

319.6 Storage and Transfer

No type of storage or transfer of solid waste shall be permitted except as approved by the Pennsylvania Department of Environmental Resources and this Section 319. The temporary (not to exceed twenty-four (24) hours) parking of collection vehicles ready for transport to a DER approved disposal facility shall be permitted.

320 Recycling Facilities

The intent of this Section is to encourage recycling and thereby reduce litter, increase the volume of material which is recycled and conserve landfill capacity by the convenient location of community recycling facilities including collection and processing facilities. Standards are provided to assure that said facilities are developed in a manner consistent with the community's rural character and which will minimize any negative effects on adjoining residential and commercial uses.

Recycling facilities shall be limited to accepting and processing those materials considered recyclable as defined by this Zoning Ordinance. The inclusion of additional materials for recycling may be considered by the Township as a conditional use provided the applicant provides evidence that the intent and level of control of this Section are not compromised.

All recycling facilities shall be considered conditional uses and in addition to the conditional use standards, commercial standards, and all other applicable standards in this Ordinance, the standards in this Section 320 shall apply as indicated.

320.1 Small Collection Facilities

Small collection facilities shall be considered a conditional use in all Districts and in addition to all other applicable standards in this Ordinance, the following standards shall apply:

- A. Small collection facilities shall be established only in conjunction with an existing commercial use or community service facility which is in compliance with the zoning, building and other Township Ordinances.
- B. The total area of all containers shall be no larger than five-hundred (500) square feet and occupy no more than five (5) parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers.
- C. All containers shall be set back at least twenty-five (25) feet from any street line and shall not obstruct pedestrian or vehicular circulation.
- D. The facility shall accept only recyclables as defined by this Ordinance.
- E. No power-driven processing equipment shall be permitted.
- F. Containers shall be constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected in accord with the collection schedule.

- G. All recyclables shall be stored in containers or in a mobile unit vehicle, and materials shall not be left outside of containers.
- H. The area shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or containers are removed at the end of each collections day, shall be swept at the end of each collection day.
- I. All containers for the deposit of materials shall maintain the setback required for the District. Larger setbacks, buffers, or fencing may be required as deemed necessary by the Township in accord with Section 316 of this Ordinance.
- J. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and notice shall be displayed clearly stating that no material shall be left outside the recycling enclosure or containers.

320.2 Large Collection Facilities

A large collection facility is one that is larger than five-hundred (500) square feet but does not exceed twenty thousand (20,000) square feet, or is on a separate property not appurtenant to a host use, and which may have a permanent building. A large collection facility is considered a conditional use in any District except the R-1 District. The following standards shall apply in addition to all other applicable standards in this Ordinance.

- A. The facility shall be screened from adjoining properties and the public right-of-way by operating in an enclosed building; or within an area enclosed by an opaque fence at least six (6) feet in height with landscaping.
- B. Setbacks and landscape requirements shall be those provided for the zoning district in which the facility is located; All buildings, structures, containers and stored materials shall maintain the required setbacks. Additional buffers, setbacks, or fences may be required by the Township in accord with Section 316 of this Ordinance.
- C. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or recyclable shall be baled or palletized. Storage containers for flammable material shall be constructed of non-flammable material. No storage, excluding truck trailers and overseas containers shall be visible above the height of the fencing.
- D. The site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.
- E. Space shall be provided on site for at least six (6) vehicles or for the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials.
- F. Parking shall be provided in accord with the parking regulations contained in this Ordinance; and, at a minimum, one (1) parking space shall be provided for

each working employee and for each commercial vehicle operated by the recycling facility.

- G. Any containers provided for after-hours donation of recyclable materials shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.
- H. All containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.
- I. The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs shall meet the standards of Section 311 of this Ordinance. Directional signs bearing no advertising message may be installed in accord with Section 311, if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
- J. Power-driven processing, including aluminum and bi-metal can compacting, baling, plastic shredding, glass crushing, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved, provided noise and other operational concerns are addressed to the satisfaction of the Township.

320.3 Recyclable Processing Facilities

Recyclable processing facilities, as defined by this Zoning Ordinance, shall be considered conditional uses in the M-1 District only and shall comply with all standards applicable to manufacturing uses.

321 Traffic Study

Certain development proposals are hereby classified as having major impacts on the road system in the Township. Such proposals shall be considered conditional uses and shall be subject to additional review criteria and development standards so that such concerns may be adequately addressed.

In cases where, upon the determination by the Township, the proposed establishment would have a significant traffic impact on the area road network, the Township may, as part of the conditional use process, require the applicant to submit a traffic impact study. The Board of Supervisors shall use the results of the study as a basis for establishing conditions of approval which will mitigate to the greatest extent possible any impacts identified.

The classification as a conditional use and the requirement for the submission of a traffic study by the developer shall be determined from the estimated project trip generation rates. A traffic study shall be required for any use or any addition to a use established after the effective date of this Ordinance (excluding smaller additions to pre-existing uses) which will generate more than two hundred fifty (250) trip ends per day; and any proposed use or expansion of an existing use which will

generate more than twenty-five (25) trip ends per day of trucks of a commercial or heavier class.

In addition to the above uses the following uses shall also be major impact uses in all cases.

1. Industrial parks
2. Manufacturing or industrial uses
3. Junkyards
4. Natural resource uses
5. Natural resource uses processing
6. Agricultural products processing
7. Solid waste facilities and staging areas
8. Warehouses and trucking terminals
9. Any use involving the initial or cumulative disturbance of 87,120 or more square feet of soil surface areas but not agricultural uses
10. Any use involving the initial or cumulative construction, installation and/or placement of 43,560 square feet or more of buildings, structures or other impervious surface areas.
11. Any use involving development in any floodplain area
12. Any other use as determined by the Township

The number of trip ends shall be estimated by applying the following trip generation rates (Adapted from "Trip Generation Institute of Transportation Engineers, 1987") to the proposed use:

<u>Use</u>	<u>Trip Ends Per Day</u>
Resort/recreation housing with transient occupancy	11.8 per dwelling unit
Single-family residential units, or subdivisions	10.1 per dwelling unit
Two family and Multi-family residential units	10.1 per dwelling unit
Mobile home parks and other residential uses	7.6 per dwelling unit
RV parks and campgrounds	10.4 per campsite
Hotel, motel, or other lodging houses	13.4 per sleeping unit
Commercial recreation	5.4 per vehicle parking space
Boat Liveries	10 per boat berth
Office buildings	28.8 per 1000 GSFBA*

Multiple occupant commercial & shopping centers	50.9 per 1000 GSFLA**
Medical office buildings	99.0 per 1000 GSFBA*
Restaurants	139.3 per 1000 GSFBA*
Fast food drive-through restaurants	828 per 1000 GSFBA*
Car sales facilities	79 per 1000 GSFBA*
Convenience store	351.7 per 1000 GSFBA*

* GSFBA = gross square feet of building area: The sum of the area at each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices that are included within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all stories or areas that have floor surfaces with clear standing head room (6 feet, 6 inches) regardless of their use. Where a ground level area, or part thereof, within the principal outside faces of the exterior walls is left unenclosed, the gross area of the unenclosed portion is to be considered as part of the overall square footage of the building. All unroofed areas and unenclosed roofed-over spaces, except as defined above, shall not be included in the area calculation. For purposes of the trip generation calculation, the gross area of any parking garages within the building shall not be included within the gross area of the entire building.

** GSFLA = gross square feet of leasable area: The total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, and measured from the centerline of joint partitions and from outside walls.

Where doubt exists as to the applicable standard, or a specific use is not listed above, the aforementioned "Institute" publications shall be consulted and the final determination made by the Board of Supervisors. Development proposals involving more than one of the above uses shall be evaluated by summing the rates and calculations for each individual use.

The transportation impact report is designed to identify the transportation (traffic) impacts and problems which are likely to be generated by the proposed use as well as improvements required to ensure safe ingress to and egress from the development, maintenance of adequate street capacity and elimination of hazardous conditions.

The transportation impact report shall include the following;

- a. A detailed description of the highway network within one (1) mile of the site including all intersections, and railroad grade crossings, proposed ingress and egress locations, existing roadway widths and right-of-ways and existing traffic control devices. In cases where the development has direct access to a road other than an arterial or collector, the detailed description shall be made to include one (1) mile beyond the intersection with the next collector or arterial.
- b. A detailed description of existing traffic conditions for all roads which have direct access to the proposed development site, including assembly of average

daily traffic data accumulated by the Pennsylvania Department of Transportation since 1970 and a map plotting of all highway accidents of which the Department has record as well as an analysis of the causes of such accidents. A 24 hour traffic count may also be required for a period of 7 consecutive days on each road with direct access. The existing average daily traffic volume and the highest average peak hour volume for any weekday hour between 3 PM and 6 PM or any weekend hour between 10 AM and 10 PM shall be recorded. Seasonally adjusted figures based on patterns observed by the Department shall also be prepared.

- c. A calculation of estimated ADT after development based on the trip generation rates contained in the above table. Estimates shall also be made of the peak hourly traffic volumes for 3 PM to 6 PM on weekdays and 10 AM to 10 PM on weekends.
- d. Highway and intersection capacities (maximum safe traffic volumes) shall be determined for each of the roads with direct access to the proposed development. This portion of the report shall be prepared in consultation with the Township Engineer, who shall, in turn, consult with the Pennsylvania Department of Transportation regarding roads under Commonwealth jurisdiction. Critical elements to be considered in these calculations are: lane and shoulder widths, restricted clearances, passing distances, percentages of trucks or buses, grades, average speeds and restrictions, numbers and characters of driveways and private accesses, percentages of right-hand and left-hand turns, alignment, roadway surfacing and the general condition of the highway.
- e. Projected total future traffic demands (during peak periods and on an average basis) shall be calculated for all roads with direct access to the proposed development. This demand shall consist of existing traffic volume plus assumed normal increase of traffic volume of one percent per year and the anticipated traffic for the proposed development. Peak traffic demands for each road and each intersection shall be compared with capacity figures. Should peak traffic demand following completion of the development or five years from the date of application (whichever would occur later) be projected to exceed capacity, the roadway or intersection shall be considered deficient and the development shall not be permitted unless the applicant/developer makes the road improvements necessary to increase the capacity sufficiently to accommodate the traffic from the proposed development or provides a financial guarantee suitable to the Board of Supervisors to ensure the completion of such improvements.
- f. For proposed uses that involve the use of heavy trucks as an integral part of the operation of the use or involve the sale or purchase of goods or products that require the use of a large volume of heavy trucks, the impact report shall include an analysis of the capabilities of the roads servicing the proposed use to carry the weight and volume of the truck traffic anticipated. Such analysis shall include an evaluation of the cross-section construction of said roads including drainage, base material, binder material and wearing course as well as construction of shoulders. The report shall also include a statement setting forth the types, gross weights (loaded) and numbers of trucks involved with the proposed use. No use shall be permitted that will result in the accelerated deterioration of any public road servicing the proposed use.

