

NEWTON TOWNSHIP
LACKAWANNA COUNTY
ZONING ORDINANCE

TABLE OF CONTENTS

ARTICLE I - GENERAL PROVISIONS

101	Title	1
102	Short Title	1
103	Purpose	1
104	Interpretation	2
105	Community Development Objectives	2
106	Intent	2

ARTICLE II - DEFINITIONS

201	Construction of Ordinance	4
202	Specific Definitions	4

ARTICLE III - ESTABLISHMENT OF DISTRICTS

301	General Districts	23
302	Official Zoning Map	23
303	District Boundaries	23
304	District Regulations	24
305	Non-conforming Buildings and Uses	24
306	General Provision for all Districts	26
307	Permitted Deviations From Required Sizes	29
308	Antenna, Radio, and/or Other Towers	30
309	Unique Lots and Building Locations	31
310	Accessory Structures and Uses	31
311	Signs	34
312	Off-Street Parking and Loading	40
313	Natural Resource Uses and Open Excavations	45
314	Buffer For Waterbodies and Wetlands	49
315	Conditional Uses and Special Exceptions	50
316	Performance Standards Applicable to All Uses in All Districts	53
317	Junk Yards	58
318	Water and Sewer	61
319	Solid Waste	62
320	Recycling Facilities	63
321	Traffic Study	65
322	Environmental Impact Statement	69
323	Manufactured Housing, Vehicle and Trailer Sales Operations	73
324	Hotels, Motels, and Lodging Facilities	73
325	Stables and Kennels	74

L

NEWTON TOWNSHIP
LACKAWANNA COUNTY
ZONING ORDINANCE

TABLE OF CONTENTS (cont.)

326	Keeping of Animals on Residential Properties	75
327	Mini-Storage Facilities	75
328	Development on Steep Slopes	76
329	Yard Sales	77
330	Adult Stores	78
331	Mobile Home Parks	78
332	Recreational Vehicle Parks	78
333	Vehicle Related Uses	78
334	Bulk Fuel Storage Facilities	81
335	Institutions, Penitentiaries, Reformatories, Juvenile Detention Centers, Rehabilitation Centers and Similar Structures and Uses	81
336	Outdoor Recreation Facilities	82
337	Two-Family Dwellings	84
338	Multi-Family Dwellings	85
339	Earth Disturbance and Clearcutting Permit	91

ARTICLE IV - RESIDENTIAL DISTRICTS (R-1)

401	Required Conditions	92
402	Schedule of Uses	92
403	Prohibited Uses	93
404	Other Uses in the R-1 District	93

ARTICLE V - BUSINESS ZONES (C-1 and C-2)

501	Site Plan Required	95
502	C-1 Business District Required Conditions	97
503	C-2 Business District - Heavy Commercial Required Conditions	99

ARTICLE VI - MANUFACTURING DISTRICT (M-1)

601	Required Conditions	102
602	Schedule of Uses	103
603	Prohibited Uses	104
604	Other Uses	104
605	Commercial Use/Apartment Combinations	104
606	Site Plan Required	104
607	Performance Standards	105
608	Off-Street Parking	105
609	Off-Street Loading and Unloading Space	105
610	Signs	105

NEWTON TOWNSHIP
LACKAWANNA COUNTY
ZONING ORDINANCE

TABLE OF CONTENTS (cont.)

ARTICLE VII - AGRICULTURAL DISTRICT (A-1)

701	Agricultural District (A-1)	106
702	Schedule of Uses	106
703	Prohibited Uses	108
704	Site Plan Required	108

ARTICLE VIII - CONSERVATION DISTRICT (S-1)

801	S-1 Districts	110
802	Schedule of Uses	110

ARTICLE IX - FLOOD PLAIN DISTRICT

901	Flood Plain District	110
-----	----------------------	-----

ARTICLE X - ADMINISTRATION

1001	Zoning Officer	111
1002	Zoning Hearing Board	111
1003	Appeals to Court and Other Administrative Proceedings	113
1004	Amendments	113
1005	Violations	114
1006	Penalties and Remedies	114
1007	Fees	115
1008	Validity	115
1009	Repealer	115

ARTICLE XI - ZONING MAP DESCRIPTION

1101	R-1 Residential	116
1102	C-2 Light Commercial	116
1103	C-2 Commercial	117
1104	S-1 Conservation	117
1105	M-1 Manufacturing	117
1106	A-1 Agriculture	117

ARTICLE XII	- ENACTMENT	118
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NEWTON TOWNSHIP
LACKAWANNA COUNTY
ZONING ORDINANCE

ORDAINING CLAUSE

BE IT HEREBY ORDAINED AND ENACTED by the Board of Township Supervisors of the Township of Newton, Lackawanna County, by authority of and pursuant to the provisions of Articles VI through X of Act No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known and cited as the "Pennsylvania Municipalities Planning Code," and any amendments and supplements thereto, as follows:

ARTICLE I - GENERAL PROVISIONS

01 Title

AN ORDINANCE PERMITTING, PROHIBITING, REGULATING, RESTRICTING, AND DETERMINING THE USES OF LAND, WATERCOURSES, AND OTHER BODIES OF WATER; THE SIZE, HEIGHT, BULK, LOCATION, DIRECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL AND USE OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND AND BODIES OF WATER TO BE OCCUPIED BY USES AND STRUCTURES AS WELL AS COURTS, YARDS, AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; CREATING ZONING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF; ESTABLISHING THE OFFICE OF ZONING OFFICER; CREATING A ZONING HEARING BOARD; AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT, AND ENFORCEMENT OF THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES.

02 Short Title

THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS THE "NEWTON TOWNSHIP ZONING ORDINANCE."

03 Purpose

This Ordinance is enacted for the following purposes:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare; coordinated and practical community development; density of population; civil defense and disaster evacuation, airports, and national defense facilities; the provisions of adequate light and air; police protection; vehicle parking and loading space; transportation; natural resources, agricultural land and uses; reliable, safe and adequate water supplies; sewerage, schools, public grounds and other public requirements and other purposes set forth in the Pennsylvania Municipalities Planning Code.
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This Ordinance is adopted in accordance with an overall land use control program and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.

104 Interpretation

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the Township and its citizens. This ordinance is not intended to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Township which are not in conflict with any provisions of this Ordinance, nor is this Ordinance intended to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control.

105 Community Development Objectives

This Zoning Ordinance has been adopted in part to assist in implementing the Newton Township Comprehensive Plan. The Community Development Objectives supplement the Goals and Objectives in the Comprehensive Plan and include, but are not limited to the following:

- A. To insure that the land uses of the community are logically situated in relation to one another.
- B. To provide adequate space for each type of development in the community so as to avoid overcrowding of land.
- C. To provide for the control of development density in each neighborhood so that the populace can be serviced adequately by such facilities as streets, schools, recreation, and utilities systems.
- D. To protect existing property by requiring that development afford adequate light, air, and privacy for persons living and working within the municipality.
- E. To facilitate the efficient movement of traffic.
- F. To secure the preservation and prudent use of natural resources.
- G. To strive for a variety in housing types.
- H. To provide for equal opportunities in all facets of community living.
- I. To strive for coordination between policies, plans, and programs in the community through cooperation among governing officials, community interest groups, and the general populace.

106 Intent

The general intent of this Zoning Ordinance is to maintain the general rural and agricultural community by zoning the Township into seven (7) zones and not to have spot zoning which would defeat the intent of this Ordinance.

A brief summary of each zone as intended by this Ordinance is listed below.

A1 Agricultural District

An area where agricultural activities will be the major use of the land but which also permits residential uses; single, two, three and four family dwellings and mobile homes on single lots of prescribed size.

C1 Community Commercial District

An area where retail and service type businesses are promoted but which also permits the uses outlined in an A1 District.

C2 Heavy Commercial District

An area which permits limited commercial and industrial use but also permits uses outlined in an A1 District and a C1 District.

M1 Manufacturing District

An area which permits any use not included in any other District but such use must comply with all Ordinances of Newton Township, State and Federal Laws. This District permits any uses outlined in Districts A1, C1, and C2.

R1 Single Family Residential District

This area permits only single family homes of a minimum 1,000 sq. feet in floor area per dwelling; no mobile homes are allowed in this District.

S1 Conservation District

This area only permits open space land use; no dwellings, and includes State Game Lands and other public lands.

F1 Flood Plain District

This area is governed by the Flood Plain Ordinance of Newton Township.

ARTICLE II - DEFINITIONS

201 Construction of Ordinance

The following words and phrases as used in this Ordinance shall have the following meanings ascribed thereto, unless the context thereof clearly indicates a different meaning; words used in the present tense include the future, the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure", the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; the word "shall" is mandatory and not permissive, the word "abut" shall include words "directly across from", and the word "occupied" shall mean designed for, used for, or intended to be used by.

202 Specific Definitions

For the purpose of this Ordinance, the following words, terms and phrases shall have the meaning herein indicated:

Accessory Use or Structure: A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal buildings, height not to exceed fifteen (15) feet.

Adult Stores: A use of a building or land for a business which has obscene materials as a significant portion of its stock-in-trade or involves the sale, lease, trade, gift or display of drug paraphernalia. Obscene materials include any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or recorded matter which depicts or describes, sexual conduct and which, taken as a whole, does not have serious literary, artistic, political or scientific value. Drug paraphernalia includes any objects, devices, instruments, apparatus or contrivances, whose primary and traditionally exclusive use is involved with the illegal use of any and all controlled substances under the Pennsylvania statutes.

Agent/Owner/Applicant: Any person who can show written proof that he has authority to act for the property owner.

Agricultural Use: The use of any parcel of land containing ten (10) or more acres for economic gain in the raising of agricultural products, livestock, poultry and/or dairy products. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes the raising of fur bearing animals, riding academies, livery or boarding stables and dog kennels; and excluding the disposal or use of sludge, septage or similar waste products.

Agriculture Products Processing: An industry that involves the processing of raw agricultural products; and transforming those products into a more refined, prepared or marketable state. Includes, but is not limited to, such uses as sawmills, dairies and food canning and freezing operations.

Alterations: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by

extending on a side or by increasing in height, or the moving from one location or position to another.

Amusement Park: A commercially operated park or facility with various devices for entertainment including but not limited to rides, games, electronic games and similar devices, food stands and other associated facilities.

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

Antique Auto: A motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year, which has been maintained in or restored to a condition which is substantially in conformance with manufacturer specifications and which is currently licensed by a State Department of Transportation.

Bakery: An establishment which manufactures quantities of goods for retail elsewhere or on the premises. Bakeries are permitted in the C1 District only.

Basement: A story having a floor level not more than three and one-half (3 1/2) feet below the average elevation of ground at the foundation level. Any portion of a basement when used as a dwelling shall be counted in the height measurement requirements. (Split level and Bi-levels.).

Bed and Breakfast: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with meals normally included as a part of the services rendered.

Boarding or Lodging House: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with meals normally but not necessarily included as a part of the services rendered.

Buffer: A part of a required setback area (yard) which is used to provide separation between incompatible uses to effect a visual barrier, reduce noise, block physical passage between uses, and reduce noise, dust and litter. The separation may be effected by fencing, dense vegetative planting, the provision of additional setback distances, berms or a combination thereof; and, in general, widths of buffers are increased as the density or opaqueness of the barrier decreases.

Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter enclosure of any persons, animals, or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, with the exception of meeting minimum side yard requirements.

Building Height: The vertical distance measured from the average height of the ground surrounding the building to the highest point of the roof, but not including chimneys, spires, towers, elevator penthouses, tanks, and similar projections. Notwithstanding the above, no accessory building shall be more than fifteen (15) feet high measured as set forth above.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Bulk Fuel Storage Facility: Any facility where fuel, including but not limited to kerosene, home heating oil, gasoline, and propane, is stored in tanks for distribution to wholesale establishments or individual users; but not including any facility where the total fuel storage is less than one-thousand (1,000) gallons.

Bus Terminal: An area and/or building where buses are stored or parked on a regular basis with or without bus maintenance and repair facilities.

Campground or Recreational Vehicle (RV) Park: See Recreational Subdivision or Land Development.

Car Wash: Any building or premises or portions thereof used for washing automobiles for commercial purposes.

Cellar: A story partly underground and having more than one half of its clear height below the average level of the adjoining ground. No unfinished portion to be used as a dwelling unit.

Child Care Center: Any establishment enrolling four or more children five (5) years of age or younger and where tuition, fees, or other forms of compensation for the care of the children is charged.

Church: A building used for public worship.

Clear Sight Triangle: An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

Club/Lodge, Private: An establishment operated for social, athletic, recreational or educational purposes but open only to members and not generally open to the general public.

Code Enforcement Officer: See Zoning Officer

Commercial Vehicle: A commercial vehicle shall be any vehicle other than a private passenger vehicle, including trucks, trailers, and construction equipment.

Commission: The Planning Commission of Newton Township.

Community Well: A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with Pennsylvania Department of Environmental Resources regulations.

Comprehensive Plan: The Newton Township Comprehensive Plan including all maps, charts and textual matter.

Conditional Use: A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Township Board of Supervisors after recommendations by the Planning Commission.

