

Newton Township

Zoning Ordinance

Adopted April 12, 2021

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A Member of the
Scranton-Abingtons Planning Association

Prepared by: Environmental Planning & Design, LLC

Newton Township
Zoning Ordinance

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ARTICLE 1 General Provisions

Section 1.1 – Title and Short Title

A. Title and Authority.

An ordinance establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures; the height, number of stories, and size and bulk of buildings and structures; the density of population; off-street parking; and similar accessory regulations in Newton Township, Lackawanna County, Pennsylvania, and for said purposes dividing Newton Township into districts and establishing the boundaries thereof, prescribing certain uniform regulations for each such district, and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code (MPC), 53 P.S. § 10101 et seq., as amended.

B. Short Title.

This Ordinance shall be known and may be cited as the “Newton Township Zoning Ordinance.”

Section 1.2 – Purpose

This Ordinance is enacted for the following purposes:

- A. To promote, protect, and facilitate the following: the public health, safety, morals, and general welfare; coordinated and practical community development; proper density of population; travel and transportation facilities, civil defense, and disaster evacuation; and the provision of adequate light and air, vehicle parking and loading space, water and sewage, schools, public grounds and other public requirements, and fire and police protection;
- B. To prevent occurrence of the following: overcrowding; blight; danger and congestion in travel and transportation; and loss of health, life, or property from fire, flood, panic, or other dangers; and
- C. To serve as a part of the overall plan for the orderly growth and development of Newton Township, and as such, supplement the Scranton-Abington Planning Association Comprehensive Plan.

Section 1.3 – Community Development Objectives

This Zoning Ordinance is enacted as part of the overall plan for the orderly growth and development of Newton Township. As such, this Ordinance is based upon the expressed or implied community development goals and objectives in the Scranton-Abington Planning Association Comprehensive Plan.

Section 1.4 – Interpretation

- A. The provisions of this Ordinance shall be deemed to be the minimum requirements to meet the purposes and objectives stated herein, adopted for the promotion of the public health, safety, morals, and general welfare of Newton Township. When the provisions of this Ordinance impose greater restrictions than those of any federal or state statute, rule, regulation, or ordinance, the provisions of this Ordinance shall prevail. Where the provisions of any federal or state statute, rule, regulation, or ordinance impose greater restrictions than those of this Ordinance, the provision of such federal or state statute, rule, regulation, or ordinance shall prevail.
- B. This ordinance is not intended to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Township which are not in conflict with any provisions of this Ordinance, nor is this Ordinance intended to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control.

Section 1.5 – Applicability, Severability, and Scope

- A. No building, structure, or lot shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, altered, or expanded horizontally or vertically, except in conformity with all regulations and provisions contained herein, unless relief is granted by the Newton Township Zoning Hearing Board through a special exception or variance.
- B. The provisions of this Ordinance are hereby declared to be severable. If a court of competent jurisdiction declares any regulations or provisions of this ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those regulations and provisions which are expressly stated in the decision to be invalid or ineffective, and all other regulations and provisions of this ordinance shall continue to be separately and fully effective. It is the expressed intent of the Newton Township Board of Supervisors that this Ordinance would have been enacted had such invalid or ineffective regulation or provision not been included herein.
- C. This Ordinance shall not apply to an existing or proposed building or extension thereof that is used or to be used by a public utility corporation regulated by the Pennsylvania Public Utility Commission (PUC), if upon petition of the corporation, the PUC shall decide in a public hearing that the present or proposed situation of the building or extension in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the PUC to ensure that both the corporation and the Newton Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties, and otherwise exercise the rights of a party to the proceedings.
- D. All other requirements for Subdivision and Land Development as applicable to proposed development or redevelopment are in effect.

Section 1.6 – Effective Date

Under the authority conferred by the Pennsylvania Municipalities Planning Code (MPC), as amended, and following a public hearing, the Newton Township Board of Supervisors hereby enacts and ordains into an ordinance this document on the date of April 12, 2021. All zoning ordinances of Newton Township previously in adoption are hereby repealed.

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ARTICLE 2
Definitions

Section 2.1 – Interpretations

For the purposes of this Article, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense.
- B. The singular number includes the plural, and the plural number includes the singular.
- C. Words of masculine gender include the feminine gender, and words of feminine gender include the masculine gender.
- D. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
- E. If a word is not defined in this Ordinance but is defined in other ordinances of the Newton Township Code, the definition in the applicable other ordinance shall apply. If a word is defined in both this Ordinance and another Township ordinance, each definition shall apply to the provision of each applicable ordinance.
- F. The words “such as,” “includes,” “including,” and “e.g.” shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
- G. The words “shall” or “must” are mandatory.
- H. The words “may” or “should” are permissive.
- I. The word “lot” includes the words “plot,” “parcel,” and “property.”
- J. The word “sale” shall also include rental, if the word “rental” is not specifically mentioned.
- K. The words “used” or “occupied” as applied to land or buildings shall be construed to include the words “intended, designed, maintained, or arranged to be used or occupied.”
- L. The word “erected” shall be construed to include the words “constructed, altered, or moved.”

Section 2.2 – Definitions

The words, terms, and phrases in this Section are defined in order to facilitate the interpretation of this Ordinance for administrative purposes and in the carrying out of duties by appropriate offices and by the Zoning Hearing Board. When used in this Ordinance, these words, terms, and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

ABUSED PERSON SHELTER – A residential shelter use in which rooms are provided to serve as a temporary safe and supportive environment for persons who, because of actual or threatened physical or mental abuse, are forced to leave their previous living arrangement. Such facilities shall be designed to provide in-house living for persons only until a safe, permanent living arrangement can be obtained.

ACCESS DRIVE – a vehicular throughway serving a non-residential use or multi-family use located within a parking lot which directly adjoins parking spaces. An access drive provides the vehicular connection between parking space area and the driveway which directly connects to the public right-of-way. The access drive does not include the vehicular path that connects the parking area to the public way.

ACCESSORY USE – A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ACCESSORY STRUCTURE – A structure, such as a private garage, storage shed, gazebo, or greenhouse, serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

ADDITION – See "extension."

AGRICULTURE/ENVIRONMENTAL EDUCATION PROGRAM – Activity that focuses on delivering information and experiences to patrons interested in processes of the natural world.

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

AIRBNB – The act of offering temporary living quarters within a dwelling unit occupied by the owner or lessee for a negotiated price to a house guest with or without the mediating use of a rental housing exchange agency.

ALLEY – A street, usually located to the rear or side of properties otherwise abutting a street, used primarily for vehicular service access and which does not typically provide primary frontage for a building.

ALTERATION – As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another, also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance. This term shall not apply to agricultural plowing and tilling activity.

ALTERATION, STRUCTURAL – Any change or rearrangement in the supporting members of an existing building such as bearing walls, columns, beams, girders, or interior partitions or any enlargement to or diminution of a building or structure, or the moving of a building from one location to another.

AMENDMENT – Any change or revision of the text of this chapter or the Zoning Map.

AMUSEMENT PARK – A commercially operated park with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages, and the like.

ANIMAL HOSPITAL OR VETERINARY CLINIC – A building used for the treatment, housing, or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

APPLICANT – A subdivider, landowner or developer who has filed an application for development, including the landowner’s or developer’s heirs, successors and assigns.

BAKERY – An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or offsite. Such use may include incidental food service. A bakery shall be considered a general retail use.

BANK OR FINANCIAL INSTITUTION – An establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds.

BAR OR TAVERN – A place where alcoholic beverages are served as a primary or substantial portion of the total trade and where the sale of food may occur.

BED-AND-BREAKFAST – Any single-family dwelling in which more than three (3) persons either individually or as families are housed or lodged for remuneration with meals normally included as a part of the services rendered, and shall be restricted to transient visitors to the area.

BEST MANAGEMENT PRACTICES (BMPs) – Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “waters of the United States.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. Additionally, agricultural practices are intended to be consistent with the Pennsylvania Nutrient Management Chapter.

BOARD OF SUPERVISORS – The governing body of the Township of Newton, Pennsylvania.

BOARDING OR LODGING HOUSE – A residential use in which any or all of the following applies:

1. Individual room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation by a total of 2 or more persons who are not "related" to the owner of record of the property, or
2. A dwelling unit that includes a greater than the permitted maximum number of unrelated persons (see the definition of "family"), or
3. If individual units of living space not meeting the definition of a lawful dwelling unit are separately rented to person(s) who are not “related” to the owner of the record of the property.
4. A boarding house shall not include a use that meets the definition of the following uses: treatment center, abused person shelter, hotel, dormitory, motel, life care center, personal care center, bed and breakfast use, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents.
5. This use shall only involve renting living accommodations for minimum periods of 5 consecutive days. See "hotel or motel."

BOUNDARY – A line marking the limit, or border, of a lot or district.

BREW PUB – A restaurant that manufactures up to 5,000 barrels of fermented malt beverages per year on premises for either.

BREWERY – An Industrial use that brews ales, beer, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than stores as defined herein and/or small breweries operated in conjunction with a bar or restaurant defined herein as an accessory use.

BUILDING – A structure, including any part thereof, having a roof and used for the shelter or enclosure of persons or property.

BUILDING, CONTRACTING, OR RELATED BUSINESS – The operations office related to an entity engaged in construction and/or development.

