TURBOT TOWNSHIP
NORTHUMBERLAND COUNTY, PENNSYLVANIA

ZONING ORDINANCE

Enacted:

Effective:

Revised: 11/99

Mid-Penn Engineering Corporation
P.O. Box 51, 2033 West Market Street
Lewisburg, PA 17837
# TABLE OF CONTENTS

## PAGE NOS.

<table>
<thead>
<tr>
<th>ARTICLE</th>
<th>TITLE AND OBJECTIVE</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>SECTION 1.1 Short Title</td>
<td>I-1</td>
</tr>
<tr>
<td></td>
<td>SECTION 1.2 Objectives</td>
<td>I-1</td>
</tr>
<tr>
<td></td>
<td>SECTION 1.3 Purpose</td>
<td>1-2</td>
</tr>
<tr>
<td>II</td>
<td>SECTION 2.1 Definitions</td>
<td>II-1</td>
</tr>
<tr>
<td>III</td>
<td>SECTION 3.1 List/Name of Zoning Districts</td>
<td>III-1</td>
</tr>
<tr>
<td></td>
<td>SECTION 3.2 Zoning Map</td>
<td>III-1</td>
</tr>
<tr>
<td></td>
<td>SECTION 3.3 District Boundaries</td>
<td>III-2</td>
</tr>
<tr>
<td></td>
<td>SECTION 3.4 Effect of Establishment of Districts</td>
<td>III-2</td>
</tr>
<tr>
<td>IV</td>
<td>SECTION 4.1 District Use Regulations</td>
<td>IV-1</td>
</tr>
<tr>
<td></td>
<td>SECTION 4.2 Minimum Area and Parking Regulations</td>
<td>IV-19</td>
</tr>
<tr>
<td>V</td>
<td>SECTION 5.1 District Use Regulations</td>
<td>V-1</td>
</tr>
<tr>
<td></td>
<td>SECTION 5.2 Minimum Area and Parking Regulations</td>
<td>V-3</td>
</tr>
<tr>
<td>VI</td>
<td>SECTION 6.1 District Use Regulations</td>
<td>VI-1</td>
</tr>
<tr>
<td></td>
<td>SECTION 6.2 Minimum Area and Parking Regulations</td>
<td>VI-1</td>
</tr>
<tr>
<td></td>
<td>SECTION 6.3 Attached Dwelling Residences (Townhouses)</td>
<td>VI-2</td>
</tr>
<tr>
<td></td>
<td>SECTION 6.4 Multiple Dwelling Residence (Garden Apartments)</td>
<td>VI-3</td>
</tr>
<tr>
<td>VII</td>
<td>SECTION 7.1 District Use Regulations</td>
<td>VII-1</td>
</tr>
<tr>
<td></td>
<td>SECTION 7.2 Minimum Area and Parking Regulations</td>
<td>VII-2</td>
</tr>
<tr>
<td>VIII</td>
<td>SECTION 8.1 District Use Regulations</td>
<td>VIII-1</td>
</tr>
<tr>
<td></td>
<td>SECTION 8.2 Minimum Area and Parking Regulations</td>
<td>VIII-2</td>
</tr>
<tr>
<td>ARTICLE IX (GU) GENERAL USE DISTRICT</td>
<td>IX-1</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-------</td>
<td></td>
</tr>
<tr>
<td>Section 9.1 District Use Regulations</td>
<td>IX-1</td>
<td></td>
</tr>
<tr>
<td>Section 9.2 Minimum Area and Parking Regulations</td>
<td>IX-3</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ARTICLE X (FH) FLOOD HAZARD DISTRICT</th>
<th>X-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 10.1 Establishment of Flood Hazard District</td>
<td>X-1</td>
</tr>
<tr>
<td>Section 10.2 Determination of the 100 Year Flood Elevation in FA (General Flood Plain Areas)</td>
<td>X-1</td>
</tr>
<tr>
<td>Section 10.3 Changes in Identification of Flood-Prone Areas</td>
<td>X-2</td>
</tr>
<tr>
<td>Section 10.4 District Applicability</td>
<td>X-2</td>
</tr>
<tr>
<td>Section 10.5 Flood Hazard district General Provisions</td>
<td>X-3</td>
</tr>
<tr>
<td>Section 10.6 Floodway (FW) District (Within Flood Hazard District)</td>
<td>X-3</td>
</tr>
<tr>
<td>Section 10.7 Floodway Fringe District (FF) (Within Flood Hazard District)</td>
<td>X-4</td>
</tr>
<tr>
<td>Section 10.8 General Flood Plain Area (FA) (Within Flood Hazard District)</td>
<td>X-4</td>
</tr>
<tr>
<td>Section 10.9 Development Which May Endanger Human Life</td>
<td>X-5</td>
</tr>
<tr>
<td>Section 10.10 Activities Requiring Special Permits</td>
<td>X-6</td>
</tr>
<tr>
<td>Section 10.11 Elevation and Floodproofing Requirements</td>
<td>X-12</td>
</tr>
<tr>
<td>Section 10.12 Design and Construction Standards (Flood Hazard District)</td>
<td>X-13</td>
</tr>
<tr>
<td>Section 10.13 Special Requirements for Mobile Homes or Manufactured Homes</td>
<td>X-16</td>
</tr>
<tr>
<td>Section 10.14 Existing Structures in Flood-Prone Areas</td>
<td>X-17</td>
</tr>
<tr>
<td>Section 10.15 Special Exceptions and Variances</td>
<td>X-18</td>
</tr>
<tr>
<td>Section 10.16 Special Provisions for Accessory Structure</td>
<td>X-19</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ARTICLE XI SUPPLEMENTARY REGULATIONS</th>
<th>XI-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 11.1 Accessory Building Regulations</td>
<td>XI-1</td>
</tr>
<tr>
<td>Section 11.2 Height Regulations</td>
<td>XI-1</td>
</tr>
<tr>
<td>Section 11.3 Yard and Lot Regulations</td>
<td>XI-2</td>
</tr>
<tr>
<td>Section 11.4 Private Outdoor Swimming Pools</td>
<td>XI-3</td>
</tr>
<tr>
<td>Section 11.5 Parking Regulations</td>
<td>XI-4</td>
</tr>
<tr>
<td>Section 11.6 Off-street Loading Requirements</td>
<td>XI-8</td>
</tr>
<tr>
<td>Section 11.7 Junk Yard or Salvage Yard</td>
<td>XI-9</td>
</tr>
<tr>
<td>Section 11.8 Storage of Utility Trailers, Boats, Recreational Vehicles, and Dismantled or Vehicles in an Inoperative Condition</td>
<td>XI-9</td>
</tr>
<tr>
<td>Section 11.9 Customary Home Operations</td>
<td>XI-9</td>
</tr>
<tr>
<td>Section 11.10 Sign Regulations</td>
<td>XI-10</td>
</tr>
<tr>
<td>Section 11.11 Shopping Center</td>
<td>XI-15</td>
</tr>
</tbody>
</table>
**TABLE OF CONTENTS**

**ARTICLE XI PLANNED RESIDENTIAL DEVELOPMENTS**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page Nos.</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.12</td>
<td>Performance Standards</td>
<td>XI-16</td>
</tr>
<tr>
<td>11.13</td>
<td>Drive-In-Theaters</td>
<td>XI-17</td>
</tr>
<tr>
<td>11.14</td>
<td>Storage Tanks</td>
<td>XI-17</td>
</tr>
<tr>
<td>11.15</td>
<td>Boarding Houses, Bed and Breakfasts, and Rooming Houses</td>
<td>XI-17</td>
</tr>
<tr>
<td>11.16</td>
<td>Group Homes</td>
<td>XI-18</td>
</tr>
<tr>
<td>11.17</td>
<td>Migrant Labor Quarters</td>
<td>XI-18</td>
</tr>
<tr>
<td>11.18</td>
<td>Cellular Towers, Antennas and Wireless Communication Facilities</td>
<td>XI-19</td>
</tr>
<tr>
<td>11.19</td>
<td>Fences and Walls</td>
<td>XI-20</td>
</tr>
<tr>
<td>12.1</td>
<td>Purposes</td>
<td>XII-1</td>
</tr>
<tr>
<td>12.2</td>
<td>Eligibility Requirements</td>
<td>XII-1</td>
</tr>
<tr>
<td>12.3</td>
<td>Land Use and Control and Density Requirements</td>
<td>XII-2</td>
</tr>
<tr>
<td>12.4</td>
<td>Site Analysis</td>
<td>XII-3</td>
</tr>
<tr>
<td>12.5</td>
<td>Site Design Requirements</td>
<td>XII-4</td>
</tr>
<tr>
<td>12.6</td>
<td>Development in Stages</td>
<td>XII-6</td>
</tr>
<tr>
<td>12.7</td>
<td>Procedural Requirements</td>
<td>XII-6</td>
</tr>
<tr>
<td>13.1</td>
<td>Non-Conforming Uses</td>
<td>XIII-1</td>
</tr>
<tr>
<td>13.2</td>
<td>Non-Complying Buildings</td>
<td>XIII-1</td>
</tr>
<tr>
<td>13.3</td>
<td>Repairs and Maintenance</td>
<td>XIII-2</td>
</tr>
<tr>
<td>13.4</td>
<td>Registration of Non-Conforming Uses</td>
<td>XIII-2</td>
</tr>
<tr>
<td>13.5</td>
<td>Mineral Extraction</td>
<td>XIII-2</td>
</tr>
<tr>
<td>13.6</td>
<td>Special Conditions</td>
<td>XIII-3</td>
</tr>
<tr>
<td>14.1</td>
<td>Duties of Zoning Officer</td>
<td>XIV-1</td>
</tr>
<tr>
<td>14.2</td>
<td>Building Permits</td>
<td>XIV-2</td>
</tr>
<tr>
<td>14.3</td>
<td>Temporary Use Permits</td>
<td>XIV-6</td>
</tr>
<tr>
<td>14.4</td>
<td>Fees</td>
<td>XIV-6</td>
</tr>
<tr>
<td>14.5</td>
<td>Violations and Penalties</td>
<td>XIV-7</td>
</tr>
<tr>
<td>15.1</td>
<td>Zoning Hearing Board Creation and Appointments</td>
<td>XV-1</td>
</tr>
<tr>
<td>15.2</td>
<td>Organization of the Zoning Hearing Board</td>
<td>XV-2</td>
</tr>
<tr>
<td>15.3</td>
<td>Expenditures for Services</td>
<td>XV-2</td>
</tr>
<tr>
<td>15.4</td>
<td>Hearings</td>
<td>XV-2</td>
</tr>
<tr>
<td>15.5</td>
<td>Jurisdiction</td>
<td>XV-5</td>
</tr>
</tbody>
</table>
**TABLE OF CONTENTS**

**PAGE NOS.**

| Section 15.6  | Zoning Hearing Board's Functions | XV-7 |
| Section 15.7  | Time Limitations                | XV-9 |
| Section 15.8  | Stay of Proceedings             | XV-9 |

**ARTICLE XI**  **APPEALS**

| Section 16.1  | Zoning appeals                  | XVI-1 |
| Section 16.2  | Validity of Ordinance; Procedural Questions | XVI-1 |
| Section 16.3  | Validity of Ordinance Substantive Questions | XVI-1 |
| Section 16.4  | Procedure to Obtain Preliminary Option | XVI-4 |

**ARTICLE XVII**  **APPEALS TO COURT**

| Section 17.1  | Land Use Appeals                | XVII-1 |
| Section 17.2  | Jurisdiction and Venue on Appeal: Time for Appeal | XVII-1 |
| Section 17.3  | Appeals to court: Commencement: Stay of Proceedings | XVII-1 |
| Section 17.4  | Intervention                    | XVII-2 |
| Section 17.5  | Hearing and Argument of Land Use Appeal | XVII-2 |
| Section 17.6  | Judicial Relief                 | XVII-3 |

**ARTICLE XVIII**  **AMENDMENTS TO THE ZONING ORDINANCE**

| Section 18.1  | Declaration of Public policy    | XVIII-1 |
| Section 18.2  | Power of Amendment             | XVIII-1 |
| Section 18.3  | Who May Initiate               | XVIII-1 |
| Section 18.4  | Notice of Hearings             | XVIII-2 |
| Section 18.5  | Approval of Amendment          | XVIII-2 |
| Section 18.6  | Citizens Protest Against Amendments | XVIII-3 |
| Section 18.7  | Curative Amendments            | XVIII-3 |

**ARTICLE XIX**  **LEGAL STATUS PROVISIONS**

| Section 19.1  | Interpretation                  | XIX-1 |
| Section 19.2  | Separability                    | XIX-1 |
| Section 19.3  | Repealer                        | XIX-1 |
| Section 19.4  | Effective Date                  | XIX-1 |
| Section 19.5  | Enactment                       | XIX-2 |

**APPENDIX**

- Appendix A - Variance Procedure
- Appendix B - Special Exception Procedure
- Appendix C - Procedure for Amending the Zoning Ordinance
- Appendix D - Schedule of Uses
ARTICLE I

TITLE AND OBJECTIVES

Section 1.1  
Short Title

This Ordinance shall be known and cited as the "Turbot Township Zoning Ordinance".

Section 1.2  
Objectives

There is hereby established a new comprehensive zoning plan for the Township which plan is set forth in the text and map form that constitute This Ordinance. Said plan is adopted in the interest of protecting and promoting the public health, safety, morals, and general welfare, and shall be deemed to include the following related and specific community development objectives, among others as may be stated in the "Turbot Township Comprehensive Plan".

A. To preserve agricultural and rural qualities of open lands.

B. To guide and regulate the orderly growth, development and redevelopment of the Township, in accordance with a comprehensive plan of long-term objectives, principles, and standards deemed beneficial to the interest and welfare of the people.

C. To protect the established character and the social and economic well-being of both private and public property.

D. To promote, in the public interest, the utilization of land for the purposes for which it is most appropriate, and to provide maximum protection of residential areas.

E. To secure safety from floods, water pollution, and other dangers, and to provide adequate light, air, and convenience of access.

F. To encourage and facilitate the provision of adequate and efficient public facilities, service, and utilities.

G. To lessen and, where possible, to prevent traffic congestion on public streets and highways so as to promote efficient and safe circulation of vehicles and pedestrians.

H. To conserve the value of buildings and to enhance the value of land throughout the Township.
Section 1.3 Purpose

This ordinance has been prepared in accordance with the comprehensive plan for Turbot Township including the purpose and objective of such plan as stated therein. The provisions of This Ordinance has been designed to:

A. To promote, protect, and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historical values in the environment and preservation of forests, wetlands, aquifers and floodplains.

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

C. To preserve prime agricultural and farmland considering topography, soil type and classification, and present use.

D. To provide for the use of land within the Township for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that This Ordinance shall not be deemed invalid for the failure to provide for any other specific dwelling type.

E. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.
ARTICLE II
DEFINITIONS

Section 2.1 Definitions

The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board. Unless otherwise expressly stated, the following words shall, for the purpose of This Ordinance, have the meaning herein indicated. Words used in the present tense include the future tense. The singular includes the plural. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. The word “lot” includes the words “plot” or “parcel”. The term “shall” is always mandatory. 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”.

1. Access Drive: A paved surface, other than a street which provides vehicular access from a street or private road to a lot.

2. Accessory Building: A building subordinate to and detached from the main building and located on the same lot with such principal use or main building.

3. 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.

4. Active Play Area: An area designed and constructed for outdoor recreational amenities, as part of the usable open space and equipped with playground apparatus.

5. Addition: Any construction which increases the size of a building or adds to the building.

6. 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 matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, or an establishment with a segment or section devoted to the sale or display of such material.

7. Adult Cabaret: A club, restaurant, bar, tavern, theater, hall or similar establishment which features male and/or female entertainers whose performance includes “specified sexual activities” and/or reveals or displays “specified anatomical areas”.

II-1
8. **Adult Drive-In Picture Theater:** An area open to the air and not enclosed within any building used for presenting distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein, which patrons observe such material from a location within automobiles or other motor vehicles, seated in autos or on outdoor seats.

9. **Adult Entertainment Establishment:** Adult book stores, adult cabarets, adult drive-in picture theaters, adult mini-motion picture theaters, adult motion picture theaters, adult walk-in picture theaters, amusement arcades, massage parlors, and similar establishments providing entertainment of a sexual nature, including those involved in the sale or rental of adult videos.

10. **Adult Mini-Motion Picture Theater:** An enclosed building with a capacity for less than 50 persons used at any time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

11. **Adult Motion Picture Theater:** An enclosed building with a capacity of 50 or more persons used at any time for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

12. **Adult Walk-In Picture Theater:** An area neither enclosed nor open to the sky (e.g. a pavilion, tent, etc.) where material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation of patrons therein.

13. **Agent:** Any person, other than the landowner of a lot, who, acting under specific authorization of the landowner, submits plans, data and/or applications to the Zoning Officer or other designated Township official for the purpose of obtaining approval thereof.

14. **Agricultural Business:** Any business related to the processing and sale of agricultural products or supplies or the sale and/or repair of agricultural equipment.

15. **Agriculture:** The tilling of the soil, the raising of crops, horticulture, gardening and animal husbandry.

16. **Agricultural Structure:** Any farm building or structure used for storing agricultural equipment or farm produce, housing livestock.
or poultry, or processing dairy products. Such buildings shall not be used for residential purposes.

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

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

19. Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

20. Animal Hospital: A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits and birds or fowl by a veterinarian.

21. Apartment: A dwelling unit within a multiple dwelling. This classification includes apartments in apartment houses, apartment hotels, bachelor apartments, studio apartments, and kitchenette apartments. Conversion apartments are not included in this classification.

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

23. Application for Development: Every application, whether preliminary, tentative or final, required to be filed and approved prior to 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 the approval of a development plan.

24. Appointing Authority: The mayor in cities; the board of commissioners in counties; the council of incorporated towns and boroughs; the board of commissioners in townships of the first class; and the board of supervisors in townships of the second class; or as may be designated in the law providing for the form of government.

25. 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.

26. Authority: A body politic and corporate created pursuant to the act of May, 1945 (P.L. 382, No. 164), known as the “Municipality Authorities Act of 1945".
27. **Automobile or Trailer Sales Area:** An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable conditions and where no repair work is done.

28. **Automobile Service Station or Filling Station:** A building or place or business where gasoline, oil and greases, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade at retail, and where the following services may be rendered:

   a. **Minor Repair:**
      1. Sale and servicing of spark plugs and batteries.
      2. Tire repair and servicing, but no recapping.

29. **Automotive Repair Shop:** A business for the repair of automobiles and small pick-up trucks, with no more than six (6) vehicles waiting for repair stored on the premises at any time and with all work on said vehicles being performed inside an enclosed building. All vehicles waiting for repair must be licensed and bear a valid inspection sticker. No vehicle shall remain on the premises more than ninety (90) days.

30. **Basement:** A story having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A basement shall not be considered in determining the permissible number of stories.

31. **Bed and Breakfast or Tourist Home:** A building arranged and used for lodging, with or without meals, for compensation and in which no provision is made for cooking in any individual room or suites. Any person occupying such room or rooms and paying compensation shall stay for less than a week at a time. In no case, shall more than six (6) guests occupy such building.

32. **Block:** An area bounded by streets.

33. **Board:** The Turbot Township Zoning Board.

34. **Boarding House or Lodging House:** A building arranged and used for lodging, with or without meals, for compensation and in which no provision is made for cooking in any individual room or suites. Any person occupying such room or rooms and paying compensation without pre-arrangement for less than a week at a time shall be classified for the purposes of this zoning ordinance, not as a roomer or boarder, but as a guest of a commercial lodge establishment such as a motel, hotel, or tourist home. In no
case, shall more than ten (10) individuals reside in a boarding or lodging house.

35. **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. Included shall be all mobile homes and trailers to be used for human habitation.

36. **Building Coverage:** The portion of a lot, expressed as a percentage, that may be covered by the total ground floor area of all principal and accessory buildings on a lot including covered porches, carports and breezeways.

37. **Building, Detached:** A building surrounded by open space on the same lot.

38. **Building, Height of:** The vertical distance measured from the average elevation of the proposed finished grade at the front 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.

39. **Building Line:** A line parallel to the front, side or rear lot line set so as to provide the required yard.

40. **Building, Principal:** A building in which is conducted the principal use of the building site on which it is situated. In any residential district any dwelling shall be deemed to be a principal building on the zone lot on which it is located.

41. **Building Setback Line:** The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way or property line.

42. **Campground:** A tract or tracts of ground, or portion thereof, used for the purpose of providing space for two (2) or more recreational vehicles or tents for camping purposes, with or without a fee charged for the leasing, renting, or occupancy of such space.

43. **Carport:** A covered space, open on three (3) sides, for the storage of one (1) or more vehicles and accessory to a main or accessory building.

44. **Cartway:** The surface of a street or alley available for vehicular traffic.

45. **Carwash:** Any building or premises used for washing automobiles or other motor vehicles.
46. **Cellular Telephone Towers & Antennas:** Cellular telephone towers and antennas shall be defined to include any and all structures of any type intended to convey, transmit, send or receive signals for residential, individual or commercial purposes.

47. **Clear Site Triangle:** An area of unobstructed vision at street intersections or street and driveway intersections defined by lines of sight between points at a given distance from the intersection of the street and/or driveway centerline.

48. **Club or Fraternal Organization:** An organization catering exclusively to members and their guests in premises or buildings for social, recreational, or administrative purposes, which are not conducted for profit. Clubs shall include but need not be limited to service organizations, fraternal organizations, as well as social, athletic or similar groups.

49. **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 the particular development, not including streets, off-street parking areas and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.

50. **Community System:** A central water or sewerage system, the rates and service of which are not controlled by a government authority.

51. **Completely Dry Space:** A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

52. **Conditional Use:** A use permitted in a particular zoning district pursuant to the provisions in This Ordinance.

53. **Condominium:** A building, a group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

54. **Construction:** The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure including the placement of mobile homes.

55. **Correction Facility:** An institution for the housing or persons accused of or having been convicted of committing criminal offenses of a serious nature.

56. **Coverage:** That portion or percentage of the plot or lot area covered by the building area.
57. **Cross-walk:** A right-of-way, publicly or privately owned, intended to furnish access for pedestrians.

58. **Curb-level:** The officially established grade of the curb in front of the mid-point of the lot.

59. **Day Care Center:** A center which provides daytime care or instruction for 7 or more persons and operates on a regular basis. Day care service may include nursery schools and preschools, but shall not include services provided by a physician or nurse, or facilities operated primarily for education, or care classified as a nursing home or retirement village.

60. **Decibel:** The unit of measurement for the relative loudness of sounds to each other, being approximately the smallest degree of difference detectable by the human ear.

61. **Decision:** Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies.

62. **Deck:** Elevated Flooring extending from a building or other structure, not enclosed.

63. **Density:** The average number of persons, families or dwellings per unit of area (acre, square mile, etc.).

   - **Net Residential density.** Density of the building site.
   - **Gross residential density.** Density of the building site plus traversing streets, alleys and drives, open space and one-half of bounding streets.

64. **Determination:** Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

   a. the governing body,
   b. the zoning hearing board, or
   c. the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary for final plan under the subdivision and land development ordinance or planned residential development ordinance or planned residential development provisions. Determination shall be appealable only to the boards designated as having jurisdiction for such appeal.

65. **Developer:** Any landowner, co-landowner by virtue of a partnership, corporation, or other legal entity, 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.

66. Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging, drilling operations and the subdivision of land.

67. Development Plan: The provisions for development of a planned residential development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities. This phrase "provisions of the development plan" when used in this act shall mean written and graphic materials referred to in this definition.

68. Dismantled and Non-operable Vehicle: A vehicle which does not display the current Pennsylvania State Inspection Certification or is manifestly incapable of being locomotive in its existing condition.

69. Drive-In Service Places: An establishment or activity where patrons are served with food, soft drinks, ice cream, and similar confections or where patrons are provided with professional, commercial, or personal services, outside the confines of the principal building, or in vehicles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided for the patrons. Drive-in theaters shall be included.

70. Driveway: A vehicular way for entrance and exit to a property and circulation within the property.

71. Dwelling: A building or structure designed for living quarters for one (1) or more families, which shall be permanently affixed to a permanent, full and complete masonry foundation underlying every portion of said Dwelling, except spaces as shall be required for access to and from a cellar or the area of the enclosed foundation. The foundation shall be erected on a concrete footer, below the frost line. Placement of a Dwelling on piers, pillars, cement blocks, jacks, or any other type of partial support, shall not be considered a permanent, full and complete masonry foundation.

72. Dwelling Group: A group of two (2) or more single-family, two-family or multi-family dwellings occupying a lot in one ownership.

73. Dwelling Multi-family: A building used by three (3) or more families living independently of each other and doing their own cooking, including apartment house, row houses, or townhouses.
74. **Dwelling, Single-family, Attached (Row):** A building used by one (1) family, and having two (2) party walls in common with other buildings (such as row house or townhouses).