322 Environmental Impact Statement

- A. An environmental impact statement (EIS) is required for the following proposed developments and uses:
1. Major Impact Development as regulated by Section 321 of this Ordinance.
 2. Industrial parks
 3. Manufacturing or industrial uses
 4. Junkyards
 5. Natural resource uses
 6. Natural resource uses processing
 7. Agricultural products processing
 8. Solid waste facilities and staging areas
 9. Warehouses and trucking terminals
 10. Any use involving the initial or cumulative disturbance of 87,120 or more square feet of soil surface areas
 11. Any use involving the initial or cumulative construction, installation and/or placement of 43,560 square feet or more of buildings, structures or other impervious surface areas
 12. Any use involving development in any floodplain area
 13. Any other use as determined by the Township.

The requirements of this Section shall also be applied to any proposed use, which for reasons of location, design, existing traffic of other environmental considerations, as determined by the Township, warrants the application of the study and development standards contained herein.

- B. The purpose of this EIS is to disclose the environmental consequences of a proposed action. This requirement is made in order to protect the natural environment with respect to water quality, water supply, soil erosion, pollution of all kinds, flooding and waste disposal. The intent is to preserve trees and vegetation, to protect water courses, air resources and aquifers.
- C. An Environmental Impact Statement shall include a response to the following items pertaining to a proposed development and said proposal shall comply with all other standards included in this Ordinance and other Township Ordinances:
1. Soil Types
 - a. U.S.D.A. Soil Types (show on map)
 - b. Permeability of soil on the site.
 - c. Rate of percolation of water through the soil for each five acres.
 2. Surface Waters
 - a. Distance of site from nearest surface water and head waters of streams.
 - b. Sources of runoff water.
 - c. Rate of runoff from the site.

- d. Destination of runoff water and method of controlling down stream effects.
- e. Chemical additives to runoff water on the site.
- f. Submission of an erosion and sediment control plan meeting the requirements of the PA DER and the Lackawanna County Conservation District.
- g. Said information shall be set forth in a storm water management plan meeting the requirements of the Township Subdivision Ordinance.

3. Ground Cover Including Trees

- a. Extent of existing impervious ground cover on the site.
- b. Extent of proposed impervious ground cover on the site.
- c. Extent of existing vegetative cover on the site.
- d. Extent of proposed vegetative cover on the site.

4. Topography

- a. Maximum existing elevation of site.
- b. Minimum existing elevation of site.
- c. Maximum proposed elevation of site.
- d. Minimum proposed elevation of site.
- e. Description of the topography of the site and any proposed changes to topography.

5. Ground Water

- a. Average depth to seasonal high water table.
- b. Minimum depth to water table on site.
- c. Maximum depth to water table on site.

6. Water Supply

- a. The source and adequacy of water to be provided to the site.
- b. The expected water requirements (g.p.d.) for the site.
- c. The uses to which water will be put.

7. Sewage System

- a. Sewage disposal system (description and location on the site, of system)

- b. Expected content of the sewage effluent (human waste, pesticides, detergents, oils, heavy metals, other chemical).
- c. Expected daily volumes of sewage.
- d. Affected sewage treatment plant's present capacity and authorized capacity.

8. Solid Waste

- a. Estimated quantity of solid waste to be developed on the site during and after construction.
- b. Method of disposal solid waste during and after construction.
- c. Plans for recycling of solid waste during and after construction.

9. Air Quality

- a. Expected changes in air quality due to activities at the site during and after construction.
- b. Plans for control of emissions affecting air quality.

10. Noise

- a. Noise levels, above existing levels, expected to be generated at the site, (source and magnitude), during and after construction.
- b. Proposed method for control of additional noise on site during and after construction.

11. Impact of Proposed Use

A description of the impacts on the environment and mitigating factors shall be provided for the following:

- a. Existing plant species, (upland and marine), and effects thereon.
- b. Existing animal species and effects thereon.
- c. Existing wildfowl and other birds and effects thereon.
- d. Effects on drainage and runoff.
- e. Effects on ground water quality.
- f. Effects on surface water quality.
- g. Effects on air quality.
- h. Alternatives to proposed development, consistent with the zoning of the tract.

1. Effects on sites of historic significance.

12. Critical Impact Areas

In addition to the above, plans should include any area, condition, or feature which is environmentally sensitive, or which if disturbed during construction would adversely affect the environment.

- a. Critical impact areas include, but are not limited to, stream corridors, streams, wetlands, estuaries, slopes greater than 15%, highly acid or highly erodible soils, areas of high water table, and mature stands of native vegetation and aquifer recharge and discharge areas.
 - b. A statement of impact upon critical areas and of adverse impacts which cannot be avoided.
 - c. Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction.
 - d. A list of all licenses, permits and other approvals required by municipal, county or state law and the status of each.
 - e. A listing of steps proposed to minimize environmental damage to the site and region during and after construction.
13. In addition to the above requirements the Township may require such other information as may be reasonably necessary for the Township to evaluate the proposed use.
 14. The EIS shall be prepared by a professional architect, landscape architect, planner, engineer or other qualified individual whose qualifications have been previously approved by the Township.
 15. Procedures for Evaluating the Environmental Impact Statement Shall be as Follows:
 - a. Upon receipt of the application the Township Secretary shall forward the EIS to the Township Engineer and any other Agency or firm which the Township may desire for consultation.
 - b. The Township may require the opinion of experts in their review of the EIS.
 - c. Fees for the costs of such consultation as described in Subsections "a" and "b" above shall be paid by the applicant.
 - d. Copies of the Environmental Impact Statement shall be on file and available for inspection in the Township office.
 - e. The Planning Commission shall evaluate the proposed project and the EIS and recommend action on same to the Board of Supervisors.

323 Manufactured Housing, Vehicle and Trailer Sales Operations

323.1 Procedures

Manufactured housing, vehicle, and trailer sales operations, hereinafter referred to as operations, shall be considered conditional uses in the C-2 District only and land developments and, in addition to the applicable standards of this Ordinance, shall comply with the requirements of the Township Subdivision and Land Development Ordinance.

323.2 Standards

Manufactured homes, vehicles and/or trailers on display:

- A. Shall be permitted only on the same lot with a permitted principal commercial use.
- B. Shall not be placed upon permanent foundations.
- C. Shall comply with the yard and height requirements for principal structures and shall, in the case of manufactured homes, be included in the maximum lot coverage calculations.
- D. Shall not be served by any water supply or sewage disposal facilities.

324 Hotels, Motels, and Lodging Facilities

This Section 324 is intended to provide specific conditional use standards for the development of hotels, motels, and other lodging facilities for the tourist/traveler at unit densities that allow full use of the project parcel. Said uses shall be considered conditional uses in the A-1, C-1, C-2 and M-1 Districts only. Specific performance standards are provided to allow for flexibility of design and to insure the protection of adjoining properties and the public health, safety and general welfare.

324.1 Density

Density of units and facilities shall be determined by the character of the project parcel and compliance with the standards in this Section 324 and this Ordinance, and other applicable Township and state regulations.

324.2 Design Criteria

- A. Yard, building height, lot width and depth, and lot coverage ratios applicable to the District shall be maintained.
- B. In cases where the project parcel adjoins a Residential or where a project structure(s) exceed(s) fifteen hundred (1,500) square feet in total floor area, larger front side and rear yards may be required.
- C. No structure shall be erected within a distance equal to its own height of any other structure.

- D. Rental units of hotels, motels, seasonal cottages and resort facilities shall not be utilized as a permanent residence.
- E. All facilities in a hotel, motel or lodging facility project shall be on the same parcel of property and shall clearly intended to serve the tourist trade and shall not contain any commercial facility unless such commercial facility is otherwise permitted in the subject District or it is clearly demonstrate such commercial facility is intended solely for the lodging guests of the resort facility.

324.3 Bed and Breakfast Establishments

A bed and breakfast establishment may be permitted in any District in accord with the following standards:

- A. Adequate off-street parking is provided in accord with Section 311 of the Ordinance, with the minimum number of parking spaces provided as follows: one space for each rentable room; one space for each non-resident employee, and two spaces for the dwelling unit.
- B. Not more than five (5) rentable rooms are provided in the establishment.
- C. The owner of the bed and breakfast must reside on the premises.
- D. Not more than two (2) non-resident employees shall be permitted.

324.4 Plan

A plan including the items required for land development plans by the Township Subdivision and Land Development Ordinance shall be submitted with the project application.

325 Stables and Kennels

325.1 Stables, Commercial

Commercial stables are permitted as a conditional use in any District except the District subject to all applicable standards of this Ordinance and the following standards:

- A. A minimum parcel of five (5) acres shall be required and a single-family residence for the owner or manager shall be permitted on the premises provided all other Sections of this Ordinance and other applicable standards are met.
- B. Adequate off-street parking shall be provided pursuant to the requirements of this Ordinance with one space provided for each non-resident employee and one space per two (2) horses kept on the premises.
- C. No stable building or corral shall be located within two hundred (200) feet of an adjoining property line and one hundred (100) feet from any public or private road.

325.2 Kennels

Kennels are considered a conditional use in any C-1, C-2, or M-1 District subject to all applicable standards of this Ordinance and the following standards:

- A. A minimum parcel of 3 acres shall be required.
- B. No structure used for the keeping of dogs shall be located closer than two hundred (200) feet to any property line or one hundred (100) feet to any public or private road.
- C. Adequate off-street parking shall be provided pursuant to the requirements of this Ordinance with one space for each non-resident employee and one space per four (4) dogs kept on the premises.
- D. A buffer consisting of a solid fence not less than six (6) feet in height or a dense vegetative planting of not less than six (6) feet in height shall be provided at a distance not to exceed fifteen (15) feet and fully encircling all kennel areas not enclosed in a building.
- E. Dogs shall be restricted from using kennel areas not fully enclosed in a building from 8:00 p.m. to 8:00 a.m.

326 Keeping of animals on Residential Properties

No horses, cows, goats or other animals of similar size shall be housed within a distance of two-hundred (200) feet from any property line. No more than twelve (12) adult fowl, rabbits or small animals of similar size shall be kept within one-hundred (100) feet from any property line.

327 Mini-Storage Facilities

Mini-storage facilities shall be conditional uses in the C-1, C-2, and M-1 Districts, and in addition to all other applicable standards of this Ordinance, the following standards shall apply.