BUSINESS SERVICE ESTABLISHMENT – An establishment engaged in rendering services to business establishments on a fee or contract basis or to the general public on a less frequent or personal basis than provided by personal services establishments. Such enterprises may include: the service and repair of office equipment, machines, electronics, furniture, medical supplies, or commercial appliances; the printing, copy, and production of documents, signs, or banners; retail shipping and mailing services; food catering; locksmithing; carpentry; painting; remodeling; interior decorating or upholstering; roofing and insulation; carpet installation; heating and cooling; plumbing; taxidermy; and other similar business activities.

BYOB CLUB – (Otherwise known as Bring Your Own Bottle Clubs) means any business facility such as a dance hall, club, association or entity not licensed by the Pennsylvania Liquor Control Board, wherein patrons twenty-one (21) years of age and older may, after payment of a fee, cover charge or membership fee, consume alcoholic beverages which said patrons have carried onto the premises. This definition does not include a facility which is rented for a limited period of time, not to exceed twelve (12) hours, by an individual or an organization for the purpose of a private party in which alcoholic beverages are carried onto the premises.

CALIPER – As defined by the American Standards of Nursery Stock. Typically, the diameter of a tree at the height of 6 inches from the top of the root ball. In the case of a multi-stem tree, the caliper is determined by the average of the stems.

CAMP OR RETREAT – Combination of indoor and outdoor spaces, with limited seasonal use.

CAR OR TRUCK WASH – Any building or premises or portions thereof used for washing automobiles for commercial purposes.

CARPORT, GARAGE, OR SHED, PRIVATE – A roofed structure not more than 75 percent enclosed by walls and attached to the main building for the purpose of providing shelter for one or more motor vehicles.

CARTWAY – The portion of a street right-of-way designed or intended for vehicular use.

CEMETERY – An area of land or buildings used for the burial of deceased humans, but not animals. Does not include a crematorium.

CENTER LINE – A line running parallel to and equidistant from both sides of a street.

CERTIFICATE OF USE AND OCCUPANCY – The certificate issued by the Township Code Office, which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit.

CIDERIES – Any place or premises wherein cider (alcoholic or non-alcoholic) is manufactured and/or bottled for local, regional or national distribution as well as package sales.

CIVIC – The term defining not-for-profit organizations dedicated to the arts, culture, education, recreation, and/or government.

CLEAR SIGHT TRIANGLE – An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines.

COLLEGE OR UNIVERSITY – An institution or higher learning authorized to grant associates, bachelors, masters and/or doctorates degrees.

COMMERCIAL RECREATION FACILITY, INDOOR – An establishment owned by a private-sector entity where the principal enterprise or activity involves the provision of primarily indoor recreational, amusement, and leisure activities, such as, but not limited to: fitness training, athletic courts, ice rinks, roller skating rinks, indoor playing fields, indoor swimming pools, bowling alleys, arcade games, indoor mazes, indoor play structures and ball pits, escape rooms, indoor riflery or archery, indoor batting cages, and indoor golf.

COMMERCIAL RECREATION FACILITY, OUTDOOR – An use that: a) has a total building coverage of less than 15%, b) Is used principally for active or passive recreation (such as a driving range) and c) Is used for a profit-making purpose.

COMMUNITY CENTER OR LIBRARY – A noncommercial use that exists solely to provide leisure and educational activities and programs to the general public or certain age groups. The use also may include the noncommercial preparation and/or provision of meals to low-income elderly persons. This shall not include residential uses or a "treatment center."

COMMUNITY GARDEN – An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

CONSERVATION – Any parcel or area of undeveloped land conserved in its natural state for perpetuity through deeds or other legal means.

CONSTRUCTION – The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

CONVENIENCE STORE – A one-story retail store that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items. It may also include the sale of gasoline but shall not include the repair or service of vehicles.

CRAFTSMAN-ARTISAN MANUFACTURING – a use conducted for the generation of revenue entirely within a dwelling, or in an accessory structure located on the same lot as dwelling. The use must be clearly incidental and accessory to the lot’s residential use. The use must be limited to low intensity uses that produce, repair and/or sell a product, but can be operated in such a way that they do not adversely affect adjacent properties. Said use shall employ no less than two (2) and no more than ten (10) employees.

CRAFTSMAN-ARTISAN WORKSHOP – An establishment, not exceeding 3,000 square feet of floor area, for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items.

CREMATORIUM – A facility accessory to a funeral home containing properly installed, certified equipment intended for reducing deceased humans or animals to ashes by burning (cremation). All regulations applicable to the provisions specified by the Commonwealth of Pennsylvania shall apply.

CROP FARMING – The cultivating, raising, and harvesting of products of the soil and the storage of these products produced on the premises. The definition of “crop farming” shall include orchards and tree farms but shall not include “raising of livestock,” “forestry,” “commercial stables or riding academies,” or “kennels.” An “agricultural marketing enterprise,” as defined herein, is an accessory use to crop farming where permitted. If a crop farming lot includes more than fifteen (15) acres, it may also include the keeping of up to ten (10) additional animals as an accessory use in addition to what is permitted by the definition for “keeping of pets.”

CROP STORAGE, AS AN ACCESSORY USE TO FARMING – As an accessory use to farming- the temporary or seasonal storage of harvested materials.

CULTURAL CENTER OR MUSEUM – A building and/or land open to the public which primarily contains exhibits of clearly artistic or cultural Interest, such as a museum, art gallery or indoor nature study area. This shall not include uses that are primarily commercial in nature.

DAY CARE CENTER, ADULT – A use providing supervised care and assistance to persons who are not in good physical health or suffering from Alzheimer disease or are developmentally handicapped and/or are physically handicapped and who need such daily assistance because of such condition. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

DAY CARE CENTER, CHILD – A use Involving the supervised care of children under age 16 outside of the children’s own home primarily for periods of less than 18 hours during the average day. This use may also Include educational programs that are supplementary to State-required education, including a "nursery school." The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own relatives, 2) care of children within a place of worship during regularly scheduled weekly religious services and 3) care of 1 to 3 children within any dwelling unit, In addition to children who are relatives of the care giver. See also the definition of "adult day care center."

- A. (Child) Day Care, as an Accessory Use. A type of "day care" use that provides care for 6 or fewer children at one time who are not relatives of the care giver.

- B. (Child) Day Care Center, as a Principal Use. A type of "day care" use that provides care for 7 or more children at any one time who are not relatives of the primary operator.

DAY CARE HOME, FAMILY – A premise in which child day care is provided at any one time to between four (4) to six (6) children or more who are not relatives of the provider of the child day care, where such facility is required to be registered with the PA Department of Public Welfare under the PA Public Welfare Code.

DAY CARE HOME, GROUP – A State licensed facility in which care is provided for more than 6 but less than 12 children, at any one time, if care is provided in a facility where the child care areas are being used as a family residence.

DENSITY – The computation of overall residential dwelling units per acre of land. This figure shall be rounded to the nearest tenth and shall not include the area of lands intended for non-residential purposes, including churches or other civic/public uses within the development, nor shall it include dwelling units accessory to residential or non-residential uses. Open space shall however, be included in the computation.

DEP – The Pennsylvania Department of Environmental Protection ("DEP"), the Commonwealth agency responsible for overseeing and administering environmental laws and regulations within Pennsylvania.

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

DISTRICT – All land and watercourses located within designated boundaries on the Official Zoning Map; a zoning district.

DORMITORY – Residential facilities that are only inhabited by teaching faculty and/or full-time students of an accredited college, university or medical training facility or State-licensed teaching hospital, or approved "Care and Treatment Center for Children" (as an accessory use to such use) or to an accredited public or private primary or secondary school, and which are owned and operated by such principal use to which the dormitory serves. Dwelling units shall not be regulated as "dormitories."

DRIVE-THRU FACILITY – Any part of a building or structure that, by design of physical facilities or by services or pods provided, encourages or permits customers to transact business, receive a service or obtain a product in a motor vehicle on the premises.

DRIVEWAY – a vehicular connection from a lot to the public right-of-way. A driveway terminates at the right-of-way line and/or the access drive.

DRUG STORE/PHARMACY – An establishment engaged in the retail sale of prescription drugs, nonprescription medicine, cosmetics and related supplies.

DWELLING

DWELLING: ACCESSORY – A residential dwelling unit, but not a mobile home, located on the same lot as a single family dwelling unit within the same building as the single family dwelling unit. Secondary dwelling units shall be developed in accordance with the standards

set forth in local code and only in those zoning districts where the use is listed as a special review.

DWELLING: CONVERSION APARTMENT – To be considered a conversion, any proposed alteration must be confined to the interior of an already existing structural shell. Any proposal to extend the sides or increase the height of an existing structure shall not be considered a conversion and shall be required to meet the appropriate provisions established in that District for that particular use.

DWELLING: SEASONAL FARM/AGRICULTURAL WORKER – Dwelling units, including mobile homes, for full-time, temporary, or permanent employees engaged in agricultural pursuits.

DWELLING: SINGLE-FAMILY DETACHED – A dwelling unit detached from any other dwelling unit accommodating a single family and having a front, rear and two (2) side yards.

DWELLING: TOWNHOUSE – A town house shall include a group of not more than eight (8) single-family attached dwellings separated from each other by common walls, where each unit contains a separate and private entrance to the outside.

DWELLING: TWO-FAMILY – A dwelling accommodating two (2) families either with units which are attached side by side through the use of a party wall, and having one (1) side yard adjacent to each dwelling unit; or upstairs/downstairs units. A two-family dwelling in a multi-family project shall be considered a townhouse for the purposes of regulation by this Ordinance.

