

**Borough of Turbotville
Northumberland County, Pa.**

**Municipal Zoning
Ordinance of 2014**

Turbotville Borough

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Table of Contents

Article I – Title, Application and Purpose	4
Section 100 – Title and Short Title	4
Section 101 –Application of Ordinance	4
Section 102 – Purpose	4
Section 103 – Minimum Standards	5
Section 104 – Community Development Objectives	5
Section 105 – Interpretation	6
Section 106 –Applicability	6
Section 107 – Repeal of Existing Municipal Zoning Ordinances	6
Article II – Definitions	7
Section 200 – General Provisions	7
Section 201 – Specific Terms	7
Article III – Zoning Map and Zoning Districts	27
Section 300 – Official Zoning Map	27
Section 301 –Classes of Districts	28
Section 302 – Interpretation of District Boundaries	28
Article IV –	
District Requirements	29
Section 400 – General Requirements	29
Section 401 –Residential Urban (RU)	29
Section 402 – Residential Town (RT)	30
Section 403 – Downtown Commercial (CD)	32
Section 404 – Highway Commercial (HC)	32
Section 405 – Commercial/Manufacturing (CM)	33
Section 406 - Classification of Commercial Uses	41
Section 407- Open Space (OS)	43
Section 408 - Additional Use Requirements	43
Section 409 - Mobile Home Park Standards	46
Section 410 - Agricultural Uses	47
Article V –	48
Supplemental Regulations	48
Section 500 – General Provisions	48
Section 501 – Additional Requirements for All Zoning Districts	48
Section 502 – Home Occupation Regulations	50
Section 503 – Accessory Buildings, Structures and Uses	50
Section 504 –Sign Regulations	51
Section 505 – Off Street Parking and Loading Areas	56
Section 506 –Landscaping Regulations	65
Section 507 –Fences and Walls	69
Section 508 – Building Design and Architectural Standards	70
Section 509 – Residential Protection Standards	73
Section 510 – Uses Fronting on Collector and Arterial Streets	73
Section 511 – Water Supply and Sewage Facilities Required	74
Section 512 – Foundations	74
Section 513 –Dangerous Structures	74
Article VI – Traditional Neighborhood Development	74
Section 601 – Intent	74
Section 602 – Development Provisions	74
Section 603 – General Design Standards and Provisions	75
Section 604 – General Public Use Design Standards and Provisions	76
Section 605 – Civic Use Design Standards and Provisions	77
Section 606 – Mixed Use Design Standards and Provisions	77
Section 607 – Multi-Family Home Design Standards and Provisions	78
Section 608 – Detached Home Design Standards and Provisions	79
Section 609 – Business Design Standards and Provisions	79
Section 610 – Architectural Standards	80
Section 611 – Development in Stages	80
Section 612 – Standards for Common Open Space	81
Section 613 – Enforcement of Plan Provisions	83

Section 614 –Contents of Applications	84
Section 615 – Submission and Review Procedures	86
Section 616 – Administration	89
Article VII – Open Space or Conservation Subdivision	90
Section 700 – Open Space or Conservation Subdivision Design	90
Section 701 – Determining Density or “Yield”	90
Section 702 – Density Bonus to Endow Maintenance Fund	90
Section 703 – Density Bonus for Public Access	91
Section 704 – Minimum Percentage of Open Space	91
Section 705 – Location of Open Space	91
Section 706 – General Locational Standards	92
Section 707 – Interconnected Open Space Network	93
Section 708 – Evaluation Criteria	93
Section 709 – Site Planning Procedures for Open Space Subdivisions	94
Section 710 –On-Site Walkabout	95
Section 711 –Presubmission Conference	96
Section 712 – Conceptual Preliminary Plan	96
Section 713 – Four Step Process	96
Section 714 – Preliminary Engineering Certification	97
Section 715 – Ownership and Maintenance of Open Space	97
Article VIII	99
Administration and Enforcement	99
Section 800 – Administration	99
Section 801 –Enforcement	100
Section 802 – Nonconforming Lots, Uses, Structures and Buildings	102
Section 803 – Certificate of Zoning Compliance	103
Section 804 – Schedule of Fees and Charges	104
Section 805 – Amendments	104
Section 806 – Exemptions	106
Article IX	106
Zoning Hearings	106
Section 900 –General Provisions	106
Section 901 – Hearings	108
Section 902 – Function of the Zoning Hearing Board	109
Section 903 – Standards for Variances	110
Section 904 – Standards for Special Exceptions	110
Section 905 – Function of the Governing Body	111
Section 906 – Standards for Conditional Use	112
Section 907 – Procedures for Hearings	112
Article X – Development Standards and Performance Standards	113
Section 1000 –Development Standards	113
Section 1001 –Performance Standards	114
Article XI	116
Miscellaneous Provisions	116
Section 1100 –Reviews and Appeals	116
Section 1101 –Remedies	116
Section 1102 –Severability	116
Section 1103 – Repeal of Conflicting Ordinances	116
Section 1104 –Effective Date	116
Section 1105 –Official Zoning Map	116
Appendices	
Appendix 1 –Animal Equivalency Units	118
Appendix 2 –Development Standards Drawings	120
Appendix 3 - Conservation Subdivision Drawings	125
Appendix 4 –Zoning Hearing Guidelines	132
Companion Documents	
Document 1 – Traditional Neighborhood Design Guidelines	
Document 2 – Conservation Subdivision Guidelines	

ARTICLE I

Title, Application, Purpose and General Provisions

This Chapter is based on Ordinance No. _____ of _____, 2014 of the Borough of Turbotville and subsequent amendments

Section 100 - Title and Short Title.

- A. Title - An Ordinance establishing regulations and restrictions for the location and use of lots, land, buildings and other structures, the height, number of stories and bulk of buildings and structures, the density of population, requirements for and Traditional Neighborhood Development, off-street parking and similar accessory regulations, in the Borough of Turbotville, Northumberland County, Pennsylvania, and for said purposes dividing the municipality into districts and proscribing certain uniform regulations for each district and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code, as amended.
- B. Short Title - This Ordinance shall be known as, and may be cited as, the Municipal Zoning Ordinance of 2014 for the Borough of Turbotville.

Section 101 - Application of Ordinance - Except as hereinafter provided, no building, structure, land, or parts thereof shall be used or occupied, erected, constructed or assembled, moved, enlarged or structurally altered unless in compliance with the provisions of this ordinance.

Section 102. Purpose - This Zoning Ordinance, including the provisions, requirements, and districts as hereinafter set forth, is based upon and intended to give effect to the policies and objectives set forth in the Joint Municipal Comprehensive Plan for the Borough of Turbotville and Lewis Township, and is intended to promote health, safety and the general welfare by achieving, among others the following purposes for development;

- A. To promote, protect and facilitate the proper density of population, emergency management preparedness and operations, 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 and/or industrial use.
- B. To promote, protect and facilitate the preservation of the natural, scenic and historic values in the environment and the preservation of forests, wetlands, aquifers and floodplains.
- C. To prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- D. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- E. To provide for the use of land within the Borough for residential housing of various dwelling types.
- F. To accommodate reasonable overall community growth, in those areas suitable of development, including population and employment growth and opportunities for development of a variety of nonresidential uses.
- G. To lessen congestion on the roads and highways.
- H. To avoid undue congestion of population.

- I. To encourage the most appropriate use of land, based upon the suitability of the proposed development site to accommodate a proposed use.
- J. To conserve the value of land and buildings.
- K. To promote and protect a rural and small town lifestyle

Section 103 - Minimum Standards - In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, and/or general welfare of the residents and inhabitants of Borough of Turbotville.

Section 104 - Community Development Objectives - The basis for this ordinance is the Joint Municipal Comprehensive Plan for the Borough of Turbotville and Lewis Township as adopted and/or amended by the Turbotville Borough Council. Those Community Development Objectives enumerated in order to achieve local desired goals and objectives are:

A. General Community Development Objectives.

- 1. Plan for change in our communities in a manner that will protect, preserve and enhance the economic, social, cultural and aesthetic values that establish the desirable small town and rural qualities of this region.
- 2. Promote safe, orderly, and efficient growth, and/or development in accordance with preserving sensitive areas through land use controls within the Borough.
- 3. Promote greater use of inter-municipal cooperation in planning to minimize the intrusion of non-compatible development on neighboring municipalities.
- 4. To provide flexibility for the community, its residents and businesses in processing applications for development.
- 5. To provide design standards for development which enhance the quality of life of our community.
- 6. To provide procedural safeguards for property owners under any land use regulations to be adopted.

B. Housing Goals

- 1. Provide suitable areas for a variety of housing choices in terms of types and densities of housing.
- 2. Provide and encourage areas for higher density development where public utilities can be utilized or extended to service the new development.
- 3. Provide low density rural housing opportunities that minimize the impact of the strip development upon highways.
- 4. Provide opportunities and incentives for the construction of affordable housing in new developments.
- 5. Provide opportunities and incentives for the rehabilitation of existing housing in our communities.

C. Industrial/Commercial Goals.

- 1. Encourage the development of major industrial uses in areas which contain adequate infrastructure to support such uses.
- 2. Encourage commercial development in the areas along Routes 54 and 44 which are suitable for such development.
- 3. Enhance the commercial viability of the downtown area of the Borough.
- 4. Provide for more selected neighborhood commercial uses in residential areas.
- 5. To provide opportunities for the adaptive reuse of existing industrial and/or commercial structures to house future industrial and/or commercial uses.
- 6. To provide for a more attractive and safer environment for business activity along arterial and collector roads.

D. Transportation Goals.

1. Protect highways from development encroachment.
2. Enhance pedestrian and non-motor vehicle safety on Routes 44 and 54.
3. Control driveway access on arterial and collector roads in our communities.
4. Provide for safe, attractive and environmentally friendly parking areas for multi-family and non-residential uses.
5. Provide for enhancing the safety of local residential streets by maintaining clear sight triangles at intersections, restricting visual obstructions at access points onto local streets and ensuring that future streets are constructed in a manner which enhances neighborhood safety concerns.

E. Environmental Goals.

1. Preserve, as much as possible, the present character of the Borough of Turbotville by concentrating commercial, industrial, and residential development in the areas where it already exists and those areas where the land is most suitable for development.
2. Discourage development on ecologically and environmentally sensitive lands including but not limited to: irreplaceable woodlands, floodplains, wetlands and soils with low percolation rates.
3. Provide for compatible uses in floodplain areas such as agriculture, open space, parks, etc.
4. Continue to improve and, if necessary, to expand water and sewer facilities which currently serve the Borough.
5. Insure that new development is not a detriment to the environment.
6. Improve storm water management planning and control.
7. Initiate energy use practices which promote beneficial results regarding conservation.

F. Recreation and Open Space Goals.

1. Provide for additional active large size recreational areas.
2. Encourage developers to plan comprehensively for the position of well located open space and recreational areas within new residential areas.
3. Encourage incorporation of floodplain areas into open space and recreational areas.

Section 105 – Interpretation – Where any question exists as to the interpretation of any provision of this ordinance the Municipal Zoning Hearing Board shall, at a public meeting, resolve such questions in accordance with the provisions of Article IX of this ordinance and Article IX of the Pennsylvania Municipalities Planning Code.

Section 106 – Applicability – The provisions of this ordinance, upon enactment by the Borough of Turbotville, shall apply to all lands, buildings, structures and/or uses of land and buildings located within the boundaries of the Borough of Turbotville.

Section 107 – Repeal of Existing Municipal Zoning Ordinances – Upon enactment of this ordinance by the Borough of Turbotville, the existing ordinances relative to zoning shall be repealed.

ARTICLE II

Definitions

Section 200 - For the purpose of this ordinance, certain terms, phrases, and words are defined as follows:

- A. Tense, Gender and Number - Words used in the present tense include the future; words used in the masculine gender include the feminine and the neuter; and the plural the singular.
- B. General Terms - The word “shall” or “must” is always mandatory; the word “should” is suggestive, and the word “may” is permissive. The words “used for” includes “designed for”, “arranged for”, “intended for”, “maintained for” or “occupied for”. The word “building” includes “structure” and shall be construed as if followed by the phrase “or part thereof”. The word “person or persons” includes “individual”, profit or non-profit organization”, “partnership”, “company”, “incorporated association”, or other similar entities.
- C. Terms, Phrases and Words Not Defined - When terms, phrases, or words are not specifically defined, they shall have their ordinarily accepted dictionary meanings or such as the context may imply.

Section 201 -Specific Terms - Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

Abandonment – The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring the rights to the property to another owner or of resuming the use of the property.

Accessory Structure (s) - A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. This shall include, but not be limited to garages, storage sheds, decks, swimming pools, patios, cabanas, gazebos and play structures.

Accessory Use - A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

ACRE ACT - Agricultural, Communities and the Rural Environment Act, Act 38 of 2005, which was enacted and became effective July 6, 2005. The Act is also known as the ACRE Law or Act 38.

Adult Entertainment Cabaret - Any public or private establishment serving food or beverages or licensed to serve alcoholic beverages, which features topless dancers, strippers, male or female impersonators or similar entertainers.

Adult Book Store - An establishment having as 25% or more of its stock in trade , books, magazines, films or video for sale or viewing on premises by use of any motion picture, Video- Cassette or other coin operated means, 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.”

Adult Massage Parlors - Any place of business where any person, partnership, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating parts of the body, relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, oil or other such items.

Adult Motion Picture Theater - An enclosed building used more than 25% of the time it is open for business for presenting motion picture, video or similar media distinguished or characterized by their emphasis on matters depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

Adult Use - Any establishment having 25% or more of its stock in trade or service provided any goods or services which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas." Such uses shall include "Adult Book Stores", "Adult Motion Picture Theaters", "Adult Entertainment Cabaret", "Adult Video Cassette Rental and Sales Outlet", "Adult Massage Parlors" or "Other Adult Uses".

Adult Video Cassette Rental and Sales Outlet - An establishment which has 25% or more of its stock in video cassettes for rental or sale and which excludes minors by virtue of age.

AGRICULTURE- The production, keeping or maintenance for sale, lease or personal use of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the feeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. For the purposes of this Ordinance, the word "agriculture" shall not include "commercial kennel" nor "agricultural business", or "agricultural services". (See also Section 410.)

Agricultural Business - Any business related to the processing and/or sale of agricultural products/supplies or the sale and/or repair of agricultural equipment, products or supplies.

Agricultural Land Preservation - An approved Federal, State, County or Municipal Program for acquiring conservation easements or purchasing development rights on agricultural lands.

AGRICULTURAL OPERATION: 1) The management and use of farming resources for the production of crops, livestock or poultry. 2) An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products, and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. (See also NORMAL AGRICULTURAL OPERATION.)

Agricultural Services - Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services, and farm labor and management services.

AirRights - The right to use space above ground level.

Alley - A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Alteration - Any change or rearrangement in the structural parts or in the existing facilities of any a building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such building from one location or position to another.

Animal Equivalent Unit (AEU) - One thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. (See PSU Agronomy Fact Sheet #54 or other associated agricultural industry guidance documents for a listing of standard animal weights).

Animal Husbandry - The raising of animals or livestock, including fowl, but not including dogs, cats or other common household pets, for sale.

Animal Husbandry Commercial- For the purpose of this ordinance, commercial animal husbandry shall be defined as an agricultural operation involving the raising or keeping of livestock and/or poultry for capital gain or profit or with the intent of selling livestock or poultry products as a commercial enterprise which does not meet the animal density thresholds set forth in the PA Nutrient Management regulations for a CAO or CAFO. (The housing or raising of livestock or poultry as farm pets or for personal use and enjoyment pursuant to the requirements of this ordinance shall not be considered commercial animal husbandry.)

Animal or Veterinary Hospital -A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

Apartment – A room or suite of rooms in a multi-family structure which arranged, designed, used or intended to be used as a housekeeping unit for a single family.

Applicant - A person submitting an application for development.

Aquaculture - The commercial cultivation of aquatic life, such as fish, shellfish and seaweed or a controlled discharge of nutrients to enhance growth or propagation of harvestable freshwater, estuarine or marine life plant or animal species.

Aquifer - A geologic formation that contains a usable supply of water.

Aquifer Protection Area - A designated area of land identified in an approved wellhead protection, aquifer protection or water supply plan, and mapped in said plan. Aquifer protection areas shall be overlay maps to the official zoning map and regulations applicable for aquifer protection areas shall be applicable in all districts where such aquifer protection areas exist.

Aquifer Recharge Area - The outcropping part of the aquifer through which water enters the aquifer.

Attic - That part of a building that is immediately below and wholly or partly within the roof framing.

Average Setback - The mean setback from a street right-of-way of buildings on both sides of a lot.

Basement - a space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and a half feet. A basement shall be considered as one story in determining the permissible number of stories.

Bed and Breakfast - Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.

Bedroom – A room not less than seventy (70) square feet of net floor area which, because of limited access and separation from the living areas, is intended or may be used for sleeping.

Board or Municipal Zoning Hearing Board - The Municipal Zoning Hearing Board of the Borough of Turbotville.

Boarding House – See Lodging or Rooming House.

Broadcast Transmission Facility – Any structure designed or intended for use to transmit or relay any digital, electronic, radio, television or microwave signal via the atmosphere.

Building - A combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended, or arranged for the shelter, enclosure, housing or structural support of persons, animals, process, equipment, goods or materials of any kind. Building shall not include driveways, parking spaces or parking lots.

Building Coverage - The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

Building, Detached - A building surrounded by open land on all four (4) sides within the same lot.

Building Height - The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs.

Building Line - A line parallel to the street or right-of-way line touching that part of the building closest to the street.

Building Mass - The height, width and depth of a structure.

Building Scale - The relationship of a particular building, in terms of building mass, to other nearby and adjacent building

Building Setback Line - A line, established by this ordinance, within a property, defining the minimum distance between any building or structure or portion thereof to be erected or altered, and an adjacent right-of-way, street or property line. Such line shall be measured at right angles to adjacent street, right-of-way or property line and running parallel to said line.

Building , Semi-Detached - A building which has one (1) wall in common with an adjacent building.

Bulk Regulations or Requirements - Standards and controls that establish the maximum size of buildings and structures on a lot and the buildable area within which the buildings can be located, including coverage, setbacks, height, floor area ratio, and yard requirements.

Caliper - The diameter of a tree trunk four feet above grade.

Campground - A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreational, education or vacation purposes.

Camping Unit - Any tent, trailer, cabin, lean-to, recreation vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes.

Campsite - A plot of ground within a campground intended for exclusive occupancy by a camping unit or units.

Cellar - A space with less than one half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and a half feet. A cellar shall not be considered a story in determining the permissible number of stories.

Central Water or Sewer - A water or sewer distribution system which serves facilities or a community on an area wide or regional basis. The facility company must be approved by and/or licensed by the appropriate State or Federal Agencies.

Certificate of Zoning Compliance - A document, which must be obtained, issued by the Zoning Officer, based upon an inspection, allowing the occupancy or use of a building and certifying that the structure or use has been constructed (and/or will be used) in compliance with all applicable municipal codes (including BOCA and Occupancy Permit Codes) and ordinances. [SEE Zoning Compliance Permit]

Change of Use - Any use that substantially differs from the previous use of a building or land.

Church (Houses of Worship) - A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Clear Sight 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 street and/or driveway lines.

Commercial Model Home - A structure erected that is intended to serve as a representation of a planned or existing home of the same kind or likeness, and that is to remain as a long-term display, contain offices or be used for current or future commercial ventures.

Commercial Use – Activity involving the sale of goods or services carried out for profit.

Commission - The Municipal Planning Commission of the Borough of Turbotville, Northumberland County, Pennsylvania.

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 that is designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. Common Open Space shall be deeded to an association of property owners or a nature or lands conservancy or to the Borough of Turbotville.

Community Association or Homeowner's Association - A homeowners association organized to own, maintain, and/or operate common facilities and to enhance and protect their common interests.

Community Living Arrangement – A dwelling unit that provides a living environment for unrelated residents who operate as the functional equivalent of a family, including supervision and care by supportive staff as may be necessary to meet the emotional, physical and social needs of an aged person, a disabled or handicapped person, a developmentally disabled person, a non-dangerous mentally ill person, and/or a child as defined in the appropriate Federal or State statutes.

Concentrated Animal Operation (CAO) - Agricultural operations with eight (8) or more animal equivalent units (AEUs) where the animal density exceeds two (2) AEU's per acre on an annualized basis.

Conditional Use - A use which may not be appropriate in a particular zoning district as a whole but which may be suitable in certain locations within the district when specific conditions and factors proscribed within this Ordinance for such uses are met. All Conditional uses are permitted only by the approval of the Borough of Turbotville after recommendation by the Commission.

Condominium - A building, or group of buildings, in which dwelling units, offices or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

Conservation Area, Primary - Environmentally sensitive areas with characteristics such as steep slopes, wetlands, flood plains, high water tables, forest areas, endangered species habitat, Class I and II agricultural lands or areas of significant biological productivity or uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance or character.

Conservation Area, Secondary - Areas with historic, cultural, visual or aesthetic characteristics, determined by the Planning Commission to be worthy of protection and/or preservation on a development site.

Construction - The building, rebuilding, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes and/or mobile homes.

Contiguous - Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous.

Conversion - A change in the use of land or a structure.

Covenant or Restrictive Covenant - A restriction on the use of land usually set forth in the deed or on a recorded plan.

Crop - A harvestable product, planted, grown, and cultivated in the soil.

Cropland - Land upon which crops are grown.

Curb Cut - The opening along the curb line at which point vehicles may enter or leave the roadway.

Deciduous - Plants that drop their foliage annually before becoming dormant.

Decision – Final adjudication by the Municipal Zoning Hearing Board or Governing Body of matters subject to any land use ordinance either by reason of the grant of exclusive Jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to court of common pleas of the county and judicial district wherein the Borough of Turbotville lies.

Density - The number of families, individuals, dwelling units, households, or structures per unit of land.

Density Bonus - An increase in the number of allowable units on a parcel, from the density requirements established in a particular district, granted to achieve a public policy objective specifically related to granting such a bonus.

Design Standards - Guidelines defining parameters to be followed in site and/or building design and development.

Determination – Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereof. Determinations shall be appealable only to the board(s) designated as having jurisdiction for such appeal.

Developer - Any landowner, agent of such landowner, or tenant with the permission of such land owner, who causes to be made any subdivision of land or land development.

Development - The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any

mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

District - A part, zone or geographic area within the Borough of Turbotville within which certain development or zoning regulations apply.

Drive-In or Drive Through - A structure or use that by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

Dwelling - A structure or portion thereof that is used exclusively for human habitation. In terms of this ordinance a dwelling shall not be deemed to include hotel, motel, dormitory, fraternity or sorority house, rooming house, tourist home or bed and breakfast establishments.

Dwelling, Single Family - A building arranged, designed, or intended for and occupied exclusively by one family.

Dwelling, Two Family - A building arranged, designed, or intended for occupancy by two (2) families living independent of each other and doing their own cooking therein.

Dwelling, Multifamily - A building arranged, designed, and intended for occupancy by three (3) or more families living independent of each other and doing their own cooking therein.

Dwelling, Detached (Single-Family): A dwelling structure containing one dwelling unit from ground to roof, having open space on all sides of the unit.

Dwelling - Manufactured - A Mobile Home or Manufactured Housing as defined below.

Mobile Home - A single-family detached manufactured housing unit built on a chassis. A mobile home shall be constructed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided.

Manufactured Housing - Factory built structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) Code.

Dwelling, Seasonal - A dwelling unit not used as a principal residence that may be occupied weekends and for brief periods during the year.

Dwelling, Semi-Detached (Single Family) - A one-family dwelling attached to one other one-family dwelling by a common vertical wall, with each dwelling located on a separate lot.

Dwelling Unit - A building or portion thereof providing one or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of the occupants maintaining a household.

Easement - A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

Easement, Conservation - The grant of a property right stipulating that the described land will preclude any future or additional development.

Efficiency Dwelling Unit - An apartment dwelling unit which features a combination of certain uses in order to lessen total living area required. An "efficiency unit" shall not include any apartment of three (3) or more rooms.

Engineer – A professional Engineer registered by the Commonwealth of Pennsylvania.

Essential Services - The erection, construction alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, steam or water transmission, distribution, collection, supply or disposal systems, including poles, wires, mains, drains, sewer pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety or general welfare, but not including Communications Towers and Communications Antennas as defined herein and buildings, except telephone control office buildings and telephone booths which shall also be considered as essential service facilities hereunder.

Establishment - An economic unit, generally at a single physical location, where business is conducted or services or industrial operations performed.

Excavation - Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Exceptional Value Waters - Surface waters designated by the Pennsylvania Department of Environmental Protection (or any successor agency) as having exceptional value by virtue of criteria established under State Law or Regulation.

Exceptional Value Wetlands - Jurisdictional wetlands designated by the Pennsylvania Department of Environmental Protection (or any successor agency) as having exceptional value by virtue of criteria established under State Law or Regulation.

Existing Grade or Elevation - The vertical location above some elevation point of the ground surface prior to excavating or filling.

Existing Use - The use of a lot or structure at the time of the enactment of this Ordinance.

Extension - An increase in the amount of existing floor area beyond the exterior wall.

Exterior Wall - Any wall that defines the exterior boundaries of a building or structure.

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.

Family – “A group of individuals related by blood, marriage, adoption, guardianship or “Community Living Arrangement” unrelated by blood, marriage, adoption, guardianship or “Community Living Arrangement” as a single household.” (SEE HOUSEHOLD)

Family Day Care Home - A dwelling unit offering child day care and/or adult day care services to a maximum of six persons, not including the residents of the dwelling unit, unrelated by birth or marriage or occupancy of the resident household.

Farm or Farmland - A parcel of land used for agricultural activities.

Farm Stand - A structure for the display and sale of farm products produced on the farm on which the “farm stand” is located.

Farm Structure - Any building or structure used exclusively for agricultural purposes.

Fence - An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

Floodplain - Those land areas subject to being flooded or having flood hazard conditions as defined in the Borough Floodplain Ordinance as amended.

Floor Area, Gross - The sum of the gross horizontal areas of all the floors of a building or structure from the exterior face of the exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

Floor Area, Habitable – The aggregate of the horizontal area of all rooms used for habitation, such as living room, dining room, kitchen, and bedroom(s) but not including hallways, stairways, cellars, service rooms, utility rooms, bathrooms, closets, unheated areas such as enclosed porches nor rooms without at least one (1) window or skylight opening onto an outside yard or court. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of the room where ceiling height is less than five (5) feet shall not be considered part of the “habitable floor area.”

Floor Area, Net - Gross floor area minus 15 percent.

Floor Area Ratio - The gross floor area of all building or structures on a lot divided by the total lot area.

Foot-candle - The unit of illumination when the foot is the unit of length, as shown as an isofootcandle diagram, where all points on the line represent the same level of illumination.

Forestry or Timbering - Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

Free Standing Sign - A self supporting sign in a fixed location and not attached to any building structure.

Frontage - That side of a lot abutting on a street; the front lot line.

Gamelands - Publicly owned or leased lands under the control of the Pennsylvania Game Commission (or any successor agency) open to the public for express purpose of the licensed hunting of birds or mammals, or general use by the public.

Garage, Private - An enclosed structure for the storage of one or more private motor vehicles provided that no business, occupation or service is conducted therein. Such a structure is accessory to the principal structure on the lot.

Garage, Public – A structure or portion thereof, other than a private garage, used for the storage or motor vehicles for a fee.

Garage, Repair - A building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

Garden Apartment House - A multifamily dwelling, not exceeding three (3) stories in height, containing three (3) or more dwelling units on a lot which is held in single and separate ownership having yards in common but which may also have other shared facilities and services.

Gasoline Service Station - A structure, building, or area of land or any portion thereof that is used for the sale of gasoline or other motor vehicle fuel and oil and/or other lubricating substances, which may or may not include facilities for lubricating, washing, sale or accessories, and otherwise servicing

motor vehicles, but not including the painting thereof.

Glare - The effect produced by brightness sufficient to cause annoyance, discomfort or loss in visual performance and visibility.

Governing Body - The Council of the Borough of Turbotville, County of Northumberland County, Commonwealth of Pennsylvania.

Grade - The average elevation of the land around a building; the percent of rise or descent of a sloping surface.

Grade, Finished - The final elevation of the ground level after development.

Grade, Natural - The elevation of the ground level in its natural state, before construction, filling, or excavation.

Greenway - A linear open space established along any natural corridor, such as a watercourse, ridgeline or overland along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; any natural or landscaped course for pedestrian or bicycle passage; an open space connector linking parks, natural reserves, historic features, cultural features, scenic views or aesthetic features with each other and with populated areas; and locally, certain strip or linear parks designated as a parkway or greenbelt.

Group Care Facility - A facility providing, food, shelter, and personal guidance, with supervision, to persons who require assistance, temporarily or permanently, in order to live in the community. Such facilities shall include group homes, halfway houses, intermediate care facilities, supervised living arrangements, hostels, domestic abuse shelters, congregate residences or long term care facilities. Group Care Facilities shall not house more than 15 residents.

Habitable Room – A room or enclosed floor space arranged for living, eating or sleeping purposes, not including bath or toilet rooms, laundries, pantries, foyers or communicating corridors.

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 in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed.

Height of a Communications Tower - The vertical distance measured from ground level to the highest point on a Communications Tower, including antennas mounted on the tower.

Height of Signs - The vertical distance measured from the average finished grade at the front of the structure to which the sign is affixed or a part of to its highest point, which includes any supporting structure.

Health Care Facility - A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions.

Historic District – A mapped overlay district within the Borough which contains buildings and structures of historic and/or architectural significance where additional standards and regulations apply.

Historic Property or Site - A structure of outstanding historical and/or cultural significance and identified in the Northumberland County Historic Preservation Plan.

Home Occupation - Any occupation, permitted under the provisions of this ordinance, which is carried on in a dwelling unit, or in a structure accessory to a dwelling unit, by a member of a family residing in said dwelling unit and that is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Horticulture - The cultivation of a garden or orchard.

Hospital – Unless otherwise specified, includes a sanitarium, clinic, rest home, nursing home and/or any other building for the diagnosis, treatment or care of ailments.

Hotel or Motel - A facility offering transient lodging accommodations to the general public and the business conduct of which is licensed under applicable laws.

Household – “A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas for the preparation and serving of food within the dwelling unit.”

Household Pets -: For the purposes of this Ordinance, household pets shall be defined as domesticated animals, including dogs, cats, and other similar animals that are housed in a private residence as personal companions.

Impervious Coverage - That portion of a lot, expressed as a percentage, that does not absorb precipitation. (SEE Impervious Surface).

Impervious Surface - Any material that prevents absorption of storm water into the ground. All buildings, structures, parking areas, roads, sidewalks, any area in concrete, asphalt, or other similar materials shall be considered impervious surface.

Indoor Recreation - A structure or building containing facilities for recreational activities, such as tennis, platform games, swimming, exercise rooms, handball, and similar activities.

Industrial Use - A use whose field of economic activity includes mining, construction, manufacturing, transportation, communication, electric, natural gas services, sanitary services and wholesale trade.

Inn – A dwelling in which no more than six (6) rooms are used to provide overnight accommodations for transient guests for compensation, and in which meals may be provided or offered to the said transient guest.

Institution- A nonprofit, religious or public use, such as a church, library, public or private school, hospital, or government owned or operated building, structure or land used for public purpose.

Jurisdictional Wetland - An identified wetland area subject to jurisdiction of any Federal, State, County or Municipal Regulation.

Junk—Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition. Automobiles in an inoperable condition and not bearing a current motor vehicle registration and/or inspection sticker shall be considered junk.

Junkyard – Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

Kennel(s)

Commercial Kennel - A facility for the boarding of animals, the breeding of dogs and/or cats, or the boarding, grooming, sale or training of dogs and/or cats for which a fee is charged.

Non-commercial Kennel - Any establishment where dogs and/or cats are kept within or adjoining a private residence for the non-commercial purpose of hunting or exhibition in shows or field trials or obedience training. Surplus offspring bred at such kennels to enhance or perpetuate any given breed, recognized by the American Kennel Club, may be sold at such kennels and shall not be considered a commercial activity for the purpose of this ordinance. All animals kept or maintained in said kennel must be owned by the individual or family residing upon the lot upon which the kennel is located.

Land Development Plan - A plan, prepared by a licensed surveyor or engineer, providing for:

- (1). The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more residential buildings; three or more residential dwelling units; or a single nonresidential building on said lot or lots.
- (2). The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, lease holds, condominiums, building groups or other features.
- (3). A subdivision of land.

Except that the following shall be excluded from this definition:

- a. the conversion of an existing single-family detached dwelling or a two family dwelling into not more than three residential units, unless such units are intended to be a condominium;
- b. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
- c. 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 sub-clause, an amusement park is defined as a tract, or area used principally as a 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.

Land Cultivation: The tilling or cultivating of soil for crop or tree farming.

Land Use Regulations – Ordinances duly adopted by the Borough of Turbotville, pursuant to applicable Commonwealth enabling statutes, including but not limited to the Municipal Zoning Ordinance, any Subdivision and Land Development Ordinance, Building Codes, Property Maintenance Codes, Historic District Ordinance, Stormwater Management Ordinance and Floodplain Management Ordinance.

Landscape Architect – A landscape architect registered by the Commonwealth of Pennsylvania.

Livestock: For the purposes of this Ordinance, the term "livestock" shall be defined as animals raised, stabled, fed or maintained on an agricultural operation for the purpose of generating income or providing work, recreation or transportation, including dairy cows, beef cattle, goats, sheep, swine and horses.

Lot - A tract or parcel of land, regardless of size, held in single or joint ownership, not necessarily a lot or lots shown on a duly recorded map, which is occupied or capable of being occupied by buildings, structures and accessory buildings, including such open spaces as are arranged, designed or required. The term lot shall also mean parcel, plot, site, tract or any similar term.

Lot Area, Gross - The area of land contained within the limits of the property lines bounding that area, but not including any street right-of-way.

Lot Area, Net - The area of land contained within the limits of the property lines bounding that area, exclusive of Jurisdictional Wetlands, Aquifer Recharge Areas or Exceptional Value Waters as

defined in this ordinance.

Lot, Corner - A lot at the point of intersection of and abutting on two (2) or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of the two (2) street lines.

Lot, Record - A lot, the boundaries of which are established by a recorded deed and/or plot plan.

Lot Coverage - A percentage which when multiplied by the lot area will determine the permitted building area for all impervious surfaces.

Lot Depth – The main horizontal distance between the front and rear lot lines.

Lot Line - Any boundary line of a lot. Where a lot line is irregular, its mean alignment shall be the determining measurement under this ordinance.

Lot Width - The mean width measured at the building setback line between side lot lines and parallel to the front lot line but in no case shall the street frontage be less than one-half (1/2) of the required lot width in the particular zoning district.

Mall - A shopping center where tenants are located on one or both sides of a covered walkway with direct pedestrian access to all establishments from the walkway.

Meadow - Uncultivated land, not used for pasture, usually containing wildflowers or grasses.

Mean - The average of a series of figures computed by adding up all the figures and dividing by the number of figures.

Membership Club - A non-profit social organization with pre-established formal membership requirements, bylaws, and with the objective of promoting the interests of its members.

Minerals – Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand, and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite, and clay, anthracite and bituminous coal, lignite, coal refuse, peat and crude oil and natural gas.

Mining, Quarrying, Mineral Extraction and/or Excavation - 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, including but not limited to strip, drift and augur 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 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. Mining, quarrying, mineral extraction 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.

Mixed Use Structure - A building or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, retail, public or entertainment.

Mobile Home Park - A parcel or contiguous parcels of land which have been designed and improved in a manner to site two or more mobile homes.

Model Home - A residential building erected on a lot situated within an approved subdivision which owned or developed by the owner of said structure and which is intended to serve as a representation of the kind or type of residential building the owner/developer intends to erect within said subdivision. Said building shall be used for demonstration purposes which shall include sales offices only for that period of time which the owner/developer is actively marketing the lots in said subdivision. Said Model Homes shall be used for demonstration purposes only in connection with the marketing of lots within said subdivision.

Motel - A building or group of buildings containing individual rooms or apartment accommodations primarily for transients, each of which is provided with a separate exterior entrance and a parking space, and offered principally for rental and use by motor vehicle travelers. The term shall include but not be limited to auto courts, motor courts, tourist courts, motor inns, motor lodges or roadside hotels.

Municipal Building - Any building owned, leased or used by the Borough of Turbotville or any agency or authority created by the Borough of Turbotville..

Municipality - Shall mean the Borough of Turbotville, Northumberland County, Pennsylvania.

Nonconforming Building or Structure - A building or structure, thereof which does not conform to applicable requirements of the district in which it is located, where such building or structure fully existed prior to the enactment of this ordinance or any subsequent amendment.

Nonconforming Lot – A lot whose area or dimension which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

Nonconforming Use - A use, whether of land or of structure which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Normal Agricultural Operation:- A farm of ten (10) or more contiguous acres, or less than ten (10) contiguous acres if the farm has an anticipated annual gross income of at least \$10,000.

Nuisance - An interference with the enjoyment and use of property.

Nursing Home – Any building containing sleeping rooms and used by persons who are lodged and furnished with meals and nursing care.

Occupancy Permit – A required permit allowing the use of any building or structure after it has been determined that all the requirements of applicable permits have been met, and issued by the Code Compliance Officer.

Odor Management Plan: A written, site-specific plan identifying the practices, technologies, standards and strategies to be implemented to manage the impact of odors generated from animal housing or manure management facilities located or to be located on the site.

Office - A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files, communication equipment, etc.

Office Center - A group of office establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and

signage in accordance with an approved plan.

On-Lot Stormwater Management - The control of runoff from precipitation on the impervious area of the same lot that the runoff was generated. Devices used to control the runoff shall be constructed using “Best Management Practices” as identified in the Pennsylvania Handbook of Best Management Practices for Developing Areas. Applicants should consult with the Northumberland County Conservation District and the Municipal Engineering Consultant for guidance in the selection of appropriate Best Management Practices.

Open Area or Space - Unoccupied space open to the sky and on the same lot with the principal use. Open areas or space shall usually be in a natural state, but may include squares, plazas and formal gardens which contain no impervious surfaces.

Open Space or Conservation Subdivision - A form of development that permits a reduction in the lot area and bulk requirements, providing a potential increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas or agriculture and complying with the provisions of Article IV, Section 407 of this ordinance.

Other Adult Uses - Any business, activity or use similar to or of the general nature of “Adult Book Stores”, “Adult Motion Picture Theaters”, “Adult Entertainment Cabarets” or “Adult Massage Parlors” which provides goods or services distinguished or characterized by their emphasis on “Specified Sexual Activities” or “Specified Anatomical Areas” such as escort bureaus, nude wrestling studios, Phone Sex Services, Internet Sex Services, and studios, all of which exclude minors by virtue of age as patrons thereof.

Outdoor Recreation - The use of land for leisure time activities, either of a formal, active or inactive nature, such as, but not limited to, sports fields or courts, playgrounds, trails, bike paths, picnicking, table games, and similar activities not taking place in a building.

Parent Tract - A parcel or parcels of land from which additional lots are created.

Parking Area - Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

Parking Lot - Any off-street area or structure designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space appurtenant thereto.

Parking Space - An off-street area available for the parking of one (1) motor vehicle and excluding driveways, passageways, and maneuvering space appurtenant thereto.

Pasture - Land used for the grazing of livestock.

Patio – A surfaced area or courtyard designed for outdoor living purposes as an accessory use to a structure, which shall be unenclosed except for any side which may adjoin a structure or for any fences, walls, shrubs or hedges. Outdoor areas enclosed by a roof or awning shall be considered a building.

Permitted Use - Any use not requiring special action by the Municipal Zoning Hearing Board or the Governing Body before a zoning permit may be granted by the Zoning Officer.

Plant Nursery or Nursery - Land or greenhouses used to raise flowers, shrubs and plants for sale.

Porch or Deck - A roofed or unroofed structure projecting from the front, side or rear wall of buildings.

A porch becomes a room when the enclosed space is heated or air-conditioned and when the percentage of window area to wall area is less than 50 per cent.

Poultry: Domesticated birds kept for eggs or meat.

Principal Structure - A structure housing the main or principal use of the lot on which the structure is situated.

Principal Use - The primary or predominant use of any lot or parcel.

Professional Office - The office of a practitioner of a calling or occupation which the Municipal Zoning Hearing Board finds to be professional in character by virtue of specialized knowledge, training, education and/or experience required for the practice of said calling or occupation. Said professions shall include, but not be limited to, law, medicine, chemistry, ministry, architecture, accounting, engineering, writing and education.

Public Grounds or Space – Shall include parks, playgrounds, trails, paths, recreational areas, schools, scenic or historic sites which are owned and operated by a governmental body or a nonprofit agency created by a governmental body.

Public Hearing - A formal meeting held pursuant to public notice by the Governing Body, the Municipal Planning Commission or the Municipal Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this ordinance.

Public Meeting - A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No. 84), known as the "Sunshine Act".

Public Notice - Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of a public hearing or meeting and the particular nature of the matter to be considered at said hearing or meeting. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of said hearing or meeting.

Public Use - Uses, Buildings, or Structures designed, intended or arranged for the use of or provision of service to the general public by a governmental agency or any agency, authority or organization created by a Governing Body or a group of governing bodies. Fees and conditions for such use may be determined and regulated by the operator thereof, such uses shall include, but not be limited to, Federal, State, County and Municipal offices, Public Schools, sewage treatment facilities, water distribution facilities, recreation facilities, public safety facilities, human service facilities and other similar uses. Such uses shall not include privately owned facilities.

Public Utility Transmission Tower - A Structure, owned and operated by a public utility company regulated by the Pennsylvania Public Utility Commission, designed and used to support electricity transmission lines.

Quasi or Semi-Public Use – A use owned or operated by a nonprofit, religious or educational institution and providing educational, cultural, recreational, religious or other similar public services or programs. This term does not include Houses of Worship.

