

TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2014 - 2

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TULPEHOCKEN TOWNSHIP ZONING ORDINANCE OF 2013, BY AMENDING SECTION 300 ENTITLED "DEFINITIONS", 323 ENTITLED "DWELLING" TO EXCLUDE TRAVEL TRAILERS, CAMPERS, RECREATIONAL VEHICLES AND MOTOR HOMES AND SIMILAR VEHICLES FROM THE DEFINITION OF DWELLING AND 333 ENTITLED "HOME OCCUPATION" TO ALLOW FOR HOME OCCUPATIONS TO BE CONDUCTED IN ACCESSORY STRUCTURES, SECTION 600 ENTITLED "RURAL RESIDENTIAL DISTRICTS" , 640 ENTITLED "RR - RURAL RESIDENTIAL DISTRICT", 641 ENTITLED "PERMITTED PRINCIPAL USES", 641.02 TO ALLOW FOR ALL AGRICULTURE IN THE RR - RURAL RESIDENTIAL DISTRICT AND SECTION 1000 ENTITLED "SUPPLEMENTARY REGULATIONS", 1010 ENTITLED "GENERAL REGULATIONS APPLYING TO ALL DISTRICTS AND USES", 1012 ENTITLED "PLACEMENT OF ACCESSORY USES AND STRUCTURES", TO ADD 1012.08 TO PROHIBIT TEMPORARY ACCESSORY BUILDINGS OR STRUCTURES WITHIN THE FRONT YARD OF ANY ZONING DISTRICT

WHEREAS, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§10101 *et seq.*, enables a municipality through its zoning ordinance to regulate the uses of property; and

WHEREAS, the Tulpehocken Township Zoning Ordinance does not exclude travel trailers, campers, recreational vehicles and motor homes as well as similar vehicles from the definition of dwelling; and

WHEREAS, Tulpehocken Township Board of Supervisors desires to exclude travel trailers, campers, recreational vehicles and motor homes as well as similar vehicles from the definition of dwelling in the Zoning Ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Zoning Ordinance of Tulpehocken Township to exclude travel trailers, campers, recreational vehicles and motor homes as well as similar vehicles from the definition of dwelling; and

WHEREAS, the Tulpehocken Township Zoning Ordinance limits home occupations to businesses conducted in the home and does allow for them to be conducted in accessory structures located on the same property as the home; and

WHEREAS, Tulpehocken Township Board of Supervisors desires to allow home occupations to be conducted in accessory structures on the same property of the home and not limited to the home; and

WHEREAS, the purpose of this Ordinance is to amend the Zoning Ordinance of Tulpehocken Township to allow home occupations to be conducted by members of the resident family in accessory structures on the same property as the family residence; and

WHEREAS, the Tulpehocken Township Zoning Ordinance only allows general agriculture in the RR – Rural Residential District as a permitted principal use and excludes therefrom raising and keeping of any animal or animals as a business enterprise; and

WHEREAS, pursuant to the Pennsylvania Right to Farm Act if agriculture is permitted in a zoning district all types of agriculture shall be permitted in such a zoning district; and

WHEREAS, the Tulpehocken Township Board of Supervisors desires to comply with the Right to Farm Act and allow all types of agriculture without exclusions in the RR – Rural Residential District; and

WHEREAS, the purpose of this Ordinance is to amend the Zoning Ordinance of Tulpehocken Township to allow for all types of agriculture in the RR – Rural Residential District without exceptions; and

WHEREAS, the Tulpehocken Township Zoning Ordinance does not differentiate between permanent and temporary accessory structures and buildings regarding their location in required front yards; and

WHEREAS, Tulpehocken Township Board of Supervisors desires to prohibit temporary accessory structures and buildings in the front yards of any zoning district; and

WHEREAS, the purpose of this Ordinance is to amend the Zoning Ordinance of Tulpehocken Township to prohibit temporary accessory structures and buildings in the front yards in any zoning district and define temporary accessory structures and buildings and applicable front yard.