- A. Minimum lot size, lot width and yards, and maximum lot coverage and building height shall at a minimum conform to District standards. Minimum distance between buildings shall at a minimum be twenty (20) feet.
- B. The mini-facility shall be served by a defined entrance and exit. Said defined entrance and exit shall be defined by use of curbing, landscaping, fencing, or other appropriate means so that access is restricted to the defined entrance and exit.
- C. Parking and loading facilities shall, at a minimum, comply with Section 312 of this Ordinance; and further, shall be designed to meet the requirements of the proposed facility. All access, parking and loading areas shall be paved with bituminous or concrete material meeting the requirements for minor roads pursuant to Township standards.

- D. No mini-storage shall be used for habitation or residential purposes and individual mini-storage units shall not be served by a water supply or a sewer disposal system.
- E. All facilities shall comply with the performance standards in Section 316 of this Ordinance, and mini-warehouses shall not be used for the storage keeping of animals, food or any other type of perishable substance or material.
- F. No mini-storage shall be used for any other purpose except storage and shall not be used for any other type of commercial or manufacturing activity. material, supplies, equipment or goods of any kind shall be stored outside of the warehouse structure, with the exception of the vehicles required for the operation of the warehouse and boats and recreational vehicles and trailers.
- G. All mini-storage facilities shall be provided with adequate outdoor lighting for security purposes; and such lighting shall be so directed as to prevent glare on adjoining properties.
- H. All mini-warehouse proposals shall include detailed information on the nature and quantity of materials to be stored on the premises. Proposed space rental agreements shall be submitted with the conditional use application and shall provide specific rules and regulations to insure that the requirements of this Section 327 are or will be satisfied.

328 Development on Steep Slopes

All uses permitted by this Ordinance shall be subject to the following special conservation performance standards which shall apply to any lands that are characterized by steep slopes.

328.1 Steep Slope Areas

Steep slopes shall be defined as slopes in excess of twenty-five percent (25%) grade as determined by the Zoning Officer from United States Geological Survey topographic maps or U.S.D.A. Soil Conservation Service maps. In cases where the slope cannot be specifically determined by said means, the Zoning Officer shall require the applicant to provide certification from a Professional Engineer or Registered Land Surveyor of the slope in question. Slope shall be measured at the points where the earth will be disturbed or where structures or other improvements are proposed.

In reviewing applications for use of sites partially or wholly included within an area identified as steep-sloped, the Zoning Officer, Planning Commission, and Board of Supervisors, as the case may be, shall be satisfied that the following performance standards have been or will be met:

- A. An accurate map prepared by a Registered Surveyor in the Commonwealth of Pennsylvania has been submitted showing property boundaries, building and driveway locations, contours at five (5) foot intervals and any areas to be graded. The proposed location of other factors shall also be shown including streams, wetlands, areas subject to landslides and extent of vegetative cover.
- B. A grading and drainage plan has been prepared showing existing and proposed ground surfaces, plans for drainage devices, plans for walls or cribbing, etc.

map of the drainage area affected, computation of the amount of runoff expected, an erosion control plan and schedule for completion of work.

- C. Impervious surfaces are kept to a minimum.
- D. No finished grade where fill is used shall exceed a fifty (50) percent slope.
- E. Where fill is used to later support structures, a minimum compaction of ninety (90) percent of maximum density shall be achieved.
- F. No more than seven thousand (7,000) square feet of area may be totally cleared for building purposes including house, garage, accessory structures, driveway or other impervious areas.
- G. At least fifty (50) percent of the area to be used for any building or construction purposes shall be less than fifteen (15) percent slope.
- H. Soils characterized by the Soil Conservation Service as highly susceptible to erosion shall be avoided.
- I. Roads and utilities shall, to the greatest extent possible, be installed along existing contours.
- J. Any steep slope areas also characterized by seasonal high water tables shall be avoided.
- K. Natural vegetation shall be preserved to as great a degree as possible.
- L. In cases where structures are proposed, the applicant shall submit plans to the Township detailing how the limitations of slope will be mitigated by the design of the structure(s). Said plans shall be prepared and certified by a Professional Engineer.
- M. Prior to the issuance of a certificate-of-use, the applicant shall provide to the Zoning Officer a certification by a Professional Engineer that the property has been developed and structures have been constructed in accord with the approved certified plans.

329 Yard Sales

Individual private family yard sales are a permitted use in all zoning districts and shall be subject to the following specific regulations and requirements:

329.1 Number of Sales

Each individual property location may have a maximum of three (3) yard sales in any one (1) calendar year. Each sale shall last a maximum of three (3) consecutive days.

329.2 Items Presented for Sale

All items shall be placed and offered for sale within the confines of the property described in the permit.

329.3 Prohibited as a Commercial Operation

Yard sales are meant to allow individuals to offer for sale accumulated non-household items; and the buying and selling of commercial or surplus material shall be considered a commercial operation and shall be prohibited.

330 Adult Stores

Adult stores shall be considered conditional uses in the M-1 District only, and shall only be permitted in accord with the following standards and all other applicable standards in this Ordinance. The intent of this section is to minimize the adverse secondary impacts of such establishments on the community.

330.1 Parcel Size

A minimum parcel size of four (4) acres shall be required.

330.2 Buffer Area

No structure housing an adult store or any sign identifying same, shall be located less than one thousand (1000) feet from any residential, public or semi-public property, building or use; or less than five hundred (500) feet from any property line or public road right-of-way.

330.3 Parking area

All parking areas shall be covered with not less than two and one-half (2.5) inches of ID-2 bituminous paving on a base of eight (8) inches of compacted 2A modified shale or other PA DOT approved material.

330.4 Lighting

Overhead lighting shall be provided to illuminate all improved areas of property; and said lighting shall be in compliance with all requirements of this Ordinance.

331 Mobile Home Parks

Mobile home parks shall be regulated by the Newton Township Mobile Home Park Ordinance.

332 Recreational Vehicle Parks

Recreational vehicle parks shall be developed in accordance with the Township Subdivision and Land Development Ordinance.

333 Vehicle Related Uses

Vehicle related uses provided for in this Section 333 are considered conditional uses in C-1, C-2, and M-1 Districts and, in addition to all other applicable standards, shall comply with the standard in this section.

333.1 Automatic Car Wash Facilities

All automatic car wash facilities shall be subject to the following specific regulations and requirements:

- A. The principal building housing the said facility shall be set back a minimum of sixty (60) feet from the road or street right-of-way line and thirty (30) feet from the side or rear property lines.
- B. Appropriate facilities for the handling of waste water from the washing activities shall be provided including, but not limited to the following:
 1. The prevention of water being dripped onto the adjoining road or street from freshly washed vehicles during periods of freezing weather.
- C. The facility shall have adequate means of ingress and egress to prevent adverse effects to either vehicular or pedestrian traffic.
 1. All access drives shall be no less than twenty (20) feet nor more than thirty-five (35) feet in width.
 - a. When an automatic car wash facility occupies a corner lot, the access driveways shall be located at least seventy-five (75) feet from the intersections of the front and side street right-of-way lines.
- D. A ten (10) foot buffer strip shall be provided along all road or street right-of-way lines except where access drives are located.
 1. The ten (10) foot buffer strip shall contain plantings or other barriers to prevent vehicular ingress or egress.
- E. The site shall be sufficiently large to accommodate cars awaiting washing during peak periods so that the lines of automobiles along the adjacent road or street shall be avoided.
 1. Waiting line area for five (5) automobiles shall be provided for each automatic car wash machine as a minimum.
 2. Waiting line area for three (3) automobiles shall be provided for each self washing stall as a minimum.

333.2 Gasoline, Service or Filling Stations

All gasoline service or filling stations shall be subject to the following specific regulations and requirements:

- A. The principal building housing the said station shall be set back a minimum of sixty (60) feet from the road or street right-of-way line and thirty (30) feet from the side or rear property lines.
- B. All repair, service or similar activities shall be conducted within in completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes and glare; except that minor servicing such as changing

tires, sale of gasoline or oil, windshield washing and other similar normal activities may be conducted outside the said building.

- C. Only vehicles with current license and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored in any exterior area. If a legitimate, bonafide service station store more than four (4) vehicles per service stall in exterior areas, it shall comply with the junk regulation set forth in this Ordinance. Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.
- D. No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of This Ordinance.
- E. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening.
- F. Gasoline pumps and other service appliance may be located in the required front yard but shall not be situated closer than thirty feet from the road or street right-of-way line. Any above ground storage tanks shall not be placed in the front setback area.
- G. No vehicles shall be stored in any required setback areas.

333.3 Vehicular Sales Operations

All vehicular display and sales operations of new and used automobiles, trucks, motorcycles, mobile homes, recreation vehicles and travel trailers shall be subject to the following specific regulations and the requirements:

- A. All principal and accessory buildings and structures shall be in accord with the yard setback, building height and lot coverage requirements of the District.
- B. The outdoor display of new and used cars, trucks, motorcycles, mobile homes, recreation vehicles and travel trailers shall meet the appropriate front, side and rear setback requirements as for the District.
- C. Activities which are normally accessory to such sales operations, such as engine tuneup and repairs, body repairs, painting, undercoating and other similar activities shall be conducted in accord with the applicable standards in Section 333.2 above.
- D. Only vehicles with current license and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored in any exterior area. If a legitimate, bonafide service station store more than four (4) vehicles per service stall in exterior areas, it shall comply with the junk regulation set forth in this Ordinance. Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.

- E. No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of This Ordinance.
- F. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening.
- G. No vehicles shall be stored in any required setback areas.
 - 1. Piles or stacks of tires or other materials in exterior areas shall be prohibited at all times.

334 Bulk Fuel Storage Facilities

All bulk fuel storage facilities are classified as conditional uses in the M-1 District and, in addition to all other applicable standards, shall be subject to the following specific regulations and requirements:

- A. Bulk fuel storage facilities shall be located on a tract of land not less than five (5) acres in area.
- B. Storage tanks shall be located not less than one hundred and fifty (150) feet from any property line or any road or street right-of-way line.
- C. Storage tanks shall be located not less than five hundred (500) feet from any existing dwelling, school, church or similar structure.
- D. The total tank storage area shall be entirely fenced with an eight (8) foot high industrial type security fence or have an equivalent and approved by the Township. All tanks containing flowable liquids shall be surrounded by an earthen dike, lined with impregnable lining, with a capacity equal to the total quantity of liquid capable of being stored in the said tank or tanks.
- E. Cylinder filling rooms, pumps, compressors and truck filling stations shall be located not less than two hundred (200) feet from any property line and not less than one hundred fifty (150) feet from any road or street right-of-way line.
- F. Bulk fuel storage facilities shall be developed in complete compliance with all applicable Local, State, Federal and insurance regulations and requirements.

335 Institutions, Penitentiaries, Reformatories, Juvenile Detention Centers, Rehabilitation Centers and Similar Structures and Uses

All institutions, penitentiaries, reformatories, juvenile detention centers, rehabilitation centers and similar structures and uses are considered conditional uses in the C-1, C-2, and M-1 Districts and, in addition to all other applicable standards, shall be in strict conformity with the following specific requirements and regulations.