Report – Any letter, review, memorandum, compilation or any other similar written document made by any agency, board, Governing Body, officer or consultant other than a solicitor to any other agency, board, Governing Body, officer or consultant for the purpose of assisting the recipient of the report in rendering of any decision or determination. All reports shall be deemed to be recommendatory and advisory only and shall not be binding upon the recipient agency, board,

Governing Body, officer, or consultant, nor shall any appeal lie therein. Any report used, received or considered by the agency, board, Governing Body, officer or consultant rendering a determination or a decision shall be made available for inspection to any party to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

Residential Dwelling Lot - A lot upon which a residential unit is located or is to be located.

Resort: A building or group of buildings located on a lot, arranged and used for lodging of members and guests, including facilities for service of food to lodgers and/or non lodgers, and may include retail sale of commodities and services, and facilities for educational activities and recreation for lodgers and/or non lodgers.

Riding Stable - The commercial hiring out of horses or ponies, whether with or without instruction in riding.

Right of Way - A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses.

Rooming House or Lodging House - A dwelling, other than a membership club, fraternity or sorority, college dormitory, motel or hotel, in which lodging is provided on a weekly or monthly basis without meals for two or more persons in addition to the family occupying said dwelling.

School – Any building or structure used for the purposes of providing educational services.

Private School – Any building or structure used for the purposes of providing educational services which is not owned and/or operated by a public school system or a governmental entity.

Public School – Any building or structure used for the purposes of providing educational services which is owned and/or operated by a public school system or a governmental entity.

Screening - A method of visually shielding or obscuring one abutting or nearby structure or use from another by means of fencing, walls, berms, or densely planted vegetation.

Shopping Center - A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access.

Sign - A structure, which consists of any device, light, letter, word, model, banner, pennant, trade flag, logo, insignia, balloons or representation which advertises, directs, or announces the use conducted; goods, products, services or facilities available; or which influences persons or conveys information, or which calls attention to the building or the use located on the lot. The term “sign” includes the word billboard, but does not include the Flag of the United States of America or the Commonwealth of Pennsylvania, or any Federal, State or Municipal traffic or directional sign or other official Federal, State, County or Municipal Government Signs.

Sign, Gross Surface Area - The entire area within a single continuous perimeter enclosing the extreme limits of a sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming any part of the display.

(1). For either a free standing sign or an attached sign, the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with the entire background, whether open or enclosed, on which they are displayed.

(2). For a sign painted upon or applied to a building, the area shall be considered to include all

lettering, wording and accompanying designs and symbols together with any background, and shall be the smallest geometric shape that can be drawn to encompass all the lettering and/or symbols.

(3). For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, other than those signs described in subsections (1) and (2) above, the area shall be considered to be that of the smallest common geometric shape that can be drawn to encompass all of the letters and symbols.

Sign, Awning - A sign painted on or attached to a removable frame, of the hinged, rolled or folding type, which may have a covering, either combustible or noncombustible.

Sign, Business - A sign which directs attention to a use conducted on the premises or to goods, products or services sold or provided, manufactured or assembled upon the same premises upon which it is displayed.

Sign, Commercial or Office Center - A directory, on or off premises, used to identify specific enterprises which are located within the commercial or office center.

Sign, Marquee - A sign painted on, attached to, or consisting of an interchangeable copy reader, on the face of a building, or as part of a free standing sign.

Special Exception Permit - A permit issued by the Zoning Officer, after authorization by the Municipal Zoning Hearing Board, before any special exception use can be constructed or operated.

Special Exception Use - A use requiring approval from the Municipal Zoning Hearing Board, after a public hearing, and meeting the requirements established for said use in this ordinance.

Specified Anatomical Areas – is defined as;

- a. Less than completely and opaquely covered;
 - (1). Human genitals, pubic region,
 - (2). buttock and
 - (3). female breast below a point immediately above the top of the areola; and,
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities – is defined as;

- a. Human genitals in a state of sexual stimulation or arousal;
- b. acts of human masturbation, sexual intercourse or sodomy;
- c. fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Stage: One or more sections on which an applicant proposes to commence development at the same time, as part of a timetable for development of a Traditional Neighborhood Development over a period of years.

Story - The portion of a building included between the surface of any floor and surface of the floor next above it or if there is no floor above it, then the space between any floor and the ceiling next above it. Each level of a split level building shall be considered one-half (1/2) story. Cellars shall be excluded from determining the maximum number of stories.

Story, Half - Any space immediately below and wholly or partly within the roof framing, with or without a finished floor, where the clear height of not more than seventy-five percent (75%) of the space has structural headroom of seven (7) feet, six inches or greater.

Street - A public or private right-of-way built to approved municipal standards, excluding driveways, intended for use as a means of vehicular and pedestrian circulation which provides

a means of access to abutting property. The word “street” shall include thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley and road or similar terms. Streets shall not be used for right angle parking where the Governing Body determines it will interfere with traffic movement.

Structure - Any material or combination of materials which are constructed or erected, the use of which requires location on the ground, or attached to something located on the ground.

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

Subdivision – The division or re-division 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 or devisees, transfer of ownership, or building or lot development.

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 from 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.

Surveyor – An individual registered with the Commonwealth of Pennsylvania as authorized to measure the boundaries of tracts of land, establish locations, and perform the requirements of a survey

Therapeutic Massage Establishment - Any place of business where any person, partnership, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, oil or other such items.

Townhouse - A multi-family dwelling consisting of between three (3) and eight (8) attached dwelling units, each separated by an un-pierced party wall. Each dwelling unit shall have exposure to light and air and entrances on at least two (2) sides and a semi-enclosed, private rear yard area.

Tourist Home - A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

Traditional Neighborhood Development (TND) – An area of land developed for a compatible mixture of residential units for various income levels and nonresidential and workplace units, including some structures that provide for a mix of uses within the same building. Traditional Neighborhood Development is relatively compact in size and oriented toward pedestrian activity. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

Tree Farm - Land used for the purpose of growing trees for sale.

Usable Open Space - An unenclosed portion of the area of a lot which is not devoted to driveways, parking spaces, or principal and accessory structures. Useable open space may include common buildings such as shelter, pavilions, or recreational structures which are centrally located and accessible to the occupants of the building or buildings.

Use - The specific purpose for which land, sign, structure or building is designed, arranged, intended or for which it may be occupied or maintained, or any activity, occupation, business or operation which may be carried on. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Variance - A waiver, granted by the Municipal Zoning Hearing Board, from the terms and conditions of this ordinance where literal enforcement would create unnecessary hardship as a result of peculiar or unique conditions, or circumstances pertaining only to the lot in question, and when the granting of such waiver would not be contrary to the public interest.

Waste - Any garbage, refuse or other waste or discarded material including solid, liquid, semisolid or gaseous material resulting from the operating of residential, municipal, commercial, industrial, or institutional establishment, including but not limited to sludge/septage, construction/demolition, infectious/chemotherapeutic, leaf/yard, residual, hazardous and/or nuclear wastes as defined by Federal and/or State Statutes and Regulations.

Waste Disposal - The discharge, deposit, injection, dumping, spilling, leaking, incineration or placing of any waste onto 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 discharged into any waters, including ground waters.

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).

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.

Waste Treatment - Any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize the hazardous 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 of a hazardous substance so as to render it neutral or nonhazardous.

Wildlife Preserve - Land used exclusively for animal habitat, including fish, birds, reptiles, mammals and insects.

Yard, Front - An open space between the right-of-way line and a line drawn parallel thereto, at such distance there from as specified herein, extending the full width of the lot.

Yard, Rear - An open space between the side lot line and a line drawn parallel thereto at such distance there from as specified herein, extending the full width of the lot.

Yard, Side - An open space between any side lot line and a line drawn parallel thereto at such distance there from as specified herein, extending from the front yard line to the rear yard line.

Zoning Compliance Permit - A document issued by the Zoning Officer certifying that the use, building

or structure, for which a Zoning Permit was issued, has complied with all terms and conditions of said Zoning Permit.

Zoning Map - A map approved by the Governing Body, delineating the various zoning districts in the Borough.

Zoning Officer - The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

Zoning Ordinance - The Borough of Turbotville Zoning Ordinance of 2014.

Zoning Permit – A document issued to indicate that a proposed use or structure is in compliance with the provisions of this Ordinance or with an decision by the Municipal Zoning Hearing Board or Governing Body and authorizing the applicant to proceed with establishing, but not occupying, such use, building or structure until such time as a “Zoning Compliance Permit” shall be obtained.

ARTICLE III

Zoning Map and Zoning Districts

Section 300 - Official Zoning Map - The municipality is hereby divided into zones, or districts, as shown on the Official Zoning Map, which together with explanatory materials thereon, is hereby adopted by reference and declared to be part of this ordinance, together with all future notations, references and amendments.

300.1 - Identification of Official Zoning Map - The Official Zoning Map shall be identified by signature of the Governing Body and attest to by the Secretary of the Borough, together with the date of adoption of this ordinance.

300.2 - Changing the Official Zoning Map

A. If, in accordance with the provisions of this ordinance and the Pennsylvania Municipalities Planning Code, as amended, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been made by the Governing Body.

B. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance or any state law, if applicable. All changes shall be noted on the Official Zoning Map by date with a brief description of the nature of the change.

300.3 - Location of Official Zoning Map - The Official Zoning Map shall be prominently displayed in the offices of the Borough Secretary and an official copy shall be prominently displayed in the offices of the Zoning Officer. The Official Zoning Map shall be the final authority as to the current zoning status of land and water areas in the Municipality, regardless of the unofficial copies which may have been made or published from time to time.

300.4 - Replacement of Official Zoning Map - In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Governing Body may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.

A. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official

Zoning Map or any subsequent amendment thereof.

B. The new Official Zoning Map shall be identified by the signatures of the Governing Body and attested to by the Secretary of Borough of Turbotville, and shall bear the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____, 2005 as part of Ordinance No. ____ of the Borough of Turbotville, Northumberland County, Pennsylvania.

C. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

Section 301 - Classes of Districts - For the purpose of this ordinance, the municipality of Turbotville Borough is hereby divided into districts, which shall be designated as follows:

- A. Residential Urban(RU) – This district is intended to be a mixed use district with the highest permitted density of development for residential uses with neighborhood commercial and service uses permitted.
- B. Residential Town (RT) – This district is intended to be a mixed use district which includes higher density residential uses and professional service uses.
- C. Downtown Commercial(CD) – This district is designed to accommodate traditional commercial uses such as retail, office, banks , restaurants and professional services.
- D. Highway Commercial (HC) – The Highway Commercial district is designed to allow for more intense commercial development such as restaurants, large scale retail, high traffic generator such as office complexes, motels and convenience stores.
- E. Commercial/Manufacturing(CM) – This district is intended to provide an area for larger scale commercial establishments as well as appropriate industrial uses which need to be served by central water and sewer.

Section 302 - Interpretation of District Boundaries - Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Designation of District Boundaries - Boundaries indicated as approximately following the center line of streets, highways, alleys, railroad rights-of-way, streams, watercourses, existing lot lines, or Municipal boundary lines shall be construed as to follow such features indicated. Where a district boundary line does not follow such a line, position is shown on said Official Zoning Map by a specific dimension expressing its distance, in feet, from a street right-of-way line or other boundary line as indicated and running parallel thereto.
- B. Determination of the Location of Boundaries - Where physical or cultural features existing on the ground differ with those shown on the Official Zoning Map, or if uncertainty exists as to the true location of a distance boundary line in a particular instance, the Zoning Officer shall request the Municipal Zoning Hearing Board to render its determination with respect thereto, in accordance with the procedures established in this ordinance.

ARTICLE IV
District Requirements and Use Standards

Section 400. General Requirements.

- A. All proposed uses should comply with the “Development Standards” contained in Section 1000.
- B. All proposed uses shall comply with the applicable “Performance Standards” contained in Section 1001. Variances from these standards shall not be granted.
- C. All proposed uses shall comply with all other applicable Federal, State, County and Municipal Statutes, Regulations and Ordinances.
- D. All multifamily and nonresidential uses shall comply with the provisions of any applicable Subdivision and Land Development Ordinance of the Borough of Turbotville. Commercial Uses are Classified in Table 406.B.
- E. No principal use as defined in this ordinance shall be located in any accessory structure.
- F. When any structure is proposed to be located closer than five (5) feet to any property line a variance from the Zoning Hearing Board must be obtained.
- G. Where impervious coverage requirements provide for an increase in the percentage of coverage if on lot storm water management is used, a storm water management plan, in compliance with all the Borough Stormwater management Ordinance(s) shall be submitted to the zoning officer and approved by the Borough Engineer.
- H. For the purpose of protecting the health, safety, and well being of residents the parking or storage of class IV vehicles is strictly prohibited in areas designated RU, RT.

Section 401. Residential Urban (RU)

- A. The following uses are permitted in the Residential Urban District, subject to all applicable municipal ordinances, State and Federal Regulations and/or requirements.
 - 1. Single Family Detached Dwellings
 - 2. Single Family Semi-Attached Dwellings
 - 3. Two Family Dwellings
 - 4. Community Living Arrangement
 - 5. Customary Accessory Uses
- B. Any use that is not listed as permitted, special exception or conditional uses are prohibited in the this District.
- C. The following uses are permitted by Special Exception, pursuant to the provisions of Section 904, all other applicable municipal ordinances, State and Federal Regulations and requirements.
 - 1. Public and Semi-public uses pursuant to Section 408.B.
 - 2. Home Occupations pursuant to Section 408.D.
 - 3. Houses of Worship pursuant to Section 408.B.
 - 4. Class I Commercial Uses pursuant to Section 408.I.
 - 5. Conversion of a Single Family Dwelling into Two or More Dwelling Units pursuant to Section 408.H.
- D. The following uses are Conditional Uses, pursuant to the provisions of Section 906, all other applicable municipal ordinances, State and Federal Regulations and/or requirements.
 - 1. Traditional Neighborhood Development, pursuant to Article VI.
- E. Bulk, Area, Area and Density Requirements.
 - 1. Minimum Lot Requirements (central water and sewage is required). - All Minimum Lot Areas refer to Net Lot Area as defined in this ordinance.
 - a. Single Family Detached Dwellings.
 - (1). Minimum Lot Area - 5,000 Square Feet.
 - (2). Minimum Lot Width - 50 Feet.
 - (3). Minimum Lot Depth – 100 Feet.
 - b. Single Family Attached Dwellings.
 - (1). Minimum Lot Area – 4,000 Square Feet.
 - (2). Minimum Lot Width – 40 Feet.

- (3). Minimum Lot Depth – 100 Feet.
- c. Two Family Dwellings.
 - (1). Minimum Lot Area – 7,000 Square Feet..
 - (2). Minimum Lot Width – 70 Feet.
 - (3). Minimum Lot Depth – 100 Feet.
- d. Public and Semi-Public Uses.
 - (1). Minimum Lot Area - 20,000 Square Feet.
 - (2). Minimum Lot Width - 100 feet.
 - (3). Minimum Lot Depth – 200 Feet.
- e. Houses of Worship
 - (1). Minimum Lot Area - 40,000 Square Feet.
 - (2). Minimum Lot Width - 200 Feet.
 - (3). Minimum Lot Depth – 200 Feet.
- f. Forestry.
 - (1). Minimum Lot Area - 5 Acres.
 - (2). Minimum Lot Width - 250 feet.
 - (3). Minimum Lot Depth – 400 feet.
- g. Class I Commercial Uses.
 - (1). Minimum Lot Area – 10,000 Square Feet.
 - (2). Minimum Lot Width – 80 Feet.
 - (3). Minimum Lot Depth – 100 Feet.

F. Minimum Setbacks. All Setbacks shall be measured from the edge of the public right of way of the affected parcel, if there is no public right of way, setbacks shall be measured from the property line.

- 1. Front Yard – The greater of 25 Feet or the average of the buildings on the two adjoining lots.
- 2. Each Side Yard - 8 Feet.
- 3. Rear Yard - 30 Feet.

G. Impervious Coverage and Height Requirements.

- 1. Maximum Impervious Coverage - 40 per cent of total gross lot area. (45% if on lot storm water management is utilized.)
- 2. Maximum Building Height above natural grade.
 - a. Residential Structures - 35 Feet.
 - b. Church Structures - 80 Feet.
 - c. Inns or Bed and Breakfast Establishments – 35 Feet.
 - d. Public or Semi-Public Uses – 50 Feet.

H. Special Exception and Conditional Use Criteria.

- 1. Home Occupations shall meet the criteria established in Section 408.D.
- 2. Public and Semi-Public Uses shall meet the criteria established in Section 408.B.
- 3. Houses of Worship shall meet the criteria established in Section 408.B.
- 4. Traditional Neighborhood Development shall meet the criteria in Article VI.

Section 402. Residential-Town (RT).

A. Permitted Uses.

- 1. Single Family Detached Dwellings.
- 2. Single Family Semi-Detached Dwellings.
- 3. TwoFamily Dwellings.
- 4. Community LivingArrangement.
- 5. Customary Accessory Uses

B. Prohibited Uses. - Any use that is not listed as permitted, special exception or conditional uses are prohibited in this District.

C. Uses permitted by Special Exception, pursuant to the standards in Section 904 of this ordinance.

- 1. Home Occupations pursuant to Section 408.D.
- 2. Professional Offices pursuant to Section 408.I.
- 3. Inns or Bed and Breakfast Establishments pursuant to Section 408.I.

4. Class I Commercial Uses pursuant to Section 408.I.
 5. Houses of Worship pursuant to Section 408.B.
 6. Townhouses pursuant to Section 508.
 7. Garden Apartments pursuant to Section 508.
 8. Multi-family Dwellings, pursuant to Section 508.
 9. Off Site Parking Facilities pursuant to Section 505.
 10. Appropriate Public or Semi-public uses pursuant to section 408.B
- D. Minimum lot size. - All Minimum Lot Sizes refer to Net Lot Area as defined in this ordinance.
1. Residential Uses.
 - a. Single Family Dwellings – 6000 Sq. Ft.
 - b. Two Family Dwelling – 4000 Sq. Ft. per dwelling unit.
 - c. Townhouses – 3500 Sq. Ft. per dwelling unit.
 - d. Apartments – 2000 Sq. Ft. per dwelling unit.
 2. Non Residential Uses.
 - a. Public and Semi-Public Uses – 18,000 square feet.
 - b. Inns or Bed and Breakfast Establishments – 6,000 square feet.
 - c. Houses of Worship – 18,000 square feet.
 3. Minimum Lot Width (To be measured at Front Yard Setback line).
 - a. Residential Uses.
 - (1). Single Family Detached Dwellings – 60 feet.
 - (2). Two Family Dwellings – 60 feet.
 - (3). Multi-family Dwellings – 90 feet.
 - b. Non Residential Uses - 90 feet .
 4. Minimum Yards.
 - a. Minimum Yard Dimensions
 - (1). Front Yard
 - (a). Residential or Non-Residential Uses – The greater of 25 ft. or the average of the existing building setbacks on the block, except corner lots whereas there shall be 25 feet for both front and side setbacks.
 - (b). Non-Residential – Average of the existing building setbacks on the block, except corner lots whereas there shall be 25 feet for both front and side setbacks.
 - (2). Side Yard (Principal Structure).
 - (a). Residential Uses - 10 feet total setback on both sides.
 - (b). Non-Residential Uses - 5 feet each side.
 - (3). Each Side Yard (Accessory Structure excluding pools)
 - (a). Residential Uses - 10 feet.
 - (b). Non-Residential Uses - 8 feet.
 - (4). Each Side Yard (Swimming Pools) - 8 feet.
 - (5). Rear Yard (Principal Structure)
 - (a). Residential Uses – 25 feet
 - (b). Non-Residential Uses - 30 feet.
 - (6) Rear yard (Accessory Structures including pools).
 - (a). Residential Uses - 10 feet.
 - (b). Non-Residential Uses - 20 feet.
 5. Maximum Building Coverage and Height Requirements.
 - a. Maximum Impervious Coverage (Single and Two Family Residential Uses) - 50% (60% if on lot stormwater management is used) of gross lot area.
 - b. Maximum Impervious Coverage (Multi-Family Residential Uses)- 70% of gross lot area. On lot stormwater management is required.
 - c. Maximum Impervious Coverage (Non-Residential Uses) -70% of gross lot area. On lot stormwater management is required.
 - d. Minimum usable open space on lot -30% of gross lot area.

- e. Maximum Building Height - All structures –35 feet, Church Steeples are excepted from this requirement, but may be no higher than 80 feet.

Section 403 – Downtown Commercial (CD) - All non-residential and multifamily uses shall be required to submit an approved Land Development Plan, pursuant to the applicable Municipal/County Subdivision and Land Development Regulations, with the application for a Zoning Permit.

- A. Permitted Uses. All uses shall comply with the provisions of Sections 1001 and 1002 of this Ordinance.
 - 1. Class I Commercial Uses.
 - 2. Single Family Detached Dwellings
 - 3. TwoFamily Dwellings
 - 4. Mixed (Residential/Commercial) Uses.
 - 5. Customary Accessory Uses.
- B. Prohibited Uses. - Any use that is not listed as permitted, special exception or conditional uses are prohibited in this District.
- C. Special Exception Uses, pursuant the standards in Section 904 of this ordinance.
 - 1. Accessory Uses not located on the same lot as the principal permitted use, with the exception of off- site parking.
 - 2. Multi-Family Dwellings pursuant to Section 408.I.
 - 3. Appropriate Public or Semi-Public Uses pursuant to Section 408.B.
- D. Conditional Uses, pursuant to the standards in section 906 of this ordinance.
 - 1. Off Site Parking pursuant to Section 505.1.
 - 2. Conversion of a Single Family Dwelling into two or more dwelling units pursuant to Section 408.H.
- E. Minimum Lot Size - All uses.
 - 1. Minimum Lot Size - 6,000 Square Feet.
 - 2. Minimum Lot Width at the Front Yard Setback Line - 50 Feet.
- F. Minimum Setbacks - (All Setbacks shall be measured from the edge of the public right of way of the affected parcel, if there is no public right of way, setbacks shall be measured from the property line).
 - 1. Front Yard – The greater of 25 ft. or the average of two adjoining lots.
 - 2. Side Yard – None, except when adjacent to a residential use or district, a minimum side yard of 10 feet shall be required.
 - 3. Rear Yard - 15 Feet.
- G. Maximum Building Height and Impervious Coverage.
 - 1. Maximum Building Height - 45 feet above the existing street grade.
 - 2. Maximum Impervious Coverage - 85%.
- H. Off Street Parking is required for Class I commercial uses in this District.

Section 404 – Highway Commercial (HC) - All non-residential and multifamily uses shall be required to submit an approved Land Development Plan, pursuant to the applicable Municipal/County Subdivision and Land Development Regulations, with the application for a Zoning Permit. Uses not specifically listed in Sections 404.A, 404.B and 404.C are prohibited.

- A. Permitted Uses – All Uses shall comply with the provisions of Sections 507.D, 508.5 and 509.
 - 1. Class I, II and III Commercial Uses.
 - 2. Appropriate Public and Semi-Public Uses pursuant to Section 408.B.
- B. Permitted Accessory Uses.
 - 1. Off-Street parking pursuant to Section 505.
 - 2. Signs pursuant to Section 504.
 - 3. Customary Accessory uses and buildings, provided such are clearly incidental to the principal permitted use.

- C. Special Exception Uses, pursuant to the standards in Section 904 of this ordinance. All uses shall comply with the provisions of Article V.
 - 1. Accessory uses not located on the same lot with the principal permitted use.
 - 2. Adult Uses pursuant to the provisions of Section 408.E.
 - 3. Broadcast Transmission Towers pursuant to the provisions of Section 408.F
- D. Prohibited Uses – Any use that is not listed as permitted, special exception or conditional uses are prohibited in this District.
- E. Minimum Lot Size.
 - 1. Minimum Lot Area - 40,000 Square Feet with central sewer and water. 80,000 Square Feet without Central Sewer and Water.
 - 2. Minimum Lot Width at the Front Yard Setback Line - 200 feet.
- F. Minimum Setbacks - (All Setbacks shall be measured from the edge of the public right of way of the affected parcel, if there is no public right of way, setbacks shall be measured from the property line). These Requirements shall apply to all uses.
 - 1. Front Yard - 50 Feet.
 - 2. Each Side Yard - 20 Feet.
 - 3. Rear Yard - 30 Feet.
- G. Special Exception Requirements. –Off-Site Parking and Loading.
 - 1. Off-Site Parking and Loading.
 - a. No more than 50% of the required off-street parking for any use shall be located off the site of the principal use.
 - b. All Off-Site Parking and Loading Facilities shall comply with the provisions of Section 505, 506 and 507 as well as Sections 900 and 901.
 - c. Off-Site Parking or Loading shall be allowed within 500 feet of the principal use.
 - d. No Off-Site Parking or Loading shall be across any arterial or collector street from the principal use.
 - e. No off-site parking shall be permitted within 25 feet of a right of way of any arterial or collector street.
 - f. Screening and buffering shall be provided in accordance with Section 506.
- H. Maximum Height and Impervious Coverage-Non-Residential Uses.
 - 1. Maximum Building Height - 35 feet.
 - 2. Maximum Building Coverage - 50%.
 - 3. Maximum Impervious Coverage - 75%. – On lot stormwater management is required.
- I. Access and Traffic Controls
 - 1. Common Curb Cuts may be required as a condition of approval.
 - 2. All means of ingress and egress shall be located at least 200 feet from any street intersection.
 - 3. The purchase and erection of any traffic control or safety structures or devices shall be at the developer's expense.
 - 4. The Governing Body upon recommendation by the Municipal Planning Commission may attach additional conditions based upon "Traffic Impact Study" listed in Section 405.D.3.d shall be required to be submitted with the Land Development Plan.
- J. Use and Maintenance of Yards - All required yard areas not required for screening or parking and loading areas shall be kept clear of obstructions and shall be planted in grass, suitable landscaping and/or trees pursuant to Section 506.

Section 405 – Commercial/Manufacturing (CM) – Uses not specifically listed in Sections 405.A.1 and 405.A.2 are Prohibited. All non-residential and multifamily uses shall be required to submit an approved Land Development Plan, pursuant to the applicable Municipal/County Subdivision and Land Development Regulations, with the application for a Zoning Permit.

A. Use Regulations

1. Permitted Uses
 - a. Industrial Use pursuant to the provisions of Section 405.C.1.
 - b. Class I, II and III Commercial Uses pursuant to all applicable provisions of Article V.
 - c. Customary Accessory Uses
 - d. Land Cultivation. (See Section 410 A.)
 - e. Agricultural Business and Services.
2. Special Exception Uses
 - a. Public and Semi-Public Uses pursuant to the provisions of Section 408.B.
 - b. Waste Storage or Processing Facility, excluding agricultural waste pursuant to the provisions of Section 405.D.2.
 - c. Industrial Park pursuant to the provisions of Section 405.C.1.
 - d. Junkyards Pursuant to the applicable provisions of Section 405.D.2.
 - e. Broadcast Transmission Towers pursuant to the provisions of Section 408.G
- B. Prohibited Uses - Any use that is not listed as permitted, special exception or conditional uses are prohibited in this District.
- C. Height and Coverage Requirements
 1. Maximum Building Height - 45 Feet.
 2. Maximum Impervious Coverage - 60% - On lot stormwater management is required.
 3. Maximum Building Coverage: 40%
- D. Areas and Dimensions
 1. Land Cultivation
 - a. Minimum Lot Area - 10 Acres (for operations initiated after the effective date of this ordinance amendment).
 - b. Minimum Lot Width -100 Feet.
 2. Waste Storage or Processing Facility and Industrial Parks.
 - a. Minimum Lot Area - 100 acres (exclusive of 100 year flood plain areas)
 - b. Minimum Lot Width -500 Feet.
 - c. Minimum Yards:
 - (1). Front -100 Feet.
 - (2). Rear – 100 Feet.
 - (3). Side – 50 Feet
 3. All Other Uses – These requirements may be modified by Special Exception Use Requirements.
 - a. Minimum Lot Area - 2 acres
 - b. Minimum Lot Width - 200 ft.
 - c. Minimum Yards:
 - (1). Front -80 ft.
 - (2). Side - 20 ft.
 - (3). Rear - 40 ft.
- E. Sewer and Water
 1. All uses shall have central sewer and water facilities.
- F. Special Exception Criteria
 1. All Special Exception Uses
 - a. Central sewer and water facilities shall be provided for all special exceptions.
 - b. Adequate, safe, and convenient facilities for pedestrians and motor vehicles including roadways, driveways, off-street parking and loading, sidewalks, and landscaped areas to serve the development shall be provided. See Article V for pertinent standards.
 - c. Stormwater management shall be required and shall be designed to create no increase in the rate of runoff of stormwater by providing controlled release and recharge areas; drainage facilities shall not conflict with pedestrians and motor vehicles.
 - d. Permanent landscaping and screening shall be required in accordance with Section 507 where necessary to shield adjacent residential districts, or uses from parking lots, illumination and headlights, noise, storage yards, and other objectionable influences.

- e. Sites for Industrial Parks shall be designed in accordance with the applicable Municipal/County Subdivision and Land Development Ordinance.
 - f. All lots and buildings shall have access by way of an internal street system and shall have convenient emergency vehicle and equipment access.
 - g. At least 75% of all operations shall occur within an enclosed structure excepting necessary and required off-street parking and loading facilities. All such uses which may occur outside of an enclosed structure, except off-street parking and loading facilities, shall be enclosed in a permanent fence or wall at least six (6) feet in height. Such a fence shall not interfere with traffic safety or intersection visibility.
 - h. All uses generating noises and/or odors shall address such problems in building construction, screening for sound absorption, larger critical dimensions, or other methods as may be required by the municipality.
 - i. Applications for Special Exception Permits for Industrial Parks shall submit a "Community and Environmental Impact Analysis" in accordance with the requirements of Section 405 E.
 - j. Applications for Special Exception Permits for Industrial Parks shall submit a "Traffic Study" in accordance with the requirements of Section 405.E.
2. Special Exception Criteria for Waste Storage or Processing Facility
- a. No facilities considered for a 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 applicable enabling statutes.
 - b. All facilities considered for Special Exception under this section shall not be sited in the following locations (All Distances from a facility structure shall be measured from the property line(s) of the facility):
 - (1). Within ½ mile of a well or spring used for a community water supply.
 - (2). Within ½ mile of either side of a stream or impoundment for a distance of 5 stream miles upstream of a surface water intake for a community water supply.
 - (3). Within ½ mile of an off site private or non community 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 larger area that the flood of record has inundated.
 - (5). Within any wetlands areas.
 - (6). Over any active or inactive oil or gas wells or storage areas.
 - (7). Over any formation of carbonate bedrock.
 - (8). Within ½ mile of any National Landmark or historic site as listed on the National Register of Historic Places.
 - (9). Within any Agricultural Security Area.
 - (10). In farmland identified as Class I Agricultural lands by the Soil Conservation Service.
 - (11). Within ½ mile of any School, Church, Hospital, Clinic, Daycare Facility, Prison, Jail, Halfway House, Rehabilitation Facility, Airport, Retail Center, Nursing Home, or Government Building.
 - (12). In watersheds of Exceptional Value Waters.
 - (13). Within ½ mile of persons certified as "at risk" by at least 2 physicians licensed by the Commonwealth of Pennsylvania.
 - c. All facilities considered for Special Exception under this section shall submit a "Community and Environmental Impact Analysis", which shall consist of the following information:
 - (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.
 - (7). Information concerning Emergency and Safety Services.
 - (8). Economic Impact Analysis, including specific information regarding impacts upon agriculture.
 - (9). Air Quality Impact Analysis.
 - (10) Community Character Impact Analysis.
 - (11). Standards for the above listed impact analysis shall conform to standards found in Section 405 E, Subsections d, e, f, g, and h.
- 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 waste 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 at 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
 - (7). Applicant, any parent, subsidiary or cooperative owner/operator of waste treatment, processing or disposal facilities, as per PaDEP Form HW - C, Compliance History and Instructions.
 - (8). Copies of any and all information supplied to the Pa. Department of Environmental Protection or the U.S. Environmental Protection Agency regarding the proposed site and/or facility.
 - (9). The names and addresses of any person, corporation or partnership having any financial interest in the construction, permitting, operation or closure of such facility.
 - (10). Any and all royalty and/or contingent payment agreements related to siting, permitting or operation of such facility.
 - (11). All documents required by Federal and/or State Law regarding registered lobbyist(s) acting on behalf of the applicant or any related party.
 - (12). All insurance policies, closure accounts and/or documents relating to self-insurance for the subject application.
 - (13). 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 re-negotiation 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 Municipality and

- special services to be provided for demonstrable adverse impact.
- (j). Provision to assure health, safety, comfort, convenience and social and economic security of the municipality.
- (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 Municipality, 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 Municipal, County, State, and/or Federal employees and/or their consultants regarding review of the proposal or the site.

e. All facilities considered for special exception under this section shall required a minimum of 100 acres exclusive of the 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 300 feet surrounding wetlands, Class I 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 500 feet of any body of surface water.

h. All facilities considered for special exception under this section shall limit groundwater intake from aquifer recharge areas to 100,000 gallons per day.

i. All facilities considered for special exception under this section proposing groundwater usage shall submit a groundwater management plan for review and approval. This plan shall demonstrate methods to protect carbonate aquifers, high quality aquifers, aquifer protection areas and aquifer recharge areas from pollution due to the activities of the facility and transportation of materials to the facility.

j. The adequacy of all applicant submissions shall be determined by the Municipal Engineer and/or Consultant as designated by the Governing Body.

k. All applicants 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 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.

3. Special Exception Criteria for Quarrying, mining and excavation operations shall be permitted by special exception within the District. 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 regulations:

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

- (1). Jurisdictional Wetlands
- (2). Soils classified as Class I Agricultural lands by the Soil Conservation Service.
- (3). Exceptional Value Wetlands
- (4). Well-head and aquifer protection areas
- (5). Within 100 feet of any body of surface water

b. Application - All applications shall provide ten (10) copies of the required studies and reports 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 land surveyor, and shall include the

following:

- (1). Names and 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 designed to be quarried, mined or excavated and areas for associated, related or accessory use).
- (3). The location and names of the types of resources to be quarried, mined or excavated, and all natural and manmade features such as streams, roads, railroads, buildings, utility lines, prime agricultural soils, wetlands, and areas of environmental concern.
- (4). The location of all buildings within 1000 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: 68

- (1). The applicant shall obtain any and all required licenses and permits from the Pennsylvania Department of Environmental Protection, Environmental Protection Agency, or any other applicable County, State or 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 usable condition and/or usable grade as existed on the site prior to the use.
- (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 6:00 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 operation shall not be permitted to accumulate within the 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 comply 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 exists on the site prior to the proposed operation, as set forth in the required 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 as measured at the property boundary line. Noises or increases in noises in excess of any level established by the Federal, State, County, Borough laws and/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 neighbors.

- d. Traffic Study Requirements - A Traffic Study shall be prepared and submitted with the application. The Traffic Study shall contain the following:
- (1). 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 provide access to the proposed facility, and for the collector and arterial 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.
 - (2). 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 periods.
 - (3). Assignment of the 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 within the traffic impact area.
 - (4). Projected 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.
 - (5). A capacity and level of service analysis on the major intersections and the roadways which will be impacted by additional volumes generated by the proposed use.
 - (6). Accident analysis of the intersections and roadways which within the traffic impact area, categorized by accident type at each location.
 - (7). 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 existing roads to carry traffic of the volumes and weights which will be using the roadway for access to the proposed facility.
 - (8). A description of any street improvements which would be required in order to avoid problems of traffic congestion, traffic safety or deterioration to existing streets because of increased traffic volume or weight of traffic.
 - (9). The cost estimates of any proposed improvements that may be required.
 - (10). Description of any action proposed or offered by the applicant to correct or alleviate the impacts of the proposed facility on the

transportation network.

(11).The report shall contain the source of standards used and a description of procedures and conclusions of the professionals who prepared the report.

e. Environmental Impact Study - An Environmental Impact Study shall be prepared and submitted with the application. The required 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 shall include but are not limited to:

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

(2).Existing surface water, including, ponds and streams, shall be mapped and identified. The analysis shall include identification of all sources and destinations of surface water runoff, pre and post development 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.

(3).Existing and proposed impervious ground cover and the extent and type of existing and proposed vegetative ground cover.

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

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

(6).Existing and proposed potable water and sanitary or industrial sewage disposal and treatment facilities.

(7).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, aquifer protection areas and aquifer recharge areas, wetlands, and historic and/or archeological sites.

(8). The report shall identify all critical impact areas on the site or off the site which may be impacted by 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 environmental damage to the critical areas at the site and surrounding area 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, aquifers recharge and discharge areas, sites of unique or protected vegetation, wildlife or historic and/or archaeological significance.

f. Air Quality Study - An Air Quality Study shall be prepared and submitted with the Application which 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 Municipality. 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 professional 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.

g .Acoustics Study - An Acoustics Study shall be prepared and submitted with the

Application. The Study shall identify the existing background level of noise and the anticipated noise impact from the proposed use. The Study shall contain measures of existing ambient measurements, estimates of the 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 levels 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.

h. Hydrological Study - A Hydrological Study shall be prepared and submitted with the Application. The Study shall be prepared by a hydrologist acceptable to the Municipality. The Study shall evaluate the existing surface and subsurface hydrology, based upon historical data and on-site investigation and studies where such historical data is inadequate. The Study shall identify ground water discharge and recharge areas which may be affected by the proposed 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.

Section 406 – Classification of Commercial Uses.

A. All Commercial Uses shall be classified according to the (Use Classification Table). Should an applicant propose a use that is not listed in the “Classification Table” the Municipal Zoning Hearing Board shall determine the appropriate use classification.

B. Use Classification Table – Where a question exists as to whether a proposed use falls within a General Use Category or a Specific Use, the Zoning Officer shall request an interpretation from the Municipal Zoning Hearing Board.

General Use Category	Specific Use	Use Classification	Notes
Commercial			
Adult Business		Class III	Section 408.E
Ambulance Service		Class III	
Animal Sales/Service	Animal Sales Animal Boarding Animal Grooming Animal Training Animal Supplies Veterinary office/hospital	Class II Class III Class II Class II Class II Class III	
Artist Studio		Class I	
Building & Construction Materials/Service		Class III	
Catering Service		Class I	
Commercial Filming		Class I	
Commercial Recreation/Entertainment	Bowling Alley Concert facilities (outside) Electronic Game Centers Golf Course (public or	Class III Class III Class II Class III	

	private) Skating Rinks Tennis & Racquet Ball Courts Theaters, Indoor All other commercial recreation/entertainment	Class III Class III Class II Class III	
Communication Facility (manned)	Radio & Television stations	Class II	
Eating/Drinking Establishments	Restaurant General Restaurant Fast food Tavern/Supper Club Membership Club	Class II Class II Class II Class I	
Financial Institute		Class II	
Food and Beverage Sales		Class II	
Funeral/Internment Service		Class I	
Home & Business Service		Class I	Section 408.D
Flower Shops		Class I	
Laboratories		Class II	
Maintenance and/or Repair Service *		Class I	*Except for repair and/or maintenance of internal combustion engines
Maintenance and/or Repair of Internal Combustion Engines		Class II	
Offices	Medical and Dental Non-Professional	Class I Class I	
Pawnshop		Class III	
Personal Improvement Service	Health Clubs, Spas All Other	Class II Class I	
Personal Services		Class I	
Research and Development Service		Class II	
Retail Sales/Rental	Furniture, Appliance and other large consumer goods Convenience Stores Retail Stores	Class II Class II Class II	
Travel Service		Class I	
Vehicle/Equipment Sales and Service	Car Rental Car Wash Service Station Repair Sales/Rental Storage	Class III Class III Class III Class III Class III Class III	
Visitor Accommodations	Motels Hotels/Motels Bed & Breakfast Establishments Resorts	Class III Class II Class I Class III	
Mini Storage		Class III	
Professional Service		Class I	

Section 407. Open-Space (OS). - This district shall include those lands situated within any Floodplain designated on the most recent applicable Municipal Floodplain Map.

A. Permitted Uses.

1. Existing permitted principal and accessory uses in the underlying District.
2. Land Cultivation and Horticulture.
3. Water related uses such as docks, piers, wharves and bridges.
4. Recreation, trails, bike paths and nature walks.

B. Special Exception Uses – Uses permitted as Special Exceptions in the underlying District.

C. Conditional Uses – Uses permitted in the underlying District.

D. Prohibited Uses – Uses not listed as permitted, special exception or conditional in the underlying District.

E. Additional Safeguards.

1. No part of any on lot sewage disposal system shall be constructed in any lands situate in the OS District.
2. No materials that are subject to float or that are explosive or toxic to humans, animal or vegetation shall be stored in the OS District.

F. All uses shall conform to the requirements of the applicable Municipal Floodplain Management Ordinance.

G. Bulk, Area, Coverage, Height and Setback Requirements shall be the same as those listed in the underlying Districts.

Section 408 – Additional Use Requirements

A. The following “Impact Studies” may be required at the discretion of the Municipal Planning Commission for any use required to submit a Land Development Plan. The determination of the Municipal Planning Commission May be appealed to the Zoning Hearing Board.

1. Community Impact Analysis as listed in Section 405.F.2.c.
2. Traffic Impact Analysis as listed in Section 405.F.3.d.
3. Environmental Impact as listed in Section 405.F.2.e.

B. Public and Semi-Public Uses, Houses of Worship.

1. Permanent Landscaping and screening shall be required in conformance with the provisions of Sections 506 and 901.
2. An approved land development plan shall be submitted with the application.
3. All sites, lots, facilities, buildings, structures and appurtenances shall have access by way of an internal street system and shall have adequate emergency vehicle and equipment access. All such uses shall comply with the off-street parking requirements contained in Section 505.
4. Sewage disposal and water supply facilities in accordance with state regulations shall be provided by the applicant for all structures to be occupied or used by human beings.
5. Stormwater management facilities, constructed in accordance with an applicable stormwater management plan or ordinance shall be installed.
6. Demonstrate a need for the use or the facility.

C. Public or private schools.

1. Private schools shall be limited to day schools, nursery schools, schools for the blind, mentally or physically handicapped.
2. Maximum hours of operation per day is limited to 12.
3. Shall have direct access to a public street.
4. Public-school affiliated programs involving no more than thirty (30) students, grade seven (7) or above, and with drop-off/pick-up sites located only on the side yards of structures not facing a public street, road or alley. Such activities occur only inside structures. Public school recreation areas shall not be considered affiliated programs for purposes of this section.

