

# ZONING INFORMATION

## Tunkhannock Township, Wyoming County

### Intent of Zoning

- The overall purpose of zoning is to manage the use of land, the density of land use, and the siting of residential, commercial and industrial development for the overall good of the community while protecting individual property rights.
- It is meant to implement the vision of future land use in a community as stated in the municipality's comprehensive plan. In the case of Tunkhannock Township, the intent is to maintain rural character and agriculture while recognizing that continued change and development is inevitable.
- Zoning standards require commercial manufacturing development to address environmental and community effects to protect the use and enjoyment of neighboring properties.
- Zoning commonly consists of a zoning map and a set of zoning standards.
- Zoning standards usually describe the permissible land uses and dimensional standards (such as building heights and distances of buildings from property lines) in each of the various zoning districts.

#### **Why zone in rural areas?**

Remember, the basic reason for land controls is self-interest. This self-interest is described well in a pamphlet by the extension service of Michigan State University.

*Regardless of where you live or what your interests may be, you surely value your property. You would like your home, your farm, your place of business, your summer cottage - whatever you own - to be worth as much a few years from now as it is today. But, without zoning, many things can happen to your community. Everyone is more or less free to use his property in nearly any way he pleases. The use may be in harmony or in conflict with the interests of the community. It may seriously injure the value of your property. It may even destroy the enjoyment you have had in your property.*

*As property changes hands in your neighborhood, do you know what the new owners will do? If heirs, will they continue the former use? Or will they sell to a stranger because they live elsewhere or do not care to continue the former use? Then how will the stranger use the property? Injuries to your property may be due to mere thoughtlessness on the part of neighboring property owners. They may come from I-don't-care newcomers. They may arise from someone's desire to exploit a location or resource for a particular use at the expense of all other property owners.*

*You won't have a very definite answer until your town or county has enacted a zoning ordinance governing the future use of property. While zoning cannot change existing conditions, it can protect the future value of your property.*

*Zoning is not only in the individual's interest, it is in the community's interest, too:*

*A few years can bring many changes to a community. Unless changes are guided, most communities tend to grow like Topsy. Some become quite a hodgepodge in the course of time, often with mixed-up land uses that cruelly hurt each other. When this occurs, then property values begin slipping. But taxes tend to go up. Special assessments may even be levied to meet the cost of doctoring up the hit-and-miss developments. Thousands of dollars must often be spent to change the makeshift roads or streets into a more useful transportation system – to create a safe sewage disposal system – to provide an adequate fire-fighting or water system. But hit-and-miss is not easily revamped or redesigned into an efficient system.*

*It is better to have had a plan to begin with. The expense is less both in taxes and in costs to the property owner. The results are better. (Source: Rural and Small Town Planning, Getzels, J and Thurow, C., American Planning Association, 1979, p. 56.)*

### **Zoning PROs**

Businesses and citizens have predictability in surrounding land uses - Citizens and business owners have a basic idea of how the property around them may be used in the future. This helps in making purchase decisions and long-term development or use decisions.

Businesses and citizens have assurance that their business prospects and investments will be protected - Citizens or businesses have protection from development that is not compatible with the use of their property. This protects a property owner's investment because a neighboring property cannot be developed in a way that will negatively affect the value of their property.

The ability to guide future development will prevent haphazard or patchwork development - A community can be developed in an orderly manner which ultimately provides convenience to the citizen and business owner and protection from adversely suited development.

Conflicts between residents and businesses or industry can be minimized - The areas designated for residential purposes and business or industrial purposes can be separated by zoning district or by setbacks and buffers to avoid conflicts between uses that affect quality of life, and by applying development performance standards such as noise and lighting control.

Provides for greater citizen impact in planning decisions - In certain cases, particularly for development which may have a negative effect on neighbors, a public hearing can be required. This enables the municipality to consider the testimony of residents in making land use decisions.

### **Zoning CONs**

Property Rights - Zoning does limit the property rights of landowners. The courts have held that this is constitutional for the benefit of community-wide public health, safety and general welfare. Zoning is not constitutional if it is unreasonable, arbitrary, limits the use of property to the point of confiscation or totally excludes a legal use.

Fees - A municipality may charge fees for the administration of a zoning ordinance. The fees can cover the costs of administration, but cannot be used as a money-making operation.

Longer Process - When a public hearing is required for certain commercial or industrial uses, the process may take several months. However, if a new building is proposed, detailed plans must also be prepared for submission to the County under the subdivision and land development ordinance and the zoning and County approval can be processed concurrently.

Existing Land Uses - To a certain extent, zoning limits the development potential of previously existing land uses and structures that do not conform with the zoning's standards.

Long-term Commitment - Properly enforcing a zoning ordinance involves a long-term commitment to a certain level of community spending.

### **Zoning Ordinance Versus Subdivision and Land Development Ordinance**

- A zoning ordinance and a subdivision and land development ordinance (SALDO) are the two most used land use management tools in the Commonwealth.