EMERGENCY SERVICES – A building for the housing of fire, emergency medical or police equipment and for related activities. This may include housing for emergency personnel while on-call.

EQUESTRIAN FARM – A building or structure and/or land whose operator keeps equines primarily for breeding and boarding and which operation may or may not be incidental to the owners primary occupation.

ERECTION – Construction or assembly.

ESSENTIAL SERVICES – Municipal or utility facilities that do not require enclosure in a building which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, police call boxes, traffic signals, hydrants, and other similar equipment. Building, sewage treatment plants, solid waste disposal facilities, commercial communication towers, utility company offices, storage of trucks or equipment and bulk storage, and any commercial communications devices and/or facilities not specifically regulated by the Pennsylvania Public Utility Commission shall not be considered essential services or essential services requiring enclosure in building.

EVENT BARN/FACILITY – An establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations.

EXPANSION – An increase in the size of an existing structure or use, including the physical size of a property, building, parking lot, and other improvements.

EXTENSION – An addition to the floor area of an existing structure, an increase in the size of a structure, or an increase in that portion of a lot occupied by an existing use; an enlargement.

FAA – Federal Aviation Administration of the United States Department of Transportation

FAIRGROUNDS/CARNIVAL GROUNDS/EVENT GROUNDS – An area wherein buildings, structures, and lands are used for the exhibition of livestock, farm products, etc., and/or for carnival-life entertainment.

FAMILY – (1) A person; (2) two or more persons, all of whom are related by blood, marriage, parentage or adoption (including foster children), living together as a single housekeeping unit. In addition to the family, two or fewer unrelated persons may reside with the housekeeping unit in the dwelling unit. For dwelling units in multifamily buildings containing three or more dwelling units (other than those in vertical mixed use buildings in the Terraced Streetscape zone) the number of persons permitted to occupy a unit shall be determined by the Township Code Office in accordance with the provisions of the Newton Township Housing Code.

FARM CAFÉ – An eating establishment that prepares and serves food grown on-site and as defined by the Pennsylvania Department of Agriculture to the greatest extent possible. The principal objective of a farm cafe is to support local agriculture and provide alternatives to the conversion of farmland through sustainable rural economic development and empowering farm occupations.

FARM STAND – A stand that sells fresh agricultural produce.

FARMERS MARKET – The offering for sale of fresh and packaged agricultural products directly to the consumer at an open-air market and/or combination of enclosed and open-air facility.

FENCE – A fabricated barrier used to enclose an area of land.

FLEA MARKET – A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old obsolete, or antique, and may include the selling of new or used goods at retail by businesses or individuals who are generally engaged in retail trade. Rummage sales and garage sales are not considered to be flea markets.

FLICKER – A repeating cycle of changing light intensity.

FLOODPLAIN – A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

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

FOWL – a domestic bird of any kind, not including chickens.

FUNERAL HOME – A building or part thereof used for human funeral services. Such building may contain space and facilities for: (1) embalming and the performance of other services used in preparation of the dead for burial; (2) the performance of autopsies and other surgical procedures; (4) the storage of caskets, funeral urns, and other related funeral supplies; and (4) the storage of funeral vehicles. Where a funeral parlor is permitted, a funeral chapel shall also be permitted.

GALLERIES – The principal or accessory use of a premises for the sale, display, and exhibition of fine visual art and craft products and which may include ancillary production or instruction in the production of arts and crafts.

GAME LAND OR PRESERVE – Areas intended to remain in a predominately natural or undeveloped state to provide resource protection and possible opportunities for passive recreation and environmental education for present and future generations.

GASOLINE SERVICE STATION – A structure, building, or area of land or any portion the thereof that's used for the sale of gasoline and oil or any other motor vehicle fuel and/or other lubricating substance. Which may or may not include facilities for lubricating, washing, and sale of accessories, but not including the painting and/or body work thereof and other vehicle and equipment repair operations as defined by this chapter. Any business or industry dispensing gasoline and servicing vehicles only for its own use will not be deemed to be a gasoline service station.

GENERAL STORAGE TO INCLUDE BOATS AND RVS – A structure, enclosed on a minimum of three (3) sides constructed prior to the adoption of this ordinance, where the structure is used of storing motorized or non-motorized watercraft and/or recreational vehicles.

GENTLEMAN'S FARM – Small scale agrarian operation managed for pleasure as part of a family estate and which is not used to generate profit.

GOLF COURSE OR COUNTRY CLUB – A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses and shag ranges, include clubhouses and shag ranges, but does not include miniature golf course or golf driving ranges. Courses shall be considered "recreational facilities, private" for the purpose of this chapter.

GOLF DRIVING RANGE – A limited area on which golf players drive golf balls from a central driving tee, such area to include the driving tee and other incidental activities pertaining to this activity.

GRADING – The act of excavating and/or filling land for the purpose of changing natural slope.

GREENHOUSE/NURSERY – An accessory structure, typically constructed of metal or wood framework and covered with glass for plastic, used for private use.

GROCERY STORE – Retail location for the purveying and/or selling of predominantly food stuffs and other related living essentials.

GROSS – A total amount.

GROUP HOME – The use of any lawful dwelling unit which meets all of the following criteria:

- A. Involves the care of the maximum number of persons permitted by the "group home." standards and meets all other standards of such section.
- B. Involves persons functioning as a common household.
- C. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation or other "handicap"* as defined by applicable Federal law.
- D. Does not meet the definition of a "treatment center."
- E. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

*NOTE: As of 1992, the Federal Fair Housing Act defined "Handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in §802 of Title 21."

*NOTE: A use that would otherwise meet the definition of "group home" but which includes more than the permitted number of residents shall be considered an "Institutional Group Home," which is a distinct use.

HOME BASED BUSINESS, NO IMPACT – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

HOME BASED BUSINESS, OTHER – An activity, intended to be financially gainful, conducted within a dwelling unit, the conduct of which is clearly incidental and secondary to the use of the dwelling unit, and, whereas, there shall be a maximum of two said accessory uses within any one dwelling unit. Unlike a No-Impact Home Based Business, Home Occupations provide opportunity for on-site customers and therefore, also permit restricted signage opportunity.

HONEYBEE – Honey bees are limited to European races of *apis mellifera*.

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

HOTEL – A building used primarily for providing more than 10 transient lodging accommodations on a daily rate basis to the general public in which the lodging rooms provide no cooking facilities.

HOUSE GUEST – A temporary occupant of a short-term rental living quarter within a dwelling unit.

HOUSEHOLD PET – Domesticated species of dog, cat, or other non-exotic animal generally weighing less than 150 pounds that resides within a dwelling unit and is not raised for production of products for sale.

JUNK/ABANDONED VEHICLE - Any motor vehicle, trailer, or semitrailer that is inoperable and which, by virtue of its condition, cannot be economically restored to operable condition; provided, that such vehicle, trailer, or semitrailer shall be presumed to be a junk vehicle if no license plates are displayed or if the license plates displayed have been invalid for more than 60 days.

KENNEL – Any accessory building or building or land designed or arranged for care of dogs, cats or household pets belonging to the owner of the principal use, kept for purposes of show, hunting or as pets, and not involving the commercial sale or barter of animals.

LAND DEVELOPMENT –

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accordance with § 503(1.1) of the Pennsylvania's Municipalities Planning Code and Municipality's Subdivision and Land Development Code.

LANDSCAPE BUFFER – A use of new or existing plants, earthen mounds, fences and/or walls located between two uses, or between one use and a public right-of-way, that is intended to lessen negative impacts, such as undesirable views, noise or light.

LANDSCAPE/NURSERY, RETAIL – The retail handling of any article, substance, or commodity related to the planning, maintenance, or harvesting of garden plants, shrubs, chemicals, or other nursery goods and related products in small quantities to the consumer.

LAUNDROMAT/DRY CLEANERS – A self-service facility containing clothes washing machines and dryers which are usually coin-operated and are open for use to the general public.

LIMESTONE – A rock that by chemical precipitation or the accumulation of organic remains consists mainly of calcium carbonate.

LIVESTOCK – Those class of animals that are customarily kept and housed outside the home or in enclosures such as pens, barns, corrals or padlock areas. Livestock includes, but is not limited to, horses, cattle (beef and dairy), llamas, alpacas, mules, swine, sheep, goats, chickens, and fowl.

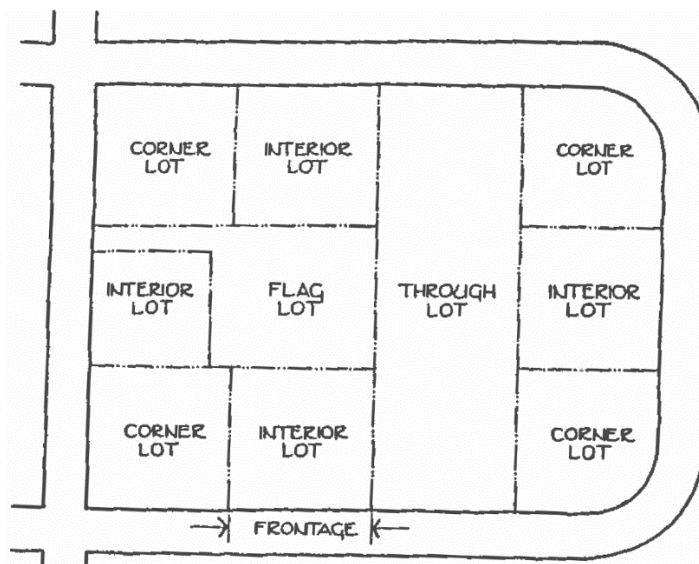
LOT – A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

CORNER LOT – A lot at the junction of and abutting on two or more intersecting streets or at the point of abrupt change of a single street where the interior angle is less than 135° and the radius of the street is less than 100 feet.