D. Home Occupation Regulations

1. A single Home Occupation per dwelling unit may be permitted as a Special Exception in any

of the listed Districts.

2. Such Home Occupations shall be conducted only by the resident(s) of that dwelling unit, who shall not employ more than one (1) full-time or two (2) part-time employees.
 3. No evidence of a home occupation shall be reflected in the exterior appearance of the dwelling structure, which shall be maintained in its residential character, other than a sign not exceeding two (2) feet square in area.
 4. Off-street parking, in compliance with the provisions of Section 505, shall be provided.
 5. Home occupations shall not occupy more than twenty-five percent (25%) of the gross floor area of the dwelling unit.
 6. No Home occupation shall involve display windows, frequent (more than weekly) truck deliveries, or the production of offensive noise, smoke, glare, vibration, dust, odors or excessive heat.
 7. All home occupations shall comply with the provisions of Section 1001.
 8. Permitted Home Occupations shall include:
 - a. Sculpturing; pottery and wood working; arts and crafts workshops; television, radio or electronic repair shops; furniture making and repair; antique shops or similar activities.
 - b. Training and/or tutoring of no more than six (6) persons in small classes.
 - c. In-home child care services of no more than six (6) children, who are not residents of the dwelling, and who are not related by blood, marriage, adopted or agency placed for foster care, upon licensing and certification by the Commonwealth of Pennsylvania.
 - d. Custom dress making, millinery, or tailoring.
 - e. Photographic studios, graphic design studios or artist workshops.
 - f. Professional Offices.
 - g. Beauty salons, hair dressers, barber shops of similar activities.
 9. Home occupations in all districts shall have access to a public street.
 10. Home occupations shall not adversely impact the residential character of the neighborhood
 11. Upon approval of a home occupation, the Zoning Officer shall issue a permit which shall be valid for a period of not more than two years, and may be renewed upon a site inspection by the Zoning Officer to determine compliance with this Ordinance and/or any permit conditions.
- E. Additional Standards for Adult uses, as defined in this Ordinance, provided that they comply with all other requirements of this ordinance and the provisions listed below:
1. No adult use shall be located within two hundred (200) feet of any residential use or district, as measured in a straight line from the lot lines of both the subject parcel and any residential use or district.
 2. No adult use shall be located within five hundred (500) feet of any public park or playground, school, or church, as measured in a straight line from the lot lines of both the subject parcel and any public park or playground, school or church.
 3. No adult use shall be located within five hundred (500) feet of any other adult use, as measured in a straight line from the lot lines of both the subject parcel and any other adult use.
 4. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or related to specified sexual activities or specified anatomical areas from any public way or from any property not permitted as an adult use. This provision shall apply to any display, decoration, sign, show window, door or other opening.
 5. No adult use shall be conducted in any manner that violates any of the provisions of this ordinance or any other Federal, State, County or Municipal Regulation.
 6. The entire perimeter of any lot containing an adult use shall be landscaped with natural plant material in accordance with Section 506, except for parking lot entrance and exit.
 7. For purposes of compliance with off street parking requirements a minimum of one (1) off street parking space per 100 square feet of gross floor area, plus one (1) off street parking

- space per employee shall be required.
8. The setback for adult uses shall be as follows:
 - a. Front Yard - 50 Feet.
 - b. Each Side Yard - 20 Feet.
 - c. Rear Yard - 50 Feet.
 9. Sign Regulations applicable to all adult uses:
 - a. Maximum area for any sign shall be twenty-four (24) square feet.
 - b. No sign shall be internally illuminated.
 - c. No projecting signs shall be allowed for such uses.
 - d. No free standing signs shall be allowed for such uses.
 - e. No off premises directional signs related to any adult use shall be permitted.
 10. If employees or patrons of an adult use promote, solicit, allow or engage in acts of prostitution on the premises, as charged by appropriate law enforcement authorities, then the zoning permit shall be suspended. Should said employees or patrons be convicted or plead guilty to said charges of prostitution as described above, then the zoning permit shall be revoked
 11. Community Impact Analysis as listed in Section 405.F.2.c shall be required to be submitted with the application for Special Exception. The Zoning Hearing Board may attach additional conditions for approval based upon their review of this Impact Analysis.
- F. Communications Towers, Antennas and Communications Equipment Buildings.
(Except Satellite Receivers less than 18 inches in diameter.)
1. Building mounted communications antennas shall not be located on any single family or two family dwelling.
 2. Building mounted communications antennas shall be permitted to exceed the height limitations of the applicable zoning district by not more than 20 feet.
 3. Omnidirectional or whip antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
 4. Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.
 5. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
 6. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Municipal Code Enforcement Officer for compliance with the Municipality's Building Code and other applicable laws.
 7. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.
 8. Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 9. Communications antennas shall not cause radio frequency interference with the communications facilities located in the Borough.
 10. Communications antennas shall be setback two hundred (200) feet from any residence in an abutting zoning district.
 11. A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.
 12. The owner and/or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.
- G. Special Exception Standards for Methadone Treatment Centers, Halfway Houses, Drug and Alcohol Resident Treatment Facilities.
1. Such uses shall be licensed by the appropriate Departments and/or agencies of the Commonwealth of Pennsylvania. Said license and all appropriate documentation shall be

- submitted with the application for Special Exception.
- 2. No such uses shall be located within 500 feet of any school, playground, residential dwelling, child care facility, or house of worship.
- 3. For purposes of determining required off street parking, such facilities shall be classified as "Medical Clinics."
- 4. One sign, a maximum of two square feet, is permitted.
- 5. Such uses shall be manned during all hours of operation by personnel licensed by the Pennsylvania Department of Health.
- 6. Shall submit the required Community Impact Analysis as specified in Section 405.F.2.c. The Zoning Hearing Board may attach additional conditions for approval based upon their review of this Impact Analysis.
- H. Standards for Conversion of a Single Family Dwelling into Two (2) or more dwelling units.
 - 1. Such use shall provide bedroom area for each bedroom which is a minimum of seventy (70) square feet per person occupying the dwelling unit.
 - 2. Such use shall comply with all applicable off-street parking requirements as listed in Section 505.
 - 3. Such use shall meet all required building and fire protection codes.
 - 4. Such use shall comply with all performance standards listed in Section 1001 of this ordinance.
 - 5. Such use shall meet all other required Federal, State, County and/or Municipal Regulations.
- I. Special Exception and/or Conditional Use Criteria Applicable to all such listed discretionary uses.
 - 1. All requests for Special Exception shall meet the requirements of Section 904.
 - 2. All applicants for Conditional Use shall meet the requirements of Section 906.
 - 3. All applicants for Special Exception and/or Conditional use shall meet the applicable district requirements.
 - 4. All applicants for Special Exception and/or Conditional use shall meet the specific criteria contained in Section 405, if applicable.
 - 5. All applicants for Special Exception and/or Conditional use shall meet the applicable requirements of Article V (Supplemental Regulations).
 - 6. All applicants for Special Exception and/or Conditional use shall meet the requirements of Article IX (Design and Performance Standards).

Section 409– Mobile Home Park Standards -In order to ensure the development of well-planned mobile home facilities and to ensure the compatibility of such facilities with adjacent existing and planned uses, the following standards shall apply to all mobile home park development, as approved by the Governing Body.

- A. The minimum site area and density regulations shall be the same as established in each zone district where the mobile home development would be located.
- B. Mobile home parks shall be complete developments and are required to include facilities such as paved streets, pedestrian/bike ways, storm drainage, sanitary sewage disposal and perimeter and entrance landscaping, as approved by the development services department.
- C. If the land and mobile home locations within a proposed mobile home park are intended to be sold to more than one person, firm or corporation, or are to include the dedication of land as regulated by the Subdivision Ordinance, then the proposed mobile home park shall be subject to the short and major subdivision proceedings in addition to the requirements of this title.
- D. Information to be submitted to the planning department before the issuance of applicable permits shall include:
 - 1. Overall site plan showing the location of all mobile home pads, accessory buildings, internal pedestrian and vehicle circulation and ingress/egress points;
 - 2. Storm drainage plan showing existing vegetation, slopes, and drainage conditions, as well as proposed alterations and drainage control devices;
 - 3. Landscaping plans for the perimeter and entrance showing the existing and proposed vegetation and method of maintenance pursuant to Section 506.
- E. If development is by phase, a graphic breakdown of each phase as it relates to the entire project

and its timetable for completion must be provided.

F. Individual mobile homes located within the mobile home park shall be installed per the standards established by this title.

G. The developer/applicant shall either install the required improvements and repair any existing streets and other public facilities damaged in the development of the project, or furnish the city with a performance bond or other security, as approved by the city attorney, to ensure the installation of public improvements and landscaping.

H. Each mobile home park which proposes to provide overnight rental of parking space for travel trailers shall provide one or more buildings adequately equipped with flush-type toilet fixtures.

Dependent travel trailers shall be parked not more than two hundred feet or less than fifteen feet from the service building, and walkways to such buildings shall be well lighted at night. Each service building shall further:

1. Be located fifteen feet or more from any mobile home space, and be of permanent construction;
2. Have adequate heating, lighting, sanitation and ventilation facilities in accordance with other state and local codes and ordinances;
3. Provide sewage disposal facilities for park occupants only.

Section 410 - Agricultural Uses- Irrespective of the specific uses listed or permitted in any of the zoning districts, existing agricultural programs shall be permitted and encouraged as an interim use until such time as the property owner sells or transfers his property interests to persons, agents or others interested in "developing" a use in conformance with the District Regulations of this Ordinance. All agricultural uses initiated after the effective date of this Ordinance shall however be subject to the following safeguards and regulations.

A. General Agricultural Use Regulations. The following general regulations shall apply to all agricultural uses regardless of the zoning district in which they may be located.

1. Private gardens shall be permitted in all zoning districts.
2. Commercial animal husbandry may be authorized as a principal and/or accessory use in the Agricultural Preservation and Agricultural Transition Zoning Districts, but only as provided in the District Regulations. (See also Sub-Section B. below regarding Concentrated Animal Operations and Concentrated Animal Feeding Operations.) The housing or raising of livestock or poultry as farm pets or for personal use pursuant to the requirements of this Ordinance shall not be considered animal husbandry and may be permitted as an accessory use in those zoning districts as indicated in the District Regulations. Household pets shall be exempt from these regulations.
3. Agricultural operations that use or produce manure that are not a concentrated animal operation or a concentrated animal feeding operation shall comply with the Department of Environmental Protection's requirements applicable to such operations, including the requirements specified in 25 PA Code Section 91.36 and the manuals and guides referenced in that provision.
4. Buildings in which livestock or poultry are to be housed (temporarily or permanently) shall be set back at least 100 feet from all property lines and dwellings (other than the owner's residence), except as may be provided otherwise in 25 PA Code Section 91.36. All other agricultural buildings shall be set back in accordance with the standards established in the District Regulations. (See also Sub-Section B. below regarding Concentrated Animal Operations and Concentrated Animal Feeding Operations.)
5. No outdoor feedlot, agricultural compost, manure or other similar unenclosed storage shall be located closer than 100 feet to any property line, stream, water body, or designated wetland area, except as may be provided otherwise in 25 PA Code Section 91.36. (See also Sub-Section B. below regarding Concentrated Animal Operations and Concentrated Animal Feeding Operations.)
6. Nothing contained in this Ordinance shall prohibit a farmer from carrying out normal farming activities, including the spreading of manure.

B. Concentrated Animal Operations and Concentrated Animal Feeding Operations

Regulations. - Concentrated animal operations (CAO's) and Concentrated Animal Feeding Operations (CAFO's) may be permitted only in those zoning districts and as specified in the District Regulations. All new or expanded CAO's and CAFO's shall require Conditional Use approval prior to the issuance of a Zoning Permit. In addition, all applications for CAO's and CAFO's shall satisfy the following criteria.

1.All concentrated animal operations and concentrated animal feeding operations shall meet the requirements set forth in the PA Nutrient Management Regulations and Act 38 of 2005, the ACRE legislation, for the preparation and submission of Nutrient Management Plans. In particular, all such operations shall meet the standards pertaining to nutrient application, manure management, and manure storage facilities. Nothing in this Section or this Ordinance is intended, nor shall be applied or interpreted, to attempt to regulate those aspects of CAO's and CAFO's which are specifically regulated by the PA Nutrient Management Act, the ACRE Law (Act 38 of 2005), and the Agricultural Security Law.

2.All applications for new or expanded concentrated animal operations and/or concentrated animal feeding operations initiated after the effective date of this Ordinance amendment 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);
- c. A copy of the applicant's Nutrient Management Plan, reviewed and approved by the County Conservation District, designated Nutrient Management Specialist, or other appropriate agency or individual; and
- d. A copy of the applicant's Odor Management Plan, reviewed and approved by the County Conservation District, designated Odor Management Specialist, or other appropriate agency or individual.

3.At a minimum, buildings in which livestock and/or poultry are to be housed (temporarily or permanently) shall be erected at least 100 feet from all property lines and dwellings (other than the owner's residence). Where however, there is conflict with these standards and the setback requirements established in the Nutrient Management Regulations, then the standards set forth in the Nutrient Management Regulations shall apply.

4.No manure storage facilities shall be permitted to be located within a designated Floodway. Where located within a designated Flood Fringe or General Floodplain area, all such structures shall be elevated or flood proofed to meet the requirements set forth in the applicable municipal Floodplain Management Regulations.

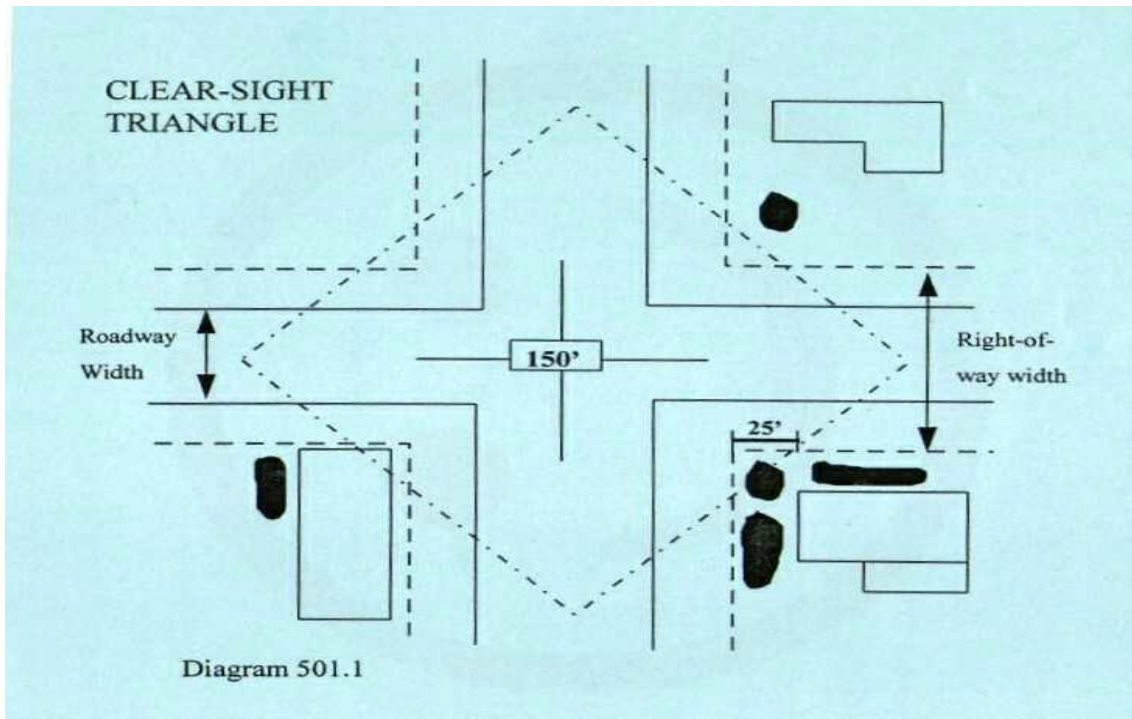
ARTICLE V

Supplemental Regulations

Section 500 - These Supplemental Regulations shall apply in all districts except where otherwise specified herein.

Section 501 - Additional Requirements for all Zoning Districts.

501.1 - Visibility at Intersections - No obstruction to vision (except street signs, utility poles or traffic signs, approved by the Borough; existing buildings, posts, columns or trees) shall be erected, place, planted or allowed to grow in a manner which would impede vision between a height of two and one-half feet (2 1/2') and ten feet (10') above the grades of the intersecting streets. The clear sight triangle shall be formed by the street intersection, created by the right-of-way line of each street extended to a point, and a line between the two (2) points on the right of way line of each street, each located twenty-five feet (25') from the street intersection. (See Diagram 501.1).



501.2 - Fences, Walls, Hedges and Trees - All fences, walls, hedges and trees shall comply with the provisions of Sections 507, where applicable. Fences, walls, hedges and trees shall be permitted in any yard provided that no fence, wall, or hedge abutting any public right of way shall exceed thirty-six inches (36") in height at intersections. Ornamental fences exceeding thirty-six inches (36") in height shall be permitted at intersections, provided that said fence contains no more than twenty-five percent (25%) coverage of the total area of the face of said fence.

501.3 - Erection of More Than One Principal Structure or Building on a Lot - More than one structure or building housing a principal permitted use may be erected on a single lot, as a Special Exception or Conditional Use, provided that all area, yard, bulk, coverage and other requirements of this ordinance shall be determined for each structure or building as though it were located on an individual lot.

501.4 Exceptions to Height Regulations- The height limitations contained herein shall not apply to barns, spires, cupolas, silos, antennas, water tanks, ventilators, chimneys, microwave, television or radio towers or other similar types of appurtenances, usually required to be placed above the roof level and not intended for human occupancy.

501.5 - Buildings to Have Access - All buildings hereafter erected or moved shall be on a lot adjacent to a public street or a private street approved by the Governing Body. All buildings shall be located on lots so as to provide safe and convenient access for servicing, fire protection and required off-street parking. All buildings hereafter erected or moved shall be located on lots in conformance with the provisions of Article IX of this ordinance.

501.6 - Corner Lot Restriction - On all corner lots there shall be provided on each side thereof adjacent to a public street or right-of-way a yard equal in depth to the required front yard of the zoning district in which the corner lot is situate.

501.7 - Lots in Two or More Districts - Where a district boundary line(s) divides any lot in single or joint ownership at the time such line is established, the more restrictive district regulations shall apply.

501.8 - Lot Area and Lot Width for Lots Not Served with Public Water and/or Sanitary Sewers - Any lot not served by a public water supply and/or sanitary sewerage system and where Municipal, County , State or Federal Regulations that requires a higher standard for lot area or lot width than are provided

for in this ordinance, shall be subject to the more restrictive standards.

501.9 - Front Yard Exceptions - Where an unimproved lot is situated between two improved lots with front yard setbacks less than those required for the District, the front yard required may be reduced to a depth equal to the average of the two (2) adjoining lots; provided, however, that in no case shall the front yard be reduced by more than fifty percent (50%) of the required front yard for that district.

501.10 - Restrictions for Air Pollution - All sources of air pollution shall comply with all Rules and Regulations as defined and established by any Municipal, County, State or Federal Statute, Regulation or Ordinance.

501.11 - Restrictions for Solid Waste Disposal - All methods and practices of Solid Waste Disposal shall comply with all applicable Municipal, County, State or Federal Statutes, Regulations or ordinances.

501.12 - Restrictions for Sewage and Liquid Waste Disposal - All sewage and liquid waste disposal practices shall comply with all applicable Municipal, County, State or Federal Statutes, Regulations or Ordinances.

501.13 - Right-of-Way Line - For purposes of measuring front yard requirements, the right of way line shall be established by actual deed or plan description. If no deed or plan description exists, said right-of-way line shall be established in all districts at a distance of twenty-five feet (25') from the center line of the road or street or one half (1/2) of the road or street right-of-way, whichever is greater.

501.14 - Through Lots - Where a single lot under individual or joint ownership extends from one (1) public street to another parallel or nearly parallel public street, the Municipal Planning Commission shall determine which street shall be considered the front street. No principal structure shall be erected on the rear of the lot.

501.15 - Changes to Conforming Uses or Buildings - Any conforming use or building may be repaired, maintained, restored or rebuilt to the same dimensions existing at the time that use or building was originally constructed or started. Any enlargement or addition to any conforming use must comply with all applicable provisions of this Ordinance.

501.16 - Projections into Yards - Exception to the yard requirements in Article IV of this Ordinance shall be permitted only in the following instances:

- A. Canopies, eaves, uncovered first floor steps or landings or other architectural features not required for structural support may project into required side, rear or front yards, but by no more than three feet (3'), as measured from the wall of the structure.
- B. Fire escapes and stairs may project into the side or rear yard no more than twenty feet (20').
- C. Off-street parking areas as required in Section 505.

Section 502 - Home Occupation Regulations - Permits for Home Occupations shall be subject to the requirements of Section 408.D.

Section 503 - Accessory Buildings, Structures and Uses: All accessory structures shall conform to the bulk, area, height and yard requirements established in each individual zoning district, except as permitted below.

503.1 Unattached Structures Accessory to Residential Uses - Structures accessory to residential uses or residential structures and not attached to the principal residential structure shall not be higher than fifteen feet (15') or one and one-half stories (1 1/2), except for two story garages, provided that said garages are not used for any human occupancy. Unattached residential structures shall not be erected less than ten feet (10') from any portion of the residential structure.

A. Fences, walls or plantings may be constructed in required yards provided that:

1. The vision of motor vehicle operators is not impeded at intersecting streets or

driveways (See Section 502).

2. The written consent of adjacent property owners is required for property line fences for a residential use.

3. Compliance with Municipal floodplain regulations is required.

B. A greenhouse may be accessory to a dwelling or other use.

C. A storage, utility building or other accessory structures may be maintained accessory to a dwelling or other use. It shall not exceed a building height of 15 feet or one and one-half (1 ½) stories, except two story garages, provided that said garage are not for human occupancy. The accessory structure must not be located in front of the principal building and shall be separated a minimum of ten (10) feet from any structure and shall be located no closer than six (6) feet from any property line. A single storage building of the dimension 12 x 12 ft. or smaller shall be exempt from the zoning permit requirement and shall comply with all required setbacks.

Accessory structures such as swing sets, play gyms, playhouses, doghouses, and dog runs shall comply with the above standards and shall be exempt from the zoning permit requirements provided that they do not occupy more than 100 sq. ft. of area.

D. Private non-commercial swimming pools which are designed to contain a water depth of twenty-four (24) inches or more must be located only in a rear or side yard. Pools shall not be less than ten (10) feet from side and rear property lines. There shall be a continuous child proof barrier or fence around the pool not less than four (4) feet in height above the ground or surrounding deck level.

E. Private tennis courts shall be permitted within side or rear yards provided that such facility shall not be less than ten (10) feet from side or rear property lines, and shall comply with Floodplain regulations if appropriate.

F. Patios, decks, paved terraces, or open porches shall be permitted in all yards provided that no impermeable surface shall be within five (5) feet of any property lines.

503.2 - Unattached Structures Accessory to Non-Residential Structures or Uses: Such accessory structures shall not be higher than fifteen feet (15') or one and one-half (1 1/2) stories, and shall have a minimum rear yard of twenty feet (20').

503.3 - Accessory Pool Structures - Private non-commercial swimming pools which are designed to contain a water depth of twenty four inches (24"0 or more shall be located only in a rear or side yard. Such pools shall have a continuous child proof barrier or fence not less than four feet (4') in height above the ground or surrounding deck level. Pools and associated sidewalks, patios or decks shall be located a minimum of eight feet (8') from any side or rear property line.

503.4 -Home Gardening - Home gardening and accessory structures used for such purposes shall be permitted in residential districts.

503.5 - Nothing in this Section shall be construed to limit other accessory uses not mentioned, so long as such uses are demonstrably accessory to the principal permitted use of the lot and do not create a threat to the Public Health, Safety and Welfare.

Section 504 - Sign Regulations: No new sign shall hereafter be erected, constructed, or altered except as herein provided and until a permit has been issued by the Zoning Officer.

504.1 - All Signs Shall Comply with the Following Requirements: Except as otherwise provided herein, no lot shall have erected thereon a sign or signs the maximum area of which shall exceed the gross sign area requirements of the district in which it is located. See Table 504.1.

A. No single sign shall exceed sixty-four (64) square feet in gross area, even though the building frontage may enable larger signs.

B. Where a principal structure fronts on more than one (1) street, the gross sign area allowed for each building frontage shall be determined by the smallest building frontage.

C. There shall be no more than three (3) individual signs permitted for any use, except as

otherwise noted in this section. Credit card decals/signs less than twelve (12) square inches are excepted from this requirement.

D. Gross sign area shall be defined as the entire surface area of the sign on which copy could be placed. Supporting structure or bracing shall not be counted as part of the sign area. Where a sign has more than one face, all areas which can be viewed simultaneously shall be considered gross sign area.

1. When identifying letters, symbols, designs, or characters are attached to a building, wall, window or signboard, but without an identifiable border or background, the square footage of such signs shall be computed based upon the smallest rectangle or other geometric shape which encompasses all of the letters, symbols, designs or characters.

2. When measuring the Gross Sign Area of any Free Standing Sign, such measurement shall include all frames or structures to which the sign is attached, with the exception of the supporting pole or bracing.

E. No sign shall be erected in any public right of way.

F. No sign shall be erected which in any manner obstructs free and clear vision at any intersection.

G. No sign shall be erected where by reason of position, shape or color it may interfere with or obstruct the view of, or be confused with any authorized traffic sign, signal or device.

Type of Sign	Maximum Gross Area	Districts Where Type of Sign is Allowed	Notes
Address	2 square feet	All Districts	1 per property
Awning	1 Sq. Ft. per linear Ft. of Building Frontage	GC, HC, V	6'9" Clearance
Community Directory	16 Square Feet	All Permitted Districts	1 per st. frontage
Contractor	12 Square Feet	All Districts	1 per Site
Real Estate	6 Square Feet	All Districts	1 per property
Free Standing	25 Sq. Ft.	GC, HC, V, CM, RI	Sec 504
	3+ Uses -50 Sq. Ft.		
Home Occupation	2 Square Feet	RS, RT, RR, AR, AP, WP	1 per property
Professional Office	2 Square Feet	All Permitted Districts	1 per property
Political	4 Square Feet	All Districts	2 @ candidate
Projecting	9 Sq. Ft. per side	CD, HC, V, CM, RI, AT	Sec 504
Temporary	6 Sq. Ft. per face	All Districts	Sec 504
Wall	1 Sq. Ft. per linear ft of Bldg. Frontage	CD, V, AT	Sec 504
	2 Sq. Ft. per linear ft of Bldg. Frontage	HC, CM, RI	
Window	30% of glass area	CD, HC	Sec 504
Marquis	1 Sq. Ft. per linear Ft. of Bldg. Frontage	CD, V, RI	
	2 Sq. Ft. per linear ft. of Bldg. Frontage	HC, CM	Sec 504

Table 504.1

H. Every sign permitted by this Ordinance must be constructed of durable materials and kept in good condition or repair. When any sign becomes insecure, in danger of falling or is otherwise unsafe or if any sign shall be unlawfully erected or installed, the Zoning Officer shall order the removal of said sign, upon written notice. The Zoning Officer shall have the power to remove said sign if the order is not complied with within ten (10) days of issuance or immediately in the case of immediate danger to the public, with the approval of the Governing Body. The cost of the removal of shall be borne by the owner of the sign.

I. All signs and/or sign messages shall be removed by the owner or lessee from the premises upon which any on-premise sign is located when the use it advertises is no longer conducted. Such removal shall be completed within thirty (30) days of the vacation of the premises. The

cost of removal shall be borne by the owner of the sign.

J. No sign shall be painted or mounted on rocks, trees or other natural features. No sign shall be attached to any utility pole.

K. Any sign legally existing at time of passage of this ordinance that does not conform to the standards contained in this ordinance shall be considered a non-conforming use and may continue until such time as the sign may be replaced, relocated or the structure or size of the sign is altered in any way.

L. Prohibited Signs:

A. Flashing, rotating or motorized signs that are visible from a public street.

B. Signs which obstruct the free ingress or egress to or from any door, window fire escape or other exit; or which obstructs a window, door or other opening providing light or air; or which interferes with the normal functioning of any building.

C. Signs which make use of the words "stop", "look" "danger" or other words, phrases, symbols or characters in a manner which would tend to interfere with, mislead or confuse traffic or persons.

D. String lights, used in connection with commercial premises for commercial purposes, other than traditional decorations associated with holiday streamers.

E. Any display which makes use of spinners and/or streamers.

F. Off premises signs other than general directional signs or commercial center signs as defined in this ordinance.

504.2 - Height - No sign that is part of, or supported by, a building shall be erected upon the roof of said building, nor shall such sign extend above the height of the building measured at the lowest part of the roof.

504.3 Projecting Signs:

A. No sign(s) shall project beyond four feet (4') from the building or structure to which it (they) are attached.

B. All projecting signs shall allow a nine foot (9') clearance from finish grade.

C. All signs overhanging any public right-of-way (including sidewalks) shall be covered by a liability insurance policy with a company authorized to conduct business in the Commonwealth of Pennsylvania, naming Borough of Turbotville as the co-insured and such amounts as shall be established by the Governing Body. Certificate of said insurance shall be filed annually with the Zoning Officer.

D. The Zoning Officer shall provide an annual report to the Governing Body listing all projecting signs, the insurance carrier, the amount of said insurance and the expiration dates of such insurance policies.

E. The Zoning Officer may be authorized by the Governing Body to immediately remove any uninsured projecting signs.

504.4 Illumination - Signs may be lighted with non-glaring lights, or may be illuminated by shielded flood lights. No signs shall be of an intermittent or flashing type or be erected so that, by reason of its location, brilliance, shape or color might be confused with or obstruct the view of any official traffic sign, signal or traffic marking. All electrically illuminated signs shall conform to the requirements of the Borough of Turbotville Building Code and Borough of Turbotville Electrical Code. Internally illuminated signs are prohibited except as hereinafter specifically provided.

504.5 Placement - For purposes of this Ordinance, signs shall be exempt from front yard setbacks. To the maximum extent possible signs shall not be located within any public right of way. No sign or portion of any free standing sign shall be located within five feet (5') of any side lot line. Notwithstanding anything herein to the contrary, no sign shall be erected in such a manner as to create an unsafe condition for motor vehicles, bicycles or pedestrian traffic.

504.6 Free Standing Signs - There shall be only one (1) free standing sign per lot, with the exception of

directional signs intended to guide or direct pedestrian or vehicular traffic. Free standing signs shall have no more than two (2) faces. Directional signs shall not exceed two square feet in sign area. Directional Signage area shall be included in the total allowable gross signage area for a lot.

504.7 Wall Signs - No wall sign shall project more than twelve inches (12") from the building service, nor extend beyond the ends of the wall to which it is attached.

504.8 Shopping, Office, or Commercial Center Signs - Occupants of a Shopping, Office or Commercial Center, Mall or Complex are permitted one on-premises identification sign in addition to the common sign identifying the occupants of such a center or complex. Said common sign identifying the occupants of such a center or complex is the Shopping, Office or Commercial Center Sign.

504.9 Window Signs - The total area of any window sign shall not exceed thirty percent (30%) of the total glass area of that window and such sign shall advertise only on-premise use, activity, goods, services or products.

504.10 Directional Signs:

- A. Real and Personal Property. No permit shall be required for a directional sign advertising the sale of real or personal property at the premises upon which it is situate or directing potential buyers to said premises. No more than two (2) such signs shall be permitted regardless of their location. Such sign shall not exceed six (6) square feet in area.
- B. Entrance/Exit. Directional signs designed to guide or direct vehicular and/or pedestrian traffic are permitted without restriction as to number, provided such signs contain no advertising copy and do not exceed two (2) square feet in area. The top of such sign shall be no greater than three feet in height above the grade of the public street abutting or adjacent to said sign.

504.11 Address Signs - Notwithstanding anything herein to the contrary, one sign displaying the street number or name of the occupant of the premises upon which is erected or both, shall be permitted and no permit shall be required, provided, however, that:

- A. Such sign may be attached to a post not more than six feet (6') in height and at least three feet (3') from any right of way line;
- B. Such sign shall not exceed two (2) square feet in area;
- C. Such sign may include identification of a profession, as defined in this Ordinance, conducted upon the premises, upon which the sign is erected;
- D. Such sign may be in addition to such other signs as are permitted by the provisions of this Section and shall be in addition to the maximum allowable sign area as established herein.

504.12 Temporary Signs. (Permit Required – No Fee Charged).

- A. Temporary Signs in Village, Commercial and Industrial Districts shall be permitted for a period of not more than thirty (30) days within any six month period. Such signs shall not exceed eighteen (18) square feet in area.
- B. Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization are permitted without permits being required, provided such signs shall not exceed thirty-two (32) square feet in area and shall not be erected more than fourteen (14) days prior to said campaign, drive or event, and shall be removed immediately upon the completion of said campaign, drive or event.
- C. Temporary signs in residential and agricultural districts intended to advertise yard, garage, or neighborhood sales shall be allowed for a period of no more than four (4) days in any month, without permits being required. Such signs shall not exceed nine (9) square feet in area.
- D. Temporary over the street banners, provided that the Borough is held harmless from any and all liability which may arise from any damage or injury caused by such banner. A certificate of liability insurance shall be provided to the Borough (a minimum of 30 days prior to the proposed placement of such sign) prior to the issuance of a permit for Temporary over the street banners. Where applicable, written documentation of PennDot approval for said over the street banners shall be required prior to the issuance of a permit.

504.13 Contractors' Temporary Signs (Permit Required, No Fee Charged) -

Temporary signs for contractors, developers, architects, engineers, builders, artisans and lenders, erected and maintained on the premises where the work is being performed shall be allowed without a permit, provided that the area of such sign shall not exceed twelve (12) square feet and provided that such sign shall be removed upon the completion of said work. There shall be no more than two (2) such signs allowed on the premises where the work is being performed at any given time.

504.14 For Sale or Rent (Permit Required, No Fee Charged) - Signs offering the sale or rental of the premises upon which the sign is erected, shall be permitted without a permit, provided that the area of the sign shall not exceed six (6) square feet and not more than one such sign may be erected on the premises to be sold or rented, unless such premises fronts on more than one street, in which case, one sign may be erected on each street frontage. No "For Sale" or "For Rent" Signs shall be located off premises.

504.15 Trespassing Signs (No Permit Required) - Signs indicating "No trespassing", private use of a road, driveway or premises, signs controlling fishing or hunting on the said premises, shall be allowed without a permit, provided the area of such signs shall not exceed two (2) square feet.

504.16 Political Signs (No Permit Required) - (These standards shall apply only to signs advertising candidates for Political Office or Ballot Questions) Political Signs shall be allowed without permit for a period of thirty (30) calendar days immediately preceding the date of the election that the sign is promoting. All such signs shall be removed within five (5) calendar days immediately following the said election. Political signs shall be prohibited at all other times. A maximum of two (2) signs per lot is permitted.

504.17 Real Estate Development - Signs advertising subdivisions or Traditional Neighborhood Developments (as defined in this Ordinance) shall be permitted provided there shall be no more than one such sign per street frontage. Such signs shall be removed when 75% of the lots or units in the said subdivision or development have been sold or leased. The maximum area for such signs shall be twenty (20) square feet. One (1) permanent identification sign shall be permitted, provided that the said sign contains no advertising. Maximum area for such sign shall be twenty (20) square feet. Provision for the maintenance of such sign, acceptable to the Borough of Turbotville shall be required. All such signs shall require permits.

504.18 -Signs permitted in Residential (RU, RT) Districts.

- A. Address Signs. (No permit is required).
- B. Home Occupation Signs.
- C. Political Signs (No permit is required).
- D. Sign, bulletin or announcement board or identification sign for schools, Houses of Worship, hospitals, clubs, multifamily dwellings or other principal uses in the building other than the residential use. Such sign shall be on the same lot therewith and shall not exceed twenty (20) square feet in area. Not more than one such sign shall be erected on any one street frontage.
- E. Signs denoting rooms for leasing in a rooming house, tourist home or bed and breakfast such signs are limited to one window sign for each street frontage.
- F. All internally illuminated signs are prohibited.

504.19 - Sign Regulations applicable to the Downtown Commercial (CD) District.

- A. The maximum sign area for any free standing sign shall be sixteen (16) square feet, except in cases where there are three (3) or more distinct and separate uses on the

same lot, in which case the maximum sign area shall not exceed twenty-four (24) square feet.

B. The maximum height for any free standing sign shall be nine (9) feet above finish grade.

504.20 - Sign Regulations applicable in the Highway Commercial (HC) District and the Industrial (CM).

A. Off premise signs are prohibited.

B. Maximum sign area for on premise, free standing signs, with frontage on Route 54 or Route 44 and situate in this District shall not exceed the requirements contained in Table 504.1.

C. Maximum sign area for any free standing sign in this District not having frontage on Route 54 or Route 44, shall be thirty (30) square feet for each face, excepting where there are three (3) or more distinct and separate uses on the same lot, in such case the maximum sign area shall not exceed fifty (50) square feet for each face. Such signs shall have no more than two (2) faces.

D. In the case of a group of business uses, other than a Shopping, Office or Commercial Center, one free standing sign shall be permitted, which may include individual panels identifying the specific establishments at that location. Such Signs shall not exceed the maximum sign area(s) provided for in Sections 504.21.b or 504.21.c, whichever might be applicable.

E. Directional Signs are permitted.

F. The maximum height of free standing signs shall be fifteen feet (15') above finish grade.

Section 505 - Off-Street Parking and Loading Areas - The purpose of this section is to reduce traffic congestion on public streets by requiring all new development activities to provide off-street parking and loading areas. In order to allow more efficient off-street parking facilities and load areas to be designed, improve emergency access, minimize development problems with neighboring uses and provide for special parking needs for handicapped drivers, bicycles and motorcycles, these requirements shall apply. The intent of this section is to provide adequate off-street parking and loading for all uses, while reducing congestion on public streets while allowing flexibility in meeting the Borough's parking needs. Off Street Parking for non-residential uses in the Downtown Commercial District is required.

Section 505.1 - Applicants shall comply to the following requirements for off street parking for specific uses (see Table 505.1).

A. All parking ratios are described in terms of "unit measures", (i.e. one parking space per .{use category}).

B. Certain uses shall have more than one parking ratio description.

C. Fractional parking spaces in the calculation of unit measures shall be calculated to the next whole measure.

D. Where ITE (Institute for Transportation Engineers) Trip Generation measures are required, such measures shall be based upon the Fourth (4th) Edition of the ITE Trip Generation Manual, Weekday Peak Hour Rate.

E. All uses containing drive-in/drive through uses shall contain a stacking or waiting lane compliant with the provisions of Section 505.4.

F. All references to floor area in Table 505.1 shall be defined as gross floor area, and shall include the gross floor area of the structure containing the use or in the case of outdoor uses the gross area of where the use occurs.

G. Should two or more uses, with different hours of operation, be located in the same structure or parcel, these uses can share parking spaces for that use which would require the highest number of spaces.

H. Any use submitting a binding parking plan requiring vanpooling or carpooling by employees may be permitted no more than a 10% reduction in the required number of off-street parking spaces, upon entering into a binding agreement with the Borough.

- I. Any use which can demonstrate that the majority of users do not come by private automobile may be permitted no more than a 50% reduction in the number of required off-street parking spaces.
- J. Off site or remote parking facilities may be permitted, as a conditional use, for non-residential uses. All applicants for off site or remote parking shall meet the following standards:
1. Off site or remote parking facilities shall be located within 500 feet of the parcel containing the principal use.
 2. Walking paths to the use shall not cross streets except at designated cross walks. No walking path to a principal use shall cross Route 54.
- K. Off - Street Parking Lots shall be of sufficient size to provide parking for all employees or residents as well as long-term customer parking.
- L. Off - Street Parking Lots shall be prohibited in any front yard setback area.
- M. Parking Lot layout, landscaping, buffering and screening shall prevent direct views of parked vehicles from public streets or sidewalks, avoid spill-over light, glare, noise or exhaust fumes onto adjacent properties and provide the parking area with a reasonable measure of shade, when trees reach maturity.
- N. Parking lots exposed to view shall be surrounded by a minimum of a four foot high, year round visually impervious screen of trees, hedge, fence or wall.
- O. The interior of all parking lots shall be landscaped in compliance with the provisions of Section 506. Parking lots containing 10 or less spaces shall not require interior landscaping if the Municipal Planning Commission determines there is adequate perimeter landscaping.
- P. Where Off Street Parking Requirements are specified by Special Exception or Conditional Requirements (Section 405.A.2) those requirements shall take precedence over Table 505.1
- Q. Rules for Computing Requirements - The following rules apply when computing off street parking requirements.
1. Multiple Uses -Unless otherwise approved, lots containing more than one use must provide parking and loading in an amount equal to the total of the requirements for all uses
 2. Area Measurements -Unless otherwise specifically noted, all square footage-based parking and loading standards must be computed on the basis of gross floor area.
 3. Occupancy or Capacity Based Standards -For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.
 4. Unlisted Uses - Upon receiving a development application for a use not specifically listed in an off street parking schedule, the Zoning Officer shall apply the off street parking standard specified for the listed use that is deemed most similar to the proposed use.