75. **Dwelling, Single-family, Detached:** A building used by one (1) family, having only one (1) dwelling unit and having two (2) side yards.

76. **Dwelling, Single-family, Semi-detached:** A building used by one (1) family, having one (1) side yard, and one (1) party wall in common with another building.

77. **Dwelling, Two-family, Detached:** A building used by two (2) families, with one (1) dwelling unit arranged over the other and having two (2) side yards.

78. **Dwelling, Two-family, Semi-detached:** A building used by two (2) families, with one (1) dwelling unit arranged over the other and having two (2) side yards.

79. **Dwelling Unit:** One (1) or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one (1) family.

80. **Easement:** Authorization by a property owner for use by another of any designated part of his property for a specified purpose.

81. **Easement, Utility:** A right-of-way granted for limited use of land for public or quasi-public purpose.

82. **Essential Services:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies or private corporations under contract to a municipality, of gas, electrical, telephone, steam or water transmission or distribution system, and sewer, including buildings, enclosures, wells, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic light signals, hydrants, and other similar equipment and accessories and services in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or private corporations under contract to a municipality including firehouses or fire companies and emergency services under agreement with the municipality or for the public health or safety or general welfare. This definition excludes cellular/wireless towers and antennas; defined elsewhere.

83. **Essentially Dry Space:** A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.
84. **Facility Boundary**: The property lines of the lot, parcel, tract or group of lots, parcels or tracts upon which any non-residential structure or use is proposed.

85. **Facility Site**: All contiguous land owned or under control of an owner or operator of a waste storage or processing facility.

86. **Family**: One (1) or more persons related by blood, marriage, or adoption, and in addition any domestic servants and gratuitous guests thereof or a group of not more than three (3) persons who need not be related and, in addition domestic servants or gratuitous guests thereof who are living together in a single dwelling unit and maintaining a common household with a single cooking facility. A roomer, boarder or lodger shall not be considered a member of the family. If three (3) unrelated persons live in a dwelling unit, all must sign any lease jointly renting the unit to qualify as a family.

87. **Flea Market**: A market open to members of the general public with vendors gathered together to sell produce, meats, fruits, vegetables, prepared foods, clothing, books, small appliances, hardware, furniture, collectibles, crafts, and other similar items.

88. **Flood**: A temporary inundation of normally dry land areas.

89. **Flood Hazard Area (100 Year)**: The area, usually low lands, adjoining the channel of a river, stream, water course, or other body of water which is likely to be covered by a 100-year flood, as identified and delineated by the United States Department of Housing and Urban Development, Federal Insurance Administration. For the purpose of this Ordinance, the Flood Hazard Area is divided into a floodway, floodway fringe and general floodplain.

90. **Flood Plane**: The area, usually low lands, adjoining the channel of a river, stream, water course, or other body of standing water, which has been or may be covered by flood water and/or any area subject to the unusual and rapid accumulation of surface waters from any source (Flood Hazard).

91. **Flood Prone Area**: See Flood Plain.

92. **Floodproofing**: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

93. **Floodway**: The area within the 100-year flood hazard area represented by the channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100-year flood can be carried without substantial increases in flood heights.
94. **Floodway Fringe:** The area between the floodway and the identified boundary of the 100-year flood.

95. **Garage, Private:** A garage intended for and used for the storage of the private motor vehicles of the families resident upon the premises or by individuals residing in the immediate vicinity of the private garage.

96. **Garden Apartment:** A two (2) story multi-family dwelling, containing one (1) story dwelling units, under one ownership.

97. **Governing Body:** The Board of Supervisors of Turbot Township, Northumberland County, Pennsylvania.

98. **Grade:** Finish: The top surface elevation of lawns, drives, or other improved surfaces after completion of construction or grading operations.

   - Natural: The elevation of the original or undisturbed natural surface of the ground.
   - Subgrade: The elevation established to receive top surfacing or finishing materials.

99. **Gross Residential Density:** The number of dwelling units per acre computed by dividing the total site area into the total number of proposed dwelling units.

100. **Ground Floor:** The floor of a building nearest the mean grade of the front of the building.

101. **Group Home:** A building arranged and used for lodging and containing not more than five (5) persons and providing for the overall administration of the residents through the direction of a personal staff or for the supervision of residents by full or part-time counseling staff.

102. **Habitable Floor Area:** Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, attics, storage or utility spaces, and similar areas are not considered as a part of the habitable floor area.

103. **Halfway House:** A building providing residence to persons discharged from a correctional or rehabilitation facility, providing further rehabilitation prior to them returning to private life.

104. **Hazardous Waste:** A Waste or combination of wastes which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase on mortality or an increase in serious irreversible, or incapacitation reversible illness or health, safety or welfare or to
the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed.

105. Hearing: An administrative proceeding conducted by a board pursuant to Section 909.1 of the Pennsylvania Municipal Code.

106. Home Occupation: Any use customarily conducted entirely within a dwelling or in a building accessory thereto 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.

107. Homeowner's Association: An incorporated, non-profit organization operating under recorded land agreements through which, (a) each lot and/or home owner in a Cluster Subdivision or other described land area is automatically a member and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property and (c) the charge if unpaid becomes a lien against the property.

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

109. Hotel: A building used as the temporary abiding place of sixteen (16) or more individuals who are, for compensation, lodged, with or without meals and in which no provision is made for cooking in any individual room or suite. A hotel may include restaurants, newsstands and other accessory services primarily for serving its occupants and only incidentally the public.

110. Identified Flood Prone Area: The flood plain area specifically identified in this ordinance as being inundated by the one hundred (100) year flood. Included would be areas identified as Floodway (FF), Flood Fringe (FF), and General Flood Plain (FA).

111. Impervious Surface: That portion of a lot (expressed as a percentage) that does not absorb precipitation. All buildings, structures, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, etc. materials shall be considered impervious surfaces.

112. Industry: The manufacturing, compounding, processing, assembly, or treatment of materials, articles, or merchandise.
113. **Inoperative Condition:** A vehicle that is incapable of being propelled under its own power.

114. **Junk Car or Vehicle:** Any vehicle propelled or intended power other than human power and which is in inoperative or a partially dismantled condition. Portions of junk cars, such as hoods, fenders, radiators, rims, motors, and the like, not being utilized for the repair of a motor vehicle, shall be considered as junk.

115. **Junk Yard or Salvage Yard:** Any place where any discarded material or article such as scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers, and structures, is stored, disposed of or accumulated.

116. **Kennel:** A lot or building in which four (4) or more dogs or cats at least four months of age are kept for the purpose of protecting the animals from injury, containing the animals, and restraining entrance of other animals.

117. **Land Development:** Any of the following activities:

   a. The improvement of one (1) or two (2) or more contiguous lots, tracts, or parcels of land for any purposes involving:

      1. a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively (i.e. having been divided and allocated previously by the same land owner or developer), or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

      2. the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

   b. A subdivision of land.

   c. Excluded from this definition of land development are the following:

      1. the conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;

      2. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
3. the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subclause, an amusement park is defined as a tract or are used principally as the 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.

118. Land Use Ordinance: Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI, and VII of the Pennsylvania Municipal Code.

119. 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 conditions), a lessee having a remaining term of not less than forty (40) years, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this Ordinance.

120. Loading Space: An off-street space 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.

121. Lot: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required by the Township, having not less than the minimum area and width required by this Ordinance for a lot in the district in which such land is situated.

122. Lot Area: The area contained within the property lines of a lot as shown on a subdivision plan excluding space within any public right-of-way, but including the area of easement.

123. Lot, Corner: A lot at the junction of and abutting on two (2) or more intersecting streets or private roads or at the point of abrupt change of a single street or private road, where the interior angle is less than one hundred and thirty-five degrees (135°) and the radius of the street or private road line is less than one hundred feet (100').

124. Lot, Depth of: The average horizontal distance between the front and rear lot lines.

125. Lot, Double Frontage: An interior lot having frontage on two (2) streets.
126. Lot, Interior: A lot other than a corner lot.

127. Lot Lines: The lines bounding a lot as defined herein.

128. Lot, Minimum Width: The minimum lot width at the building setback line.

129. Lot, Non-conforming: A lot of record prior to the enactment of This Ordinance, which by reason of area or dimension does not conform to the requirements of the district in which it is located.

130. Lot or Record: A lot which has been recorded in the Office of the Recorder of Deeds of Northumberland County, Pennsylvania.

131. Lot, Reverse Frontage: A lot extending between, and having frontage on an arterial street and a minor street, and with vehicular access solely from the latter.

132. Lumber Yard: A business establishment primarily engaged in the sale of lumber and related products to contractors or the general public.

133. Minerals: The term "minerals" includes, but is not limited to, anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, soil, slag, ore, vermiculite, clay, and other mineral substances as defined by accepted geologic definition.

134. Minor Repair: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep; but not including any addition, change, or modification in construction, exit facilities, or permanent fixtures or equipment.

135. Mixed Occupancy: Occupancy of a building or land for more than one use permitted in a specific district.

136. Mobilehome or Manufactured Home: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit or in two (2) units designed to be joined into one (1) 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. The term includes park trailers, travel trailers, recreational and other similar vehicles placed on a site for more than 180 consecutive days.

137. Mobilehome Lot: A parcel of land in a mobilehome park; improved with the necessary utility connections and other appurtenances necessary for the erections theron of a single mobilehome, which is leased by the park owner to the occupants of the mobilehome erected on the lot. A mobilehome not located in a mobilehome park shall
meet the lot requirements for a single family dwelling of that district where located.

138. Mobilehome Park: A parcel of contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

139. Motel: A building or structure arranged or used for sheltering, sleeping and/or feeding of transient or overnight guests, where each unit has independent outside access and where provision may be made for limited cooking in individual rooms.

140. Municipal Authority: A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authorities Act of 1945".

141. Municipal Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

142. Municipality: The Township of Turbot, Northumberland County, Pennsylvania.

143. Natural Area: An undisturbed area, left in its natural state.

144. New Construction: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building, structure, and/or improvements, such as streets, utilities, etc. Also, for the purposes of the Ordinance, all proposed subdivision and/or land development shall be considered to be new construction.

145. Nonconforming Lot: A lot 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 reasons of such adoption or amendment.

146. 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 to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

147. Nonconforming Use: A building, structure, or premises legally existing and/or used at the time of adoption of this Ordinance, or any amendment thereto, which does not conform with the use regulations of the district in which located.
148. **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.

149. **Nursing Home:** A state-licensed institutional establishment which provides full-time convalescent or chronic nursing and/or medical care for individuals, usually the elderly. Such facilities shall not provide surgical, obstetrical or other services generally provided by a hospital.

150. **Obstruction:** Any wall, dam, wharf, embankment, levee, dike, pile abutment, 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 water might carry the same downstream to the damage of life and property.

151. **Office Building:** A building designed or used primarily for office purposes, no part of which is used for manufacturing, or for dwelling other than by a watchman or janitor.

152. **Office, Professional:** A room or rooms used for the carrying on of a profession.

153. **Official Map:** A map adopted by ordinance pursuant to Article IV of the Planning Code.

154. **One Hundred Year Flood:** A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

155. **Open Space:** The unoccupied space open to the sky on the same lot with the building not including parking lots.

156. **Outdoor Recreation Use:** Public or private outdoor recreational uses and activities, including but not limited to: campgrounds; recreational vehicle parks; marinas; day camps; picnic grounds; golf courses; boat launching and swimming areas; hiking, bike, and horseback riding trails; wildlife and nature preserves; game farms; fish hatcheries; trap and skeet ranges; and hunting and fishing areas.

157. **Patio:** An outdoor non-elevated area attached to a structure, paved or slab to be used for leisure enjoyment.

158. **Parking Lot:** A permanently surfaced area of one or more parking spaces designed or used for the parking of self-propelled vehicles.
and available to the public, whether for a fee or as an accommodation to clients or customers.

159. Parking Spaces: The space within a building, or on a lot or parking lot, for the parking or storage of one (1) automobile.

160. Partially Dismantled Condition: A vehicle which has some part missing which is ordinarily an essential component thereof.

161. Permitted Use: Any use which does not require special action by the Zoning Hearing Board or by the Board of Supervisors before a permit is granted by the Zoning Officer.

162. Personal Care Home: A state-licensed institutional facility providing supervised care services, including meals and less than full-time skilled or intermediate nursing care, for individuals usually the elderly.

163. Personal Storage Warehouse: A warehousing facility where separate storage spaces of varying sizes are available for lease or rental to the general public, usually on a self-service basis. For the purposes of its Ordinance, there shall be no residential occupancy of nor commercial sales conducted from such storage areas.

164. Planned Residential Development: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of this zoning ordinance.


166. Plant or Plan: The map or plan of a subdivision or land development, whether preliminary or final.

167. Porch: A roofed or unroofed structure projecting from the front, side, or rear wall of the building which shall have no wall more than 30 inches high and which is usually on all sides, except the side adjoining the building. It may be enclosed with screen or glass.

168. Principal Use of Structure: A building housing the main or principal use of the lot on which the building is located.

169. Private Airport: An airport, licensed by the Pennsylvania Department of Transportation, Bureau of Aviation, which is privately owned and which is not open or intended to be open to the public.
170. **Public Grounds:** Includes the following

a. parks, playgrounds, trails, paths and other recreational areas and other public areas;

b. sites for schools, sewage treatment, refuse disposal, and other publicly owned and operated facilities; and

c. publicly owned or operated scenic and historic sites.

171. **Public Hearing:** A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.

172. **Public Meeting:** A forum held pursuant to notice under the act of July 3, 1986 (P.L. 3388, No. 84), known as the "Sunshine Act".

173. **Public Notice:** Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

174. **Public or Quasi-Public Use:** Uses or structures designed, intended or arranged for the use or service of the general public, although the fees and conditions of such use may be determined and regulated by the operator thereof, e.g. Banks, Post Offices, Churches, Cemeteries, Schools, Recreational Areas, Community Centers, Firehalls, and other uses of the same general character.

175. **Public System:** A water or sewerage system which is owned and operated by a local government authority or by a local utility company adequately controlled by a governmental authority.

176. **Quarrying, Mining, and Excavation:** Quarrying, mining, and excavation shall mean, for the purpose of this Ordinance, the extraction of minerals from the surface or from waste or stock piles or from pits or banks by mining the surface materials or by removing the strata or material which overlies or is above or between them, or otherwise exposing and retrieving them from the surface, include but not limited to strip, drift and augur mining, dredging, quarrying, leeching and activities related thereto, but not including those mining operations carried out beneath the surface by means of shafts, tunnels, or other underground mining operations. Quarrying, mining and excavation specifically includes the extraction of minerals by a land owner for his own noncommercial use from land owned or leased by him; the extraction of sand, gravel, rock, stone, soil, earth or fill from borrow pits for any purposes, including highway construction; and any surface mining of any materials for commercial purposes. Quarrying, mining and excavation
specifically excludes the extraction of the soil where the total surface area of soil removed within any five (5) year period is less than one acre.

177. Recreation Areas: Areas for playgrounds, play fields, court games and/or swimming pools, but excluding social or fraternal clubs or clubhouses. For the purpose of this ordinance a Recreation Area is classified as a Public or Quasi-Public Use.

178. Recreation or Entertainment Facility: A profit or non-profit business in which amusement, entertainment, cultural events, play or other exercise is offered or sold. Such facilities may include but not be limited to theaters, clubs, lodges, social halls, indoor skating rinks, gymnasiums, and exercise centers.

179. Recreation Vehicle: A vehicular type of portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

180. Recreational Vehicle Park: Any site upon which two or more recreational vehicles are, or are intended to be located. This use may include the single family detached dwelling of the owner or operator of the facility. For the purpose of this ordinance a Recreational Vehicle Park is classified as an Outdoor Recreation Use.

181. Regulatory Flood Elevation: The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1-1/2) feet.

182. Renewable Energy Source: Any method, process or substance whose supply is rejuvenated through natural processes and subject to those natural processes, and remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

183. Report: Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other...
parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

184. Residual Waste: Garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations; and sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility, or air pollution control facility, if it is not hazardous.

185. Restaurant: A retail establishment where food and drink is prepared and served, primarily within the principal building. In some instances, the food is consumed on-site and in other cases, is taken out.

186. 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.

187. Right-of-way: That portion of land dedicated for use as a street. drain, ditch, stream, utility easement or cross walk.

188. 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.

189. Rooming House: See Boarding House.

190. Screening: A well maintained fence, wall, hedge, or vegetative material at least five feet (5') in height and of a density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screening is located.

191. 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.

192. 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, but not including the following:

a. Flags and insignias of any governmental agency or civic, charitable, religious, fraternal or similar organization.

b. Legal notices, identification, informational, or directional signs erected or required by governmental bodies.

c. Signs which are solely devoted to prohibiting trespassing, hunting, or fishing.
193. **Sign, Area of:** The total of each surface area used for the purpose of identifying the product(s), activities, and/or apprising the public of the location of such enterprise.

194. **Sign, Business:** A sign which directs attention to a use conducted, product or commodities sold or service performed upon the premises.

195. **Sign, Commercial Advertising or “Billboard”:** An advertising sign, structure or symbol erected and maintained by an individual or corporation upon which space there is displayed by means of painting, posting, or other method, advertising copy describing a wide variety of products or services which are not necessarily made, produced, assembled, stored or sold from the lot or premises upon which the advertisement is displayed.

196. **Sign Flashing:** A "flashing sign" is any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of This Ordinance any revolving, illuminated sign shall be considered a "flashing sign".

197. **Sign, Portable:** Any sign or structure which is not securely attached to the ground or other structure.

198. **Special Use (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 permission or special exception is granted by the Turbot Township Zoning Hearing Board in accordance with standards contained in This Ordinance, provided generally that the specific application of the use would not prove injurious to the public interest.

199. **Specified Anatomical Areas:** For the purposes of this Ordinance, such areas shall include less than completely and opaquely covered: human genitals, pubic region; buttock; female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

200. **Specified Sexual Activities:** For the purpose of this Ordinance, such activities shall include sexual stimulation or arousal of human genitals; acts of human masturbation, oral sex, sexual intercourse or sodomy; and/or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

201. **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 be no floor above it, then the space between such floor and the ceiling next above it.
202. **Story, Half:** A story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not over two feet (2') above the finished floor of such story.

203. **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.

204. **Structural Alteration:** Any change in the structural members of a building, such as walls, columns, beams or girders, or an addition to any structure.

205. **Structure:** Any combination of materials which form a construction, including but not limited to buildings, flagpoles, stadiums, platforms, towers, sheds, storage bins, fences exceeding four feet (4') in height, signs, sign posts, lights, and light standards for other than residential use but excepting patios, driveways, walks, and parking area at yard grade.

206. **Subdivision:** 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, partition by the court for distribution to heirs of devises, 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 ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

207. **Substantially Completed:** Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to section 509) 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.

208. **Surface Mining:** Surface mining shall mean the extraction of minerals from the earth or from waste or stock piles or from pits or banks by removing the strata or material which overlies or is above or between them or otherwise exposing and retrieving them from the surface, including but not limited to strip, drift, and auger mining, dredging, quarrying, leaching and activities related thereto, but not including those mining operations carried out beneath the surface by means of shafts, tunnels, or other underground mine openings. "Surface mining" shall not include (i) the extraction of minerals (other than anthracite and bituminous coal) by a landowner for his own non-commercial use from land owned or leased by him; nor (ii) the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction.
purposes, so long as such work is performed under a bond, contract and specifications which substantially provide for and require reclamation of the areas affected in accord with DEP requirements.

209. **Swimming Pool, Private:** Any reasonably permanent pool or open tank, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than 1 ½ feet. Farm ponds and/or lakes are not included provided that swimming was not the primary purpose for their construction.

210. **Tent:** A collapsible shelter of canvas or other portable material used, when erected, for the temporary occupancy of one or more persons.

211. **Theater:** A building or part of a building devoted to the showing of moving picture or theatrical productions on a commercial basis. See Recreation or Entertainment Facility.

212. **Theater, Outdoor:** An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a commercial basis to patrons seated in automobiles or on outdoor seats. See Recreation or Entertainment Facility.

213. **Tourist Home:** See Bed and Breakfast Inn.

214. **Townhouse:** A "single-family attached dwelling" of three or more adjoining dwelling units, each of which is separated from the other by one or more unpierced firewalls from ground to roof, having individual outside access. Rows of attached townhouses shall not exceed eight dwelling units.

215. **Township:** The Township of Turbot, Northumberland County, Pennsylvania.

216. **Tract:** The area of the entire development lot (deeded as one entity) including all buildings, individual unit lots, open space, and required yards.

217. **Transferable Development Rights:** The attaching of development rights to specific lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands within the municipality where more intensive development is deemed by the municipality to be appropriate.

218. **Travel Trailer:** A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and/or vacation, having a width of less than ten feet and an overall length
not greater than 35 feet, but not to be construed as a mobile home for permanent residence.

219. **Usable Open Space:** See Common Open Space

220. **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 non-conforming use.

221. **Use. Non-conforming:** A building, structure, or premise legally existing and or used at the time of adoption of This Ordinance, or and subsequent amendment, and which does not conform with the use regulations of the district in which located.

222. **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 the Ordinance.

223. **Warehouse Facility:** A building used primarily for the storage of goods and materials, including facilities handling freight for a specific commercial or industrial operation and those facilities available to the general public (See also Personal Storage Warehouse).

224. **Waste:** A material whose original purpose has been completed and which is directed to a disposal or processing facility or as otherwise disposed in accord with PA Department of Environmental Resources definitions and regulations.

225. **Waste Disposal:** The discharge, deposit, injection, dumping, spilling, leaking, incineration or placing of any waste into or on the land or water so that such waste or any constituent or residue thereof may enter the environment or be emitted into the air or discharges into any waters, including ground waters.

226. **Waste Processing:** Any method, technique or process, including neutralization, incineration, stabilization or solidification, designed to change the physical, chemical or biological character or composition of any waste (s).

227. **Waste Storage:** The actual or intended containment of waste on a temporary basis for a period not to exceed thirty (30) calendar days, in a manner which does not constitute disposal or treatment (i.e. waste transfer station).

228. **Waste Storage or Processing Facility:** Land, structures and other appurtenances or improvements where municipal, residual, or hazardous waste disposal or processing is permitted or takes place.
229. **Waste Treatment:** A method, technique or process, including neutralization, designed to change the physical, chemical, or biological character or composition of a substance or to render the hazardous substance nonhazardous, safer for transport, suitable for recovery, suitable for storage or reduced in volume. The term includes activity or processing designed to change the physical form or chemical composition or a hazardous substance so as to render it neutral or nonhazardous.

230. **Water Survey:** An inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality.

231. **Wetlands:** Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes, but is not limited to, wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan, the United States Fish and Wildlife National Wetland Inventory and a wetland area designated by a river basin commission.

232. **Yard:** An unoccupied space, other than a court, open to the sky, on the same lot with a building or structure.

233. **Yard, Buffer:** A yard covered with vegetation and intended to provide an area of separation between different districts or uses.

234. **Yard, Exterior:** An open, unoccupied space between the buildings of a dwelling group or its accessory buildings and the project boundary or street line.

235. **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 front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building 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.

236. **Yard Interior:** An open unoccupied space between the buildings of a dwelling group or its accessory buildings, not a front, side, or rear yard.

237. **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 line of the building projected...
to the side lines of the lot. The depth of the rear line of the building shall not extend into the required rear yard.

238. 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.


240. Zoning Map: The map setting forth the boundaries of the Zoning Districts of Turbot Township which shall be part of This Ordinance.

241. Zoning Officer: The administrative officer charged with the duty of enforcing the provisions of this Ordinance.
ARTICLE III

ESTABLISHMENT OF DISTRICTS

Section 3.1 List/Name of Zoning Districts

The Township is hereby divided into the class of districts listed below:

(AR) Agricultural Residential District
(R-1) Low Density Residential District
(R-2) Medium Density Residential District
(CC) Community Commercial District
(HC) Highway Commercial District
(GU) General Use District
(FH) Flood Hazard District

Section 3.2 Zoning Map

The boundaries of the said districts are hereby established as shown on the "Turbot Township Zoning Map", which accompanies, and which, with all explanatory matter thereon, is hereby adopted and made a part of This Ordinance. A copy of said map, indicating the latest amendments, shall be kept up to date for the use and benefit of the public at the Township Municipal Building.

Section 3.3 District Boundaries

In determining the boundaries of districts shown on the Zoning Map, the following rules shall apply:

A. Where district boundaries are indicated as approximately following the center lines of streets, highways, watercourses or railroad rights-of-way or such lines extended, such center lines shall be construed to be such boundaries.

B. Where such boundaries are indicated as approximately following the property lines of parks or other publicly owned lands, such lines shall be construed to be such boundaries.