Contracting Businesses and Trades: Any commercial activity which is associated with the construction or erection of buildings or structures at a project site, including

but not limited to, excavators, builders, plumbers, electricians, painters, well drillers, masons, and similar trades.

Contractors Yard: Any premises used as the base of operation by any tradesman, contractor or subcontractor for the storage of equipment and supplies, fabrication of sub-assemblies and parking of vehicles and equipment used in any contracting business or trade.

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

Convenience Store: A one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"), it may also include the sale of gasoline but shall not include the repair or service of vehicles.

Corral: An enclosure for confining livestock and which is typically attached to or situated in close proximity to a stable or barn; as contrasted to a pasture.

Country Club: A recreational property owned and managed by membership organization and including recreational facilities, restaurant and meeting rooms.

Court: A court is any open, unoccupied area which is bounded by three or more attached building walls.

Deck: An elevated (more than 6 inches) attached accessory structure constructed of wood with no walls or roof. As an attached accessory structure, it must meet the required setbacks for the principle building.

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

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

District: A district or zone shall be any portion of the territory of the Township of Newton within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Dwelling or Dwelling Structure: Any building or portion thereof containing sleeping and sanitary facilities which is designed or used exclusively as the residence of one or more persons; not including a mobile home, motel, hospital, nursing home, dormitory, fraternity or sorority house, boarding house or similar structure. A dwelling may be referred to as either single family, two family or multiple family and detached, semi-attached or attached

- A. **Dwelling, Single Family -** Any dwelling designated for or occupied exclusively by one family and containing not more than one dwelling unit.

- B. Dwelling, Two-Family - Any dwelling designated for or occupied exclusively by two (2) families.
- C. Dwelling, Multiple Family - Any dwelling designated for or occupied exclusively by more than two (2) families but not more than four (4) families.
- D. Dwelling, Detached - Any dwelling whose units have two (2) side yards. Two family and Multiple Family detached dwellings have units arranged over one another.
- E. Dwelling, Semi-Attached - Any dwelling whose unit(s) have one (1) side yard and have one (1) party wall in common.
- F. Dwelling, Attached - Any dwelling whose unit(s) have two party walls in common with other buildings or units.

Dwelling Unit: One (1) or more rooms, including a kitchen or kitchenette, and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes.

Earth Disturbance Activity: Any construction or other activity which disturbs the surface of the land including but not limited to excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth.

Essential Services: Public utility, facilities that do not require enclosure in a building, including the construction or maintenance, of gas, electrical, steam, telephone, sewage treatment plants and collection systems, or water distribution systems; including equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment.

Family: Either an individual, or two or more persons related by blood or marriage or adoption or up to five (5) unrelated persons living together as a household in a dwelling unit.

Farm Labor Camps: Any living quarters or housing accommodations maintained directly or indirectly in connection with any work or place where work is being performed by seasonal agricultural workers, except houses rented on a yearly basis to employees and their immediate families for dwelling purposes.

Fast Food/Drive Through Restaurant: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off-premises and which may include facilities that enable customers to obtain food while remaining in their vehicles.

Forestry Enterprises: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services including the operation of a sawmill but excluding other wood manufacturing businesses.

NEWTON TOWNSHIP ZONING ORDINANCE, 1991

9

Garage, Private Parking: A detached accessory building or a portion of a principal building used for storage of automobiles by the families resident upon the premises; and provided that such garage shall not be used for storage of more than one commercial vehicle and such commercial vehicle shall not be larger than one ton rated capacity per family resident upon the premises.

Garden Center, Retail: A retail establishment engaged in the sale of ornamental trees, shrubs and plants and supplies for gardening and landscaping.

Golf Course: A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses; but does not include miniature golf courses or golf ball driving ranges.

Gross Floor Area: The sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet, and including any basement which is finished and ready for occupancy.

Group Care Facility: A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household. Any facility housing six or more individuals, including staff, shall be considered a health facility.

Group Family Household: A group of not more than six individuals including staff, not related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Health Facilities: Establishments primarily engaged in providing services for human health maintenance including hospital facilities, nursing and adult homes, personal care facilities and medical clinics and offices whether publicly or privately operated.

Home Occupation: Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than a sign as provided herein; professional practice of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers, and veterinarians, and similar types of uses, excluding, but not limited to stables, kennels or motor vehicle or small engine repair shops.

Horse: Any animal of the horse family or resembling a horse including horses, mules and donkeys.

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

Hotel: A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly

rentals, and providing additional services such as restaurants, meeting rooms and recreational facilities.

Housekeeping Cottages: Small detached dwelling units rented out for occasional use on a daily, weekly or monthly basis.

Industrial Park: A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility.

Intensive Livestock Operation: The fattening or raising of beef cattle, hogs, poultry or other animals for the purposes of obtaining meat, eggs or wool for marketing. Any livestock operation which involves the keeping of more than 10 cows or beef cattle, or 10 hogs, or 10 sheep, or 10 goats, or any combined total of 10 said animals, or 50 fur bearing animals or 500 poultry shall be considered intensive; and which shall be conducted on parcels not less than five (5) acres in size.

Junk: Any scrap, waste, reclaimable material or debris, vehicles or parts thereof, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

Junk Yard: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machines, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The outside storage or deposit on a lot of two or more inoperable vehicles which do not have current licenses shall be considered a junk yard. Agricultural vehicles such as tractors, mowers, etc. which are utilized as part of an active on-going farming operation and contractors construction equipment shall be exempt from this provision. Automobile sales lots managed by licensed automobile dealers and storage areas for antique autos shall be also exempt from this provision.

Kennel: The keeping of six (6) or more dogs that are more than six (6) months of age for commercial purposes including, but not limited to, the breeding, sale or boarding of dogs. The keeping of six (6) or more dogs not involving said commercial purposes shall not be considered a kennel.

Land Development: Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, b between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.

Light Manufacturing: Industries involving generally unobtrusive processes. These include but are not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, wood products industries and the like.

Living Space: The sum of the areas of several floors of a dwelling unit used for human occupancy and including finished basements and attics as measured from the interior faces of the walls. It does not include cellars, crawl spaces, unenclosed porches, attics not used for human occupancy, nor any floor space in an accessory building or in the main building intended or designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance.

Lodging Facility: Any building used to house transients such as tourists, travelers or vacationers typically on a daily or weekly basis for temporary periods and including bed and breakfasts, boarding and tourist homes, hotels, housekeeping cottages and motels; but not including any permanent residences.

Lot: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land.

Lot Area: The total number of square feet in the lot less any area included in any rights-of-way affecting the lot.

Lot, Corner: A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five (135) degrees.

Lot Coverage: That portion or percentage of the lot area which is covered by buildings, roads, driveways, walkways, parking areas, or impervious surfaces including but not limited to pavement.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line.

Lot Line, Front: The line separating the lot from a street.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

Lot of Record: A parcel of land which was legally subdivided and existing prior to the initial effective date of this Zoning Ordinance, August 24, 1965.

Lot Width: The width of a lot at the required building setback line, said setback as established by this Ordinance.

Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

Medical Clinic: An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight.

Mini-Warehouse Facility: A building or buildings containing separated spaces to be leased or rented to individuals and/or business for the storage of personal belongings, goods or supplies.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot: Land occupied or to be occupied by a mobile home in a mobile home park, improved with the necessary utility connections and other appurtenances; and, said lot being specifically designated by diversion from other lots in the mobile home park.

Mobile Home Park: A parcel or contiguous parcels of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes.

Model Home: A residential structure associated with a principal permitted commercial use and not intended for permanent occupancy; and used solely for demonstration purposes to inform potential purchasers of the types of homes available from the seller.

Modular Home: A dwelling unit constructed in accord with State standards for same and comprised of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Unlike a mobile home, a modular home is not manufactured with a permanent hitch or other device to allow re-transport of the unit and does not have wheels or axles permanently attached to its body or frame.

Motel: A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, with at least 25% of the rooms having direct access to the outside.

Multi-family Project: Any development of single parcel of property that includes one or more buildings containing two (2) or more dwelling units; and that includes common open space and facilities.

Multiple Occupant Commercial Building: A building containing two (2) or more independent, non-residential uses; such uses also being permitted in the District where the multiple occupant building is proposed.

Natural Resource Use: The removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water, land, on or beneath the surface thereof; said substances including but not limited to coal, limestone, shale, dolomite, sandstone, sand, clay, gravel, rock, stone, earth, peat, soil, ore or other mineral.

Natural Resources Processing: The refinement of minerals to specifications for sale including the crushing, screening, washing or grading of minerals; and may also include the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products.

Non-conforming Lot: Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated, such lot having been created prior to the enactment of this Ordinance or any amendments thereto.

Non-conforming Structure: A structure or part of a structure manifestly designed not to comply with the applicable use or extent of the use provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of this Ordinance or amendments hereto; and including, but not limited to non-conforming signs.

Non-Conforming Use: A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereto, where such use was lawfully in existence prior to the enactment of this Ordinance. Such non-conforming uses include, but are not limited to, non-conforming signs and other structures.

Nursery, Commercial: A parcel of property including buildings on which trees, shrubs and other plants are raised for wholesale to retail distributors; but not including a garden center.

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

Office Building: A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity.

Off-Site Sewage Disposal: A sanitary sewage collection and treatment system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two dwelling units located on the same property or adjacent properties shall not be considered as off-site sewerage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit.

Off-Site Water Supply: A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with Pennsylvania Department of Environmental Resources regulations.

On-Site Sewage Disposal: A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

On-Site Water Supply: A system for supplying and transmitting drinking water to a single dwelling or other use from a source on the same lot.

Open Face: That area of a natural resource use where the extraction or removal of said natural resource is underway; and including any area of the property which has not been fully reclaimed and rehabilitated following resource removal in accord with this Ordinance and applicable Pennsylvania Department of Environmental Resources requirements.

Open Space: All areas of a multi-family development or cluster development not conveyed to individual owners and not occupied by buildings and required or proposed improvements shall be dedicated as permanent open space for the benefit and enjoyment of the residents of the particular units being proposed. Such open space shall be part of the same parcel and contiguous.

Parking Area, Private: An open area for the same uses as a private garage.

Parking Area, Public: An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

Parking Space: That area reserved exclusively for the purpose of temporarily placing motor vehicles while the occupant is engaged in the conduct of personal or official business.

Patio: An open recreational area or structure, constructed no higher than six (6) inches from the ground level and resting directly on the ground. It may be attached to or detached from the principal building and may be constructed using wood, masonry, pavement, stone, or other material suitable for that purpose.

Permanent Foundation: A cement, concrete, treated wood or cinder block walled foundation erected on a poured concrete footer. A solid concrete slab will also be considered a permanent foundation.

Porch: An attached roofed patio or deck. With the exception of the wall adjoining the principal structure, all walls must be open or screened with a wall no higher than four (4) feet above the floor level. A porch is considered an attached accessory structure and must meet those setback requirements for principal structures.

Principal Use or Structure: A use or structure in which is conducted the principle use of the building site on which it is situated. In any residential district any dwelling shall be deemed to be a principal building on the zones' lot or where the land is located.

Professional Office: The office of a member of a recognized profession maintained for the conduct of that profession.

Public or Semi-Public Use: Any structure or use which is owned and operated by a municipality or body/group appointed by a municipal body; or which is owned and operated by a non-profit organization or which is owned and operated by a public utility; and such structure or use fulfills a community need or provides a public service; including but not limited to municipal buildings and facilities; public

schools, public libraries, churches, synagogues and volunteer fire and ambulance facilities.

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

Public Recreational Facilities: Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Township, County, school district, state, or federal government.

Quarrying: The excavation for sale or off-tract use of rock, ore, stone and similar materials.

Recreation Vehicle: A vehicle with or without motor power which may be towed on the public highways by a passenger automobile or truck without a special hauling permit, or which may be driven under its own power. This definition includes, but is not limited to campers, travel trailers, buses, camping trailers, pick-up trucks with slide-in campers, recreational vehicle homes and motor homes.

Recreational Facilities, Private: Outdoor or indoor areas or structures, operated by private non-profit or private commercial entities, open to the public, which contain entertainment and amusement devices or attractions including animal farms, zoological parks, tennis and racquetball courts, ski areas, golf courses and the like, but excluding theaters, public parks and playgrounds.

Recreational Facilities. Public: Recreation facilities operated as a non-profit enterprise by the Township of Newton, any other governmental entity or any non-profit organization and open to the general public.

Recreational Subdivision or Land Development: 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 line for the purpose, whether immediate or future, of lease, rent, sale or transfer of ownership, for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes and tents, for transient use. Campgrounds, recreational vehicle parks, primitive camping facilities and other similar facilities shall fall under this definition.

Recreational Vehicle Park: Publicly operated facilities, or businesses, offering sites with the usual accessory recreational and service facilities, not normally including eating facilities, for use for tent camping and/or recreational vehicle camping by the public at large on a transient basis. Sites are rented on a daily or weekly basis.