Table 505.1

UseType	UnitofMeasure	
Parking Ratio		
Residential Uses	Per Bedroom	.75
Church/Meeting Halls	Per 4 Seats	1
Public Auditorium/Theater	Per 4 Seats	1
Hotels, Motels, Inns	Per Rental Unit	1
Additionally	PerEmployee	1
Eating Establishments	Per 100 Vehicle Trips	15
Additionally	PerEmployee	1

GroupQuarters*	PerResident**	1
(* Group Quarters shall include: Rooming or Boarding Houses, Bed and Breakfast Establishments, Tourist Homes, Group Homes, Community Living Arrangements, Methadone Treatment Centers, Halfway Houses and Drug and/or Alcohol Treatment Facilities; ** Includes any resident owner, occupant, counselor, etc.).		
Retail Facilities	Per 100 Vehicle Trips	5*
(*Includes Retail Uses not otherwise specified below)		
Discount Stores	Per 100 Vehicle Trips	20
Shopping Center	Per 100 Vehicle Trips	25
Auto Sale	Per 100 Vehicle Trips	10
SuperMarket	Per100VehicleTrips	25
Convenience Market	Per 100 Vehicle Trips	10
Video Stores/Arcades	Per 100 Vehicle Trips	10
Additionally	Per Employee	1
Wholesale/Warehouse	Per Employee	1
Additionally	Per 5000 Sq. Ft. of Area.	1
IndustrialUses	PerEmployee	1
Additionally	Per 5000 Sq. Ft. of Area	1
Commercial Uses	Per 100 Vehicle Trips	2.5*
(*Includes Commercial and Service Uses not otherwise specified below)		
Recreational Facilities	Per 100 Vehicle Trips	4
Public/Private Schools	Per 100 Vehicle Trips	5
Day Care Centers	Per 100 Vehicle Trips	5
Clinics/Hospitals	Per 100 Vehicle Trips	10
Professional Offices	Per 100 Vehicle Trips	5
Commercial Centers	Per 100 Vehicle Trips	20
Use Class I	Per 100 Vehicle Trips	10
Use Class II	Per 100 Vehicle Trips	15
Use Class III	Per 100 Vehicle Trips	20
Additionally	PerEmployee	1
Model Homes	Per Structure	3
Additionally	Per Employee	1

NOTE: Uses not specified in the table above shall meet the requirements of the most similar use. NOTE: A copy of the Fourth Edition of the ITE Trip Generation Manual is on File at the Zoning Office.

505.2 -Existing Uses - Off Street Parking facilities existing at the effective date of this ordinance shall not subsequently be reduced to an amount less than that required under this section. Such off street parking facilities shall not be considered Non-Conforming.

505.3 - Parking Prohibitions and Impositions.

- A. It shall be unlawful to construct, remodel, change or occupy any use on a parcel or in a building without an approved parking site plan.
- B. Owners and tenants shall conform to the parking site plan at all times.
- C. All parking facilities shall be adequately maintained.
- D. Buildings and parcels containing more than one use shall provide parking spaces equal to the sum of all the uses of that parcel or in the building, unless it can be demonstrated that certain uses occur at different times, as per Section 505.1.G.
- E. No repair or maintenance of vehicles of any kind, except for emergency repairs, shall be permitted in any accessory parking facility.
- F. Inoperative automotive vehicles, boats or trailers of any kind or type without current license plates and current Inspection sticker, shall not be parked or stored on any public street, or on any lot in any residential district, unless said vehicle, boat or trailer is in a completely enclosed building.

G. Existing uses and buildings, approved prior to the enactment of this Ordinance shall be exempt from the requirements of Section 505, unless said use or building is changed, altered, or enlarged.

H. Uses fronting on arterial and collector streets shall comply with the provisions of Section 510 of this ordinance.

505.4 Design Standards for Off-Street Parking Facilities:

A. Vehicle Stacking Areas -The vehicle stacking standards of this subsection shall apply unless otherwise expressly approved by the applicable Municipal Engineer.

1. Minimum Number of Spaces - Off-street stacking spaces shall be provided as follows:

Activity Type	Minimum Stacking Spaces	Measured From
Bank teller lane	4	Teller or Window
Automated teller machine	3	Teller
Restaurant drive-through	6	Order Box
Restaurant drive-through	4	Order Box to Pick-Up Window
Car wash stall, automatic	6	Entrance
Car wash stall, self-service	3	Entrance
Gasoline pump island	2	Pump Island
Other	Determined by Borough Engineer based on Traffic Study	

2. Design and Layout - Required stacking spaces are subject to the following design and layout standards.

- Size - Stacking spaces must be a minimum of 8 feet by 20 feet in size.
- Location - Stacking spaces may not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.
- Design - Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Planning Commission for traffic movement and safety.

B. Accessible Parking for Physically Handicapped Persons - A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located and reserved for use by persons with physical disabilities.

1. Number of Spaces - The minimum number of accessible spaces to be provided shall be a portion of the total number of off-street parking spaces required, as determined from the following "Handicapped Parking Schedule." Parking spaces reserved for persons with disabilities shall be counted toward fulfilling off-street parking standards.

Handicapped Parking Schedule

Total Parking Spaces Provided	Minimum Number of Accessible Spaces	Minimum Number of Van=Accessible Spaces	Minimum Number of Car-Accessible Spaces
10-25	2	1	1
26-50	3	1	2
51-75	4	1	3
76-100	5	1	4
101-150	6	1	5

151-200	7	1	6
201-300	8	2	6
301-400	9	2	7
401-500	10	2	8
501-1,000	2% of total spaces	1 out of every 7 accessible spaces	6 out of every 7 accessible spaces
Over 1,000	20 + 1 per each 100 spaces over 1,000		

2. Minimum Dimensions - All parking spaces reserved for persons with disabilities shall comply with the parking space dimension standards of this section, provided that access aisles shall be provided immediately abutting such spaces, as follows:

- a. Car Accessible Spaces – Car accessible spaces shall have at least a 5-foot wide access aisle located abutting the designated parking space . Two spaces may share the access aisle.
- b. Van Accessible Spaces - Van-accessible spaces shall have at least an 8-foot wide access aisle located abutting the designated parking space . Two spaces may share the access aisle.

3. Location of Spaces - Required spaces for persons with disabilities shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path.

4. Signs and Marking - Required spaces for persons with disabilities shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities. Signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level.

C. Parking Design Standards

1. Markings.

a. Each required off-street parking space and off-street parking facility shall be identified by surface markings and shall be maintained in a manner so as to be readily visible and accessible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking and storage of vehicles. Marking is required to be maintained in a highly visible condition include striping, directional arrows, lettering on signs and in handicapped-designated areas, and field color.

b. One-way and two-way accesses into required parking facilities shall be identified by directional arrows. Any two-way access located at any angle other than 90 degrees to a street shall be marked with a traffic separation stripe the length of the access. This requirement does not apply to aisles.

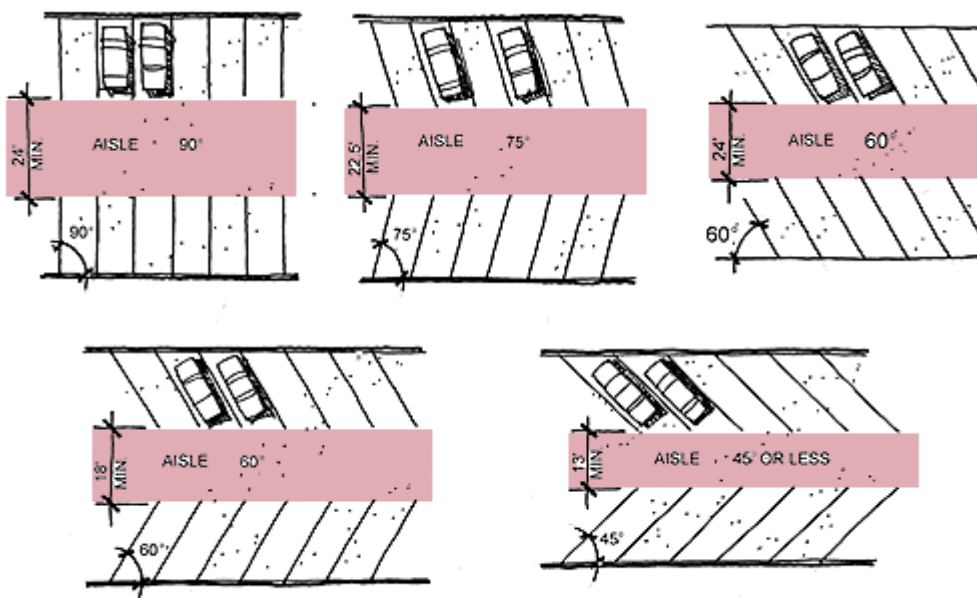
2. Surfacing and Maintenance - All off-street parking areas shall be paved and kept in a dust-free condition at all times.

3. Dimensions

a. General - Required off-street parking spaces shall comply with the following dimensional standards:

Use	Type of Space	Dimensions (feet)
Residential	Spaces in Garage or Carport	8 x 18
	Uncovered	9 x 18
Nonresidential	Angle Spaces	9 x 18
	Parallel	10 x 20
All		

- b. Compact Spaces - The Planning Commission shall be authorized to approve the use of compact parking spaces for up to 25 percent of employee parking, if the need for compact parking spaces is supported by a parking study that has been prepared by the applicant. Compact parking spaces shall have minimum dimensions of 8 feet by 16 feet. Compact parking spaces shall be designated by signs or other approved markings.
 - c. Vertical Clearance - Vertical clearance for off-street parking spaces shall be 7 feet, except that an entrance may be 6.67 feet and the front 5 feet of a parking space serving a residential use may have a minimum vertical clearance of 4.5 feet.
 - d. Reduction for Planter Overhangs - When a parking space abuts a landscape island or planter, the front 2 feet of the required parking space length may overhang the planter, provided that wheel stops or curbing is provided.
4. Residential Use Parking Standards - The following standards shall apply to driveways, garages, and carports for all residential uses, whether they are accessory structures or part of a principal structure.
- a. Driveways - Driveways shall be surfaced in conformance with applicable municipal regulations.
 - b. Carport Dimensions - Carports shall measure at least 9 feet by 19 feet, measured from the inside face of support to inside face of opposite support. The carport roof shall cover the entire 19-foot length of the space.
5. Driveways and Parking Lot Aisles
- a. Parking Lot Aisles shall conform to the "Aisle Widths" Drawing below.



Aisle Widths

- b. Driveway Widths - Driveways shall conform to the Municipality's Driveway and Curb Cut Regulations and shall have the following minimum widths at the gutter line, plus a minimum of 1 foot additional clearance on each side of a vertical obstruction exceeding 0.5 foot in height.

Use Served	Number of Spaces	Width (feet)
Residential	6 or less	10
	7+	12 if 1-way 20 if 2-way
Nonresidential	24 or less	12 if 1-way 20 if 2 way
	25+	15 if 1-way 24 if 2-way

Note: *The Municipality, in consultation with the Municipal Engineer, may require driveways in excess of these widths where unusual traffic, grade or site conditions prevail. The Municipal Engineer may require driveways to be constructed with full curb returns and handicapped ramps, as opposed to simple curb depression. Private driveways and drive aisles shall comply with the Fire Code when the Fire Chief determines that they are necessary for fire apparatus access.*

- c. Spacing - Driveways serving the same parking facility shall comply with the Municipality's Driveway and Curb Cut Regulations.
- d. Passenger Drop Off Areas.
 - (1). All schools, public or private institutional and recreational uses shall provide an on-site area for drop-offs and pick-ups.
 - (2). A traffic circulation plan shall be submitted to the Zoning Officer for review and approval prior to issuance of any permits for the use . The traffic circulation plan shall describe proposed measures for ensuring safe and efficient traffic circulation on-site and in the area surrounding the subject site . The plan shall also include information about the number of enrollees or users; the hours of operation and peak loading and unloading times; the projected number of vehicles that will be using the loading and unloading area; plans for directing traffic within the area and other safety measures; and other information deemed necessary by the Zoning Officer.
 - (3). Required drop-off and pick-up areas for schools (public or private) shall include at least: (1) 5 automobiles and 5 school bus spaces or (2) one automobile and 2 school bus spaces for every 50 students, whichever results in the greater number of spaces. No more than 12 automobile or bus spaces shall be required for any size school facility. Drop-off and pick-up areas may be adjacent to a primary driveway access or aisle, but they shall be located far enough off the roadway so that they do not cause traffic to stop.
 - (4). Minimum widths for drop-off areas combined with access drives shall be 12 feet for one-way traffic and 24 feet for two-way traffic.
- e. Visibility - Visibility of a driveway crossing a street property line shall not be blocked between a height of 2 feet and 9 feet for a depth of 16 feet from the back of curb . This driveway visibility zone shall extend along the edge of the right-of-way on either side of the driveway for a distance of 80 feet or to the nearest property line intersecting the street property line , whichever is less.
- f. Basins and Drainage Facilities - All basin and drainage facilities shall comply with the Municipality's stormwater management ordinance and the applicable watershed stormwater management plan.
- g. Access to Parking Areas
 - (1). All off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way , unless it is physically impossible to provide for such access. An alley may be used as maneuvering space for access to off street parking.

(2). When an off street parking area does not abut a public street, there shall be provided an access drive not less than 24 feet in width for two-way traffic, connecting the off street parking area with a public street. The access drive shall be paved in the manner required for off street parking lots and may not traverse property in a residential district unless the drive provides access to a parking area serving a use allowed in a residential district. Where an access or service drive is such that satisfactory turn-around is not possible, a turn-around shall be provided as required by the Fire Chief.

(3). Entrances and exits are subject to the approval of the Municipal Engineer in accord with encroachment regulations of the Municipality and the Municipality's Driveway and Curb Cut regulations. All driveways shall be at least 50 feet from the point of curvature at intersections.

D. Parking designated for bicycles and/or motorcycles shall be clearly marked and separated from parking for other vehicles.

E. All non-residential parking facilities containing more than one aisle of parking shall comply with the provisions of Section 505.4.C.5..

F. All non-residential parking facilities shall have a minimum entrance or exit width of twenty feet (20'). Should the entrance and exit be at the same location, each shall be clearly marked, and the width shall be a minimum of thirty six feet (36').

G. Curb cuts onto public streets shall be limited to one (1) per street.

H. Access to parking areas along arterial streets shall be from side streets wherever possible, except that direct access to non residential parking facilities from streets located in residential districts shall be prohibited.

I. No parking facility shall be designed that allows vehicles to back out of the parking facility exit onto any public street or alley (except for single-family and two-family dwellings).

J. Non-residential parking facilities shall be paved with a durable hard surface material acceptable to the Municipality. Adequate stormwater management facilities shall be constructed according to applicable Municipal Regulations.

K. All off-street parking facilities shall be set back from the property line, but may be permitted in rear or side yards.

1. For residential uses the setback shall be a minimum ten feet from the side or rear property line.

2. For non-residential uses the setback shall be a minimum of twenty feet from the side or rear property line. The area between the parking facility and the property line shall be suitably landscaped, according to the provisions of subsections N and O.

3. In the case of a property containing a residential and a non-residential use(s), the setback shall be a minimum of ten feet from the side or rear property line.

L. Parked vehicles shall not overhang into zone yards or over any sidewalk.

M. All parking facilities containing five (5) or more spaces shall be required to provide bumper blocks, not exceeding six inches (6") in height for all spaces.

N. All parking facilities containing ten (10) or more spaces shall be lighted in compliance with the provisions of Section 901.3.

O. Parking lots for multifamily residential uses and non-residential uses shall conform to screening requirements contained in Section 508.

505.5 - Off-Street Loading Regulations:

A. Purpose and Definition.

1. The purpose of these regulations to require adequate, well designed off-street loading areas, therefore reducing traffic congestion, promoting more efficient loading operations and reducing the use of public streets for loading purposes.

2. A loading space shall be designed as any off-street space or berth on the same lot with a building or contiguous to a group of buildings for temporary parking (less than 24 hours) of a commercial vehicle while loading or unloading merchandise or materials.

B Design Standards for Off-Street Loading.

1. Each loading space shall not be less than forty-five feet (45') in length and twelve feet (12') in width and shall have an overhead clearance of not less than fourteen feet (14'), except that for mortuaries, cemeteries, columbariums, and crematories a loading berth used exclusively for hearses shall not be less than twenty-four feet (24') in length and ten feet (10') in width and shall have an overhead clearance of not less than eight feet (8').
2. Loading areas shall not be located within any required front, side or rear yards, however rear or side yards may be used for maneuvering.
3. Sufficient room for turning and maneuvering vehicles shall be provided on the side, except that not more than one (1) loading space per site may be located in a manner which would necessitate backing a vehicle across a property line abutting a street. Alleys may be used for maneuvering.
4. Each loading berth shall have unobstructed access from a street or alley or from an aisle or drive connecting with a street or alley.
5. Loading areas, aisles and access drives shall be paved in a manner acceptable to the Municipality, and shall be so graded and drained as to comply with all applicable Stormwater Management Regulations.
6. Bumper rails shall be provided at locations prescribed by the Planning Commission where needed for safety or to protect property.
7. If loading areas are illuminated they shall comply with the provisions of Section 1001.3.
8. No repair work or servicing of vehicles, except for emergency repairs, shall be conducted in a loading area.
9. If more than one use is located on a parcel or lot, the number of loading areas provided shall be equal to the sum of the requirements prescribed in this Section for each use.
10. Off-street loading facilities for one use shall not be considered as providing the required off street loading facilities for any other use.
11. Loading docks shall be provided for all uses that require heavy duty truck loading spaces and that contain in excess of twenty thousand (20,000) square feet of gross floor area in a single lease or ownership area.
12. All loading spaces shall be screened in accordance with the provisions of Section 506.
13. All off-street loading areas shall be located on the same parcel or lot as the use they are intended to serve. In no case shall the required off-street loading space be considered as part of the area provided to satisfy off-street parking requirements.

C. Determination of the Number of Off-Street Loading Spaces or Berths Required for Various Uses. (See Table 505.4).

1. Uses containing less than 50 parking spaces shall be exempt from the requirements of Table 505.4, if marked with asterisk (*).
2. Uses which have less area than the minimum prescribed for such uses shall provide at least one (1) adequate receiving area accessible by motor vehicle off any adjacent alley or service drive on the same lot.

Table 505.4
Calculation of Required Off-Street Loading Areas.

Type of Use Spaces/Berths	Unit Measure	No. of
Retail Uses*	Per 100 parking spaces	1
Service Uses	Per 200 parking spaces	1
Office Uses*	Per 200 parking spaces	1
Medical Uses	Per 200 parking spaces	1
Additionally passenger loading/unloading spaces	Per 100 parking spaces	2

Hotel/Motel Uses*	Per 100 parking spaces	1
Additionally passenger loading/unloading spaces		
	Per 100 parking spaces	2
Supermarkets	Per 10,000 Sq. Ft. GFA	1
Shopping Centers	Per 7,500 Sq. Ft. GFA	1
Furniture Stores	Per 12,500 Sq. Ft. GFA	1
Hardware Stores	Per 10,000 Sq. Ft. GFA	1
Appliance Stores	Per 12,500 Sq. Ft. GFA	1
Industrial Uses	Per 25,000 Sq. Ft. GFA	1
Transportation Uses	Per 20,000 Sq. Ft. GFA	1
Wholesale Uses	Per 20,000 Sq. Ft. GFA	1
Public Uses	Per 100,000 Sq. Ft. GFA	1
Public Utilities	Per 40,000 Sq. Ft. GFA	1
Outdoor Uses	Per 20,000 Sq. FT. GFA	1

GFA shall mean Gross Floor Area and shall include all enclosed square footage within any structure(s) housing any use on the site. For uses which are carried on outside of a structure, GFA shall include the total land area designated for a particular use.

Section 506 – Screening and Landscape Regulations

506.1 - Purpose.

A. It is the intent of these landscape planting requirements to conserve existing healthy plant communities and to require new landscape plantings in critical areas of new developments in order to:

1. Improve air quality by conserving existing or creating new planting areas that produce oxygen and remove carbon dioxide from the atmosphere.
2. Provide windbreaks, shade, and other microclimate benefits of trees and landscape plantings.
3. Conserve historically, culturally, or environmentally important landscapes such as street trees and riparian forest buffer.
4. Preserve and enhance property values through the implementation of good landscape architectural standards.
5. Provide landscape buffers between land developments that act to visually integrate a development into the existing landscape.
6. Provide planted and architectural visual screens around visually obtrusive site elements within development.
7. Enhance the aesthetic appearance of the community and provide privacy and beauty.
8. Conserve energy by moderating solar radiation and providing shade.
9. Improve the environment for pedestrians along streets, parking lots and other pedestrian areas.

B. It is the intent of these regulations to protect the health, safety and welfare of the community by requiring planting plans for land developments to be sealed by a landscape architect registered in the Commonwealth of Pennsylvania.

506.2 – Preservation of Existing Vegetation.

A. Preservation of Existing Vegetation – Each mature tree, tree mass or woodlands on the site shall be designated “TO REMAIN” or “TO BE REMOVED” in accordance with the following criteria:

B. All land developments shall be laid out in such a manner as to minimize the removal of healthy trees and shrubs on the site. Special consideration shall be given to major specimen trees.

C. It shall be incumbent on the applicant to prove that vegetation removal is minimized. If challenged by the Borough, the applicant shall produce evidence such as written documents or plans certified by a registered landscape architect or other qualified professional showing that no alternative layouts are possible and that no alternative clearing or grading plan would reduce the loss of mature trees, tree

masses, and woodlands.

D. A mature tree, tree mass or woodlands existing outside a public right-of-way shall be considered "TO REMAIN" only if it meets all of the following criteria:

E. The outer most branches of the tree(s) are at least five (5) feet from any proposed buildings, structures, paving, parking or utilities.

F. The outer most branches of the tree(s) are at least five (5) feet from any proposed changes in grade or drainage.

G. The tree(s) are clear of any proposed sight triangles and do not, by their location or apparent health, pose any undue threat to the health, safety, and welfare of the community.

H. Mature trees, tree masses, or woodlands that do not fit the above criteria shall be designated "TO BE REMOVED." These trees will be removed during the construction process.

I. Existing street trees shall only be removed under the direction of the Borough's Street Tree Commission.

J. Protection of Existing Vegetation – Existing vegetation designated "TO REMAIN," as part of a subdivision or land development, shall be identified in the field prior to any clearing and shall be physically protected throughout the construction process. A temporary physical barrier, such as a snow fence, shall be erected a minimum of one (1) foot outside the drip line on all sides of individual trees, tree masses, or woodlands prior to major clearing or construction. The barrier shall be placed to prevent disturbance and shall remain until construction is complete. The barrier shall be shown on the landscape plan.

K. Transplanting Existing Plant Material – Specimen trees or individual trees for woodlands or tree masses designated "TO BE REMOVED" are encouraged to be transplanted from one area of the site to another. Transplanted trees must conform to the requirements of Section 506.2.F.

506.3 - Parking Lot Screening and Landscaping.

A. Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights, to delineate driving lanes and define rows of parking. Furthermore, parking lots should be adequately landscaped to provide shade in order to reduce the amount of reflected heat and to improve the aesthetics of parking lots.

B. All off-street parking areas which provide more than five (5) parking spaces shall be screened from any property zoned residential that is abutting or across the street or alley from the parking lot.

C. Screening may be accomplished by the placement of adjacent buildings, a solid fence, or by the provision of a maintained hedge.

D. A solid fence shall be a minimum of six feet in height, constructed of a durable material and visually attractive materials.

E. A shrubbery hedge of sufficient and acceptable plants shall be a minimum of 36-inches in height at the time of planting and be spaced not less than 36-inches apart. The shrubbery hedge shall not exceed 10-foot in height at maturity.

F. All off street parking areas which provide more than ten (10) parking spaces shall be landscaped according to the following provisions in addition to the requirements of Section 505:

G. One (1) planting island shall be provided for every ten (10) parking stalls. There shall be no more than ten (10) contiguous parking stalls in a row without a planting island.

H. The ends of all parking rows shall be divided from streets, alleys, or aisles by planting islands.

I. Planting islands shall be a minimum of nine (9) feet by eighteen (18) feet in area, underlain by soil (not subbase material); mounded at no more than a four to one (4:1) slope, nor less than a twelve to one (12:1) slope and shall be protected by curbing. Each planting island shall contain one (1) shade tree plus shrubs and/or ground cover to cover the entire area.

J. The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of light fixtures.

K. A landscape screen placed within a ten (10) foot wide planting strip measured from the right-of-way line shall screen all parking lots from any street right-of-way.

L. Parking lot screen shall be broken only at points of vehicular or pedestrian access.

M. The plants selected for use in the landscape screen shall be suited for such plantings and be arranged in such a manner as to provide an effective visual barrier within three (3) years of planting.

N. Plant material shall be arranged symmetrically (formal) or asymmetrically (informal) and may be grouped to form plant clusters. However, informal groupings that reflect a naturalistic arrangement are encouraged.

O. Parking lot screening and landscaping shall meet all applicable provisions of 505, and 507, Plant materials and specifications of this part, the Borough's Floodplain Management Ordinance, Shade Tree Ordinance and the Borough's Historic District Ordinance.

506.4 - Buffers.

A. All subdivisions and land developments shall be landscaped with the following two (2) components:

1. Property line buffers that act to integrate new development with its surroundings and to separate incompatible land uses.
2. Site element screens that act to minimize or eliminate views to certain site elements located within one hundred (100) feet of property lines or road rights-of-way.

B. The following requirements are minimum standards; additional plant material, berms or architectural elements may be included in the plan at the applicant's discretion.

C. Property line buffers shall be required for the following types of developments;

1. All nonresidential development.
2. All multi and single-family attached developments.

D. An on-site investigation by the applicant shall determine the adjacent land uses along each property boundary. In the case of vacant land, the existing zoned uses shall be used. The existing or zoned uses on a site shall be noted on the plan. In case of several permitted uses on a site the most restrictive requirements shall apply.

E. The Municipal Zoning Hearing Board shall have final approval of interpretation of land uses or the zoning map.

F. Property line buffers shall meet the following guidelines:

1. For every one hundred (100) linear feet of property line to be buffered, the following minimum quantities and types of plant material shall be required: 1 canopy tree, two ornamental trees, 2 evergreen trees, and 10 shrubs. The required plant material shall be distributed evenly over the entire length and width of the buffer area.
2. A buffer area of not less than twenty (20) feet in width.
3. The buffer area may be included within the front, side, or rear yard setback.
4. The buffer area shall be continuous pervious planting bed consisting of trees and shrubs, grass or ground cover.
5. Parking is not permitted in the buffer area.
6. Site elements are permitted in the buffer area.

G. Existing healthy trees shrubs, or woodland may be substituted for part or all of the required plant material at the discretion of the Municipal Planning Commission.

H. Fences and other accessory structures do not relieve requirements for landscaped buffers. The buffer should contain a variety of native plant material arranged in informal groupings that reflects a naturalistic arrangement is encouraged.

J. Site element screens shall be required in all proposed land developments around the site elements when they are located partially or fully within one hundred (100) feet of the property line or existing street right-of-way.

K. The following site elements to be screened include:

1. Dumpsters, trash disposal or recycling areas.
2. Service or loading docks.
3. Outdoor storage.
4. Vehicle storage.
5. Pump stations, and other utility apertures.

L. The site element screen shall be placed between the site element and the property line and shall be designed to block views to the maximum extent possible. The screen shall be located as close as possible to the site element and shall surround the element without impeding function or encroaching on sight triangles.

M. Any combination of walls, fences, hedges, shrubs, or evergreen trees may be used to screen the site element as long as it is demonstrated that the element will be fully screened from view as required.

O. Landscape buffers and site element screens shall meet all applicable provisions of Sections 503, 506.6, and 507, as well as the applicable provisions of the Borough's Floodplain Management Ordinance, Shade Tree Ordinance and the Borough's Historic District Ordinance.

506.5 - Street Trees.

A. Street trees shall be required:

1. Along all existing streets when they abut or lie within the proposed subdivision or land development.
2. Along access driveways that serve five (5) or more residential dwelling units.
3. Along access driveways that serve two (2) or more nonresidential properties.
4. Along major walkways through parking lots and between nonresidential buildings as recommended by the Borough Municipal Planning Commission.

B. The Governing Body may waive tree requirements where existing street trees or other vegetation in good health are considered sufficient.

C. Trees shall be located within the ultimate right-of-way, in an existing or proposed planting strip between the curb and sidewalk only if future street widening is considered unlikely. In areas where a planting strip is less than three (3) feet in width, trees may be planted outside of the planting strip a minimum of four (4) feet and a maximum of eight (8) feet from a paved cartway or sidewalk.

D. In areas where wider sidewalks are desirable, or space is limited, tree planting pits may be used.

E. Trees are in addition to any required buffers or screens.

F. Trees shall be located so as not to interfere with the installation and maintenance of sidewalks and utilities.

G. Trees shall meet all applicable provisions of 503, and 506), Plant materials and Specs. (See Appendix 1) of this part, the Borough's Floodplain Management Ordinance (Chapter 8), the Borough's Historic District Ordinance (Chapter 4), and shall be required.

H. Review and approval of street tree plantings from the Borough's Shade Tree Commission is required.

506.6 - Plant Materials, Specifications, Maintenance and/or Guarantees.

A. The following standards shall apply to all plant materials or transplanted trees as required under this chapter:

B. General Requirements.

1. The location, dimensions and spacing or required plantings should be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements such as wind, soil, moisture, and sunlight.
2. Plantings should be selected and located where they will not contribute to conditions hazardous to public safety. Such locations include, but are not limited to, underground and above ground utilities and sight triangle areas required for unobstructed views at street intersections.

C. Plant Specifications.

1. All plants shall meet the minimum standards for health, form and root conditions as outlined in the American Association of Nurseryman (AAN) Standards.
2. All plant material shall be hardy and within the USDA Hardiness Zone Six (6) applicable to Eastern Northumberland County, Pennsylvania.
3. Canopy trees, sometimes called shade trees, shall reach a minimum height and spread of thirty (30) feet at maturity as determined by the AAN Standards and shall be deciduous. New trees shall have a minimum caliper of two and one-half (2 ½) inches at planting.
4. Ornamental trees shall reach a typical minimum height of fifteen (15) feet at maturity based on AAN Standards. Ornamental trees may be deciduous or evergreen and shall have a distinctive ornamental character such as showy flowers, ornamental fruit, habit, foliage, or bark. New ornamental trees shall have a minimum height of six (6) feet and one and one-half (1-½) inch caliper. New large shrubs shall have a minimum height of thirty six (36) inches at time of planting.

5. Shrubs may be evergreen or deciduous and shall have a minimum height at maturity of four (4) to eight (8) feet based on AAN Standards for that species. New shrubs shall have a minimum height of eighteen (18) inches at time of planting, unless otherwise required herein.
6. Evergreen trees shall reach a typical minimum height of twenty (20) feet at maturity based on AAN Standards for that species and shall remain evergreen throughout the year. New evergreens shall have a minimum height at planting of six (6) feet.

D. Maintenance.

1. Required plant material shall be maintained for the life of the project to achieve the required visual effect of the buffer screen. It shall be the ultimate responsibility of successive property owners to insure that the required plantings are properly maintained. Dead or diseased plant material shall be removed or treated promptly by the property owner and replaced at the next growing season.
2. Safety. Any plant material that could endanger safety, such as unstable limbs, shall be removed and the plant material replaced if necessary. It shall be the responsibility of the property owner to maintain all plantings and architectural elements to insure a safe environment.
3. Maintenance guidelines for the proposed plantings is encouraged to be published by the planting plan designer to be used by grounds maintenance personnel to insure that the design's buffering and screening concepts are continued.
4. The current landowner or developer shall replace any tree or shrub that dies within eighteen (18) months of planting. Any tree or shrub that, within eighteen (18) months of planting or replanting, is deemed, in the opinion of the Borough, not to have survived or not to have grown in a manner characteristic of its type, shall be replaced. Substitutions for certain species may be made only when approved by the Borough.

506.7 - Plan Requirements.

A. In order for the Zoning Officer to determine compliance with the requirements of this section, a plan shall be submitted showing the purposed design of the landscape improvements. The plan shall be sealed by a landscape architect licensed to practice in the Commonwealth of Pennsylvania.

B. Landscape plan shall show the following:

1. Plan scale, date, north arrow and location map with zoning district designations for the site and adjacent properties.
2. Location of all existing and purposed buildings and structures.
3. Location of all existing and purposed roads, parking, service areas, and other paved areas.
4. Location of all outside storage and trash receptacle areas.
5. Sidewalk, berms, fences, walls, freestanding signs and site lighting.
6. Existing and purposed underground utilities such as site lighting, transformers, hydrants, manholes, valve boxes, etc.
7. Existing mature trees, tree masses, and woodland to remain.
8. Existing mature trees, tree masses, and woodland to be removed.
9. Location of all proposed landscaping; including required street trees, parking lot landscaping, property line buffer and site element screen landscaping.
10. A planting schedule listing the scientific and common name, size, quantity and root condition of all proposed plant material
11. Planting details including method of protecting existing vegetation and landscape planting methods
12. Information in the form of notes or specifications concerning seeding, ground cover, mulching, etc.

Section 507 – Fences and Walls

- A. Fences shall not impede access by any adjoining property owner to use or access their property.
- B. Fences shall not impede access by emergency services personnel. Unless otherwise expressly provided in this Ordinance, fences and walls shall comply with the following general standards:
- C. Residential Zoning Districts - The maximum height of a fence or wall in a residential zoning district

shall be 6 feet, except in required front setbacks, where the maximum height of a solid fence or wall shall be 48 inches unless it is located within the Clear Sight Triangle (See Section 501).

D. Commercial Zoning Districts - The maximum height of a fence or wall in a commercial zoning district shall be 8 feet, except in required front or street side setbacks, where the maximum height of a solid fence or wall

shall be 48 inches unless it is located in the clear sight triangle (See Section 501.)

E. All Other Zoning Districts - The maximum height of a fence or wall in all other zoning district shall be 8 feet when adjacent to a residential zoning district, except in required front or street side setbacks, where the maximum height of a solid fence shall be 48 inches unless it is located in the clear sight triangle (See Section 501).

F. Fence or Wall Height - Fence or wall heights shall be measured from finished grade on the highest side of the fence or wall to the top of the fence or wall.

Section 508 - Building Design and Architectural Standards

508.1 – Purpose - The purpose of these standards is to ensure that the physical characteristics of proposed buildings and infill development are compatible when considered in the historical context of the community as a whole. They are intended to promote the design of a village environment that is built to a human scale; to encourage creativity in new development (as opposed to homogeneity or "look-alike" developments); and to foster attractive street fronts and pedestrian environments, while accommodating vehicular movement and access.

508.2 – Applicability - These standards shall apply to all development activity subject to this ordinance. All new development occurring within the Borough's Historic District, shall in addition to the following provisions, meet all applicable provisions of the Borough's Historic District Ordinance (Chapter 4).

508.3 - General Community Design Standards

A. Proposed or redeveloped buildings located at the Borough's gateways shall mark the transition into and out of the Borough in a distinct fashion, using massing, added height, contrasting materials and/or architectural embellishments to obtain this effect. Buildings located at gateways to a community green area or the Downtown commercial area shall mark the transition to such areas in a distinct fashion, using massing, added height, contrasting materials and/or architectural embellishments to obtain this effect.

B. Focal points, or points of visual termination, shall generally be occupied by more prominent, monumental buildings and structures by virtue of enhanced height, massing, distinctive architectural treatments or other distinguishing features.

C. Buildings shall define the streetscape through the use of uniform setbacks already established for a particular block. The building line shall be generally continued across side yard setback areas between buildings, where applicable, by using landscaping. The streetscape shall also be reinforced by lines of closely planted shade trees, and may be further reinforced by walls, hedges or fences which define front yards.

D. Exterior public and semi-public spaces, such as courtyards or plazas, shall be designed, to enhance surrounding buildings and provide amenities for users, in the form of textured paving, landscaping lighting, street trees, benches, trash receptacles and other items of street furniture, as appropriate. Courtyards shall have recognizable edges defined on at least three sides by buildings, walls, elements of landscaping, and elements of street furniture, in order to create a strong sense of enclosure.

E. Buildings shall be considered in terms of their relationship to the height and massing of adjacent building, as well as in relation to the human scale.

F. Buildings shall be located to front towards and relate to public streets, both functionally and visually, to the greatest extent possible. Buildings shall not be oriented to front toward a parking lot.

G. Spatial relationships between buildings and other structures shall be geometrically logical and/or architecturally formal. On a lot with multiple buildings, buildings located on the interior of a site shall front towards and relate to one another, both functionally and visually. A lot with

multiple buildings may be organized around features such as courtyards, greens or quadrangles, which encourage pedestrian activity and incidental social interaction among users. Smaller individualized groupings of buildings are encouraged. Buildings shall be located to allow for adequate fire and emergency access.

H. The acoustical, thermal, visual and tactile properties of the paving materials proposed shall be appropriate to the proposed functions of pedestrian circulation. Modular masonry materials, such as brick, bluestone, and concrete pavers, or girded cast-in-place materials, such as exposed aggregate concreted slabs shall be used, whenever possible, on sidewalks, pedestrian walkways and pathways, and public or semi-public plazas, courtyards or open spaces. Asphalt, and non-aggregate exposed concreted slabs should be avoided.

I. Walls and fences shall be architecturally compatible with the style, materials, and colors of the principal building and adjacent buildings. Stone walls or brick walls with a stone or cast stone cap are encouraged. Wood fences, decorative metal or cast iron fences, and stone piers shall be encouraged. Solid wooden fences are permitted in rear and side yards only. Highway-style guard rail, stockade or chain-link fencing such as barbed wire or razor wire are prohibited in all districts.

508.4 - Architectural Design Standards

A. Buildings shall generally relate in scale and design features to other surrounding buildings, showing respect for local context. As a general rule, buildings shall reflect a subtly graduating changes in scale; by maintaining building scale or by subtly graduating changes in scale; by the use of front porches on residential or mixed use buildings; by maintaining cornice lines, in buildings of the same height; by extending horizontal line of fenestration; and by echoing architectural styles and details, design themes, building materials, and colors used in surrounding buildings.

B. Buildings on corner lots shall be considered more significant structures, since they have at least two front facades visibly exposed to the street. If deemed appropriate, such buildings should be designed with additional architectural embellishments, such as corner towers, relating to their location.

C. Buildings shall avoid long, monotonous, uninterrupted wall or roof planes. A wall surface shall be no longer than 100 feet without a break. Building wall offsets, including both projections and recesses, and changes in floor elevation shall be used in order to add architectural interest and variety, and relieve the visual effect of a single, long wall. Similarly, roofline offsets shall be provided, in order to provide architectural interest and variety to the massing of a building and relieve the effect of a single, long roof.

D. The front facade of a building shall be architecturally emphasized through fenestration, entrance treatment and details. The architectural treatment of the front façade shall be continued, in its major features, around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors, and details. Blank wall or service area treatment of side or rear elevations visible from the public view shed is discouraged.

E. All visibly exposed sides of a building shall have an articulated base course and cornice. The base course shall align with either the kick plate or sill level of the first story. The cornice shall terminate or cap the top of a building wall, and may project out horizontally from the vertical building wall plane and may be ornamented with moldings, brackets and other details. The middle section of a building may be horizontally divided at floor, lintel, or sill levels with belt or string courses.

F. It is encouraged that gable roofs with a minimum pitch of 9/12 be used to the greatest extent possible. Where hipped roofs are used, it is recommended that the minimum pitch be 6/12. Both gable and hipped roofs should provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall. Flat roofs should be avoided on one (1) story buildings and are recommended on buildings of a minimum of two (2) stories in height, provided all visibly exposed walls have an articulated cornice that projects out horizontally from the vertical building wall plane. Other types of roofs should be appropriate to the building's architecture. Mansard roofs are generally discouraged, particularly on buildings less than three (3) stories in height. Architectural embellishments that add visual interest to roofs, such as dormer, belvederes, masonry chimneys, cupolas, clock towers and other similar elements are encouraged.

G. Fenestration shall be architecturally compatible with the style, materials, colors and details of a building. Windows shall be vertically proportioned wherever possible. To the extent possible, the

location of windows on the upper stories of a building shall be vertically aligned with the location of windows and doors on the ground level, including storefronts or display windows.

H. Blank windowless walls are discouraged. Where the construction of a blank wall is necessitated by local building codes, such wall should be articulated by the provision of blank window openings trimmed with frames, sills, and lintels, or by using recessed or projecting display window cases if the building is occupied by a commercial use. Intensive landscaping may also be appropriate in certain cases.

I. All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediment, pilasters, columns, porticos, porches, overhangs, railing, balustrades and others, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of the building as a whole, as shall the doors.

J. In mixed-use buildings, differences between ground floor commercial uses and entrances for upper level commercial or apartment uses shall be reflected by differences in façade treatment. Storefronts and other ground floor entrances shall be accentuated through cornice lines. Further differentiation can be achieved through distinct but compatible exterior materials, signs, awnings, and exterior lighting.

K. Storefronts are an integral part of a building and shall be integrally designed with the upper floors of a building to be compatible with the overall character of the façade. Ground floor retail, service and restaurant uses shall have large pane display windows on the ground level. Such windows shall be framed by the surrounding wall and shall not exceed seventy-five percent (75%) of the total ground level façade area. Buildings with multiple storefronts shall be unified through the use of architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.

L. Fixed or retractable awnings are permitted at ground floor level, and on upper levels where appropriate, provided they complement a building's architectural style, are compatible with its materials, colors and details, do not conceal architectural features, such as cornices, columns, pilasters or decorative details, do not impair façade composition, and are designed as an integral part of the façade. Canvas is the preferred material, although other water-proofed fabrics may be used; metal or aluminum awnings are discouraged. In buildings with multiple storefronts, compatible awnings should be used as a means of unifying the structure.

M. Light fixtures attached to the exterior of a building shall be architecturally compatible with the style, materials, colors and details of the building and shall comply with local building codes. The type of light source used on the exterior of buildings, signs, parking areas, pedestrian walkways and other areas of a site, and the light quality produced, shall be the same or compatible. Facades shall be lit from the exterior and, as a general rule, lights should be concealed through shielding or recessed behind architectural features. The use of low pressure sodium, fluorescent or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited. Mounting brackets and associated hardware should be inconspicuous.

N. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties, by using walls, fencing, roof elements, penthouse-type screening devices or landscaping.

O. Fire escapes shall be visible from any street right-of-way. In buildings requiring a second means of egress pursuant to the local building codes, internal stairs or other routes of egress shall be used.

P. Solid metal security gates or solid roll-down metal windows shall not be permitted. Link or grill type security devices shall be permitted only if installed from the inside, within the window or door frames; or, if installed on the outside, if the coil box is recessed and concealed behind the building wall. Security grilles shall be recessed and concealed during normal business hours. Models that provide a sense of transparency, in light colors, are encouraged. Other types of security devices fastened to the exterior walls are not permitted.