C. In all cases where a district boundary divides a lot in one ownership and more than 50% of the area of such lot lies in the less restricted district, the regulations prescribed by This Ordinance for the less restricted district shall apply to that part of the more restricted portion of said lot which lies within 30 feet of such district boundary. For purposes of this section, the more restricted district shall be deemed that district subject to regulations which: prohibit the use intended to be made of said lot; or require higher standards with respect to coverage, yards, screening, landscaping and similar requirements.
D. In all cases where a district boundary line is located not farther than 15 feet away from a lot line of record, such boundary line shall be construed to coincide with such lot line.

E. In all cases where dimensions are not shown on the Zoning Map, the location of boundaries shown on the map shall be determined by the use of scale appearing thereon.

F. In case of uncertainty as to the true location of a district boundary line in a particular instance, the determination thereof shall be made by the Zoning Officer. An appeal may be taken to the Zoning Hearing Board, as provided in This Ordinance.

G. The limits of a Flood Hazard District boundary shall be determined by the requirements of the United States Department of Housing and Urban Development Federal Insurance Administration Flood Insurance Study and Flood Boundary and Floodway Map. The Flood Insurance Rate Map and attachments are on file at the Turbot Township Municipal Building.

Section 3.4 Effect of Establishment of Districts

Following the effective date of This Ordinance and except as hereinafter provided:

A. No building or structure shall be erected, moved, altered, rebuilt or enlarged nor shall any land or building be used, designed or arranged to be used for any purpose or in any manner except in conformity with all regulations, requirements, and restrictions specified in This Ordinance for the district in which such building or land is located.

B. No yard or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.

C. No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith, and the remaining lot comply with all requirements prescribed by This Ordinance for the district in which said lot is located. No building permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with all provisions of This Ordinance.

D. Nothing contained in This Ordinance shall require any change in the plans, construction, or designated use of a building complying with local laws in force prior to This Ordinance, if the following is found to exist:
1. A building permit shall have been duly issued prior to the
date of first publication of notice of the public hearing on
This Ordinance:

2. The entire building shall have been constructed in accordance
with such plans as have been filed with the Township and
shall have been completed within One (1) year from the
effective date of This Ordinance.

E. Any use not permitted by This Ordinance shall be deemed to be pro-
hibited. Any list of prohibited uses contained in any section of
This Ordinance shall not be deemed to be an exhaustive list but
has been included for the purposes of clarity and emphasis, and to
illustrate, by example, some of the uses frequently proposed that
are deemed undesirable and incompatible and thus prohibited.
ARTICLE IV
(AR) AGRICULTURAL RESIDENTIAL DISTRICT

Section 4.1 District Use Regulations

A. Permitted Uses:

1. Single-family detached dwellings

2. Agricultural and agriculturally related operations, except as set forth in B.8 (CAFO's) including the following:
   a. Forest reserves, crop farming, milk processing, and animal husbandry provided no stable or similar animal housing or storage of manure is within fifty feet (50') of any adjoining property line.
   b. Granaries, saw mills, and similar agriculturally related activities.
   c. Vineyard and orchard farming, nurseries, greenhouses, and garden crops, and the sale of products raised on that property in a building of one-story not exceeding three thousand square feet (3,000 sq. ft.) in floor area and set back a minimum of thirty-five feet (35') from any lot line or right-of-way line.

3. Conversion of an existing structure to a two family dwelling subject to the following:
   a. There shall be two (2) points for entering and exiting each dwelling unit;
   b. Two (2) off-street parking spaces shall be provided for each dwelling unit; and
   c. Any existing on-lot effluent disposal system shall be enlarged or additional systems provided pursuant to the Pennsylvania Department of Environmental Protection's Regulations.

4. Conservation areas and structures for the conservation of open spaces, water, soil, and wildlife resources.

5. Livestock, experimental breeding, and training subject to the requirements of Section 4.1.A.2., except as set forth below in B.8 (CAFO's)

6. Sales and services of farm implements.

IV-1

8. Churches and similar places of worship, parish houses, parsonages, and convents.

9. Dog Kennels and animal hospitals, provided that:
   a. Buildings used for dog kennels and animal hospitals, including exercise yards, shall not hereafter be erected within fifty feet (50') of any property line.

10. Cemeteries and related uses provided no graves or structures shall be located within fifty feet (50') of any property line of the cemetery and shall be provided along all property lines of the cemetery, excluding the street property line.

11. Public Schools

12. Accessory buildings and uses customarily incidental to a permitted use.

13. Boarding houses, bed and breakfasts, and rooming houses.

14. Taxidermy Shops

15. Cellular telephone towers/antennas.
   a. The location of a tower is subject to Township/PennDot discretion. If no suitable location is found on a particular parcel, the installation may be denied.
   b. Adequate liability insurance in an amount determined by the Township shall be obtained by the property owner, naming the Township as additional insured.

B. Special Exceptions

1. Outdoor recreational facilities such as playgrounds, fishing and hunting clubs, golf clubs, golf driving ranges, ski lodges, tennis courts, boat clubs and similar activities, subject to the following conditions:
   a. That such use shall occupy a lot with an area of not less than five (5) acres.
   b. That exterior lighting, other than that essential for the safety and convenience of the users of the premises shall be prohibited. All exterior lighting shall be shielded from adjacent properties.
c. That adequate screening, as determined by the Township, shall be provided along all property lines adjacent to a residential use or Township of State Road.

d. Adequate liability insurance in an amount determined by the Township shall be obtained by the property owner, naming the Township as additional insured.

2. Riding Stables, subject to the following:

a. No stable or similar animal housing or storage of manure is within fifty feet (50') of any property line.

3. Campgrounds, trailer or recreational vehicle camp, subject to the following:

a. All such camp sites shall be planned as a unit and shall be located on a tract of land at least ten (10) acres in size. This said site shall be in single ownership or under unified control.

b. Access to the campground shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets.

Each campground shall be provided with at least two (2) points of ingress and egress and a distance of at least 150 feet shall be maintained between centerlines of access streets.

c. Where a private street or streets are proposed, there shall be installed as a minimum a six inch (6") base to consist of rolled stone or, in the alternate, an eight inch (8") base of rolled shale, and twenty feet (20') in width. Any proposed street shall not exceed a grade of twelve percent (12%) measured at the street center line.

d. Each individual trailer or tent site shall be a minimum of forty feet (40') wide at the set back line and at least fifty feet (50') deep. The density shall not exceed fifteen (15) individual lots per gross acre.

e. No trailer, tent, or building shall be located closer than fifteen feet (15') to any internal street or closer than fifty feet (50') to any public road or property line.

f. All campgrounds shall provide not less than twenty percent (20%) of the total land area devoted toward the campground for usable open space purposes. Usable open
space shall be so located as to be free of traffic hazards and be centrally located and easily accessible to all campers, where the topography permits.

1. Exposed ground surfaces must be adequately protected to prevent soil erosion and the emanation of excessive dust during dry weather.

2. Campgrounds shall be maintained free of vegetation and growth which is poisonous or which may harbor rodents, insects, or other pests harmful to man.

g. No campground permit shall be issues until the sewage disposal and water distribution systems for the campground have been approved by the Pennsylvania Department of Environmental Protection.

h. All means of ingress and egress shall be adequately lighted and shall be placed in a manner which will not cause direct glare into adjacent homes or properties.

i. All campgrounds shall make adequate provisions for controlling surface drainage.

4. Quarrying, Mining, and Excavation Operations

Such facilities shall comply with all regulations generally applicable to special exception uses, shall provide all information required as part of the application, and shall in addition comply with the following requirements:

a. Quarrying, mining and excavation operations shall not be permitted in:

1. Jurisdictional wetlands.

2. Soils classified as Class I and Class II Agricultural lands by the Soil Conservation Service.

3. Exceptional value watersheds.

4. Well-head and Aquifer protection areas.

5. Within 900 feet of any body of surface water.

6. Within an agricultural security area or within ½ mile of an agricultural security area.

b. Application: All application shall provide ten (10) copies of the required studies and reports including, but not limited to, a traffic study, environmental impact
study, air quality study, acoustics study, and a hydrogeologic study, and an accurate survey plan at a scale of not less than one (1) inch equals four hundred (400) feet or less, showing the location of the tract or tracts of land to be affected by the proposed operation. The survey shall be sealed by a registered professional engineer or registered professional engineer or registered professional land surveyor, and shall include the following:

1. Names of owners of the land and any tenants or lessees who may be involved in the proposed operation. If a partnership, joint venture or corporation, the names of all joint ventures, limited and general partners, corporate officers, and shareholders of more than 5% of the shares shall be provided.

2. The boundaries of the tract of land and of the proposed affected area (including areas designated to be quarried, mined or excavated and areas for associated, related or accessory use).

3. The location and names of the types of resource to be quarried, mined or excavated, and all natural and manmade features such as streams, roads, railroads, buildings, utility lines, prime agricultural soils, wetlands, agricultural security areas, and areas of environmental concern.

4. The locations of all buildings within 1,000 feet of the property lines of the tract or tracts and the names and addresses of owners and present occupants, and the location of all rights-of-way and easements, abutting and/or adjacent zoning districts and land uses.

5. The proposed mining plan, showing specific stages and facilities, areas affected, phasing and time schedule and reclamation plan.

c. Standards for Special Exceptions: All quarrying, mining and excavation operations shall be subject to the following standards:

1. The applicant shall obtain any and all required licenses and permits require from the Pennsylvania Department of Environmental Protection, Environmental Protection Agency, or any other applicable County, State of Federal Agency, including the Susquehanna
River Basin Commission, if applicable prior to the Zoning Hearing Board granting the special exception.

2. Grading, backfilling and replacement of all overburden material shall be conducted in a manner which will restore the premises to the same or more suitable condition and/or usable grade as existed on the original site.

3. The Zoning Hearing Board may require that all or portions of the site be enclosed with a fence to ensure the general welfare and public safety. The Board may also require visual and acoustic screening.

4. Quarrying, mining, and excavation operations, including drilling and blasting, shall not be conducted on a Sunday, and shall not be operated earlier than 7:00 A.M. and not later than 7:00 P.M. during the remainder of the week.

5. All such quarrying, mining and excavation operations shall provide a detailed erosion and sediment control plan, approved by the Northumberland County Conservation District.

6. All such quarrying, mining, and excavation operations shall provide a detailed stormwater management plan, assuring that neither the volume nor velocity of stormwater runoff shall exceed the predevelopment conditions. All stormwater management plans shall be approved by the Northumberland County Conservation District and/or the Northumberland County Planning Department.

7. The side walls of any quarrying, mining, and excavation operation which are not completely backfilled shall have a slope no greater than one (1) foot of vertical distance for each two (2) feet of horizontal distance.

8. Dust and debris from any quarrying, mining or excavation operations shall not be permitted to accumulate within any right-of-way of any public road.

9. The operation of the proposed facility shall at all times comply with all applicable Municipal, County, State and Federal laws, ordinances, statutes or regulations. Failure to maintain compliance with all applicable laws, ordinances, statutes, and regulations shall cause approval by the Zoning
Hearing Board to be null and void, and such approval may only be renewed after public hearing and action on an application by the Zoning Hearing Board.

10. The proposed use shall not increase the background level of air quality or odors beyond the level which exist on the site prior to the proposed operation, as set forth in the air quality study.

11. The proposed use shall not create an increase in the noise level in excess of five (5) decibels over the background noise level which exists on the site prior to the proposed operation, as set forth in the acoustics study. All noise levels are to be measured at the property boundary line. Noises or increases in noises in excess of any level established by the Federal, State, County, or Township laws or regulations shall not be permitted.

12. The proposed use shall not permit the emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration, glare, or similar substances or conditions which may endanger the health, safety or general welfare, or which can cause any destruction or damage to persons or property beyond the boundary line of the proposed use.

13. The proposed use shall not injure or detract from the lawful existing or permitted use of the neighboring properties.

5. Waste storage or processing facilities (including transfer stations)

a. No facilities considered for Special Exception under this section shall be processed unless fully permitted by the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, and such other Federal or State Agencies as required under the applicable enabling Statutes.

b. All facilities considered for Special Exception under this section shall not be sited in the following locations (All Distances from the facility or structure shall be measured from the property line(s) of the facility):

1. Within ¼ mile of a well or spring used for a community or private water supply.
2. Within \( \frac{1}{2} \) mile of either side of a stream or impoundment for a distance of 5 stream miles upstream of a surface water intake for community water supply.

3. Within \( \frac{1}{2} \) mile of an offsite private or noncommunity public water supply, in accordance with 25 Pa. Code 269.21. (a) (3), and 25 Pa. Code 269.21 (b) (1), (2) & (3).

4. Within any 100 year flood plain or a larger area that the flood of record has inundated.

5. Within 900 feet of any wetland areas.

6. Over any active or inactive oil or gas wells or storage areas.

7. Over any formations of carbonate bedrock.

8. Within \( \frac{1}{2} \) mile of any National Landmark or historic site as listed on the National Register of Historic Places.

9. Within \( \frac{1}{2} \) mile of any Agricultural Security Area.

10. In farmlands, identified as Class I or Class II agricultural lands by the Soil Conservation Service.

11. Within \( \frac{1}{2} \) mile of any School, Church, Hospital, Clinic, Daycare Facility, Prison, Jail, Halfway House, Rehabilitation Facility, Airport, Retail Center, Nursing Home, of Government Building.

12. In Watersheds of Exceptional Value Waters.

13. Within \( \frac{1}{2} \) mile of any designated Well-head Protection Area, or designated Aquifer Protection Area.

14. Within \( \frac{1}{2} \) mile of persons certified as "at-risk" by at least two (2) physicians licensed by the Commonwealth of Pennsylvania.

15. Within \( \frac{1}{2} \) mile of an R-1 zone or any other zone designated for residential purposes.

c. All facilities considered for Special Exception under this section shall submit a "Community and Environmental Impact Analysis, which shall consist of the following:

1. Hydrologic Analysis and Information.
2. Information concerning Geologic conditions.
3. Soils Classification Information.
4. Information on Mineral Bearing Areas.
5. Land Use Impacts.
6. Information concerning Transportation Impacts.
8. Economic Impact Analysis, including specific information concerning impacts upon Agriculture.
9. Air Quality Impact Analysis, including specific information concerning impacts upon human health, animals, and vegetation.

d. All facilities considered for Special Exception under this section shall submit the following information for the site:

1. A description of the specific types of wastes the applicant proposes to accept for treatment, processing or disposal at the site.

2. A description of the specific technology and procedures the applicant proposes to treat, process and dispose of the facility.

3. Preliminary specifications and architectural drawings of the proposed facility.

4. An approved site or land development plan.

5. A statement of qualifications to operate a waste disposal facility.

6. A complete compliance history for any and all facilities owned and/or operated by the Applicant, any parent, subsidiary or cooperative owner/operator of waste treatment, processing or disposal facilities, as per PaDER Form HW-C, Compliance History Instructions.

7. Any and all information supplied to the Pa. Department of Environmental Protection or the U.S. Department of Environmental Protection or the U.S.
Environmental Protection Agency regarding the proposed site and/or facility.

8. The names and addresses of any person, corporation or partnership having any financial interest in the construction, permitting, operation or closure of such facility.

9. Any and all royalty and/or contingent payment agreements related to siting, permitting or operation of such facility.

10. All documents required by Federal and/or State Law regarding registered lobbyist(s) acting on behalf of the applicant or any related party.

11. All insurance policies, closure accounts and or documents relating to self-insurance for the subject application.

12. A proposed siting agreement specifying the terms, conditions and provisions under which the facility shall be constructed, maintained and operated, including but not limited to the following terms, conditions and provisions:

   a. Facility construction and Maintenance Procedures.

   b. Operating procedures and practices, the design of the facility and its associated activities.

   c. Monitoring procedures, practices and standards necessary to assure and continue to demonstrate that the facility will be operated safely.

   d. The services to be offered by the applicant to the community.

   e. The compensation, services and special benefits to be provided to the community by the applicant and the timing and conditions of their provisions.

   f. Provisions for renegotiation of any term, condition or provision of the siting agreement, or of the entire agreement.

   g. Provisions for resolving any disagreements in the construction and interpretation of the siting agreement that may arise between the parties.
h. Provisions for compensation to be paid to abutting landowners, residents, occupants, or impacted communities. Landowners, residents or occupants.

i. Provision for direct monetary payments to the Township and special services to be provided for demonstrable adverse impact.

j. Provision to assure the health, safety, comfort, convenience and social and economic security to the Township.

k. Provision to assure the continuing economic viability of the project.

l. Provision to assure the protection of environmental and natural resources.

m. Provision to provide landowners, residents, occupants, businesses and industries for adverse economic impacts demonstrably attributable to the facility.

n. Provision to compensate the Township, the County and/or other agencies for the review costs incurred due to the applicants proposal.

o. Provision to provide site access to any and all Township/County/State/Federal employees and/or consultants regarding review of the proposal or the site.

e. All facilities considered for special exception under this section shall require a minimum of 100 Acres exclusive of 100 year floodplain, jurisdictional wetlands, Prime Agricultural Lands (USDA/SCS Class I and II soils), and steep slopes (in excess of 15% grade).

f. All facilities considered for special exception under this section shall require a minimum buffer distance of 900 feet surrounding wetlands, Class I and Class II Agricultural lands, hydric soils and groundwater recharge areas from the facility boundary.

g. No facility considered for special exception under this section shall be within 900 feet of the Susquehanna River, or any body of surface water.

h. All facilities considered for special exception under this section shall limit groundwater intake from
carbonate aquifers to a gallon per day figure determined by the Township Engineer at the time of application.

i. All facilities considered for special exception under this section proposing groundwater usage shall submit a groundwater management plan for review and approval.

j. The adequacy of all applicant submissions shall be determined by the Township Engineer and/or Consultant as designed by the Township Supervisors.

k. All applications for special exception under this section shall include the following certification:

"I the undersigned, under the pains and penalties of perjury, certify that I have personally examined and am familiar with the information submitted in this application and with the information submitted in the attached documents supporting the application, prepared by or under the direction of the developer, and that the information contained in the application and the supporting documents is true, accurate and complete."

The above application is to be signed by the Chief Executive Officer of the Application Entity.

l. Bonding requirements to be determined after application for the special exception by Turbot Township Zoning Hearing Board.

m. Standards for community and environmental impact analysis.

1. Traffic Study

A Traffic Study Shall be prepared and submitted as required by This Ordinance. The Traffic study shall contain the following:

a. A description of the traffic impact area, including its major roads and potential traffic generation rates to be determined by current traffic generation references. The traffic impact area shall incorporate all roads which will be used by vehicles which will either originate or have a destination at the proposed facility. Existing 24-hour and peak hour traffic volume data will be provided for all streets which will serve the facility, as well as any major intersections within the traffic impact area. The designation of the traffic impact area
and the intersections and roads which are to be part of the study shall be subject to review and ratification by the zoning hearing board.

b. Estimates of the total number of vehicle trips to be generated by the proposed use for a typical 24-hour period, typical A.M. and P.M. peak periods, and maximum 24-hour and peak-hour periods.

c. Assignment of future 24-hour and peak hour volumes to the road the network and other streets which will serve the proposed facility based upon the projection of increased traffic volumes with the traffic impact area.

d. Project 24-hour and peak-hour turning movements for all access points to the proposed facility at any major intersection used by traffic originating or destined for the proposed use.

e. A capacity and level of service analysis on the major intersections and the roadways which will be impacted by the additional volumes generated by the proposed use.

f. Accident analysis of all intersections and roadways within the traffic impact area. Categorized by accident type at each location.

g. Structural analysis of the intersections and roadways which will be used by traffic originating at or destined for the proposed facility, including designation of areas of inferior design, inadequate maintenance, and the ability of the existing roads to carry traffic of the roadway for access to the proposed facility.

h. A description of any street improvements which would be required in order to avoid problems of traffic congestions, traffic safety or determination to existing streets because of increased traffic volume or weight of traffic.

i. The cost estimates of any proposed improvements that may be required.

j. Description of any action proposed or offered by the applicant to correct or alleviate the impact of the proposed facility on the transportation network.
k. The report shall contain the source of standards used, a description of procedures and analysis undertaken and the recommendations and conclusions of the professionals who prepared the report.

2. Environmental Impact Study

An Environmental Impact Study shall be prepared and submitted as required by This Ordinance. The Environmental Impact Study shall describe, identify and analyze all environmental aspects of the site and of the neighboring properties which may be affected by the proposed operations or the ultimate use proposed to be conducted on the site. The environmental aspects to be reviewed include but are not limited to:

a. Underlying geology and soils, including depth, locations, types, characteristics and permeability of rock and soils types. All Class I soil types shall be mapped and identified.

b. Existing surface water, including ponds and streams, shall be mapped and identified. The analysis shall include sources and destinations of surface water runoff volumes and rates, analysis of chemical additives, erosion and sedimentation control plans, storm water runoff volumes and rates, analysis of chemical additives, erosion and sedimentation control plans, storm water management facilities for the 2, 5, 10, 25, 50 and 100 year frequency storms to prevent any increase in storm water flows.

c. Existing and proposed impervious ground cover and the extent and type of existing and proposed vegetative ground cover.

d. Existing wetlands and the changes or steps proposed which would modify or protect the existing wetlands and their continued viability.

e. Existing and proposed elevations and contours, areas of slope in excess of 15%, and proposals to prevent erosion and damage to such steep slope areas.

f. Existing and proposed potable water and sanitary or industrial sewage disposal and treatment facilities.
g. An analysis of the impact of the proposed facility on existing plant and marine species, animal species, wildfowl and other birds, drainage and runoff, ground and surface water quantity and quality, wetlands, and historic and/or archeological sites.

h. The report shall identify all critical impact areas on site or off the site which may be impacted by the proposed or ultimate use of the facility, including the impact on the critical areas, the protective measures and procedures to protect the critical areas from damage, and the actions to be taken to minimize the environmental damage to the critical areas at the site and surrounding areas during and after completion of the operation. Critical impact areas include, but are not limited to, stream corridors, streams, wetlands, slopes in excess of 15%, Class I agricultural soils, highly acidic or erodible soils, carbonate or highly fractured bedrock, aquifer recharge and discharge areas and areas of unique or protected vegetation, wildlife or historic and/or archeological significance.

3. Air Quality Study

An Air Quality Study shall be prepared and submitted as required by This Ordinance. The Air Quality Study shall include an analysis of the existing and predicted air quality levels, including smoke, odors, fumes and dust, at the site, prepared by experts acceptable to the Township. A report of the expert shall contain the sources of the information, the data and the background tests which were conducted, and the conclusions and recommendations of the professionals preparing the report which would be required to maintain the air quality at a level equal to or better than the existing background level prior to the proposed use.

4. Acoustics Study

An Acoustic Study shall be prepared and submitted as required by This Ordinance. The Study shall be prepared by an acoustic expert acceptable to the Township. The Study shall identify the existing background level of noise and the anticipated noise impact from the proposed use. The report shall contain measures of existing ambient measurements.
estimates of noise measurements to be anticipated from the type of operations and equipment which are proposed for the use, and if there are any significant increases in the noise level, the specific proposals which are part of the application which are intended to reduce the noise level emanating off the site. The study shall be based upon actual sound level measurements and estimates of potential noise impact at the boundaries of the proposed facility.

5. Hydrogeologic Study

A hydrogeologic Study shall be prepared and submitted as required by This Ordinance. The Study shall be prepared by a hydrogeologist acceptable to the Township. The Study shall evaluate the existing surface and subsurface hydrogeology, based upon historical data is inadequate. The Study shall identify ground water discharge and use; map the ground water table and analyze and delineate the effect of the proposed use on the hydrology, including surface and ground water quantity and quality.

6. Correction Facility

a. Applicants for correctional institutions shall include the following information as applicable:

1. A site plan showing the tract of ground on which the use is proposed and illustrating the location of all existing and proposed buildings or structures to be used as part of the facility;

2. A listing of the traffic, sanitary and environmental safety measures to be provided and be operational before such operations commence:

3. An indication that light fixtures to be used for security and night operations are positioned and designed to avoid directing glare on adjacent roadways and causing nuisance effects on nearby properties;

4. A formal written commitment, signed by the highest responsible official or policy board member, indicating what operational policies, practices (including the maximum inmate number), and staffing plans are to be utilized and that they will provide on-going security and control to prevent unauthorized trespass on adjacent properties or
unreasonable risk to the safety of nearby residents:

5. An Emergency Response Plan which guarantees that the facility owner will either provide directly or provide to the Township whatever supplemental equipment, personnel, and financial resources are deemed necessary by the Township to properly train and develop the necessary capability for response to fire, explosion, riot, epidemic, or other potential incident:

6. A Communications Plan, which defines in detail the manner in which Township officials, broadcast and print media, and all appropriate public safety officials will be notified and fully briefed on reportable incidents, including their ultimate disposition and preventative measures being undertaken to prevent their recurrence, as well as a mechanism for advisory input from the Township to the owner:

7. An Accountability Chart which identifies the on-site or parent organization chain-of-command by position and name; and

8. A Maintenance Plan which assures that the physical appearance of the facility will be kept in a sanitary and secure condition and will not therefore adversely effect neighboring properties.

b. All principal and accessory structures to be provided for correctional institutions shall be setback at least 100 feet from any property line. The use of buffer yards and/or screening planting may be required by the Township in accordance with this Ordinance.

c. All correctional facilities considered for Special Exception shall also conform to Section 4.1.B.5.C: d.3.4. and 12; and M.1 thru 5 of this Ordinance.

d. All permits, licenses, and approvals required from Federal or State agencies must be secured by the applicant and submitted to the Township as part of the application for the correctional institution. Revocation or suspension of any of these approvals will constitute an automatic revocation of the Township Building/Zoning Permit.

e. Nothing in this Section is intended nor shall be interpreted to attempt to regulate those aspects of
correctional institutions which are specifically regulated by the PA Department of Corrections or the U.S. Department of Justice, provided that the essential precautions are defined by such regulations in as much detail as required herein.

f. A correctional facility shall not be located within one mile of any school, church, hospital, care facility, retail center, airport, nursing home, government building, agricultural security area or residence.