Recyclables: Materials intended for reuse, remanufacture or reconstitution and including for the purposes of this Zoning Ordinance only the following materials: aluminum beverage containers; glass beverage and food containers; bi-metal food containers; newsprint, magazines, and office paper; corrugated paper and plastic beverage, food and household product containers but not including plastic film or bags. Recyclables shall not include, except as specifically authorized by the Township in accord with Section 320 of this Ordinance, tires, large appliances such as stoves,

refrigerators, washers and dryers, other scrap metal, used motor oil or any other material defined as "junk" or "solid waste" by this Ordinance.

Recycling Facility: A center for the collection and/or processing of recyclable materials. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Any facility accepting or processing waste or other discarded materials which are not recyclables as defined or authorized under this Ordinance shall be considered a junkyard or solid waste facility as regulated by this Ordinance.

- A. **Recyclable Collection Facility:** A center for the acceptance by donation, redemption, or purchase of recyclable materials from the public.
- B. **Recyclable Collection Facility, Small:** A recyclable collection facility which occupies an area of not more than five-hundred (500) square feet (including areas used for containers or other recyclable storage but not parking and loading areas) and may include mobile recycling units, kiosk type units which may include permanent structures and/or unattended containers placed for the deposit of recyclables.
- C. **Recyclable Collection Facility, Large:** A recyclable collection facility which occupies an area of more than five-hundred (500) square feet (including areas used for containers or other recyclable storage but not parking and loading areas) but not more than twenty thousand (20,000) square feet (including areas used for container or other recyclable storage, structure and parking and loading areas) and which may include permanent structures, and limited recyclable processing for shipment or preparation to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding or cleaning or but not including the remanufacturing or conversion of recyclables to new products or raw materials used for new products.
- D. **Recycling Unit, Mobile:** An automobile, truck, trailer or van, licensed by the Department of Transportation which is used for the collection of recyclable materials, or the bins, boxes or containers transported by trucks, vans or trailers and which are used for the collection of recyclable materials.
- E. **Recyclable Processing Facility:** Any recycling facility which exceeds the area or processing limits of a large collection facility or which involves the remanufacturing or conversion of recyclables to new products or raw materials used for new products.

Restaurant: An establishment where food and drink is prepared, served and consumed primarily within the principal building.

Retail Business: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Right-of-Way: Land reserved for use as a street, drainage facility or other public or community use.

Roadside Stand: A structure designed and used for vending products produced on a farm.

Rooming House: A building containing a single dwelling unit and rooms for the rooming and/or boarding of at least three (3) persons but not more than five (5) persons by prearrangement for definite period of not less than one (1) week.

Sawmill: An agricultural products processing facility at which logs are cut into lumber for wholesale distribution but not including any other conversion or manufacturing process.

Seasonal Dwelling: A seasonal dwelling shall be any detached dwelling designed or used for occupancy primarily during the summer months by not more than two families and containing water and sanitary facilities.

Semi-Public Building or Use: Buildings or uses operated by non-profit, community-based organizations for the general use of Township residents, including churches, fire houses, ambulance buildings, libraries and the like, but excluding institutional uses such as nursing homes, hospitals, sanitariums and clinics.

Setback: An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any portion of any building. Any lot lines fronting a public right-of-way shall be measured from the edge of right-of-way. All others from property lines.

Service Establishment: Establishments engaged in providing services involving the care or needs of a person or his or her apparel such as cleaning and garment services, beauty and barber shops, shoe repair, dry cleaning and laundries, photographic studios, etc.

Sewage Disposal, Central: A sanitary sewage collection and treatment system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two dwelling units located on the same property or adjacent properties shall not be considered as off-site sewerage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit.

Sewage Disposal, On-site: A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

Shopping Center or Mall: 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, aesthetic considerations and protection from the elements.

Signs: Any object, device, display, structure, or part thereof, situated outdoors or indoors, and intended for viewing from the building exterior, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nations, state, city, religious, fraternal, or civic organization; also merchandise and pictures or

models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields.

- A. On-premises sign: Any permitted sign located on the land upon which the concern advertised by such sign is located.
- B. Off-premises sign: Any permitted sign not located on the land upon which the concern advertised by such sign is located.
- C. Sign surface area: The size of any sign computed by multiplying its greatest length by its greatest height. Structural members not bearing advertising material or not in the form of a symbol shall not be included in the computation of surface area. In the case of signs with no definable edges (eg. raised letters attached to a facade) surface area shall be that area within the perimeter of a rectangle enclosing the extreme limits of the advertising material. If one, two sided sign is proposed, each face shall not exceed the applicable maximum sign surface area. If one-sided signs are proposed, two signs may be erected and the face of each shall not exceed the applicable maximum sign surface area.
- D. Non-conforming sign: Any sign legally existing prior to the effective date of this Ordinance.
- E. Billboard: A sign advertizing a business, product, service, commodity, activity or other concern which is located, produced or offered at a location other than the premises on which the billboard is located; but, not including the off-premises signs permitted by Section 311.4 of this Ordinance.

Solid Waste or Waste: Any garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semi-solid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities. The term shall also include any garbage, refuse, other discarded material or other waste. Including solid, liquid, semi-solid or containing gaseous materials resulting from industrial, mining, agricultural operations, local facilities or any other by-product or effluent from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility.

Solid Waste Facility, Commercial: Any facility operated by a private individual or firm pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste including, but not limited to, liquid, solid, toxic, hazardous and medical waste.

Solid Waste Facility, Public: Any facility operated by a public entity pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste including, but not limited to, liquid, solid, toxic, hazardous and medical waste.

Solid Waste Staging Area: Any parcel of property used for the transfer of solid waste from one vehicle to another vehicle for transport to a solid waste facility.

Special Exception: A use allowed, with permission granted by the Zoning Hearing Board, to occupy and use land and/or a building for specific purposes in accord with this Ordinance.

Specialty Shops: Establishments primarily engaged in providing services involving the care of a person or his or her apparel or specializing in a specific type or class of foods such as a bakery, butcher shop, fish store or similar shops.

Stable (Commercial): A structure or area used for the shelter, care and/or riding of donkeys, horses, or mules for hire, remuneration or sale.

Stable (Private): An accessory structure or use which involves the keeping of donkeys, horses, or mules not for hire, remuneration or sale.

Story: That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling above it.

- A. A half story: under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story shall not be used for residence purposes.
- B. A first story: the lowest story of the ground story of any building the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building.

Street: A public or private thoroughfare not less than thirty-three (33) feet in width if in existence prior to the passage of this Ordinance nor less than fifty (50) feet in width if established subsequent to the passage of this Ordinance which affords the principal means of access to abutting property, including avenue, place, way, drive, land boulevard, highway, road and any other thoroughfare.

- A. Side Street: Any street, the length of which shall be not more than fifty (50) percent of the length of the largest street line of the Township blocks of which it is part.

Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Structure, Permanent: Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Structure, Portable: Anything constructed that is not permanently affixed to the ground but is designed to be moved from place to place.

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 redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development.

Supervisors: The Board of Supervisors of Newton Township.

Township: The Newton Township Board of Supervisors with the recommendation of the Newton Township Planning Commission.

Tourist Recreational Facility: A recreational facility designed to provide overnight accommodations in permanently constructed dwelling units in combination with a variety of generally passive recreational opportunities such as golf, hiking, swimming, etc., not including campgrounds or RV parks.

Transient Use: Occupancy of a dwelling by three or more families at separate times over the course of a year; not including three or more unrelated individuals who may, during such period, be temporarily staying at the location as a guests of the principal occupant.

Trip Ends: The total of the trips entering and leaving a specific land use or site over a designated period of time.

Truck Stop: Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities solely for the use of truck crews.

Truck Terminal: A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

Truck Wash: Any building or premises or portion thereof used for washing trucks with a gross vehicle weight exceeding five thousand (5,000) lbs.

Underground Housing: See B.O.C.A. wherein definition of Underground Housing will be adhered to by the Township of Newton.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Variance: Relief granted pursuant to the provisions of 608.3 of this Ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code.

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

A. Minor Repair

1. Sale and servicing of spark plugs and batteries.
2. Tire repair and servicing, but no recapping.
3. Replacement of mufflers and tailpipes, water hose, fan belts, brake and transmission fluids, light bulbs, floor mats, seat covers (where this shall not be the principal use), windshield wipers, grease retainers and wheel bearing.
4. Radiator cleaning and flushing.

5. Washing and polishing, not including mechanical and/or automatic car wash establishments.
6. Greasing and lubrication.
7. Installation of fuel pumps and fuel lines.
8. Minor servicing and replacement of carburetors.
9. Emergency wiring repairs.
10. Adjustment and installation of brakes.
11. Tuning engines, except for grinding valves, cleaning carbon, or removing the head of engines and/or crankcases.
12. Any similar minor service or repair not listed below under "major repair."

B. Major Repair

In addition to those repairs and services listed above as "minor repair", any general repair, rebuilding or reconditioning not listed above; collision service including body, frame or fender straightening or repair; painting or paint shop; mechanical car wash establishments; but not including any operations which require the heating or burning of rubber.

Walk Way: A narrow passageway, no wider than four (4) feet, extending from the entrance or patio of the principle building at or no more than six (6) inches above ground level, out to and including encroachment of the front yard but not encroaching on any road right-of-way. Construction material may consist of wood, stone, masonry, pavement, or other similar material suitable for that purpose. (Note: If constructed above six (6) inches from the ground - see deck.)

Warehouse: Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field and used for the storage of goods and materials.

Water Supply, Central: A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with Pennsylvania Department of Environmental Resources regulations.

Water Supply, On-site: A system for supplying and transmitting drinking water to a single dwelling or other use from a source on the same lot.

Wholesale Business: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Yard: An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any building. Front yards shall be measured from the edge of the road right-of-way and other yards from property lines.

Zoning Hearing Board: The Newton Township Zoning Hearing Board as duly appointed by the Township Supervisors in accord with the Pennsylvania Municipalities Planning Code

Zoning Map: The Zoning Map of the Township of Newton, Lackawanna County, Pennsylvania, dated 1986 together with all amendments subsequently adopted.

Zoning Officer: The individual appointed by the Board of Supervisors in accord with the Pennsylvania Municipal Planning Code to enforce the provisions of this Ordinance (See also Code Enforcement Officer).

The above definitions are also supplemented by those contained in other Township Ordinances. Where there is any conflict between definitions or provisions contained in this Ordinance and other Ordinances, the definitions or provisions contained herein shall apply insofar as they affect this Zoning Ordinance.

ARTICLE III - ESTABLISHMENT OF DISTRICTS

301 General Districts

For the purposes of this Ordinance, Newton Township is hereby divided into seven (7) Zoning Districts, as follows:

- A1 Agricultural
- C1 Community Commercial
- C2 Heavy Commercial
- M1 Manufacturing (Industrial)
- R1 Single Family Residential
- S1 Conservation
- F1 Flood Plain

302 Official Zoning Map

The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of Newton Township; which is hereby adopted by reference and declared to be a part of this Ordinance together with all amendments thereto, and the Zoning Map Description included as Article X of this Ordinance.

303 District Boundaries

303.1 Establishment

District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan of record in the Lackawanna County Recorder of Deed's Office and on the Lackawanna County Tax Maps at the time of the enactment of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.

303.2 Interpretation

Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;

Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;

Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

303.3 Uncertainty

In the event of uncertainty as to the true location of a district boundary line in a particular instance, any decision of the Zoning Officer may be appealed to the Zoning Hearing Board. It shall be the duty of the Zoning Hearing Board to render its determination with respect thereto.

304 District Regulations

District regulations are of two types, Use Regulations and Development Standards, which shall apply to any proposed new use, expansion of an existing use or change of use of any land.

304.1 Use Regulations

Permits for principal permitted uses and accessory uses shall be issued by the Zoning Officer provided such uses comply with the standards in this Ordinance.

Conditional uses and special exception uses shall be subject to the additional review procedures and criteria as specified in this Ordinance.

Principal permitted uses, conditional uses and special exception uses shall be limited to one such use per lot or parcel. Two or more such uses per lot or parcel shall be governed by Section 309.1.

304.2 Uses Not Specified

Whenever a use is neither specifically permitted nor denied in any of the Districts established under this Ordinance, said use shall be considered a conditional use in the M-1 District. A use which is specifically listed in one District but not in other, however, shall be deemed to have been purposely excluded from those Districts where it is not listed and shall only be permitted if the this Ordinance is amended to so provide for such use.

304.3 Development Standards

The Development Standards establish minimum standards for lot area; lot depth, average lot width and front, side and rear yards; and establishes maximum standards for building height and lot coverage. The standards also establish specific standards and criteria that apply to the use as may be appropriate to protect the public health, safety and welfare. The Supplementary Regulations contained in this Article III and the standards contained in Section 315 establish additional criteria for specific uses.

305 Non-conforming Buildings and Uses

The Zoning Districts established by this Ordinance are designed to guide future use of land in the Township by encouraging the development of desirable residential, commercial and industrial areas, with appropriate groupings of compatible and related

uses, to the end of promoting and protecting the public health, safety, comfort, prosperity and other aspects of general welfare.

To achieve this end, lawful existing uses which would be prohibited or restricted under the terms of this Ordinance, or future amendments, and which do not conform to the character and regulations of the zoning district in which they are located must be subject to certain limitation. The regulations set forth below are intended to provide a gradual remedy for the undesirable conditions resulting from indiscriminate mixing of uses, and to afford a means whereby non-conforming uses can be gradually eliminated and re-established in more suitable locations within the Township.