FLAG LOT – A lot that has access to a public right-of-way by means of a narrow strip of land no less than 50' wide.

INTERIOR LOT – A lot with only one frontage on a street.

THROUGH LOT – A lot with front and rear street frontage.



LOT COVERAGE – The portion of the lot that may be impervious. This includes, but may not be limited to, both building footprint and parking area.

LOT LINE – A line generally established by metes and bounds, which, when combined with other lot lines, delineates a lot.

FRONT LOT LINE – The line separating the lot from the street right-of-way.

SIDE LOT LINE – Any lines which are not front or rear lot lines.

REAR LOT LINE – The line parallel to or within 45° of being parallel to a street line which defines the rear of the lot.

LOT SIZE – The area contained within the boundary lines of a lot.

LOT WIDTH – The horizontal distance between side lot lines.

LUMBERYARD – An area used for the storage, distribution, and sale of finished or rough cut lumber and lumber products, but not including manufacture or fabrication of lumber, lumber products or firewood.

MAUSOLEUM – An external free-standing building constructed as a monument enclosing the interment space or burial chamber of a deceased person or people.

MEMBERSHIP CLUB, FRATERNITY, OR SORORITY – A type of boarding house used and occupied by a formal, legally incorporated cooperative organization -(with each full member having a vote in the operations of the organization) of full-time college or university students. Such use may contain residential, social and eating facilities for members and their occasional guests.

MINERAL EXTRACTION AND QUARRYING – The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. Mineral extraction includes but is not limited to the extraction of sand, gravel, topsoil, limestone, clay, coal, shale, or iron ore. The routine movement of and replacement of topsoil during construction shall not be itself considered mineral extraction. The reclamation of waste piles from mining activities conducted prior to the adoption of this ordinance shall be permitted by right in all districts and shall not be considered mineral extraction.

MIXED USE STRUCTURE (RETAIL AND APARTMENTS) – A structure which contains two or more distinctly separate uses such as a commercial use and a residential use.

MOBILE HOME – Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers.

MOBILE HOME LOT – A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK – A parcel or contiguous parcels of land under single ownership which has been planned and improved for the placement of two or more mobile homes for non-transient use.

MOTEL – See Hotel.

MUNICIPAL/GOVERNMENT FACILITY OR USE – Municipal, County, State or Federal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments.

NATURE PRESERVE – A noncommercial preservation of land for providing wildlife habitats, forests or scenic natural features that involves no buildings other than a nature education and/or study center and customary maintenance buildings.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the adoption date of this Ordinance, including any subsequent improvements thereto.

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

NONCONFORMING STRUCTURE – A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this zoning ordinance or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

NONCONFORMITY – Any nonconforming lot, structure or use of land or structures.

NURSING HOME – A facility licensed by the State for the housing and Intermediate or fully-skilled nursing care of 3 or more persons needing such care because of old age or a physical illness or disability or a developmental disability, but not including a "Treatment Center."

OBSTRUCTION – Any dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, bridge, conduit, culvert, building, wire fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, floodplain or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

OFFICE, BUSINESS OR PROFESSIONAL – A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical or dental offices, clinics or laboratories, photographic studios and/or television or radio broadcasting studios.

OFF-PREMISE SIGN – A board, panel or tablet limited in size, used for the display of posters, printed or painted advertising matter, either illuminated or nonilluminated, that directs attention to goods, merchandise, entertainment, or services offered elsewhere than the premises where the sign is located.

OFF-STREET PARKING/LOADING ACCESSORY NON-RESIDENTIAL USES – An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

OFF-STREET PARKING/LOADING ACCESSORY TO RESIDENTIAL USES – An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for residents.

OPEN SPACE – a parcel or parcels of land incorporated within a subdivision that is used for passive and unorganized play areas. This land may include floodplain, wetlands, steep slopes, stormwater basins and drainage areas. The land set aside as open space may not be used towards calculating the parkland requirements of the development.

OTHER ACCESSORY USES CUSTOMARILY INCIDENTAL TO PRINCIPAL USE – Commonly occurring practice, product or process directly related to the function of the principal use.

PARK, PRIVATE – A tract of land presently owned or controlled and used by private or semi-public persons, entities, groups, etc. for active and/or passive recreational purposes.

PARK, PUBLIC – A natural or landscaped area, buildings, or structures, provided by a unit of government, to meet the active or passive recreational needs of the people.

PENNDOT – The Pennsylvania Department of Transportation (“PennDOT”), the Commonwealth agency responsible for overseeing and administering transportation laws and regulations within Pennsylvania.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC) – Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. § 10101 et seq.

PERSONAL CARE HOME – A residential use providing residential and support services primarily to persons who are over age 60, physically handicapped and/or the developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania and that does not meet the definition of a "Treatment Center."

PERSONAL SERVICE ESTABLISHMENT – An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, State-licensed massage therapists, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses."

PLACE OF WORSHIP/ASSEMBLY – Building, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. A place of worship may include two (2) dwelling units as an accessory use to house full-time religious leaders and their families. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type."

PLANNING COMMISSION – The Newton Township Planning Commission, Township of Newton, Lackawanna County, Pennsylvania.

PORCH – A covered entrance to a building or structure which may or may not be enclosed and which projects out from the main wall of such building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PRIVATE – Not publicly owned, operated or controlled.

PUBLIC – Intended for the general population to partake or participate.

PUBLIC NOTICE – Notice published once each week for two successive weeks in a newspaper

of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

RADIO/TELEVISION STUDIO – A studio engaged in transmitting oral and visual programs to the public, but not including the transmitter and/or antennas for such broadcasting.

RAISING OF LIVESTOCK, LARGE-SCALE/INTENSIVE – The raising or keeping of livestock for commercial purpose.

RAISING OF LIVESTOCK, SMALL-SCALE – The raising or keeping of livestock at a limited scale for home use or any commercial purpose.

RECREATION FACILITY, PRIVATE – A commercially operated park or facility with various devices for entertainment including but not limited to rides, games, electronic games and similar devices, food stands and other associated facilities. Classified as a Recreational Facility, Private.

RECREATION FACILITY, PUBLIC – Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Township, County, school district, state, or federal government.

RECREATIONAL VEHICLE – Unless otherwise defined by the Commonwealth of Pennsylvania’s Board of Vehicles Act, a recreational vehicle shall be a vehicle which is either self-propelled or towed by a consumer-owned tow vehicle and designed to provide temporary living quarters for recreational, camping or travel use that complies with all applicable Federal vehicle regulations and is certified by the manufacturer as complying with NFPA 1192 Standard on Recreational Vehicles or ANSI A119.5 Park Model Recreational Vehicle Standard and includes the following types:

- A. Motor home.
- B. Travel trailer.
- C. Fifth wheel travel trailer.
- D. Folding camping trailer.
- E. Truck camper.
- F. Park model RV.

RECYCLING, SMALL SCALE – Whereas the intended customer-base is Newton Township residents and business, a building in which recyclable material only is collected, processed, and/or baled in preparation for shipment to others who will use those materials to manufacture new products.

RELEASE – The spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of one or more Regulated Substances upon or into any land or water within the Source Water Protection Overlay District. Release includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site sewage disposal system, dry-well, catch basin, swale, drainage way.

REPAIR – To restore by replacing parts or putting together what is torn or broken. Repair can be defined as an accessory or principal use.

RESORT – A building or group of buildings containing two or more guest rooms, other than a boarding house, hotel, or motel, and including outdoor recreational activities such as, but not limited to, horseback riding, golf course, swimming, tennis courts, shuffleboard courts, barbeque and picnic facilities, and dining facilities intended for the primary use of its guests, but not including bars, restaurants, which cater primarily to other than guests.

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

RESTAURANT, CAFÉ – An establishment where limited options of food and drink are prepared, served and consumed.

RESTAURANT, DRIVE THROUGH/DRIVE-IN – An establishment that sells ready-to-consume food or drink where at least a portion of patrons are served while the patrons remain in their motor vehicles.

RETAIL ESTABLISHMENT – A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

RIDING ACADEMY AND STABLES – An establishment where horses are kept for riding or driving, or are stabled for compensation, or incidental to the operation of any club, association, ranch, or similar establishment.

RIGHT-OF-WAY – A corridor of land set aside for use, in whole or in part, by a street or other public purpose.

SATELLITE DISH/ANTENNA – A ground-based reflector, usually parabolic in shape, that receives electronic signals from a satellite. This term shall also include any pedestal or attached structure. A satellite antenna shall be considered an accessory structure for the purposes of this Ordinance

SAWMILL – A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

SCHOOL, PRIVATE – An institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities.

SCHOOL, PUBLIC – An institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities.

SEDIMENT – Soil materials transported by wind or water as a result of erosion.

SHADOW FLICKER – The on and off flickering effect of a shadow caused when the sun passes behind the rotor of a wind turbine.

SHORT TERM RENTAL – The act of offering temporary living quarters within a dwelling unit occupied by the owner or lessee for a negotiated price to a house guest with or without the mediating use of a rental housing exchange agency.

SHRUB – An ornamental plant with woody stems that is at least 2 gallons in depth at planting. See the Township's official plant list for a listing of permitted shrubs.