7. Halfway Houses

a. Applicants for halfway house establishments shall include the following information:

1. A written commitment, signed by the responsible official indicating what operational policies, practices (including the maximum number), and staffing plans are to be utilized and that they will provide on-going security and control to prevent unauthorized trespass on adjacent properties or unreasonable risk to the safety of nearby residents:

8. Commercial Agricultural Farming Operations (CAFO'S)

A CAFO may only be permitted in an Agriculture District, and all new or expanded CAFO's shall require special exception approval from the Township Supervisors prior to the issuance of a Building/Zoning Permit for the activity. In addition, all applications for CAFO's shall satisfy the following criteria:

A CAFO is further defined as an operation exceeding the number of animals as listed below or any operation requiring a nutrient management plan.

Operations With

- 100 cows or more
- 500 hogs or more
- 5,000 turkeys or more
- 50,000 chickens or more

Sufficient buffer areas for animal housing as well as manure storage and spreading will be required to prevent degrading neighborhood residential uses.

1. All concentrated animal operations shall meet the requirements set forth in the PA Nutrient Management Regulations (effective date October 1, 1997; compliance date October 1, 1998, or as may hereafter be amended) for the preparation and submission of Nutrient Management

IV-18
plans. In particular, all such operations shall meet the standards established in the Nutrient Management Regulations pertaining to nutrient application, manure management, and manure storage facilities.

2. All applications to the Township for new or expanded concentrated animal operations shall include the following information:
   a. a detailed, written description of the type and size of operation being proposed;
   b. a site plan illustrating the proposed location of all outdoor feedlots, animal confinement buildings, manure storage facilities, and manure application areas, and their relation to existing occupied dwellings (other than the owner's residence); and
   c. a copy of the applicant's Nutrient Management Plan, reviewed and approved by the Northumberland County Conservation District, their designated Nutrient Management Specialist, or other identified agent.

3. Buildings in which livestock and/or poultry are to be housed (temporarily or permanently) shall not hereafter be erected within 50 feet of a property line nor within 25 feet of a street right-of-way, except that front yard setback requirements for agricultural structures shall be as set forth in the District Regulations. All other agricultural buildings shall be set back according to District Regulations.

4. No outdoor feedlot, compost, manure or other similar unenclosed storage shall be located closer than 100 feet to any occupied dwelling (other than the owner's residence), nor closer than 50 feet to any property line stream, water body or designated wetland.

Section 4.2 Minimum Area and Parking Regulations

The following shall be the minimum lot area and dimensions for lots in the Agricultural-Residential District. However, when on-site effluent disposal facilities are to be used, the minimum lot size may be increased by the Township Enforcement Officer or the Pennsylvania Department of Environmental Protection for factors relating to health and sanitation.

Lot Area .......................... 40,000 Sq.Ft.
<table>
<thead>
<tr>
<th>Description</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width</td>
<td>150 Feet</td>
</tr>
<tr>
<td>Lot Depth</td>
<td>200 Feet</td>
</tr>
<tr>
<td>Front Yard</td>
<td>50 Feet</td>
</tr>
<tr>
<td>Each Side Yard</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Feet Rear Yard</td>
<td>40 Feet</td>
</tr>
<tr>
<td>Height (maximum)</td>
<td>35 Ft./2 1/2 Stories</td>
</tr>
<tr>
<td>Parking</td>
<td>2 Off-Street Spaces</td>
</tr>
</tbody>
</table>

Also see Section II - Supplementary Regulations
ARTICLE V

(R-1) LOW DENSITY RESIDENTIAL DISTRICT

Section 5.1 District Use Regulations

A. Permitted Uses:

1. Single-family detached dwelling units.

2. Single-family semi-detached dwelling (duplex)

3. Planned Residential Developments in accordance with the requirements of This Ordinance.

4. Conversion of an existing structure to a two family dwelling subject to the following:
   a. There shall be two points for entering and existing each dwelling unit;
   b. Two (2) off-street parking spaces shall be provided for each dwelling unit;
   c. Any existing on-lot disposal system shall be enlarged or additional system(s) provided pursuant to the Pennsylvania Department of Environmental Protection Regulations.

5. Individual mobilehomes subject to the following:
   a. Be permanently affixed to a permanent, full and complete masonry foundation underlying every portion of said mobile home, except that a crawl space not more than six (6) feet wide may be constructed at the rear of said mobile home.
   b. The foundation shall be erected on a concrete footer, below the frost line.
   c. Placement of a mobile home on piers, pippars, cement blocks, jacks, or any other type of partial support, shall not be considered a permanent, full and complete masonry foundation.

6. Churches, and similar places of worship, parish houses, parsonages, and convents.

8. Conservation areas and structures for a conservation of open spaces, water, soil, and wildlife resources.

9. Agricultural and agriculturally related operations, excluding animal hospitals and dog kennels, but including the following:
   a. Forest reserves, crop farming, milk processing, and animal husbandry provided no stable or similar animal housing or storage of manure is within fifty feet (50') of any property line.
   b. Vineyard and orchard farming, nurseries, greenhouses and garden crops, and the sale of products raised on that property in buildings of one (1) story, not exceeding one-thousand square feet (1,000 sq.ft.) in floor area and set back a minimum of thirty-five feet (35') from any lot line or right-of-way.

10. Public and private schools, hospitals, nursing homes, day care and geriatric centers and similar institutions provided that all outside active play areas are screened from adjacent property.

11. Accessory buildings and uses customarily incidental to a permitted use.


B. Special Exceptions

1. Outdoor recreational facilities as regulated in Section 4.1.B.1.

2. Townhouses or attached dwellings subject to the following standards:
   a. Minimum Project Area: A townhouse project must contain a minimum area of five (5) acres.
   b. Per Dwelling Unit Minimum Standards:

      | Land Use                        | Minimum Standards |
      |--------------------------------|-------------------|
      | Lot Area                       | 3,000 Sq.Ft.      |
      | Interior Lot Width             | 20 Feet           |
      | Front Yard                     | 30 Feet           |
      | Side Yard for End Units        | 20 Feet           |
      | Rear Yard                      | 30 Feet           |
      | Off-Street Parking             | 2 Spaces          |
      | Height (Maximum)               | 35 Feet           |
      | Active Play Area               | 150 Sq.Ft.        |
      | Minimum Distance Between Groups or Units | 60 Feet |

V-2
c. No less than four (4) and no more than eight (8) dwellings shall be permitted in a unit or group.

d. Pennsylvania Department of Environmental Protection approved community water and sewer service shall be provided.

e. In addition to the off-street parking requirement for each dwelling, one additional off-street parking space shall be provided for each dwelling unit within the project area.

Section 5.2 Minimum Area and Parking Regulations

The following shall be the minimum lot areas and dimensions for lots in the Low-Density Residential District. However, when on-site effluent disposal facilities are to be used, the minimum lot size may be increased by the Township Enforcement Officer or the Pennsylvania Department of Environmental Protection for factors relating to health and sanitation.

**SINGLE-FAMILY DETACHED DWELLING**

<table>
<thead>
<tr>
<th>ON-SITE WATER &amp; SEWER</th>
<th>COMMUNITY WATER SYSTEM</th>
<th>COMMUNITY W &amp; SEwer SYSTEM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>30,000 Sq. Ft.</td>
<td>20,000 Sq. Ft.</td>
</tr>
<tr>
<td>Lot Width</td>
<td>150 Feet</td>
<td>100 Feet</td>
</tr>
<tr>
<td>Lot Depth</td>
<td>180 Feet</td>
<td>150 Feet</td>
</tr>
<tr>
<td>Front Yard</td>
<td>40 Feet</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Each Side Yard</td>
<td>30 Feet</td>
<td>20 Feet</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>40 Feet</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Height (Max.)</td>
<td>35’/2 ¾ Stories</td>
<td>35’/2 ¾ Stories</td>
</tr>
<tr>
<td>Parking</td>
<td>2 Off-street Spaces</td>
<td>2-Off Street Spaces</td>
</tr>
</tbody>
</table>

**SINGLE-FAMILY SEMI-DETACHED DWELLING**

(Each Unit)

<table>
<thead>
<tr>
<th>ON-SITE WATER &amp; SEWER</th>
<th>COMMUNITY WATER SYSTEM</th>
<th>COMMUNITY WATER AND SEWER SYSTEM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>30,000 Sq. Ft.</td>
<td>20,000 Sq. Ft.</td>
</tr>
<tr>
<td>Lot Width</td>
<td>150 Feet</td>
<td>100 Feet</td>
</tr>
<tr>
<td>Lot Depth</td>
<td>180 Feet</td>
<td>150 Feet</td>
</tr>
<tr>
<td>Front Yard</td>
<td>40 Feet</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Each Side Yard</td>
<td>30 Feet</td>
<td>20 Feet</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>40 Feet</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Height (Max.)</td>
<td>35’/2 ¾ Stories</td>
<td>35’/2 ¾ Stories</td>
</tr>
<tr>
<td>Parking</td>
<td>2 Off-street Spaces</td>
<td>2 Off-street Spaces</td>
</tr>
</tbody>
</table>

Also see Section 11 - Supplementary Regulations
ARTICLE VI

(R-2) MEDIUM DENSITY RESIDENTIAL DISTRICT

Section 6.1 District Use Regulations

A. Permitted Uses:

2. Single-family semi-detached dwellings.
3. Attached dwelling residences (townhouses).
4. Multi-family structures and garden apartments.
5. Conversion of an existing structure to a two family dwelling subject to the requirements listed on Section 5.1.A.4.a, b. and c.
6. Planned residential developments in accordance with the requirements of This Ordinance.
7. Agriculture, except livestock.
8. Churches, and similar places of worship, parish houses, parsonages, and convents.
9. Public and private schools, hospitals, nursing homes, day care and geriatric centers and similar institutions provided that all outside active play areas are screened from adjacent property.
11. Accessory buildings and uses customarily incidental to a permitted use.

B. Special Exceptions

1. Outdoor recreational facilities as regulated in Section 4.1.B.1.

Section 6.2 Minimum Area and Parking Regulations

The following shall be the minimum lot areas and dimensions for lots in the Medium-Density Residential District. However, when on-site effluent disposal facilities are to be used, the minimum lot size may be increased by the Township Enforcement Officer or the Pennsylvania
Department of Environmental Protection for factors that may increase the lot size for factors relating to health and sanitation.

**SINGLE-FAMILY DETACHED DWELLING**

<table>
<thead>
<tr>
<th></th>
<th>ON-SITE WATER &amp; SEWER</th>
<th>COMMUNITY WATER &amp; SEWER SYSTEM</th>
<th>COMMUNITY WATER AND SEWER SYSTEM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>30,000 Sq. Ft.</td>
<td>17,500 Sq. Ft.</td>
<td>15,000 Sq. Ft.</td>
</tr>
<tr>
<td>Lot Width</td>
<td>150 Feet</td>
<td>100 Feet</td>
<td>100 Feet</td>
</tr>
<tr>
<td>Lot Depth</td>
<td>180 Feet</td>
<td>150 Feet</td>
<td>100 Feet</td>
</tr>
<tr>
<td>Front Yard</td>
<td>40 Feet</td>
<td>30 Feet</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Each Side Yard</td>
<td>30 Feet</td>
<td>20 Feet</td>
<td>15 Feet</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>40 Feet</td>
<td>30 Feet</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Height (Max.)</td>
<td>35 Feet</td>
<td>35 Feet</td>
<td>35 Feet</td>
</tr>
<tr>
<td>Parking</td>
<td>2 Off-Street</td>
<td>2 Off-Street</td>
<td>2 Off-Street</td>
</tr>
</tbody>
</table>

Also see Section 11 - Supplementary Regulations

**SINGLE-FAMILY SEMI-DETACHED DWELLING**

(Each Unit)

<table>
<thead>
<tr>
<th></th>
<th>ON-SITE WATER &amp; SEWER</th>
<th>COMMUNITY WATER &amp; SEWER SYSTEM</th>
<th>COMMUNITY WATER AND SEWER SYSTEM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>30,000 Sq. Ft.</td>
<td>15,000 Sq. Ft.</td>
<td>12,500 Sq. Ft.</td>
</tr>
<tr>
<td>Lot Width</td>
<td>150 Feet</td>
<td>100 Feet</td>
<td>100 Feet</td>
</tr>
<tr>
<td>Lot Depth</td>
<td>180 Feet</td>
<td>120 Feet</td>
<td>100 Feet</td>
</tr>
<tr>
<td>Front Yard</td>
<td>40 Feet</td>
<td>30 Feet</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Each Side Yard</td>
<td>30 Feet</td>
<td>20 Feet</td>
<td>10 Feet</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>40 Feet</td>
<td>30 Feet</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Height (Max.)</td>
<td>35 Feet</td>
<td>35 Feet</td>
<td>35 Feet</td>
</tr>
<tr>
<td>Parking</td>
<td>2 Off-Street</td>
<td>2 Off-Street</td>
<td>2 Off-Street</td>
</tr>
</tbody>
</table>

**Section 6.3 Attached Dwelling Residences (Townhouses)**

A. **Minimum Required**

1. Each attached dwelling residential project shall contain a minimum of forty thousand square feet (40,000 sq. ft.) of lot area.

**Per Dwelling Unit**

- Lot Area .............. 2,500 Sq. Ft.
- Interior Lot Width .... 18 Feet
- Front Yard ............. 20 Feet
- Side Yard for End Units. .... 15 Feet
- Rear Yard .............. 30 Feet
### Multiple Dwelling Residence (Garden Apartments)

#### A. Minimum Required:

1. Each multiple dwelling residential project shall contain a minimum of forty thousand square feet (40,000 sq. ft.) of lot area in accordance with the following standards:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Dimension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width</td>
<td>150 Feet</td>
</tr>
<tr>
<td>Lot Depth</td>
<td>150 Feet</td>
</tr>
<tr>
<td>Each Side Yard (Exterior)</td>
<td>15 Feet</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>20 Feet</td>
</tr>
<tr>
<td>Front Yard</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Off Street Parking Per Dwelling Units</td>
<td>2 Spaces</td>
</tr>
<tr>
<td>Maximum Distance Between Units</td>
<td>50 Feet</td>
</tr>
<tr>
<td>Height (Maximum)</td>
<td>35 Feet (2 ½ Stories)</td>
</tr>
</tbody>
</table>

**Active Play Area Per Dwelling Unit:**

<table>
<thead>
<tr>
<th>Type</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency</td>
<td>75 Feet</td>
</tr>
<tr>
<td>1 Bedroom</td>
<td>100 Sq. Ft.</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>125 Sq. Ft.</td>
</tr>
<tr>
<td>3 or More Bedrooms</td>
<td>150 Sq. Ft.</td>
</tr>
</tbody>
</table>

2. A maximum number of dwelling units permitted shall be determined on the basis of two thousand square feet (2,000 Sq. Ft.) of lot area exclusive of public right-of-way for each dwelling unit.

3. The length of any unit shall not exceed one hundred and fifty feet (150'0")

4. Centralized water supply and sewerage shall be provided.
ARTICLE VII

(CC) COMMUNITY COMMERCIAL DISTRICT

Section 7.1  District Use Regulations

A. Permitted Uses:


2. Conversion of an existing structure to a two-family dwelling subject to the requirements listed in Section 4.1.A.3.


4. Two-family, detached dwellings.

5. Multi-family structures and garden apartments.

6. Attached dwelling residences (townhouses).

7. Agriculture and conservation, except livestock.

8. Boarding houses, bed and breakfast, or rooming houses.


10. Retail businesses, such as variety stores, apparel stores, drug stores, grocery stores, eating and drinking establishments, liquor stores, antique shops, music shops, sporting good stores, and book, stationary, magazine, candy and tobacco shops, but excluding establishments primarily designed to provide drive-in facilities.

11. Business services, such as banks, credit unions, loan companies and other financial institutions, real estate and insurance agencies, utility offices, government, business and professional office, medical or dental clinical facilities but excluding establishments primarily designed to provide drive-in facilities and veterinary clinics.

12. Personal services, such as barber shops, beauty salons, photographic studios, coin operated laundromats, tailor dress-making, millinery and dry cleaning and laundry operations, but excluding establishments primarily designed to provide drive-in facilities.
13. Repair services, such as automotive repair shops, radio, television, and appliance shops, plumbing shops, carpenter shops, upholstery shops, and shoe-repair shops.

14. Multiple use buildings provided there is a minimum lot area of ten-thousand square feet (10,000 sq.ft.) for the first use and two-thousand square feet (2,000 sq.ft.) for each additional use and in accordance with yard and setback requirements of Community Commercial Uses.

15. Accessory buildings and uses customarily incidental to a permitted use.

B. Use Standards:

Commercial uses permitted in the Community Commercial Districts shall be subject to the following conditions:

1. Along each property line which is adjacent to a Residential District or existing residence screening shall be provided as defined in This Ordinance.

2. Any illumination or flood-lighting shall be arranged so there will be no direct glare of lights upon a residence or residential district.

3. All accessory storage shall be screened from the view of public streets and from adjacent residential property.

Section 7.2 Minimum Area and Parking Regulations

All Community Commercial activities are permitted.

Minimum Area Required:
Lot Size ........................................... 10,000 Sq.Ft.
Lot Width. ........................................... 75 Feet
Lot Depth. .......................................... 100 Feet
Front Yard ........................................... 25 Feet
Each Side Yard ................................. 10 Feet
Rear Yard ........................................... 15 Feet
Height ................................................. 35 Feet
Parking. ............................................. See Article XI

All Residential Uses permitted in Section 7.1 shall be subject to the Minimum Area and Parking Regulation as listed in Article 6.2 for the Medium Density Residential District.

Also see Section 11 - Supplementary Regulations
ARTICLE VIII

(HC) HIGHWAY COMMERCIAL DISTRICT

Section 8.1 District Use Regulations

A. Permitted Uses:


2. Agricultural and agriculturally related operations as listed and regulated in Section 4.1.A.2.

3. The following uses in accordance with the Highway Commercial lot area requirements:

   a. Hotels, motels, boarding houses, bed and breakfasts, rooming houses, restaurants, commercial recreational facilities;

   b. Automotive, trailer, and mobilehome sales and services, such as service stations, repair garages, new and used car dealers, subject to the following:

      1. Entrance and exit driveways shall have an unrestricted width of not less than twelve feet (12'0") nor more than thirty feet (30'0") and shall be located not less than twenty feet (20'0") from any property line.

      2. Vehicle lifts or pits, dismantled or disabled automobiles and all parts or supplies shall be located within completely enclosed buildings or completely screened from adjacent properties.

      3. All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in completely enclosed building. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.

      4. The storage of gasoline or flammable oils in bulk shall be located fully underground and not nearer than fifty feet (50'0") from any property line other than the street line.

   c. Drive in establishments;

   d. Wholesaling, storing, and warehousing:
e. Shopping centers in accordance with the provisions of This Ordinance.

f. Retail businesses;

g. Business services;

h. Personal services;

i. Repair services; and

j. Trucking terminals and motor freight stations subject to the requirements of Section 8.1.A3.b(1), (3), and (4).

k. Churches

l. Lumber yards

m. Personal Storage Warehouses

4. Accessory uses customarily incidental to a permitted use.

B. Use Standards:

1. Subject to the use standards itemized in the Community Commercial District.

2. No driveway entrance or exit shall be located within seventy-five feet (75') of intersecting street rights-of-way.

All Highway Commercial activities are permitted.

Minimum Required:

Lot Size ................................................. 40,000 Sq.Ft.
Lot Width ............................................. 130 Feet
Lot Depth .............................................. 250 Feet
Front Yard ............................................. 50 Feet
Each Side Yard ...................................... 25 Feet
Rear Yard .............................................. 30 Feet
Building Height. ................................. 35 Ft./2 ½ Stories
Parking. ............................................... See Article XI

Also see Section 11 - Supplementary Regulations
All Community Commercial Uses permitted in Section 8.1 shall be subject to the Minimum Area and Parking Regulations as listed in Section 8.2 for the Highway Commercial District.
All Single-Family, Detached Dwellings as permitted in Section 8.1 shall be subject to the Minimum Area and Parking Regulations as listed in Section 4.2 for the Agricultural Residential District.
ARTICLE IX

(GU) GENERAL USE DISTRICT

Section 9.1 District Use Regulations

A. Permitted Uses:

1. Single-family, detached dwelling

2. Mobilehome park subject to the requirements of This Ordinance and the "Turbot Township Subdivision and Land Development Ordinance".

3. Individual mobilehomes subject to the following:
   a. Be permanently affixed to a permanent, full and complete masonry foundation underlying every portion of said mobile home, except that a crawl space not more than six (6) feet wide may be constructed at the rear of said mobile home.
   b. The foundation shall be erected on a concrete footer, below the frost line.
   c. Placement of a mobile home on piers, pillars, cement blocks, jacks, or any other type of partial support, shall not be considered a permanent, full and complete masonry foundation.

4. Agricultural and agriculturally related operations as listed and regulated in Section 4.1.A.2.

5. Federal, State, and Local Municipal Buildings and uses and essential services.

6. Livestock experimental breeding and training subject to the requirements of Section 4.1.A.2a.

7. Conversion of an existing structure to a two-family dwelling subject to the requirements of Section 4.1.3.

8. Conservation areas and structures for the conservation of open spaces, water, soil, and wildlife resources.

9. Dog kennels and animal hospitals subject to the requirements of Section 4.1.9.

10. Multiple use buildings provided there is a minimum lot area of forty thousand square feet (40,000 Sq.Ft.) for the first use
and three thousand square feet (3,000 Sq.Ft.) for each additional permitted use in accordance with the yard and setback requirements of this District.

11. Uses as listed and regulated in Section 8.1.A.3.a. through and including d.

12. Repair services.

13. The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felts, film, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals, or stones, shell, textiles, tobacco, wood, yarns, and paint not employing a boiling process.


15. Contractor's equipment, sales, services, and storage.

16. Accessory uses and buildings customarily incidental to a permitted use.

17. Flea markets.

18. Boarding houses, bed and breakfasts, and rooming houses.


B. Use Standards:

Non-Residential uses permitted in this District shall be subject to the following:

1. Along each property line which is adjacent to a lot in residential use, screening shall be provided.

2. All access roads or driveways shall be located not less than one hundred feet (100') from the intersections of any road right-of-way lines.

3. All roads, driveways, parking areas shall be improved and maintained.

4. No direct illumination shall shine on to adjacent property.

5. All accessory storage shall be screened from the view of public roads and from adjacent residences.
6. The storage of gasoline or flammable oils in bulk shall be located fully underground and not nearer than fifty feet (50') from any property line other than the street line and must comply with all applicable Commonwealth Regulations.

C. Special Exceptions

Adult Entertainment Establishments

Adult entertainment establishments or facilities may only be permitted as Special Exceptions in the GU Zone.

A. The property upon which an adult entertainment establishment is situated shall not be located within:

1. 250 feet of the boundary of any Residential District or residential property line;

2. 500 feet of the property line of any such church, school, theater, park, playground, or other areas where minors congregate;

3. 250 feet of the property line of any establishment licensed by the PA Liquor Control Board to dispense alcoholic beverages;

4. 250 feet of any restaurant, eating establishment, or grocery store, nor within

5. 500 feet of the property line of any other adult entertainment establishment.

B. Advertisements, displays, or other promotional materials for adult entertainment establishments shall not be shown or exhibited so as to be visible to the public from any street, sidewalk, or other public place.

C. All buildings, openings, entries, exits or windows for adult entertainment establishments shall be located, covered, or screened in such a manner so as to prevent a view into the interior from any street, sidewalk, or other public place. In the case of any adult drive-in or motion picture theater, viewing screens shall be situated so as to prevent observation from any street, sidewalk or other public area.

Section 9.2 Minimum Area and Parking Regulations

The following shall be the minimum lot area and dimensions for lots in the General Use District. However, when on-site effluent disposal facilities are to be used, the minimum lot size may be increased by the
Township Enforcement Officer or the Pennsylvania Department of Environmental Protection for factors relating to health and sanitation.