Similarly, buildings or other structures which do not comply with one or more of the applicable district requirements are deemed to be non-conforming.

Non-conforming uses and structures will be generally permitted to remain; the purpose of regulating them is to restrict further investment in uses or structures which are inappropriate to their locations.

305.1 Continuance of Non-conforming Uses

Any lawful non-conforming use which existed at the time of the passage of this Ordinance may be continued. Any existing structure devoted to a non-conforming use may be structurally altered, subject to the following regulations:

A. Enlargement

A non-conforming structure shall not be enlarged unless the structure is changed to conforming structure, provided, however, that where a building meets the use requirements of this Ordinance and is non-conforming because of height or area or yard regulations, said structure may be enlarged providing the height, area and yard regulations are not further violated.

B. Change in Non-conforming Use

A non-conforming use in existence at the time of passage of this Ordinance shall not be permitted to be changed to any use other than a conforming use.

C. Cessation of Operation

Where there is a cessation of operation with the intention of abandonment of any non-conforming use, the same shall constitute an abandonment of such non-conforming use. Any subsequent exercise or operation of such abandoned non-conforming use shall be deemed a violation of the terms of this Ordinance, after two years.

305.2 Completion of Existing Buildings

Nothing in this Ordinance shall require any change in plans, construction or designated use of a structure for which a building permit has been heretofore issued, provided construction has been started within six (6) months of the date of such permit and completed within two (2) years.

305.3 Restoration of Existing Buildings

Nothing in this Ordinance shall prevent the restoration of a non-conforming building destroyed by fire, explosion, act of God or act of public enemy, provided that any non-conforming building that is destroyed in the manner aforesaid may be reconstructed, and thereafter used only in such manner as to not further violate the reason for non-conformity. In the event that it is physically impossible to meet the height, area, or yard requirements of this Ordinance, said building may be rebuilt provided the non-conforming height, area or yard requirements are to be reviewed on an individual basis, by the Township Hearing Board and Solicitor for opinion.

305.4 Non-Conforming Due to Reclassification

The foregoing provisions of this Article shall also apply to building structures, land or uses which hereafter become non-conforming due to any reclassification of zone districts under this Ordinance, and any subsequent change in the regulation of this Ordinance.

305.5 Unlawful Use Not Authorized

Nothing in this Ordinance shall be interpreted as authorized for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this Ordinance.

305.6 Operation of Non-conforming Uses

Non-conforming uses shall comply with all the operational and nuisance control requirements in this Ordinance which would apply to the use if said use were situated in a District where said use would be conforming.

306 General Provision for all Districts

306.1 Nature and Extent of Uses of Land

The control and regulation of the nature and extent of uses of structures as herein provided shall apply equally to the nature and extent of the uses of the land.

306.2 Zoning Affects all Structures, Buildings, and Land and the Use Thereof

No land or premises shall be used and no building or structure shall be erected, raised, moved, extended, enlarged, altered or used for any purpose other than a purpose permitted herein, for the zone district in which it is located and all construction shall be conformity with the regulations provided for the zone district in which such buildings or premises is located.

306.3 Permits

A. Requirements of Permits

A building and/or zoning permit shall be required prior to the erection, addition, or alteration of any building or structure or portion thereof; prior to the use or change in use of a building or land; and prior to the change or extension of a

non-conforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. No Zoning Permit shall be required in cases of normal maintenance activities, minor repairs or alterations which do not structurally change a building or structure.

B. Applications for Permits

All applications for permits shall be accompanied by plot sketch in duplicate, drawn to show the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Ordinance and all other pertinent ordinances. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

C. Subdivision Approval

Applications for uses which also necessitate approvals under the Township Subdivision Ordinance shall be processed in the manner provided for plat approval under that Ordinance. Such applications shall also contain all information or data normally required for a submission under the Subdivision Ordinance. A Zoning Permit shall not be issued until the proposed use has been granted a Preliminary Approval under the Subdivision Ordinance. However, no building or property shall be occupied or used until final subdivision approval has been granted and a Certificate of Use has been properly issued pursuant to Section 605 of this Ordinance.

D. Issuance of Permits

No permit shall be issued until the Zoning Officer has certified that the proposed use, building, addition or alteration, complies with all the provisions of this Ordinance as well as with all the provisions of other applicable regulations.

E. Temporary Permit

A temporary permit may be authorized by the Board of Supervisors for a non-conforming structure or use which it deems necessary to promote the proper development of the community, provided that such non-conforming structure or use shall be completely removed upon expiration of the permit for a specified period of time not to exceed one (1) year and may be renewed annually for an aggregate period not exceeding three (3) years.

306.4 Inspection

A. Inspection by the Zoning Officer

It shall be the duty of the Zoning Officer to make the following minimum number of inspections on property for which a permit has been issued:

1. At the beginning of construction: A record shall be made indicating the time and date of the inspection and the finding of the Zoning Officer in regard to

conformance of the construction with plans submitted with the application for the building. If the actual construction does not conform to the application, a written notice of the violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

2. At the completion of construction: A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to the issuance of a Certificate of Use. Nothing contained in this Ordinance shall impose or imply any responsibility upon the Township or its officials or agents for the quality of workmanship or materials employed in construction.

306.5 Certificate of Use

A. Building or Structures

A Certificate of Use shall be a statement issued by the Zoning Officer setting forth either that a building, structure or parcel of land complies with the provisions of this Ordinance; or that a building or structure lawfully may be employed for specified uses under the provisions of this Ordinance, or both.

B. Vacant Land

No vacant land shall be occupied or used, and no structure or part of a structure, hereafter erected, structurally altered or changed in use shall be occupied or used, until a Certificate of Use shall have been issued therefore by the Zoning Officer.

C. New Building or Alteration

A Certificate of Use, either for the whole or part of a new building or for the alteration of an existing building, shall be applied for co-incident with the application for a building permit, and shall be issued within fifteen (15) days after the erection or alteration of such building or part shall have been completed in conformity with the provisions of this Ordinance.

D. Change in the Use of Land

A Certificate of Use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, shall be applied for and issued before any such land shall be occupied or used or such land or building changed in use, and such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed use is in conformity with the provisions of this Ordinance.

E. Changing or Extending a Non-conforming Use

A Certificate of Use for changing or extending a non-conforming use, existing at the time of the passage of this Ordinance or of an amendment thereto, shall be applied for and issued before any such non-conforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed change or extension is in conformity with the provisions of this Ordinance.

F. Record Keeping

A record of all Certificates of Use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

306.6 Dangerous Conditions

No building permit shall be granted for a building or use if the design or construction of the same involves or is likely to involve exceptional risk or traffic congestion, public safety or hazard.

306.7 Principal Structure

Only one (1) principal building may be erected on a lot except for related compatible buildings constituting one basic use or operation under one management.

When the principal building is occupied as a single or multiple family dwelling, no other building on the same lot or parcel of land may be used or occupied as a dwelling for living quarters unless the lot or parcel is subdivided and meets all the lot requirements as specified in the Subdivision Ordinance.

306.8 Yards

Every lot shall provide front, rear, and side yards as required by its zoning district.

306.9 Subdivision of Lot

When a new lot or lots are formed from part of a parcel of land, the separation shall be effected in such a manner as not to impair any of the provisions of this Ordinance. The old and new lot shall meet all the lot requirements as specified in the Ordinance.

306.10 Rear Land Parcels

All lots shall front on a public road in order to prevent parcels of land from becoming land-locked. In cases where parcels of land are located behind existing approved building lots along public roads, a right-of-way may be established to allow access to the aforementioned rear parcels of land, and which shall be approved by the Board of Supervisors, on an individual basis. The right-of-way shall not be less than fifty (50) feet in width. It shall originate along a public state or township road and shall be designated as a private road, with public access at all times. It shall be maintained and kept accessible by the property owners serviced by said roadway. Said private road shall not serve more than three (3) building lots as authorized by the Board of Supervisors in accord with this Section 306.10. Each lot shall front on the right-of-way of the designated private road and shall conform with the Building Codes, Zoning and Subdivision Ordinance.

307 Permitted Deviations From Required Sizes

No lot, yard, or other space shall be so reduced in area or dimension as to make it less than the minimum required by this Ordinance except as follows:

307.1 Non-Conforming Lots of Record

A single family dwelling and residential accessory structures may be erected on a non-conforming lot of record providing:

- A. A sewage permit meeting the requirements of the Pennsylvania Department of Environmental Resources has been properly issued.
- B. Front, side and rear yards shall be provided as required by District regulations.

307.2 Fences, Walls or Hedges

A fence, wall or hedge may be constructed or maintained in a residential zone district without issuance of any permit; however, no fence, wall, or hedge higher than four (4) feet may be constructed or maintained in any required front yard.

307.3 Residential Yards

Whenever a dwelling use shall be erected lot size, lot coverage, setbacks and building height shall be as required in an R-1 District except when the regulations for the district where said use is located are more restrictive than for an R-1 District.

307.4 Height Limitations

District height regulations shall not apply to church spires, belfries, cupolas and domes, monuments, water towers, chimneys, smoke stacks, flag poles, radio towers, silos, and public utilities structures.

308 Antenna, Radio and/or Other Towers

308.1 General Requirements

No antenna, either for radio, television, Citizens Band or other related equipment shall be erected unless it is placed on a building or structure or in the ground in such a manner and of a height so that in the event of a natural or man-made disaster, it would not materially affect the property of others.

308.2 Dish Type Antennas

Dish type antennas, including but not limited to, those used in satellite reception or transmission of any signal governed by F.C.C. Regulations, shall be regulated by this Ordinance. Such antenna is typically in the form of a shallow dish and may be mounted on a permanent, temporary or portable structure and shall include any such device which shall exceed four (4) feet in diameter.

Satellite dish antennas may not be located in any district as defined in this Ordinance, except in accord with the following conditions.

- A. It is not located between the principal structure line and the road right-of-way.

- B. It is used solely for private, non-commercial purposes.
- C. When located on a lot containing a single-family or multi-family dwelling, the antenna shall be no more than ten (10) feet above the natural grade and shall be screened so as not to be visible beyond the property.
- D. Construction of any satellite dish shall require a building permit.

309 Unique Lots and Building Locations

309.1 Two or More Uses on a Lot

Two or more principal buildings or uses shall not be located on a single parcel. Instead, each building or use shall be located on a separate lot and shall conform to all the requirements of this Ordinance.

309.2 Side Yard of a Corner Lot

Each yard of a corner lot which abuts a street shall be equal in size to the front yard required for the District, and one yard shall be designated as the front and one designated as the side yard.

309.3 Clear View At Street Intersections

Visual obstructions at street intersection (excluding an existing building, post, public utility structures, column or tree) exceeding four (4) feet in height shall be prohibited on any lot within the triangle formed by the street lot lines of the lot and a line drawn between points along the street lines fifty (50) feet distant from their points of intersection.

310 Accessory Structures and Uses

310.1 Accessory Structures

- A. All accessory structures shall conform to the minimum yard regulations established for the District.
- B. No accessory building or structure shall exceed fifteen (15) feet in height, except that radio or television antenna so erected on a building or structure shall be permitted provided the requirements of Section 308.1 are satisfied.
- C. Accessory building shall be at least ten (10) feet from any principal building situated on the same lot unless an integral part thereof, and shall be at least six (6) feet from any other accessory building.
- D. Accessory building on corner lots may not be erected nearer the street than the front yard of the adjoining property.
- E. No accessory building shall be built in the front yard.

- F. No other structures shall be permitted which are situated in front of the principal structure regardless of the setback of the principal structure.

310.2 Home Occupations

It is the intent of this subsection to regulate the operation of home occupations so that the average neighbor, under normal circumstances, will not be aware of the existence of the home occupation except for a permitted sign. Home occupations shall not be permitted in multi-family dwellings. Any home occupation or expansion of a home occupation shall be a conditional use, and the following additional criteria shall apply.

- A. The occupation shall be clearly incidental and secondary to the use of the dwelling as a residence.
- B. The home occupation does not utilize more than one thousand (1000) square feet of the gross floor area of the dwelling unit; however, in no case shall the area used for the home occupation exceed twenty (20) percent of the gross floor area of the dwelling unit.
- C. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
- D. There shall be no visible evidence that the residence is being operated as a home occupation except for the permitted sign, which shall not exceed two (2) square feet in size.
- E. A maximum of two (2) persons other than members of the immediate family residing in the dwelling shall be employed in the home occupation. The total of all employees inclusive of family members shall not exceed six (6) persons.
- F. Off-street parking shall be provided on the premises, as required by this Ordinance or as otherwise necessary to prevent parking on any public or private right-of-way.
- G. A home occupation use shall not generate nuisances such as traffic, on-street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
- H. The Board of Supervisors shall attach any and all necessary conditions to assure compliance with this Section 310.2, and such conditions may include hours of operation, water use restrictions, sewage disposal requirements, screening and other conditions deemed necessary.

310.3 Private Parking Areas and Garages

Accessory off-street parking areas or garages serving the residential or non-residential parking demand created by the principal building are permitted in accord with Section 312.