NOW, THEREFORE BE IT ORDAINED by the Board of Supervisors of Tulpehocken Township, Berks County, Pennsylvania, pursuant to the authority conferred by the Municipalities Planning Code, that the following be and is hereby adopted:

SECTION 1. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, is hereby amended by amending Section 300 entitled “Definitions”, 323 entitled “Dwelling” to exclude travel trailers, motor homes, recreational vehicles and campers from the definition of Dwelling resulting in 323 to read in its entirety as follows:

DWELLING. A building arranged, intended or designed to be occupied as a residence by one or more families living independently of each other upon the premises. Travel trailers, campers, motor homes and recreational vehicles are specifically excluded from the definition of dwelling.

SECTION 2. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, is hereby amended by amending Section 300 entitled "Definitions", 333 entitled "Home Occupations" to provide for home occupations to be conducted by members of the resident family in accessory structures on the same property as the family residence resulting in 333 to read in its entirety as follows:

HOME OCCUPATION. A business or office conducted in the residential home or an accessory structure to the residential home by members of the resident family provided: that not more than two persons are employed who are not members of the family and that such persons shall be employed in the home or an accessory structure to the residential home; that not more than one-half of the area of one floor, or an entire basement of the residential home shall be used for such purposes; that not more than 1000 square feet of the accessory structure be used for such purposes (if an accessory building rather than the residential home is used for the home occupations; that signs indicating products made or services rendered shall be in accord with this ordinance; that adequate space for parking and loading shall be provided; that there shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than a sign; and that no machinery or equipment that would produce noise, odor, vibration, light or electrical interference beyond the bounds of the immediate property shall be permitted.

SECTION 3. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, is hereby amended by amending Section 600 entitled "Rural Residential Districts" , 640 entitled "RR – Rural Residential District", 641 entitled "Permitted Principal Uses", 641.02 to read in its entirety as follows:

Agriculture - subject to the minimum yard requirements of Section 844.

SECTION 4. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, is hereby amended by amending Section 1000 entitled "Supplementary Regulations", 1010 entitled "General Regulations Applying to All Districts and Uses", 1012 entitled "Placement of Accessory Uses and Structures", to add 1012.08 which shall read in its entirety as follows:

1012.08 No temporary accessory buildings or structures shall be placed or stored within the front yard of any District. Front yard for purposes of this Section shall include the required front yard as well as the portion of the Property between the principal structure or building and to the required setback to the ultimate right-of-way. Temporary accessory structures shall

comply with the requirements of Section 1012.01. Any temporary accessory structure larger than the limitations in Section 1012.01 shall comply with the side and rear yard setback requirements of the underlying zoning district. Temporary accessory building or structure shall include but not be limited to pods, trailers with or without wheels or other similar structures or buildings. Temporary shall be defined as a period of six (6) months or less.

SECTION 5. All other articles, sections, parts and provisions of the Ordinances of the Township of Tulpehocken shall remain in full force and effect as previously enacted and amended.

SECTION 6. Repeal of Ordinances. Any ordinance or parts of any ordinance conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provision.

SECTION 7. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect nor impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of the Township of Tulpehocken, Berks County, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or words that may have been declared illegal, unconstitutional or invalid.

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SECTION 8. Effective Date. This Ordinance shall become effective at the earliest date permitted by law.

ENACTED AND ORDAINED into an Ordinance this 8th day of December, A.D. 2014, by the Supervisors of Tulpehocken Township, Berks County, Pennsylvania in Lawful Session duly assembled.

BOARD OF SUPERVISORS OF TULPEHOCKEN
TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

By: Mary A. Dech.
Chairman

Richard A. Kramer
Member

Robert E. Fuch
Member

ATTEST: Christy Flaherty
Secretary

CERTIFICATE OF ENACTMENT

I hereby certify the foregoing to be an exact copy of an Ordinance adopted by the Supervisors of Tulpehocken Township, Berks County, Pennsylvania, at a regular meeting of the Board on December 8, 2014.

Christy Flaherty
Secretary