**PERMITTED RESIDENTIAL USES**

<table>
<thead>
<tr>
<th>Description</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>40,000 Sq.Ft.</td>
</tr>
<tr>
<td>Lot Width</td>
<td>150 Feet</td>
</tr>
<tr>
<td>Lot Depth</td>
<td>200 Feet</td>
</tr>
<tr>
<td>Front Yard</td>
<td>50 Feet</td>
</tr>
<tr>
<td>Each Side Yard</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>40 Feet</td>
</tr>
<tr>
<td>Height (Maximum)</td>
<td>35'/2 1/2 Stories</td>
</tr>
<tr>
<td>Parking</td>
<td>2 Off-Street Spaces</td>
</tr>
</tbody>
</table>

**PERMITTED COMMERCIAL AND INDUSTRIAL USES**

<table>
<thead>
<tr>
<th>Description</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>1 Acre</td>
</tr>
<tr>
<td>Lot Width</td>
<td>180 Feet</td>
</tr>
<tr>
<td>Lot Depth</td>
<td>200 Feet</td>
</tr>
<tr>
<td>Front Yard</td>
<td>60 Feet</td>
</tr>
<tr>
<td>Each Side Yard</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Height (Maximum)</td>
<td>5'/2 1/2 Stories</td>
</tr>
<tr>
<td>Building Coverage (Maximum)</td>
<td>50%</td>
</tr>
</tbody>
</table>

Also see Section 11 - Supplementary Regulations
ARTICLE X
(FH) FLOOD HAZARD DISTRICT

Section 10.1 Establishment of Flood Hazard District

A. The limits of the Turbot Township Flood Hazard District are hereby determined as those lands lying within the corridors of the West Branch of the Susquehanna River, Muddy Run, and Limestone Run as designated by the United States Department of Housing and Urban Development, Federal Insurance Administration (FIA), "Flood Boundary and Floodway Map" and "Flood Insurance Study" (FIS), on file at the Turbot Township Municipal Building.

B. A map showing all areas considered to be flood-prone is available for inspection at the Township offices. The following nomenclature is used in referring to the various kinds of flood-prone areas:

1. FW (Floodway Area) - the areas identified as "Floodway" in the Flood Insurance Study prepared by the FIA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain area where no floodway has been identified in the Flood Insurance Study prepared by the FIA.

2. FF (Flood-Fringe Area) - the areas identified as "Floodway Fringe" in the Flood Insurance Study prepared by the FIA. The term shall also include flood fringe areas which have been identified in other available studies or sources of information for those floodplain areas where no flood fringe has been identified in the Flood Insurance Study prepared by the FIA.

3. FA (General Flood Plain Area) - those floodplain areas for which no detailed flood elevations or floodway information is provided. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study prepared by the FIA. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. When such other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

Section 10.2 Determination of the 100 Year Flood Elevation in FA (General Flood Plain Areas)

To determine the "100 year flood" elevation for these areas, the elevation at a given point on the boundary of the identified flood
prone area(s) which is nearest the construction site in question will be used. In helping to make this necessary elevation determination other sources of data where available shall be used such as:

A. Corps of Engineers - Flood Plain Information Reports

B. U.S. Geological Survey - Flood Prone Quadrangles

C. U.S.D.A., Soil Conservation Service - County Soil Surveys (Alluvial Soils)

D. Known Highwater Marks from Past Floods

E. Other sources

In lieu of the above, the municipality shall require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers and others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township.

Section 10.3 Changes in Identification of Flood-Prone Areas

The areas considered to be flood-prone may be revised or modified by the Township where studies or information provided by a qualified agency or person documents the need or possibility for such revision.

No modification or revision of any area identified as being flood-prone in Flood Insurance Study prepared by the Federal Insurance Administration shall be made without prior approval from the Federal Insurance Administration.

Section 10.4 District Applicability

A. The Flood Hazard District shall be deemed an overlay on any Zoning District now or hereafter applicable to any lot.

B. Where there happens to be any conflict between the provisions or requirements of any of the Flood Hazard Districts and those of any underlying District, the more restrictive provisions and/or those pertaining to the Flood Hazard District shall prevail.

C. Should the Flood Hazard District be declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the zoning of such lot shall be deemed to be the District in which is located without consideration of this Section.
Section 10.5 Flood Hazard District General Provisions

A. All uses, activities and development occurring within the Flood Hazard District shall be undertaken only upon the issuance of an approved Building Permit obtained from the Turbot Township Zoning Officer.

B. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dam Safety Obstruction and Storm Water Management.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the municipality prior to the alteration or relocation of any watercourse.

Section 10.6 Floodway (FW) District (Within Flood Hazard District)

A. Permitted Uses

Within any designated floodway (FW) area, no new construction, development, use activity, or encroachment of any kind, shall be allowed, (except two-wire fences), except where the rise in flood heights caused by the proposed development is fully offset by accompanying improvements which has been approved by all appropriate local and/or state authorities.

The floodway area is based on the criteria that the portion of the flood plain selected must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The floodway is shown on the Flood Boundary and Floodway map accompanying the Flood Insurance Study (FIS). The areas included are specifically defined in the Floodway Data Table of the FIS itself.

In the Floodway District, the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying District and provided that they do not require structures, fill, or storage of materials and equipment.

1. Agricultural and conservation related uses;

2. Recreational uses and activities such as parks, seasonal use camper trailers on wheels (but not for residential use) picnic
grounds, golf courses, boat launching and swimming areas, wildlife and nature preserves, and similar activities:

3. Accessory uses such as yard areas, gardens, plan areas, and previous parking areas.

B. Special Exceptions:

The following uses and activities are permitted by special exception provided that they are in compliance with the provisions of the underlying District.

1. Accessory structures except mobile homes to the uses and activities for the underlying District subject to the following:

   a. That the lowest floor, including basements, shall be at least one and one-half feet (1.5') above the one hundred (100) year flood elevation.

2. Improvements to or additions to existing structures subject to Section 10.6.B.1.a, above.

3. Utilities and public facilities and improvements limited to railroads, streets, bridges, transmission lines, and pipelines.

4. Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding and provided that such material and equipment is firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning.

Section 10.7 Floodway Fringe District (FF) (Within Flood Hazard District)

In the Floodway Fringe (FF) District, the uses, activities, and/or development shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions which follow.

Section 10.8 General Flood Plain Area (FA) (Within Flood Hazard District)

Where a flood-prone area has been identified which does not include detailed flood profiles and elevations, the uses, activities, and/or development shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions which follow.
Section 10.9 Development Which May Endanger Human Life

A. The provisions of the Section shall be applicable to and in addition to any other applicable provisions of this ordinance or any other ordinance, code, or regulation.

B. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new structure which:

1. will be used for the production or storage of any of the following dangerous materials or substances; or

2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or

3. will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric Acid
9. Hydrocyanic Acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel, oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticids)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

C. Within any Floodway Area, any structure of the kind described in Subsection B. above shall be prohibited.

D. Where permitted within any Flood-Fringe Area of General Flood-Plain Area, any structure of the kind described in Subsection B. above, shall be:

1. elevated or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above the one-hundred flood and

2. designed to prevent pollution from the structure of activity during the course of a one-hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication “Flood-Proofing Regulations” (U.S. Army Corps of Engineers, June 1972), as amended March 1992 or with some other equivalent watertight standard.

E. Within any General Flood-plain Area, and structure of the kind described in Subsection B. above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

F. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this Section.

Section 10.10 Activities Requiring Special Permits

A. The provisions of this Section shall be applicable to and in addition to any other applicable provisions of this ordinance, or any other ordinance, code, or regulation.
B. Identification of Activities Requiring a Special Permit

In accordance with the Pennsylvania Flood Plain Management Act (Act 1978-166) and regulations adopted by the Department of Community Affairs as required by the Act, the following obstructions and activities are permitted only by Special Permit, if located partially or entirely within any identified floodplain area:

1. The commencement of any of the following activities: or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
   a. hospitals
   b. nursing homes
   c. jails or prisons

2. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

C. Application Requirements

Applicants for Special Permits shall provide five (5) copies of the following items:

1. A written request including a completed Building Permit Application Form.

2. A small scale map showing the vicinity in which the proposed site is located.

3. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
   a. north arrow, scale and date;
   b. topography based upon the national Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;
   c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
d. the location of all existing streets, drives, other accessways, and parking area, with information concerning widths, pavement types and construction, and elevations:

e. the location of all existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development:

f. the location of the flood plain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities:

g. the location of all proposed buildings, structures, utilities, and any other improvements:

h. the location and boundary lines of all wetland areas; and

i. any other information which the municipality considers necessary for adequate review of the application.

4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

a. sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate:

b. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor:

c. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with one hundred (100) year flood:

d. detailed information concerning any proposed floodproofing measures;

e. cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;

f. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
g. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

5. The following data and documentation:

a. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

b. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;

c. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects;

d. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows;

e. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;

f. the appropriate component of the Department of Environmental Protection’s "Planning Module for Land Development";

g. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;

h. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of
Environmental Protection under Section 302 of Act 1978-166: and

i. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

D. Application Review Procedures

Upon receipt of an application for a Special Permit by the Township of Turbot, the following procedures shall apply in addition to all other applicable permit procedures which are already established:

1. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations.

Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment.

2. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respects the application is deficient.

3. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

4. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered mail, within five (5) working days after the date of approval.

5. Before issuing the Special Permit, the Township shall allow the Department of Community Affairs thirty (30) days, after receipt of the notification by the Department, to review the application and the decision made by the Township.

6. If the Township does not receive any communication from the Department of Community Affairs during the thirty (30) day review period, it may issue a Special Permit to the applicant.

7. If the Department of Community Affairs should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue Special Permit.
E. Technical Requirements for Development Requiring a Special Permit

In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a Special Permit. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply.

1. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

   a. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:

      1. the structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation.

      2. the lowest floor elevation (including basement) will be at least one and one-half (1-1/2) feet above the one hundred (100) year flood elevation.

      3. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.

   b. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

2. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community Affairs.

F. Within any identified floodplain area, any structure of the kind described in Subsection B. above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
G. Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this Section.

Section 10.11 Elevation and Floodproofing Requirements

A. Residential Structures

1. Within any FW, FF, or FA area, the lowest floor (including basement) of any new residential structures shall be at least one and one-half (1-1/2) feet above the one hundred (100) year flood elevation.

2. Within all FW, FF, or FA areas, the fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Non-residential Structures

1. Within any FW, FF, or FA area, the lowest floor (including basement) or any new non-residential structure shall be at least one and one-half (1-1/2) feet above the one hundred (100) year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

2. Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one-half (1-1/2) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled “Flood-Proofing Regulations” published by the U.S. Army Corps of Engineers. (June 1972), as amended March 1992 or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement.
certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

3. Within all FW, FF, or FA areas, the fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirements must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Section 10.12 Design and Construction Standards (Flood Hazard District)

The following minimum standards shall apply for all construction proposed to be undertaken within any identified flood-prone area:

A. Fill

If fill is used, it shall:

1. extend laterally at least fifteen (15) feet beyond the building line from all points.

2. consist of soil or small rock materials only. Sanitary Landfills shall not be permitted.

3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.

4. be not steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Zoning Officer.

5. be used to the extent to which it does adversely affect adjacent properties.

6. not raise the level of the one hundred (100) year flood.
B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Sanitary Sewer Facilities

All new or replacement water sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment. All treatment facilities shall be one and one-half (1-1/2) feet above the one hundred (100) year flood plain.

D. Water Facilities

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

E. Streets

The finished elevation of proposed new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Utilities

All utilities such as gas lines, electrical and telephone systems being placed in identified flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

G. Storage

No materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, shall be stored below the Regulatory Flood Elevation.

H. Placement of Buildings and Structures
All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

I. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

J. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.

4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

K. Paints and Adhesives

1. Paints and or other finishes used at or below the Regulatory Flood Elevation shall be of a "marine" or water-resistant quality.

2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or water-resistant quality.

3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or water-resistant point or other finishing material.

L. Electrical Systems and Components

1. All electric water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or
apparatus shall not be located below the Regulatory Flood Elevation.

2. Electrical distribution panels shall be placed at least three (3) feet above the one hundred (100) year flood elevation.

3. Separate electrical circuits shall serve lower levels and shall be dropped from above.

M. Plumbing

1. Water heaters, furnaces, and other critical mechanical equipment or apparatus shall not be located below the Regulatory Flood Elevation.

2. No part of any on-site sewage disposal system shall be located within any identified flood-prone area.

3. Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters.

4. All gas and oil supply system shall be designed to prevent the infiltration of flood waters into system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

Section 10.13 Special Requirements for Mobile Homes or Manufactured Homes

A. All mobile homes and any additions thereto shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards Institute and National Fire Protection Association Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 (ANSI A119.3-1975)) as amended for Mobile Homes in Hurricane Zones or other Appropriate Standards such as the following:

1. over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties perside at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.

2. frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.
3. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

B. All mobile homes and any additions thereto shall also be elevated in accordance with the following requirements:

1. The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be at least one and one-half (1-1/2) feet above the one hundred (100) year flood elevation.

2. Adequate surface drainage is provided.

3. Adequate access for a hauler is provided.

4. Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

5. Placed on a permanent foundation.

C. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township for mobile home parks and mobile home subdivisions where appropriate.

D. No mobile homes shall be placed in any designated Floodway area.

Section 10.14 Existing Structures in Flood-Prone Areas

Structures existing in any identified flood-prone area prior to the enactment of this Ordinance, but which are in compliance with these provisions, may continue to remain subject to the following:

A. Existing structures located in any identified floodway area shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying stream improvements.

B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance.
Section 10.15 Special Exceptions and Variances

A. Additional Factors to be Considered in a Flood Hazard District:

In passing upon applications for Special Exceptions and Variances, the Zoning Hearing Board shall consider all relevant factors and procedures specified in other sections of the Zoning Ordinance and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development, or activity within any FW floodway area that will cause any increase in flood levels during the one hundred (100) year flood.

2. The danger that materials may be swept on to other lands or downstream to the injury of others.

3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

5. The importance of the services provided by the proposed facility to the community.

6. The requirements of the facility for a waterfront location.

7. The availability of alternative locations not subject to flooding for the proposed use.

8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.


10. The safety of access to the property in times of flood of ordinary and emergency vehicles.

11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

12. If granted, a variance shall involve only the least modification necessary to provide relief.
13. If granting any variance, the Township of Turbot shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.

14. Whenever a variance is granted, the Township of Turbot shall notify the applicant in writing that:
   a. the granting of the variance may result in increased premium rates for flood insurance.
   b. such variances may increase the risks to life and property.

15. Such other factors which are relevant to the purposes of This Ordinance.

The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception or variance to the Township Engineer for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the biennial report to the Federal Insurance Administrator.

Special exceptions and/or variances shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights; (b) additional threats to public safety; (c) extraordinary public expenses; (d) create nuisances, (e) cause fraud or victimization of the public; or (f) conflict with local laws or ordinances.

Section 10.16 Special Provisions for Accessory Structures

A. Accessory structures which are proposed to be built in the Flood Fringe or General Floodplain District need not be elevated or floodproofed or remain dry, but shall comply, at a minimum, with the following requirements.

1. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material and equipment related to the principal use or activity.

2. The floor area shall not exceed 600 square feet.
3. The structure shall have a low damage potential.

4. The structure shall be located on the site so as to cause the least obstruction to the flow of floodwaters.

5. Power lines, wiring and outlets shall be at least one and one-half (1 ½) feet above the 100 year flood elevation.

6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. shall be prohibited.

7. Sanitary facilities shall be prohibited.

8. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

   a. a minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space;

   b. the bottom of all openings shall be no higher than one (1) foot above grade; and

   c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Individuals should be aware that building a structure as described above could significantly increase the cost of flood insurance for the accessory structure and its contents.
ARTICLE XI
SUPPLEMENTARY REGULATIONS

Section 11.1 Accessory Building Regulations

A. An accessory building in a residential district and not attached to the principal structure may be located in any required side or rear yard provided:

1. Such building shall not exceed one story or be more than twenty feet (20'0") in height.

2. Such building shall be set back 10' from a side or rear lot line. In the front, the set back shall be according to requirements established for the relevant zone from any lot line.

3. All such buildings in the aggregate shall not occupy more than thirty percent (30%) of the area of the required rear or side yard.

B. Accessory buildings constructed at the same time may be located in pairs or groups on contiguous lots in the required rear or side yard along the common side lot line or rear lot line.

C. Accessory buildings for principal uses other than residential purposes shall be located according to requirements established for the relevant zone.

D. When an accessory structure is attached to the principal building it shall comply with all respects with the requirements of This Ordinance applicable to the principal building.

E. An accessory building on that portion of a lot not included in any required yard shall conform with the height regulations for principal buildings.

F. No accessory building shall project nearer to the street on which the principal building fronts than the minimum building set-back distance for the principal building.

Section 11.2 Height Regulations

A. Where a lot has frontage on two or more streets or other public rights-of-way, the height limitation shall apply only as measured from the curb level along the street or way with a higher elevation above sea level.
B. Chimneys, flues, towers, spires, cupola domes, pole masts, residential antennas, barns, and silos shall be exempt from height limitations of This Ordinance provided their location is not in the required yard. Cellular phone towers/antennas shall also be exempt from height limitations in the AR Zone if required setbacks determined (case by case) by the Township and/or PennDot are met and the Township Ordinance on cellular towers, antennas and wireless communication facilities is adhered to.

Section 11.3 Yard and Lot Regulations

A. On Corner Lots:

1. Front yards are required on both street frontages, and one yard other than the front yards shall be deemed to be a rear yard, and the other (or others) side yards. This requirement shall not apply to double tiered lots provided the clear sight triangle is maintained.

2. No obstructions or plantings exceeding thirty inches (30") in height above street level or tree limbs lower than 8 feet shall be erected or maintained within the required clear site triangle formed by the centerline of intersecting street (except for utility poles, light standards, streets signs and fire hydrants). (See Subdivision and Land Development Ordinance).

B. Front Yard Exception:

No proposed dwelling need have a set-back greater than the average of the two existing dwellings with the greatest set backs located within one-hundred feet (100'0") on each side of the said proposed dwelling, on the same side of the street, within the same block, and the same district. However, in no event shall the front yard be less than ten feet (10'0").

C. Projections Into Required Yards:

1. Cornices, canopies, eaves, or other architectural features may project into side yards a distance not exceeding two inches (2") per one foot (1'0") of side yard width but may not exceed a total of three feet (3'0").

2. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project a distance not exceeding three feet (3'0").

3. Patios may be located in side and rear yards provided they are not located closer than ten feet (10'0") to any adjacent property line.

XI-2
4. Porches (enclosed or not) and decks shall conform to the relevant setback distances in the respective zones.

D. Existing Small Lots:

1. A lot owned individually and separately and separated in ownership from any adjoining tracts of land on the effective date of This Ordinance and subsequent amendments which has a total lot area or lot width less than prescribed in This Ordinance, may be used provided such lot shall be developed in conformity with all applicable district regulations other than the minimum lot area. Additionally, the lot must conform to all applicable regulations of the Pennsylvania Department of Environmental Protection and any other regulatory regulations.

E. Through Lots:

Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages. However, in the event of a complete system of through lots which are designed for reversed frontage, the front yard need only be along the more minor street of the subdivision.

F. Waiver of Yards:

No side yard or rear yard shall be required where such yard abuts an operating railroad right-of-way.

Section 11.4 Private Outdoor Swimming Pools

A. A Building Permit shall be required for the installation or construction of a private outdoor swimming pool on the same lot as the principal residence subject to the following conditions:

1. Such pool may be erected in the required rear yard, but not in the required side yard or front yard.

2. The water edge of such pool shall not be located nearer than twenty feet (20'0") to any lot line for an in-ground pool or nearer than fifteen feet (15'0") for an above ground pool.

3. Any such pool with a surface area of one-hundred and fifty square feet (150 sq.ft.) of more and a depth in excess of two feet (2'0") shall be completely surrounded by a fence or wall that is not less than four feet (4'0") in height.
All gates or doors opening through said fence shall be erected, maintained, and provided with a self-closing, self-locking gate to prevent accidents. However, if said pool is located more than three and one-half feet (3 \( \frac{1}{2} \) ft) above the ground level, then a fence is not required, provided that all points of access to said pool are adequately protected.

4. Conventional wading pools less than the area and depth requirements of Item 3 above shall be exempt.

Section 11.5 Parking Regulations

A. Schedule of Parking Requirements:

Accessory off-street parking spaces shall be provided for any use as specified below. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these parking regulations. Reasonable and appropriate off-street parking requirements for structures and uses which do not fall within the categories listed shall be determined by the Commission upon consideration of all factors entering into the parking needs of each such use.

FOR:

<table>
<thead>
<tr>
<th>Place of worship, libraries, other public buildings, and places of public assembly.</th>
<th>MINIMUM PARKING SPACE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tennis Courts.</td>
<td>Two spaces provided for each court.</td>
</tr>
<tr>
<td>Secondary Schools.</td>
<td>Four spaces per classroom plus one space for each five seats in any auditorium or other place of assembly.</td>
</tr>
<tr>
<td>Elementary Schools.</td>
<td>Two spaces per classroom plus one space for each five seats in any auditorium or other place of assembly.</td>
</tr>
<tr>
<td>Eating and drinking places.</td>
<td>One space per 2.5 seats.</td>
</tr>
<tr>
<td>Undertakers and funeral homes.</td>
<td>One space per two employees, plus one for each chapel seat.</td>
</tr>
<tr>
<td>Hotels, motels, and resort.</td>
<td>One space per guest room plus one for each employee.</td>
</tr>
</tbody>
</table>
Bowl ing Alleys
Home occupation or accessory professional office except physicians and dentists.

Professional offices of veterinarians, physicians, dentists.
Commercial stable or riding academy.
Retail store and shops.
Wholesale establishments, warehouses, offices, businesses, etc.
Manufacturing plants, research or testing laboratories.
Hospitals, sanitariums, nursing homes, philanthropic, or eleemosynary institutions.
Boarding or lodging house, bed and breakfasts, tourist home.

Three spaces for each alley.
Two spaces per each home occupation or accessory professional office.
Five spaces per each physician, dentist or veterinarian.
One space for each horse stall.
Five spaces for each 100 square feet of gross floor area in a Community Commercial District. Seven spaces for every 1000 square feet of gross floor area in a Highway Commercial District.
One space for each employee on average working shift.
One space for each 100 square feet of floor area, plus one for each 2 employee in the maximum work shift.
One space per three beds plus one for each employee.
One space per guest bedroom and resident family.

B. Handicapped Parking
The parking lot design shall provide handicapped accessible parking spaces in accordance with the following:

1. Accessible spaces shall be a minimum of 14’ x 20’ in size with the exception of van accessible spaces which shall be 16’ x 20’.

2.

<table>
<thead>
<tr>
<th>Total Parking</th>
<th>Required Minimum Number of Van-Accessible</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
</tbody>
</table>
3. Exceptions to the above chart requiring additional "Accessible Spaces" for medical care facilities will be designed in accordance with the Americans with Disabilities Act, current revisions.

4. Such spaces shall be clearly marked on the pavement in standard blue marking, with a sign heading the space using the international wheelchair profile symbol; and

5. Such spaces shall be located as close as possible to public entrances, drop curbs, and building ramps.

6. An accessible route to the parking stalls shall be provided adjacent to the stalls and shall be a minimum of 4 feet wide with a 4’ x 4’ pad offset from the access route every 6 spaces.

C. Areas Computed as Parking Spaces:

Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport, or other area available for parking, other than a street or driveway. However, a driveway within a required front yard for a one family or two-family residence may count as two parking spaces.

D. Size of Spaces:

1) Standard minimum parking stall width shall be ten feet (10’). Minimum length shall be twenty feet (20’). All parking aisles shall have a minimum width of twenty-five feet (25’).

2) Handicap accessible stalls shall be a minimum of fourteen feet (14’) wide and twenty feet (20’) long.

A “Van Accessible Stall” shall be minimum of sixteen (16’) wide by twenty feet (20’) long.

E. Large Parking Areas:

In parking areas on one-half (1/2) acre or more, at least ten percent (10%) of the total area shall be devoted to landscaping within the interior of the parking area.
F. Access:

Unobstructed access to and from a street shall be provided. Such access shall consist of at least one ten foot (10'0") lane for parking areas with less than 20 spaces, and at least two ten foot (10'0") lanes for parking areas within 20 spaces or more. No entrance or exit for any off-street parking area shall be located within fifty feet (50'0") of any street intersection.

G. Drainage and Surfacing:

All open parking area shall be surfaced with Crushed Aggregate Base Course or Portland Cement or similar durable and dustless surface and shall be so graded and drained to dispose of all surface water anticipated within the area.