Q. All materials, colors and architectural details used on the exterior of a building shall be compatible with the building's style, as well as with each other. A building designed of an architectural style that normally includes certain integral materials, colors and or details shall incorporate such into its design. Where appropriate to the architectural style of a building, shutters shall be provided on all windows fronting a street or visible from the public right-of-way. Shutters shall be proportioned to cover one-half the width of the window.

508.5 - Highway Commercial District Standards

- A. All development within the Highway Commercial District shall be constructed according to the following provisions in addition to the requirements set forth in Section 508.5.C and D.
- B. Architectural renderings, elevations, and sections shall be prepared and become part of the submission of the Land Development Application. The architectural renderings and elevations shall illustrate the materials, colors, dimensions, etc to effectively demonstrate the “architectural intent” of the proposed development.
- C. Highway Commercial developments shall contribute to the uniqueness the Borough by incorporating design elements existing in the Historic District. Typical “franchise brand” facades shall be modified in such a way as to become compatible with the Borough’s historical background.
- D. Highway Commercial developments shall be designed in such a way as to be inviting for pedestrian traffic as well as for vehicular traffic. The development shall not be surrounded by parking lots and driveways, but should be placed on the site in such a way that it relates to adjacent properties and public right of ways.

509 - Residential Protection Standards

- A. Operational Compatibility Standards - As a condition of approval of any Permit , Temporary other discretionary approval of any nonresidential use located adjacent to a residential district , the Municipal Planning Commission shall be authorized to impose conditions that are necessary to reduce or minimize any potentially adverse impacts on residential property. Such conditions may include but shall not be limited to the following:
 - 1. Hours of operation and deliveries
 - 2. Location on a site of activities that generate potential adverse impacts on adjacent uses such as noise, dust, odor, glare, etc.
 - 3. Placement of trash receptacles
 - 4. Lighting location, intensity and hours of illumination
 - 5. Placement an illumination of outdoor vending machines, telephones and similar outdoor services and activities.
 - 6. Additional landscaping and buffering.
 - 7. Additional height restrictions to preserve light, air rights, privacy and views of significant features from public property and rights of way.
 - 8. Preservation of natural lighting and solar access.
 - 9. Ventilation and control of odors, fumes and gasses.
 - 10. Additional dust control paving.
- B. Height/Setbacks - Any nonresidential structure in a commercial district within 100 feet of a residential use shall maintain a setback from the residential use equal to the height of the nonresidential structure.

Section 510 - Uses Fronting on Collector and Arterial Streets.

- A. Limited Access Highways. Direct driveway access to limited access highways shall be prohibited. The entry/exit to limited access highways shall only be accomplished via grade separated interchanges.
- B. Driveway Access Points. Non-residential parcels shall be limited to no more than two driveway access points from the street or highway from which the derive their principal access and such driveway access points shall be in accordance with Section 505. and shall be designed in a manner which will minimize their interference with any traffic movements on the street or highway. Parcels less than 200 feet wide shall only have one driveway access point.
- C. Driveways Near Intersecting Streets. Driveways will be a minimum of 100 feet removed from the stop line of the street intersection.
- D. Miscellaneous Access Considerations. Where a number of individual parcels or buildings are being developed jointly, or where a parcel or building is being developed adjacent to another parcel used or suitable for non-residential development, the following shall apply:

1. The location and planning of driveway access points shall permit their joint use by adjoining parcels so as to minimize the number of intersections with the street or highway from which they derive their access. See Section 505.
2. The development of parking and loading areas shall permit convenient traffic circulation between adjoining parcels. See Section 505.
3. Safe pedestrian circulation between adjoining parking areas and buildings shall be provided. See Section 505.
4. Landscaping and other features which will enhance the usability, character, and attractiveness of the area shall be provided. See Section 506

Section 511 - Water Supply and Sewage Facilities Required - In the interest of protecting the public health, safety and welfare, every building or structure hereafter, altered or moved upon any premises, or used in whole or in part for dwelling, commercial or recreational business or industrial purpose shall be provided with a safe and sanitary means of collection and treatment or disposal of sewage. Such facilities shall conform to the minimum requirements set forth by the Pennsylvania Department of Environmental Protection.

Section 512 – Foundations - Any dwelling unit hereafter erected or altered (except for a mobile home situated in a mobile home park) shall be installed upon and securely fastened to, a permanent continuous frost-free foundation or footer, and in no event shall it be erected on jacks, loose blocks, or other temporary materials.

Section 513 - Dangerous Structures - Upon notification and request by the Zoning Officer, any building or structure which has deteriorated to the state where it is dangerous and/or unsafe for human occupancy, constitutes a fire hazard, endangers surrounding buildings, shelters rats or vermin, or endangers the safety of children playing thereabouts, shall be repaired, altered or removed to eliminate the dangerous conditions. Such action shall commence within ten (10) days of notification by the Zoning Officer.

Article VI

Traditional Neighborhood Development

Section 601 - Intent

A. The intent of this use is to allow for the development of fully integrated, mixed-use pedestrian oriented neighborhoods. The intent is to minimize traffic congestion, suburban sprawl, infrastructure costs, and environmental degradation. Its provisions adapt urban conventions which were normal in the United States from colonial times until the 1940's and historically were based on the following design principles:

1. All neighborhoods have identifiable centers and edges.
2. Edge lots are readily accessible to retail and recreation by non-vehicular means (a distance not greater than 1/4 mile).
3. Uses and housing types are mixed and in close proximity to one another.
4. Street networks are interconnected and blocks are small.
5. Civic buildings and spaces are given prominent sites throughout the neighborhood.
6. It is the intent of the ordinance that the "Design Manual for Traditional Neighborhood Development" be followed to the maximum extent practicable when designing TND's.

Section 602 - Development Provisions

- A. Minimum Development Size: 10 acres
- B. Maximum Size: 200 acres (Tracts larger than 200 acres shall be developed as multiple Traditional Neighborhood Developments, each individually subject to all such provisions.
- C. Maximum permitted residential density shall be 12 units per acre.
- D. Appropriate residential density shall be established during the sketch plan review process. The Municipal Planning Commission shall establish the appropriate residential density recommendation to Governing Body, after meeting with the applicant. Should the applicant not agree with the density approved by the Municipal Planning Commission he/she may appeal the determination of the Municipal Planning Commission to the Municipal Zoning Hearing Board.
- E. Total number of dwelling units shall be established during the sketch plan review process.

F. All TND development shall follow the procedures established in Sections 615 and 616 of this Ordinance.

G. All TND shall be serviced by public sewer and water services.

Section 603 - General Design Standards and Provisions

A. USE

1. The entire land area of the TND shall be divided into blocks, streets, and lots and optional natural or greenbelt areas.
2. Similar land categories shall generally front across streets. Dissimilar categories shall abut at rear lot lines. Corner lots which front on streets of dissimilar use shall be set back the same as the adjacent use with the lesser setback.
3. Large-scale, single use (conference spaces, theaters, athletic facilities, etc.) shall occur behind or above habitable street front space.
4. Uses permitted with conditions are uses which generate Significant Impacts on Public services and infrastructure; Class II ,and II Commercial Uses; and Public Uses. See Article IV for applicable provisions.
5. Prohibited uses: Any commercial use which encourages patrons to remain in their automobiles while receiving goods or services, manufacturing, storage or distribution as a primary use; enameling, painting or plating, except artist's studios; outdoor advertising or billboards; carting, moving, or hauling terminal or yard; prisons, detention centers, or half-way houses; manufacturing, storage, or disposal of hazardous waste materials; scrap yards; mobile homes; kennels; sand, gravel, or other mineral extraction; and any use which produces the following adverse impacts: noise at a level greater than typical street or traffic noise, offensive vibration, emission of noxious solids, liquids, or gases.
6. Accessory structures may be used for housing on attached and detached home lots.
7. All uses shall be conducted within complete enclosed buildings unless otherwise specified.
8. Fences and Walls shall adhere to the provisions of Article V, Section 507, unless otherwise specified in this Section.
9. A minimum of 15% of the gross land area of the TND or ½ acre, whichever is greater, shall be designated as common public space.

B. Lots and Buildings

1. All lots shall share a frontage line with a street or square.
2. All buildings, except accessory structures, shall have their main entrance opening onto a street or square.
3. Stoops, open colonnades, and open porches may encroach up to 8 feet into front setbacks.

C. Streets and Alleys

1. Streets shall provide access to all tracts and lots.
2. All streets and alleys shall terminate at other streets within the neighborhood and connect to existing and projected through streets outside the development.
3. There shall generally be a continuous network of alleys to the rear of lots within the TND.
4. The average perimeter of all blocks within the TND shall not exceed 1,600 feet. No block face shall have a length greater than 500 feet without a dedicated alley or pathway providing through access.
5. All Utilities shall be underground and shall run along alleys wherever possible.
6. Decorative pedestrian oriented street lamps shall be provided on both sides of the street no less than 100 feet apart.
7. Rights-of-way and streets are encouraged to differ in dimension and each street shall be separately detailed.
8. Steady and even build-to lines shall be established along all streets and public space frontages, determining the width desired for each street or public space. A minimum percentage build-out at the build-to line shall be established along all streets and public square frontages.
9. The long axis of the street shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space.

D. Parking

1. Parking lots shall generally be located at the rear or at the side of buildings and shall be

screened from the sidewalk by low walls, fences or hedges.

2. Parking lots and parking garages shall not abut street intersections or civic buildings, be adjacent to squares or parks, or occupy lots which terminate a vista.
3. Primary street frontages shall have no vehicular entries, for properties with another street frontage. Properties with a single-frontage on a primary street shall be limited to a maximum of two single lane-width vehicular entries separated by a minimum of twenty feet.
4. Adjacent parking lots shall have vehicular connections via an alley or internally.
5. On-street parking directly fronting shall not count toward fulfilling the parking requirement of that lot.
6. All parking lots shall conform to the design standards contained in Section 505.
7. Required parking spaces may be reduced by 20% if the developer can document, to the satisfaction of the Municipal Planning Commission, that a minimum of 60% of gross sales volume originates from pedestrian traffic rather than foot traffic.

E. Landscaping

1. Trees shall be planted within right-of-ways parallel to the street along all streets. (Exception: alleys)
2. Tree spacing shall be determined by species type. Large maturing trees shall be planted a minimum of 40 feet and a maximum of 50 feet on center. Small and medium maturing trees shall be planted a minimum of 10 feet and a maximum of 30 feet on center.
3. Large maturing trees shall generally be planted along residential streets and along the street frontages and perimeter areas of parks, squares, greenbelts, and civic structures.
4. Small maturing trees shall generally be planted along non-residential streets, interior portions of parks, squares, greenbelts, and civic lots.
5. Plantings in immediate proximity to buildings in front and side yards shall respect architectural lines (should be seen as extension of architectural walls).
6. Plantings toward the street shall respect the integrity of the street by not obscuring important buildings and respecting views to and from streets, porches, walks, and public spaces.
7. Existing trees 18" in caliper or greater may count towards all tree requirements. All such trees not within a drive or building footprint after grading may not be cut without permission from the Municipal Planning Commission.
8. All plantings shall be installed free from disease in a manner that ensures the availability of sufficient soil and water for healthy growth, and which is not intrusive to underground utilities.

Section 604 – General Public Use Design Standards and Provisions

A. Use

1. Land designated for general public use shall consist of the following: parks, squares, greenbelts, streets and alleys.
2. General public use tracts may contain civic use lots.
3. Large scale recreational uses such as golf courses and multiple game fields shall be located on the perimeter of neighborhoods (i.e. within a greenbelt)
4. A minimum of 5% of the gross area of the neighborhood, or 1/4 acre, whichever is greater, shall be permanently allocated to squares or parks.
5. Each neighborhood shall contain as its central focus, at least one square or park no smaller than 1/10 acre, and no greater than 1 acre. This square shall be within 600 ft of the geographic center of the neighborhood.
6. Neighborhoods along waterfronts shall provide park and square requirements along the waterfront.
7. Squares, parks, and other natural amenities shall have at least 75% of their perimeter abutting street rights-of-way.
8. The remaining public use area shall be divided at least into thirds and distributed such that no portion of the TND is further than 600 ft from a park or square.

B. Lots and Buildings

1. Balconies shall be permitted to encroach up to 4 ft into any yard area of a public use tract. Encroachment into a public right of way shall not be permitted.

2. All lots shall have frontage along a street or square. All buildings shall have their main entrance opening to a street or square (except accessory structures).
 3. Similar building massing and uses at ground level shall front a street, park, or square.
- C. Streets and Alleys
1. Alleys shall not form the boundary of a park, square, or greenbelt unless a wall a minimum of 6 feet in height is used for separation.
 2. Alleys shall be paved in conformance with the Street Design standards of the applicable Municipal/County Subdivision and Land Development Ordinance.
- D. Parking
1. The developer shall demonstrate the provision of adequate parking for public use tracts containing squares and parks. Shared parking shall be encouraged.
 2. Parking lots on public use tracts shall be graded, compacted, paved and landscaped, but may not use more than 40% of the gross land area of the tract.
 3. All parking lots shall conform to the design standards of Section 505.
- E. Landscaping
1. Streets fronting parkways shall at a minimum have trees planted on the developed side of the street.
 2. Streets in developed areas shall not have a planted area forming a continuous band between the curb and the sidewalk.
 3. Streets in less developed areas (with frontage setbacks) shall have a continuous band of plantings between the curb and the sidewalk. Streets abutting public spaces shall conform to the surrounding sidewalk treatment.
 4. Greenbelts shall be left natural. Fronting ROW's shall require no plantings or landscaping.

Section 605 Civic Use Design Standards and Provisions

- A. Use
1. Land designated for civic use shall contain but not be limited to the following: community buildings including meeting halls, libraries, post offices, schools, child care centers, clubhouses, religious buildings, recreational facilities, museums, performing art buildings, and municipal buildings.
 2. A minimum of 2% of the gross area of the neighborhood shall be designated for civic use lots.
 3. Civic lots shall be within or adjacent to a square or park or on a lot terminating a street vista.
- B. Lots and Buildings - Civic use buildings shall be not be subject to setback limitations.
- C. Streets and Alleys - The long axis of the street shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space.
- D. Parking
1. The developer shall demonstrate the provision of adequate parking for the various types of civic uses. Shared parking shall be encouraged.
 2. Civic use lots within public use tract may count on-street parking fronting the public use tract toward its parking requirements.
 3. Off-street parking for civic uses shall occur at the rear or side of the building.
 4. All parking lots shall conform to the design standards of Section 505.
- E. Landscaping
1. Parking lot landscaping shall conform to Section 506.
 2. Utility, storage, and loading areas landscaping shall conform to Section 505 and 506.
 3. Interior plantings shall respect vistas and building lines.

Section 606 Mixed Use Building Design Standards and Provisions

- A. Use
1. Land designated as mixed use building use shall contain residential and commercial uses.
 2. At least 33% of the gross floor area shall be designated for residential use.
 3. Residential uses are not permitted on the ground floors of mixed use building buildings.

4. A minimum of 2% and a maximum of 30% of the gross area of a neighborhood shall be designated for mixed use buildings.

B. Lots and Buildings

1. Buildings on mixed use building lots shall have the facade built directly on the build-to line along at least 70% of its length.
2. Buildings on mixed use building lots shall have no setback from at least one side lot line.
3. Buildings on mixed use building lots shall cover no more than 60% of the lot area.
4. The maximum height shall be 35 feet.
5. The minimum height shall be 26 feet.

C. Streets and Alleys

1. Mixed-use buildings shall have their rear lot lines coinciding with an alley right of way at least 20 feet containing a vehicular pavement width of at least 10 feet.
2. Mixed-use building lots shall front on streets with a maximum right-of-way of 50 feet consisting of at least two 10 foot parallel parking on both sides, and 12 foot sidewalks. Curb radius shall not exceed 10 feet.

D. Parking

1. No less than 75% of the parking places shall be to the rear of the building. Access may be through the frontage only if the alley entrance providing access is not within 200 feet of the lot.
2. For mixed-use buildings and workplaces, on-street parking directly fronting a lot shall count toward fulfilling the parking requirement.
3. All mixed use building and workplace streets shall have parallel or diagonal parking on street.
4. The required number of parking spaces may be reduced by demonstrating the possibility of shared parking.
5. All parking lots shall conform to the design standards of Section 505.
6. The parking requirements may be suspended for select retail uses of 2,000 square feet or less, that portion of restaurant setting which is outdoors and adjacent to the street, for daycare, or for other uses which require encouragement.
7. There shall one parking space per 300 square feet of building space for non-residential uses, and one per room of lodging, and per 2 bedrooms of residential use.

E. Landscaping

1. Parking lot landscaping shall conform to Section 506.
2. Loading, storage, and utility areas landscaping shall conform to Section 506.

Section 607 Attached (Multi-Family) Housing Design Standards and Provisions

A. Use

1. Land designated for attached home use shall contain buildings for residential use and limited Class I commercial use, such as a coffee house, home occupation, or bed and breakfast.
2. An accessory building is permitted on each lot.
3. 100% of the building area above the ground floor shall be residential.
4. A minimum of 10% and a maximum of 30% of the gross area of the neighborhood shall be designated for attached houses (multi-family) and small lot (50 ft or less in width) detached houses.

B. Lots and Buildings

1. Buildings on attached home lots shall be setback between 0 and 15 feet from the frontage line, and frontage lines (except for corner lots) shall be constant for a street. Buildings at street intersections set be setback 10 feet from both frontage lines.
2. Buildings on attached home lots shall have no required setbacks from side lot lines.
3. Buildings on attached home lots shall cover no more than 50% of the lot area.
4. Building height shall not exceed 35 feet.

C. Streets and Alleys

1. Attached homes and small-lot detached homes shall have their rear lot lines coinciding with an alley 20 feet wide containing a vehicular pavement width of at least 10 feet.
2. Attached house lots shall front on streets with a maximum right-of-way of 50 feet consisting

of at least two 9-foot travel lanes, 7-foot parallel parking on both sides, and 5-foot sidewalks. Curb radius shall not exceed 15 feet.

D. Parking

1. All off-street parking places shall be to the rear of the building. Access shall be by an alley only.
2. There shall one parking space per 300 square feet of building space for non-residential uses, and one per room of lodging, and one per 2 bedrooms of residential use.

E. Landscaping - No tree 18" in caliper or greater may be removed unless it is located in a grading area, building footprint, or drive.

Section 608 - Detached Home Design Standards and Provisions

A. Use

1. Land designated for detached home use shall contain buildings for residential uses, customary home occupational uses, and bed and breakfast inns.
2. An accessory building is permitted on each lot.
3. 100% of the building area above the ground floor shall be residential.
4. A maximum of 20% of the gross area of the neighborhood shall be designated for large-lot (50 feet or more in width) detached homes.

B. Lots and Buildings

1. Buildings on detached home lots shall be setback between 0 and 20 feet from the frontage line.
2. Buildings on detached home lots shall be setback from the side lot lines equivalent to no less than 20% of the width of the lot. The entire setback may be allocated to one side.
3. Buildings on detached home lots shall be setback no less than 10 feet from the rear lot line.
4. Buildings on detached home lots shall cover no more than 40% of the lot area.
5. Building height shall not exceed 35 feet.

C. Streets and Alleys

1. Detached home lots may have their rear lot lines coinciding with an alley 20 feet wide containing a vehicular pavement width of at least 10 feet.
2. Attached house lots shall front on streets with a maximum right-of-way of 40 feet consisting of at least two 9-foot travel lanes and 4-foot wide sidewalks. Curb radius shall not exceed 25 feet.

D. Parking

1. All off-street parking places shall be to the side or the rear of the building. Where access is through the frontage, garages or carports shall be located a minimum of 10 feet behind the front facade
2. There shall one parking space per 300 square feet of building space for non-residential uses, and one per room of lodging, and one per 2 bedrooms of residential use.

E. Landscaping – Landscaping shall comply with the applicable provisions of Section 506.

Section 609 – Business Use Design Standards and Provisions

A. Use

1. Land designated for business use may contain any Class I or II Commercial Use.
2. Class III Commercial Uses shall only be permitted if they can demonstrate no adverse impacts on the neighborhood based upon the review of impact studies established in Article IV, Section 405.
3. A minimum of 5% and a maximum of 15% of the gross area of the neighborhood shall be designated for business.
4. Business uses shall be grouped together as follows: Office and retail may be grouped with mixed use buildings to form neighborhood centers. All other business uses shall be grouped together outside neighborhood centers.

B. Lots and Buildings

1. Business buildings shall not require setbacks from front or side lot lines.

2. Business buildings shall not cover more than 50% of the lot area.
3. Total Impervious Lot Coverage shall not exceed 80% of the lot area.
4. The maximum height shall be 35 feet.

C. Streets and Alleys

1. Business lots may have their rear lot lines coinciding with an alley at least 20 feet wide containing a vehicular pavement width of at least 10 feet.
2. Mixed use building lots shall front on streets with a maximum right-of-way of 50 feet consisting of at least two 10 foot travel lanes, 7 foot parallel parking on both sides, and 8 foot sidewalks. Curb radius shall not exceed 15 feet.

D. Parking

1. There shall be one parking space per 500 square feet of building space, except for office use which shall have one per 300 square feet
2. Off-street parking places shall be located to one side or to the rear of the building.
3. Parking lots shall conform to the design standards of Section 505.

E. Landscaping

1. Parking lot landscaping shall conform to Section 506.
2. Street trees shall be planted in tree planting pits with decorative metal grates and guards.
3. Loading, storage, and utility areas landscaping shall conform to Section 505 and 506.

Section 610 - Architectural Standards

Due to the mixed use nature of the development, architectural compatibility is necessary in order to visually integrate development and allow for proximity of varied uses. All non-residential uses shall conform to the standards detailed in Section 508.

A. Materials

1. All walls visible from public streets shall be clad in wood, brick, cast concrete, stone, stucco, approved metal paneling (no more than 20% of a building wall).
2. Screening walls shall be made of materials, which match the principle structure (if a structure consists of more than one material, the dominant material shall be used).

B. Configurations

1. Two wall materials may be combined (horizontally) on one facade. The heavier material must be below.
2. Maximum screening height for walls or landscape materials shall be six (6) feet.
3. Roof lines shall be architecturally similar to roof lines in adjoining neighborhoods.

C. Techniques

1. Control of storm water runoff shall conform to the applicable storm water management plan. To the maximum extent possible storm water runoff shall be controlled by implementing best management practices.
2. All rooftop equipment shall be enclosed in the building material that matches the structure or is visually compatible with the structure.
3. All TND's located within any Historic District shall conform to the Historic District Regulations.
4. TND Design Guidelines should be followed to the maximum extent reasonably feasible. If these guidelines are not attained, the applicant shall provide a written statement indicating the reasons for non-attainment and what has been substituted to compensate for such non-attainment. Any modifications from these guidelines shall be approved by Municipal Planning Commission prior to submitting an application for tentative approval to Governing Body.

Section 611 – Development in Stages.

A. A developer may construct a TND in stages if the following criteria are met:

1. The application for tentative approval covers the entire TND and shows the location and approximate time of construction for each stage, in addition to other information required by this Ordinance.
2. At least 15 percent of the dwelling units in the plan given tentative approval are included in

all but the final stage.

3. The second and subsequent stages are completed consistent with the tentatively approved plan and are of such size and location, including a sufficient degree of completion of the road network and other infrastructure, that they constitute economically sound units of development.
4. Each phase shall include public space in amounts and at locations deemed acceptable by the Governing Body to meet, at minimum, the public space needs generated by that phase and to assure protection of the sensitive features of the tract.
5. Gross residential density may be varied from stage to stage, provided that final approval shall not be given to any stage if the gross residential density of the area which includes stages already finally approved and the stage for which final approval is being sought exceeds by more than 20 percent the gross residential density allowed for the entire TND in the tentatively approved plan.

Section 612 - Standards for Common Public Space.

- A. Amount - Not less than 15 percent of total tract proposed for TND shall be designated as and used exclusively for public and/or civic space. Public right-of-way shall not be included as common open space.
- B. Any of the following methods may be used, either individually or together, to preserve, own, and maintain public and/or civic space: condominium, homeowners' association, dedication in fee simple, dedication of easements, and transfer of fee simple title and easements to a private conservation organization.
- C. Such land shall not be eligible for transfer to another party except for transfer to another method of ownership permitted under this Section, and then only where there is no change in the public space ratio. The following specific requirements are associated with each of the various methods:
 1. Homeowners Association - The public space may be held in common ownership by a homeowner's association. This method shall be subject to all of the provisions for homeowner's associations set forth in Subsections 5.(a) and 5(b), below, and the Homeowners' Association Agreement shall be recorded.
 2. Fee Simple Dedication - The Borough may, but shall not be required to, accept any portions of the public space, provided
 - a. such land is accessible to the residents of the Borough;
 - b. there is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance); and
 - c. the Borough agrees to and has access to maintain such lands.
 3. Transfer to a Private Conservation Organization - With permission of the Borough, an owner may transfer either the fee simple title, with appropriate deed restrictions running in favor of the Borough or restrictive easement to a private non-profit organization, among those purposes is to conserve public space land and/or natural resources, provided
 - a. the organization is acceptable to the Borough and is a bona fide conservation organization with perpetual; existence ;
 - b. the conveyance contains appropriate provision for proper reverter or re-transfer in event that the organization becomes unwilling or unable to continue carrying out its functions; and
 - c. a maintenance agreement acceptable to the Borough is reached.
 4. Dedication of Easements - The Borough may, but shall not be required to, accept easements for public use of any portion or portions of public space land,, title to which is to remain in ownership by condominium or homeowners' association, provided
 - a. such land is accessible to the residents of the Borough;
 - b. there is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance); and
 - c. a maintenance agreement acceptable to the Borough is reached.
 5. Condominium - The public space may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the Uniform Condominium Act of

1980. All public space land shall be held as "common element."

D. Specific Requirements for Homeowners' Association. - If a homeowners' association is formed, it shall be governed according to the following regulations:

1. The developer shall provide to the Borough a description of the organization, including its by-laws and documents governing public space maintenance and use restrictions.
2. The organization shall be established by the developers and shall be operating (with financial subsidization by the developers, if necessary) before the sale of any lots within the development.
3. Membership in the organization is mandatory for all purchasers of homes therein and their successors.
4. The organization shall be responsible for maintenance of an insurance on common space. The organization also shall be responsible for real estate taxes on public space, except where the following alternative is utilized:
 - a. The developer of any subdivision or land development proposed to contain an area(s) of public space shall arrange with the County Board of Assessment a method of assessment of the public space which will allocate to each tax parcel in the subdivision a share of the total assessment for such public space.
 - b. Where this alternative is to be utilized, the method of allocation shall be approved by the Governing Body.
5. The members of the organization shall share equitably the costs of maintaining and developing public space, in accordance with the procedures established by them.
6. In the event of any proposed transfer of public space land by the homeowners' association within the methods here permitted, or of the assumption of maintenance of public space land by the Borough as hereinafter provided, notice of such action shall be given to all property owners within the TND by the homeowners' association.
7. The organization shall have or give adequate staff to administer common facilities and maintain public space.
8. The homeowners' association may lease back public space lands to the developer, his heirs or assigns, or to any other person or corporation qualified to manage public space for operation and maintenance of public space lands, but such a lease agreement shall provide
 - a. that the residents of the TND shall at all times have access to the public space lands contained therein;
 - b. that the public space to be leased shall be maintained for the purposes set forth in this Ordinance; and
 - c. that the operation of public space facilities may be for the benefit of the residents of TND only or may be open to the residents of the Borough. The lease shall be subject to the approval of the Borough, as shall any transfer or assignment of the lease. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Northumberland County within 30 days of their execution and a copy of the recorded lease shall be filed with the Borough.

D. Location, Design, and Layout Standards.

1. The public space shall be laid out to the satisfaction of the Municipal Planning Commission in accordance with the best principles of site design, shall be consistent with the Municipal Comprehensive Plan and any other applicable Plans, and shall be located and designed as an area or areas easily accessible to residents of the TND and preserving natural features.
2. At least 10 percent of the public space area shall be appropriate for active recreational use and, subject to the provisions of Article VI, at least 20 percent shall be located outside flood plain areas, in addition, no less than 10 percent of the public space area shall remain as a natural area.
3. The tentative and final plans shall designate the use of natural area, the type of maintenance to be provided, and a planting plan with plant schedule. In designating use and maintenance the following classes may be used:
 - a. Lawn. A grass area with or without trees which may be used by the residents for a variety of purposes and which shall be mowed regularly to insure a neat and tidy appearance.

- b. Natural Area. An area of natural vegetation undisturbed during construction, or replanted; such areas may contain pathways. Meadows shall be maintained as such. Maintenance may be minimal but shall prevent the proliferation of undesirable plants. Litter, dead trees, and brush shall be removed and streams kept in free-flowing conditions.
 - c. Recreation Area. An area designated for a specific recreational use, including but not limited to tennis, swimming, play fields, and tot lots. Such areas shall be located and maintained in such manner as not to create a hazard or nuisance and shall perpetuate the proposed use.
4. Maintenance.
- a. In the event that the organization established to own and maintain a public space, or any successor organization, shall at any time after establishment of the TND fail to maintain the public space in reasonable order and condition in accordance with the development plan, the Borough may serve written notice upon such organization or upon the residents and owners of the TND, setting forth the manner in which the organization has failed to maintain the public space in reasonable conditions, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof, and shall state the date and place of a hearing therein which shall be held within 14 days of the notice. At such hearing the Borough may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said 30 days or any extension thereof, the Borough, in order to preserve the taxable values of the properties within the TND and to prevent the public space from becoming a public nuisance, may enter upon said public space and maintain the same for a period of one year.
 - b. Said entry and maintenance shall not constitute a taking of said public space, and shall not vest in the public any rights to use the public space except when the same is voluntarily dedicated to the public by the residents and owners and such dedication is acceptable to the Borough. Before the expiration of said year, the Borough shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the public space, call a public hearing upon notice to such organization, or to the residents and owners of the TND, to be held by the Borough, at which hearing such organization or the residents and owners of the TND shall show cause why such maintenance by the Borough shall not, at the election of the Borough, continue for a succeeding year.
 - c. If the Borough shall determine that such organization is ready and able to maintain said public space in reasonable condition, the Borough shall cease to maintain said public space at the end of said year.
 - d. If the Borough shall determine such organization is not ready and able to maintain said public space in a reasonable condition, the Borough may, in its direction, continue to maintain said public space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the Borough in any case shall constitute a final administrative decision subject to judicial review.
 - e. The cost of such maintenance and enforcement proceedings by the Borough shall be assessed ratably against the properties within the TND that have a right of enjoyment of the public space and shall become a lien on said properties. Said assessment or charges shall be subordinate in lien to the lien of any prior mortgage or mortgages on the property which is subject to such assessments or charges. The Borough, at the time of entering upon such said public space for the purpose of maintenance, shall file a notice of such lien, in the office of the Prothonotary of the County, upon the properties affected by such lien within the TND.

Section 613 - Enforcement of Plan Provisions.

A. In accordance with Section 706A of Act 247, as amended by Act 170 of 1988, the provisions of the development plan relating to: (i) the use, bulk, and location of buildings and structures; (ii) the quantity

and location of public space; and (iii) the intensity of use or the density of residential units, shall run in favor of the Borough and shall be enforceable in law or in equity by the Borough, without limitation on any powers of regulation otherwise granted the Borough by law.

B. The development plan shall specify those of its provisions which shall run in favor of, and be enforceable by residents of the TND, and in addition, the manner in which such residents may modify or release such rights.

Section 614 - Contents of Applications.

A. Application for Tentative Approval.

1. The application for tentative approval shall include documentation illustrating compliance with all of the standards for TND set forth in Article VI hereof.

2. The application for tentative approval shall include, but not necessarily be limited to, the following documents:

- a. A key map, drawn at a scale of 1" = 800', showing the location and size of the property and showing the relation of the property to adjoining areas and streets, and showing the nature of the landowner's interest in the land proposed to be developed;
- b. Plans, at a scale of 1" = 100', of existing natural and man-made features of the land, including topography, vegetation, drainage, and soils. the following information shall be included on such plan:

- 1) Contour lines at vertical intervals of not more than 2 feet and showing location and elevation of the closest established benchmark(s) from which the contour elevations are derived;
- 2) Total tract boundaries of the property being developed, showing bearings and distances and a statement of the total acreage of the property;
- 3) Locations of all existing tree masses, trees over 8 inch caliper not part of a tree mass, other specimen trees, rock outcroppings, watercourses, floodplain areas, wetlands, and other significant natural features (where flood plain areas, as defined in this Ordinance, are located on the tract, such areas shall be delineated in accordance with the Flood Plain District Map that is part of the Ordinance);
- 4) Slope differentials delineating all slopes 8% or less, from 9 to 15%, from 16 to 25%, and in excess of 25%;
- 5) Delineation of existing drainage patterns on the property;
- 6) Existing soil classifications;
- 7) Any existing sewer lines, water lines, electric and telephone utility lines, pipelines, culverts, bridges, railroads, roads, and other significant man-made features;
- 8) Locations on the tract, or within 50 feet of the property boundary, of all structures and areas of known or potential historical significance, as listed in the Northumberland County Historic Preservation Plan.
- 9) A site plan, at a scale of 1" = 50', showing proposed use areas, public space, and location of buildings and improvements to be installed. The following shall be shown on the site plan:
- 10) The total number of residential units proposed, with subtotals for each housing type;
- 11) The total acreage of the tract;
- 12) The average gross residential density;
- 13) The approximate location of all buildings, roads, parking areas, sidewalks or pathways, descriptions of the use of all structures, dimensions (including height) of all buildings and other structure, road rights-of-way and cartway widths, and proposed structure and facilities for control of stormwater runoff and for sanitary sewage disposal;
- 14) The location, function, size, ownership, and manner of maintenance of public

space areas, indicating the nature of the facilities or structures therein and proposed uses thereof;

15) Connections to public utilities and streets, accompanied by documentation as to the impact of the proposed development on such utilities and streets;

16) Lot lines with approximate dimensions for all residential units for which individual ownership is proposed;

17) Proposed utility easement location.

c. A statement showing all calculations to meet the requirements of this section, including the gross and net density of development, percentage of open space, percentage of public space, percentage of civic use space, percentage of residential use, percentage of Class I, II and III commercial floor area, and the percentage of mixed use space.

d. The substance of covenants, grants of easements, or other restrictions to be imposed upon the use of land, buildings, and structures, including proposed grants and/or easements for public utilities.

e. A site plan and narrative illustrating phasing, including a time schedule for all on-site and off-site improvements which shall be made, and the proposed times within which applications for final approval of all sections of the TND are intended to be filed. The schedule must be updated annually on the anniversary of its approval until the development is completed and accepted.

f. A written statement by the landowner setting forth reasons why, in his/her opinion, the TND would be in the public interest and would be consistent with the Joint Municipal Comprehensive Plan.

B. Application for Final Approval

1. The application for final approval may be for all the land included in the tentative application or, to the extent set forth in the tentative approval, for a section thereof. The application for final approval shall include documents illustrating compliance with all of the standards for TND set forth in the Article VI hereof.

2. The application for final approval shall include, but not necessarily be limited to, the following documents:

a. A key map in accordance with the requirements of Section 614.A of this Article.

b. Plans, at a scale of 1" = 100', of existing natural and man-made features of the land, including topography, vegetation, drainage, and soils, in accordance with the requirements of Section 614.A of this Article.

c. A site plan, at a scale of 1" = 50', showing proposed use areas, public space, and location of buildings and improvements to be installed. In addition to the requirements of Section 614.A, the site plan shall show the following:

(1) The total tract boundary lines of the area being developed, with accurate distances to hundredths of a foot and bearings to 1/4 of a minute. Boundaries shall be determined by an accurate field survey and shall show the location of all boundary line monuments;

(2) The exact location of all buildings, roads, parking areas, sidewalks or pathways, descriptions of the use of all structures, dimensions (including height) of all buildings and other structures, road rights-of-way and cartway widths, and proposed structures and facilities for control of stormwater runoff and sanitary sewage disposal;

(3) Lot lines with exact dimensions for all residential units for which individual ownership is proposed, together with proposed building setback lines for each lot and the proposed placement of each building;

(4) Clear sight triangles for all street intersections;

(5) Accurate dimensions of public space areas, and where structures are to be situated therein, the exact location and dimensions of all such structures;

(6) Proposed names of all streets with documentation of approval from the Northumberland County Emergency Management Agency.

(7) Location of fire hydrants with documentation, provided by the fire chief. that

the layout is sufficient to service the neighborhood.

- d. A plan, at a scale of 1" = 100', showing proposed surface drainage of the tract and proposed erosion and sedimentation plan as required by the Pennsylvania Department of Environmental Resources and by Section 604.4 of this Ordinance, and showing proposed sanitary sewage treatment systems as required by this Ordinance. This plan shall be accompanied by a narrative documenting the feasibility of the proposals for control of stormwater, erosion and sedimentation, and for the sanitary sewage treatment system.
- e. Profile sheets for all proposed streets, whether to be dedicated or to be privately owned, within the tract, showing at least the following information:
 - (1) Existing natural profiles along the centerline of each proposed street and, if slope within cartway area exceeds 5%, along both cartway edges;
 - (2) Proposed finish grade of the centerline and, in any case where the road shall not conform to typical cross-section, proposed finish grade at the top of both curbs or pavement edges;
 - (3) The length and function of all vertical curves;
 - (4) Location and profile of all existing and proposed sanitary sewer mains and manholes, storm sewer mains, inlets, manholes,, and other improvements.
 - (5) Typical cross-sections of all roads, culverts, manholes, and other improvements.
 - (6) Approvals by the Pennsylvania Department of Environmental Resources for water supply and sanitary sewage disposal systems.
- f. Architectural drawings illustrating exterior and interior designs of typical residential buildings of each type and of each non-residential structure to be constructed, including statements and illustrations of materials to be used in construction.
- g. Final drafts of all offers of dedication, covenants, easements, deed restrictions, and maintenance agreements to be imposed upon the use of land, buildings, and structures, and pertaining to the ownership, use, and maintenance of all public space areas and any other common facilities, as set forth in Section 604.F hereof, and including proposed grants and/or easements for public utilities.
- h. Landscaping plan and schedule, prepared by a registered landscape architect, as required by this Ordinance.
- i. Arrangements for and documents governing performance and maintenance guarantees as required by Section 616.1 and 616.2 hereof.

Section 615 - Submission and Review Procedures.

- A. Pre-application Procedures - A landowner proposing to develop a TND is strongly encouraged to submit a sketch plan to the Municipal Planning Commission for informal discussion prior to the drafting of the tentative plan. During this process, the applicant and the Municipal Planning Commission shall establish the density of development.
- B. Application for Tentative Approval.
 - 1. The application for tentative approval shall be executed by, or on behalf of, the landowner and filed with the Zoning Officer. An initial deposit in the amount of \$1,000.00 shall be paid upon filing of the application, and additional deposits shall be made from time to time as requested by the Borough. Such deposits shall be applied against the expenses of processing and reviewing the application, and are not to exceed actual expenses incurred by the Borough.
 - 2. The developer shall submit six copies of all required plans and information; the Borough Secretary shall thereafter distribute copies of the plans to all appropriate agencies, including but not limited to (for example) the Municipal Planning Commission, the Governing Body of, the County Planning Commission, the Borough Engineer, if applicable, the Soil Conservation Service, any Recreation Authority, and the Pennsylvania Department of Environmental Resources.
 - 3. All pertinent reviews, including those of the Borough and County Municipal Planning

Commission and the Borough Engineer, shall be effected within 45 days of referral or at least 5 days prior to the public hearing to be held by the Governing Body on the tentative application, whichever shall first occur. The Municipal Planning Commission shall forward to the Governing Body copies of reports received from the Borough Engineer and all other reviewing agencies together with its own recommendations, within the aforesaid time limitations. Copies of such reports and recommendations also shall be furnished to the applicant within the aforesaid time limitations.

C. Public Hearings.

1. Within 60 days after the filing of an application for tentative approval of a TND pursuant to this Ordinance, a public hearing pursuant to public notice on said application shall be held by the Governing Body in the manner prescribed in the Municipal Zoning Ordinance for the enactment of an amendment. The chairman or, in his absence, the acting chairman of the Governing Body or its designated agency 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 Governing Body 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 making the request 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 properly 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.
3. The Governing Body may continue the public hearings provided, however, that the ensuing hearings shall be concluded within 60 days from the date of the first public hearing.

D. Findings.

1. Within 60 days following the conclusion of the public hearing provided for in this Article, the Governing Body shall, by official written communication to the landowner 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; or
 - c. Deny tentative approval of 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 is granted subject to conditions, the landowner may, within 30 days after receiving a copy of the official written communication of the Governing Body, notify the Governing Body of his refusal to accept all said conditions, in which case, the Governing Body shall be deemed to have denied tentative approval of the development plan.
3. In the event that landowners does not, within said period, notify the Governing Body of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.
4. The grant or denial of tentative approval by Governing Body 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:
 - a. Those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the Borough;
 - 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, if any, why such departures are not deemed to be in the public interest.
 - c. The purpose, location, and amount of the public space in the TND, the reliability of the proposals for maintenance and conservation of the public space, and the adequacy or inadequacy of the amount and purpose of the public 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 provisions 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 TND to the neighborhood in which it is proposed to be established; and

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 of the residents of the TND in the integrity of the development plan.

5. In the event a development plan is granted tentative approval, with or without conditions, the Governing Body may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provide for development over a period years, the periods of time within which applications for final approval of each stage 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 3 months and, in case of development over a period of years, the time between applications for final approval of each stage of a plan shall not be less than 12 months.

E. Status of Plan after Tentative Approval.

1. The official written communication provided for in Section 615.4 of this Article shall be certified by the Secretary of the Governing Body of shall be filed in his/her office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same shall be noted on the Municipal Zoning Map for the Borough of Turbotville.

2. Tentative approval of a development plan shall not qualify a plat of the TND for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or 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 no otherwise impairs by action of the Borough 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 the periods of time specified in the official written communication granting tentative approval.

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 phase or section thereof. Said application shall be made to the official review agency 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. In the event the application for final approval has been filed, together with all drawings, specifications, and other documents in support thereof, and as required by the Ordinance and the official written communication of tentative approval, the Borough shall, within 45 days of such filing, grant such development plan final approval.