310.4 Home Gardening and Greenhouses

Home gardening, and related accessory structures are permitted in residential areas, provided they are used by the residents thereof for non-commercial purposes and provided further that they shall not include the outdoor storage of equipment and supplies.

310.5 Private Outdoor Swimming Pools

One private outdoor swimming pool shall be permitted as an accessory use to a residential structure, provided that such swimming pool is for the private use of the residents of the dwelling unit(s) or for their guests, and provided that the pool shall maintain setbacks as required for the District. A fence four (4) feet high and of a design to restrict access to the pool shall completely surround the area of any ground level swimming pool. Access to all pools, including above ground pools, shall be restricted when the pool is not in use; and all gates shall be closed. Access to a pool as required by this Section 310.5 may be provided by a pool cover which is designed and marketed for same and which can support the weight of any person who may step or venture onto said cover, said cover to be in place at all times when the pool is not in use.

310.6 Temporary Uses

- A. Definition - A use accessory to another permitted principal use that operates at a fixed location for a temporary period of time.
- B. Zoning certificate required - No temporary use shall be established unless a zoning permit evidencing the compliance of such use with the provisions of this Section and other applicable provisions of this Ordinance shall have first been issued.
- C. Particular temporary uses permitted - The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.
 1. Contractor's office and construction equipment sheds.
 - a. Permitted in any district where use is incidental to a construction project. Office or shed shall not contain sleeping or cooking accommodations.
 - b. Maximum length of permit shall be one (1) year.
 - c. Office or shed shall be removed upon completion of construction project.
 - d. Required water supply and sanitary facilities shall be provided.
 2. Real estate sales office.
 - a. Permitted in any district for any new subdivision approved in accordance with the Newton Township Subdivision Ordinance. The office may not contain sleeping or cooking accommodations. A model home may be used as a temporary sales office.

- b. Maximum length of permit shall be twelve (12) months, but the zoning officer may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.
- c. Office shall be removed upon completion of the development of the subdivision.
- d. Required water supply and sanitary facilities shall be provided.

3. Temporary shelter.

- a. When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations.
- b. Required water supply and sanitary facilities shall be provided.
- c. Maximum length of permit shall be twelve (12) months, but the zoning officer may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.
- d. The mobile home shall be removed from the property prior to issuance of any occupancy permit for the new or rehabilitated residence.

310.7 Fences, Walls, and Hedges

A fence, wall or hedge may be constructed or maintained in a residential zone district without issuance of any permit; however, no fence, wall, or hedge higher than four (4) feet may be constructed or maintained in front yards.

311 Signs

311.1 General Sign Regulations

The following regulations shall apply to all permitted signs:

- A. No person shall erect, alter in size or height, or relocate within the Township any sign without obtaining a permit.
- B. The repainting, changing of parts and preventive maintenance of signs shall not require a permit.
- C. A sign shall be permitted only in connection with the permitted use on the premises, or as otherwise permitted in this Section 311.
- D. All signs shall be removed when the reasons for their erection no longer apply.

- E. Signs shall not be permitted above the roof line of the building to which they are attached.
- F. No part of any sign shall project above the top or beyond the ends of the wall surface upon which it is located.
- G. Signs other than official traffic signs shall comply with side yard setbacks as established for principal structures.
- H. Signs shall not project into, onto, or over any public right-of-way and shall not be erected, installed, maintained or replaced so as to be a hazard to the users of a public right-of-way.
- I. No signs shall be erected, installed, or maintained in a location which will constitute an obstruction to vision or endanger the safety of the traveling public.
- J. No sign, except a public sign, visible from a public street, shall use the words "stop," "danger," or any other word, phrase, symbol or character which could be interpreted by a motorist as being a public safety warning or traffic sign.
- K. No sign shall be so constructed, erected, or located so as to obstruct the visibility of a motorist or pedestrian proceeding along the public way or entering or leaving a parking lot or any road intersection.
- L. No revolving sign or any other type of moving sign shall be permitted with the exception of barber poles.
- M. No sign shall be attached to any tree, fence, utility pole or other object not specifically intended for sign support except for "no trespassing" signs, legal warning or other private signs not exceeding one and one-half (1 1/2) square feet in surface area.
- N. Freestanding signs shall not exceed a height of twenty (20) feet from the average natural grade measured to the top of the sign.
- O. All signs, with the exception of permitted temporary signs, shall be permanently attached to the ground or a structure.
- P. Signs shall be constructed of durable material and be maintained in good condition.
- Q. Any sign projecting over any sidewalk or area of pedestrian traffic shall have a minimum ground clearance of eight (8) feet.
- R. One sign as permitted by this Section 311 shall be permitted upon each road frontage of any lawful use.

311.3 On Premises Business and Institutional Signs

- A. The owner, lessee or occupant of land in the Township, may erect and maintain on such land not more than two (2) faces advertising the business or profession

of such owner, lessee or occupant of the property. If both sides of one sign are used for advertising, then only one sign may be erected. The face of any such sign shall not exceed forty (40) square feet in surface area, except as regulated by Section 311.9.

- B. Signs of schools, colleges, churches, hospitals, sanitariums or other similar institutions may be erected and maintained on the parcel with the principal permitted use in accord with the provisions of Subsection 311.3, A, above.
- C. In addition, business and institutional signs attached to the principal structure shall be permitted. Said signs shall only be attached to the facade of the building which faces the public right-of-way, shall be attached directly to and in the same plane of the facade and shall not project more than one (1) foot from the facade. The total area of the signs(s) shall not exceed ten percent(10%) of the area of the facade to which the sign is attached or fifty (50) square feet, whichever is less.

311.4 Off-Premises Business Directional Signs

In addition to the business signs permitted in Section 311.3, the owner, occupant, lessee of a business or profession located in the Township may erect not more than four (4) sign faces on his own or rented land advertising such business and directions thereto and each sign face shall not have a surface area of more than twelve (12) square feet.

In cases where a sign directory has been erected pursuant to the following Section 311.5, no off-premises sign shall be permitted that could otherwise be included on the directory sign and provide the required directions.

311.5 Directory Signs

The installation and maintenance of a central directory sign board not more than six (6) feet high and not more than ten (10) feet wide at the intersection of two or more roads advertising one (1) or more businesses and directional arrows thereto shall be permitted as a conditional use. An individual sign on this board advertising a single business shall not exceed a surface area of four (4) square feet and shall be uniform in size with other signs on the sign board. Evidence of the ownership and proposed operation and maintenance of such directory shall be submitted with the permit application. All other applicable standards in this Section 311 shall apply and a permit shall be required for each individual sign on the directory. Not more than one (1) directory sign shall be permitted on each corner of an intersection.

311.6 Billboards

The following regulations shall apply to all billboards which shall be permitted in all Districts except the R-1 District.

- A. Not more than one (1) billboard shall be erected on any lot or parcel of property; and in no case shall a billboard be located closer than five-hundred (500) feet to any other billboard.

- B. No billboard shall be erected less than three-hundred (300) feet from any existing residential structure or R-1 District.
- C. No billboard shall exceed three-hundred (300) square feet in surface area; and no advertising face shall exceed twelve (12) feet in vertical measurement or twenty-five (25) feet in horizontal measurement.
- D. No billboard shall exceed a height of thirty (30) feet as measured from the elevation of the public road immediately adjacent to the billboard to the highest part of the billboard.
- E. All billboards shall maintain a side yard setback of not less than twenty-five (25) feet; and shall be located not less than thirty (30) feet, nor more than seventy-five (75) feet, from the adjoining public road right-of-way line.
- F. No billboard shall be attached to or erected on any other structure.
- G. Advertising material shall be permitted only on one side of any billboard; and advertising material shall not be placed on the blank side of any existing billboard.

311.7 Signs Requiring No Permits

The following types of signs shall not require permits but shall in all other respects comply with the requirements of this Section 311.

- A. Signs advertising the sale or development of the premises upon which they are erected and signs bearing the words "sold" or "rented" or similar phrases, together with the name of the person effecting sale or rental. The following standards shall apply:
 - 1. The area of each sign face shall not exceed twelve (12) square feet;
 - 2. Not more than two (2) signs are placed upon any property unless the property fronts upon more than one (1) street, in which case two (2) such signs may be erected on each frontage;
 - 3. Such signs are not illuminated;
 - 4. Such signs shall be removed within fourteen (14) days after the sale, rental, or lease of the subject property.
- B. Signs to provide for the normal and safe flow of traffic into and out of the place of business such as entrance, exit, and parking signs. Such signs shall not be of a size greater than necessary for persons of normal visual acuity to observe, but in no case shall exceed ten (10) square feet in surface area.
- C. Signs of mechanics, painters and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided the size thereof is not in excess of eight (8) square feet; and such signs are removed promptly upon completion of the work.
- D. Trespassing signs not exceeding one and one-half (1 1/2) square feet in area.

- E. Signs indicating the private nature of a drive-way or property provided that the size of any sign shall not exceed one (1) square foot.
- F. Signs advertising the sale of farm products when permitted by this Ordinance, provided: (1) the size of any such sign is not in excess of six (6) square feet; (2) not more than two signs are used; and (3) the signs shall be displayed only when such products are on sale.
- G. Yard sale signs erected on the subject parcel or by permission of other property owners, such signs to be removed immediately following the advertised yard sale.
- H. Political signs erected by a property owner on his property or erected by permission of a property owner, such signs to be removed immediately following the subject election.

311.8 Home Occupation Signs

One sign identifying a home occupations shall be permitted on the premises provided each sign face does not exceed two (2) square feet in surface area.

311.9 Residential Development and Multi-Family Project Signs

One (1) sign identifying a residential development or a multi-family dwelling project is permitted on the premises of such project providing the sign does not exceed twenty (20) square feet in surface area. Signs identifying each building shall also be permitted and such signs shall not exceed one (1) square foot and shall be attached to the building facade.

311.10 Shopping Center or Multiple Commercial Occupant Signs

- A. One (1) free standing sign identifying the shopping center or multiple occupant project is permitted on the premises of such project provided each sign face does not exceed forty (40) square feet in surface area.
- B. One (1) sign identifying each business or profession located in the project is permitted provided each sign face does not exceed ten (10) square feet in surface area. Such signs shall be attached to the same frame as the project sign.
- C. In addition, one sign for each occupant of the project may be attached to the principal structure in accord with Section 311.3,C, above.

311.11 Temporary Signs

The following temporary signs shall be permitted upon obtaining a permit: special advertising or business identification signs or banners not exceeding forty (40) square feet in total surface area for each sign face; including, but not limited to, signs announcing to the general public any special events such as commercial sales days, cultural or entertainment attractions, or charitable activities. Said signs shall be permitted only on the premises of the subject business or principal use, and shall comply with all other requirements of this Section 311; and shall be

permitted for the length of the activity, but in no case exceeding twenty-one (21) days.

311.12 Illumination

- A. Signs shall be illuminated only by a steady, stationary (excepting for indicators of time and temperature), shielded light source directed solely at the sign, or internal to it, without causing glare for motorists, pedestrians or neighboring premises. Illuminated signs with moving or changing advertising material or messages shall not be permitted.
- B. No light shall be permitted that by reason of intensity, color, location, movement or direction of its beam may interfere with public safety. This shall include flashing, oscillating, and spot lights when improperly placed. No sign shall resemble traffic signals.

311.13 Non-Conforming Signs

- A. Non-conforming signs shall be those legally existing with a valid permit prior to the effective date of this Ordinance or any amendments hereto. Signs erected without a permit as required by this Ordinance or amendments hereto shall not be considered non-conforming signs, but instead shall be considered illegal signs in violation of this Ordinance, as amended.
- B. No non-conforming sign shall be changed, expanded, or altered in any manner including, but not limited to sign area, location and height, except to bring the sign into conformity. No non-conforming sign shall be moved in whole or in part to any other location where it would remain non-conforming.
- C. Termination of non-conforming signs

Any sign deemed "terminated" pursuant to this Section shall be removed as required herein upon Township notice to the sign owner. If the sign is not removed in the time limit established by such notice, the Township shall have the right to remove said sign(s) and shall assess costs of same to the sign owner.

- 1. Immediate termination - The following signs or sign features shall be terminated within six (6) months after the effective date of this ordinance, except as otherwise expressly permitted by this ordinance. Termination of the non-conformity shall consist of removal of the sign or its alteration to eliminate fully all non-conforming features: portable signs, flashing signs, animated and moving signs, signs which obstruct free ingress to or egress from a fire escape, door, window, or other required access way, signs which by reason of size, location, content, coloring, or manner of illumination obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on streets and roads within the Township or within any public road right-of-way, and signs which advertise a business no longer conducted or a product no longer sold on the premises where such sign is located.
- 2. Termination by abandonment - Any non-conforming sign structure the use of which as a sign is discontinued for a period of forty-five (45) consecutive days, regardless of any intent to resume or not to abandon such use, shall

be presumed to be abandoned and shall not thereafter be reestablished except in full compliance with this Ordinance.

3. Termination by damage or destruction - Any non-conforming sign damaged or destroyed, by any means, to the extent of one-third (.333) of its replacement cost new shall be terminated and shall not be restored.