All off-street parking areas for uses that are larger than five (5) spaces and are surfaced within an impervious material shall be designed to incorporate stormwater management. The stormwater management plans shall be reviewed by the Northumberland County Conservation District in accordance with the Storm Water Management regulations of the County and those of the Turbot Township Subdivision and Land Development Ordinance. This shall be done prior to the issuance of a permit.

H. Joint Facilities:

Required parking spaces, open or enclosed, may be provided in spaces designed to serve jointly two or more establishments whether or not located on the same lot or structure, provided that the number of required spaces in such joint facilities shall be not less than the total required for all such establishments. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Commission may reduce the total parking spaces required for that use with the greater requirement.

I. Off-Site Facilities:

All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same zone lot as the use to which such spaces are accessory, except that such spaces may be provided elsewhere but shall be provided within a radius of no greater distance than two-hundred and fifty feet (250'0") from that zone lot, and provided further, that required spaces are provided off the site in accordance with the provisions set forth herein and that such space shall be maintained for the use to which they are accessory and shall be subject to deed restrictions filed in an office of record, binding to the owner and his heirs.
Section 11.6 Off-Street Loading Requirements

A. Off-street loading berths, open or enclosed, are permitted accessory to any use other than residential subject to the following minimum provisions.

1. Size of Spaces:

Each loading berth shall be at least twelve feet (12'0") wide.

2. Location and Access:

Unobstructed access, from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory. No entrance or exit for any off-street loading area shall be located within fifty-feet (50'0") of any street intersection. No off-street loading berth shall be located in any front yard or within the required setback of any side or rear yard which adjoins a residential district boundary or residential use.

3. Minimum Required Off-Street Loading Berths

<table>
<thead>
<tr>
<th>Use</th>
<th>Square Feet of Total Floor Area</th>
<th>Number of Berths</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offices: Motels</td>
<td>From 10,000-25,000</td>
<td>1</td>
</tr>
<tr>
<td>Retail Commercial</td>
<td>From 25,000-40,000</td>
<td>2</td>
</tr>
<tr>
<td>Wholesale, Manufacturing Storage</td>
<td>From 40,000-60,000</td>
<td>3</td>
</tr>
<tr>
<td>and Miscellaneous Uses</td>
<td>From 60,000-100,000</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>For each additional 50,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
<tr>
<td>Schools</td>
<td>10,000 or more</td>
<td>1</td>
</tr>
<tr>
<td>Hospitals (in addition to space for ambulances)</td>
<td>From 10,000-30,000</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>For each additional 30,000 or major fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

and/or assigns to maintain the required number of spaces available throughout the life of such use, and such spaces shall conform to all regulations of the district in which they are located.

J. Minimum Distances:

No off-street parking shall be closer than ten feet (10'0") to the principal structure or closer than ten feet (10'0") to any side or rear lot line.
Section 11.7 Junk Yard or Salvage Yard

Any application for a junk yard or salvage yard shall confirm to Turbot Township Ordinance No. 2-64, as revised in 3/96. This application will only be received as a "Special Exception" in the "General Use" Zone.

Section 11.8 Storage of Utility Trailers, Boats, Recreational Vehicles, and Dismantled or Vehicles in an Inoperative Condition

A. No more than one utility trailer, boat or recreational vehicle not exceeding forty two feet (42') in length may be stored, but not occupied, in any residential district and shall no be located within the required front or side yard.

B. Where a building permit has been issued for the construction or alteration of a building, a temporary permit for one mobile home or camping trailer used by a contractor may be issued for a period not to exceed six months. Said temporary permit may be extended for one additional period of six months if it can be shown that justifiable circumstances required such an extension.

C. The storage of non-licensed, inoperable, dismantled, partially dismantled, or junked car or vehicle as defined herein shall be screened from the view of adjacent property and road frontage, and only two (2) such vehicles shall be stored on any residential lot.

Section 11.9 Customary Home Occupations

A. Customary Home Occupations and professional offices or studios are permitted as an accessory use subject to the following provisions:

1. Where Permitted:

   Within a single dwelling unit or in a building or other structure accessory to the dwelling unit and provided not more than two persons in addition to those persons residing in said dwelling are employed in the home occupation.

2. Evidence of Use:

   Does not display or create outside the building any evidence of the home occupation, except that one unanimated, non-illuminated flat sign having an area of not more than four square feet (4 sq. ft.) shall be permitted on each street front of the zone lot on which the building is situated.
3. **Permitted Uses:**

One of the following customary home occupations shall be permitted for a single family dwelling provided all off-street parking standards and any other requirements are in compliance.

a. Professional offices of a physician, dentist, lawyer, engineer, architect, landscape architect or accountant.

b. Rooming and for boarding of not more than three persons.

c. Custom tailoring, dressmaking, millinery, seamstress.

d. Tutoring for not more than four students simultaneously.

e. Barber shop or beauty parlor.

f. Art studio.

g. Selling of antiques.

h. Selling of ceramics and other similar arts and crafts made in the home.

i. Selling of small furniture made in the home.

---

Section 11.10 **Sign Regulations**

A. Signs may be erected and maintained only when in compliance with the following provisions:

1. **Signs Permitted in All Districts:**

   The following types of non-illuminated, non-advertising signs are permitted in all Districts without the necessity of securing a Building Permit for such sign.

   a. **Nameplates and Identification Signs:**

      1. Signs indicating the name and address of the occupant, or a permitted home occupation, provided that they shall not be larger than four square feet (4 sq. ft.) in area. Only one such sign per dwelling unit shall be permitted, except in the case of corner lots where two such signs (one facing each street) shall be permitted for each dwelling unit.

      2. For buildings other than dwellings, a single identification sign not exceeding four square feet (4 sq. ft.) in area and indicating only the name and
address of the building and the name of the management may be displayed, provided that on a corner lot two such signs (one facing each street) shall be permitted.

b. Sale or Rental Signs:

Signs advertising the sale or rental of the premises upon which they are erected and signs indicating the sale or rental may be erected or maintained, provided:

1. The size of any such sign is not in excess of twenty square feet (20 sq. ft.); and

2. Not more than two signs are placed upon any property unless such property fronts upon more than one street, in which event two more signs may be erected on each additional frontage.

c. Institutional Signs:

Signs of schools, colleges, churches, hospitals, sanitaria, or other institutions of a similar public or semi-public nature may be erected and maintained upon the premises, provided:

1. The size of any such sign is not in excess of twenty square feet (20 sq. ft.); and

2. Not more than one such sign is placed on a property unless such property front on more than one street, in which event one sign may be erected on each frontage.

d. Signs Accessory to Parking Areas:

Signs designating entrances or exits to or from a parking area and limited to one sign for each such exit or entrance and to a maximum size of two square feet (2 sq. ft.) each, shall be permitted. One sign per parking area designating the conditions or use or identify of such parking area and limited to a maximum size of nine square feet (9 sq. ft.) shall be permitted, provided that on a corner lot two such signs shall be permitted, one facing each street.

e. Development Signs:

1. The size of any such sign shall not exceed twenty square feet (20 sq. ft.).
2. Not more than two such signs shall be placed upon any property, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.

3. Any such sign shall be removed by the developer within thirty (30) days of the final sale of property.

f. Directional Signs:

Signs indicating the location and direction of premises available for or in process of development business or institution, 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:

1. The size of any such sign is not in excess of six square feet (6 sq. ft.), and not in excess of four feet (4'0") in length.

2. Not more than one such sign is erected on each five hundred feet (500'0") of street frontage.

g. Artisans’ Signs:

Signs of mechanics, painters, contractors, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided:

1. The size thereof is not in excess of twelve square feet (12 sq. ft.).

2. Such signs are removed promptly within 15 days following the completion of the work.

h. Private Driveways:

Signs indicating the private nature of a driveway, or trespassing sign, located on the premises, provided that the size of any such sign shall not exceed two square feet (2 sq. ft.)

i. Signs advertising the sale of farm products or the type of crops grown on the premises provided:

1. The size of any such sign shall not exceed twenty square feet (20 sq.ft.).
2. Not more than two signs are used for any one purpose.

3. Signs shall be displayed only when such products are on sale or when such products are being raised.

j. For uses permitted as a special exception in the residential district, the size of any sign shall not exceed twenty square feet (20 sq. ft.) and not more than two signs shall be permitted.

k. Political Campaign Signs - 4 square feet or less if placed legally and not more than 60 days prior to an election and removed one week after said election.

2. Signs Permitted in Community Commercial Districts:

All business identification signs shall comply with the following and require a building permit:

a. Size of Signs:

No sign shall have a gross surface area of more than eighty square feet (80 sq. ft.) except that where only one surface of such sign is visible the gross surface area shall be reduced by fifty percent (50%).

b. Location:

Signs shall be parallel to the face of the building and shall not extend more than eighteen inches (18") beyond the face of the building. Provided, however, that whenever a building is located more than thirty five feet (35') back from the right-of-way one free standing sign shall also be permitted. Such free standing sign shall not be located closer than ten feet (10'0") to any building. Only one sign shall be allowed unless the property fronts on two roads when two such signs shall be permitted provided the gross surface area is not exceeded.

c. Sign Height

The maximum height of any sign shall be 20 feet from ground level to the top of the sign.
3. Signs Permitted in Highway Commercial and General Use Districts:

a. Size of Signs:

No sign which shall be located on the premises, shall have a gross surface area of more than one-hundred and twenty square feet (120 sq. ft.).

b. Sign Height:

The maximum height of any sign shall be 80 feet measured from ground level to top of sign.

c. Maximum Sign Area:

There is no limit on the total number of signs, provided the permitted gross surface area is not exceeded. In the case where numerous business entities or services are associated in a single land development, the maximum sign area will be reviewed on a case by case basis by the Township.

4. Commercial Advertising Signs - Illuminated or Non-Illuminated:

Commercial advertising signs, outdoor advertising structures, or billboards which advertise products or businesses not connected with the site or building on which they are located shall be permitted in Highway Commercial and General Use Districts subject to the following conditions:

a. No commercial advertising sign shall be closer than fifty feet (50'0") to any property line or right-of-way line of any street.

b. No sign face shall exceed twenty feet (20') in vertical measurement or twenty-five feet (25') in length.

5. General Regulations Applying to All Signs:

a. No sign shall be located or project within the established right-of-way of any street or in the required side or rear yard of the applicable district where located.

b. No sign shall exceed the established building height limitations of the applicable district where located unless otherwise noted nor shall be erected on the roof of a building.
c. All signs shall be removed within 30 days after the circumstances leading to their erection no longer apply.

1. After the 30 day period, the Township may remove any such sign and charge the property owner for the costs incurred.

d. Signs erected in violation of these provisions shall be removed upon written notice of the Township. Failure to remove such signs shall constitute a violation of This Ordinance and in addition may charge the owner for the cost of Township of such sign.

e. All signs shall be constructed of durable materials and maintained in a good state of repair.

6. Prohibited Signs in Any District:

a. Signs, advertisements, etc. which simulate official directional or warning signs erected by a municipality or public utility.

b. Signs other than municipal/traffic erected within a seventy-five foot (75') clear site triangle of intersecting streets.

c. Signs which use a series of two or more free standing signs placed parallel to the highway carrying a single advertising message, part of which is contained on each sign.

d. Signs illuminated by flashing, intermittent, rotating light which beams upon a public street or adjacent premises so as to cause a traffic hazard or nuisance. These signs are not permitted for any reasons whatsoever.

e. Signs placed upon the roof of a building.

7. Permits for Erection of a Sign:

a. All business identification signs as permitted in the Community Commercial, Highway Commercial, and General Use Districts shall obtain a building permit prior to erection. Commercial advertising signs and billboards shall also obtain a building permit.

Section 11.11 Shopping Center

A. Compliance with the following standards in addition to the applicable requirements contained elsewhere in This Ordinance

XI-15
shall be required in order for shopping centers to be permitted in Highway Commercial Districts and General Use District.

1. **Access:**

   There shall be a minimum of two (2) separate points of ingress and egress and no access points shall be located within seventy feet (70') of intersecting streets, unless such points are located directly at an intersection.

2. **Management:**

   A shopping center shall be under unified management which shall clearly establish centralized responsibility for the operation and maintenance of the project including common areas.

3. **Signs:**

   There shall be only one free standing sign per road frontage which shall be designed and used for the purpose of announcing the shopping center itself in compliance with the applicable provisions of This Ordinance.

4. **Parking:**

   There shall be a minimum of 5.5 parking spaces for every one thousand square feet (1,000 sq.ft.) of floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors measured from the center line of joint partitions and from outside wall faces. Commonly referred to as Gross Leasable Area (GLA).

5. **Circulation:**

   Traffic circulation within a shopping center project shall be designed to minimize pedestrian and vehicular mixing and congestion. Circulation shall be provided along the outer perimeters and along store entrances.

---

**Section 11.12 Performance Standards**

A. No land or building in any District in the Township shall be used or occupied in such a manner so as to create any dangerous or objectionable elements in such amount as to adversely affect the surrounding area or premises. All uses of land or building shall initially and continuously comply with all applicable performance standards established by Federal and State Agencies. Performance standards determination shall be administered in accordance with This Ordinance.
Section 11.13 Drive-In Theaters

A. Drive-in theaters shall be subject to the following regulations:

1. Situated on a minimum lot area of ten (10) acres.

2. The screen shall be obscured from public streets.

3. Lights shall be reflected away from adjoining property and streets.

4. The sounds directly appurtenant to the visual presentations at such theaters shall not be audible at the boundary line of any R-District.

5. Only one-way interior vehicular circulation.

6. Surface drainage shall be such that will no subject adjoining properties or streets to damage.

7. Any property line shall not be closer to any R-District than 500 feet, except where topographic considerations make such requirements excessive or unnecessary.

Section 11.14 Storage Tanks

All proposed storage tank installation, maintenance and removals, above ground and underground, shall comply with all applicable performance standards established by federal and state agencies.

Section 11.15 Boarding Houses, Bed and Breakfasts, and Rooming Houses

1. No more than six (6) individuals shall reside in any building used as a rooming house, bed and breakfast, or boarding house.

2. The minimum lot on which said rooming house, bed and breakfast, or boarding house is located shall be not less than the minimum as specified under the applicable zoning district. The minimum floor area for each rooming house, bed and breakfast, or boarding house shall be at least twelve hundred (1200') square feet plus an additional three hundred (300') square feet for each person rooming, boarding, or lodging in said building.

3. Off street parking shall be provided for each building used as a rooming house, bed and breakfast, or boarding house pursuant to the parking requirements of this zoning ordinance.

4. No existing structure shall be converted to a boarding house, bed and breakfast, or rooming house without approval of the Zoning Hearing Board and recommendation from the Planning Commission.

XI-17
5. If the establishment is connected to an on-lot sewage system, the Township SEO must evaluate the present system and test for expansion of said system and a future replacement area. Ultimately the system must be sized for at least 600 (gallons per day) gpd.

Section 11.16 Group Homes

1. No more than five (5) persons shall reside in any building used as a group home.

2. The minimum lot on which said group home is located shall be not less than the minimum as specified under the applicable zoning district. The minimum floor area for each group home shall be at least twelve hundred (1200') square feet plus an additional three hundred (300') square feet for each person rooming, boarding, or lodging in said building.

3. Off-street parking shall be provided for a building used as a group home pursuant to the parking requirements of the Zoning Ordinance.

4. No existing structure shall be converted to a group home without approval of the Zoning Hearing Board and recommendation of the Planning Commission under Section 508 hereof.

Section 11.17 Migrant Labor Quarters

A. Buildings designed for the housing migrant laborers and similar farm employees and their families shall be permitted as necessary use or agricultural operations subject to the following conditions:

1. Prior to the issuance of a building permit, it shall be required of the owner or his agent to submit to the Township Certificate of Compliance with all applicable provisions of the PA Department of Environmental Protection.

2. No building for the housing of migrant or temporary laborers in group quarters shall be located closer than fifty feet (50') to any property line.

3. There shall be a minimum distance of thirty feet (30') between group quarters and no building shall exceed one hundred and fifty feet (150') in length.
Cellular Towers, Antennas and Wireless Communication Facilities

General regulations and restrictions for equipment installation:

1. Height restrictions for free standing monopole towers, three- four sided steel lattice towers, and building/structure mounted antennas are based on the applicant's certification of need and structural integrity.

The applicant's registered engineer must certify that the tower is designed and constructed in accordance with current national standards for steel towers and support structures. The certification will include the installation's adherence to the standards of ANSI (American National Standards Institute), EIA (Electrical Industry Association), and the TIA (Telecommunications Industry Association.)

2. All installations must conform to the current regulations of the FCC (Federal Communications Commission) and the FAA (Federal Aviation Administration).

3. Installations must be accessible by a public street or an improved cartway.

4. Setback requirements will be at least the distance required in a particular zone, but the final decision will be made by the Township on a case by case basis after review of the plans and certifications, etc.

5. The location of a tower is subject to Township/PENNDOT discretion. If no suitable location is found on a particular parcel, the installation may be denied.

6. Landscaping must be employed to screen the tower base from abutting properties.

7. A security fence of at least 8 feet in height must surround the tower and equipment buildings.

8. A tower out of use for 12 months or longer must be dismantled and removed by the provider, unless extenuating circumstances arise and indicate the tower's return to service within 90 days. The Township may require the installer to post a bond for the anticipated removal of the tower.

9. Wireless providers must comply with all applicable standards of the FCC governing human exposure to electromagnetic radiation.

10. Adequate liability insurance in an amount determined by the Township shall be obtained by the property owner, naming the Township as additional insured.
Section 11.19  Fences and Walls

1. No fence or wall exceeding six (6) feet in height shall be erected within any of the yards required by this Ordinance, except in the Commercial or Industrial Districts where security fences may be up to ten (10) feet in height.

2. Fences or walls not exceeding six (6) feet in height may be permitted to be located within any of the required yards, but shall be setback at least two (2) feet from all property lines and from the edge of any adjoining street, road, or alley right-of-way where such fencing extends to the ground, and one (1) foot from the edge of any adjoining property line or street right-of-way where the fence does not rest on the ground, i.e. a split rail fence. Where however, there is written mutual consent between adjoining property owners, a fence or wall may be placed on a property line. A copy of such consent shall be submitted to the Zoning Officer along with the application for placement of the fence or wall.

3. 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.

4. Fences having only one finished side shall be installed so that the finished side faces out or away from the subject property.
ARTICLE XII

PLANNED RESIDENTIAL DEVELOPMENTS

Section 12.1 Purposes

A. To encourage innovations in residential and nonresidential
development for greater variety, efficient use of open space, and
conservation of natural features.

B. To provide greater opportunities for better housing and
recreation in the Township.

C. To encourage a more efficient use of land and services so that
economies may benefit those who need homes.

D. And, in the aid of those purposes, to provide a procedure which
can relate the type, design, and layout of residential
development to the particular site and demand for housing, in a
manner consistent with the preservation of the property values
within existing residential areas, and to assure that the
increased flexibility of regulations over land development is
carried out pursuant to sound, expeditious, and fair
administrative standards and procedures.

Section 12.2 Eligibility Requirements

A. Any application for tentative approval shall as a minimum meet
the following requirements.

1. The proposed Planned Residential District shall consist of
one or more contiguous parcels of land under single
ownership.

2. The proposed Planned Residential Development shall contain a
minimum of twenty (20) acres of land.

3. The proposed Planned Residential Development shall be
connected to both a public water supply system and sanitary
sewer system. Where either a public water or sanitary sewer
system cannot be feasibly provided to the Planned
Residential Development, the developer shall provide a
centralized water supply system and sanitary sewer system to
service the entire development. The developer shall provide
proof that water and sewer service is to be provided by a
certified public utility, a bonafide cooperation association
of lot owners, or by a municipal corporation, authority, or
utility.
Section 12.3  Land Use and Control and Density Requirements

A. Residential Uses:

All planned residential developments shall consist of single family detached dwellings and at least two of the following housing styles.

1. Semi-detached, single-family dwellings;
2. Attached, single-family dwellings;
3. Multiple-family dwellings.
4. Sales Office shall be permitted as an accessory use to any residential development in excess of fifteen lots or dwelling units. Any such sales office shall be houses in a building in keeping with the principal residential character of the property and comply with the applicable sign provisions of this Ordinance.

Each type of housing style shall constitute a minimum of twenty percent (20%) of the total number of housing units.

B. Non-Residential Uses:

The following non-residential uses may be permitted in a planned residential development to the extent that they are designed and intended primarily to serve residents of the Planned Residential Development and are compatible and harmoniously incorporated into the unitary design of the Planned Residential Development.

1. Commercial uses such as retail shops or stores, service businesses and restaurants.
2. Professional or business office uses, including branch banks.
3. Institutional uses such as private schools, nursery schools and day care centers, churches, community activity centers, nursing homes, and retirement homes.

C. Land Use Density:

Within the Planned Residential Development, density shall be regulated by the following standards.

1. Average gross residential density for the total Planned Residential Development site shall not exceed twelve (12) dwelling units per acre.
2. The percentage of the Planned Residential Development sites to be devoted to common open space shall be no less than twenty-five percent (25%) of the total site area.

3. The percentage of the Planned Residential Development sites which are to be covered by buildings, roads, parking areas, and other impermeable cover shall not exceed thirty percent (30%) of the total site area.

4. Areas for commercial use shall not exceed the following:

<table>
<thead>
<tr>
<th>Acres Range</th>
<th>Percentage of Site Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 to 100 Acres</td>
<td>10%</td>
</tr>
<tr>
<td>100 to 150 Acres</td>
<td>8%</td>
</tr>
<tr>
<td>150 to 250 Acres</td>
<td>7%</td>
</tr>
<tr>
<td>250 Acres and Up</td>
<td>6%</td>
</tr>
</tbody>
</table>

Lot coverage of commercial buildings shall not exceed twenty-five percent (25%) of the land area designated for commercial use.

Section 12.4 Site Analysis

A. Natural Features Analysis:

In order to determine which specific areas of the total Planned Residential Development site are best suited for high density development, which areas are best suited for lower density development, and which areas should be preserved in their natural state as open space areas, the developer shall submit a Natural Features Analysis of the following subject categories and as further defined in the Turbot Township Subdivision and Land Development Ordinance:

1. Hydrology;
2. Geology;
3. Soils;
4. Topography; and
5. Vegetation.

B. Community Impact Analysis:

In order to determine the impact of the planned Residential Development upon the municipality, an analysis of the potential affects of the Planned Residential Development upon public facilities, utilities, and roadway systems shall be required and as further defined in the Turbot Township Subdivision and Land Development Ordinance. Market analysis data which estimates potential market demand for various types of housing in the area of the proposed Planned Residential Development site shall be presented.
Section 12.5  Site Design Requirements

A. Residential Uses:

1. Dwelling unit structures shall be located and interspersed so as to promote pedestrian and visual access to common open space.

2. Interior yards and/or structural spacing between dwelling and units shall be provided in accordance with the District setback minimums.

3. Dwelling unit structures shall be located and arranged so as to promote privacy for residents within the Planned Residential Development and maintain privacy for residents adjacent to the Planned Residential Development. Structures shall be located within the development so that there will be no adverse impact such as excluding natural light or invading the privacy of adjacent structures.

4. No building shall be erected to a height in excess of thirty-five feet (35') provided, however, that his height limit may be increased one foot (1') for each additional foot that the width of each yard exceeds the minimum required and that considerations for fire and other safety features have been adequately accounted for.

5. No structure shall be located within twenty feet (20'0") of the right-of-way of collector streets.

B. Commercial Uses:

1. All commercial uses shall be located in a single, concentrated area of the Planned Residential Development.

2. All commercial uses shall be located with direct access to at least a collector street.

3. Commercial signs area permitted subject to the following:

   a. A single sign for the commercial center shall be permitted provided such sign face shall be limited to a height of six feet (6'0") with a total area of fifty square feet (50 sq.ft.).

   b. Signs for individual uses shall be located on the face of structure and shall be no more than thirty square feet (30 sq.ft.) in area.
c. Other than requirements a. and b. above, signs shall be subject to the requirements of This Ordinance.

C. Streets, Sewer and Water Utilities, Storm Drainage and Soil Erosion Control, Curbs and Gutters and Sidewalks:

Streets, sewer and water utilities, storm drainage and soil erosion control, curbs and gutters and sidewalks shall be designed and improved in accordance with the requirements and standards set forth in the Township's Subdivision and Land Development Ordinance and the Rules and Regulations of the Turbot Township Municipal Authority. Performance and maintenance guarantees and subsequent release of guarantees for all required improvements shall be in accordance with the requirements and procedures of the Township Subdivision and Land Development Ordinance.

D. Off-Street Parking and Loading Facilities:

Off-street parking and loading facilities shall be in accordance with This Ordinance.

E. Other Utilities

1. All streets, off-street parking areas, and areas of intensive pedestrian use shall be adequately lighted. All such lighting shall be designed and located so as to direct light away from adjacent residences.