335.1 Approvals

Institutions, penitentiaries, reformatories, juvenile detention centers, rehabilitation centers and similar structures and use are conditional uses and land development plan approval is required.

335.2 Parcel Size

In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of fifty (50) acres.

335.3 Site Design Standards

The site shall be improved in accordance with the following minimum requirements:

- A. The building shall be set back a minimum of two hundred and fifty (250) feet from the right-of-way line of the abutting road.
- B. The site layout shall be such that any required or proposed security fencing shall not be visible from the nearest right-of-way line of the abutting road.
- C. A landscaping and screening strip not less than seventy-five (75) feet in width shall be established along all side and rear site lines. Evergreen trees shall be planted and maintained of a size and configuration such that immediately upon completion, not more than ten percent (10%) of any required or proposed security fencing shall be visible when viewed from any point along the site perimeter and five (5) years thereafter any required or proposed security fencing shall be totally obscured from any and all points along the site perimeter during all seasons of the year.
- D. A perimeter security road not less than fifteen (15) feet in width shall be constructed approximately centered on a cleared and graded strip having minimum width of seventy-five (75) feet located immediately inside of landscaping strip and immediately outside of any required or proposed security fencing. The grade and profile of the cleared area shall provide continuous full and complete visibility of the security fencing from one bend to another and shall be forever maintained without any visual obstructions.

336 Outdoor Recreation and Facilities

All outdoor recreation areas and facilities including golf courses, miniature golf courses, golf driving ranges, public pools, public tennis courts, outdoor shooting ranges, outdoor archery ranges and other similar outdoor recreational facilities uses are considered conditional uses in certain districts and, in addition to all other applicable standards, shall be subject to the following specific regulations and requirements:

336.1 Golf Courses

- A. Golf courses shall be considered conditional uses in A-1, C-1, C-2 and Districts only.

- B. All golf courses shall be kept in a neat and well maintained condition. Ownership and maintenance responsibilities shall be outlined and stated on the plan and a guarantee certification of such maintenance responsibilities submitted with the zoning permit application.
- C. A fifty (50) foot buffer strip shall be required along all property lines. Screening and plantings shall be required as determined by the Township between fairways and property lines for protection of adjoining properties.
- D. Existing trees and vegetation shall be preserved whenever possible to keep the area around the fairways as natural as possible.

336.2 Miniature Golf Courses (Commercial)

- A. Miniature Golf Courses shall be considered conditional uses in the C-1, C-2 and M-1 Districts only.
- B. No commercial miniature golf course shall be situated within one hundred (100) feet of any property line abutting an existing residence or within one hundred (100) feet of a R-1 zoning district.
- C. Adequate fencing shall be provided to protect adjacent uses from stray balls as determined by the Township.

336.3 Golf Driving Ranges

- A. Golf driving ranges shall be considered conditional uses in the C-1, C-2, and M-1 Districts only.
- B. No golf driving range shall be situated within two hundred (200) feet of any property line or within one hundred (100) feet of any road or street right-of-way line.
- C. Adequate fencing shall be provided to protect adjacent uses from stray balls as determined by the Township.

336.4 Swimming Pools (Public)

- A. Swimming Pools (Public) shall be considered conditional uses in all Districts.
- B. Security fencing of such design to restrict access, at least six (6) feet in height shall be provided along all boundaries of the swimming pool area.
- C. No public swimming pool shall be situated within one hundred (100) feet of any property line or road or street right-of-way line.
 - 1. When a public swimming pool is abutted on a side or rear property line by an existing residence within one hundred (100) feet or by a zoning district having residences as a principal permitted use adequate screening shall be provided along such property lines in accordance with Section 512.

336.5 Outdoor Shooting Ranges

Commercial, public and private outdoor shooting ranges shall be considered conditional uses in the A-1 District only and all applicable and the following standards shall apply.

- A. All outdoor shooting ranges shall be situated a minimum of three hundred (300) feet from any property line abutted by an existing residence situated within one hundred (100) feet or by a zoning district having residences as a principal permitted use.
- B. All outdoor shooting ranges shall be designed and constructed with sufficient safety facilities to prevent wild or ricochetting bullets.
- C. Safety devices such as fencing, signs, or other security measures shall be placed around the perimeter of the range to prevent accidental intrusion in the shooting area.
- D. All shooting shall be confined to the hours of 9:00 a.m. and 7:00 p.m., but no case after sunset.

336.6 Outdoor Archery Ranges

- A. Outdoor archery ranges shall be considered conditional uses in the A-1 District only and all applicable and the following standards shall apply.
- B. All archery ranges shall be situated a minimum of fifty (50) feet from all property lines and road or street right-of-way lines.
- C. All archery ranges shall be designed and constructed to protect the public from wild or stray arrows.
- D. Safety devices such as fencing, signs, or other security measures shall be placed around the perimeter of the range to prevent accidental intrusion in the archery area.

337 Two-Family Dwellings

337.1 Minimum Lot Area

The lot on which a two-family dwelling is proposed shall contain a minimum area of sixty thousand (60,000) square feet with a minimum width of one-hundred twenty (120) feet and a minimum depth of one-hundred fifty (150) feet. Building coverage shall not exceed thirty-five (35) percent.

337.2 Setback on All Streets and Roads

A minimum front yard of thirty-five (35) feet shall be provided from the right-of-way of all existing private, Township, County and State roads.

337.3 Side Yard

There shall be two (2) side yards and no side yard shall be less than twenty (20) feet.

337.4 Rear Yard

There shall be a rear yard of not less than thirty-five (35) feet.

337.5 Height

No building shall exceed a maximum height of two and one-half (2 1/2) stories nor thirty-five (35) feet.

337.6 Minimum Living Space

Each dwelling unit in the two-family structure hereinafter erected shall have a minimum living space in accord with the following schedule:

<u>Number of Bedrooms</u>	<u>Minimum Living Space Per Unit in Square Feet</u>
One	600
Two	750
Three	900
Four	1150

Not more than four (4) bedrooms shall be permitted in any individual family unit of a two-family dwelling structure.

337.7 Fire Walls

Provisions shall be made for adequate fire protection in wall construction between all dwelling units within the two-family structure with a minimum burn rate of one (1) hour, and the wall must extend from the basement floor to roof with no openings between sections.

338 Multi-Family Dwellings

Multi-family dwelling projects with three and four unit buildings are considered conditional uses in certain Districts in order to provide the opportunity for the development of a variety of housing types in the Township. In addition to the Conditional Use Standards set forth in this Ordinance and the Township Building Code, the following standards shall apply to multi-family developments.

338.1 Procedure

Multi-family dwelling projects shall be considered major subdivisions and land developments subject to the Township Subdivision and Land Development Regulations. This "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are

connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision. Application for preliminary approval of multi-family dwelling projects, accordingly, will be made to the Township Planning Commission in the manner provided in the Subdivision Regulations. The developer shall also submit all information required by said Regulations in addition to the following additional information:

- A. An application for multi-family dwelling conditional use by a letter or brief from the developer indicating how the development will specifically meet the conditional use standards contained in this Ordinance.
- B. A proposed plot plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
- C. A schedule or plan, and proposed agreement(s) either with the Township or property owners' association for the purpose of dedicating, in perpetuity, the exclusive use and/or ownership of the open space required by this Ordinance to the prospective dwelling owners or occupants. Such agreement may be incorporated in the applicant's proposed covenants and restrictions, but shall in any event, provide to the satisfaction of the Township that maintenance and use of the property, regardless of ownership, be restricted to either (1) activities intended for the sole benefit of the occupants of the particular project proposed or, (2) permanent open space as hereinafter provided.
- D. The application package shall be processed on a schedule concurrent with the requirements for review and approval of other Preliminary Plans pursuant to Township Subdivision Regulations including providing the County Planning Commission with a thirty (30) day opportunity to review copies of the entire package. The Township Planning Commission shall report its findings together with a recommendation indicating whether the conditional use criteria contained in this Ordinance will be satisfied.

The Board of Supervisors shall act on the Preliminary Plan, conditional use and "Planning Module for Land Development" concurrently, making the Preliminary Plan approval, if one shall be given, subject to approval Planning Module by the Pennsylvania Department of Environmental Resources (DER).

No building permit shall be issued to the applicant until all conditions attached to the approval of any Preliminary Plan, including DER approval of "Planning Module", shall have been satisfied and nothing herein shall be construed as permitting the issuance of a building permit prior to Preliminary Plan approval. If the Preliminary Plan shall be rejected no conditional building or zoning permit shall be granted.

Following Preliminary Plan approval, the developer shall provide for the installation of all required or proposed improvements including but not limited to streets, parking areas, storm drainage facilities, recreational facilities and lighting. Building improvements shall also be completed or guaranteed prior to the applicant's request for Final Approval. No Certificate of Use shall, however, be issued until such time as (1) Final Plan approval shall have been granted pursuant to the Subdivision Regulations, and (2) buildings have been completed and inspected by the Zoning Officer and a valid certificate of approval from the Pennsylvania Department of Labor and Industry where required is provided by the applicant.

No person shall sell, transfer, lease or agree or enter into an agreement to sell or lease any land and/or buildings or interests in the individual dwelling units to be created, or erect any building thereon except in accord with the provisions of this Ordinance, and unless and until Final Plan approval and a Certificate of Use shall have been granted and the Plan has been recorded in the Office of the County Recorder of Deeds.

338.2 Parcel and Density Standards

All land proposed for a particular multi-family dwelling project shall be part of the same parcel and contiguous.

The total number of dwelling units permitted shall be calculated after deducting the following areas:

- A. Land contained within public rights-of-way;
- B. Land contained within the rights-of-way of existing or proposed private streets and parking areas (where formal rights-of-way are not involved the width of the street shall be assumed as fifty (50) feet wide);
- C. Land contained within the boundaries of easements previously granted to public utility corporations providing electrical or telephone service, and any petroleum products pipeline and railroad rights-of-way;
- D. The area of waterbodies including lakes, ponds and streams (measured to the normal high water mark on each side); wetlands; quarries; areas with slope in excess of twenty-four (24) percent or greater; and areas used for improvements,

from the total area of the project parcel and then applying the applicable density as follows:

Each lot shall contain a minimum area of ninety thousand (90,000) square feet for a three-family building and one-hundred thousand (100,000) square feet for a four-family building. Minimum width shall be one-hundred and twenty (120) feet and minimum depth one-hundred fifty (150) feet. Lot coverage shall not exceed thirty-five (35) percent maximum.

338.3 Setback on All Streets and Roads

A minimum front yard of thirty-five (35) feet shall be provided on all existing private, Township, County and State roads.

338.4 Side Yard

There shall be two (2) side yards and no side yard shall be less than twenty (20) feet.

338.5 Rear Yard

There shall be a rear yard of not less than thirty-five (35) feet.