SOLAR ENERGY – Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR ENERGY DEVICE – A system, structure, or device accessory to a principal use which is used to collect, store, and distribute energy derived from the sun for the purpose of heating or cooling the interior spaces of buildings or for heating domestic hot water. Small solar energy systems may include, but are not limited to, solar collectors, solar reflectors, heat storage tanks, south facing double glazed window walls, attached south facing greenhouses utilizing double glazing, and architectural overhangs for blocking sunlight on south facing windows.

SOLAR ENERGY FARM – An area of land on which the principal use is the capture of solar energy and its conversion to electrical energy or thermal power for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground- or roof-mounted solar modules or other solar related equipment and may include accessory structures and buildings including light reflectors, concentrators and heat exchangers, substations, electrical infrastructure, transmission lines, and other appurtenant.

SOLAR SYSTEM, BUILDING AND/OR GROUND-MOUNTED – A system, structure, or device accessory to a principal use which is used to collect, store, and distribute energy derived from the sun for the purpose of heating or cooling the interior spaces of buildings or for heating domestic hot water. Small solar energy systems may include, but are not limited to, solar collectors, solar reflectors, heat storage tanks, south facing double glazed window walls, attached south facing greenhouses utilizing double glazing, and architectural overhangs for blocking sunlight on south facing windows.

SQUARE – A spatially defined element of usable open space designed such that it directly abuts streets on two or more sides. Squares may be located throughout the required open space of a community in a manner which enhances the form, appearance and function of this element of the community. Landscaping and lighting must be provided to augment the function of this feature within the open space network.

STORAGE – A space or place for storing materials and supplies for use by the principal use located on the same site. Includes the storage of goods which were produced on site. Storage is accessory to the principal use on the site.

STREAM – A watercourse. Most streams are shown on the U.S.D.A. Soil Conservation Service "Soils Survey of Lackawanna County" mapping or as watercourses shown on a U.S.G.S., 75 minute quadrangle map as solid blue lines or as state open waters identified in a letter of interpretation issued by the Pennsylvania DEP. Streams are also shown as blue lines on the most recent Streams Within the Township, U.S.G.S. National Hydrologic Dataset (NHD) mapping as noted in attached Appendix E.

STREET – Includes a street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other way used or intended to be used by vehicular traffic or pedestrians, whether public or private. Streets are further classified according to the functions they perform.

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

STRUCTURE, PERMENANT – Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

STRUCTURE, PORTABLE – Anything constructed that is not permanently affixed to the ground but is designed to be moved from place to place.

STUDIO OR SCHOOL FOR SPECIAL TRAINING – An establishment where arts such as dance, martial arts, music and visual arts are taught, studied or produced, or where movies, radio, television or music recording is produced.

SUBDIVISION – The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL CHANGE – (1) Any increase in the height of a wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet for structures located outside of the rights-of-way, or 10 feet for structures located within the rights-of-way, whichever is greater, except that the mounting of the proposed wireless communications facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or (2) any further increase in the height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.

TEMPORARY USE – A use lasting for a limited time of seven days or less, unless specified as longer under a particular use. Does not include the construction or alteration of any structure.

TOWNSHIP – The Township of Newton, Commonwealth of Pennsylvania.

TOWNSHIP ENGINEER – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Newton Township.

TRAILS – A way designed for and used by equestrians, pedestrians, and cyclists using non-motorized bicycles.

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

UTILITY – A corporation, enterprise, government entity or persons generating, transmitting, distributing, transporting and/or collecting in any manner, electricity, heat, steam, natural gas, propane, water, wastewater, or communications (cable, telephone and fiber optic) to the public, or any portion thereof.

VARIANCE – A permissive waiver of terms and conditions of this chapter issued by the Zoning Hearing Board.

VEHICLE OR EQUIPMENT SALES – The use of any building, land area or other premise for the

display and sale of new and used automobiles of operable condition; panel trucks or vans; mobile homes or trailers; recreation vehicles; or farm or construction equipment including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than fifty (50) percent of its gross sales from the actual sale of new or used vehicles or equipment of the type herein described (excluding parts and repairs) shall be considered a vehicle and equipment sales operation.

VEHICLE REPAIR GARAGE – An establishment engaged in the service and/or repair of any motor vehicle as its principal use, including but not limited to auto body shops, repair garages, truck repair garages and agriculture equipment repair.

VIOLATION – The act of not meeting specific conditions or requirements of this Chapter.

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

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

WIND ENERGY CONVERSION SYSTEM (WEC) – Any device which converts wind energy to a form of usable energy.

WIND GENERATOR – Equipment that converts energy from the wind into electricity. Includes the rotor, blades, and associated mechanical and electrical conversion components necessary to generate, store, and/or transfer energy.

WIND TURBINE – An aggregation of parts including the base, tower, generator, rotor, blades, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy.

WINERIES – Licensed facilities used for the commercial processing of grapes or other fruit products to produce wine or similar spirits or the refermenting of still wine into sparkling wine.

WIRELESS COMMUNICATIONS TOWER – A structure other than a building, such as a monopole or guyed tower, designed and used to support one (1) or more wireless communications antennas.

WIRELESS SUPPORT STRUCTURE – A freestanding structure, such as a tower-based wireless communications facility or any other support structure that could support the placement or installation of a non-tower based wireless communications facility if approved by the Township.

YARD – An unoccupied space, open to the sky, extending from the lot line to a structure. The size of a required yard shall be measured as the shortest distance between the structure and lot line.

FRONT YARD – An open space area extending along the full width of a lot parallel to the front property line or adjacent street right-of-way line, whichever is the closer to the property, which area is unoccupied and obstructed from the ground up, except for such intrusions as are

expressly permitted by this Chapter.

SIDE YARD – An open space area extending along the side of a lot parallel to the side lot line, which area shall extend from the front yard area to the rear yard area, except that in the absence of a rear or front yard area the side yard area shall extend the full length of the lot.

REAR YARD – An open space area extending across the full width of a lot parallel to the rear property line or adjacent street right-of-way line, whichever is closer to the property, which area is unoccupied and unobstructed from the ground up, except for such intrusions as are expressly permitted by this Chapter.

BUFFER YARD – An open space inclusive of vegetation and designed to provide an area of separation between different districts or uses.

YARD SETBACK AREA – An area bounded by a lot line and a line drawn parallel to the lot line at a distance specified in the ordinance for front, side or rear yard setbacks.

ZONING DISTRICT – A finite area of the Township, as designated by its boundaries on the Zoning Map, throughout which specific and uniform regulations govern the use of land and/or the location, size and use of buildings and structures. The regulations of a zoning district may be supplemented or altered by regulations imposed in an overlay zoning district.

ZONING HEARING BOARD – The Zoning Hearing Board of Newton Township.

ZONING MAP – The map setting forth the boundaries of the districts of this chapter and adopted by the Board of Supervisors of the Township.

ZONING OFFICER – The individual appointed by the Board of Supervisors in accordance with the PA MPC to enforce the provisions of this Ordinance.

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ARTICLE 3
District Regulations and Zoning Map

Section 3.1 – Designation and Intent of Districts

A. Zoning Districts and Purpose Statements.

For the purpose of this Ordinance, Newton Township is hereby divided into districts which shall be designated on the Zoning Map and as follows:

1. Agricultural/Conservation/Recreational Districts.
 - (a) **RUR – Rural Resource District:** To preserve agricultural lands and woodlands, to encourage conservation of open space and rural landscapes, and to allow for limited low-density residential uses and limited business uses compatible with working lands.
2. Residential Districts.
 - (a) **R-1 – Rural Single Family Residential District:** To accommodate low-density single-family detached dwellings on existing arterial and collector roads, with no public sewer and water, and in conjunction with rural agricultural activities.
3. Mixed Use Districts.
 - (a) **V – Village Mixed Use District:** To accommodate medium-density clusters of low-impact, neighborhood-oriented residential and non-residential land uses in rural communities, ranging from single-family dwellings to professional offices to small institutional buildings.
4. Industrial Districts:

B. Overlay Districts and Purpose Statements.

See Article 4 of this Ordinance for the designation and intent of the overlay districts.

Section 3.2 – Zoning Map

- A. The boundaries of the districts in which Newton Township is divided shall be shown upon a map entitled the “Newton Township Zoning Map,” which is available on file for public viewing at the Newton Township Municipal Building. This map and all notations, references, and other data shown thereon is hereby incorporated by reference into this Ordinance as if these items were fully described herein.
- B. Whenever there has been an amendment to the boundary of a zoning district or overlay or a reclassification of a zoning district or overlay, the Zoning Map shall be accordingly revised and shall be duly certified by the Township.

Section 3.3 – Interpretation of District Boundaries

District boundary lines as a general rule follow lot lines, municipal boundary lines, and the centerlines of streets, highways, and alleys. Where uncertainty exists as to the boundaries of districts on the Zoning Map, the Zoning Officer shall interpret the locations of the boundaries based on the following rules:

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed as following such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be constructed a following such lot lines.
- C. Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries.
- D. Boundaries indicated as approximately following railroad lines shall be construed as following the center line of a single-track railroad line or an imaginary line drawn midway between the main tracks of a multiple-track railroad line.
- E. Boundaries indicated as approximately following shorelines shall be construed as following such shorelines. In the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline.
- F. Boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines. In the event of change in the stream or other body of water, the boundary shall be construed as moving with the center line of such.
- G. Boundaries indicated as approximately parallel to or extensions of features identified in subsections A through F above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- H. Where physical features existing on the ground are alleged to be at variance with those shown on the Zoning Map or in other circumstances not covered by subsections A through G above, it shall be the function of the Zoning Officer to interpret the Zoning Map.
- I. Where one (1) or more district boundary lines divides a lot held in single ownership, the regulations of the district comprising the greater proportion of the lot shall apply.