2. Telephone, electric, and cable television utilities shall be installed underground.

F. Tree Conservation and Landscaping:

1. The protection of trees six inches (6") or more in diameter (measured at a height four and one-half feet (4'6") above the original grade) shall be a factor in determining the location of open space, structures, underground utilities, walks, and paved areas. Areas in which trees are preserved shall remain at original grade level and undisturbed wherever possible.
2. Where extensive natural tree cover and vegetation does not exist and cannot be preserved on the Planned Residential Development site, landscaping shall be regarded as an essential feature of the Planned Residential Development. In these cases, landscaping shall be undertaken in order to enhance the appearance of the Planned Residential Development, aid in erosion control, provide protection from wind and sun, screen streets and parking areas, and enhance the privacy of dwelling units.

Section 12.6 Development in Stages

A. A Planned Residential Development may be developed in stages if the following standards are met:

1. The location and approximate time of construction of each stage are clearly marked on the development plan.

2. At least fifteen percent (15%) of the dwelling units in the development plan are included in the first stage.

3. At least fifty percent (50%) of the dwelling units in any stage shall be completed before any commercial development shown in that stage shall be completed.

4. The second and subsequent stages are completed consistent with the development plan and are of such size and location that they constitute economically sound units of development. In no event shall such stages contain less than fifteen percent (15%) of the dwelling units included in the development plan.

5. To encourage flexibility of housing density, design, and type in accord with the purposes of This Ordinance, gross residential density may be varied from stage to stage. A gross residential density in one stage which exceeds the permitted average gross residential density for the entire Planned Residential Development must be offset by a gross residential density in a subsequent stage which is less than the permitted average gross residential density for the entire Planned Residential Development.

Section 12.7 Procedural Requirements (Application for Tentative Approval)

A. The application for tentative approval shall be submitted by or on behalf of the landowner to the Township Secretary in accordance with the Preliminary Plan requirements of the Township Subdivision and Land Development Ordinance.
B. The application for tentative approval shall in addition to the plans and supporting data required in the Subdivision and Land Development Ordinance and this Article contain the following:

1. The proposed land use areas within the Planned Residential Development, distinguishing between types of residential, non-residential, and open space uses.

2. The land use density of each land use within the Planned Residential Development and the average gross residential density for the entire Planned Residential Development.

3. The use and the approximate height, bulk, and location of buildings and other structures.

4. The location, function, size, ownership, and manner of maintenance of the common open space.

5. The substance of covenants, grant of easements, or other restrictions to be imposed upon the use of land, buildings and structures including proposed grants and/or easements for common open space areas and public utilities, and the legal form of provisions thereof.

6. In the case of plans which call for development in stages, a schedule showing the approximate time within which applications for final approval of each stage of the Planned Residential Development are intended to be filed and the approximate number of dwelling units, and gross residential density for each type of dwelling unit planned for each stage. The schedule shall be updated annually on the anniversary of submission for tentative approval.

7. Site plans shall be drawn at a scale no smaller than one inch (1" ) to fifty-feet (50').

8. Copies of the site plan and supporting data included in the tentative approval application shall be submitted to the applicable agencies as required for Preliminary Plan approval in the Township's Subdivision and Land Development for review and comment.

C. Public Hearings:

1. Within sixty (60) days after the filing of a complete application or tentative approval of a Planned Residential Development pursuant to This Ordinance, a public hearing pursuant to public notice on said application shall be held by the Township. The chairman, or, in his absence, the acting chairman, of the Supervisors may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every
party of record at a hearing shall have the right to cross-examine adverse witnesses.

2. A verbatim record of the hearing shall be caused to be made by the Township whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such a record shall be borne by the party requesting it and the expense of copies of such record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.

D. Findings:

1. The Township shall, by official written communication to the landowner, within thirty (30) days following the conclusion of the public hearing provided for in this Article, either:

   a. Grant tentative approval of the development plan as submitted.

   b. Grant tentative approval subject to specified conditions not included in the development plan as submitted.

   c. Deny tentative approval to the development plan.

2. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval may, within thirty (30) days after receiving a copy of the official written communication of the Township, notify such agency of his refusal to accept all said conditions, in which case, the Township shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the Township of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

3. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:

XII-8
a. In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the Township.

b. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.

c. The purpose, location and amount of the common open space in the Planned Residential Development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.

d. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation, and visual enjoyment.

e. The relationship, beneficial or adverse, of the proposed Planned Residential Development to the neighborhood in which it is proposed to be established.

f. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and the residents of the Planned Residential Development in the integrity of the development plan.

4. In the event a development plan is granted tentative approval, with or without conditions, the Township shall set forth in the official written communication the time within which an application for final approval of the development plan shall be file or, in the case of a development plan which provides for development over a period of years, the period of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months and, in case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve months.

XII-9
E. Status of Plan After Tentative Approval:

1. The official written communication provided for in this Ordinance shall be certified by the Secretary of the Township and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same shall be noted on the zoning map.

2. Tentative approval of a development plan shall not qualify a plat of the Planned Residential Development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed within periods of time specified in the official written communication granting tentative approval.

3. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the official review agency in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the zoning map and in the records of the Secretary or Clerk of the Township.

F. Application for Final Approval:

1. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made to the Township Secretary and within the time or times specified by the official written communication granting tentative approval. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held.
2. The application for final approval shall be in accordance with the design and improvement requirements for Final Plans contained in the Township's Subdivision and Land Development Ordinance at a scale not smaller than one inch (1") to fifty feet (50'). In addition, the following information shall be required.

a. Total acreage of development, land uses in each area, total number of dwelling units, number of each type of dwelling unit, average gross residential density, and gross residential density in each section.

b. Building coverage lines accurately locating all types of dwelling units, and non-residential structures, giving dimensions of the structures, distances between the structures, distances to street rights-of-way and parking areas, with distances accurate to the nearest foot.

c. Accurate dimension of common open space areas specifically indicating those areas to be preserved in their natural state and those areas to be developed for active recreation. Where common open space areas are to be developed, the location of structures in common open space areas shall be illustrated.

d. In the case of a Planned Residential Development proposed to be developed over a period of years, final plan requirements will apply only to the section for which final approval is being sought. However, for final plan presented for the section to be developed must be considered as it relates to information regarding densities and types of dwelling units, location of common open space, sanitary sewer and water distribution systems, and street systems presented for the entire development in the application for tentative approval.

e. Architectural drawings illustrating exterior designs of each type of typical dwelling unit and non-residential structures to be constructed.

f. All covenants running with the land governing the reservation and maintenance of dedicated or undedicated open space land. These shall bear the certificate of approval of the municipal solicitor as to their legal sufficiency.
g. Restrictions of all types which will run with the land and become covenants in the deeds of lots shown on the final plan.

h. Such certificates of approval by authorities as have been required by the Township including certificates approving the water supply system and the sanitary sewer system.

G. Guarantee of Improvements:

The guarantee of improvement construction and completion shall be as set forth in the Turbot Township Subdivision and Land Development Ordinance.

H. Procedures After Application for Final Approval:

1. In the event the application for final approval has been filed, together with all drawings, specifications, and other documents in support thereof, as required by the Ordinance and the official written communication of tentative approval, the Township Supervisors shall, within thirty (30) days of such filing, grant such development plan final approval.

2. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Township Supervisors may refuse to grant final approval and shall, within thirty (30) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may refile his application for final approval without the variations objected to.

3. File a written request with the Township Supervisors that it hold a public hearing on his application for final approval. If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall already have passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this Ordinance for public hearings.
on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the Township Supervisors shall, by official written communication, either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in This Ordinance.

4. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board of Supervisors and shall be filed of record forthwith in the office of the county Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan cease to apply thereto. Pending completion in accordance with the time provisions stated in the Turbot Township Subdivision and Land Development Ordinance of Said Planned Residential Development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plat, the developer shall record the plat and post financial security in accordance with the provisions of the Turbot Township Subdivision and Land Development Ordinance.

5. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the governing body in writing; or, in the event the landowner shall fail to commence and carry out the Planned Residential Development or of that part thereof, within a period of two (2) years after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is resubdivided and is reclassified by enactment of an amendment to the Township Zoning Ordinance in the manner prescribed for such amendments in the Township Zoning Ordinance.
ARTICLE XIII

NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

Section 13.1 Non-Conforming Uses

A. The following provisions shall apply to all buildings and uses existing on the effective date of This Ordinance which do not conform to the requirements set forth in This Ordinance and to all buildings and uses that become non-conforming by reason of any subsequent amendment to This Ordinance.

B. Any non-conforming use of buildings or open land, except those specified in Section 13.3 below, may be continued indefinitely, provided that any such use:

1. Shall no be enlarged, altered, extended, reconstructed, or restored (except as provided in this Article) or placed on a different portion of the lot or parcel of land occupied by such uses on the effective date of This Ordinance, nor shall any external evidence of such use be increased by any means whatsoever without approval by the Zoning Hearing Board.

2. Shall not be moved to another location where such use would be non-conforming.

3. Shall not be changed to another non-conforming use without approval by the Zoning Hearing Board and then only to a use which, in the opinion of the Zoning Hearing Board is of the same or of a more restricted nature.

4. Shall not be reestablished if such use has been discontinued for any reason for a period of one year or more, or has been changed to, or replaced by, a conforming use. Intent to resume a nonconforming use shall not confer the right to do so.

5. Shall not be restored for other than a conforming use after damage from any cause, unless the nonconforming uses is reinstated within one year of such damage; if the restoration of such building is not completed within the said one year period, the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use is carried on without interruption in the undamaged portion of such building.

Section 13.2 Non-Complying Buildings

A non-complying building is any building which does contain a use permitted in the District in which it is located, but does not conform to the District Regulations for: lot area, width, or depth; front.
In side or rear yards; maximum height; lot coverage; or minimum livable floor area per dwelling unit.

Nothing in this Article shall be deemed to prevent normal maintenance and repair, structural alteration in moving, reconstruction, or enlargement of a non-complying building provided that such action does not increase the degree of or create any new non-conformity with regards to the regulations pertaining to such buildings.

Section 13.3 Repairs and Maintenance

Notwithstanding any of the above regulations, nothing in this Article shall be deemed to prevent normal maintenance and repair of any use or building, or the carrying out upon the issuance of a building permit of majority structural alterations or demolitions necessary in the interest of public safety. In granting such a building permit, the Township shall state the precise reason such alterations were deemed necessary.

Section 13.4 Registration of Non-Conforming Uses

The Township Zoning Officer shall identify and register all lawful uses, structures and lots, existing at the effective date of This Ordinance which do not conform to the requirements set forth in This Ordinance, or any amendments thereto, shall be identified by the owner and registered with the Township Secretary within ninety (90) days of the effective date of This Ordinance, or any amendments thereto.

Section 13.5 Mineral Extraction

Property acquired for the purpose of extracting sand, gravel, or other minerals therefrom and held for such purpose on the effective date of This Ordinance shall be considered in use for such extraction whether or not such extraction has then actually commenced, and extraction, including erection of any necessary buildings or structures incidental to the extraction or processing of the deposits, will be allowed to commence and continue. In order for property to qualify hereunder, the following conditions will be considered as evidence that the property was acquired and held for the purpose of later mineral extraction.

A. The land was acquired prior to the effective date of This Ordinance.

B. The land was acquired and is owned by an individual, corporate or otherwise, engaged at the time of acquisition in the business of mineral extraction.

C. The property has not been permanently developed, in whole or in part for any purpose other than mineral extraction or processing.

XIII-2
D. The land contains mineral deposits of a demonstrable economic value.

Section 13.6 Special Conditions

Where, a literal enforcement of the provisions of these regulations will result in unreasonable hardship because of peculiar conditions pertaining to the land in question, the Board of Supervisors, after review by the Planning Commission, and recommendation by the Township Engineer as required, may grant a modification of the requirements of one or more provisions of This Ordinance: Provided that such reasonable alteration thereto will not be contrary to the public interest and so that the spirit of these regulations shall be observed and substantial justice done.
ARITCLE XIV
ENFORCEMENT

Section 14.1 Duties of Zoning Officer

A. For the administration of This Ordinance, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed by the Board of Supervisors. The Zoning Officer shall meet qualifications established by the Board of Supervisors and shall be able to demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning. The Zoning Officer shall administer This Ordinance in accordance with its literal terms, and shall not have the power to permit any literal terms, and shall not have the power to permit any construction or any use or change or use which does not conform to This Ordinance and other applicable Township codes and ordinances.

B. The Zoning Officer or his/her duly authorized assistant(s) shall have the right to enter any building or enter upon any land at any reasonable hour as necessary in the execution of their duties provided that:

1. The Zoning Officer shall notify the owner and tenant before conducting any inspection.

2. The Zoning Officer or his duly authorized assistant(s) shall display identification signed by Supervisors upon commencing an inspection.

3. Inspections shall be commenced in the presence of the owner or his representative or tenant.

C. The Zoning Officer shall maintain files, open to the public, of all applications for building permits along with plans submitted therewith.

D. The Zoning Officer shall also maintain records, open to the public, of every complaint of a violation of the provisions of This Ordinance as well as action taken as a result of such complaints.

E. The Zoning Officer shall submit to the Township Supervisors, a written response on complaints of violations and action taken as a result of such complaints.

F. The Zoning Officer shall administer this Ordinance in accordance with the literal terms, and shall not have the power to permit and construction or any use or change of use which does not conform to the provisions herein. He/she have such duties and powers as are conferred on him/her by this Ordinance and as
reasonably implied for those purposes. In addition, the Zoning Officer shall:

G. Receive application for, evaluate, and issue Zoning Permits for uses and structures proposed within the terms of this Ordinance:

H. Keep and maintain a permanent and public record and file of all activities undertaken by him/her in the performance of his/her official duties, including file copies of all applications received, permits issued, inspections and reports made in connection with any structure, dwelling, sign or land:

I. Make site visits and inspections as are necessary to perform his/her duties at any reasonable hour:

J. Issue permits for uses by approved variance, special exception or conditional use on order by the appropriate body:

K. Be responsible for maintaining a true and correct copy of this Ordinance and the Official Zoning Map with respect to any amendments thereto.

Section 14.2 Building Permits

No building in any District shall be erected, reconstructed, or restored, or structurally altered without a building permit duly issued upon application to the Township. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of This Ordinance and all other codes and ordinances.

Any building permit issued in violation of the provisions of This Ordinance shall be null and void and of no effect, without the necessity for any proceedings or revocations of nullification thereof; and any work undertaken or use established pursuant to any such permit shall be unlawful.

A. Prior to the issuance of any building permit the Zoning Officer shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal Laws have been obtained, including those required by Act 537, the Pennsylvania Sewage Facilities Act, The Water Obstruction Act of 1913, and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33, U.S.C. 1334. No permit shall be issued until this determination has been made.

B. No building permit shall be issued for the construction or alteration of any building upon a lot without access to a street or highway.
C. No building permit shall be issued for a building to be used for any variance or for any Special Use in any District where such use is allowed only by approval of the Zoning Hearing Board unless and until such approval has been duly granted by the Zoning Hearing Board.

D. The Township shall, within ten (10) days after the filing of a complete and properly prepared application, either issue or deny a building permit. If a building permit is denied the Township shall state in writing to the applicant the reasons for such denial.

E. A Building Permit shall not be required for minor repairs or improvements to existing buildings or structures, provided that no structural changes or modifications are involved.

F. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment by the Township.

**Types of Permits**

1. Permitted Use - Issued by the Zoning Officer on the authority granted herein;

2. Special Exception Use - Issued to the Zoning Officer after review and upon the order of the Zoning Hearing Board;

3. Conditional Use - Issued by the Zoning Officer after review by the Planning Commission and upon the order of the Supervisors;

4. Permit on Appeal or Variance - Issued by the Zoning Officer upon the order of and following review and hearing by the Zoning Hearing Board.

**Application Procedures**

1. Application for such a building permit shall be made, in writing, to the Zoning Officer on forms supplied by the Township. Such application shall contain at least the following:

   a. Name and address of applicant

   b. Name and address of owner of land on which proposed construction is to occur.

   c. Name and address of contractor.

   d. Site location.

   e. Listing of other permits required.
f. Brief description of proposed work and estimated cost.

g. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

2. If any proposed construction or development is located within, or partially within, any identified flood-prone area, applicants for Building Permits shall also provide the following specific information:

   a. A plan which accurately delineates the identified flood-prone area, the location of the proposed construction, the location of any adjacent flood-prone development or structures, and the location of any existing or proposed subdivision and land development in order to assure that:

      1. all such proposals are consistent with the need to minimize flood damage;

      2. all utilities and facilities, such as sewer, gas, electrical and water systems are located, and constructed to minimize or eliminate flood damage; and

      3. adequate drainage is provided so as to reduce exposure to flood hazards.

   b. Such plan shall also include existing and proposed contours; information concerning one hundred (100) year flood elevations, velocities, and other applicable information such as pressures, impact and uplift forces, associated with the one hundred (100) year flood; size of structures, location and elevations of streets; water supply and sanitary sewage facilities; soil types; and flood proofing measures.

   c. A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact, and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with one hundred (100) year flood.

   Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure.
Review by County Conservation District

A copy of all applications and plans for any proposed construction or development in any identified flood-prone area to be considered for approval shall be submitted by the Zoning Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Zoning officer for possible incorporation into the proposed plan.

Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified flood-prone area to be considered for approval may be submitted by the Zoning Officer to Turbot Township Supervisors, Planning Commission, and Township Engineer for review and comment.

Changes

After the issuance of a building permit by the Zoning Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer.

Placards

In addition to the building permit, the Zoning Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. The placard shall show the number of the building permit, the date of its issuance and be signed by the Zoning Officer.

Start of Construction

Work on the proposed construction shall begin with six (6) months after date of issuance of the building permit or the permit shall expire unless a time extension is granted as set forth in paragraph describing “Inactive Application” hereinafter, in writing, by the Zoning Officer. Construction shall be considered to have started with the first placement of permanent construction of a structure on the site such as the pouring of slabs or footings or any work beyond the stage or excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings.
or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

Inspection and Revocation

During the construction period, the Zoning Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Township of Turbot laws and ordinances. In the event the Zoning Officer discovers that the work does not comply with permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Zoning Officer shall revoke the building permit and report such fact to the Supervisors of Turbot Township for whatever action it considers necessary.

Inactive Application

An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing unless such application has been diligently pursued or a permit shall have been issued. Reasonable extensions of time not exceeding ninety (90) days may be granted at the discretion of the Zoning Officer.

Expiration of Permit

If the work approved by issuance of any Zoning Permit has not begun within six (6) months from the date of issuance, said permit shall expire. One (1) extension of up to six (6) months may be granted at the discretion of the Zoning Officer if requested in writing showing good cause by the applicant. If the work approved by issuance of any Zoning Permit has not been completed within three (3) years from the date of issuance, said permit shall expire. Further work on the premises shall not continue until a new Zoning permit has been obtained.

Section 14.3 Temporary Use Permits

It is recognized that from time to time it may contribute to the welfare of the Township and its residents to allow the occupancy of land or a structure for a temporary time period by a use other than those normally permitted. In this case, the Zoning Officer may approve such a "temporary use", and issue a Temporary Use Permit for the time period not to exceed one (1) year, and under the conditions that will enhance the public health, safety and welfare.

Section 14.4 Fees

All fees, where applicable, shall be established from time to time by the Board of Supervisors to offset the costs of enforcing This Ordinance.
Section 14.5 Violations and Penalties

A. Enforcement Notice

1. Whenever the Zoning Officer or other authorized Township representative determines that there are reasonable grounds to believe that there has been a violation of any provision of This Ordinance, or of any regulation adopted pursuant thereto, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

3. An enforcement notice shall state at least the following:

   a. The name of the owner of record and any other person against whom the Township intends to take action.
   b. The location of the property in violation.
   c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
   d. The date before which the steps for compliance must be commenced, not to exceed thirty (30) days from receipt of notice, and the date before which the steps must be completed.
   e. An outline of remedial action which, if taken, will effect compliance with the provisions of This Ordinance, or any part thereof, and with any regulations adopted pursuant thereto.
   f. A statement indicating that the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time, in accordance with procedures set forth elsewhere in This Ordinance.
   g. A statement indicating that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
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 Ordinance or any other Township ordinances, code or regulation, the Board of Supervisors, or any officer of the Township, or any aggrieved owner or tenant of real property who show 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 such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) day prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

C. Jurisdiction

District justices shall have initial jurisdiction over proceedings brought under Section 14.5(D).

D. Enforcement Remedies

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of This Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars ($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 be payable until the date of the determination of a violation by the district justice.

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 district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance 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 fifty day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgements, costs
and reasonable attorney fee collected for the violation of the Ordinance shall be paid over to the Township.

2. The Court of Common Pleas of Northumberland County, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgement.

3. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.
ARTICLE XV

ZONING HEARING BOARD

Section 15.1 Zoning Hearing Board Creation and Appointments

Pursuant to Article IX of the Pennsylvania Municipalities Planning Code, as amended, the Turbot Township Board of Supervisors do hereby create a Zoning Hearing Board consisting of three members who shall be residents of the Township. Members of the Zoning Hearing Board shall hold no other office in the Township. An alternate hearing board member may be appointed in accordance with Section 903(b) and 906(b) of Act 170.

A. Terms of Office

The terms of office shall be three years and shall be so fixed that the term of office of no more than one member shall expire each year.

1. The members of the existing board shall continue in office until their term of office would expire under the prior Zoning Ordinance.

2. The Zoning Hearing Board shall promptly notify the Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.

B. Alternate Members

The Board of Supervisors may appoint by resolution at least one but no more than three residents of the Township to serve as alternate members of the Zoning Hearing Board in accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act 170 of 1988, and as amended in this Ordinance. The term of office of an alternate member shall be three years. When seated in accordance with Section 15.2, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth on This Ordinance and otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the board unless designated as a voting alternate member pursuant to Section 15.2 of This Ordinance.
C. **Removal of Members**

Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Township Supervisors taken after the member has received fifteen days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

Section 15.2 **Organization of the Zoning Hearing Board**

A. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms and as such may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action of the board as provided in Section 15.4 of This Ordinance.

B. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

C. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of Turbot Township and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Township Supervisors as requested by the Board of Supervisors.

Section 15.3 **Expenditures for Services**

Within the limits of funds appropriated by the Township Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

Section 15.4 **Hearings**

The Zoning Hearing Board shall conduct hearings in accordance with Section 908 of Act 170 of 1988, as amended and make decisions in accordance with the following requirements:
A. Public Notice

Notice shall be given and written notice shall be given to the applicant, the Township Zoning Officer, such other persons as the Board of Supervisors shall designate by ordinance and to any person who has made timely request for same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

B. Fees

The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretaries, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

C. Conduct of Hearing

The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member as a hearing officer. The hearing shall be heard within sixty (60) days from the date of the applicant’s request, unless the applicant has agreed in writing to an extension of time. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision of findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.

1. The parties to the hearing shall be the Township, and person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear before the Board. The Zoning Hearing Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

2. The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and
papers, including witnesses and documents requested by the parties.

3. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

4. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

5. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

6. The Zoning Hearing Board or hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

7. Additional detailed information pertaining to "types of variances" may be found in the publication "Special Exceptions, Conditional Uses and Variances - Planning Series No. 7 by Stephen S. Fehr, Chief, Planning Services Division, Bureau of Community Planning, Department of Community Affairs".

D. Decisions

The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with reasons therefore.
Conclusions based on any provisions of This Ordinance or any Township ordinance, rule or regulation, or the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Board’s decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Zoning Hearing Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant’s request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 15.4.A of This Ordinance. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

1. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board no later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 15.5 Jurisdiction

A. Zoning Hearing Board’s Jurisdiction

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication’s in the following matters:

1. Substantive challenges to the validity of This Ordinance, except those brought before the Board of Supervisors pursuant to Sections 18.7.1 (Procedure for Landowner Curative
Amendments) and 16.3 (Validity of Ordinance: Substantive Questions).

2. Challenges to the validity of This Ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of This Ordinance.

3. 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 therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

4. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard provisions within This Ordinance.

5. Applications for variances from the terms of This Ordinance and the flood hazard provisions herein, pursuant to Section 15.5.A.

6. Applications for special exceptions under This Ordinance or flood plain of flood hazard provisions within This Ordinance, pursuant to Section 15.5.B.

7. Appeals from the Zoning Officer's determination of Preliminary Opinion pursuant to the requirements of Section 16.4.

8. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any provision of This Ordinance with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Subdivision/Land Development Ordinance or Planned Residential Development applications.

B. Board of Supervisors' Jurisdiction

The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudication's in the following matters:

1. All applications for approvals of planned residential developments under Article XII.

2. Applications for curative amendment to This Ordinance pursuant to Sections 16.3 and 18.7.1.

3. All petitions for amendments to this Zoning Ordinance pursuant to the procedures set forth in Section 18.7.
4. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any provision of This Ordinance with reference to sedimentation and erosion control and storm water management insofar as the same relate to development involving Subdivision/Land Development Ordinance or Planned Residential Development applications.