338.6 Height

No building shall exceed a maximum height of two and one-half (2 1/2) stories or thirty-five (35) feet.

338.7 Minimum Living Space

Each dwelling unit in the multi-family structure hereinafter erected shall have minimum living space in accordance with the following schedule:

<u>Number of Bedrooms</u>	<u>Minimum Living Space Unit in Square Feet</u>
One	600
Two	750
Three	900
Four	1150

Not more than four (4) bedrooms shall be permitted in any individual family unit in a multi-family dwelling structure.

338.8 Fire Walls

Provisions shall be made for adequate fire protection in wall construction between all dwelling units within the multi-family structure with a minimum burn rate of one (1) hour, and the wall must extend from the basement floor to roof with no openings between sections.

338.9 Open Space

- A. All areas of a multi-family development not occupied by buildings and required or proposed improvements shall remain as permanent open space to be used for the benefit and enjoyment of the residents of the particular units being proposed. Land designated as open space shall be maintained as open space and may not be separately sold, used to meet open space requirements for other developments, subdivided or developed or dedicated to any other use.
- B. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas shall be preserved and maintained by either one or both of the following mechanisms:

1. If individual dwelling units are sold, dedication to a property owners association which assumes full responsibility for maintenance of the open space.
 2. If individual units are under single ownership, deed-restricted private ownership which shall prevent development of the open space, provide for its maintenance and protect the rights of owners or occupants of the dwelling units of the proposed project to use and enjoy, in perpetuity, such open space.
- C. At least fifty percent (50%) of the designated open space area shall be usable for active recreational activities and shall not include wetlands, quarries, slopes over twenty-four percent (24%), or acreage used for improvements. Storm drainage facilities and sewage effluent disposal areas shall be considered improvements.

338.10 Water and Sewage

All multi-family developments shall be served with off-site sewage facilities and off-site water supplies, that is, not located on individual dwelling lots. Effluent disposal areas shall not be placed upon individual lots and shall be a minimum of one hundred (100) feet from any public road right-of-way or exterior development property line. A reserve area suitable for a replacement disposal area equal in size to the required area shall be provided and so identified on the plan.

338.11 Design Criteria

The following design criteria shall apply to multi-family developments:

- A. There shall be no more than four (4) dwelling units in each multi-family building.
- B. No structure shall be constructed within ten (10) feet of any parking area.
- C. Access roads through the development shall comply with the street requirements of the Township Subdivision Regulations for minor roads. However, the completed base of all streets (to the width of the cartway), parking areas, and driveways shall be topped with a base course of ID2 bituminous material meeting the Pennsylvania Department of Transportation, Form 408 specifications to a depth of one and one-half (1 1/2) inches. A final wearing course of ID2 bituminous material meeting Form 408 specifications to a compacted depth of one (1) inch shall then be applied to all streets (to the width of the travelway), parking areas and driveways. Shoulders shall be Type Seven as set forth in Form 408. Parking areas and driveways shall be designed to provide adequate drainage.
- D. No multi-family development shall be served by more than one entrance and one exit from any public highway.
- E. Parking shall comply with Section 312 of this Ordinance.
- F. All multi-family structures shall be separated by a distance at least equal to the height of the highest adjoining structure.

- G. All multi-family structures, improvements and any effluent disposal areas shall be a minimum of one hundred (100) feet from any exterior property lines and seventy-five (75) feet from any public right-of-way.
- H. Multi-family developments shall be subject to the stormwater management requirements of the Township Subdivision Ordinance.
- I. Sidewalks shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as set forth in the Township Subdivision Ordinance.
- J. Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

338.12 Non-Residential Use

Non-residential uses and home occupations shall not be permitted in a multi-family development. Such ancillary facilities as laundry areas, service buildings, recreational facilities and the like for the use of the residents of the project shall be permitted.

338.13 Conversions of Existing Structures

Conversions of motels, hotels, or other existing structures to multi-family dwelling use regardless of whether such conversions involve structural alteration, shall be considered subdivisions and, moreover, be subject to the provisions of this Section 338. If the proposed project does involve structural alterations, the Preliminary Plan shall include a certification of a registered architect or engineer that the existing building is structurally sound and that the proposed conversion will not impair structural soundness.

338.14 Common Property Ownership and Maintenance

In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Township. This shall specifically include, but not be limited to, provisions dealing with the ownership and maintenance of open space, improvements and utilities. Said arrangement shall indemnify the Township of any responsibility associated with same. The developer shall also submit evidence of compliance with the PA Condominium Law or an attorney's opinion that said Law does not apply to the subject project.

If a property owners association is proposed it shall be governed by the following requirements:

- A. The association shall be formed by and with the financial assistance of the developer, if necessary, prior to the sale of any lots or units.
- B. Membership in the organization shall be mandatory for all owners in the project, and their successors.

- C. The association shall be responsible for maintaining, insuring and paying taxes on common property, and costs of same shall be shared equitably by the members in accord with the by-laws and procedures established by the association.
- D. Such staff or services as are necessary to maintain and administer common property and facilities shall be provided by the association.

339 Earth Disturbance and Clearcutting Permit

339.1 Intent

The intent of this Section is to regulate earth disturbance activities and to protect soil resources and water quality.

339.2 Permit

Any activity, except in cases where zoning or subdivision and land development approval has been otherwise granted, which will result in the initial or cumulative earth disturbance or clearcutting timber harvest of more than ten thousand (10,000) square feet of land area shall require a zoning permit.

339.3 Plan

The Applicant shall include with the application for a zoning permit a plan setting forth the details of the earth disturbance or clearcutting activity including any and all information deemed necessary by the Township.

339.4 Soil Erosion and Sedimentation and Stormwater Control

No earth disturbance or clearcutting activity shall be permitted within twenty-five (25) feet of any waterbody or stream.

339.5 Revegetation/Reforestation

The plan shall include provisions for the revegetation and/or reforestation of any disturbed or clearcut areas.

339.6 Exemption

The provisions of this Section 339 shall not apply to the following:

- A. Agricultural Operations Exclusion - Any land disturbance associated with agricultural activities operated in accordance with a Conservation Plan or a Soil Erosion and Sedimentation Control Plan approved by the County Conservation District is exempt from the Earth Disturbance Permit requirement of this Section of the Ordinance.
- B. Forest Management Operations Exclusion - Any land disturbance with any forest management operations which is following the PA DER's management practices contained in DER Publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and is operating under a Conservation Plan and Forest Management Plan is exempt from the Earth Disturbance Permit requirements of this Section of this Ordinance.

ARTICLE IV - RESIDENTIAL DISTRICTS

R-1 SINGLE FAMILY RESIDENCE DISTRICT

401 Required Conditions

The following conditions and requirements shall apply in all R-1 Districts. -

401.1 Minimum Lot Area

Every lot shall contain a minimum area of forty thousand (40,000) square feet with a minimum width of one-hundred and twenty (120) feet and a minimum depth of one-hundred and fifty (150) feet. Building coverage shall not exceed thirty-five (35) percent maximum.

401.2 Front Yard

There shall be a front yard of not less than thirty-five (35) feet measured from the edge of the abutting road right-of-way.

401.3 Side Yard

There shall be two (2) side yards and no side yard shall be less than twenty (20) feet.

401.4 Rear Yard

There shall be a rear yard of at least thirty-five (35) feet.

401.5 Height

No building shall exceed a height of two and one-half (2.5) stories nor thirty-five (35) feet.

401.6 Minimum Floor Area

Every single family residential dwelling hereafter erected shall have a minimum floor area of one-thousand (1,000) square feet of living space in the principal structure.

402 Schedule of Uses

The following uses shall be permitted in the R-1 District as classified herein.

R-1 - LOW DENSITY RESIDENTIAL DISTRICT

Principal Permitted Uses

Single-family detached dwellings

Conditional Uses

Churches and parish houses
Home occupations per Section 310.2
Public Parks and playgrounds

Special Exceptions

None

Accessory Uses

Carports
Customary accessory uses and structures
Essential services
Home gardening, home nurseries and home greenhouses
Private parking areas and private garages
Private swimming pools
Signs in association with an approved use
TV satellite dishes

403 Prohibited Uses

The following uses shall be prohibited in the R-1 District.

Mobile homes and any use not specifically listed in Section 402 above as a principal permitted use, conditional use, accessory use or special exception.

404 Other Uses in the R-1 District

404.1 Roomers or Boarders

Roomer and boarders shall be permitted but shall not exceed three (3) per dwelling with parking privileges, provided that the structure is occupied by the owner as the principal residence of the owner.

404.2 Animals

No horses, cows, goats or other animals of similar size shall be housed within a distance of two-hundred (200) feet from any property line. No more than twelve (12) adult fowl, rabbits or small animals of similar size shall be kept within one-hundred (100) feet from any property line.

404.3 Front Yard Structures

No unattached structures shall be permitted which are situated in front of the principal structure building line regardless of the setback of the principal structure.

404.4 Similar Residences

No residence of substantially identical basic architectural design, color or appearance as another residence shall be erected within a distance of four (4) lot widths therefrom on the same street frontage.

404.5 Fences, Walls and Hedges

A fence, wall or hedge may be constructed or maintained in an R-1 District without issuance of a permit; however, no fence, wall or hedge higher than four (4) feet may be constructed or maintained in front yards.

404.6 Signs

See Section 311 of this Ordinance for sign regulations.

404.7 Building Setback From Railroad

In all R-1 Districts all principal buildings shall be set back a minimum of one hundred (100) feet from any railroad track.

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

GENERAL PROVISIONS FOR BUSINESS ZONES (C-1 AND C-2)

501 Site Plan Required

501.1 Permits Required

No non-residential use shall be established, enlarged, extended or changed whatsoever, without the owner of the premises having first obtained a permit after favorable conditional use review by the Planning Commission of a site plan for the proposed use and approval by the Board of Supervisors. In making its determination, the Township shall require, among other things, the safety of traffic, provisions for adequate light and air, proper circulation and access, reduction of congestion in the streets, prevention of over-crowding of lands and buildings, and securing safety from fire, panic and other dangers, as well as all other applicable requirements of this Ordinance.

501.2 Submission of a Site Plan

To determine whether the submission of a site plan will be required for the proposed use or enlargement, extension or change in an existing use, the applicant shall, on a form furnished by the Township, apply to the Planning Commission for review of the proposed use and a determination as to the necessity for submission of a site plan.

501.3 Site Plan Contents

The site plan shall be prepared in accord with the requirements for a land development contained in the Township Subdivision and Land Development Ordinance, and shall contain, at a minimum, all information required thereby.