3. Re-file his application for final approval without the variations objected to; or

4. File a written request with the Governing Body that it hold a public hearing on his application for final approval.

5. 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 30 additional days if the time for applying for final approval shall have already 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.

6. Any such public hearing shall be held pursuant to public notice within 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 application for tentative approval.

7. Within 30 days after the conclusion of the hearing, the Governing Body shall, by official written communication, either grant final approval to the development plan or deny final approval.

8. 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.

G. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Governing Body and shall be filed of record forthwith in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto.

H. 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 TND within such reasonable period of time as may be fixed by ordinance 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 re-subdivided and is reclassified by enactment of an amendment to the Municipal Zoning Ordinance of 2005, as amended.

SECTION 616 - Administration.

A. Performance Guarantee - Prior to release of the approval final plan for recording, the developer shall guarantee the installation of all required improvements by posting a performance guarantee. The amount, form, terms of release, etc. of the performance guarantee shall be the same as those specified in applicable Sections of the Borough of Turbotville Subdivision and Land Development Ordinance.

B. Dedication and Maintenance Guarantee.

1. All streets, recreational facilities, surface drainage, water and sewer facilities, and other improvements shown on the final plan shall be privately owned until such time as they been offered for dedication to the Borough and accepted by resolution of the Governing Body.

2. Before accepting any such offer of dedication, the Governing Body shall require of the developer a maintenance guarantee. The amount, form, duration, terms of release, etc. shall be the same as those specified in applicable Sections of the Borough of Turbotville Subdivision and Land Development Ordinance.

C. Permits.

1. Issuance of permits, and all matters pertaining to administration of the plan as finally approved, shall be the responsibility of the Zoning Officer.

2. Upon application of the landowner showing compliance with the requirements of final approval, the Zoning Officer shall issue permits for construction pursuant to the plan, or any section thereof.

3. The provisions of Article VIII, Administration, of Borough of Turbotville Zoning Ordinance of 1995, as amended, shall be fully applicable to the plan as finally approved insofar as the provisions thereof are consistent with the provisions of this Ordinance and the conditions of final approval. The Zoning Officer shall review the progress and status of construction of the plan and render monthly reports there onto the Governing Body in order to assure compliance with the provisions of this Ordinance and the conditions of final approval.

D. Fees - The Governing Body shall establish by resolution a schedule of fees to be paid by the developer at the time of filing the tentative and final applications.

Article VII

Open Space or Conservation Subdivision

Section 700 - "OPEN SPACE OR CONSERVATION SUBDIVISION DESIGN"- The Municipal Planning Commission may recommend and the Governing Body may grant a "Density Bonus" not to exceed 10% to any applicant submitting an "Open Space Subdivision Plan" in accordance with the provisions of Article VII. Such bonus shall be

calculated to the nearest whole number based upon the "Yield Plan" exclusive of any other density bonus granted under the provisions of this ordinance. (All drawings referred to in this section shall be found in Appendix 3).

701 - Determining Density or "Yield"

A. Applicants shall have the option of estimating the legally permitted density on the basis of the mathematical percentages and formulas contained in this ordinance, or on the basis of a "Yield Plan". Such "Yield Plans" consist of conventional lot and street layouts, and must conform to all regulations governing lot dimensions, land suitable for development (i.e. excluding wetlands), street design and parking. Although such plans shall be conceptual in nature and are not intended to involve significant engineering costs, they must be realistic, and not show potential building sites or streets in areas that would not ordinarily be legally permitted in a conventional layout. (See Appendix 2, Figure 1 for example of Yield Plan).

B. In order to prepare a realistic "Yield Plan", applicants generally need to first map the Primary Conservation Areas on their site. Typical "Yield Plans" would include, at a minimum, basic topography, location of wetlands, 100 year floodplains, slopes exceeding 25%, soils subject to slumping, as indicated on the medium-intensity maps contained in the Northumberland County Soils Survey, or geologic formations prone to sinking or slumping.

C. On sites not serviced by public or central sewage treatment facilities, soil suitability for individual sewage treatment systems shall be demonstrated. The Planning Commission shall select between 10% and 20% of the lots to be tested, in areas considered to be marginal. If the tests on the sample lots pass the percolation test, the applicant's other lots shall also be deemed suitable for septic systems, for the purpose of calculating total lot yield, this in no way absolves the applicant from submitting all required planning modules, and testing information required under other municipal or state regulations for on lot sewage disposal. If any of the sample lots fail, several others (of the Planning Commission's choosing) shall be tested, until all the lots in a given sample pass.

702 - Density Bonus to Endow Maintenance Fund

A. The Municipal Planning Commission may allow a density bonus to generate additional income to the applicant for the express and sole purpose of endowing a permanent fund to offset continuing open space maintenance costs.

B. Spending from this fund shall be restricted to expenditure of interest, in order that the principal may be preserved. Assuming an annual average interest rate of 5%, the amount designated for the Endowment Fund should be twenty (20) times the amount estimated to be required on a yearly basis to maintain the open space.

C. On the assumption that additional dwellings, over and above the maximum that would ordinarily be permitted on the site, are net of development costs and represent true profit, 75% of the net selling price of the bonus lot(s) shall be donated to the Open Space Endowment Fund for the preserved lands within the subdivision.

D. Such estimates shall be prepared by an agency or organization with experience in open space management acceptable to the Planning Commission. This fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities (such as a homeowners' association, a land trust, or a governmental body).

703 - Density bonus for Public Access

- A. Dedication of land for public use, including trails, active recreation, municipal spray irrigation fields, etc., in addition to any public land dedication required under other provisions of this Ordinance, may be encouraged by the Governing Body who are authorized to offer a density bonus for this express purpose.
- B. The density bonus for open space would be in addition to any public land dedication that may also be required and shall be computed on the basis of a maximum of one dwelling unit per five acres of publicly accessible open space.
- C. The decision whether to accept an applicant's offer to dedicate open space for public access shall be at the discretion of the Governing Body, who shall be guided by recommendations contained in the Joint Municipal Comprehensive Plan, any applicable Open Space and Recreation Plan, or other applicable plan, dealing with recreational facilities, trails or recreational resources.

704 - Minimum Percentage of Open Space

- A. The minimum percentage of land that shall be designated as permanent opens space, not to be further subdivided, and protected through a conservation easement held by a governmental body or recognized land trust or conservancy, shall be as specified below:
 - 1. A minimum of fifty percent (50%) of the total tract area, including the following kinds of unbuildable land (which are also required to be deducted when calculating net permitted density for conventional subdivisions as well):
 - a. Wetlands
 - b. All of the floodway and floodway fringe within the 100-year floodplain, as shown on official FEMA maps.
 - c. Land with slopes exceeding 25%
 - d. Land required for street rights-of way (10% of the net tract area)
 - e. Land under permanent easement prohibiting future development
 - (1). Drainage easements or rights of way.
 - (2). Utility easements or rights of way.
 - (3). Access easements or rights of way.
 - 2. The above areas shall generally be designated as undivided open space.
 - 3. All undivided open space and any lot capable of further subdivision shall be restricted from further subdivision through a permanent conservation easement, in a form acceptable to the Municipality and duly recorded in the County Recorder of Deeds Office.
 - 4. At least twenty-five percent (25%) of the minimum required open space shall be suitable for active recreation purposes, and no more than fifty percent (50%) shall be utilized for that purpose, in order to preserve a reasonable proportion of natural areas on the site. The purposes for which open space areas are proposed shall be documented by the applicant by Plan Covenant.

705 - Location of Open Space

- A. The location of open space conserved through residential development shall be consistent with the policies contained in the Municipal Comprehensive Plan and contained in "Designing Open Space Subdivisions: A Practical Step by Step Approach" By Randall Arendt and published by the National Lands Trust.
- B. Open space shall be comprised of two types of land: "Primary Conservation Areas" and "Secondary Conservation Areas". All lands within both Primary and Secondary Conservation Areas are required to be protected by a permanent conservation easement, prohibiting further development, and setting other standards safeguarding the site's special resources from negative changes.

C. Primary Conservation Areas: This first category consists of wetlands, lands within the 100 year floodplain, slopes exceeding 25%, soils subject to slumping, geologic formations subject to sinkholes or slumping. These environmentally sensitive resources form the core of the open space that is required to be protected. (See Figure 2 for example of Identifying Primary Conservation Areas). Full density credit may be allowed for land in this category, at the discretion of the Governing Body.

D. Secondary Conservation Areas: In addition to the Primary Conservation Areas, at least fifty percent (50%) of the total land area shall be designated and permanently protected. Full density credit shall be allowed for land in this category that would otherwise be buildable under local, state and federal regulations, so that their development potential is not reduced by this designation. Such density credit may be applied to other unconstrained parts of the site.

1. Although the locations of Primary Conservation Areas are pre-determined by the locations of environmentally sensitive lands, greater latitude exists in the designation of Secondary Conservation Areas (except that they shall include a 100-foot deep greenway buffer along all water bodies and water courses, and a 50-foot buffer alongside all wetlands).
2. The location of Secondary Conservation Areas shall be guided by maps and policies contained in the Municipal Comprehensive Plan or any other applicable Municipal or County Plan as determined by the Planning Commission.
3. Secondary Conservation areas should typically include all or part of the following kinds of resources: mature woodlands, aquifer recharge areas, areas with highly permeable ("excessively drained") soil, significant wildlife habitat, sites listed on the Pennsylvania or Northumberland County Natural Diversity Inventory, prime farmland, historic or cultural features listed (or eligible to be listed) on federal, state or county registers, inventories or plans, and scenic views into the property from existing public roads.
4. Secondary Conservation Areas therefore typically consist of upland forest, meadows, pastures, and farm fields, part of the ecologically-connected matrix of natural areas significant for wildlife habitat, water quality protection, and other reasons.
5. Although the resource lands listed as potential Secondary Conservation Areas may comprise more than half of the remaining land on a development parcel (after Primary Conservation Areas have been deducted), no applicant shall be required to designate more than 50% of the total parent tract land as a Secondary Conservation Area. (See Figure 3 for example of Identifying Secondary Conservation Areas).

706 - General Locational Standards:

A. Conservation Subdivisions and Traditional Neighborhood Developments (TND's) shall be designed around both the Primary and Secondary Conservation Areas, which together constitute the total required open space. The design process should therefore commence with the delineation of all potential open space, after which potential house sites are located. Following that, access road alignments are identified, with lot lines being drawn in as the final step. This "four-step" design process is further described in Section 713.

B. Both primary and Secondary Conservation Areas shall be placed in undivided preserves, which may adjoin housing areas that have been designed more compactly to create larger areas that may be enjoyed equally by all residents of the development.

C. Undivided open space shall be directly accessible to the largest practicable number of lots within an open space development. To achieve this, the majority of house lots should abut undivided open space in order to provide direct views and access. Safe and convenient pedestrian access to the open space from all lots not adjoining the open space shall be provided (except in the case of farmland, or other resource areas vulnerable to trampling damage or human disturbance). Where the undivided open space is designated as separate, non-contiguous parcels, no parcel shall consist of less than two (2) acres in area nor have length-to width ratio in excess of 4:1, except such areas that are specifically designed as village greens, ball fields, upland buffers to wetlands, water bodies or watercourses, or designed as

trail links. (See Figure 4 for example of Identifying Potential Development Areas).

707 - Interconnected Open Space Network:

- A. As these policies are implemented, the protected open space in each new subdivision will eventually adjoin each other, ultimately forming an inter-connected network of Primary and Secondary Conservation Areas across the Two municipalities.
- B. To avoid the issue of the “taking” of land without compensation”, the only elements of this network that would necessarily be open to the public are those lands that have been required to be dedicated for public use, never more than 10% of a development parcel’s gross acreage, and typically configured in a linear fashion as an element of the long range open space network.

708 - Evaluation Criteria

- A. In evaluating the layout of lots and open space, the following criteria will be considered by the Planning commission as indicating design appropriate to the site’s natural, historic and cultural features, and meeting the purposes of this Ordinance. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation area.
- B. Accordingly the Planning Commission shall evaluate proposals to determine whether the Proposed conceptual Preliminary Plan:
 - 1. Protects and preserves all floodplains, wetlands and steep slopes from clearing, grading, filling or construction (except as may be approved by the Governing Bodies for essential infrastructure or active or passive recreation amenities).
 - 2. Preserves and maintains mature woodlands, existing fields, pastures, meadows and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses. For example, locating house lots and driveways within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands which raise an equal or greater preservation concern, as described in No. 5 and No. 8 below. The second involves predominately agricultural areas, where remnant tree groups provide the only natural areas for wildlife habitat.
 - 3. If development must be located in open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads. Other considerations include whether the development will be visually buffered from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs and wildflowers (specifications for which should be based upon a close examination of the distribution and frequency of those species found in a nearby roadside hedgerow, tree stand or meadow.
 - 4. Maintains or creates an upland buffer of natural native species of at least the minimum buffer required in depth adjacent to wetlands and surface waters, including creeks, streams, lakes and ponds.
 - 5. Designs around existing hedgerows and tree lines between fields or meadows. Minimizes impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive vines. Also, woodlands of any size on highly erodible soils with slopes greater than 10% should be avoided. However, woodlands in poor condition, with limited management potential can provide suitable locations for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, on lot sewage disposal fields, etc.) in locations where there are no large trees or obvious wildlife habitat areas, to the fullest extent that is practicable.
 - 6. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways. (For example, in open agrarian landscapes, a deep “no build, no plant”

buffer is recommended along the public roadway where those views or vistas are prominent or locally significant.) In wooded areas where the sense of enclosure is a feature that should be maintained, a deep “no build, no cut” buffer should be respected, to preserve existing vegetation.

7. Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.

8. Protects significant vegetation or wildlife habitat areas of species listed as endangered, threatened, or of a special concern by the U. S, Environmental Protection Agency, the Pennsylvania Natural Diversity Inventory or the Northumberland County Natural Areas Inventory.

9. Designs around and preserves sites of historic, archaeological or cultural value, and their environs, insofar as need to safeguard the character of the feature, including stone walls, spring houses, earthworks, burial grounds or sites listed on the National or State Register of Historic Places or in the Northumberland County Historic Preservation Plan.

10. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, etc.

11. Landscapes common areas (such as community greens), cul de sac islands, and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value.

12. Provides active recreational areas in suitable locations offering convenient access by residents, and adequately screened from nearby house lots.

13. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features with the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with exiting open space on adjoining developed parcels, where applicable).

14. Provides open space that is reasonably contiguous and whose configuration is compatible with the guidelines contained in the any regional or Northumberland County Greenway Plan. For example, fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails.

15. The open space shall generally abut existing or potential open space land on adjacent parcels, and shall be designed as part of larger and contiguous and integrated greenway systems, as per the policies in the Municipal Comprehensive plan, and the Northumberland County Greenway Plan. Design guidelines contained in the Design and Management Handbook for Preservation Areas, published by the National Lands Trust should be used when designing Conservation Areas required under this Ordinance.

709 - SITE PLANNING PROCEDURES FOR OPEN SPACE SUBDIVISIONS. - The sequence of actions prescribed in this Section is as listed below. These steps shall be followed sequentially, and may be combined only with the prior approval of the Planning Commission.

A. Process Overview.

1. Pre-Application Discussion - Yield Plan should be submitted at this step.
2. Existing Features (Site Analysis) Plan. (90-day time clock for approval)
3. starts with the submission of this plan at a regularly scheduled meeting of the Planning Commission.
4. On-Site Walkabout by Planning Commissioners and Applicant.
5. Pre-Submission Conference.

6. Conceptual Preliminary Plan (Conceptual illustration of green way land,
 7. potential house sites, street alignments and tentative lot lines, prepared according the “four-step design process” described herein).
 8. Preliminary Plan Submission, Determination of Completeness, Review of
 9. overall planning concepts, and Planning Commission Decision.
 10. Preliminary Plan Decision by Governing Bodies.
 11. Final Plan Submission, Determination of Completeness, Review of Plan
 12. Requirements, and Planning Commission Decision.
 13. Final Plan Decision by Governing Bodies.
 14. Recording of Plan and other Documents at County Recorder of Deeds
 15. Office.
- B. Elements of the Preliminary Plan Process.
1. Pre-Application Discussion: A Pre-Application Discussion is required between the applicant, the site designer(s), and the Planning Commission. The purpose of this informal meeting is to introduce the applicant and the site designer(s) to the Municipal zoning and/or subdivision regulations and procedures, and to discuss the applicant’s objectives in relation to the Municipality’s official policies and ordinance requirements. The Municipality may designate a consultant experienced in development design and the protection of natural features and greenway lands to meet with the applicant, and to attend or conduct meetings required under this ordinance. (The cost of these consultant services shall be paid for through subdivision review fees paid by the applicant to the Municipality.)
 2. Existing Features (Site Analysis) Plan: A Plan or Plans analyzing each of the site’s special features are required for all proposed subdivisions, submitted under these provisions, as they form the basis for the design process for greenway lands, house locations, street alignments, and lot lines. The applicant or his/her representative shall bring a copy of the Existing Features (Site Analysis) Plan(s) to the On-Site Walkabout. Detailed requirements for Existing Features (Site Analysis) Plans at the minimum must include:
 - a. A contour map based at least upon topographical maps published by the U.S. Geological Survey.
 - b. The Location of severely constraining elements such as slopes in excess of 20%, wetlands, watercourses, intermittent streams and 100-year floodplains, and all rights-of-way and easements.
 - c. Soil Boundaries as shown on the USDA Soil Conservation Service medium-intensity maps.
 - d. The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails, and any sites listed on the Pennsylvania Natural Diversity Inventory or the Northumberland County Natural Areas Inventory.
 3. These Existing Features (Site Analysis) Plans shall identify both Primary Conservation Areas (Floodplains, wetlands and steep slopes, as defined in the process for computing “Adjusted Tract Acreage”) and Secondary Conservation Areas as described in Section 705.D. Together, these Primary and Secondary Conservation Areas comprise the development’s proposed open space, location of which shall be consisted with the locational design criteria listed in Section . (The Existing Features Site Analysis) Plan shall form the basis for the conceptual Preliminary Plan, which shall show the tentative location of houses, streets, lot lines and greenway lands in new subdivisions, according to the four-step design process” described in Section 713. below. See Figures 4 and 5 for examples of identifying Primary and Secondary Conservation Areas).

710 - On-Site Walkabout - After the Existing Features (Site Analysis) Plan has been prepared, the Planning Commission shall schedule a mutually convenient date (prior to official submission of the

Plan) to walk the property with the applicant and his/her site designer(s). The purpose of this visit is to familiarize Planning Commission members with the property's special features, and to provide them an informal opportunity to offer guidance to the applicant regarding the tentative location of Secondary Conservation Areas and potential house locations and street alignments.

711 - Presubmission Conference - Prior to the submission of the Conceptual Preliminary Plan, the applicant shall meet with the Planning Commission to discuss how the "Four Step Process" could be applied to the subject property. At the discretion of the Planning Commission this conference may be combined with the On-Site Walkabout.

712 - Conceptual Preliminary Plan - After the Presubmission Conference a Conceptual Preliminary Plan shall be submitted for the proposed subdivision(s). As used in this section, the term "Preliminary Plan" refers to a preliminary engineered sketch plan drawn to illustrate initial thoughts about a conceptual layout for greenway lands, house sites, and street alignments. This is the stage where drawings are tentatively illustrated before heavy engineering costs are incurred in the design of the proposed subdivision layout. The Conceptual Preliminary Plan shall be submitted by the applicant to the Zoning Officer, who shall review it for completeness, and then submit it to the Planning Commission for review for the purpose of securing early agreement on the overall pattern of streets, house lots, Primary and Secondary Conservation Areas and potential trail linkages (where applicable), prior to any significant expenditure on engineering costs in the design of streets, stormwater management, erosion and sedimentation control or the accurate delineation of internal lot boundaries.

713 - Four-Step Process - Each Conceptual Preliminary Plan shall follow a four-step design process, as described below. When the Conceptual Preliminary Plan is submitted, applicants shall be prepared to demonstrate to the Planning Commission that these four design steps were followed by their site designer(s) in determining the layout of their proposed streets, house lots and greenway lands. This process shall be accomplished during the first 30 days of the statutory 90-day review period for Preliminary Plans. (See Figures 1 - 7 for example).

A. Designing the Open Space: During the first step, all potential Conservation Areas (both Primary and Secondary) are identified, using the Existing Features (Site Analysis) Plan(s). Primary Conservation areas shall consist of those lands defined in Section 705.C, Secondary Conservation areas shall comprise the remaining land necessary to complete the 50% open space requirement and shall include the most sensitive and noteworthy natural scenic and cultural resources that remain on the property. Guidance on which parts of the remaining Lands to classify as Secondary Conservation Areas shall be based upon (See Figure 4 for example).

1. The On-Site Walkabout.
2. Open-Space Locational Criteria contained in Section 706.
3. Evaluation Criteria contained in Section 708.
4. Information from published data and reports.
5. Conversations with existing or recent owners of the property, members of the Planning Commission and/or Governing Body, and local land trusts and/or historic societies.
6. The procedures described in Designing Open Space Subdivisions, produced by the Natural Lands Trust.

B. Location of House Sites: During the second step, potential house sites are tentatively located. Because the proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the 14 evaluation criteria contained in Section 902.6, subdivision applicants shall identify tentative house sites on the Conceptual Preliminary Plan and proposed house sites on the detailed Final Plan. House sites should generally be located not closer than 100 feet from Primary Conservation Areas, but may be situated within 50 feet of Secondary Conservation Areas, in order to enjoy the views of the latter without negatively impacting on the former. The building "footprint" may of proposed

residences may be changed by more than fifty feet in any direction with majority approval by the members of the Planning Commission. Changes involving less than fifty feet do not require approval. (See Figure 5 for example).

C. Street and Lot Layout: The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15% shall be strongly discouraged.

1. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the Municipality and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels).

2. Where cul-de-sacs are necessary, those serving six or fewer homes may not be designed with "hammerheads". Cul-de-sacs serving more than six homes shall generally be designed with a central island containing indigenous trees and shrubs (either conserved on site, or planted). The Municipal Planning Commission generally encourages the creation of single-loaded residential access streets, in order that the maximum number of homes in new developments may enjoy views of open space. (See Figure 6 for example).

D. Lot Lines: The fourth step is simply to draw in the lot lines (where applicable). (See Figure 7 for example).

714 - Preliminary Engineering Certification - Prior to approval of the Conceptual Preliminary Plan, the applicant shall submit to the Planning Commission a "Preliminary Engineering Certification" that the approximate layout of proposed streets, house lots, and open space land complies with the Joint Municipal Planning's Zoning Ordinance and Subdivision and Land Development Ordinance, as well as any applicable Stormwater Management Ordinance. In particular provisions governing the detailed design of subdivision streets and stormwater management facilities must meet the minimum requirements of Municipal Regulations. This certification requirement is meant to provide the Municipality with assurance that the proposed plan is able to be accomplished within the current regulations of the Municipality. The certification shall also note any waivers or variances needed to implement the plan as drawn. Nothing in this Section shall negate the normal Engineering and Planning Reviews conducted by the Municipality of all Subdivision or Land Development Plans.

715 - OWNERSHIP AND MAINTENANCE OF OPEN SPACE. Different ownership and management options apply to the permanently protected open space created through the development process as defined in this ordinance. The open space shall remain undivided and may be owned and managed by a homeowners' association, a governmental body, or a recognized land trust or conservancy. A public land dedication, not exceeding 10% of the total parcel size, may be required by the Municipality, through this open space, to facilitate trail connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities and open spaces.

A. Ownership Standards - Common open space within a development shall be owned, administered and maintained by any of the following methods, either individually or in combination, subject to the approval of the Governing Body.

B. Offer of Dedication: The Municipality shall have the first and last offer of dedication of undivided open space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The Municipality may, but shall not be required to accept undivided open space provided:

1. Such land is accessible to residents of the Municipality.
2. There is no cost of acquisition other than costs incidental to the transfer of ownership such as title insurance.
3. The Municipality agrees to and has access to maintain such lands.
4. Where the Municipality accepts dedication of common open space that contains improvements, the Municipality may require the posting of financial security to ensure

structural integrity of said improvements as well as the function of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.

5. The Governing Body may designate any Municipality, Inter-municipal or County Governing Body or Authority to accept the dedication of common open space, subject to the above listed provisions.

C. Homeowners' Association: The undivided open space and associated facilities may be held in common ownership by a Homeowner's Association. The Association shall be formed and operated under the following provisions:

1. The developer shall provide a description of the Association including its bylaws and methods for maintaining the open space.

2. The Association shall be organized by the developer and be operated with financial subsidization by the developer, before the sale of any lot within the development.

3. Membership in the Association is automatic (mandatory) for all purchasers of lots or homes therein and their successors. The conditions and timing of transferring control of the Association from developer to Homeowners shall be identified.

4. The Association shall be responsible for maintenance, insurance and taxes on undivided open space, enforceable by liens placed by the Municipality.

5. The members of the Association shall share equitably in the costs of maintaining and developing such undivided open space. Shares shall be defined within the Association bylaws.

6. In the event of a proposed transfer, within the methods here permitted, of undivided open space land by the Homeowners Association, or of the assumption of maintenance of undivided open space by the Municipality or its designee, notice of such action shall be given to all property owners within the development

7. The Association shall have or hire adequate staff to administer common facilities and properly and continually maintain the undivided open space.

8. The Homeowner's Association may lease open space lands to any other qualified person, or corporations, for operation and maintenance of open space lands, but such a lease agreement shall provide:

a. That the residents of the development shall at all times have access to the open space lands contained therein;

b. That the undivided open space to be leased shall be maintained for the purposes set forth in this Ordinance: and

c. That the operation of open space facilities may be for the benefit of residents only, or may be open to the residents of the Municipality, at the election of the developer and/or Homeowners Association, as the case may be.

9. The lease shall be subject to the approval of the Governing Body and any transfer or assignment of the lease shall be further subject to the approval of the Governing Bodies. Lease agreements so entered upon shall be recorded with the Northumberland County Recorder of Deeds within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Zoning Officer and Municipal Secretary.

D. Condominiums: The undivided open space and associated facilities may be controlled through the use of condominium agreements, approved by the Governing Body. Such agreements shall be in conformance with the Commonwealth's Uniform Condominium Act. All undivided open space land shall be held as a "common element".

E. Dedication of Easements: The Municipality may, but shall not be required, to accept easements for public use of any portion or portions of undivided open space land, title of which is to remain in ownership by a condominium or homeowners association, provided:

1. Such land is accessible to Municipal Residents.

2. There is no cost of acquisition other than costs incidental to the transfer of ownership, such as title insurance.

3. A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association and the Municipality.

4. The Municipality may designate any Municipal, Inter-municipal or County Body or Authority to accept such easements, subject to the above listed provisions.
- F. Transfer of Easements to a Private Conservation Organization: With the permission of the Governing Body, an owner may transfer easements to a private, not-profit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:
 1. The organization is acceptable to the Municipality, and is a bona fide conservation organization with perpetual existence;
 2. The conveyance contains appropriate provision for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
 3. A maintenance agreement acceptable to the Governing Body is entered into by the developer and the organization.
- G. Maintenance Standards
 1. The ultimate owner of the open space (typically a homeowner's association) shall be responsible for raising all moneys required for operations, maintenance or physical improvements to the open space through annual dues, special assessments, etc. The homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.
 2. In the event that the Association or any successor organization, shall at any time after establishment of a development containing undivided open space, fail to maintain the undivided open space in reasonable order and condition in accordance with the development plan, the Municipality or its designee may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided open space in reasonable condition.
 3. Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of this Ordinance. The Municipality, or its designee, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within twenty (20) days.
 4. Should any bill or bills for maintenance of undivided open space by the Municipality, or its designee, be unpaid by November 1 of each year, a late of fifteen percent (15%) shall be added to such bill and a lien shall be filed against the premises in the same manner as other municipal claims.

ARTICLE VIII

Administration and Enforcement

Section 800 - Administration.

800.1 - No building structure or sign shall be erected, constructed, moved, added to, or structurally altered, nor shall land be put to any use without a permit therefore, issued by the Zoning Officer.

800.2 - No permit shall be issued except in conformity with the provisions of this ordinance, or upon written order from the Municipal Zoning Hearing Board in the form of a special exception or variance, or upon written order from the Governing Body in the form of a conditional use, or as otherwise provided for by this ordinance, any applicable laws or any Court of competent jurisdiction.

800.3 All applications shall be made in writing and shall be accompanied by all applicable fees and two (2) sets of plans showing, at a minimum, the following information if applicable:

- A. Actual dimensions and shape of the lot to be used.
- B. The exact size and location on the lot of buildings, structures, or signs existing and/or proposed, including any extensions thereto.
- C. The number of dwelling units.

- D. Parking plan, indicating the number, size and location of all off-street parking spaces and/or required loading areas.
- E. Statement indicating any existing or proposed use(s).
- F. Height of any structure, building or sign existing or proposed.
- G. Statement indicating the provider of essential services such as water supply, sewage disposal, electrical service, natural gas service, and the location of where these services are, or are proposed to be located, etc.
- H. The Name, Address and Telephone Number of the Property Owner, the Applicant (if different from the owner), and the estimated value of any proposed improvements.
- I. Any other information deemed necessary by the Zoning Officer in order to determine compliance with this and any other applicable ordinances.

800.4 - One (1) copy of the submitted plans and associated information shall be returned to the applicant by the Zoning Officer after he shall have made a determination of compliance with the provisions of this ordinance and other applicable ordinances.

- A. Said plans shall be either marked approved or disapproved, and shall be attested to same by the signature of the Zoning Officer.
- B. Plans which are marked approved shall be returned with a Permit, and shall note any conditions of approval.
- C. Plans which are marked disapproved shall be accompanied by a written statement of the deficiencies of said plans.

800.5 - All applications shall be reviewed and marked for approval or disapproval within thirty (30) days from the date of application.

800.6 - All applications marked for disapproval shall be accompanied by a letter informing the applicant of his/her rights for appeal set forth in section 904 and shall be accompanied by a hearing application.

800.7 Applications for a permit shall be submitted in such form as the Zoning Officer may prescribe.

800.8 - Zoning permit(s) shall be valid for a period of one hundred and eighty (180) days from date of issuance, if work described in any permit has not begun. If work described in any zoning permit has begun within the one hundred and eighty (180) day period, said permit shall expire after one (1) year from the date of issuance thereof.

Section 801 - Enforcement.

801.1 - One Zoning Officer shall be appointed and agreed to by the Governing Body to administer and enforce this Municipal Zoning Ordinance. The Zoning Officer shall not hold any elective office within the Municipality.

801.2 - Duties and Powers of the Zoning Officer - It shall be the duty of the Zoning Officer to enforce literally the provisions of this ordinance and amendments. He/she shall have such other duties and powers as are conferred upon him by this ordinance or as are reasonably implied for that purpose, or as may be, from time to time, conferred upon him by the Governing Body. The Zoning Officer's powers and duties shall include but are not limited to the following:

- A. Receive applications for and issue zoning permits and sign permits as permitted by the terms of this ordinance.
- B. Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this ordinance and the action taken in response to each such complaint. All such records shall be open and available for public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign and/or land, shall be retained in hard copy for 7 years. An electronic copy of all records shall also be kept.
- C. Make inspections as required to fulfill his/her duties. He/she shall have the power to enter

any building or structure or enter upon any land at any reasonable hour in the course of his/her duties. Should such access be prevented by any property owner, lessee or other person, he/she shall have the authority, with the approval of the Governing Body, to obtain a search warrant for said property.

D. Issue permits for special exception uses, conditional uses and/or variances only after such uses and/or buildings have been approved in writing by either the Municipal Zoning Hearing Board, in the case of special exceptions and/or variances, and the Governing Body in the case of conditional uses.

E. Be responsible for keeping this ordinance and the Official Zoning Map up to date so as to include all amendments thereto.

F. Issue certificates of Zoning Compliance in accordance with the provisions of this ordinance.

G. To prepare and submit annual reports, as required in this Ordinance, to the Municipal Planning Commission and Governing Body.

H. Any other such duties as directed by Governing Body.

801.3 -The Zoning Officer shall serve written notice of violation upon any person, firm, corporation or partnership deemed responsible for violating any of the provisions of this ordinance, or in violation of any detailed statement or plan approved there under. Such written notice shall be served personally or by certified mail, indicating the nature of the violation and ordering the action necessary to correct same. Such notice shall contain, at a minimum, the following information:

A. The party deemed responsible for the violation.

B. The date and location of the violation.

C. The specific section of this ordinance which has been violated.

D. The specific action required to correct such violation.

E. The time period within which such violation shall be corrected.

F. The penalties which could be assessed for such violation.

G. The right of the party to appeal the decision of the Zoning Officer, and the procedures to be followed to file such appeal.

H. The signature of the Zoning Officer.

801.4 - Should such notice of violation not be complied with within the time period set forth in said notice, the Zoning Officer shall order the discontinuance of such unlawful use of structure, building, sign and/or land involved in said violation. The Zoning Officer shall also file a report of said noncompliance with the Governing Body, and upon authorization from the Governing Body, shall initiate legal action, in accordance with the provisions of Sections 801.4 and 801.5 of this ordinance.

A. Causes of Action - In case any building, structure, landscaping or land is erected, constructed, reconstructed, altered, converted, maintained or used in violation of this ordinance, the Governing Body shall have the power to authorize the Zoning Officer or Borough Solicitor to initiate any appropriate action or proceeding to prevent, restrain, correct or abate such violation.

B. When any such action is instituted by the Governing Body, written notice shall be served by the municipality in which the violation exists, upon the owner or tenant of said property or use in violation.

C. The District Magistrate shall have initial jurisdiction for proceedings brought under this Section, if appropriate.

801.5 - 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 there for in a civil enforcement proceeding, pay a judgment of not more than FIVE HUNDRED (500) DOLLARS plus all court costs, including reasonable attorney fees incurred by the Borough as a result hereof.

A. Each day that a violation continues shall constitute a separate violation, unless the District Magistrate determines that there was a good faith basis for the continuance of the violation, in which case there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Magistrate and thereafter each day that a violation continues shall constitute a separate violation.

B. All judgments, costs and reasonable attorney fees collected for the violation of this ordinance

shall be paid over to the Borough..

C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Governing Bodies the right to commence any action pursuant to this Section.

Section 802 - Nonconforming Lots, Uses, Structures and Buildings.

802.1 Statement of Intent - Within the zoning districts established pursuant to this ordinance or subsequent amendments thereto, there exists or will exist certain nonconformities which, if lawful before this ordinance was enacted or amended, may be continued, subject to certain limitations, although such nonconformities would be prohibited, regulated or restricted under the terms of this ordinance or subsequent amendments thereto. In order to avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any buildings or structures on which a permit was lawfully issued prior to the effective date of adoption of amendment to this ordinance.

A. Nonconforming Lots of Record - Lots of record existing at the date of adoption or amendment of this ordinance which do not conform to the regulations of the district in which they are located may be used for primary structures or dwellings and customary accessory uses if the buildings are erected according to the following stipulations:

1. The yard requirements for the any such nonconforming lot in a block in which sixty percent (60%) of the land area has been developed and whereon are erected structures shall be the average of the yards for the area that has been developed in said block.
 - a. These provisions shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district.
 - b. A block shall be defined as a tract of land bounded by streets, or by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways or any municipal boundary.
2. If two or more lots, combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption of this ordinance or amendment thereto, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land shall be considered to be an undivided parcel for the purpose of this ordinance. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the minimum requirements established in this ordinance.

802.2 - Nonconforming Structures or Buildings - Structures or buildings which at the effective date of this ordinance or subsequent amendment thereto become nonconforming by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the building or structure, may be continued to be used so long as such structure or building remains otherwise lawful, subject to the following provisions:

- A. A nonconforming structure or building may be enlarged or altered one (1) time and said enlargement or alteration shall not exceed 25% of the original nonconforming structure or building.
- B. Should such nonconforming structure or building be destroyed by fire, flood, wind or other means not of the owner's decision, it shall not be reconstructed in any manner which increases its nonconformity. If reconstruction has not commenced within one (1) year of the date of such destruction, reconstruction shall be in full compliance with this ordinance and all other applicable regulations.
- C. No nonconforming structure or building shall be, for any reason, moved any distance unless it shall thereafter conform to the zoning regulations for the district in which it is located after it is moved.
- D. Whenever any nonconforming structure or building has been vacated for a period of six (6) consecutive months, such structure or building shall thereafter not be used except in

compliance with the provisions of this ordinance.

802.4 - Nonconforming Uses - Lawful uses of land, structures or buildings which at the effective date of this ordinance or as a result of subsequent amendments thereto may be continued by the present or any subsequent owner so long as such use remains otherwise lawful, subject to the following provisions:

A. A nonconforming use may be extended throughout any part of the existing land, structure or building, or a new extension or addition to a structure or building may be constructed, provided that all such structural alterations, extensions or additions shall comply with all provisions of this ordinance with respect to height, area, width, yard and coverage requirements for the Zoning District in which the building is located. Total extension of any non conforming use shall not exceed twenty-five percent (25%) of the gross floor area of any building or twenty five percent (25%) of the gross land area of any outdoor use, occupied by said nonconforming use at the time of the adoption of this ordinance.

B. Any nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any non-conforming use. A nonconforming use may, by variance, be changed to another nonconforming use provided that the Municipal Zoning Hearing Board shall find that the proposed use is equally or more in compliance with the regulations in the Zoning District than the previously existing nonconforming use.

C. Whenever a nonconforming use of any land, structure or building has been discontinued for a period of six (6) consecutive months such land, structure or building or any portion thereof shall be used only in a manner in full compliance with this ordinance.

D. Voluntary removal or destruction of the structure or building in which any nonconforming use is located shall eliminate the use of the land upon which the structure or building was erected for such nonconforming use. Destruction for the purpose of this subsection is defined as damage to an extent of seventy-five percent (75%) or more of the market value of said structure or building immediately prior to such damage or destruction.

802.5 - Any use which is permitted as a special exception in any Zoning District under the terms of this ordinance (other than a change through Zoning Hearing Board action from one nonconforming use to another nonconforming use) shall not be deemed a nonconforming use in such a Zoning District, but shall without further action be considered a conforming use.

802.6 - To facilitate the administration of this ordinance, it shall be the duty of the Zoning Officer to prepare and maintain an accurate listing of all uses and structures in all districts.

A. Uses permitted by right, special exception and/or variance shall be so noted on a permanent record of the subject parcel.

B. All non-conforming uses and structures shall be registered separately and an accurate listing maintained. The Zoning Officer shall submit an annual report to the Municipal Planning Commission regarding the status of all nonconforming uses and structures.

C. This listing shall be a matter of public record and shall constitute sufficient notice of the nonconforming status of said uses and/or structures and shall constitute sufficient status of said use and/or structures and the limitations therein expressed and implied to any transferee acquiring any right to use or own such property.

Section 803 - Certificates of Zoning Compliance.

803.1 - A Certificate of Zoning Compliance shall be required upon the completion of any work permitted under this ordinance. It shall be unlawful to use and/or occupy any structure, building and/or land or portions thereof in any manner until such Certificate of Zoning Compliance has been issued.

A. The application for Certificate of Zoning Compliance shall be submitted in such form as the Zoning Officer may prescribe.

B. The Zoning Office shall inspect any use, structure, building, sign and/or land or portions thereof and shall determine the compliance therewith to the provisions of this ordinance.

C. Upon determination of compliance with the provisions of this ordinance and with any

conditions listed in the Zoning Permit, he/she shall issue a Certificate of Zoning Compliance.
D. Certificate of Zoning Compliance shall be granted or refused in writing within ten (10) days from the date of application. In the event that such Certificate of Zoning Compliance is refused, the reasons for said refusal shall be included in the written notice of refusal along with an outline of the applicant's right to appeal as set forth in section 902 of this ordinance.

803.2 - In the case of permits for which Performance Standards are imposed as outlined in Article X of this ordinance, as a condition of approval, no Certificate of Zoning Compliance shall become permanent until thirty (30) days after the use is fully operating and upon re-inspection by the Zoning Officer to determine compliance with all Performance Standards.

A. Upon completion of said re-inspection the Zoning Officer shall notify the applicant, in writing, that the use is in full compliance with all performance standards and that the Certificate of Zoning Compliance is permanent or that the use is not in compliance and that the Certificate of Zoning Compliance is still temporary.

B. In the event that the required Performance Standards are not met within ninety (90) days after the start of operation of said use, the Certificate of Zoning Compliance shall be withdrawn and the use shall be ordered to cease and desist operations until such time as the compliance with the Performance Standards can be determined by the Zoning Officer.

Section 804 - Schedule of Fees, Charges and Expenses

804.1 - The Governing Bodies shall establish a schedule of fees, charges and expenses and the collection procedures for zoning permits, certificates of occupancy, special exceptions, variances, appeals and any other matters pertaining to this ordinance.

804.2 - The schedule of fees shall be available for inspection in the office of the Zoning officer and may be altered or amended, by resolution, by the Governing Body.

804.3 - No action shall be taken on any application or appeal until such time as all fees, charges and expenses have been paid in full.

Section 805 - Amendments. The provisions of this ordinance and the boundaries of the Zoning Districts as set forth on the Official Zoning Map, may from time to time be amended or changed by the Governing Body, in accordance with the provisions of Section 609 of Act 247, as amended by Act 170 of 1988 (The Pennsylvania Municipalities Planning Code), and as may be further amended.

805.1 - Before voting on the enactment of an amendment, the Governing Body shall hold at least one (1) public hearing thereon, pursuant to public notice in a newspaper of general circulation.

A. If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Zoning Officer along the perimeter of the tract(s) to be affected.

B. The affected tract(s) shall be posted at least seven (7) days prior to the date of the hearing.

C. Written notice shall be provided to all owners of property located in the affected tract(s) and all property owners adjoining the affected tract(s).

805.2 - In the case of an amendment other than that prepared by the Municipal Planning Commission, the Governing Body shall submit each such amendment to the Municipal Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the planning agency an opportunity to submit recommendations.

805.3 - If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include any land not previously affected by it, the Governing Body shall hold another public hearing before proceeding to vote on the amendment.

805.4 - All proposed amendments shall be submitted by the Governing Body to the Northumberland County Planning Commission at least thirty (30) days prior to the public hearing, for recommendation.