311.14 Nuisance Signs

- A. No owner of any sign or lessee or owner of any land upon which the sign is located shall permit such sign to become unsightly or in disrepair so as to endanger the public or to become a public nuisance.
- B. In the event such a sign is not repaired or properly restored or removed within thirty (30) days after written notice has been given to the owner of the sign or the owner or lessee of the land upon which the sign is located, the Township Supervisors may institute appropriate actions to prevent the violation or abate the nuisance.

311.15 Permit Applications

An application for a permit to install or relocate or to change the size or height of any sign shall be made on the Township Sign Permit Application form and submitted to the Township Zoning Officer along with the fee established by resolution of the Township Board of Supervisors.

312 Off-street Parking and Loading

312.1 Availability of Facilities

Off-street parking, loading, and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.

312.2 Size of Parking Spaces

Each parking space shall be not less than ten (10) feet wide and twenty (20) feet long. Garages and carports not in the public right-of-way may be considered parking spaces. Parking areas shall be designed in accord with generally accepted engineering standards to adequately provide usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley. Garages and carports not in the public right-of-way may be considered parking spaces. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended.

312.3 Lighting

Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.

312.4 Public Right-of-Ways

Parking, loading and unloading of vehicles shall not be permitted on public right-of-ways.

312.5 Number of Spaces To Be Provided

Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with off-street parking spaces adequate to serve such use but with not less than the minimum spaces, as set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number. For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use. Should the applicant provide evidence to the satisfaction of the Township that the number of parking spaces required by this Section 312.5 is not necessarily required to meet the immediate needs of the proposed use, the number of spaces provided may be reduced by a maximum of twenty-five percent (25%) provided sufficient and suitable area is dedicated to future parking to meet the normal standards in this Section 312.5 and the applicant shall agree in writing to install the parking at the direction of the Board of Supervisors. Reserve parking areas shall be included in the calculation of lot coverage area. Parking facilities used jointly by two or more principal uses shall be considered conditional uses.

USEPARKING SPACES REQUIRED

1. Dwellings	2 per dwelling unit
Homes for handicapped or infirm, nursing homes, group care homes, halfway houses and similar uses	3 per every 5 beds
2. Hotels, motels, boarding and tourist homes, bed and break- fast establishments and other uses providing overnight accommodations	1.1 per bedroom
Sales and rental of goods, merchandise and equipment	
1. Retail establishments	1 per 200 SFGFA
2. Wholesale establishments	1 per 400 SFGFA
Offices, research facilities and services not primarily related to goods	

1. Serving customers or clients on premises such as attorneys, physicians, insurance and travel agents 1 per 200 SFGFA
 2. Drive-in banks 1 per 200 SFGFA plus reservoir lane capacity equal to 5 spaces per drive-in window
 3. Serving little or few customers or clients on premises, such as corporate offices 1 per 400 SFGFA
- F. Manufacturing, processing, renovating, assembling goods, merchandise and equipment 1 per 400 SFGFA plus 1 for each 2 employees in maximum working shift
- G. Educational, cultural religious social, fraternal uses
1. Public schools 2.5 per classroom for elementary schools and 4 per classroom for middle schools; and 5 per classroom for high schools
 2. Trade and vocational schools, colleges 1 per 100 SFGFA
 3. Churches, synagogues and temples 1 per every 4 seats used for services
 4. Libraries and museums, social, fraternal clubs and lodges; and similar uses 1 per 300 SFGFA
- H. Recreation, amusement and entertainment
1. Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses 1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA
 2. Movie theaters, stadiums and similar uses with seating accommodations 1 per every 4 seats
 3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses 1 per 200 SFGFA plus 1 per every 3 persons of fully utilized design capacity

- . Hospitals, clinics and other medical treatment facilities 2 per bed or 1 per 150 SFGFA, whichever is greater
- . Restaurants, bars, taverns and other eating establishments 1 per 100 SFGFA plus reservoir lane capacity equal to 5 spaces per drive-in window
- . Vehicle related uses
 - 1. Sales, service, repair 1 per 200 SFGFA
 - 2. Gas sales 1 per 200 SFGFA plus sufficient parking area at pumps which does not interfere with other required spaces
 - 3. Car wash 1 per 100 SFGFA plus 2 reservoir spaces in front of each stall for self-serve and 5 reservoir spaces for conveyor type
- . Warehousing and storage 1 per 4,000 SFGFA
- . Miscellaneous uses
 - 1. Veterinary 1 per 200 SFGFA
 - 2. Open air sales 1 per 1,000 square feet of lot area used for display or sales
 - 3. Nursery schools and day care 1 per 150 SFGFA
 - 4. Greenhouses 1 per 200 SFGFA
 - 5. Emergency services 1 per 200 SFGFA
 - 6. Junk and scrap yards 1 per 200 SFGFA
 - 7. Post office 1 per 200 SFGFA

Note: SFGFA means "square feet of gross floor area" which is the total area of a building calculated by taking the outside dimensions of the building at each floor level intended for occupancy or storage and summing the areas.

For uses not specifically mentioned above, the Zoning Hearing Board shall determine the required number of spaces.

312.6 Loading and Unloading Areas

In addition to the off-street parking spaces required above, any building erected, converted or enlarged in any district for commercial, office building, hotel, motel, restaurant, manufacturing, wholesale, hospital or similar uses, shall provide

adequate off-street areas for loading and unloading of vehicles. The loading space shall be a minimum of sixty (60) feet in depth, and twelve (12) feet in width, with an overhead clearance of fourteen (14) feet. In no case where a building is erected, converted or enlarged for commercial, manufacturing or business purposes shall any public right-of-way be used for loading or unloading of materials. Every commercial or industrial building which requires the receipt or distribution by vehicles of material or merchandise shall provide one (1) additional off-street loading space for each 25,000 square feet of gross building floor area.

312.7 Access To Off-Street Parking and Loading Areas

There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Where a parking or loading area does not abut on a public right-of-way or private alley or easement of access, there shall be provided an access drive not less than twelve (12) feet in width per lane of traffic; and not less than eighteen (18) feet in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:

- A. Access drive design and sight distance for access to Township and State roads shall comply with the standards contained in the most current edition of PA Code Title 67, Transportation, Chapter 441, Access to and Occupancy to Highways by Driveways and Local Roads.
- B. There shall be no more than one entrance and one exit for any business or parking area on any one highway unless safety, traffic, or other regulatory requirements dictate additional access. Traffic patterns and quantity, existing and adjoining accesses and the nature of adjoining uses shall be considered when planning accesses. Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.
- C. Any subdivision of property for commercial purposes shall provide no more than one common entrance and one common exit on any public right-of-way. Interior access drives shall be provided for movement of traffic to the public right-of-way.
- D. All uses shall provide for unobstructed access ways to facilitate the movement of emergency vehicles and equipment.

312.8 Parking and Loading Area Setbacks

All parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public right-of-way or adjoining property lines by a buffer area at least ten (10) feet in depth, unless otherwise regulated by this Ordinance.

312.9 Surfacing

Any off-street parking area shall be graded for proper drainage and shall be surfaced so as to provide a durable all-weather, mud-free and dustless surface, such as a gravel, concrete or bituminous concrete surface, and shall be so arranged as to provide for orderly and safe parking and storage of vehicles.

312.10 Off-Lot Parking

Parking spaces may be located on a lot other than that containing the principal use provided said lot is owned by the applicant or a written agreement for use of said lot is provided, approved by the municipal solicitor and accepted by the Board of Supervisors as adequate and located within a distance that will achieve the purposes of this Section 312.

313 Natural Resource Uses and Open Excavations

Natural resource uses shall be permitted only in all Districts except in the R-1 District and shall be considered conditional uses, and shall comply with all applicable state and federal requirements as well as the standards in this Section 313 and this ordinance. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

Natural resource uses with an open face of twenty-five thousand (25,000) square feet or less and which will not result in a total disturbed area of forty three thousand five-hundred sixty (43,560) square feet over the life of the site, and which do not involve the on-site use of any processing or manufacturing equipment shall be hereinafter referred to as "minor natural resource uses." The duration of the minor natural resource use removal process shall not exceed one-hundred eighty (180) days and reclamation of the entire site shall be completed within one (1) year of the issuance of the conditional use permit. Minor natural resource uses shall be exempt from the plan submittal requirements of this Section; however, said operations shall comply with the operational and rehabilitation standards of this Section 313.

313.1 Operational Requirements

- A. Vibrations - Machines or operations which cause vibrations shall be permitted, but in no case shall any such vibrations be perceptible along any adjoining or adjacent property in different ownership or public right-of-way.
- B. Blasting - Blasting shall be conducted in accord with State regulations. However, no blasting shall be permitted in association with a minor natural resource use.
- C. Emissions - The emissions of dust, smoke, refuse matter, odor, gas, fumes, noise or similar substances or conditions which can cause any soiling, staining, irritation, or damage to persons or property at any point beyond the property line of the use creating the emission are hereby prohibited.
- D. Fencing - The applicant shall submit to the Township for approval by the Board of Supervisors a fencing plan which shall provide for the protection of the public health safety and general welfare by restricting public access from areas of steep slopes, ponds, and/or other hazards. The Township shall

determine the type and extent of fencing required as part of the conditional use process. However, in no case shall any fence be less than six (6) feet in height and all required fencing shall be of such design to restrict access. In all cases, fencing shall be required wherever the natural resource use abuts a public road right-of-way or whenever the slope of an excavation exceeds a slope of greater than 1:1 for a face height of more than twelve (12) feet. All fence openings to provide access to the site shall be controlled by a gate and locks.

- E. **Setbacks/Buffers** - The setbacks and buffers in this Section shall be considered the minimum requirements. The Township as part of the conditional use process and in accord with Section 316 shall require larger setbacks, buffers or fencing in cases where the size of the operation, the topography, vegetation, or other physical features of the site, uses on adjoining properties or other public concerns dictate same.
 - 1. **Residential** - When adjacent to a Residential District or existing residence, no stockpiles, waste piles, processing or manufacturing equipment, subsurface mine entry location or facilities, and no part of the open face shall be located closer than five hundred (500) feet to such Residential District.
 - 2. **Street** - From the right-of-way line of a public street or highway no part of a quarrying or excavating operation shall be closer than one hundred (100) feet. Where both sides of the right-of-way are in a quarry or excavation operation in single ownership the required street setback may be reduced to fifty (50) feet on each side of the right-of-way.
 - 3. **General Property Line Setbacks** - No part of the quarrying or excavating operation shall be closer than one hundred (100) feet to any other property line.
 - 4. **Minor Natural Resource Use Setbacks** - The setbacks in Subsection 1, 2, and 3 above may be reduced in the case of a minor natural resource use; however, setbacks for minor natural resource uses shall be, at a minimum, increased to two (2) times the normal setbacks required for principal permitted uses for the subject District as provided in the Schedule of Development Regulations.
- F. **Water Resources** - In no case shall any use impede the flow of natural watercourses, and all uses or processes which pollute watercourses shall be prohibited. Collection of water in any excavation or quarry shall be avoided except as necessary for soil sedimentation control, and the Township may require the developer to provide stormwater management facilities to control drainage to excavated areas. Any ponds or other standing water shall not be permitted to become stagnant.
- G. **Lot Coverage** - Disturbed areas of a minor natural resource use shall not exceed the maximum lot coverage of the subject District as required for principal permitted uses in the Schedule of Development Regulations.
- H. **Subsidence** - All mining operations shall be conducted in such manner to prevent any subsidence of the surface of the site.

313.2 Submission of Operational Data for Natural Resource Uses

The operations plan shall include but need not be limited to:

- A. Ownership and acreage of the land proposed for use shown on a certified property boundary survey.
- B. Type of resources to be extracted or quarried, method of excavation, sequence of construction and excavation activities, and estimated amount.
- C. Topographic map of the property showing, at a minimum, two (2) foot contours, the change in natural grade and the estimated depth of the proposed operation.
- D. Location map at a scale of one (1) inch = one-hundred (100) feet which shall show:
 1. The land area to be excavated or quarried with dimensions and the total property.
 2. Private access roads and abutting streets and highways.
 3. Abutting and/or adjacent districts and land uses.
 4. Existing watercourses, and proposed alterations to assure stream quality and quantity.
 5. Fencing and buffer planting - If fencing is to be vegetation, details of the size and type shall be provided.
 6. Title, scale, north arrow and date.
 7. Ownership.
- E. A report setting forth the number and gross weight of trucks associated with the operation, the Township roads to be utilized by said trucks, and the probable effect of the truck traffic on the condition of the roads. Said information along with the advice of the Township Engineer shall be used by the Board of Supervisors to establish conditions of approval to mitigate road impacts for the proposed use if such approval is granted. Such conditions may include, but not be limited to, a bond or other financial guarantee in a form, amount and term as approved by the Township, and posted by the developer for the repair of any Township road which may be effected by the proposed operation.

313.3 Rehabilitation and Reclamation Plan for Natural Resource Uses

At the time the operations plan is submitted a rehabilitation and reclamation plan shall also be submitted setting forth the following information:

- A. An engineering drawing showing ownership, existing and future topography, streams, existing roads, buildings, boundaries, and legal description of the tract.