501.4 Site Plan Review

An application for any building permit or certificate of occupancy in any C-1 or C-2 Business District shall be submitted to the Zoning Officer. The applicant shall also submit to the Planning Commission in duplicate all plans for any proposed development or construction or proposed alteration, change or enlargement of an existing structure, including a description of the proposed use and the proposed machinery, operation and products. If there is any reasonable doubt as to the likelihood of the intended use, the required site plan should be reviewed for report by one or more expert consultants, the Planning Commission shall request a deposit of a sufficient amount to defray the costs of the special reports required to process the applications. The Planning Commission shall refer the application for investigation and report to one or more consultants selected by the Commission as qualified to advise on conformance to the required performance standards and/or required conditions. A copy of the consultant's report shall be furnished to the applicant. Any permit authorized and issued shall be conditioned on, among other things, the applicant's completed buildings and installations in operation conforming to the applicable performance standards and/or required conditions, and

the applicant's paying fees required to cover expert's above mentioned reports. Fees shall, in excess of that required, be returned to the applicant.

501.5 Performance Standards

See Section 316 and other applicable standards.

501.6 Prohibited Uses in C-1 and C-2 Districts

Carrousels, roller coasters, merry-go-rounds, ferris wheels, pony ride tracks exhibitions of animals and similar commercial amusements shall be prohibited, except in connection with a carnival or circus having a special permit from the Township Supervisors. No Adult Book Stores or similar establishments dispensing pornographic materials or devices are permitted.

501.7 Nuisances

No store, shop, or office within the district shall use any noise-making instrument, such as phonographs, loud-speakers, amplifiers, radios, television sets or similar devices which are so situated as to be heard outside the building in the district. All uses shall also comply with the Township Nuisance Ordinance.

501.8 Signs

See Section 311 of this Ordinance for sign regulations.

501.9 Display of Merchandise

The outdoor display of merchandise is permitted in Business Districts for advertising purposes in accord with the following requirements:

- A. The area devoted to such display shall not be greater than five-hundred (500) square feet.
- B. The display area shall be separate and apart from any required sidewalk, off-street parking or loading area or any public sidewalk, street or right-of-way and in no way shall obstruct any required emergency lanes.
- C. The area shall be utilized for display only during normal store hours and is not otherwise used as a storage area.
- D. The display area shall be set apart from the remaining improvements on the lot by a curb or fence.

501.10 Coin Vending Machines

Notwithstanding the foregoing provisions, milk, soda, candy dispensing machines and public telephone booths shall be permitted for the convenience of the public provided:

- A. No machine shall be permitted closer to the street right-of-way than fifteen (15) feet and shall be no closer than twenty-five (25) feet to a residential building or structure.

- B. Said machine shall be lighted at night and such lighting shall be screened and arranged as to reflect the light downward away from all adjoining residences, residence zones, or streets.
- C. Said lighting shall not exceed a total of three-hundred (300) watts.
- D. The area around said use shall be regularly maintained.
- E. Signs that are necessary to the use of the machine shall not be larger than two (2) square feet in area. No more than one sign on each side of the structure containing such machines shall be permitted.

502 C-1 Business District Required Conditions

The following required conditions and requirements shall apply in all C-1 District:

502.1 Lot Coverage

There shall be a minimum lot area of forty thousand (40,000) square feet; minimum width of one-hundred (120) feet and a minimum depth of one-hundred fifty (150) feet. Building coverage shall not exceed fifty (50) percent maximum.

502.2 Front Yard

There shall be a front yard of not less than thirty-five (35) feet.

502.3 Side Yard

There shall be two (2) side yards and no side yard shall be less than twenty (20) feet. When the use abuts any property in an R-1 District, a side yard of twenty-five (25) feet shall be provided.

502.4 Rear Yard

There shall be a rear yard of at least twenty (20) feet unobstructed by buildings or other permanent structures.

502.5 Height

No building shall exceed a height of two and one-half (2 1/2) stories nor thirty-five (35) feet.

502.6 Off-street Parking

Off-street parking shall be in accord with Section 312 of this Ordinance and the following additional requirements shall apply in the C-1 District.

A. Front Yard

Not more than fifty (50) percent of the front yard area may be used for off-street parking and access driveways; and no parking area shall be closer than ten (10) feet to any street right-of-way line.

B. Side Yard

The side yard may be used for off-street parking but no parking area shall be closer than five (5) feet to any property line nor ten (10) feet to any building.

C. Rear Yard

Off-street parking shall be permitted in the rear yard and no parking area shall be less than five (5) feet to any property line nor ten (10) feet to any building.

502.7 Schedule of Uses

The C-1 District is limited to business uses of a retail sales and service type designed to serve the needs of the residential neighborhood, such as stores, shops, business and professional offices and restaurants. This District also permits those uses permitted in the R-1, and A-1 District in accord with the classification of uses provided in each Schedule of Uses.

The following uses shall be permitted in the C-1 Business District as classified herein.

C-1 BUSINESS DISTRICT

Principal Permitted Uses

Single-family detached dwellings
All principal permitted uses in the R-1 and A-1 Districts

Accessory Uses

(See also Section 310)

All accessory uses in the R-1 and A-1 Districts

Special Exceptions

None

Conditional Uses

All conditional uses in the R-1 and A-1 Districts
Additions and expansions of any conditional use

Conditional Uses (cont.)

Apartments on floors above a commercial establishment (See also Section 502.9)
Bakeries
Banks
Bed and breakfast establishments
Boarding and lodging establishments
Business and professional offices
Child care centers
Clubhouses and lodges
Commercial recreation facilities
Convenience stores
Country clubs
Flea markets
Garden centers
Group care facilities
Medical and dental offices
Office buildings
Personal service shops
Private recreation facilities
Private schools

Conditional Uses (cont.)

Professional offices
Recreational facilities
Recycling, small collection
facilities
Restaurants
Retail & service establishments
Shopping centers & malls
Specialty shops
Studios
Undertaking establishments
Vehicle service station or filling
station including minor repairs

502.8 Prohibited Uses

Any use not specifically listed as a Principal Permitted Use, Accessory Use, Conditional Use, or Special Exception in Section 502.7 above shall be prohibited in the C-1 District.

502.9 Commercial Use/Apartment Combinations

A building containing a retail store or service establishment on the first floor may be constructed so that on the floor above the first floor, there may be apartment units, provided that there shall be a minimum floor area of six-hundred (600) square feet of living space per dwelling unit.

For each apartment unit in addition to the first apartment unit in the commercial structure, an additional lot area of twenty thousand (20,000) square feet in excess of the forty thousand (40,000) square feet minimum lot size in the District shall be required, and the total number of apartment units shall not exceed four (4) units, all of which shall be located in the principal commercial structure.

503 C-2 Business District - Heavy Commercial Required Conditions

The following conditions and requirements shall apply in the C-2 Districts.

503.1 Lot Area

There shall be a minimum lot area of forty thousand (40,000) square feet; minimum width of one-hundred and twenty (120) feet and a minimum depth of one-hundred and fifty (150) feet. Building coverage is not to exceed fifty (50) percent maximum.

503.2 Front Yard

There shall be a front yard of not less than thirty-five (35) feet.

503.3 Side Yard

Two (2) side yards of twenty (20) feet each side of the use in the C-2 District except when the use abuts any property in an R-1 District, then a side yard of thirty-five (35) feet shall be provided.

503.4 Rear Yard

There shall be a rear yard of at least twenty (20) feet unobstructed by buildings or other permanent structures.

503.5 Height

No building shall exceed a height of two and one-half (2 1/2) stories nor thirty-five (35) feet.

503.6 Off-Street Parking

Off-street parking shall be in accord with Section 312 of this Ordinance and the following additional requirements shall apply in the C-2 District.

A. Front Yard

Not more than fifty (50) percent of the front yard area may be used for off-street parking and access driveways; and no parking area shall be closer than ten (10) feet to any street right-of-way line.

B. Side Yard

The side yard may be used for off-street parking but no parking area shall be closer than five (5) feet to any property line nor ten (10) feet to any building.

C. Rear Yard

Off-street parking shall be permitted in the rear yard and no parking area shall be less than five (5) feet to any property line nor ten (10) feet to any building.

503.7 Schedule Of Uses

The C-2 District is designed for commercial uses such as lumber yards and mills, warehouses, produce and meat markets, delivery and distribution center, wholesaling, truck and freight terminals, auto service and repair stations, car washes, nurseries and greenhouses and other uses similar in character. The C-2 District also permits those uses permitted in the R-1, A-1, and C-1 District in accord with the classification of uses provided in each Schedule of Use.

The following uses shall be permitted in the C-2 Business District as classified herein.

C-2 BUSINESS DISTRICT - HEAVY COMMERCIAL

Principal Permitted Uses

All principal permitted uses in the
R-1, A-1, and C-1 Districts

Accessory Uses

(See also Section 310)

All accessory uses in the R-1, A-1,
and C-1 Districts

Special Exceptions

None

Conditional Uses

All conditional uses in the R-1, A-1,
and C-1 Districts

Additions and expansions of any
conditional use

Conditional Uses (cont.)

Animal hospitals and veterinary
clinics

Building, contracting and
related businesses

Bus terminals

Car and truck washes

Fast food/drive through
restaurants

Hospitals, clinics and
nursing homes

Hotels, motels and other
tourist lodging facilities

Institutional uses

Kennels

Manufactured housing sales
and service facilities

Nursing homes

Tourist recreation and lodging
facilities

Truck stops

Vehicle service station or filling
station, including minor and major
repairs

Warehouses

Wholesale businesses

503.8 Prohibited Uses

Any use not specifically listed as a Principal Permitted Use, Accessory Use,
Conditional Use, or Special Exception in Section 503.7 above shall be prohibited
in the C-1 District.

503.9 Commercial Use/Apartment Combinations

See Section 502.9.

ARTICLE VI - MANUFACTURING DISTRICT

M-1 MANUFACTURING DISTRICT

601 Required Conditions

All uses in the M-1 District shall comply with the standards in this Section 601.

601.1 Lot Area

There shall be a minimum lot area of five (5) acres and with a minimum frontage of two-hundred (200) feet. Lot coverage shall not exceed fifty (50) percent.

601.2 Front Yard

There shall be a front yard of not less than one-hundred (100) feet.

601.3 Side Yard

There shall be two (2) side yards and no side yard shall be less than seventy-five (75) feet. Where an easement abuts a side yard, the area within the easement may be considered a part of the side yard but in no case shall the side yard be reduced to less than twenty-five (25) feet.

601.4 Rear Yard

There shall be a rear yard of at least seventy-five (75) feet. Where an easement is part of or abuts the rear of the property, the area within the easement may be considered a part of the rear yard but in no case shall the rear yard be reduced to less than twenty-five (25) feet.

601.5 Height

No building shall exceed a maximum of two and one-half (2 1/2) stories nor thirty-five (35) feet in height.