805.5 - Within thirty (30) days after enactment, a copy of the amendment shall be forwarded to the Northumberland County Planning Commission.

805.6 - Procedure for Landowner Curative Amendments.

- A. A land owner who desires to challenge on substantive ground the validity of the ordinance or map, or any provision thereof, which prohibits or restricts the use or development of land in which he/she has an interest may submit a curative amendment to the Governing Body, pursuant to the provisions of Section 609.1 of Act 247, as amended by, (The Pennsylvania Municipalities Planning Code).
- B. The Governing Body shall commence a hearing thereon within 60 days of the request, pursuant to public notice.
- C. The landowner curative amendment shall be referred by the Governing Body to the Municipal Planning Commission and the Northumberland County Planning Commission's for review and recommendation.
- D. The hearing shall be conducted by the Governing Body in accordance with the provisions of Section 908 of Act 247, (The Pennsylvania Municipalities Planning Code) and all references therein to the Municipal Zoning Hearing Board, for purposes of this section shall apply to the Governing Body.
- E. In the event the Governing Body does not accept the landowner curative amendment and a court of competent jurisdiction subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire ordinance, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- F. The Governing Body shall consider the curative amendment, plans and explanatory material submitted by landowner and shall also consider:
 - 1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - 2. 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 excluded by the challenged provisions of the ordinance or map.
 - 3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.
 - 4. 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.
 - 5. The impact of the proposal on the preservation of agricultural and other land uses which are essential to public health and welfare.

805.7 - Procedure for Municipal Curative Amendments - Should the Governing Body determine that the Zoning Ordinance or any portion thereof is substantially invalid, it shall take the following actions:

- A. The Governing Body shall declare its zoning ordinance or portions thereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal the Governing Body shall:
 - 1. By resolution make specific findings setting forth the invalidity of the zoning ordinance which may include:
 - a. References to specific uses which are either not permitted or not permitted in sufficient quantity.
 - b. Reference to a class of use or uses which require revision.
 - c. Reference to the entire ordinance which requires revision.
 - 2. Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
- B. Within one hundred eighty (180) days from the date of the declaration and proposal, the

Governing Body shall enact a curative amendment to cure the declared invalidity. 176

C. Upon initiation of the procedures, as set forth above, the Governing Body shall not be required to consider or entertain any landowner's curative amendment, nor shall the Municipal Zoning Hearing Board be required to provide the report required in Section 916.1 of Act 247, as amended by Act 170 of 1988 (The Pennsylvania Municipalities Planning Code). Upon completion of the procedures set forth above no rights to a cure pursuant to the provisions of this section shall, from the date of declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the un-amended ordinance.

D. A municipal curative amendment may not be utilized for a period of thirty-six (36) months following the date of enactment of a Municipal Curative Amendment, provided however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Borough by virtue of a change in statute or by virtue of an Appellate Court decision, the Borough may utilize the provisions of this section to prepare a curative amendment to fulfill said duty or obligation.

805.8 - The Governing Body shall publish public notice of any proposed amendment not more than sixty (60) nor less than seven (7) days prior to public meeting, in a newspaper of general circulation. Such notice shall be posted for a minimum of once a week, for two (2) consecutive weeks. Such notice shall contain, at a minimum:

A. The time and place of the meeting.

B. A reference to where copies of the proposed amendment may be examined without charge, or obtained for a charge not greater than the cost of reproduction thereof.

C. A brief summary of the amendment, including the title, prepared by the Borough Solicitor. An attested copy of the full text of the amendment shall be filed in the County Law Library, in the Offices of the Northumberland County Planning Commission, and in the Local Public Library. The attested copies may be distributed to the public and a fee for such copies may be imposed which is not greater than the actual cost of preparing the copies.

D. In the event that substantial amendments are made to the ordinance, (substantial being defined as amending more than ten percent (10%) of the ordinance) before voting upon any enactment, the Governing Body shall, at least ten (10) days prior to scheduled enactment re-advertise, re-advertisement shall be in one newspaper of general circulation and shall summarize, in reasonable detail all the amendment provisions.

805.9 Amendments shall be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

Section 806 - Exemptions. This ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience and welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Borough have notice of such hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

ARTICLE IX

Zoning Hearings

Section 900 - General Provisions.

900.1 - The Governing Body hereby creates a Municipal Zoning Hearing Board, herein referred to as the "Board", consisting of three (3) members, and two (2) alternate members, pursuant to Article IX of Act 247, as amended by Act 170 of 1988 (The Pennsylvania Municipalities Planning Code), as

amended, who shall perform all the duties and have all the powers prescribed by said statute and as herein provided.

900.2 - The membership of the Board shall consist of one (3) residents of the Borough of Turbotville, appointed by the Governing Body of the Municipality. The terms of office shall be three years.

A. There shall be two alternate members of the Board, The term of office shall be three years. The terms for the alternate members shall serve until the first day of January of the third year following the adoption of this ordinance.

1. Alternate members, when seated pursuant to the provisions of Section 906, of Act 247 as amended, (the Pennsylvania Municipalities Planning Code), shall be entitled to participate in all proceedings, and shall have the powers and duties specified in the statute and this ordinance.

2. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member, nor be entitled to any compensation unless designated as a voting alternate member pursuant to Section 906 of Act 247 as amended, (the Pennsylvania Municipalities Planning Code).

3. Any alternate shall only be entitled to vote in any proceeding if that alternate is required to obtain a quorum of the Board at any public meeting or public hearing.

B. Members of the Board and alternate members of the Board shall hold no other office of the Municipality.

C. Any member or alternate member of the Board may be removed for malfeasance, misfeasance or nonfeasance or for other just cause by a majority vote of each of the Governing Body.

1. A member or alternate member shall receive a minimum of fifteen (15) days advance notice of the intent to take such a vote.

2. A public hearing shall be held, if the member or alternate member requests one in writing.

D. Vacancies shall be filled by appointment by the Governing Body for the un-expired portion of the vacated term.

900.3 - The members of the Board shall receive such compensation as shall be fixed by the Governing Body, by resolution, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Governing Body.

900.4 - Within the limits of funds appropriated by the Governing Body, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical or legal staff.

A. The solicitor to the Board shall not be the solicitor of the Municipality.

B. The solicitor to the Board shall be appointed by the Board.

900.5 - The Board may make, alter and rescind rules and forms for its procedure, consistent with the ordinances of the Borough and the laws of Pennsylvania.

A. The Board shall keep full public records of its business.

B. The records of the Board shall be the property of the Borough.

C. The Board shall submit a report of its activities to the Governing Body as requested by the Governing Body. The Board shall submit an annual report of its activities to the Governing Body.

D. Such rules as may be established by the Board shall continue in force and effect, until amended or repealed by the Board, by municipal ordinance or by Federal or State Law.

E. The Board shall elect, from its own membership, its officers, who shall serve annual terms as such, and may succeed themselves.

F. Meetings and hearings of the Board shall be held at the call of the Chairman and at such other times as the Board, by majority vote, may determine.

Section 901 - Hearings. - The Board shall conduct hearings and make decisions in accordance with the

following requirements.

901.1 - For the conduct of any hearing and the taking of any action, a quorum of not less than a majority of the members or voting alternates shall be present. In the event that any member is disqualified, for reason of conflict of interest, his/her place on the hearing panel shall be taken by a voting alternate.

901.2 Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, abutting or adjoining property owners and such other persons as the Governing Body or the Municipal Zoning Hearing Board may designate, and to any person who has made a timely request for same. Written notice of said hearing shall be conspicuously posted on the affected tract at least one week prior to the hearing.

A. Public notice shall consist of publication of an advertisement in a newspaper of general circulation in the Borough, not more than thirty (30) nor less than seven (7) days prior to the hearing.

B. Written notice shall consist of a letter signed by the chairman of the Board. Written notice shall be provided a minimum of fifteen (15) days prior to the hearing.

901.2 - Hearings shall be conducted by the Board.

A. The hearing shall be held within sixty (60) days from the date of the applicants request, unless the applicant has agreed in writing to an extension of time.

B. Fees for hearings shall be established by the Governing Body.

1. Fees may include compensation for the members and secretary (or court stenographer), notice, advertising costs and administrative costs.

2. Fees shall not include legal expenses, consultant expenses or expert witness costs.

C. The findings shall be made by the Board. The decision of the Board shall be made at a public meeting.

D. The Board shall not appoint a member to serve as a hearing officer.

E. The parties to any hearing shall be the Borough, the applicant, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing in a form acceptable to the Board.

F. The chairman or acting chairman of the Board shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and production of relevant documents and papers, including any witnesses and/or documents requested by the parties.

G. 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.

H. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

I. The Board shall keep a stenographic record of the proceedings.

1. The appearance fee for a stenographer shall be shared equally by the Board and the applicant.

2. The cost of the transcript shall be paid by any person or party who might appeal from the decision of the Board.

J. The Board shall not communicate, directly or indirectly, with any party or his/her representatives in connection with any issue involved except upon notice and opportunity for all parties to participate.

1. The Board shall not take notice of any communication, reports staff memoranda, or other materials, except advice from their solicitor, unless parties are afforded an opportunity to contest the material so noticed.

2. The Board shall not inspect the site or its surroundings after the commencement of hearings with any party or his/her representative unless all parties are given an

opportunity to be present.

K. The Board shall render a written decision within forty-five (45) days after the last hearing before the Board, or when no decision is called for, a written finding on the application within forty-five (45) days after the last hearing before the Board.

1. Where the application is contested or denied, each decision shall be announced at a public meeting and accompanied by findings of fact and conclusions based thereon together with the reasons therefor.

2. Conclusions based on the provisions of Act 247 as amended, (the Pennsylvania Municipalities Planning Code), this ordinance or any other rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.

3. Where the Board fails to render the decision within the required forty-five (45) day period, or fails to hold a hearing within the required sixty (60) day period, 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.

4. In such case when a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render such decision as provided in this ordinance. If the Board should fail to provide such notice, the applicant may do so.

5. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

L. 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/her not later than the day following its date. To all other persons who have filed their name and address with the Board not 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 time and place at which the full decision or findings may be examined.

Section 902 - Functions of the Municipal Zoning Hearing Board. The Municipal Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

902.1 - Substantive challenges to the validity of this Ordinance or the Borough of Turbotville Subdivision and Land Development Ordinance, or any applicable subdivision or land development ordinance, except that the Board shall have no jurisdiction regarding any landowner curative amendments.

902.2 - Challenges to the validity of this Ordinance or the Borough of Turbotville Subdivision and/or Land Development Ordinance or any applicable subdivision or land development ordinance, raising procedural questions or alleged defects in the process of enactment or adoption.

A. Such challenges shall be raised on appeal within thirty (30) days after the effective date of said ordinance.

B. The Board shall immediately notify the Governing Body of such Challenges.

902.3 - 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 there for, the issuance of any cease and desist order.

A. In exercising this power, the Board may reverse or affirm, wholly or in part, or may modify, the order, requirement, decision, determination or permit appealed from.

B. Nothing in this Section shall be construed to deny the appellant the right to proceed directly to court, when appropriate, pursuant to the Pennsylvania Rules of Civil Procedure relating to mandamus.

902.4 - Appeals from the decision by the Borough Engineer or the Zoning Officer or Governing Body with reference to the administration of the Floodplain Management Ordinance or Stormwater

Management Ordinance.

902.5 - Applications for variances from the terms of the Zoning Ordinance, the Borough Floodplain Management Ordinance or the Borough Stormwater Management Ordinance, pursuant to Section 903 of this ordinance.

902.6 - Applications for special exceptions under this ordinance pursuant to any special exception criteria established under this ordinance.

902.7 - Appeals from the determination of the Zoning Officer regarding any performance or density provisions of this ordinance.

902.8 - Appeals from the determination of the Borough Engineer or Consultant with reference to sedimentation and erosion control plans that may be applicable.

Section 903 - Standards for Variances - The Board shall hear requests for variances where it is alleged that the provisions of this ordinance inflict unnecessary hardship upon the applicant. The Board shall, by rule, prescribe the form of application and may require the submission of a preliminary application to the Zoning Officer. The Board may grant a variance, provided that all the following findings are made where relevant to a given case:

903.1 - That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size and 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 created by the provisions of this ordinance in the district in which the property is located.

903.2 - 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 ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

903.3 - That such unnecessary hardship has not been created by the applicant.

903.4 - That the variance if authorized, will not alter the essential character of the neighborhood 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.

903.5 - That no nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or non conforming use of land, structure or buildings in other districts shall be considered grounds for the granting of any variance.

903.6 - That in no case shall a variance be granted solely for reasons of financial hardship or additional financial gain on the part of the applicant.

903.7 - 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.

903.8 - In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the ordinance.

Section 904 - Standards for Special Exceptions. The Board shall have the power to hear and decide only such special exceptions as specifically authorized in Article IV of this Ordinance. All Special Exceptions shall meet the following criteria:

904.1 - Special Exception Uses shall be specifically authorized in the Zoning District, and shall meet the Special Exception Criteria established in Article IV.

904.2 - Special Exception Uses shall be found to be consistent with the Community Development Goals and Objectives; the general purposes and intent of the ordinance.

904.3 - Special Exception Uses shall not adversely affect the character of the district, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

904.4 - Special Exception Uses shall not conflict with any portion of the Municipal Comprehensive Plan.

904.5 - Special Exception Uses shall comply with the Performance Standards contained in Article X of this ordinance.

904.6 - Special Exception Uses shall comply with the applicable Supplemental Regulations contained in Article V of this Ordinance.

904.7 - No Special Exception Use, requiring a variance from this or any other ordinance, shall be granted until such time as the variance may be authorized.

904.8 - The Board may attach any reasonable conditions and safeguards, as it may deem advisable and appropriate to any Special Exception Permit. Refusal of the applicant to accept such conditions shall result in the revoking of the Special Exception Permit.

904.9 - All applications for Special Exception shall be submitted to the Municipal Planning Commission for review and recommendation. Lack of recommendation by the Municipal Planning Commission within 30 days of the date of submission, shall be deemed as recommended approval of the application.

Section 905 - Functions of the Governing Body. The Governing Body shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

905.1 - All applications for approvals of Traditional Neighborhood Development” pursuant to Article VI of this Ordinance.

905.2 - All applications for approval of subdivisions or land developments, pursuant to the Borough or any applicable Subdivision and Land Development Ordinance, demonstrating compliance with this ordinance.

905.3 - Applications for conditional use.

905.4 - Applications for curative amendment to this ordinance.

905.5 - All petitions for amendments to this ordinance, or any applicable subdivision and land development ordinance, the floodplain management ordinance and the stormwater management ordinance.

905.6 - Petitions for waivers from the requirements of the subdivision and land development ordinance.

905.7 - Appeal from any determination of the zoning officer or municipal engineer in the administration or enforcement of the provisions of any applicable subdivision and land development ordinance, where final administrative action is vested in said ordinance.

Section 906 - Standards for Conditional Use. The Governing Body shall hold a Public Hearing for all Conditional Uses listed in this Ordinance. In granting any conditional uses, the below listed criteria, where applicable, shall be applied:

906.1 - The presence of nearby similar uses.

906.2 - An adjoining district in which the use is permitted.

906.3 - Compatibility of the Use with the provisions of the Comprehensive Plan.

906.4 - Sufficient lot area to provide effective screening from adjacent residential uses.

906.5 - That the use will not detract from permitted uses in the district.

906.6 - Compliance with the Performance Standards in Article IX and the Supplemental Regulations in Article V of this Ordinance.

906.7 - Notification of adjoining property owners.

906.8 - Compliance with the provisions of any applicable Subdivision and Land Development Ordinance.

906.9 - Should any conditional use require a variance from this or any other ordinance, said variance shall be authorized prior to the scheduling of a conditional use hearing.

906.10 - The Governing Body may attach such reasonable conditions to a conditional use permit as they may deem appropriate and advisable. Failure of the applicant to agree to said conditions shall result in the immediate revoking of the permit.

906.11 - Should the work authorized under a conditional use permit fail to commence within one hundred eighty (180) days or fail to be completed within one (1) year of the issuance of the permit, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned said permit and all such permits shall be automatically rescinded by the Governing Body

Section 907 - Procedures for Hearings. - The procedures discussed in this section shall apply to all proceedings before the Municipal Zoning Hearing Board and where applicable shall apply to proceedings before the Governing Body.

907.1 - All hearings shall be held in strict accordance with the procedures contained in Article IX of Act 247 as amended by Act 170 of 1988 (the Pennsylvania Municipalities Planning Code).

907.2 - All appeals and applications shall be in writing, in a form prescribed by the Board. Such applications shall contain, at a minimum:

- A. The specific ordinance and provision of said ordinance involved.
- B. The interpretation that is claimed for any challenges to the validity of said ordinance, or
- C. The use for which special exception or conditional use is sought, or
- D. The details of the variance that is applied for, and the grounds on which it is claimed that the variance shall be granted.
- E. All required filing fees as may be established by the Governing Body.

907.3 - No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the appropriate municipal 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/she had no notice, knowledge or reason to

believe that such approval had been given.

A. If such person has succeeded to his interest after such approval, he/she shall be bound by the knowledge of his/her predecessor in interest.

B. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to Article VI or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of Act 247 as amended by Act 170 of 1988 (the Pennsylvania Municipalities Planning Code) shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative plan.

907.4 All appeals from determinations adverse to landowners shall be filed by the landowner within thirty (30) days after the determination is issued.

907.5 - Upon filing of any proceeding referred to in this Article and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any appropriate agency or bodies certifies to the 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 Board or by a court of competent jurisdiction on petition, after notice to the zoning officer or other appropriate agency or body.

907.6 - 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 Board by persons other than the applicant, the applicant may petition a court of competent jurisdiction to order such persons to post bond as a condition to continuing the proceedings before the Board.

907.7 - The question of 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.

ARTICLE X

Development Standards and Performance Standards

Section 1000- Development Standards - All applicants should attempt to conform to the illustrations of figure ground and axonometric plans (Appendix 2 - pages 1 through 5) for the uses specified in this section, however literal conformance to the figure ground and/or axonometric plans shall not be mandatory.

A. Single Family Detached Residential Dwellings .

1. Single Family Detached Dwellings on Large Lots(in excess of 10.000 Square Feet) should be in conformance with Illustration 54.
2. Single Family Detached Dwellings on Small Lots(less than 10000 Square feet) should be in conformance with Illustration 55.
3. All required off street parking shall be located in the side or rear yard only.

B. Single Family Semi-Detached (Row Houses) or Two Family, or Townhouse Residential Dwellings.

1. Single Family Semi-Detached Dwellings should sited be in conformance with Illustration 56.
2. Two Family Dwellings should be sited in conformance with Illustration 57.
3. Townhouse Dwellings should be sited in conformance with Illustration 58.
4. Required Off Street Parking shall be located in rear yards only.

C. Multi-Family Dwellings.

1. Multi-family Dwellings should be sited in conformance with Illustration 59.
2. Required Off-Street Parking shall be located in side or rear yards only.

D. Mixed Use Structures/Commercial Structures.

1. Mixed Use Structures and/or Commercial Structures should be sited in conformance with Illustration 60.
2. Required Off-Street Parking Shall be at the rear and/or to the side of the structure and shall be adequately screened and landscaped.

E. Industrial, Institutional, Community Facilities and Religious Structures.

1. Industrial and Institutional Structures should be sited in conformance with Illustration 60.
2. Community Facilities and Religious Structures should be sited in conformance with Illustration 61.
3. All parking shall be in Rear Yards - Access from a non-arterial or non-collector street is required whenever possible.

SECTION 1001 - Performance Standards Applicable to All Uses.

A. Parking – All required off street parking areas shall comply with the applicable performance standards of Sections 505 and 506.

B. Screening (Multi-Family and Non-Residential Uses See Section 506).

1. Open storage areas, exposed machinery, and outdoor areas used for the storage and collection of rubbish, must be visually screened from roads and surrounding land uses. Suitable types of screening include translucent wood fences and dense evergreen hedges of five (5) feet or more in height. Where evergreen hedges are proposed, a temporary fence shall be built to provide screening until the evergreens are of sufficient height
2. In locations where potential health or safety hazards may arise (such as rubbish storage/collection areas, vehicle storage areas, etc.), a solid wooden fence, six (6) feet in height is required to be erected and maintained.

C. Lighting (Multi-Family and Non-Residential Uses).

1. Lighting must be controlled in both height and intensity to maintain neighborhood character. Under no circumstances may the light level at any lot line exceed 0.2 foot-candles, measured at ground level. To achieve this, luminaires shall be shielded to prevent light shining beyond the lot lines onto neighboring properties.
2. All lighting shall be directed towards the ground, under no circumstances shall lighting be directed skyward.
3. Where there exists a mix of residential and commercial uses, light standards are restricted to a maximum of twenty (20) feet in height. In addition, lighting (except for police approved security purposes) shall be turned off between 11 p.m. and 6 a.m. Exceptions will be granted for those business which are operating during these hours.

D. Water Quality - All outdoor storage facilities for fuel, chemicals, industrial wastes and potentially harmful raw materials, must be located on impervious pavement, and shall be completely enclosed by an impervious dike, high enough to contain the total volume of liquid kept in the storage area, plus the accumulated rainfall of a fifty (50) year storm event of twenty four hour duration. Storage tanks for "home heating oil" and diesel fuel, not exceeding two-hundred seventy five (275) gallons in size shall be exempted from this requirement provided that there is no seasonal high water table (within four (4) feet of the surface), and that rapidly permeable sandy soils are not present on the site.

E. Dust, fumes, vapors, gases and odors - Emission of dust, dirt, flyash, fumes, vapors or gases which could be injurious to human health, animals, or vegetation; detrimental to the enjoyment of adjoining or nearby properties; or which could soil or stain persons or property, at any point beyond the lot line of the use generating such emission shall be prohibited. In addition, no land use or establishment shall be permitted to produce harmful, offensive or bothersome odors, scents or aromas, (such as, but not limited to, those produced by manufacturing process, commercial food preparation, food processing, fish sales, rendering, fermentation process, decaying organic matter, and incinerators) perceptible

beyond their lot lines, either at ground or habitable elevation. The location and vertical height of all exhaust fans, vents, chimneys or any other sources discharging or emitting smoke, fumes, gasses, vapors, odors, scents or aromas shall be shown on the plan submitted for a zoning permit, with a description of the source materials. In no case shall dust, fumes, vapors, gases or odors regulated by this section exhaust onto adjoining properties.

F. Glare - No land use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring properties, or onto any public way so as to impair the vision of any driver of a vehicle upon that public right of way. All such activities shall also comply with applicable Federal and State regulations.

G. Noise

1. Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume.
2. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this ordinance shall be as established by the time period and type of land use district below. Sound pressure levels shall be measured at all lot lines, and at a height of at least four (4) feet above the ground surface. Sound from any source controlled by this ordinance shall not exceed the following limits at the property line of said source.

Sound Pressure Level Limits Measured in dB(A)'s:*

	7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
Any Residential District	55	45
Any Agricultural District	70	65
Any Commercial District	65	60
Any Industrial District	75	65
Any Other District	60	55

Note: **Where the emitting and receiving premises are in different zones, the limits governing the stricter zone shall apply to any regulated noise entering that zone.*

** The levels specified may be exceeded by 10dB(A) for a single period, no longer than 15 minutes in any one day.*

3. These noise regulations are enforceable by the Zoning Officer and/or any Borough Law Enforcement Officer. The Zoning Officer shall measure noise levels and shall report documented violations to the police.

4. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute, ANSI S1.2-1962 "American Standard Meter for the Physical Measurements of Sound."

H. Refuse Disposal - All applicants shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. Any generator of industrial and/or chemical wastes shall supply the Zoning Officer with a list of such wastes, the exact nature of such wastes, the amount of such wastes and the method and site of disposal of such wastes.

I. Surface water run-off shall be minimized and detained on-site if possible or practicable. All stormwater management plans shall conform to the Subdivision and Land Development Ordinance, and the applicable watershed Stormwater Management Plan adopted by the Borough. To the maximum extent practicable "Best Management Practices" shall be used in the design and construction of stormwater management controls.

J. Erosion Control - Erosion of soil and sedimentation of watercourses and water bodies shall be

minimized by employing “best management” practices, as approved by the Northumberland County Conservation District.

K. Floodplain Control - Any proposed use or structure to be located in any floodplain shall comply with the Borough of Turbotville Floodplain Management Ordinance, prior to any zoning permit being issued.

L. Excavation – All excavation activities shall comply with the Pennsylvania One Call Regulations.

ARTICLE XI

Miscellaneous Provisions

Section 1100 - Reviews and Appeals - Proceedings for securing review and/or appeal of any ordinance, decision, determination or order of the Governing Body, its agencies or officers adopted pursuant to this ordinance shall be strictly in accordance with the provisions of Act 247 as amended by Act 170 of 1988 (the Pennsylvania Municipalities Planning Code).

Section 1101 - Remedies - In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, repaired, converted, maintained or used in violation of this ordinance, the Governing Body, or, with their approval the Zoning Officer, in addition to other remedies, may institute in the name of the Borough any appropriate action or proceedings to prevent, restrain, correct or abate such building, structure or use in or about such premises, any act, conduct, or business constituting a violation.

Section 1102 - Severability - Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 1103 - Repeal of Conflicting Ordinances - All existing ordinances or parts of ordinances inconsistent herewith including the Joint Municipal Zoning Ordinance of 2005 with Lewis Township are hereby expressly repealed.

Section 1104 - Effective Date - This Ordinance shall become effective five (5) days after the date of its enactment and such advertisement thereof as required by law.

Section 1105 -Official Zoning Map - The Official Zoning Map, for purposes of district identification, shall be the Official Zoning Map adopted as part of this Ordinance and posted in the Offices of the Borough Secretary and Zoning Officer. Any reproductions, reductions or copies of said map shall be for information purposes only. Amendments to the Official Zoning Map shall be made by ordinance and a new Official Zoning Map prepared within thirty days of said amendment.

List of Appendices and Companion Documents

Appendix 1 – Standard Animal Weights and Calculation of Animal Equivalency Units.

**Appendix 2 – Illustrations of Design Standards
(Article X)**

**Appendix 3 – Illustrations of Conservation Subdivisions
(Article VII)**

**Appendix 4 – Guidelines for Zoning Hearings
(Article IX)**

**Companion Document 1
“Design Guidelines for Traditional Neighborhood Developments”**

**Companion Document 2
“Design Guidelines for Conservation Subdivisions”**

Appendix 1 – Page 1

Table 1. Standard Animal Weights.

TYPE OF ANIMAL	STANDARD WEIGHT (RANGE) IN POUNDS DURING PRODUCTION	TYPE OF ANIMAL	STANDARD WEIGHT IN POUNDS DURING PRODUCTION (RANGE) DAIRY
Dairy Holstein/Brown Swiss Cow Heifer 1-2 Yr. Calf 0-1 Yr. Bull Ayrshire/Guernsey Cow Heifer 1-2 Yr. Calf 0-1 Yr. Bull Jersey Cow Heifer 1-2 Yr. Calf 0-1 Yr. Bull	1300 900 (650-1150) 375 (100-650) 1500 1100 800 (575-1025) 338 (100-575) 1250 900 600 (400-800) 225 (50-400) 1000	POULTRY Layer 18-65 Wk. Layer 18-105 Wk. Layer Brown Egg 20-65 Wk. Layer Brown Egg 20-105 Wk. Pullets Broiler, Lg. Broiler, Med. Roaster, Female 0-10 Wk. Turkey, Tom 0-18 Wk. Turkey, Hen 0-14 Wk. Duck 0-43 Days Guinea 0-24 Wk. Pheasant 0-43 Wk. Chukar 0-43 Wk. Quail 0-43 Wk.	3.25 (2.75-3.76) 3.48 Weighted Avg. 4.3 (3.6-5) 4.63 Weighted Avg. 1.42 (0.08-2.75) 3.0 (0.09-5.9) 2.3 (0.09-4.5) 3.54 (0.09-7) 14.1 (0.12-28) 7.1 (0.12-14) 3.56 (0.11-7) 1.9 (0.06-3.75) 1.53 (0.05-3) 0.52 (0.04-1) 0.26 (0.02-0.5)
BEEF Calf 0-8 Mo. Finishing 8-24 Mo. Cow	300 (100-500) 850 (500-1200) 1150	SHEEP Lamb 0-26 Wk. Ewe Ram	50 (10-90) 150 185
GOAT Kid 0-10 Mo. Doe Buck	45 (5-85) 125 170	GOAT Kid 0-10 Mo. Doe Buck	45 (5-85) 125 170
VEAL		HORSE	

Calf 0-16 Wk.	250 (100-400)	Foal 0-6 Mo. Yearling Non-Draft Breeds, Mature Draft Breeds, Mature	325 (125-625) 750 (625-875) 1000 1700
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Appendix 1 – Page 2

Table 2. Animal Equivalent Unit (AEU) Formula.

Formula: Total AEUs for each type of animal = [Number of animals (daily average) x Animal weight (lbs.) / 1000] x [number of production days per year / 365]

Note: The animal weight should reflect the average over the annual production cycle.

Example

ANIMAL TYPE	# OF ANIMALS	ANIMAL WEIGHTS (LBS.)	+ FACTOR =	AEU
Calves	20	375	+ 365000	7.5
Dairy	110	1300	+ 365000	143.0
Broilers	15,000	285	+ 365000	35.14
Heifers	35	900	+ 365000	31.5
Total = AEUs on Farm	217.14			
Acres available for manure*	100			
AEUs/ acres	= 2.17			

* Only includes cropland and pastures within 10 miles of farm.

Appendix 2
Page 1

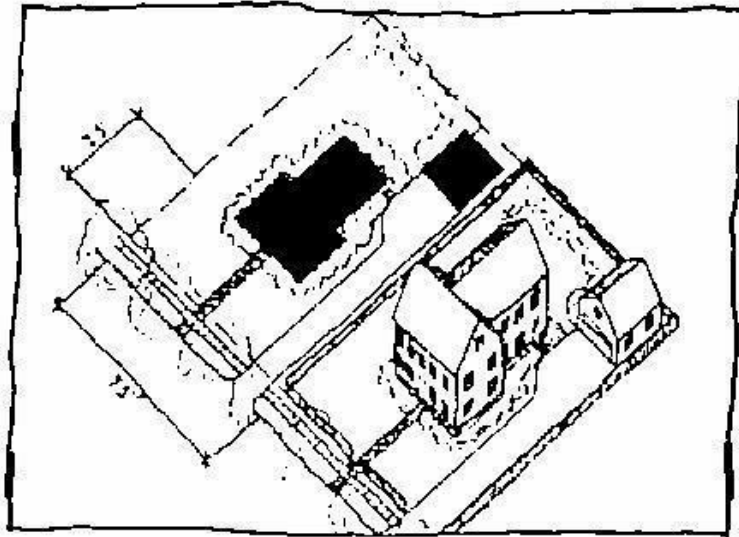


Illustration 54 - Figure Ground and axonometric of large lot, single family detached dwelling.

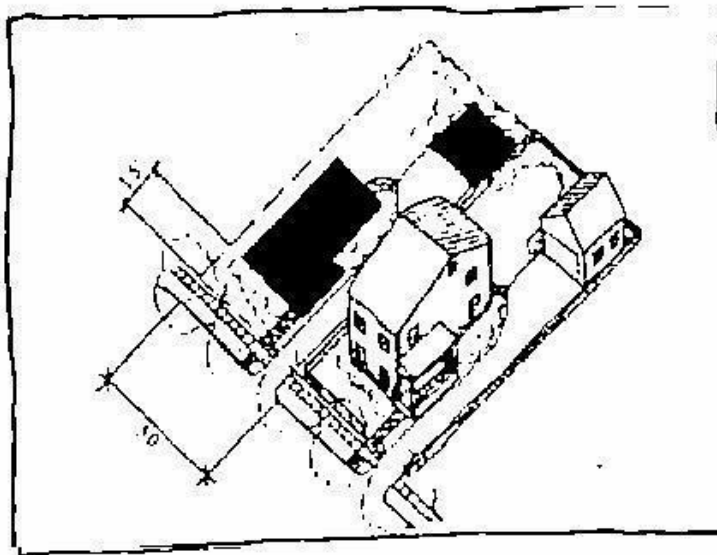


Illustration 55 Figure Ground and axonometric of a small lot, detached single family dwelling.

Appendix 2

Page 2

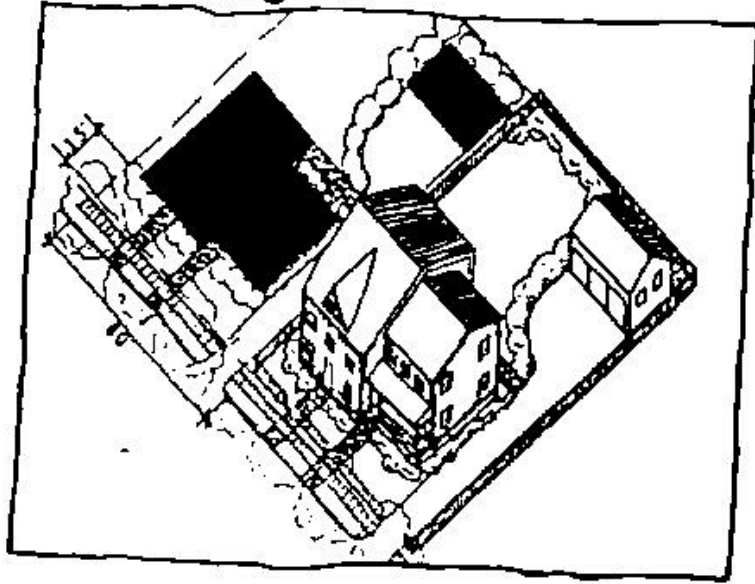


Illustration 56 Figure ground and axonometric of semi-detached dwellings.
Second unit could be a small office or residential rental unit.

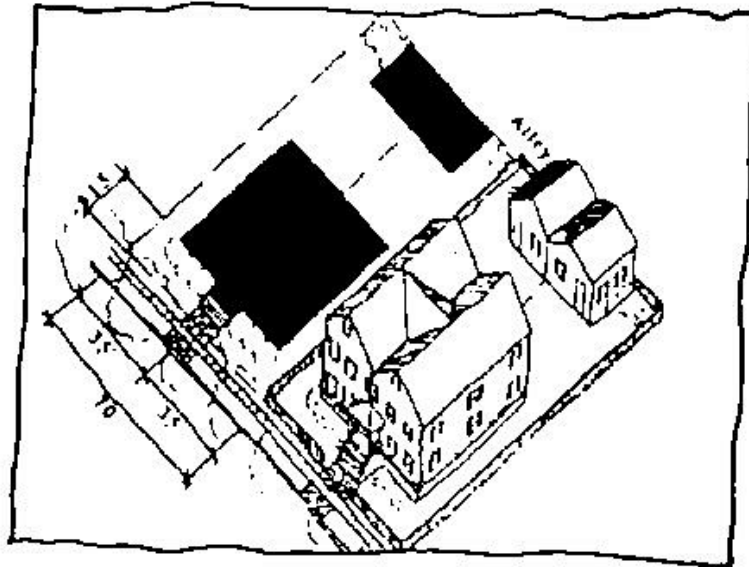


Illustration 57 Figure ground and axonometric of duplex dwelling.

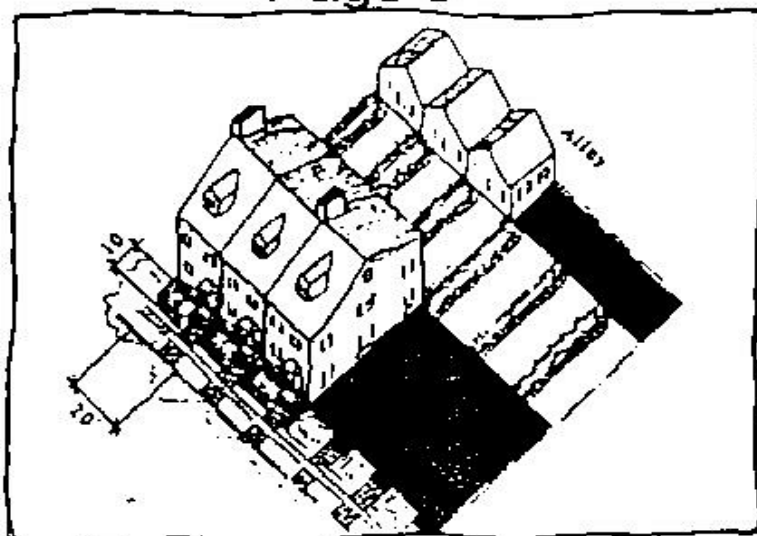


Illustration 58 Figure ground and axonometric of town house structure with detached garage.

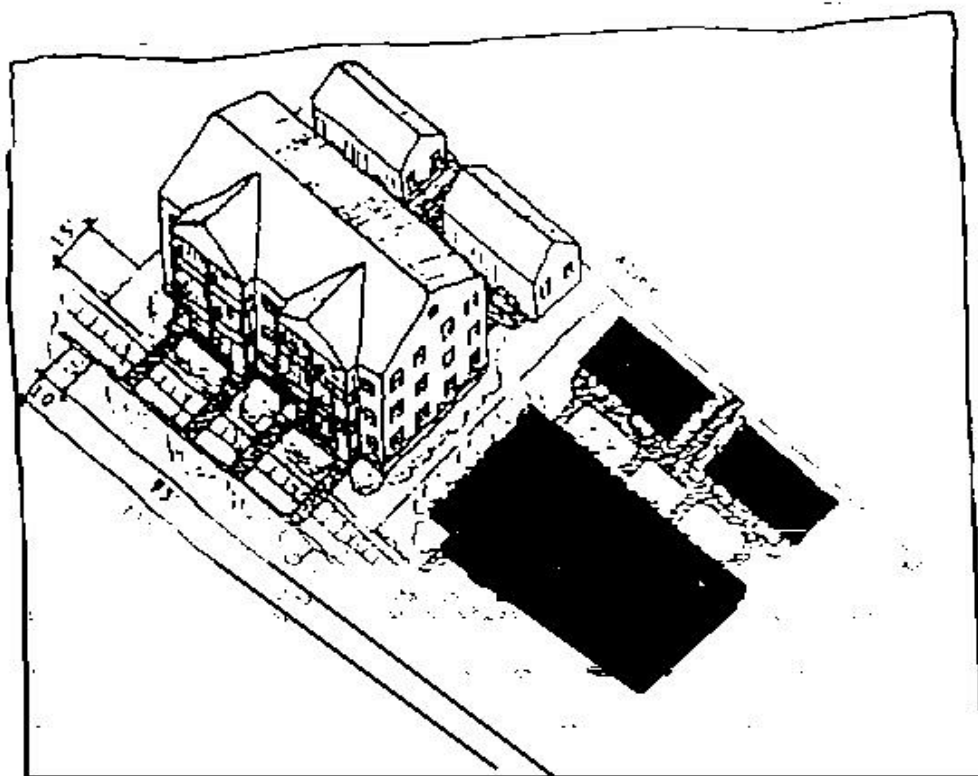


Illustration 59 Figure ground and axonometric of an apartment building on 110 foot deep lot. The building contains 9 units. There are garage spaces for one car per unit.

Appendix 2

Page 4

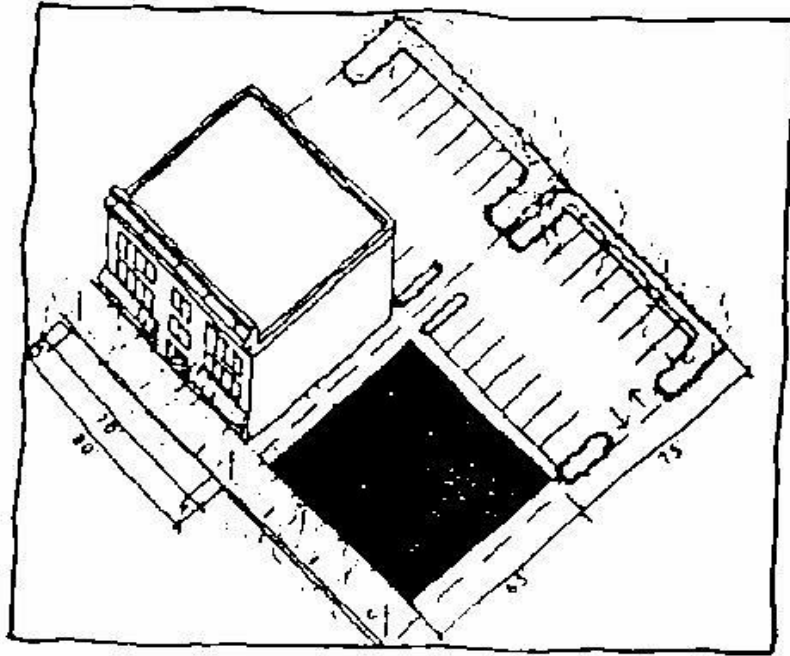


Illustration 60 Figure ground and axonometric of commercial or mixed use building.

