may be up to ten (10) feet in height. In addition there shall be no height limitation for agricultural fences.

(b) Fences or walls not exceeding six (6) feet in height may be permitted to be located within any required yards. The placement of such fences or walls on a property line shall however require written mutual consent between adjoining property owners. A copy of such mutual consent shall be submitted to the Township along with the application for placement of the fence or wall. In no case however shall agriculture or pasture fencing be placed within three (3) feet of an occupied dwelling(s).

(c) In no case shall a fence or wall be erected which could cause danger to traffic on a street or road (whether public or private) by obscuring a driver’s view or which does not comply with the clear sight triangle requirements contained herein.

(d) Fences having only one finished side shall be installed so that the finished side faces out or away from the subject property.

(e) All fences to be placed in an identified floodplain area shall meet the floodplain management regulations set forth in this Chapter.

(4) Obstructions to Vision at Street or Driveway Intersections.

(a) No fence, wall, sign or other structure shall be erected or altered and no hedge, shrub, tree, or other growth shall be maintained which may cause danger to traffic on a street or road by obscuring a driver’s view at a street or driveway intersection.

(b) At all street and/or driveway intersections, no obstruction or planting measuring higher than 30 inches or hanging lower than eight (8) feet above road grade shall be permitted within the clear sight triangle. A clear sight triangle shall be defined as that area of unobstructed vision at street and/or driveway intersections formed by lines of sight between points which are a specified distance from the intersection of the street and/or driveway centerlines. These distances shall be as follows:

(1) For the intersection of two (2) streets, the distance from the intersection of the street centerlines shall be 75 feet.

(2) For the intersection of a street and a driveway serving no more than two (2) lots, the minimum distance shall be 50 feet. The minimum distance shall be 75 feet for the intersection of a street and a driveway serving three (3) or more lots.

(5) Maximum Building Coverage. The percentage of land covered by principal and accessory buildings or structures on each lot shall not be greater than is permitted in the District Regulations, for the district in which the lot is located.

(6) Maximum Impervious Surface. The percentage of the lot covered by impervious surfaces, i.e. buildings, structures, and any area in concrete, asphalt or other similar material which will not absorb precipitation (including parking areas, driveways, roads, and sidewalks), shall not be greater than is permitted in the District Regulations, for the district in which the lot is located.

(7) Erosion and Sedimentation Control. All erosion and sedimentation control requirements set forth in the White Deer Township Subdivision and Land Development Ordinance and applicable local, state and federal laws, statutes, ordinances, rules and regulations, shall be met to the satisfaction of the Township Zoning Officer before the issuance of a Zoning Permit.

(8) Drainage and Stormwater Management. All drainage and/or stormwater management standards set forth in the White Deer Township Subdivision and Land Development Ordinance and applicable local, state and federal laws, statutes, ordinances, rules and regulations, shall be met to the satisfaction of the Township Zoning Officer before the issuance of a Zoning Permit.

(9) Outdoor Lighting on Private Premises. All outdoor flood lighting and spot lighting on private premises shall be mounted and shielded to effectively eliminate direct glare on adjacent properties or on public streets.

**§506. Buffer Yards.**

(1) Where a commercial or industrial use located in the Commercial District or the Commercial and Manufacturing District (commenced after the effective date of this Chapter) abuts a residential use, a buffer yard of at least 40 feet in width shall be required, unless provided otherwise in the District Regulations, or the Supplementary Use Regulations. Such buffer yard shall be a part of the commercial or industrial installation and shall be maintained by that property owner.

(2) Where any use (commenced after the effective date of this Chapter) abuts a stream, drainage channel, or delineated wetland area, a buffer yard of at least 50 feet in width shall be required. The yard shall be measured from the nearest edge of the stream, channel or wetland.

(3) Buffer yards required for residential uses shall be not less than 15 feet in width, unless provided otherwise in the Supplementary Use Regulations, of this Chapter.

(4) All buffer yards shall be planted and maintained with vegetative material, such as grass, sod, shrubs, or other evergreens. Where required within buffer yards, screening shall be accomplished in accordance with the provisions of this Chapter.

(5) A buffer yard may be considered as part of the required yard space.

(6) No structure, storage of materials, or off-street parking and/or loading areas shall be permitted in a required buffer yard; however, access drives and utilities may cross such yards.

**§507. Screen Planting.**

(1) Screen planting may be required as provided in the Supplementary Use Regulations, or where determined appropriate or necessary by the applicable Township approving authority, to serve as a barrier to visibility, glare, and noise between adjacent properties.

(2) Plant or vegetative materials, including shrubs or evergreens, used in screen planting shall be of such species as will produce, in two (2) years, a complete visual screen six (6) feet in height and of such density as is necessary to achieve the intended purpose.

(3) Screen planting shall be maintained permanently by the lot owner, and any plant material which does not live shall be replaced within one (1) year.

(4) Screen planting shall be placed so that, at maturity, it will be no closer than three (3) feet to any street right-of-way or property line.

(5) In accordance with the provisions of this Chapter, a clear sight triangle shall be maintained at all street intersections and where driveways or private accessways intersect public streets.

(6) Screen planting shall be broken only at points of vehicular or pedestrian access or utility easements.

(7) Where a commercial or industrial use located in the Commercial District or the Commercial and Manufacturing District (commenced after the effective date of this Chapter) abuts an existing residential use, all required screen planting shall extend the entire length of the common boundary, unless authorized otherwise by the Township Supervisors during their consideration of the commercial or industrial land development plan.

(8) In lieu of the provision of screen planting as detailed above, the Supervisors may consider the use of a fence or wall at least six (6) feet in height as an appropriate barrier to potentially objectionable noise, glare or visibility between two adjacent properties.

(Ordinance No. 99-1, adopted July 20, 1999)