601.6 Off-Street Parking

In addition to the requirements in Section 312, the following additional regulations shall apply in the M-1 District:

A. Front Yard

No more than twenty-five (25) percent of the front yard area may be used for off-street parking. The parking area shall at no point be closer than sixty (60) feet to any adjoining street right-of-way line. No parking area shall be nearer than twenty (20) feet to any property line or adjacent residence district boundary line nor closer than fifteen (15) feet to any building.

B. Side Yard

Required parking may be permitted in the side yard but no parking area shall be permitted within ten (10) feet of any property line or within twenty (20) feet of any adjacent residence district boundary line, nor less than fifteen (15) feet to any building.

C. Rear Yard

Off-street parking shall be permitted in the rear yard and no parking area shall be less than ten (10) feet to any property line or within twenty (20) feet of any adjacent R-1 District boundary line, nor closer than fifteen (15) feet to any building.

602 Schedule Of Uses

This District is designed for the manufacturing uses permitted in the Township but also permits such uses as animal hospitals, veterinary clinics, laboratories, distribution plants, transportation establishments and other uses similar in character to those described. The intensity of operations shall not exceed the limitations imposed by the performance standards set forth in this Ordinance. The M-1 District also permits those uses permitted in the R-1, A-1, C-1 and C-2 Districts which shall also comply with the bulk and density standards of each respective District.

M-1 MANUFACTURING

Principal Permitted Uses

All principal permitted uses in the R-1, A-1, C-1, and C-2 Districts

Accessory Uses

All accessory uses in the R-1, A-1, C-1 and C-2 Districts

Special Exceptions

None

Conditional Uses

All conditional uses in the R-1, A-1, C-1 and C-2 Districts
Additions and expansions of any conditional use

Conditional Uses (cont.)

Agricultural products processing
Amusement parks, carnivals or circuses, exhibiting of animals and similar commercial amusements
Bulk fuel storage facilities
Campgrounds and recreational vehicle parks
Industrial parks
Light manufacturing
Junkyards
Manufacturing
Mini-warehouses
Recycling, large collection facilities
Research and development facilities
Slaughtering houses and associated processes
Solid waste disposal facilities and staging areas
Truck terminals

603 Prohibited Uses

No land or building shall be used or occupied for a use which will in any manner create any dangerous, injurious, noxious, or otherwise objectionable condition; fire, explosive, radioactive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, noise or vibration, movement of air; electrical or other disturbance; glare, liquid or solid waste in any manner or amount unless it conforms with the performance standards in Section 316 and the other applicable standards of this Ordinance.

604 Other Uses

Any use not allowed in any other Zoning District shall be considered a conditional use in the M-1 District, and shall comply with all requirements of this and other ordinances of Newton Township.

605 Commercial Use/Apartment Combinations

See Section 502.9.

606 Site Plan Required

606.1 Permits Required

No non-residential use shall be established, enlarged, extended or changed whatsoever, without the owner of the premises having first obtained a permit after favorable conditional use review by the Planning Commission of a site plan for the proposed use and approval by the Board of Supervisors. In making its determination, the Township shall require, among other things, the safety of traffic, provisions for adequate light and air, proper circulation and access, reduction of congestion in the streets, prevention of over-crowding of lands and buildings, and securing safety from fire, panic and other dangers, as well as all other applicable requirements of this Ordinance.

606.2 Submission of a Site Plan

To determine whether the submission of a site plan will be required for the proposed use or enlargement, extension or change in an existing use, the applicant shall, on a form furnished by the Planning Commission, apply to the Planning Commission for review of the proposed use and a determination as to the necessity for submission of a site plan.

606.3 Site Plan Contents

The site plan shall be prepared in accord with the requirements for a land development contained in the Township Subdivision and Land Development Ordinance, and shall contain, at a minimum, all information required thereby.

606.4 Site Plan Review

An application for any building permit or certificate of occupancy in any M-1 District shall be submitted to the Zoning Officer. The applicant shall also submit to the Planning Commission in duplicate all plans for any proposed

development or construction or proposed alteration, change or enlargement of an existing structure, including a description of the proposed use and the proposed machinery, operation and products. If there is any reasonable doubt as to the likelihood of the intended use, the required site plan should be reviewed for report by one or more expert consultants, the Planning Commission shall request a deposit of a sufficient amount to defray the costs of the special reports required to process the applications. The Planning Commission shall refer the application for investigation and report to one or more consultants selected by the Commission as qualified to advise on conformance to the required performance standards and/or required conditions. A copy of the consultant's report shall be furnished to the applicant. Any permit authorized and issued shall be conditioned on, among other things, the applicant's completed buildings and installations in operation conforming to the applicable performance standards and/or required conditions, and the applicant's paying fees required to cover expert's above mentioned reports. Fees shall, in excess of that required, be returned to the applicant.

607 Performance Standards

See Section 316 and other applicable standards in this Ordinance.

608 Off-street Parking

In addition to the requirements in Section 312 of this Ordinance, the following additional standards shall apply to manufacturing uses.

- A. All parking areas (manufacturing) shall be designed with access service aisles to meet the following standards:

<u>Space Configuration</u>	<u>Angle</u>	<u>Aisle Width</u>
1. Parallel	30 degrees	12 feet
2.	31 - 45 degrees	14 feet
3.	46 - 60 degrees	18 feet
4.	60 - 90 degrees	24 feet

- B. Only one-way traffic circulation shall be permitted in twelve (12), fourteen (14), and eighteen (18) feet aisle widths.

- C. Access to all parking areas shall be so designed that traffic is not routed through adjoining residential zones.

609 Off Street Loading and Unloading Space

See Section 312 of this Ordinance for off-street loading and unloading space requirements.

610 Signs

See Section 311 of this Ordinance for sign regulations.

ARTICLE VII - AGRICULTURAL DISTRICT

A-1 AGRICULTURAL DISTRICT

701 Agricultural District (A-1)

The purpose of the Agricultural District is to identify those areas where agricultural activities should be encouraged or preserved and general suburban development curtailed until such time as municipal services and facilities can be logically and more economically expanded to serve this area. Furthermore, it is the purpose of this district to provide space for certain types of development which, by their nature, will not create an undue hardship on municipal resources for services and facilities by reason of said services or facilities being provided by the developer. The A-1 District also permits those uses permitted in the R-1 District in accord with the classification of uses provided in the R-1 Schedule of Uses.

702 Schedule of Uses

702.1 Principal Permitted Uses

- A. All principal permitted uses in the R-1 District.
- B. Activities related to the preservation of natural amenities.
- C. Agricultural uses related to the tilling of land, the raising of farm products, the raising of and keeping cattle, horses, and other livestock, and the raising of poultry and poultry products, but not including the retail sales or service of any equipment or supplies.
- D. Farm residences, barns, silos, corncribs, chicken coops, piggeries, and similar structures necessary to the proper operation of the agricultural activities permitted.
- E. Forest uses related to the harvesting of lumber products.
- F. Individual mobile homes provided that the wheels are removed and the mobile home is placed on a permanent foundation, either solid or pier type or poured concrete or concrete block with mortar construction and the home is completely enclosed with skirting. Such mobile homes shall conform to all the requirements for single-family dwellings in Article IV.
- G. Roadside Stand (seasonal) for the sale of farm products produced by the owner. The operator of said stand must provide adequate off-street parking space.
- H. Single family dwellings conforming to the R-1 District standards in Article IV.

702.2 Conditional Uses

- A. Agricultural products processing on parcels of not less than twenty-five (25) acres.

- B. Agricultural storage and processing.
- C. Carrousels, roller coasters, merry-go-rounds, ferris wheels, pony rides tracts, exhibition of animals and similar commercial amusements shall be permitted as a community fund raising activity.
- D. Cemeteries
- E. Farm labor camps
- F. Intensive livestock operations
- G. Mobile home parks
- H. Multi-family dwellings (See Section 338).
- I. Natural resource uses
- J. Nurseries, boarding houses, roomers, foster family care
- K. Nurseries and commercial greenhouses
- L. Outdoor recreation facilities.
- M. Public and semi-public buildings (churches, schools, libraries, and airports).
- N. Public recreation facilities
- O. Riding academies and stables
- P. Roadside stands (permanent structures) for the sale of farm products, fifty (50) percent of which must be grown locally. The operator of said stand shall provide adequate off-road parking space.
- Q. Sawmills for the cutting of logs
- R. Tutoring and special training schools, including music, dancing, baton, art and physical fitness serving not more than ten (10) students.
- S. Two-family dwellings (See Section 337).

702.3 Accessory Uses

All accessory uses in the R-1 District.

702.4 Special Exceptions

None

703 Prohibited Uses

Any use not specifically listed as a Principal Permitted Use, Accessory Use, Conditional Use, or Special Exception in Sections above shall be prohibited in the A-1 District.

704 Site Plan Required

704.1 Permits Required

No non-residential use shall be established, enlarged, extended or changed whatsoever, without the owner of the premises having first obtained a permit after favorable conditional use review by the Planning Commission of a site plan for the proposed use and approval by the Board of Supervisors. In making its determination, the Township shall require, among other things, the safety of traffic, provisions for adequate light and air, proper circulation and access, reduction of congestion in the streets, prevention of over-crowding of lands and buildings, and securing safety from fire, panic and other dangers, as well as all other applicable requirements of this Ordinance.

704.2 Submission of a Site Plan

To determine whether the submission of a site plan will be required for the proposed use or enlargement, extension or change in an existing use, the applicant shall, on a form furnished by the Planning Commission, apply to the Planning Commission for review of the proposed use and a determination as to the necessity for submission of a site plan.

704.3 Site Plan Contents

The site plan shall be prepared in accord with the requirements for a land development contained in the Township Subdivision and Land Development Ordinance and shall contain, at a minimum, all information required thereby.

704.4 Site Plan Review

An application for any building permit or certificate of occupancy in any A-1 District shall be submitted to the Zoning Officer. The applicant shall also submit to the Planning Commission in duplicate all plans for any proposed development or construction or proposed alteration, change or enlargement of an existing structure, including a description of the proposed use and the proposed machinery, operation and products. If there is any reasonable doubt as to the likelihood of the intended use, the required site plan should be reviewed for report by one or more expert consultants, the Planning Commission shall request deposit of a sufficient amount to defray the costs of the special reports required to process the applications. The Planning Commission shall refer the application for investigation and report to one or more consultants selected by the Commission as qualified to advise on conformance to the required performance standards and/or required conditions. A copy of the consultant's report shall be furnished to the applicant. Any permit authorized and issued shall be conditioned on, among other things, the applicant's completed buildings and installations in operation conforming to the applicable performance standards and/or required conditions, and the applicant's paying fees required to cover

expert's above mentioned reports. Fees shall, in excess of that required, be returned to the applicant.

ARTICLE VIII - CONSERVATION DISTRICT

CONSERVATION DISTRICT - S-1

801 S-1 Districts

No use shall be permitted in any S-1 District other than those enumerated hereunder.