Section 3.4 – District Quick Views

The subsections included herein provide the following information about each zoning district designated in Section 3.1:

- A. Table of Principal Use Regulations (organized by land use group);
- B. Table of Accessory Use Regulations;
- C. Dimensional Regulations for Lots and Buildings;
- D. Preferred Lot Configurations; and
- E. Other Requirements.

Rural Zoning Transect

The 4 municipalities of Waverly, Newton, West Abington and Dalton, are classified as Rural. Within this category, 9 of the 24 districts appear to exist. To note, all nine districts might not be applicable to each of the municipalities. For example, district 1, 4, 5 could be found in West Abington, while district 2,3,6,7,12,21 are not existing in West Abington.



1 Rural Resource



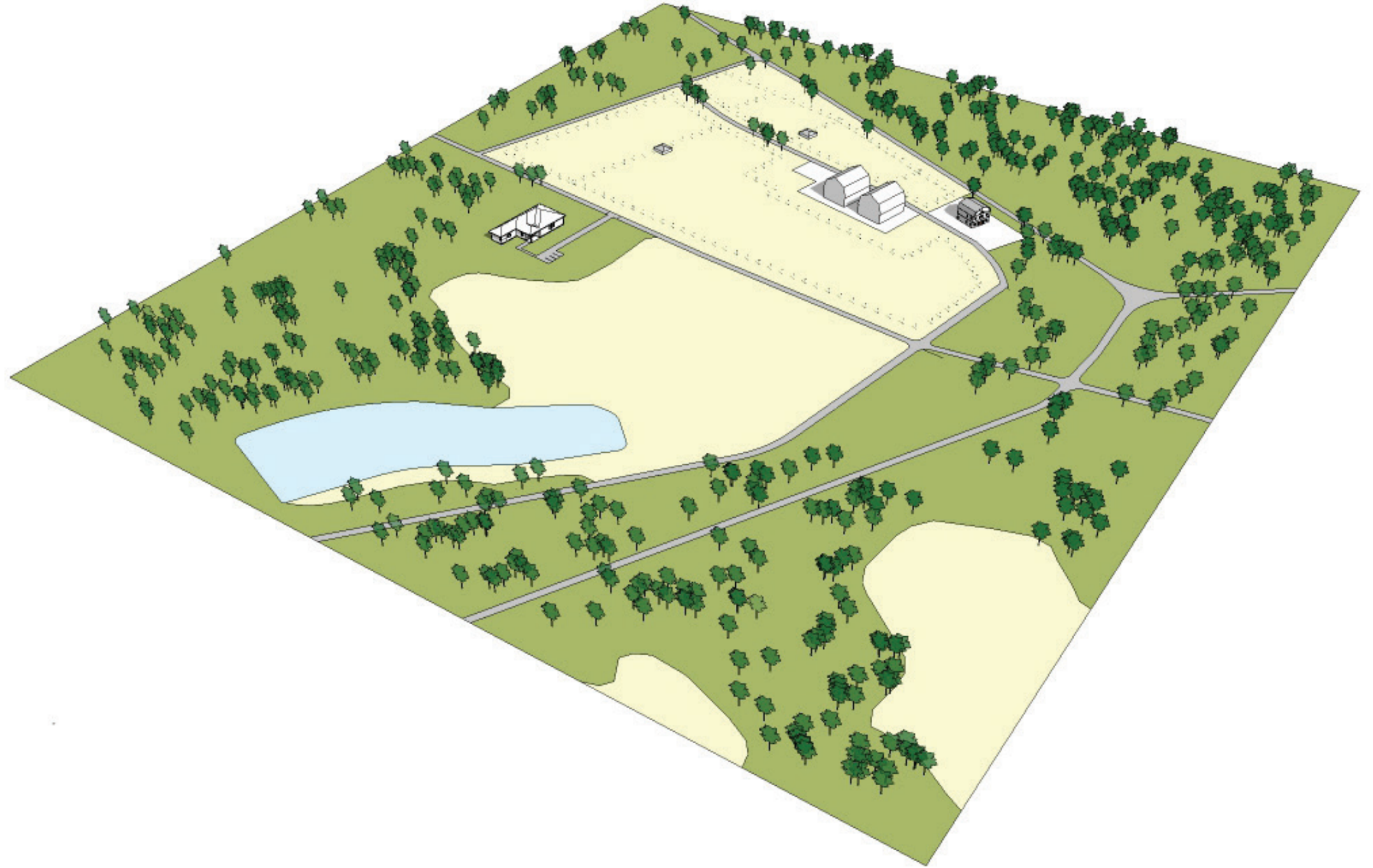
4 Rural Single Family Residential



12A Village Mixed Use

PUBLIC REALM STANDARDS

PARKING LOT	See Article 7
SIGNAGE	See Article 8
BUFFER	
Landscape	See Article 5.7
Fence and Wall	See Article 5.8
SIDEWALK	
See Subdivision and Land Development Ordinance	



4 Rural Single Family Residential

Rural

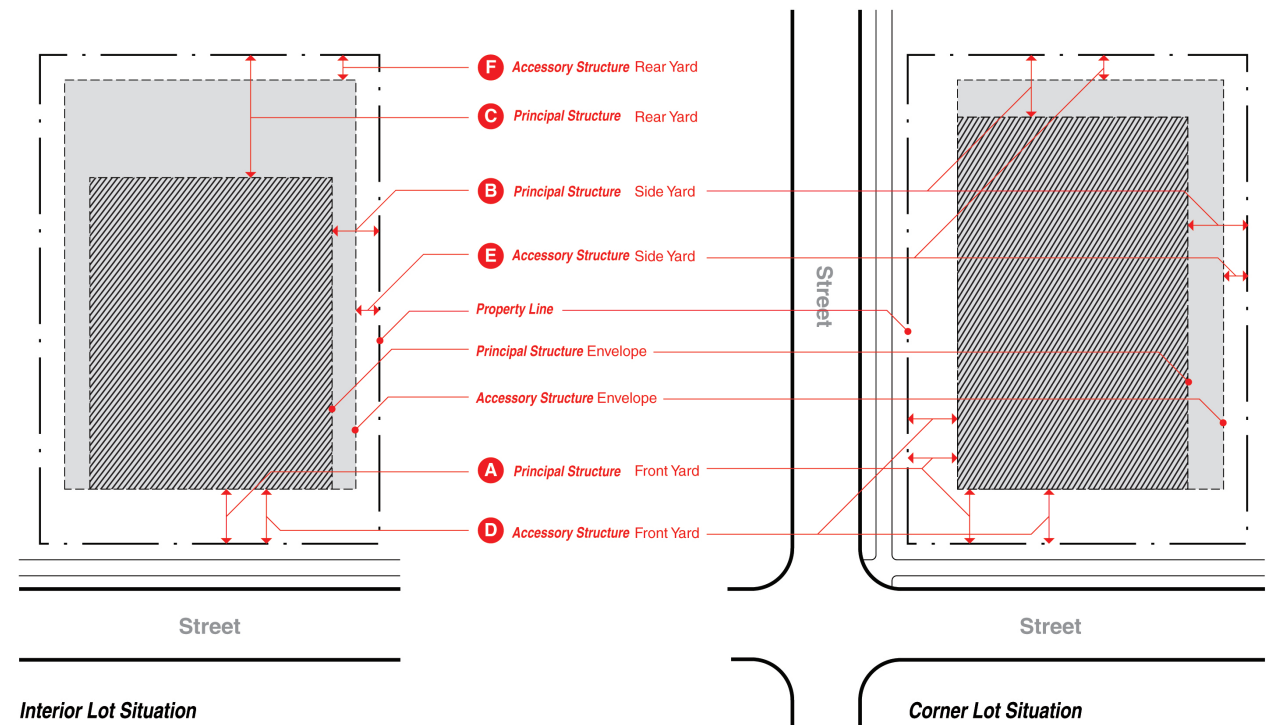


LOT DIMENSIONS STANDARDS

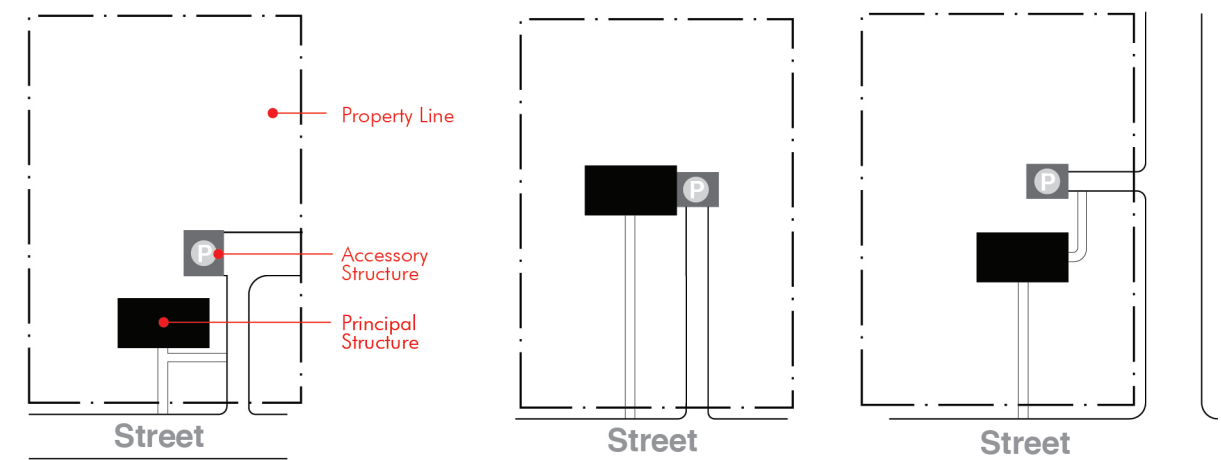
LOT SIZE	2 ac	YARD SETBACK		
LOT WIDTH	at Building Setback Line	PRINCIPAL STRUCTURE	A Front Yard, on Local/Collector Street	35 ft
	at Street Line (Flag Lot)		A Front Yard, on Arterial Street	35 ft
			B Side Yard	20 ft
HEIGHT	Principal Structure	C Rear Yard	35 ft	
COVERAGE				
	Impervious Surface		35%	