C. Applicability of Judicial Remedies

Nothing contained in this article shall be construed to deny the applicant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091 (relating to action in mandamus).

Section 15.6 Zoning Hearing Board's Functions

A. Variances

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size of 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 the Zoning Ordinance in the neighborhood or district in which the property is located;

2. 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 the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

3. That such unnecessary hardship has not been created by the appellant;

4. 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; and
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

6. 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 the Zoning Ordinance and the Municipalities Planning Code.

7. Additional detailed information pertaining to "types of variances" may be found in the publication "Special Exceptions, Conditional Uses and Variances-Planning Series No.7 by Stephen S. Fehr, Chief, Planning Services Division, Bureau of Community Planning, Department of Community Affairs".

B. Special Exceptions

The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with the standards and criteria set forth in This Ordinance. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of This Ordinance and of the PA. Municipalities Planning Code.

When an application for a special exception has been filed with the Zoning Hearing Board and the subject matter of such application would ultimately constitute either a "land development" or a "subdivision", no change or amendment of the zoning, subdivision or other governing ordinance or plans shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. Provided, further, should such an application be approved by the Zoning Hearing Board the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six months, or longer as may be approved by the Zoning Hearing Board, following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before the Zoning Hearing Board. If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the relevant provisions of Section 508(1) through 508(4) of Act 247, the Municipalities Planning Code, as amended.

C. Conditional Uses

The Board of Supervisors shall hear and decide conditional uses as may be provided by this Ordinance. The granting of a conditional use shall be made when the Board of Supervisors makes a finding
that the express standards and criteria set forth in this Ordinance have been met. In granting a conditional use, the Board of Supervisors may attach reasonable conditions and safeguards, in addition to those otherwise expressed in this Ordinance, as it may deem necessary to implement the purposes of this act and the Zoning Ordinance.

D. **Parties Appellant before Zoning Hearing Board**

Appeals under Section 15.4.A. may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Sections 15.5.A., and for special exception under Section 15.5.B. may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

**Section 15.7 Time Limitations**

The time limitations for raising certain issues and filing certain proceedings with the Zoning Hearing Board shall be the following:

A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to Article XII, or form an adverse decision by the Zoning Officer on a challenge to the validity of the Zoning Ordinance or Zoning Map pursuant to Section 18.7 shall preclude an appeal from the final approval except in the case where the final submission substantially deviates from the approved tentative approval.

B. All appeals from determination adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

**Section 15.8 Stay of Proceedings**

A. Upon filing of any proceeding referred to in Section 15.5.C and during its tendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause
imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board.

B. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

C. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

D. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.
ARTICLE XVI
APPEALS

Section 16.1 Zoning Appeals

The proceedings set forth in this Article shall constitute the exclusive mode for securing review of this Ordinance, or decision, determinations or orders issued by the Board of Supervisors, its agencies, or pursuant to this Ordinance.

Section 16.2 Validity of Ordinance: Procedural Questions

Questions of an alleged defect in the process of enactment or adoption of this Ordinance and Map shall be raised by an appeal taken directly from the action of the Board of Supervisors to the court filed not later than thirty days from the effective date of this Ordinance and Map.

Section 16.3 Validity of Ordinance: Substantive Questions

A. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either:

1. to the Zoning Hearing Board under Section 15.4.A.1 and 15.4.A.2: or

2. to the Board of Supervisors under Section 15.4.B.2., together with a request for a curative amendment under Section 18.7.

B. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desire to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon under Section 15.4.A.1.

C. The submissions referred to in sections 16.3.A and 16.3.B shall be governed by the following:

1. In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of such ordinance and elects to proceed by curative amendment, under Section 18.7, his application to the Board of Supervisors shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the ordinance.
development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.

2. If the submission is made by the landowner to the Board of Supervisors under Section 16.3.1.2, the request also shall be accompanied by an amendment or amendments to the ordinance proposed by the landowner to cure the alleged defects therein.

3. If the submission is made to the Board of Supervisors, the Township Solicitor shall represent and advise it at the hearing or hearings referred to in Section 18.7.

4. The Board of Supervisors may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present their witnesses on its behalf.

5. Based on the testimony presented at the hearing or hearings, the Board of Supervisors or the Zoning Hearing Board, as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If a challenge heard by the Board of Supervisors is found to have merit, the Board of Supervisors shall proceed as provided in Section 18.7. If a challenge heard by the Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:

a. the impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

b. if the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;

c. the suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland.
wetlands, flood plains, aquifers, natural resources and other natural features:

d. the impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

e. the impact of the proposal on the preservation of agricultural and other land uses which are essential to public health and welfare.

6. The Board of Supervisors or the Zoning Hearing Board, as the case may be, shall render its decision within forty-five (45) days after the conclusion of the last hearing.

7. If the Board of Supervisors or the Zoning Hearing Board, as the case may be, fails to act on the landowner's request within the time limits referred to in Section 16.C.6, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.

D. The Zoning Hearing Board or Board of Supervisors, as the case may be, shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time.

E. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans; explanatory material or proposed amendments may be examined by the public.

F. The challenge shall be deemed denied when:

1. the Zoning Hearing Board or Board of Supervisors, as the case may be, fails to commence the hearing within the time limits set forth in Section 16.D;

2. the Board of Supervisors notifies the landowner that it will not adopt the curative amendment;

3. the Board of Supervisors adopts another curative amendment which is unacceptable to the landowner; or

4. the Zoning Hearing Board or Board of Supervisors, as the case may be, fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless
the time is extended by mutual consent by the landowner and the Township.

G. Where a curative amendment proposal is approved by the grant of a curative amendment application by the Board of Supervisors pursuant to Section 18.7 or a validity challenge is sustained by the Zoning Hearing Board pursuant to Section 15.4 or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two (2) years from the date of such approval to file an application for preliminary or tentative approval pursuant to the requirements for Subdivision/Land Development or Planned Residential Development. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of Section 508(4) of the PA Municipalities Planning Code shall apply. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development ordinance, the developer shall have one (1) year within which to file for a building permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

Section 16.4 Procedure to Obtain Preliminary Opinion

In order not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the ordinance or map will run under Section 15.6 by the following procedure:

A. The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed
use or development and a sufficient basis for a preliminary opinion as to its compliance.

B. If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval under Section 15.6 and the time therein specified for commencing a proceeding with the Zoning Hearing Board shall run from the time when the second notice thereof has been published.
ARTICLE XVII

APPEALS TO COURT

Section 17.1  Land Use Appeals

The procedures set forth in this Article shall constitute the exclusive mode for securing review of any decision rendered pursuant to Article XV or deemed to have been made under This Ordinance.

Section 17.2  Jurisdiction and Venue on Appeal: Time for Appeal

All appeals from all land use decisions rendered pursuant to Article XV shall be taken to court of common pleas of the judicial district wherein the land is located and shall be filed within thirty (30) days after entry of the decision as provided in 42 Pa.C.S. ss 5572 (relating to time of entry of order) or in the case of deemed decision within thirty (30) days after the date upon which notice of said deemed decision is given as set forth in Section 15.4.D of This Ordinance.

Section 17.3  Appeals to Court: Commencement: Stay of Proceedings

A. Land use appeals shall be entered as of course by the prothonotary or clerk of the Court of Common Pleas in and for Northumberland County upon filing of a land use appeal notice which concisely sets forth the grounds on which the appellant relies. The appeal notice need not be verified. The land use appeal notice shall be accompanied by a true copy thereof.

B. Upon filing of a land use appeal, the prothonotary or clerk shall forthwith, as of course, send to the Board of Supervisors, Zoning Hearing Board or agency whose decision has been appealed, by registered or certified mail, the copy of the land use appeal notice, together with a writ or certiorari commanding said Board of Supervisors, Zoning Hearing Board or agency, within twenty (20) days after receipt thereof, to certify to the court its entire record in the matter in which the land use appeal has been taken, or a true and complete copy thereof, including any transcript of testimony in existence and available to the Board of Supervisors, Zoning Hearing Board or agency at the time it received the writ of certiorari.

C. If the appellant is a person other than the landowner of the land directly involved in the decision or action appealed from, the appellant, within seven (7) days after the land use appeal is filed, shall serve a true copy of the land use appeal notice by mailing said notice to the landowner or his attorney at his last known address. For identification of such landowner, the appellant may rely upon the record of the municipality and, in the
event of good faith mistakes as to such identity, may make such service nunc pro tunc by leave of court.

D. The filing of an appeal in court under this section shall not stay the action appealed from, but the appellants may petition the court having jurisdiction of land use appeals for a stay. If the appellants are persons who are seeking to prevent a use or development of the land of another, whether or not a stay is sought by them, the landowner whose use or development is in question may petition the court to order the appellants to post bond as a condition to proceeding with the appeal. After the petition for posting a bond is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the landowners to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for posting a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question of the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the respondent to the petition for posting a bond from an order of the court dismissing a land use appeal for refusal to post a bond, such responding party, upon motion of petitioner and after hearing in the court having jurisdiction of land use appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

Section 17.4 Intervention

Within the thirty (30) days first following the filing of a land use appeal, if the appeal is from a board or agency of the Township, the Township and any owner or tenant of property directly involved in the action appealed from may intervene as of course by filing a notice of intervention, accompanied by proof of service of the same, upon each appellant or each appellant’s counsel of record. All other intervention shall be governed by the Pennsylvania Rules of Civil Procedure.

Section 17.5 Hearing and Argument of Land Use Appeal

If, upon motion, it is shown that proper consideration of the land use appeal requires the presentation of additional evidence, a judge of the court may hold a hearing to receive additional evidence, may remand the case to the body, agency or officer whose decision or order has been brought up for review, or may refer the case to a referee to receive additional evidence, provided that appeals brought before the court pursuant to Section 16.3 shall not be remanded for further hearings before any body, agency or officer of the Township. If the
record below includes findings of fact made by the Board of Supervisors. Zoning Hearing Board or agency whose decision or action is brought up for review and the court does not take additional evidence or appoint a referee to take additional evidence, the findings of the Board of Supervisors, Zoning Hearing Board or agency shall not be disturbed by the court if supported by substantial evidence. If the record does not include findings of fact, or if additional evidence is taken by the court or by a referee, the court shall make its own findings of fact based on the record below as supplemented by the additional evidence, if any.

Section 17.6 Judicial Relief

A. In a land use appeal, the court shall have power to declare any ordinance or map invalid and set aside or modify any action, decision or order of the Board of Supervisors, agency or officer of the Township brought up on appeal.

B. If the court finds that an ordinance or map, or a decision or order thereunder, which has been brought up for review unlawfully prevents or restricts a development or used which has been described by the landowner through plans and other materials submitted to the Board of Supervisors, agency or officer of the Township whose action or failure to act is in question on the appeal, it may order the described development or use approved as to all elements or it may order it approved as to some elements and refer other elements to the Board of Supervisors, agency or officer having jurisdiction thereof for further proceedings, including the adoption of alternative restrictions, in accordance with the court's opinion and order.

C. Upon motion by any of the parties or upon motion by the court, the judge of the court may hold a hearing or hearings to receive additional evidence or employ experts to aid the court to frame an appropriate order. If the court employs an expert, the report or evidence of such expert shall be available to any party and he shall be subject to examination or cross-examination by any party. He shall be paid reasonable compensation for his services which may be assessed against any or all of the parties as determined by the court. The court shall retain jurisdiction of the appeal during the pendency of any such further proceedings and may, upon motion of the landowner, issues such supplementary orders as it deems necessary to protect the rights of the landowner as declared in its opinion and order.

D. The fact that the plans and other materials are not in a form or are not accompanied by other submissions which are required for final approval of the development or use in question or for the issuance of permits shall not prevent the court from granting the definitive relief authorized. The court may act upon preliminary
or sketch plans by framing its decree to take into account the
need for further submissions before final approval is granted.
ARTICLE XVIII
AMENDMENTS TO THE ZONING ORDINANCE

Section 18.1 Declaration of Public Policy

For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the Township, This Ordinance, and Zoning Map, shall not be amended except to correct a manifest error in the Ordinance or, because of changed or changing conditions in a particular area or in the Township generally, to rezone an area or to extend the boundary of an existing zone, or to change the regulations and restrictions thereof, only as reasonably necessary to the promotion of the public health, safety or general welfare.

Section 18.2 Power of Amendment

The Board of Supervisors may from time to time amend, supplement, change, modify or repeal This Ordinance including the Zoning Map. When doing so, the Board of Supervisors shall proceed in the manner prescribed in this Article.

Section 18.3 Who May Initiate

Proposals for amendment, supplement, change, modification, or repeal may be initiated by the Board of Supervisors on its own motion, by the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

A. Proposals originated by the Board of Supervisors. The Board of Supervisors shall refer every proposed amendment, supplement, change modification, or repeal to the Planning Commission. Within thirty (30) days of the submission of said proposal, the Planning Commission shall submit to the Board of Supervisors a report containing the Commission's recommendations, including any additions or modifications to the original proposal.

B. Proposals originated by the Planning Commission. The Planning Commission may at any time transmit to the Board of Supervisors any proposal for the amendment, supplement, change, modification, or repeal of This Ordinance.

C. Proposals originated by a citizen's petition. Each petition by one or more owners of property to be affected by a proposal for amendment, supplement, change, or modification shall be submitted in writing to the Secretary of the Board of Supervisors, in accordance with a fee schedule adopted in resolution of the Board of Supervisors. A fee shall be paid at the same time to cover costs, and no part of such fee shall be returnable to a
petitioner. On receipt of said petition the Board of Supervisors shall transmit a copy of the petition to the Planning Commission. Within thirty (30) days of its submission to the Planning Commission, the Commission shall submit to the Board of Supervisors a report containing the Commission's recommendation, including any additions or modifications of the original proposal.

Section 18.4 Notice of Hearings

A. No such amendment, supplement, change, modification, or repeal shall become effective until after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. Notice shall be given as follows:

1. At least 15 days prior to the date fixed for public hearing, publish a notice of time, place, the general nature of such hearing, and reference to a place within the municipality where copies of the proposed amendment, supplement, change, modification, or repeal may be examined, or obtained for a fee not greater than the cost thereof, in a newspaper of general circulation in the Township.

2. When such hearing concerns a zoning map change, give at least fifteen (15) days written notice to parties in interest, who shall be at least those persons whose properties adjoin or are across the street from the property in question. Notice of said hearing shall be posted conspicuously at points deemed sufficient by the Township along the perimeter of the affected tract at least seven (7) days prior to the date of such hearing.

3. A written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of any adjacent municipality or county, shall be given to the Secretary of such Municipality or County at least fifteen (15) days prior to the date of such hearing.

4. If after said public hearing, the amendment has been substantially modified, the Township shall hold another public hearing pursuant to public notice as outlined in Section 18.4.A.1 through 18.4.A.3.

Section 18.5 Approval of Amendment

A. At least fifteen (15) days prior to passage, publish in a newspaper of general in the Township, the proposed amendment, supplement, change, modification, or repeal in full text or the title and a brief summary prepared by the Township solicitor. If the full text is not published:

1. A copy thereof shall be supplied to the above mentioned newspaper at the time the notice is published.
2. An attested copy shall be filed in the County law library.

B. **Enactment of Zoning Ordinance Amendment**

The vote on the enactment by the Board of Supervisors shall be within ninety (90) days after the last public hearing. Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the County Planning Commission.

**Section 18.6 Citizens Protest Against Amendments**

A. In the case of a protest against an amendment, supplement, change, modification, or repeal signed by the owners of thirty-three and one-third (33 1/3%) percent of more, either of the area of lots included in such proposed change or of those immediately adjacent to the rear thereof extending one hundred feet therefrom, or of those directly opposite thereto, extending one hundred (100') feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the Board of Supervisors.

B. The Township may offer a mediation option as an aid in completing proceedings authorized by this Section. In exercising such an option, the Township and mediating parties shall meet the stipulations and follow the procedures set forth in Section 16.6.

**Section 18.7 Curative Amendments**

A curative amendment may be initiated by either a landowner or by the Board of Supervisors.

A. **Procedure for Landowner Curative Amendments**

A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 16.3.

1. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request as provided in Section 16.3. The curative amendment and challenge shall be referred to the Township and County Planning Commissions as provided in Section 18.3 and notice of the hearing thereon shall be given as provided in Section 18.4 and in Section 16.3.

2. The hearing shall be conducted in accordance with Section 15.4 and all references therein to the Zoning Hearing Board.
shall, for the purposes of this section be references to the Board of Supervisors. If the Board of Supervisors does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

3. If the Board of Supervisors determines that a validity challenge has merit, the Board of Supervisors may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the alleged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

a. the impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

b. if the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;

c. the suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, flood plains, aquifers, natural resources and other natural features;

d. the impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

e. the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

B. Procedure for Municipal Curative Amendments

1. If the Board of Supervisors determines that this Zoning Ordinance or any portion thereof is substantially invalid, the Board of Supervisors shall declare by formal action, this Zoning Ordinance or portions hereof substantively invalid and propose to prepare a curative amendment to overcome such
invalidity. Within thirty (30) days following such declaration and proposal the Board of Supervisors shall:

a. By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include:

1. references to specific uses which are either not permitted or not permitted in sufficient quantity:

2. reference to a class of use or uses which require revision; or

3. reference to the entire ordinance which requires revisions.

b. Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity.

2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate, or reaffirm the validity of the zoning ordinance.

3. Upon initiation of the procedures, as set forth in Section 18.7.B.1, the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 18.7.1 nor shall the Zoning Hearing Board be required to give a report requested under Section 16.3 subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by Section 18.7.B.1.a.1.

Upon completion of the procedures as set forth in 18.7.B.1 and 18.7.B.2, no rights to a cure shall, from the date of declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unmended zoning ordinance for which there has been a curative amendment pursuant to this section.

4. The Board of Supervisors having utilized the procedures as set forth in Section 18.7.B.1 and 18.7.B.2 may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the zoning ordinance, pursuant to Section 18.7.B.2; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this section to prepare a curative amendment to this ordinance to fulfill said duty or obligation.

XVIII-5
ARTICLE XIX

LEGAL STATUS PROVISIONS

Section 19.1 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Except where specifically provided to the contrary, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, structures, shelter or premises; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided however, that where this Ordinance imposes a greater restriction upon the use of a building or premises, or requires larger open spaces than are imposed or required by any other statute, ordinance, rule, regulation, or permit, or by any easement, or agreement, the provisions of this Ordinance shall control. Where due to inherent ambiguity, vagueness or lack of clarity in the language of this Ordinance, a reasonable doubt exists as to the meaning of any restriction upon the use of land, said doubt shall be resolved in favor of the property owner and against any implied extension of restriction.

Section 19.2 Separability

In any Article, Section, or provision of this Ordinance or the location of any District boundary shown on the Zoning Map that forms a part hereof should be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance or Zoning Map as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 19.3 Repealed

All other Township ordinances, or part of other ordinances in conflict herewith, are hereby repealed.

Section 19.4 Effective Date

Upon enactment by the Township Board of Supervisors, this Ordinance shall become effective as provided by law.
Enactment

Enactment by the Board of Supervisors of Turbot Township at its regular meeting ____________ day of _____________. 19__.

Chairman - Board of Supervisors

ATTEST:

By ____________________________

Secretary
APPENDIX
APPENDIX A

VARIANCE PROCEDURE

Application is Submitted to Zoning Officer

Zoning Officer Determines Proposal Conforms to Zoning Ordinance and Approves Application

Permit is Issued

Zoning Officer Determines Proposal Does Not Conform to Zoning & Disapproves Application

Applicant makes Changes & Resubmits Application

Variance is Requested from Zoning Hearing Board

Zoning Officer Posts Affected Property

Zoning Hearing Board Advertises Public Hearing

Zoning Hearing Board Holds Public Hearing & Hears Testimony

Zoning Hearing Board Grants Request or Denies Variance Request

Zoning Hearing Board Keeps Stenographic Record

Request Granted

Zoning Officer Issues Permit

Request Denied

Applicant Changes or Abandons Plans, or Appeals to Court
APPENDIX B

SPECIAL EXCEPTION PROCEDURE

Application is Submitted to Zoning Officer

Zoning Officer Determines Proposal Conforms to Zoning Ordinance

Permit is Issued

Zoning Officer Determines Proposal Requires Special Exception Authorization

Special Exception is Requested from Zoning Hearing Board

Zoning Officer Posts Affected Property

Zoning Hearing Board Advertises Public Hearing

Zoning Hearing Board Holds Public Hearing & Hears Testimony

Zoning Hearing Board Grants or Denies Special Exception Request

Request Granted

Zoning Officer Issues Permit

Request Denied

Applicant Changes or Abandons Plans, or Appeals to Court
APPENDIX C

PROCEDURE FOR AMENDING THE ZONING ORDINANCE

Township Planning Commission Sends Recommended Amendment to Township Supervisors*

- Copy of Proposal is Sent to County Planning Commission for Review 30 Days Before Hearing
- Copy of Proposal is Sent to Other Townships for Review, as Necessary

Township Supervisors Advertise Public Hearing

Township Supervisors Post Affected Property When Map Change is Proposed

- Township Supervisors Hold Public Hearing & Obtain Public Opinions

Township Supervisors Approve or Deny Amendment Request

Request Approved

Amendment Enacted

Request Denied

Proposal Returned to Township Planning Commission for Further Study & Resubmittal, if Desired

* If the amendment is prepared by a party other than the Township Planning Commission, then the Township Supervisors must send the proposal to the Planning Commission for their review and recommendations at least 30 days prior to the public hearing.
### APPENDIX D

<table>
<thead>
<tr>
<th>USES</th>
<th>AR</th>
<th>R1</th>
<th>R2</th>
<th>CC</th>
<th>HC</th>
<th>GU</th>
<th>FH</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACCESSORY USE OR STRUCTURE</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>SE</td>
</tr>
<tr>
<td>ADULT ENTERTAINMENT ESTABLISHMENTS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AGRICULTURAL BUSINESS</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AGRICULTURE</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>ANIMAL HOSPITAL</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BED AND BREAKFAST INN</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOARDING OR ROOMING HOUSE</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CAMPGROUNDS</td>
<td>SE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CELLULAR TOWERS</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CEMETARIES</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CHURCHES</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CLUBS OR FRATERNAL ORGANIZATIONS</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COMMERCIAL - AG-FARMING OPERATION (CAFO)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>SE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CONSERVATION AREAS</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CORRECTIONAL FACILITY</td>
<td>SE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CULTIVATION OF CROPS</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>DAY CARE CENTER</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DWELLING, MULTIPLE FAMILY</td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DWELLING, SINGLE FAMILY DETACHED</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DWELLING, TWO FAMILY</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ESSENTIAL SERVICES</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FEDERAL, STATE, AND LOCAL GOVERNMENT</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FLEA MARKETS</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GROUP CARE FACILITY</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HALF WAY HOUSES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>SE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HOME OCCUPATION</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>HOSPITAL/PERSOAL CARE FACILITY</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HOTEL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>INDUSTRIAL PARK</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>SE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUNK OR SALVAGE YARD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>SE</td>
<td></td>
</tr>
<tr>
<td>KENNEL</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LIVESTOCK/ANIMAL HUSBANDRY</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>LUMBER YARD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MOBILE HOME PARK</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MOTEL OR CONFERENCE CENTER</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NURSING HOME/RETIREMENT CENTER</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OUTDOOR RECREATION</td>
<td>SE</td>
<td>SE</td>
<td>SE</td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>PARKING LOT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PLANNED RESIDENTIAL DEVELOPMENTS</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PROFESSIONAL OFFICES</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PUBLIC OR QUASI-PUBLIC USE</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>QUARRYING</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RECREATION/ENTERTAINMENT FACILITY</td>
<td>SE</td>
<td>SE</td>
<td>SE</td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>RESTAURANT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RETAIL/WHOLESALE/OFFICE/SERVICE</td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RIDING STABLES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SHOPPING CENTERS</td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SURFACE MINING/EXCAVATION</td>
<td>SE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOWNHOUSES</td>
<td>SE</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TRUCKING TERMINALS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WASTE STORAGE/PROCESSING FACILITY</td>
<td>SE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WAREHOUSES</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WAREHOUSE - PERSONAL STORAGE</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*P = PERMITTED USE  SE = SPECIAL EXCEPTION*
While Deer School

FLOOD HAZARD (refer to Flood Insurance Rate Map)

LEGEND

R1 LOW DENSITY RESIDENTIAL

HC HIGHWAY COMMERCIAL

GU GENERAL USE

R2 MEDIUM DENSITY RESIDENTIAL

CC COMMUNITY COMMERCIAL

AR AGRICULTURE RESIDENTIAL

ZONING BOUNDARY DIMENSION
(measured from centerline of road)

PRIVATE ROAD

Scale 1" = 3000'

TURBOT TOWNSHIP
NORTHUMBERLAND COUNTY, PENNSYLVANIA

ZONING MAP