- B. A description of the location, type, extent, methods, and time schedule for the operations proposed.
- C. A drawing showing the location and/or proposed relocations of land, trees, buildings, structures, public roads, streams, drainage facilities and utility lines on the tract or adjacent tracts as may require protection, repairs, clearance, demolition, restoration either during or following completion of the operations proposed.
- D. A statement describing methods for handling operations with respect to the "Operational Requirements," plus any drainage, air pollution, soil erosion or other environmental problems created during the operations including production, transportation, processing, stockpiling, storage and disposal of by-products and wastes.
- E. A detailed plan for re-use of the land after completion of the operations which shall provide for the restoration of the site in accord with this Ordinance and appropriately provide for any restoration, reclamation, reforestation or other correction work deemed necessary. The plan shall include the types and density or number of trees and other vegetative plantings.
- F. A soil erosion and sedimentation control plan and stormwater control plan meeting the requirements of the County Conservation District and the Township Subdivision and Land Development Ordinance. In no case shall the post-development stormwater discharge from the property exceed the pre-development discharge.

313.4 General Rehabilitation - Reclamation Requirements and Standards for Natural Resource Uses

- A. Time - Within a time frame approved by the Board of Supervisors, but in no case to exceed three (3) years after the termination of operations, the area shall be rehabilitated to conform with the rehabilitation plan as approved.
- B. Standards - In the rehabilitation of an area the following standards shall be met:
 - 1. No area of rehabilitation shall exceed a slope of 2:1.
 - 2. The entire area disturbed by resource excavating, quarrying, mining, or other natural use shall be planted in such a manner so as to control soil erosion.
 - 3. The entire area shall be graded wherever necessary to provide for the conveyance of stormwater. Finished grade shall not have a slope of less than two (2) percent so as to provide for a natural drainage.
 - 4. Stockpiles, overburden, refuse, plant facilities or equipment shall be removed immediately upon the termination of operations and in no case shall such removal exceed one (1) year.
 - 5. Any required buffers, plantings or fencing shall be continuously maintained in good repair.

313.5 Existing Natural Resource Uses

Operations existing prior to the effective date of this Ordinance which are non-conforming as to setback requirements, shall not be required to correct such existing non-conformity. A rehabilitation plan and performance guarantee and any required fencing and/or buffers shall be provided within six (6) months after the effective date of this Ordinance, as amended. A plan meeting the requirements of this Section 313, for existing natural resource uses shall be submitted to the Township within three (3) months of the effective date of this Ordinance, as amended.

313.6 Non-Conforming Uses

Expansion of any natural resource use which is non-conforming as to Zoning District location shall be limited to the specific type of existing non-conformity, and any expansion to include natural resource use processing use(s) such as, but not limited to, stone crushers, cement plants and asphalt plants, shall not be permitted.

313.7 Performance Guarantee

Prior to the approval of a plan for any natural resource use, the applicant shall provide to the Township a bond, letter of credit or other performance guarantee, in a form and amount approved by the Township, to assure the reclamation and rehabilitation of any new or existing natural resource use. The term of the guarantee shall be for a period of ninety (90) days in excess of the time period established in Section 313.4.

313.8 Sections

Nothing herein shall prohibit the development of a natural resource use in phases or sections, for the purposes of performance guarantees. However, the plan submitted shall include the details of the complete proposed use to include all sections, with the performance guarantee provided for each section prior to development of same.

314 Buffer for Waterbodies and Wetlands

314.1 Plans

All waterbodies and streams shall be accurately shown on any plan submitted with any application for zoning approval. The Planning Commission, Board of Supervisors, Zoning Hearing Board or Zoning Officer, as the case may be, may also require that wetlands be shown on the plan where U.S.G.S. Topographical or U.S.F.W. Wetlands Maps or a site inspection indicates wetlands may be present.

314.2 Waterbodies

For the purposes of protecting water quality a buffer zone/building setback of not less than twenty-five (25) feet shall be maintained from the top of bank of any body of water or on each side of any stream. No buildings, structures (except uncovered docks), roads, parking areas, sewage disposal systems or other impervious surfaces shall be constructed or placed within this buffer zone, except for approaches to approved stream crossings. Docks shall not extend landward more than five (5) feet

from the waters edge. In residential subdivisions this strip shall be protected via a protective easement. In cases where Township Flood Plain Regulations require larger buffers, such regulations shall control.

314.3 Wetlands

Wetlands shall be governed by all applicable state and federal regulations, and a buffer zone/building setback of not less than one-hundred (100) feet shall be maintained from any wetland five (5) acres or more in size. No buildings, structures, roads, parking areas, sewage disposal systems or other impervious surfaces shall be constructed or placed within this buffer zone, except for approaches to approved wetland and stream crossings.

The applicant shall certify to the Township that the wetlands have been accurately delineated; and, if none exist on the site shall so certify. The Township shall also have the right to require the applicant to obtain U.S. Fish and Wildlife Service confirmation of said delineation. Copies of any required U.S. Army Corps of Engineers and Pennsylvania Department of Environmental Resources permits shall be provided.

No zoning approval granted by the Township shall in any manner be construed to be an approval of compliance by the applicant with any State or Federal Wetland Regulations; and the Township shall have no liability or responsibility to the applicant or any other person for compliance with said regulations.

315 Conditional Uses and Special Exceptions

315.1 Applications

Applications for conditional uses and special exceptions shall, at a minimum, include a plan containing the information required for major subdivisions as set forth by the Township Subdivision Ordinance. The Township Planning Commission or Board of Supervisors shall require any other information deemed necessary for the review of the proposal.

315.2 Conditional Uses

Uses specified as conditional uses shall be permitted only after review and approval pursuant to the express standards as provided for specific conditional uses in this Ordinance and in Section 315.4 and any other applicable standards in this Ordinance.

Upon determining that an application for a specific use may only be considered as a conditional use under the terms of this Ordinance, the Zoning Officer shall forward a copy of said application, along with the required supporting data, to the Township Planning Commission. The Planning Commission shall review the application at a public meeting and shall report its findings, together with a recommendation indicating whether the criteria listed in this Section 315 and any other applicable performance standards have been satisfied.

Upon receipt of the conditional use application and the recommendation of the Planning Commission, the Township Board of Supervisors shall conduct a public hearing pursuant to public notice and shall grant or deny the application. The Board of Supervisors shall provide notice of the public hearing to all property

owners whose property is located within one thousand two hundred fifty (1,250) feet of the project parcel. If the application is granted, the Board of Supervisors shall direct the Zoning Officer, in writing, to issue a permit for the same attaching any conditions of approval as authorized by the Pennsylvania Municipalities Planning Code and the standards in this Ordinance, and as established by the Board of Supervisors and deemed necessary by the Board to protect the public health, safety and welfare and otherwise fulfill the purposes of this Zoning Ordinance. If the application is denied, the applicant shall be notified of the action in person or by certified mail; such notice including the specific reasons for denial.

315.3 Special Exceptions

Uses specified as special exceptions shall be permitted only after review and approval by the Township Zoning Hearing Board pursuant to the express standards as provided for specific special exceptions in this Ordinance and in Section 315.4.

Upon determining that an application for a specific use may only be considered as a special exception under the terms of this Ordinance, the Zoning Officer shall forward a copy of said application, along with the required supporting data, to the Township Zoning Hearing Board and the Planning Commission. The Planning Commission shall review the application and shall make recommendations to the Zoning Hearing Board prior to the public hearing.

Upon receipt of the special exception application the Zoning Hearing Board shall conduct a public hearing pursuant to public notice and in accord with Section 908 of the Pennsylvania Municipalities Planning Code. The Zoning Hearing Board shall provide notice of the public hearing to all property owners whose property is located within one thousand two hundred fifty (1,250) feet of the project parcel. The Zoning Hearing Board shall consider the application in the terms of the criteria listed in this Section 315 and any other applicable performance standards in this Ordinance, and shall grant or deny the application. If the application is granted, the Zoning Hearing Board shall attach any conditions of approval as authorized by the Pennsylvania Municipalities Planning Code and the standards in this Ordinance, which are deemed necessary by the Board to protect the public health, safety and welfare and otherwise fulfill the purposes of this Zoning Ordinance.

The decision of the Zoning Hearing Board shall be rendered and notification to the applicant shall be provided in accord with Section 908 of the Pennsylvania Municipalities Planning Code.

315.4 Standards and Criteria

The standards and criteria applied to conditional uses and special exceptions are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives and standards of this Ordinance and other ordinances of Newton Township. In addition to the applicable general provisions of this Ordinance and to the standards provided in this Ordinance for specific conditional uses and special exceptions, the following standards and criteria shall be applied in the review of applications for conditional uses and special exceptions.

- A. The proposed use shall be in harmony with purposes, goals, objectives and standards of the Newton Township Comprehensive Plan, this Ordinance and all other ordinances of Newton Township.

- B. There shall be a community need for the proposed use at the proposed location. Need shall be assessed in light of existing and proposed use of a similar nature in the area and an objective to provide or maintain a proper mix of uses within the Township and, more specifically, that portion of the Township in the immediate area of the proposed use. The proposed use in the proposed location shall not result in either a detrimental over-concentration of a particular use within the Township or within the immediate area.

The location chosen shall not be one demonstratively better suited or likely to be needed for uses which are permitted as a matter of right in the District. The proposal shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in light of other potential sites in the immediate area including those which might exist in adjacent communities.

- C. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this Ordinance, or any other plan, program, map or ordinance of the Township or other government agency having jurisdiction to guide growth and development.
- D. The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Township, whether such services are provided by the Township or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, or services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use the applicant shall be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this and other ordinances of the Township. The permit approval shall be so conditioned.
- E. In reviewing an application, the following additional factors shall be considered:
1. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
 2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
 4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

5. Adequacy of stormwater and drainage facilities.
6. Adequacy of water supply and sewage disposal facilities.
7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
9. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

F. No application shall be approved unless it is found that, in addition to complying with each of the standards enumerated above, any of the applicable standards contained in this Ordinance shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety and welfare of parties effected, all conditions necessary to protect the general health, safety and welfare shall be imposed as conditions of approval.

Conditions which might be imposed shall include (but not be limited to) provisions for additional parking, traffic control, submission of landscaping plans for screening, setbacks, special measures addressing sales period activities, environmental controls and other measures which mitigate any potential adverse impact the use may have on adjoining uses.

The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

16 Performance Standards Applicable to All Uses in All Districts

Intent of this Section 316 is to regulate the development and operation of all development in the Township and to protect the environment and the public health, safety and general welfare. The following performance standards shall apply to all existing, proposed new or expanded residential, commercial, manufacturing and other non-residential uses. (Note - This section shall not apply to agricultural uses.)

316.1 Yards and Buffers

Unless otherwise regulated by this Ordinance, where a commercial or manufacturing use is proposed contiguous to any existing residential use or any R-1 or A-1 District the minimum side and rear yards shall be increased to by fifty (50) percent of that required by the District and a buffer consisting of a solid fence of wood and/or a dense evergreen planting not less than six (6) feet high may be required by the Township. Storage of equipment, supplies, products or any other materials shall not be permitted in any front yard or side yard. Additional buffer areas or

fencing may be required by the Township if the nature of the proposed use as determined by the Township so requires.

Landscaped buffers may be required by the Board of Supervisors in any yard in order to assure the protection of adjoining uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking physical passage to dangerous areas; and reduce air pollution, dust and litter; and, to otherwise maintain and protect the rural character of the District.

- A. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- B. The width of the required buffer, as determined by the Township, shall not be less than ten (10) feet.
- C. A mix of ground cover and shrubbery vegetation and canopy trees, of such variety compatible with the local climate, may be required so that a dense screen not less than six (6) feet in height will be formed within three (3) years of planting.
- D. Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer. Front yard buffers shall be provided in the same manner to a height of not less than four (4) feet; however, all clear sight triangles shall be maintained.
- E. In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial use, or when two or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the Township shall determine that the proposed use and adjoining use(s) are not incompatible.
- F. Design details of buffers shall be included on the site plan, and buffers shall be considered "improvements" for the purposes of guaranteeing installation in accord with the requirements for "land developments" in the Township Subdivision and Land Development Ordinance. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material.

316.2 Operations and Storage

All facilities and operations of the principal use including the storage of raw material, finished products, fuel, machinery and equipment and any other materials or supplies shall be enclosed and carried out within a building; or shall, as required by the Township, be provided with larger setbacks and/or buffers, fences or walls to afford protection to adjoining uses and any public road rights-of-way. In any case such storage areas shall be not less than twenty (20) feet from and E-1 District and not less than twenty-five (25) feet from any public road right-of-way. No manufacturing storage area shall be less than fifty (50) feet from any E-1 District nor less than twenty-five (25) feet from any public road right-of-way.

Storage of materials, supplies or products in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted.

316.3 Fire and Explosion Hazards

All activities involving any manufacturing, production, storage transfer or disposal of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of Federal, State and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety and accident response actions shall be provided by the developer for review by the local fire company(s). All buildings shall comply with the most current code standards as required by the Township. Additional buffer areas, larger setbacks, or fencing may be required by the Township if the nature of the proposed use as determined by the Township so requires. The minimum distance between buildings on the same parcel shall be twenty (20) feet.