802 Schedule of Uses

Principal Permitted Uses

Open space conservation
Outdoor recreation
Agricultural activities
Essential services
Forest and animal sanctuaries
Game lands and preserves

Conditional Use

None

Special Exceptions

None

Accessory Uses

Any accessory use customarily appurtenant to a permitted use.

ARTICLE IX - FLOOD PLAIN DISTRICT

901 Flood Plain District

See the Flood Plain Ordinance of Newton Township for regulations which apply to flood plains.

ARTICLE X - ADMINISTRATION

1001 Zoning Officer

It shall be the duty of the Zoning Officer to enforce the provisions of this Ordinance. The Zoning Officer shall to be appointed by the Township Board of Supervisors in accord with Section 614 of the Pennsylvania Municipalities Planning Code. The Zoning Officer shall fulfill his duties and responsibilities in accord with Section 614 of the Pennsylvania Municipalities Planning Code and shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents and make such reports as the Township Supervisors may require.

1002 Zoning Hearing Board

1002.1 Jurisdiction

The Township Board of Supervisors shall appoint a Zoning Hearing Board, which shall have three (3) members, with such powers and authority as set forth in Article IX of the Pennsylvania Municipalities Planning Code as enacted or hereafter amended. The Board of Supervisors may, in accord with Article IX of the Pennsylvania Municipalities Planning Code, also appoint by resolution of the Board at least one (1) but no more than three(3) alternate members of the Zoning Hearing Board. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to sections 609.1 (Curative Amendments) and 916.1(a) (2) (Ordinance Validity) of the Pennsylvania Municipalities Planning Code.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Applications for variances from the terms of the Zoning Ordinance pursuant to Section 910.2 of the Pennsylvania Municipalities Planning Code.
- E. Applications for special exceptions under the Zoning Ordinance pursuant to Section 912.1 of the Pennsylvania Municipalities Planning Code.

- F. Appeals from the Zoning Officer's determination under Section 916.2 (Preliminary Opinion) of the Pennsylvania Municipalities Planning Code.
- G. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Subdivision and Land Development applications.
- H. The Zoning Hearing Board shall not, under any circumstances, have the authority to order any specific change in or amendment to the Zoning Map or to allow any use of property substantially different from those permitted under the Schedule of Use Regulations for the particular district.

1002.2 Zoning Hearing Board Applications

Applications to the Zoning Hearing Board shall be made in writing to the Chairman of the Zoning Hearing Board and shall state:

- A. The name and address of the applicant.
- B. The name and address of the owner of the real estate to be affected by such proposed exception, or variance.
- C. A brief description and location of real estate to be affected by such proposed change.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- E. A statement of the section of this Ordinance under which the application is being requested and the reasons why it should be granted.
- F. Any reasonably accurate description of the present improvements, and the additions intended to be made under this application, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for building permits indicating the location and size of the lot, and size of improvements now erected, and proposed to be erected thereon.
- G. Any other information the applicant deems appropriate.

If the Zoning Hearing Board finds the appeal or request outside its scope of jurisdiction, it shall return the application for the same to the Zoning Officer for proper processing. Zoning Hearing Board matters shall otherwise be processed in conformance with the requirements of the Pennsylvania Municipalities Planning Code.

1002.3 Variances

The Zoning Hearing Board shall have the right to authorize such variances from this Ordinance as are permitted under Section 910.2 of the Pennsylvania Municipalities Planning Code.

Planning Code. The Board may grant a variance provided the following findings are made where relevant in a given case:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, not to be detrimental to the public welfare; and
- E. That the variance, if authorized, will represent the minimum variance, that will afford relief and will represent the least modification possible of the regulation in issue.

The Zoning Hearing Board may, in granting any variance, attached such reasonable conditions and safeguards as it deems necessary to implement the purpose of this Ordinance. The Board, moreover, in granting an approval for a variance, set taken place or the use is not otherwise established as a constructive activity. Any conditions imposed on approval of such a variance shall be not prior to granting of a Certificate of Use or within one year of the granting of the variance, whichever shall occur first. The Board, however, may temporarily waive these time limitations, for good cause.

1003 Appeals to Court and other Administrative Proceedings

Appeals to court and other administrative proceedings shall be governed by Article X-A and Article IX of the Pennsylvania Municipalities Planning Code, respectively.

1004 Amendments

The Township Supervisors may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code.

A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided on as provided in Sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code.

1005 Violations

Failure to comply with any provision of this Ordinance, failure to secure or comply with a decision of the Board of Supervisors or Zoning Hearing Board or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of land; or failure to secure a Certificate of Use Permit, shall be violations of this Ordinance. When written notice of a violation of any of the provisions of this Ordinance shall be served by the Zoning Officer, personally or by certified mail, in the manner prescribed by Section 616.1 of the Pennsylvania Municipalities Planning Code and such violation shall be discontinued or corrected as set forth in said notice.

1006 Penalties and Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.

No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.

The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Nothing contained in this section shall be construed or interpreted to grant to a person or entity other than the Township, the right to commence any action for enforcement pursuant to this section.

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provision of this Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute (in the name of the Township) any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any activity, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the

complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

1007 Fees

As authorized by Section 617.2(e) and Section 908(1.1) of the Pennsylvania Municipalities Planning Code, the Board of Supervisors shall establish a uniform schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, conditional use permits, Zoning Hearing Board proceedings and other matters pertaining to this Ordinance.

Permits, special exceptions and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until all fees have been paid in full.

The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or shall be paid by the person appealing the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

1008 Validity

In the event that any provision, section, sentence, or clause of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

1009 Repealer

All ordinances or parts of ordinances of Newton Township in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed.

ARTICLE XI - ZONING MAP DESCRIPTION

1101 R-1 Residential

SUMMIT LAKE ROAD from township line of South Abington to Valley View Drive. All lands on north side of road from the center of the road five-hundred (500) feet or to the present rear property line.

VALLEY VIEW DRIVE - All lands northeast of Valley View Drive to the line between Flynn property and Kenneth White property. All lands on the southeast side of Valley View Drive from Summit Lake Road to Forest Acre Drive. All land on Summit Lake Road on the west side from Valley View Road to Forest Acre Drive. Forest Acre Drive from Summit Lake Road to Valley View Drive on the northeast side. Also all the land included in the Summit Lake Development Corporation on the southeast side of Summit Lake Road.

COUNTRY CLUB ROAD from South Abington Township line to the southwest corner of Private Road known as Ren-Acres. Include Ren-Acres to back property lines of all properties in this development. Include all land northwest of Country Club Road bordered by South Abington Township to the property line of the Clarks Summit State Hospital to a point at the northwestern corner of Country Club Road at Ren-Acres intersection.

ALL LAND included in the Countryside Estates off of Route 307.

ALL LAND included in Colonial Meadows off of Newton Ransom Boulevard including all School Street.

ALL LAND on the east side of Newton Ransom Boulevard from the south line of the middle school to the north line of the property of Willis Fowler five-hundred (500) feet from the center of road or to back property line, including all lands of Woodhaven Crest.

ALL LANDS along the westerly side of Newton Ransom Boulevard from Airport Drive to the north property line of Spencer Carpenter. Southside of Airport Drive from Newton Ransom Boulevard to Falls Road. East side of Falls Road from Airport Drive to the property line of Fred Eckel. Include all lands of Newton View.

ALL LANDS included in the Forest Acre Development on the south side of Forest Acre Development.

TERRA MANOR All lands owned by the Terra Manor Corporation along the north side of Orchard Drive.

1102 C-2 Light Commercial

NEWTON RANSOM BOULEVARD. All land on the east side of Newton Ransom Boulevard from Valley View Drive to the north side of Maple Drive from the center of the road to a point five-hundred (500) feet east or the rear property line of existing properties whichever is greater. Also along the west side of Newton Ransom Boulevard from the north side of Maple Drive to the north boundary line of the Old Newton Town School Building to a point five-hundred (500) feet west or the rear property line, whichever is greater. Exclude School Street and Colonial Meadows, which is zoned Residential.

1103 C-2 Commercial

NEWTON RANSOM BOULEVARD. Both sides of the road from the north property line of Edward Carr, Jr. to the boundary line with Ransom Township. Five-hundred (500) feet either side of the road or the back property line, whichever is greater.

ROUTE 307 from the intersection of Route 440. Newton Ransom Boulevard west to the County line of Wyoming County and Falls Township - both sides of the road, excluding Countryside Estates which is residential and excluding all lands of the Clarks Summit State Hospital which is Agricultural. Excluding all properties of the Scranton Municipal Airport which is Agricultural Zones - excluding all properties on Gravel Pond Road and West Grove Street which are zoned Agricultural, including the triangle bound by Falls Road, Route 307 and Airport Drive.

AIRPORT DRIVE. Lands along Airport Drive from the Township County line of Falls, Wyoming County to a point one-thousand (1,000) feet to the east of said line to a line five-hundred (500) feet from the center of the road or back property line north - originally zoned Commercial.

1104 S-1 Conservation

ALL LANDS owned by the Pennsylvania Fish Commission known as Ford's Pond in the northwest part of the Township.

1105 M-1 Manufacturing

ALL THAT LAND from the Township boundary lines of Falls Township on the north to Ransom Township on the south. Bounded by the Susquehanna River to a line one-thousand (1,000) feet east of L.R. 35082 or back property line, whichever is the farthest point.

1106 A-1 Agriculture

SUMMIT LAKE ROAD. All land south of the center of road from Township line of South Abington to Forest Acre Drive, excluding Summit Lake Acres Development, which is zoned Residential.

FOREST ACRE DRIVE. All lands on the south side of the middle of the road, excluding Forest Acres Development which is zoned Residential.

VALLEY VIEW DRIVE. All lands from Forest Acre Drive on the northwest side of the road to the east property line of Kenneth White's property including all the land of Clarks Summit State Hospital, excluding the area known as Ren-Acres and Elkview Drive and Country Club Road to the entrance of Ren-Acres. All the hospital land is zoned Agriculture.

ALL OTHER LANDS within the borders of the Township of Newton that are not specifically zoned Residential, Commercial 1, Commercial 2, Manufacturing, or Conservation shall adhere to the Ordinance Section regulating Agriculture Zoning.

ARTICLE XII - ENACTMENT

This Newton Township Zoning Ordinance is hereby enacted into law this 14th day of October, 1991, pursuant to the authority granted under the Pennsylvania Municipalities Planning Code and shall take effect immediately.

Duly presented and adopted at a regular meeting of the Board of Township Supervisors of Newton Township, Lackawanna County, Pennsylvania, held on this 14th day of October, 1991.

ATTEST:

Cheryl Swartz
Secretary

Robert Thompson 10-14-91
Supervisor

Joseph P. White 10-14-91
Supervisor

Raymond E. Keller 10-14-91
Supervisor