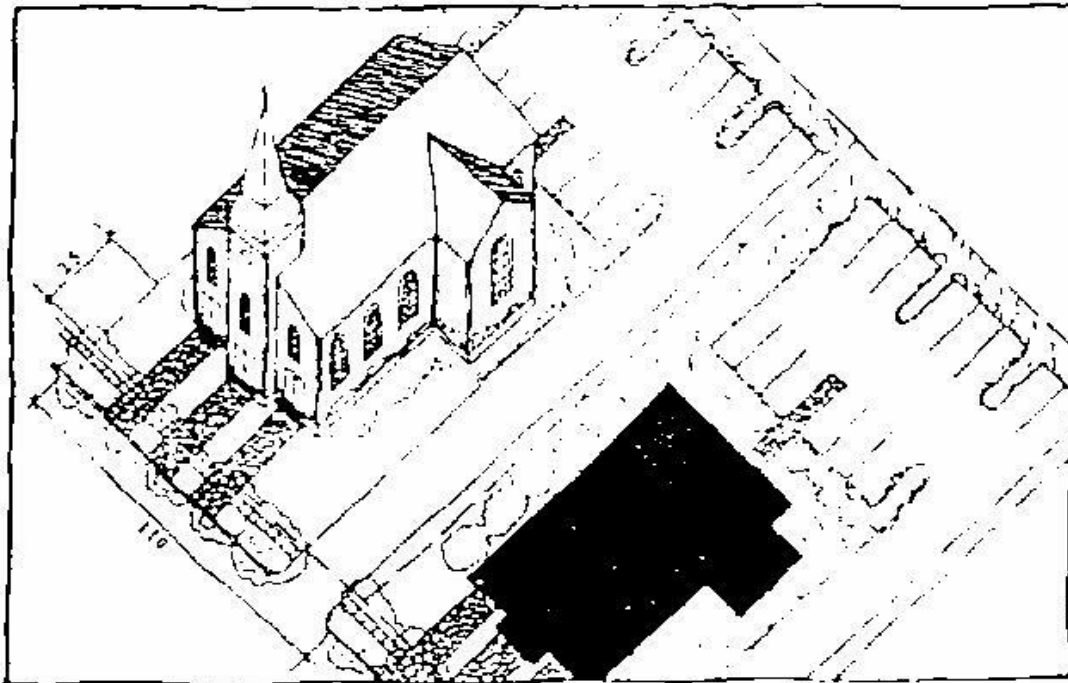


Illustration 61 Figure ground and axonometric of a House of Worship.

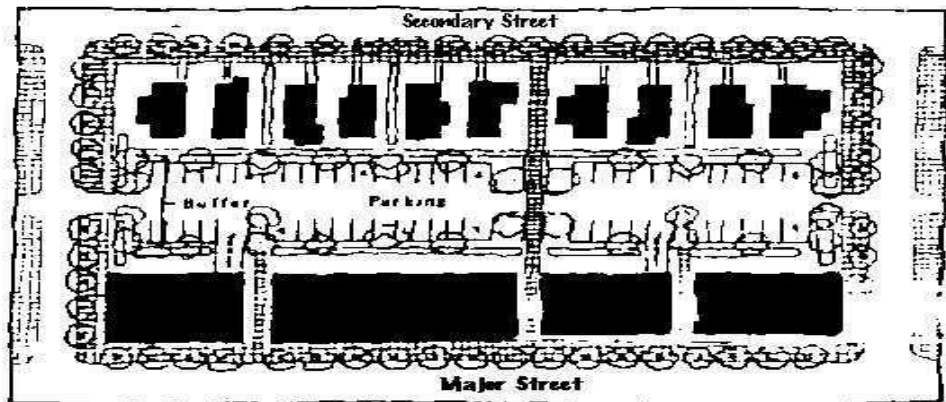


Illustration 62 off street parking areas must be located to the rear of buildings and appropriately landscaped, buffered and screened.

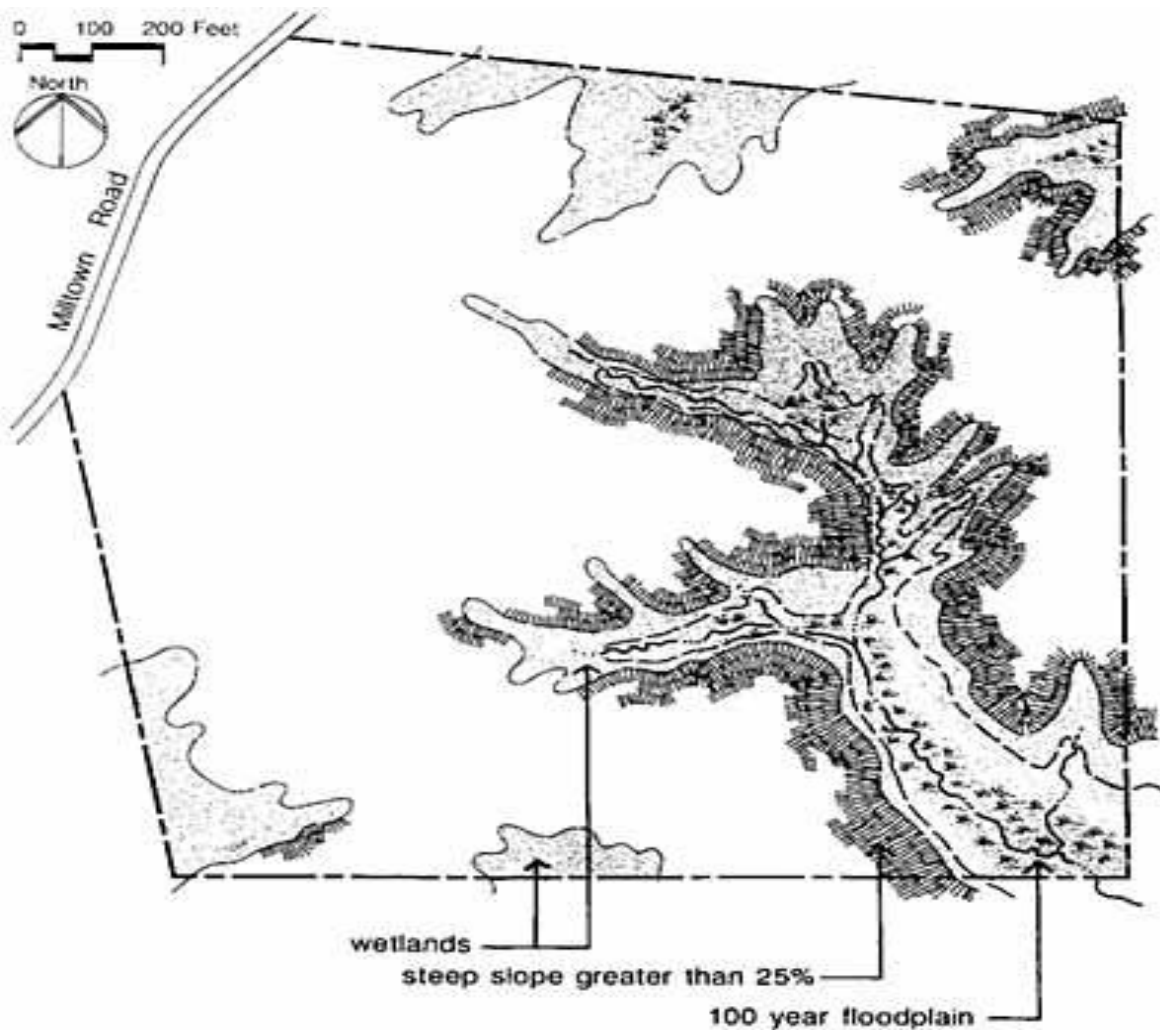


Figure 1
STEP ONE, Part One
Identifying Primary Conservation Areas

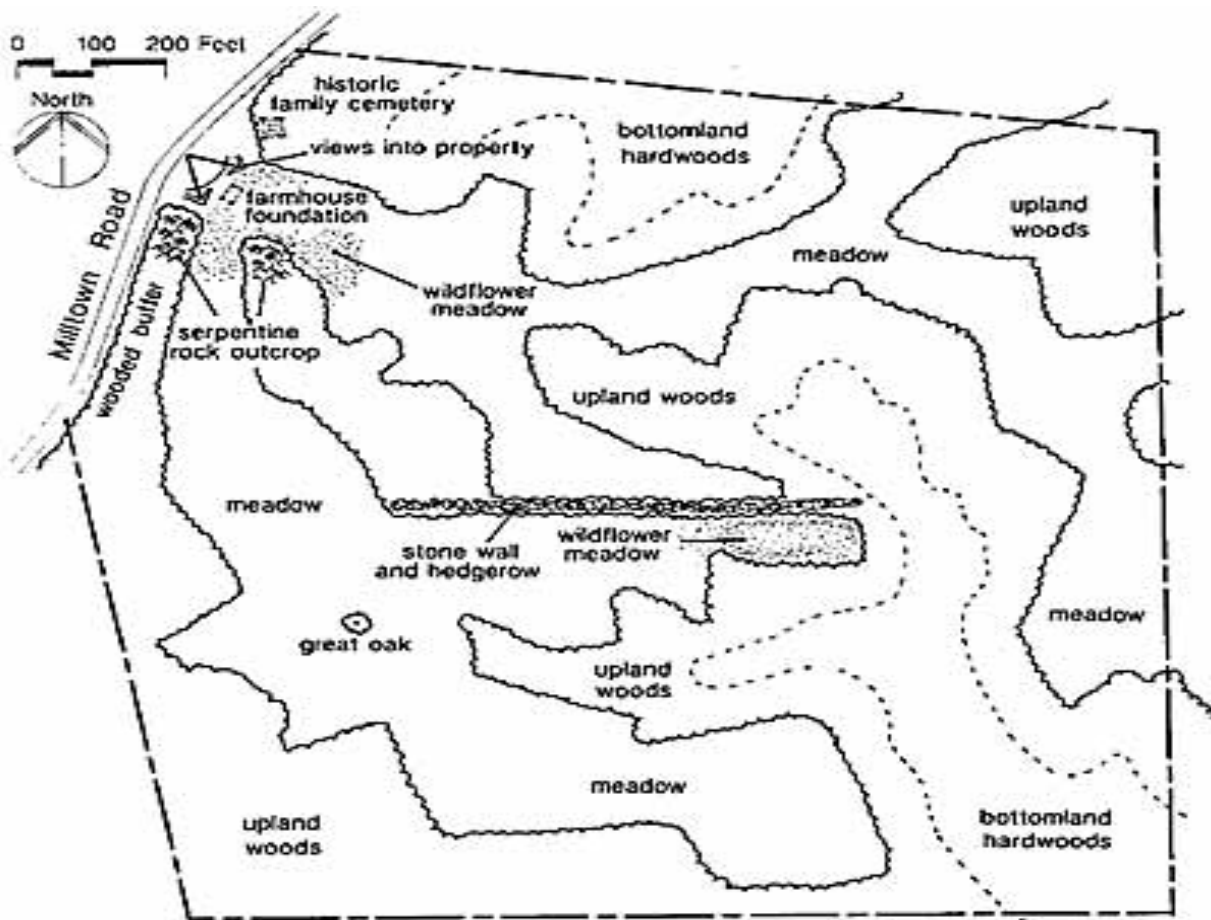


Figure 2
STEP ONE, Part Two
Identifying Secondary Conservation Areas

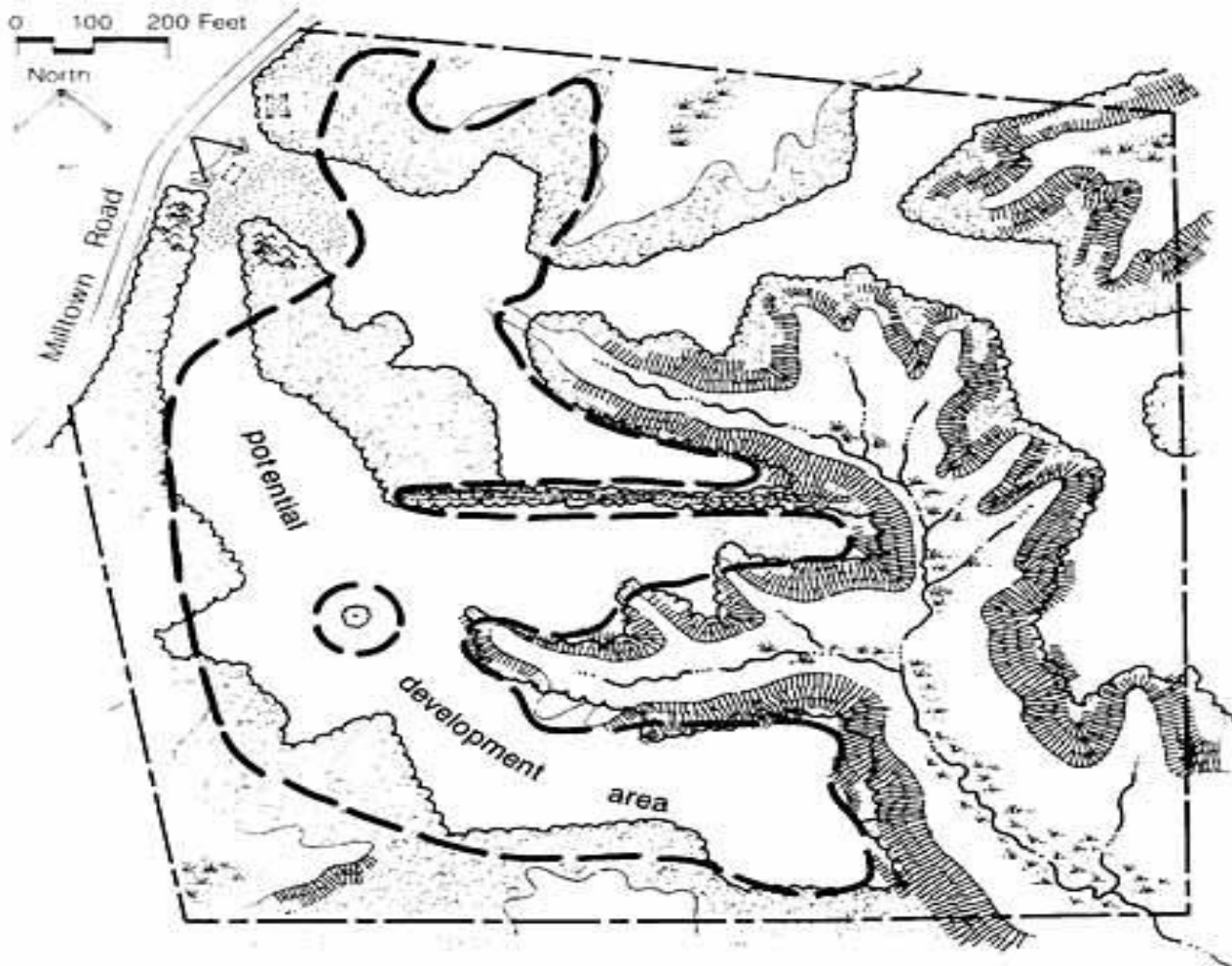


Figure 3
STEP ONE, Part Three
Potential Development Areas

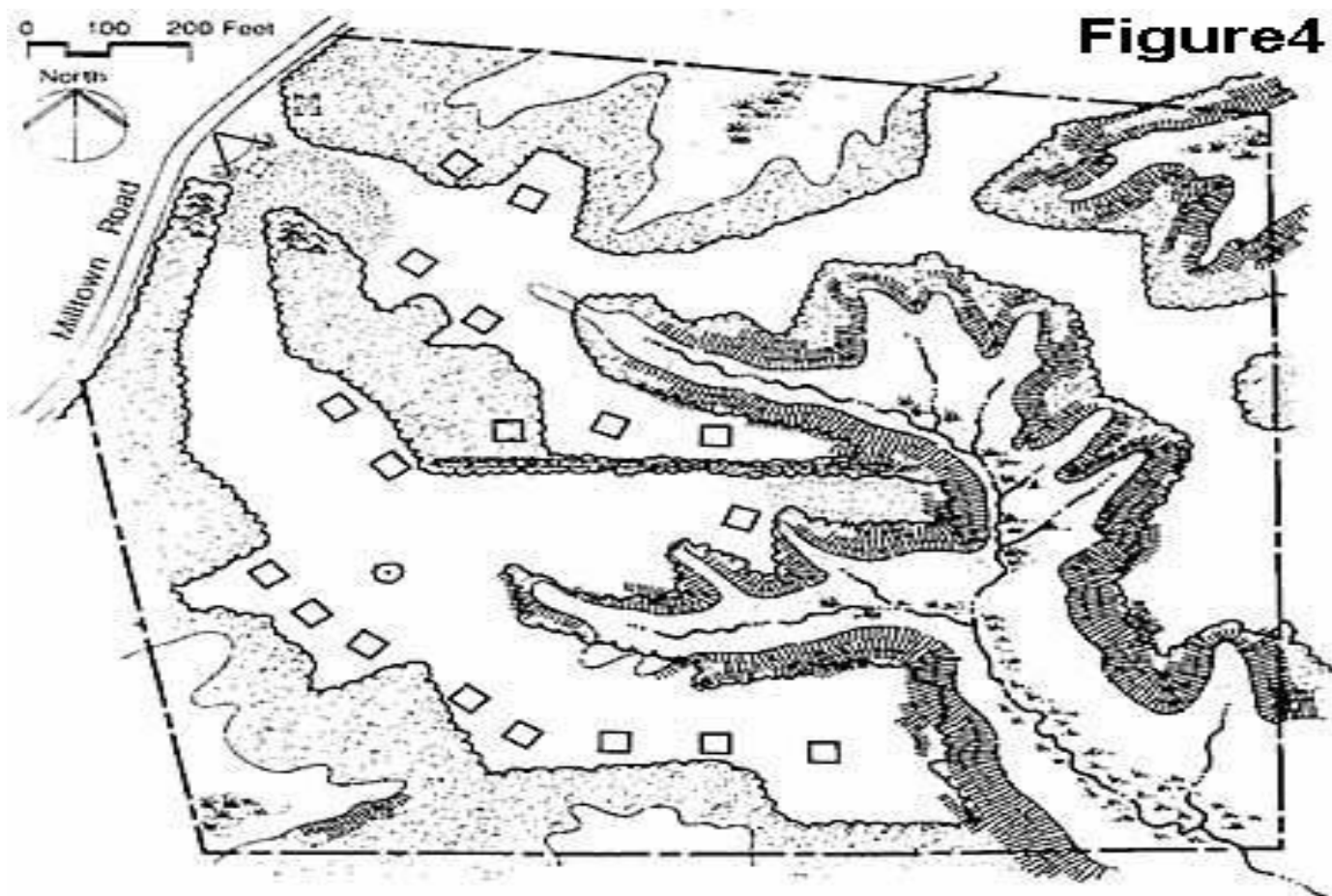


Figure 4
STEP TWO
Locating House Sites

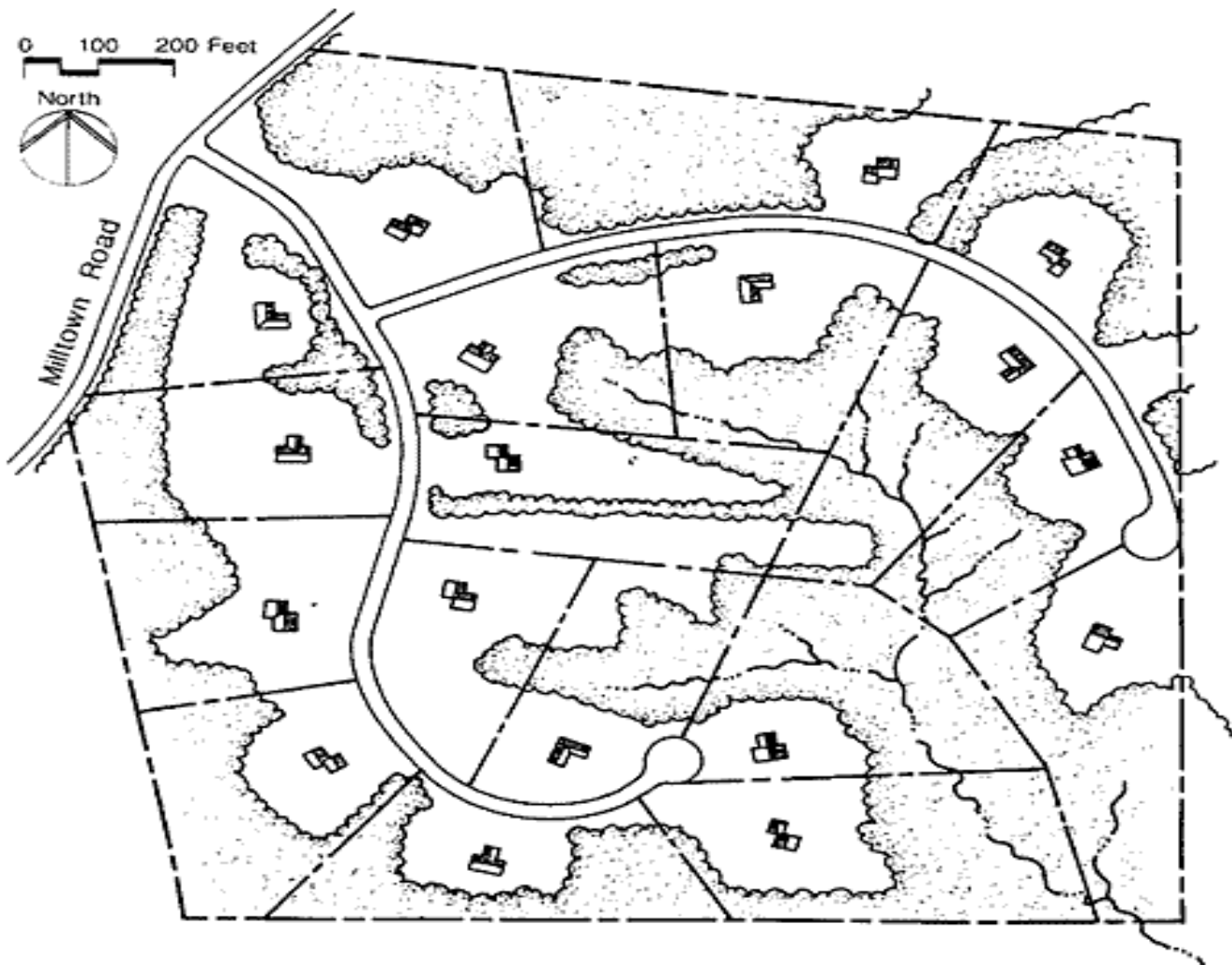


Figure 5
YIELD PLAN

The kind of subdivision most frequently created in Pennsylvania is the type which blankets the development parcel with house lots and pays little, if any, attention to designing around special features of the property. In this example, the house placement avoids primary conservation areas, but disregards the secondary features. However, such a sketch can provide a useful estimate of a site's capacity to accommodate new houses at the base density allowed under zoning - and is therefore known as a "Yield Plan."

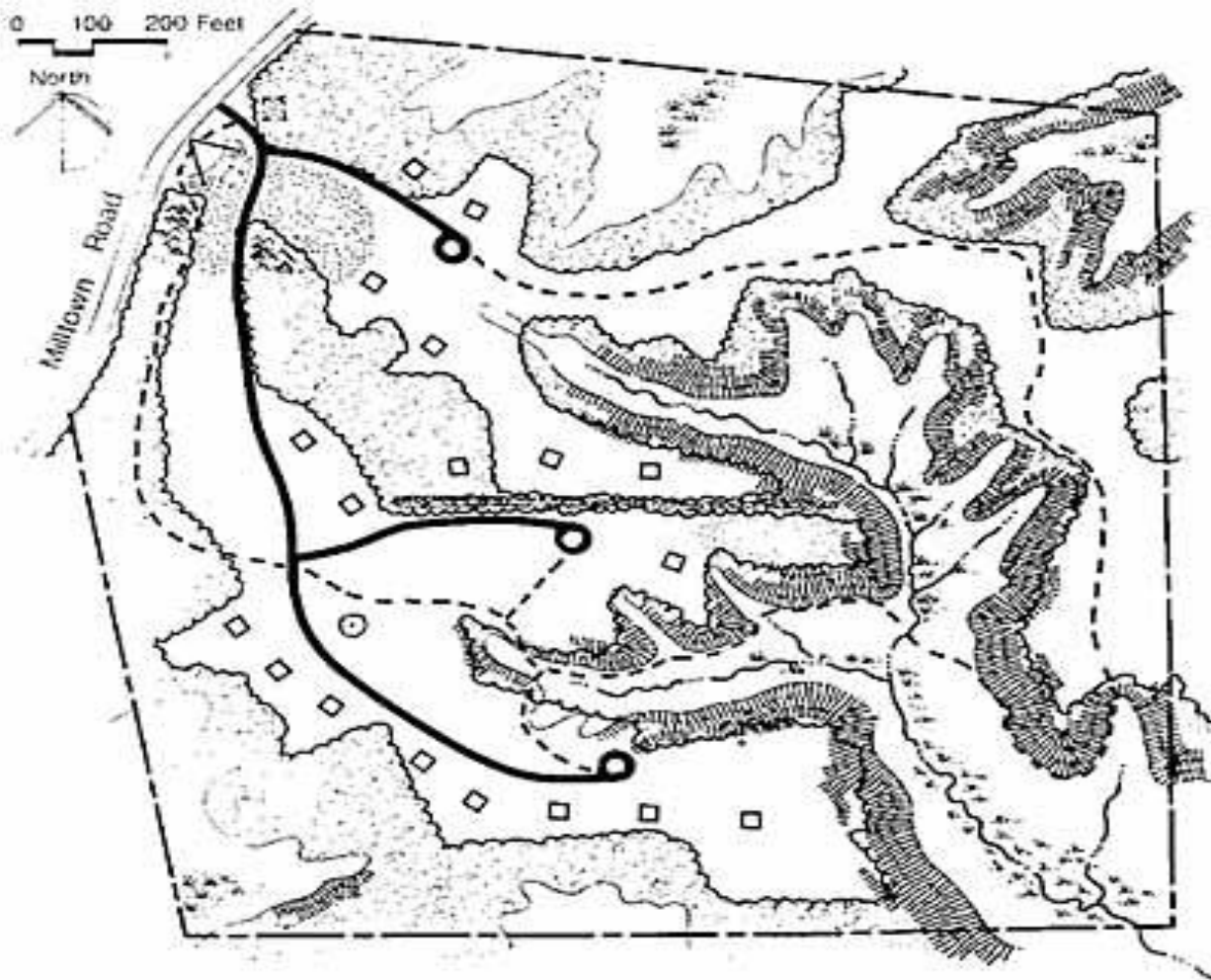


Figure 6
STEP THREE
Aligning the Streets and Trails

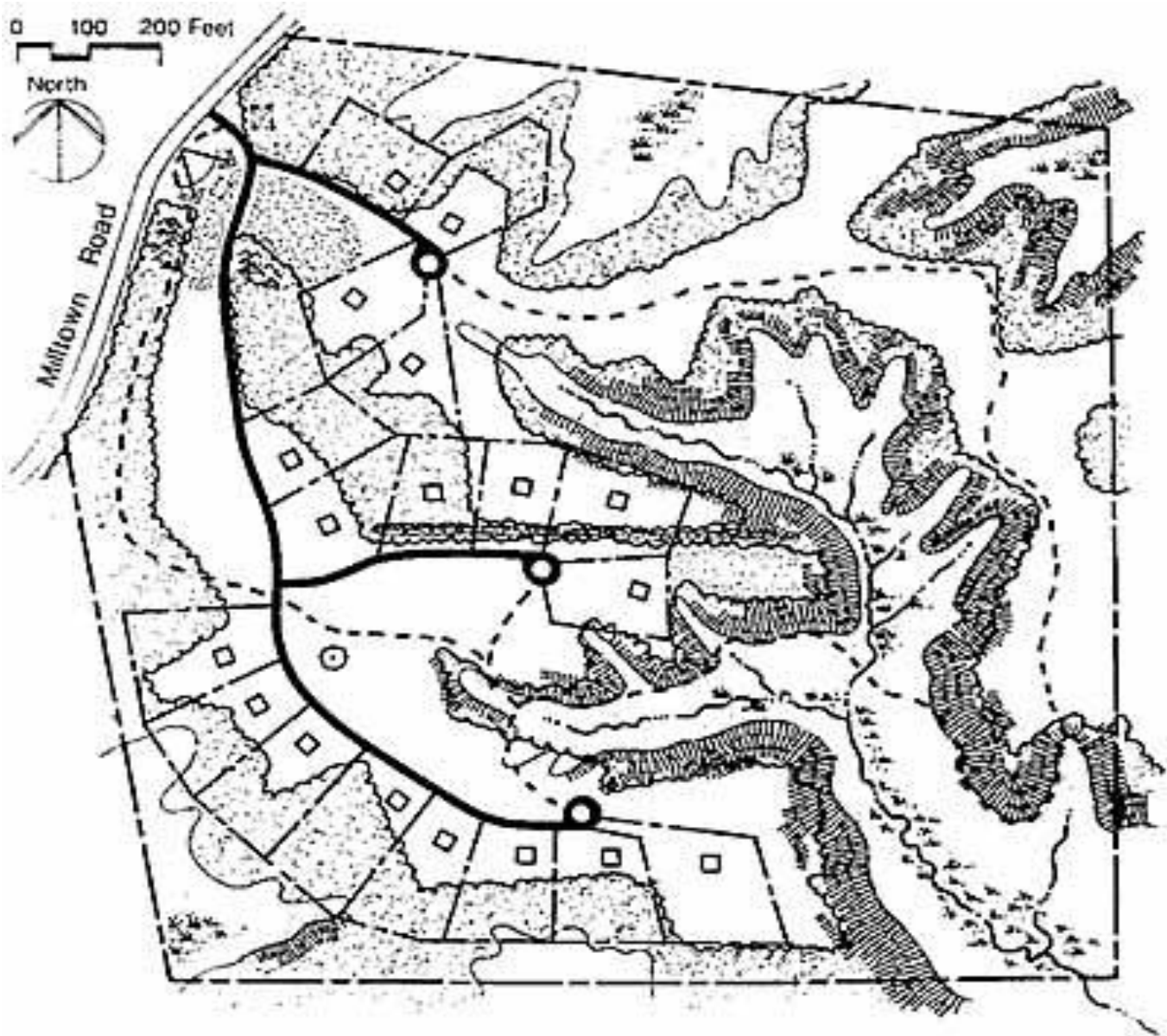
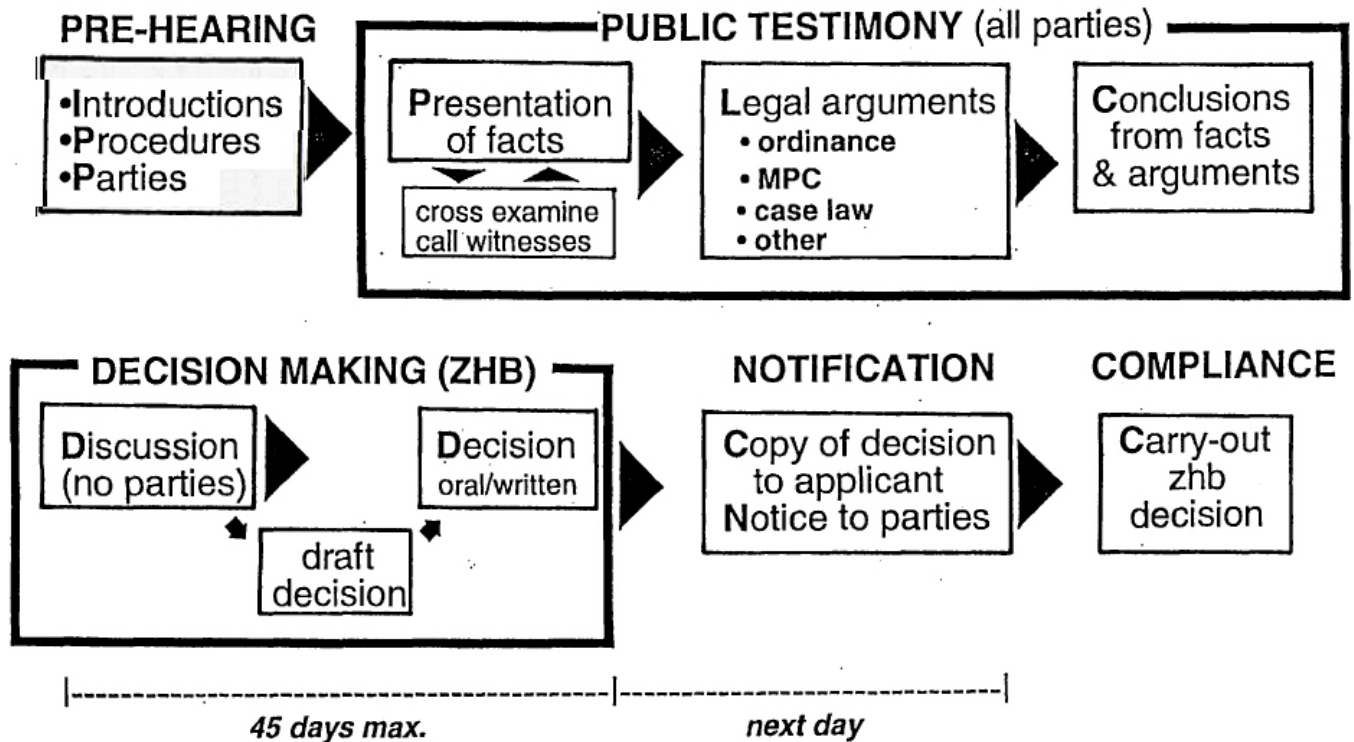


Figure 7
STEP FOUR
Drawing the Lot Lines

**Guidance Documents
For
Zoning Hearings**

Zoning Hearing Process



16

HZ7-1 Basic Course for Zoning Officials © 1995

The documents in this Appendix are intended for guidance purposes only. They are intend to assist the members of the Joint Municipal Zoning Hearing Board to establish procedures and protocols for Zoning Hearings.

Zoning Hearing Board Recommended Opening Statement and Operating Procedure

It is helpful for a zoning hearing board to begin its hearing by making some introductory remarks and comments on the procedures it will follow. The following statement is adapted from the Middletown Township (Delaware County) Zoning Hearing Board.

INTRODUCTION

The Chairperson of the Zoning Hearing Board calls the meeting to order, and welcomes everyone to the (month, day, year) meeting of the Zoning Hearing Board.

The purpose of the Zoning Hearing Board is to hear applications for special exceptions, nonconforming uses, requests for variances, and appeals from determinations made by the zoning officer. The Board gathers facts at a public hearing by taking testimony from the affected parties, and is charged with the legal responsibility of deciding whether to approve or disapprove applications and appeals. The Board will consider all relevant facts regarding the application, as well as evaluate its impact on the overall health and welfare of the community. When necessary, the Board can require special stipulations in connection with allowing special exceptions and variances. Only testimony taken during the hearing, and given under oath, is considered by the Board.

The Board does not make the zoning ordinance. The zoning ordinance, and revisions to it, are prepared by the planning commission and adopted by the elected governing body after they have held a public hearing. The Zoning Hearing Board is an interpretive body only. We follow some basic legal procedures in our hearings in order that the pertinent facts can be presented in an orderly and reasonable fashion by the applicant, the zoning officer, and other citizens who wish to be heard. But we try to be as informal as possible.

Decisions on applications and appeals are made by the Board at a regularly scheduled meeting, and by law must be made within 45 days of the last hearing on a case. While all decisions are made at public meetings, no further discussion by the applicant or other parties is allowed at that time.

PROTOCOL: NONCONFORMING USES

General Property Information

Location of the subject property

Who owns the property; for how long ☐

Is someone representing the owner; by what authority

Current use of the property: who, or what, currently occupies the premises;
for how long

Size, shape, dimensions of the property

Zone district classification

What is presently built on the property; where are structures located; when
were they built

Are there adjacent properties; what are they used for

How did this request come to the Zoning Hearing Board:

+ property owner requests change property

+

appeal from zoning officer determination:

Notice of Violation

Nonconforming Use Report)

If for a change in nonconforming use, what category of change:

+ expansion of nonconforming use

+ reconstruction or restoration

+ addition to nonconforming use +

change to another nonconforming use

+ other change (such as fill-in)

Is there a record of previous actions regarding the nonconforming status of
this property. Do any of those actions affect this application.

Is it the owner's intention to cease the nonconforming use (municipality
burden to prove)

Other

Is the change to fill-in a portion of a nonconforming structure or setback

Is the change to extend a wall or portion of a structure in a yard area

How extensive is the extension

PROTOCOL: NONCONFORMING USES

Impact Effects

Will the proposed change to the nonconforming use have an impact on the surrounding area to the extent that it will adversely affect the public health, safety or welfare.

Is the change one that enjoys constitutional protection (such as “natural expansion” of a nonconforming use) and must be allowed

Is the change one that is permitted by the zoning ordinance

Details of the Nonconforming Use

(To be provided by property owner)

What exactly are all of the features/details of the property which are claimed to be nonconforming: use, height, area, setbacks, other

When were the nonconformities created

Is evidence needed to support a claim establishing date of existence

What evidence is presented by the property owner+

permits, receipts, contracts

+ photographs

+ telephone or other directories

+ testimony of others with personal knowledge of the property

+ other objective evidence or information that can help date the property or use

Were there zoning provisions in effect at the time the nonconformity(s) was established. What provisions were applicable to the property

Was the nonconforming use legally established under the applicable zoning provisions at the time of creation. If no zoning ordinance was in existence, was it a legal activity.

Does the nonconformity result from a subsequent zoning change

PROTOCOL: NONCONFORMING USES

Basis of Request

Expansion of Use

What is the nature of the expansion; what is to be expanded ☐

Is the expansion essential for the survival of the nonconforming use (“Natural Expansion”) ☐

Is the expansion a “modernization” of the use

Will expansion occur within the structure

Will expansion enclose open land previously devoted to the use

Will expansion cover land on the property not previously used

Will expansion encroach into dimensional requirements of the ordinance.

(If yes, are variances also being requested) ☐

Will expansion require new support facilities, such as parking

Change of Use/Addition ☐

What is the specific change or use being requested

Are there standards in the zoning ordinance regarding use change

Will the change be for a use allowed in the same district; another district

Is the request allowable under the terms of the ordinance

Reconstruction/Restoration of Use ☐

What is the reason the nonconforming use must be reconstructed

If the use has been damaged, to what extent. How is the estimate of damage being provided

Are there standards in the ordinance governing restoration ☐

Does this request meet the terms of the ordinance

Abandonment, Termination of Use ☐

Does the zoning ordinance have a specific period of non-use

Has the time of non-use been exceeded

Has the nonconforming use actually ceased

Are there circumstances which explain why there was non-use

SPECIAL EXCEPTION APPLICATIONS

General Property Information

Location of the subject property
Who owns the property; for how long
Is someone representing the owner; by what authority
Current use of the property: who, or what, currently occupies the premises; for how long
Size, shape, dimensions of the property
Zone district classification
What is presently built on the property; where are structures located; when were they built
Are there adjacent properties; what are they used for

Specific Requirements

What use is being applied for
Is this use permitted as a special exception in the district
Is there a issue of interpretation regarding whether or not the use is allowed as a special exception
What is the relevant ordinance section allowing this use
What specific standards and criteria are required for this type of special exception
Does the Applicant meet the initial burden of showing that these ordinance requirements are met
Are there other ordinance provisions that establish requirements for this use (whenever it is allowed, whether a special exception or not)
If the Applicant doesn't meet all the standards and criteria in the ordinance, are variances being applied for also
What are the specific characteristics of the use being applied for, such as: type of service/business to be operated, number of employees, do clients come to location or do workers ,deliveries, vehicle traffic generated, hours of operation, equipment used, what streets/roads are used as access,
If the Applicant has presented evidence and shown that the specific requirements have been met, proceed to the next set of requirements.

SPECIAL EXCEPTION APPLICATIONS

SPECIAL EXCEPTION

When an applicant for a special exception has met all of the objective standards in the zoning ordinance for the proposed use, the zoning hearing board must approve the request unless *it finds that the proposed use would adversely affect the community*.

What is the basis for determining what *adversely affected* means? The following excerpt from a zoning decision helps clarify the three considerations that are needed to make such a determination.

(X) The law is well settled that an *applicant* for a special exception initially must meet only the burden of establishing that the proposed use *complies with the specific requirements of the ordinance* which expressly governs that grant of a special exception. [Bray v. Zoning Board of Adjustment, 48 Pa. Cmwlth. Ct. 523,410 A.2d 909 (1980)]

(~) Where, as here, that burden is satisfied (by the applicant), then any *objectors* to the proposed use must, to be successful, satisfy their burden of showing that the proposed use is a *detriment to the public health, safety and welfare*. [Danwell Corporation v. Zoning Hearing Board of Plymouth Twp., 108 Pa. Cmwlth. Ct. 531,529 A. 2d 1215 (1987)]

~ The *objectors* must show that the impact would be *greater than would normally be expected* from that type of use and that this use would pose a substantial threat to the health, safety and welfare of the community. [Abbey v. Zoning Hearing Board of the Borough of East Stroudsburg, 126 Pa. Cmwlth. Ct. 235, 559 A. 2d 107 (1989)]

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Zone district classification

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were they built

Are there adjacent properties; what are they used for

What are the specific provisions of the zoning ordinance from which relief
is being requested

What hardship is claimed to be created by the ordinance provision

Is the variance for the property

Is the variance for the owner's convenience

Is the problem a "personal" one

Is the request for a dimensional variance to permit use of the property

Is it for a change of use

Would a dimensional variance result in a change of use (or intensity, or
character of use)

If a use variance is being requested, is it for a use permitted in the zone
district; a use allowed in a different district

Is the variance for a purpose which is not serious, substantial and compelling

SPECIAL EXCEPTION APPLICATIONS

Specific Variance Criteria

Refer to Section 910.2 of the MPC. Apply the five criteria. The Applicant has the burden of proof.

1. What are the physical circumstances or conditions of the property
 - + is the condition “unique” to the property
 - + is the condition general in the neighborhood or district
2. Do the physical conditions make it impossible to use the property in strict conformance with the ordinance
 - + is a variance needed to make reasonable use of the property
3. Has the hardship been created by the applicant
4. If granted will a variance alter the character of the neighborhood or district

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2. Do the physical conditions make it impossible to use the property in strict conformance with the ordinance
 - + is a variance needed to make reasonable use of the property
3. Has the hardship been created by the applicant
4. If granted will a variance alter the character of the neighborhood or district
 - + will it impair appropriate use or development of adjacent property
 - + will it be detrimental to public welfare
5. Is the variance requested the minimum needed for relief
 - + is it the least modification of the zoning regulation

Special Considerations (where appropriate)

What has property owner done to market the property for use without a variance

Without a variance, does property have no value, or only distress value

Without a variance can the property only be developed at prohibitive cost

Without a variance would structures have to be demolished in order to use the property

Conditions

Are special conditions or safeguards called for

- + does it arise from testimony presented
- + what conditions/safeguards will take care of the problem
- + are the conditions/safeguards reasonable
- + will the conditions/safeguards need to be monitored; by whom

Legend

- Residential Town RT
- Residential Urban RU
- Downtown Commercial CD
- Commercial Manufacturing CM
- Highway Commercial HC