316.4 Radioactivity or Electric Disturbance

No activities shall be permitted which exceed federal standards for radioactivity emissions, or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance. All applicable Federal, State and local regulations shall apply.

316.5 Vibration

No vibration shall be permitted which is detectable without instruments at the property line.

316.6 Lighting and Glare

No light source shall be exposed to the eye except those covered by globes or defusers. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source. Lighting design should be an inherent part of the architectural design. All streets, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and directional signs. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purpose of regulation by the Township Subdivision and Land Development Ordinance.

No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted so as to be visible at the property line. This restriction shall not apply to signs otherwise permitted by the provisions of this Ordinance.

316.7 Smoke

No emission shall be permitted from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954.

316.8 Odors

No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable without instruments at the property line of the parcel from which the odors are emitted.

316.9 Other Forms of Air Pollution

No open or exterior burning of any raw material, component or other substance associated with any production process shall be permitted. No waste materials or by-products shall be burned or incinerated on any property except at a PA DER approved solid waste disposal facility. In any case, no emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling.

316.10 Surface and Ground Water Protection

All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and details of planned safety devices and contamination response actions shall be provided by the developer. The Township may require a plan to be submitted for review and approval and may require financial security for insuring contamination response. Monitoring wells and water quality testing may also be required by the Township.

The developer shall also provide details about the use of ground water and any processes that could result in the depletion of ground water supplies. No use shall be permitted which would result in the depletion of ground water supplies.

In cases where the use is of such a nature that large volumes of ground water are required the developer shall provide appropriate hydro-geologic studies which clearly establish that the proposed use will not cause a reduction in the quantity or the quality of ground water supplies available to other properties located within one-thousand (1,000) feet of any portion of the property where the proposed use will be located.

316.11 Landscaping

A landscaping plan for the proposed project shall be prepared by the developer for review and approval by the Township. Landscaping shall be considered an improvement for the purposes of regulation by the Township Subdivision and Land Development Ordinance. The landscaping plan shall include the overall design of the landscaping proposed, the type and size of vegetation to be utilized, and details of installation and maintenance program.

Landscaping shall be installed to the following minimum standards:

- A. All disturbed areas of the site shall be included in the landscaping plan, and those areas immediately adjacent to buildings and walkways shall be given extra consideration.

6. Adequate pedestrian walkways shall be provided for access from parking areas and to common use areas and shall be an integral part of the landscaping; and shall be consistent with the architectural type of the project and shall be a minimum of four (4) feet in width and of a design and construction approved by the Township.
7. Plants shall be of a variety proven successful in the Township's climate, unless otherwise approved by the Board of Supervisors.
8. Where landscaping is required to serve as a buffer (eg. between the project and adjoining properties or between buildings and parking areas) the plants used shall be of such variety, size and arrangement of height and spacing to effect the required buffer in a reasonable period of time as determined necessary by the Township. The width of the landscaped buffer shall generally not be less than ten (10) feet in all required yards, unless the applicant can demonstrate to the Township that the buffer can be effected by other means such as soil mounding and/or fencing.
9. The variety of landscape materials shall be consistent with building architecture and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.
10. A minimum of five (5) percent of the interior of any parking lot having twenty-five (25) or more parking spaces shall be maintained with landscaping, including trees and shrubs in plots of at least thirty-six (36) square feet in area. Trees and landscaping plots shall be so located to provide visual relief and sun and wind interruption within the parking area and to insure safe patterns of internal circulation. However, in no case shall more than fifteen (15) spaces be permitted in a continuous row without interruption by landscaping, and not more than sixty (60) spaces shall be permitted in one lot, said lots being separated by landscaping plots a minimum of four (4) feet in width.
11. Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.
12. Plastic landscape materials shall not be permitted with the exception of permeable weed control material.
13. All landscaping shall be maintained in good growing condition by the property owner with plants that have died being replaced with similar plants.

316.12 Stormwater Management and Soil Erosion Control

A stormwater management plan and soil erosion control plan shall be provided to the Township for review and approval. Said plan shall be prepared and implemented pursuant to the standards contained in Sections 605 and 606, respectively, of the Township Subdivision Ordinance; and County Conservation District standards.

The protection of the quality of ground water and surface water shall be an integral part of all proposed stormwater management practices; and all stormwater management plans shall include an element specifically addressing water quality. The plan shall provide for the minimization of the discharge of "first flush" sediments off

the project site or directly to infiltration structures. Containment of "first flush" sediments shall be accomplished by accepted and proven engineering design and practice, including but not limited to the use of grass buffer/filter strips, grass swales, detention basins, sediment traps, and special inlet devices.

316.13 Waste Materials

No liquid, solid, toxic or hazardous waste shall be stored or disposed in any commercial area, either above or below ground level, except for the temporary storage thereof pending removal from the premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable state and federal regulations in order to prevent any water, soil or air contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers. In addition, no waste discharge is permitted into any reservoir, sewage or stormwater disposal system, stream, open body of water or onto the ground.

316.14 Sewage Disposal

Sewage disposal shall be provided by a system meeting the requirements of the Pennsylvania Department of Environmental Resources. Discharge to such system shall be limited to human wastes. No discharge of wastes or materials in any way associated with a production process shall be permitted to any sewage system.

316.15 Roof Screening

Provision shall be made for architectural screening or roof appurtenances such as cooling towers and ventilation ducts so that such appurtenances are not visible from surrounding properties or streets.

316.16 Sidewalks

Pedestrian walks not less than four (4) feet wide shall be provided for accesses to commercial facilities from parking areas and along the building walls where customer/client access is located.

316.17 Other Regulations

Certification shall be provided by the applicant demonstrating that the project complies with all other applicable local, state and federal regulations, and said proposal has obtained all required permits, certifications and authorizations, including but not limited to the PA Department of Transportation, the Pa Department of Environmental Resources, the PA Department of Labor and Industry, the Federal Emergency Management Agency and the U.S. Environmental Protection Agency.

317 Junk Yards

Junk yards shall be considered as conditional uses in the M-1 District only and in addition to the requirements of the Newton Township Junk Yard Ordinance, Ordinance #1 of 1965, shall be subject to the criteria contained in Sections 314 and 316 of this Ordinance and the following additional standards. In cases where the standards in this Ordinance and the standards in Ordinance #1 of 1965 differ, the more restrictive shall apply:

Non-conforming junkyards in all Districts except the M-1 District shall be eliminated or terminated within a period of five (5) years from the effective date of this Ordinance. Non-conforming junkyards within the M-1 District shall be brought into conformance with the standards of this Ordinance within a period of five (5) years from the effective date of this Ordinance. (This Section 317 is not intended to repeal any other ordinance or code relating to solid waste; and if any inconsistencies exist with any other ordinance or code, the more restrictive provisions shall apply.)

317.1 Federal Requirements

Any junk yard located adjacent to a Federal Aid highway shall comply with all regulations of the Federal Highway Administration, and all junk yards shall meet the licensing and screening requirements of the Commonwealth of Pennsylvania.

317.2 Public Rights-of-Way

No junk yard shall be located closer than two hundred (200) feet to any other existing public right-of-way. Provided however, that the Township may permit a reduction of the required set back where the subject property has natural features adequate to provide screening from the public right-of-way; however, the setback shall not be reduced to less than seventy-five (75) feet.

317.3 Fencing

All junk yards shall be completely enclosed by a chainlink fence not less than ten (10) feet in height. Said fence shall be completed within six (6) months after the effective date of this Ordinance for existing junk yards and prior to the issuance of a license for a new junk yard. All gates shall be closed and locked when closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence. Junk shall not be stacked so as to exceed the height of said fence. It is further provided that the foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junk yard operator so long as said remaining portion of land is not being used for the storage of junk as defined in this Ordinance.

317.4 Setbacks

Such fence and any structures associated with the junk yard shall not be located closer than fifty (50) feet to any property line or two hundred (200) feet to any public right-of-way or within two hundred (200) feet from principal residential structures existing at the time of adoption of this Ordinance; or one hundred (100) feet to any Residential District.

317.5 Vegetative Screening

All junk yards shall be screened from view from all adjoining properties and any public right-of-way and natural vegetative cover shall be maintained in all required yards. Vegetative plantings of sufficient density or fencing of such design to effect the required screening may be used.

317.6 Dumping

The area used for a junk yard shall not be used as a dump area for trash or garbage.

317.7 Burning

No burning whatsoever shall be permitted on the premises.

317.8 Water Bodies

No junk yard shall be located closer than two hundred (200) feet to any body of water, stream, wetland, or well except the well serving the property.

317.9 Noxious or Contaminating Materials

To further protect ground water and surface water all batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials must be removed from all junk within two working days after arrival to the premises and shall be disposed in a manner meeting all state and federal requirements. Such liquids and materials while stored on the premises shall be kept separately in leakproof containers at a central location on the premises.

317.10 Groundwater and Surface Water Monitoring

The owner of any junkyard shall be required to monitor the ground and surface water in the vicinity of the junk yard. Water testing shall be conducted every three months on any stream located on the premises or any stream within five hundred (500) feet of any area used for the storage of junk if water drainage from the junk yard area is to said stream. For each testing period two (2) samples shall be collected; one sample shall be taken from the stream at a point upstream of the junkyard drainage area and one sample shall be taken from the stream at a point below the junk yard drainage area. In addition, the well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Board of Supervisors, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Resources, the junkyard shall cease operation until such time as the source of the contamination has been identified and corrected.

317.11 Fire Lanes

Fire lanes of a minimum width of twenty (20) feet shall be maintained so that no area of junk shall span a distance of more than fifty (50) feet.

317.12 Noise

Any activity associated with the operation of the junk yard that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m. and not on Sundays.

During business hours, an adult attendant shall, at all times, remain on the premises.

317.13 Permits

Applications for permits for junk yards, in addition to meeting the requirements of this Ordinance for permits, shall follow the plan submittal and approval process established by the Township Subdivision and Land Development Ordinance for land developments and major subdivisions.

317.14 Stacking

No junk shall be stacked or piled to a height of greater than six (6) feet.

317.15 Nuisances

All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin. All grass and weeds on the premises shall be kept mowed and shall not be permitted to seed.

317.16 Rubbish

Paper, rags, plastic materials, and other rubbish shall not be stored outside and shall not be accumulated or remain on any premises for more than one month.

317.17 Wells

The premises shall have a well which will provide adequate water supply.

317.18 Fireproof Structures

Every structure erected upon the premises and used in connection therewith shall be of fireproof construction.

317.19 Township Licensing

All junk yards shall be subject to any Township licensing and record keeping requirements which shall be established by the Board of Supervisors.

317.20 Financial Guarantees

Certain financial guarantees may be required from the owner/operator to insure the proper operation, maintenance and/or dissolution of the junk yard.

318 Water and Sewer

All uses shall be provided with an adequate water supply, as demonstrated by evidence to be provided by the applicant, and with a sewage disposal system meeting the needs of the proposed use and meeting the requirements of the Township and the Pennsylvania Department of Environmental Resources; and the applicant shall submit to the Township a plan for water supply and sewage disposal. Any sewage treatment plant facilities, but not including soil absorption areas, shall be a minimum of fifty (50) feet from any public road right-of-way or exterior development property line and shall be placed on an individual designated lot. Evidence of legal rights-of-way for any sewage line not located on the development property shall be provided by the applicant. In cases where

community on-lot subsurface sewage disposal or any non-residential use (excluding agricultural uses) which generates more than one (1) equivalent dwelling unit of sewage discharge is proposed, a reserve area shall be provided that is adequate and legally suitable for the installation of a replacement disposal system.

319 Solid Waste

Solid waste facilities, including transfer stations, herein referred to as facilities, shall be permitted only for the disposal of waste generated within the Township of Newton and shall be considered conditional uses, in the M-1 District only and shall be subject to the following restrictions, which shall apply to both existing and proposed solid waste facilities (This Section 319 is not intended to repeal any other ordinance or code relating to solid waste; and if any inconsistencies exist with any other ordinance or code, the more restrictive provisions shall apply.):

319.1 Proximity to Federal and State Highways

Any facility located adjacent to a Federal Aid highway shall comply with all regulations of the Federal Highway Administration.

319.2 Parcel Size and Setbacks

The minimum parcel size shall be twenty (20) acres. No facility created after the effective date of this ordinance shall be located closer than seven-hundred and fifty (750) feet to an existing public right-of-way or property line; residential structure; public, semi-public or institutional use; or commercial or recreational facility.

319.3 Fencing

All facilities shall be completely enclosed by a chainlink fence not less than ten (10) feet in height. The erection of said fence shall be completed within six (6) months after the effective date of this Ordinance for existing facilities and within six (6) months after the issuance of a license for a new solid waste disposal facility. All gates shall be closed and locked when closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence.

319.4 Proximity of Fence to Property Lines

Such fence and any structures associated with the facility shall not be located closer than two hundred (200) feet to any property line or seven hundred and fifty (750) feet from any public right-of-way or within seven hundred and fifty (750) feet from principal residential structures existing at the time of adoption of this Ordinance.

319.5 State Regulations

All existing and proposed facilities shall fully comply with the regulations of the Pennsylvania Department of Environmental Resources.