- A zoning ordinance divides a municipality into districts to designate areas of a community where certain types of uses are permitted -- residential vs. commercial vs. industrial.
- Zoning also regulates lot size, building height, setbacks and how nonresidential uses operate in terms of potential community effects such as noise and lighting.
- A subdivision and land development ordinance governs how land is divided into lots and the infrastructure development (but not location) of commercial/industrial buildings (known as land developments).
- The SALDO, according to state law, cannot regulate the location of commercial/industrial buildings.
- The SALDO also sets standards for the infrastructure required to serve major subdivisions and commercial land developments -- roads, sewage disposal, water supply and stormwater management facilities. This is important to ensure that new development is an asset to the community.

### **Tunkhannock Township Zoning**

- The intent of the Tunkhannock Township zoning ordinances is to enable landowners to do most any activity while protecting neighbors from harmful effects.
- Many municipalities create numerous zoning districts where many uses are not permitted.
- The NTC zoning ordinances creates five districts:
  - R - Residential District
  - RA - Rural Agricultural District
  - VC - Village Commercial District
  - CI - Commercial-Industrial District
  - SR - Susquehanna River District
- Comprised primarily of planned communities, only small areas will be zoned R-Residential. (Note: The zoning map is being updated to reflect this.) The intent of creating the Residential District is to recognize that these areas are not suited for commercial/industrial activities and to protect property values for homeowners who expect to continue living in a residential neighborhood.
- The vast majority of the Township is zoned Rural Agricultural where many types of uses are allowed, but performance standards address community impacts such as noise, lights, waste materials, etc. A public hearing is required if certain uses are located closer than 300 feet to a neighboring home. If the proposed use complies with the ordinance, it must be approved by the Township. (See updated table on next page.)
- The Village Commercial District, where residential and retail and service establishments and other lower impact are allowed, is at the intersection of Route 92 and Route 307.
- All types of commercial and industrial establishment and higher impact activities such as adult bookstores and businesses, jails and prisons, junkyards, and power plants are only permitted in the Commercial-Industrial District.
- The Susquehanna River District runs from the center to the top-of-bank of the River and allowed uses are related to recreation and water withdrawal and sewage discharge structures.

REVISED - - - **RA - RURAL AGRICULTURAL DISTRICT** - - - REVISED

INTENT: To maintain the existing character of the traditional rural working landscape. The continued use of land for agriculture and forestry enterprises is permitted, protected and encouraged. Recognizing the need for landowners to have economic opportunity not related to natural resources, residential development, limited recreational uses, certain institutional uses, and a number of other commercial uses are permitted subject to performance standards.

**PRINCIPAL PERMITTED (allowed) USES** (Zoning Officer)

- |   |  |   |
|---|--|---|
| - Agriculture related entertainment*    | - Country clubs*   | - Service establishments*                         |
| - Agritourism*                          | - Day care centers*  | - Shooting preserves*                             |
| - <b>Animal husbandry, commercial**</b> | - Exercise clubs*  | - Single-family detached dwellings                |
| - Art studios*                          | - Farmers markets*   | - Stables, commercial, and horses for hire*       |
| - Assisted living facilities*           | - <b>Forestry enterprises**</b>                                      | - Staging areas for equipment/materials*          |
| - Bed and breakfast establishments*     | - Golf courses   | - Storage yards for forest products and minerals* |
| - Boarding and lodging houses*          | - Group homes  | - Township buildings and uses                     |
| - Bus shelters                          | - Medical clinics*   | - Two-family dwellings                            |
| - Clubs/lodges, private*                | - Nursing homes*   | - Veterinary clinics*                             |
| - Commercial greenhouses and nurseries  | - Office buildings*  | - Wineries, farm                                  |
| - Community centers*                    | - Professional offices*  |   |
| - Cultural centers*                     | - Restaurants*   |   |
| - Conference centers*                   | - Restaurants, take out*   |   |
| - Contractor yards*                     | - Retail businesses with 20,000 sq. ft. or less of gross floor area* |   |
| - <b>Crop production**</b>              | - Self-storage facilities*   |   |

\*CONDITIONAL USE - Considered a conditional use if the proposed use is located within 300 feet of an existing residential dwelling not located on the same parcel with the proposed use. Measured from the physical location of the proposed use to the nearest point of property line of the parcel on which the existing dwelling is located.