PERMITTED USES

PRINCIPAL USES		ACCESSORY USES	
Dwelling: conversion apartment	C	Carport, garage, or shed, private	P
Dwelling: single-family detached	P	Dwelling: accessory (granny flat/garage apartment)	C
Flea market	C	Home based business, other	C
Kennel	C	Short term rental	C
Essential services	P	Day care center, child	C
Wind turbine	C	Day care home, family	C
Forestry	P	Essential services	P
Group home	P	Greenhouse/nursery	P
Personal care home	C	Off-premise sign	P
		Off-street parking/loading accessory non-residential uses	P
		Off-street parking/loading accessory to residential uses	P
		Other accessory uses customarily incidental to principal use	C
		Satellite dish/antenna	P
		Solar energy device	P
		Wind turbine	C



PREFERRED LOT CONFIGURATIONS



P = Permitted Use by Right C = Conditional Use SE = Use by Special Exception

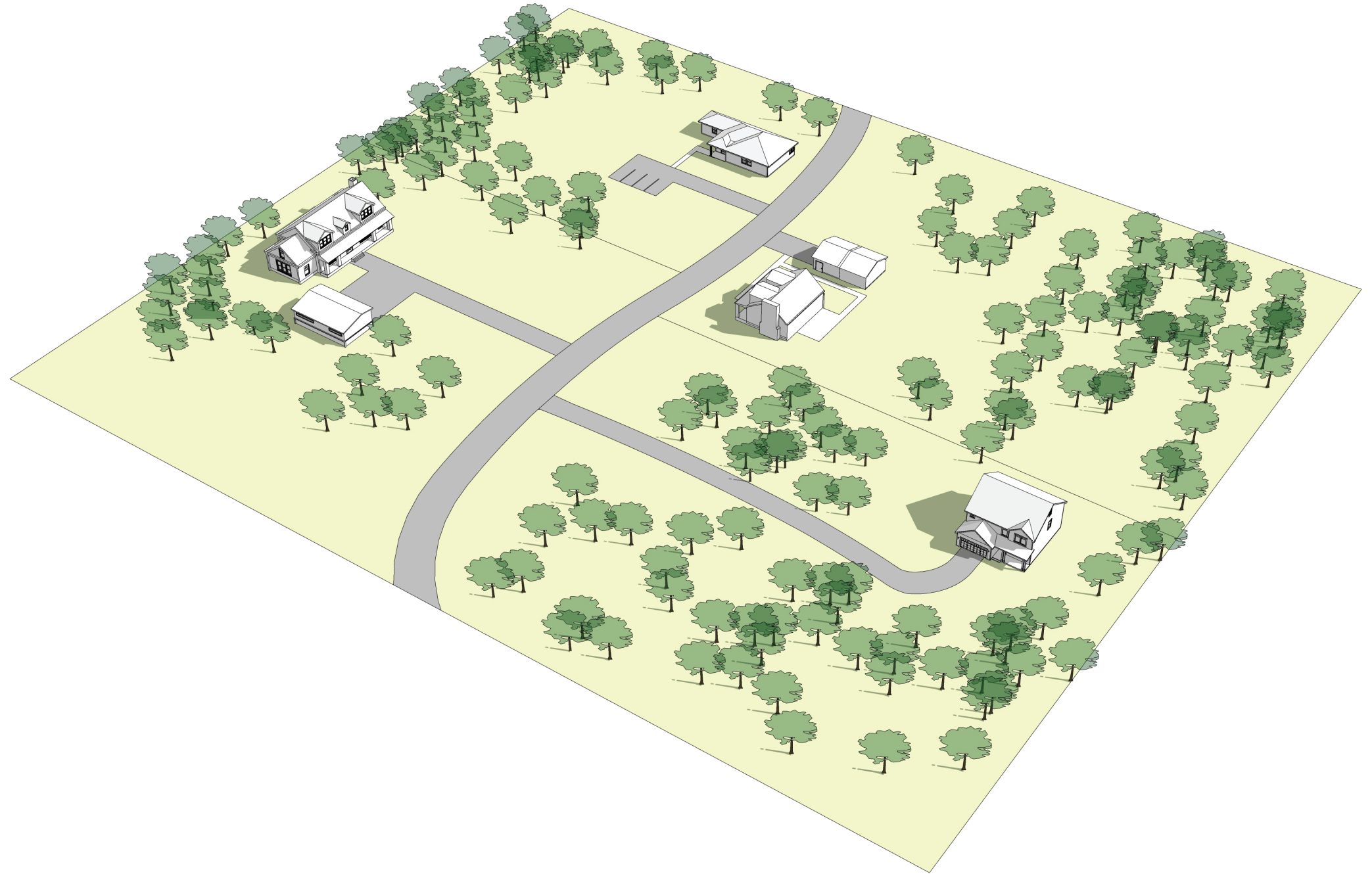
PUBLIC REALM STANDARDS

PARKING SPACE See Article 7

SIDEWALK
See Subdivision and Land Development Ordinance

LANDSCAPING See Article 5.7

FENCE & WALLS
Fence See Article 5.8
Walls See Article 5.8



12A Village Mixed Use

Rural



PERMITTED USES

PRINCIPAL USES

Bed-and-breakfast	C
Boarding or lodging house	C
Dwelling: conversion apartment	C
Dwelling: single-family detached	P
Dwelling: townhouse	C
Dwelling: two-family	P
Mobile home park	C
Animal hospital or veterinary clinic	C
Bakery	P
Bank or financial institution	C
Bar or tavern	C
Brew pub	C
Brewery	C
Building, contracting, or related business	C
Business service establishment	P
BYOB club	C
Car or truck wash	C
Commercial recreation facility, indoor	C
Convenience store	C
Craftsman-artisan manufacturing	C
Craftsman-artisan workshop	P
Drug store/pharmacy	P
Farm café	P
Farm stand	P
Farmers market	C
Funeral home	C
Galleries	C
Gasoline service station	C
Grocery store	C
Hotel	C
Kennel	C
Landscape/nursery, retail	C

Laundromat/dry cleaners	C
Mixed use structure (retail and apartments)	C
Motel	C
Office, business or professional	C
Personal service establishment	C
Restaurant	C
Restaurant, drive through/drive-in	C
Retail establishment	C
Short term Rental	C
Studio or school for special training	C
Vehicle or equipment sales	C
Vehicle repair garage	C
Lumberyard	C
Recycling, small scale	C
Warehouse	C
Wholesale establishment	C
Agriculture	P
Agricultural products processing	C
Crop farming	P
Raising of livestock, small-scale	P
Essential services	P
Wind turbine	C
College or university	C
Community center or library	C
Dormitory	C
Emergency services	P
Fairgrounds/carnival grounds/event grounds	C
Hospital	C
Membership club	C
Municipal/government facility or use	P
Place or worship/assembly	C
School, private	C
School, public	C
Forestry	P
Golf, miniature	P

Abused person shelter	P
Day care center, adult	C
Day care center, child	C
Group home	P