**\*\*Permit not required.**

~~CONDITIONAL USE - Any nonresidential principal permitted use with 5,000 sq. ft. or more of gross floor area of building shall be considered a conditional use.~~

**CONDITIONAL USES** (Planning Commission/Supervisors)

- |   |   |   |
|---|---|---|
| - Agricultural products processing                                  | - Industrial wastewater treatment facilities  | - Public parks and playgrounds                            |
| - Airports, private and public                                      | - Kennels   | - Recreational facilities, commercial                     |
| - Animal shelters   | - Lumberyards   | - Recreational facilities, public                         |
| - Archery ranges, outdoor commercial                                | - Manufacturing, light  | - Restaurants, outdoor                                    |
| - Campgrounds and recreational vehicle parks                        | - Mineral extraction  | - Resorts   |
| - Camps/retreats  | - Mineral processing in association with mineral extraction per §825.3                | - Sawmills  |
| - Cemeteries  | - Mobile home parks   | - Schools, public or private, primary or secondary        |
| - Charging stations   | - Multi-family dwellings at the same density as two-family dwellings                  | - Shooting ranges, outdoor commercial                     |
| - Colleges  | - Oil and gas wells   | - Trade schools   |
| - Commercial communication device sites                             | - Pipeline compressor stations, metering stations or operation/maintenance facilities | - Vehicle or equipment sales, rental or repair operations |
| - Concentrated animal feeding operations                            | - Places of worship   | - Warehouses  |
| - Emergency services stations                                       | - Public and semi-public buildings and uses   | - Water withdrawal facilities                             |
| - Health facilities   |   | - Wholesale businesses                                    |
| - Heliports, accessory  |   | - Wind farms  |
| - Home occupations (See §503.3 for accessory use home occupations.) |   | - Zoos and menageries                                     |

~~\*\* LOT SIZE and SETBACKS - A minimum of 5 acres shall be required and front, side and rear setbacks shall be a minimum of 50 feet unless other Ordinance sections are more restrictive.~~

**SPECIAL EXCEPTIONS**  
(Planning Commission/ZHB)

- none

NOTE:

Uses not specifically listed by this schedule shall not be permitted in the RA District except as approved in accord with §404.2.

- Crop production and forestry are allowed everywhere, and animal husbandry with no minimum parcel size (as discussed at the public meetings) will be included in the Rural Agricultural District and the Commercial/Industrial District.

**4-H Animals** - The need to provide for raising animals for the 4-H Program was raised at the public meetings. Now that the Residential Districts are being considered only for developed subdivisions with smaller lots, one option would be to rely on the private deed restrictions in those developments to control animals and not address it in the zoning ordinance. Another option would be to limit the number of animals per lot in the Residential District and/or set a reasonable minimum lot size.

- The zoning ordinance is lengthy, but most of the standards apply to commercial and industrial uses, and many definitions are included. Many of the uses may never be developed, but if they are, the standards are included to give the Township the ability to minimize negative effects on neighbors.
- The zoning ordinance attempts to anticipate the changes and development that will come to the area and provide reasonable standards to manage the growth and change.

**Performance Standards - §701**

Development performance standards in §701 will only be applied to new and expanded commercial and industrial uses, but not residential and agricultural. The standards are not intended to overly restrict such development. Instead, the standards are intended to ensure that the development impacts on neighbors and the community are addressed. The standards include:

- |                                      |                                    |
|--------------------------------------|------------------------------------|
| • increased setbacks and buffers     | • odors                            |
| • landscaping                        | • air pollution                    |
| • operations and storage             | • surface/ground water protection  |
| • fire and explosion hazards         | • storm water/soil erosion control |
| • radioactivity/electric disturbance | • waste materials                  |
| • noise                              | • security                         |
| • vibration                          | • water supply                     |
| • lighting and glare                 | • sewage disposal                  |

**Nonconforming Uses and Lots - Article IX**

Nonconforming Uses - Zoning ordinances are applied to new and expanding uses. Any use which pre-dates the zoning ordinance and which does not comply with the ordinance is considered a nonconforming use, commonly referred to as *grand-fathered*. Nonconforming uses may:

- Continue to operate in the same fashion as prior to the zoning ordinance.
- Be sold from one owner to the next to the next - the nonconformity runs with the land.
- Expand within the limits set by the zoning ordinance.
- Change to another type of similar use.
- Be reconstructed if destroyed or demolished.
- Not be reinitiated once abandoned or changed to a conforming use.

Nonconforming Lots (§911) - Existing lots which do not meet the minimum required lot sizes may be developed provided minimum setbacks can be met and water and sewage disposal are provided in accord with applicable requirements.

**Home Occupations - §503.3**

Home occupations are included in the zoning ordinance not to prohibit such activities, but to ensure that activities do not have negative effects on neighbors. An out-of-control home occupation in a residential neighborhood can have negative effects such as noise, traffic, and outdoor storage.

- No-impact home occupations are allowed in all homes as an accessory use. Employees are limited to family members and floor area is limited to 25%.
- Many other home occupations are also permitted in all homes. In the Residential District employees are limited to one non-family member and floor area is limited to 25%. In all other Districts the limits are three non-family employees and 50% floor area.
- Commercial uses are allowed in RA, VC and CI Districts as an alternative to home occupations.