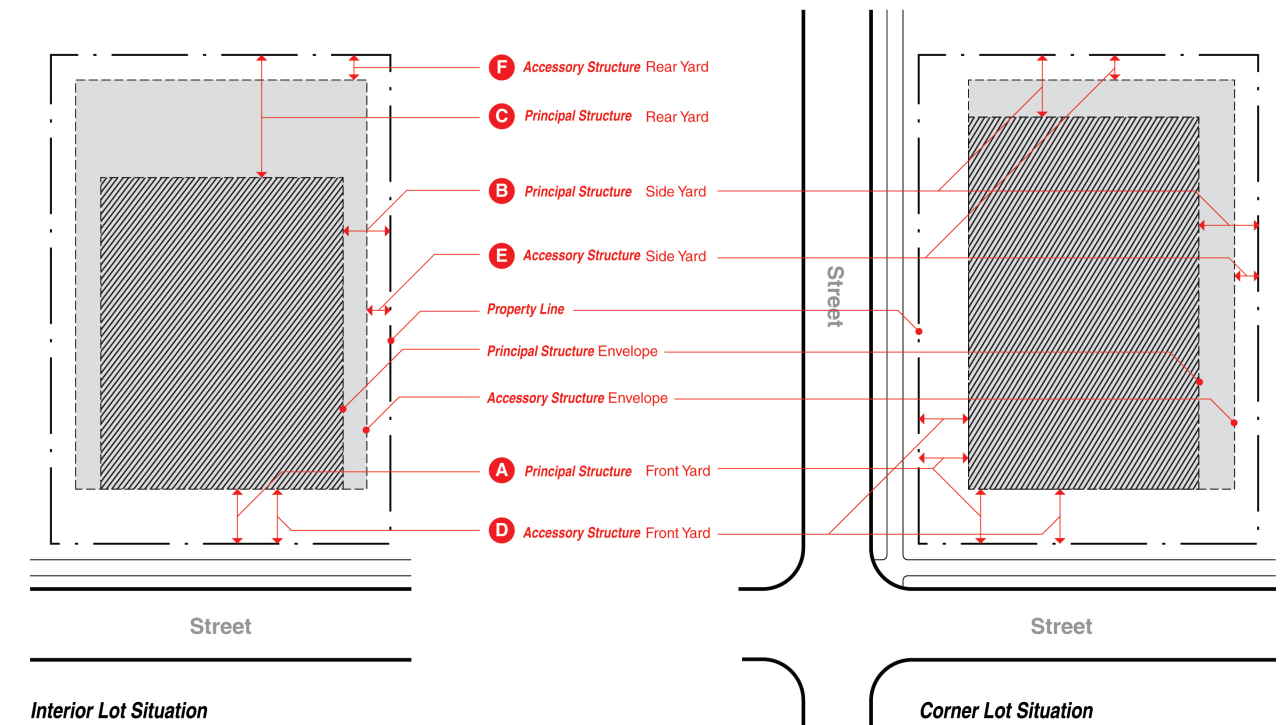
ACCESSORY USES

Carport, garage, or shed, private	P
Dwelling: accessory (granny flat/garage apartment)	C
Home based business, other	C
Short term rental	C
Car or truck wash	C
Cideries	C
Community center or library	P
Crematorium	C
Day care center, child	C
Day care home, family	C
Day care home, group	C
Dormitory	P
Drive-thru facility	C
Emergency services	P
Essential services	P
Farm stands	C
General storage to include boats and rv's	C
Greenhouse/nursery	P
Off-premise sign	P
Off-street parking/loading accessory non-residential uses	P
Off-street parking/loading accessory to residential uses	P
Other accessory uses customarily incidental to principal use	C
Satellite dish/antenna	P
Solar energy device	P
Wind turbine	C
Wineries/tasting facilities	C

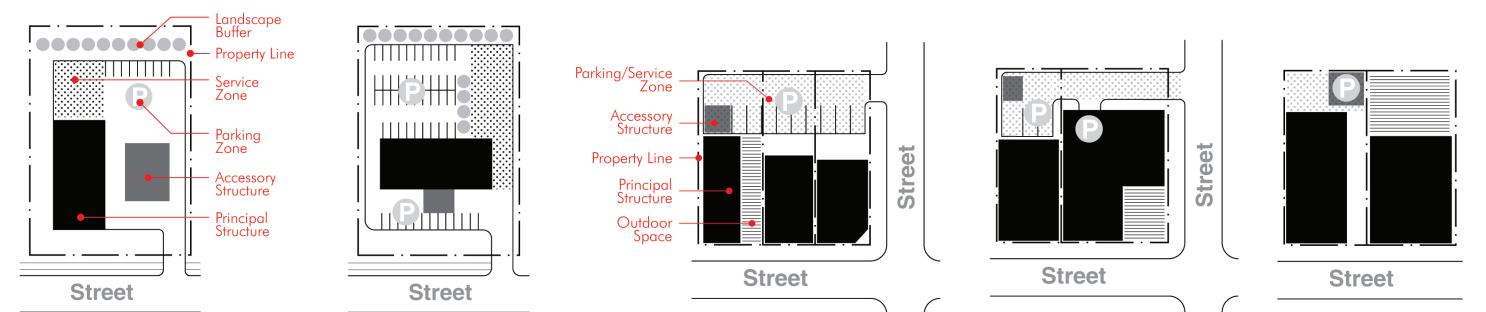
LOT DIMENSIONS STANDARDS

LOT SIZE	2 ac
LOT WIDTH	
at Building Setback Line	120 ft
at Street Line (Flag Lot)	50 ft
HEIGHT	
Principal Structure	35 ft
COVERAGE	
Impervious Surface	50%

YARD SETBACK		
PRINCIPAL STRUCTURE	A Front Yard, on Local/Collector Street	35 ft
	A Front Yard, on Arterial Street	35 ft
	B Side Yard	20 ft
	C Rear Yard	35 ft

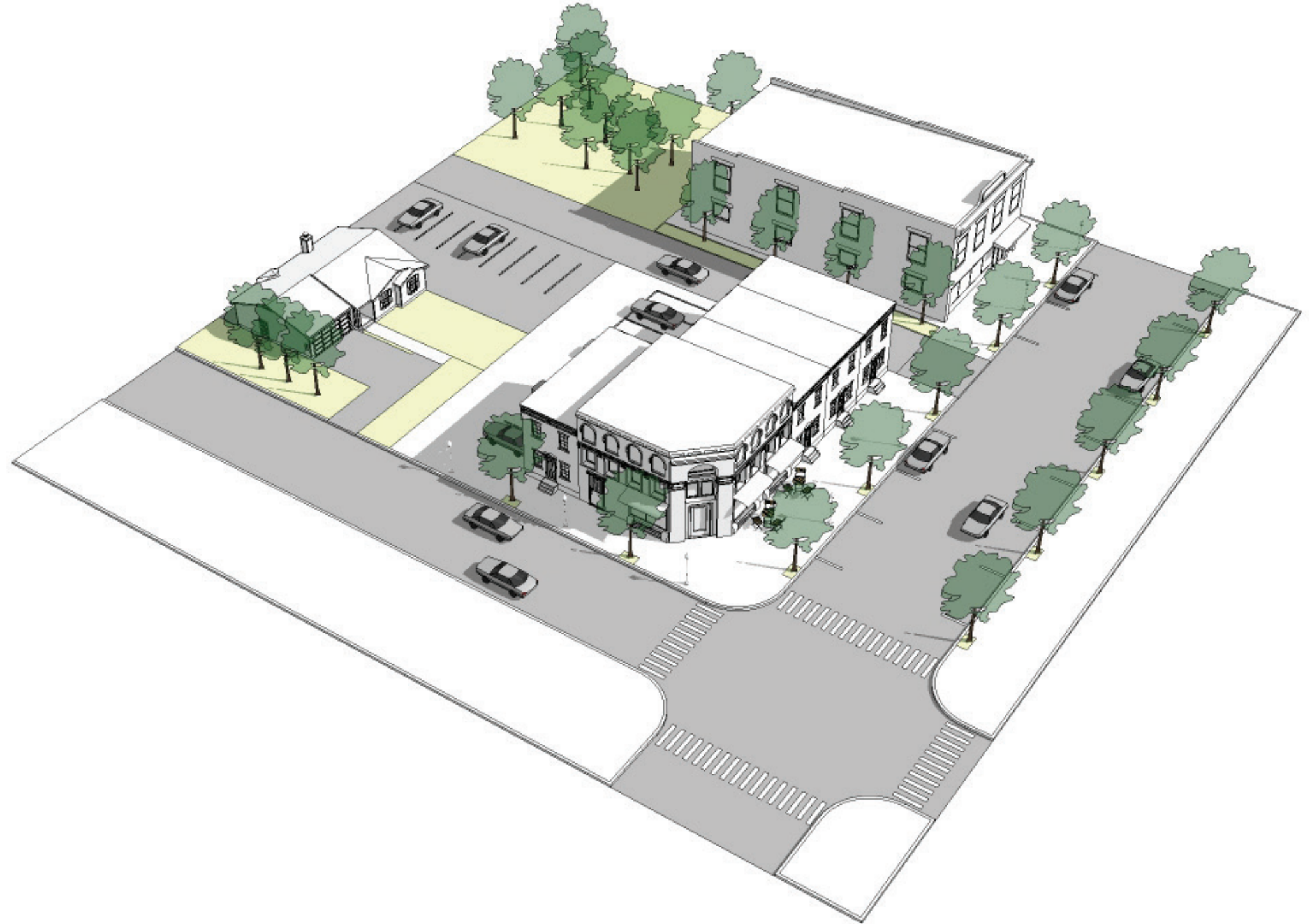


PREFERRED LOT CONFIGURATIONS



PUBLIC REALM STANDARDS

PARKING LOT	See Article 7
SIGNAGE	See Article 8
BUFFER	
Landscape	See Article 5.7
Fence and Wall	See Article 5.8
SIDEWALK	
See Subdivision and Land Development Ordinance	
FRONT YARD PARKING/ACCESS	
Numbers of Accesses	See Article 7
SHARED DRIVEWAY/PARKING	See Article 7



ARTICLE 4
Overlay Regulations

Section 4.1 – Floodplain Overlay

All regulations as required by Newton Township, the US Federal Emergency Management Agency and Lackawanna County shall apply to identified flood-designated lands within the Township.

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ARTICLE 5
Supplementary Regulations

Section 5.1 – Requirements for All Uses

A. Application of District Regulations.

1. Unless otherwise provided by law or specifically in this Ordinance, no land, building, or structure shall be used or occupied except for a use permitted in the zoning district within which the land, building, or structure is located.
2. The regulations set forth in this Ordinance shall apply uniformly to each class or type of land, building, or structure, except as otherwise provided for in this Ordinance.
3. No building or structure shall hereafter be erected, constructed, reconstructed, moved, or structurally altered and no building, structure, or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations of this Ordinance specified for the use and district in which it is located. These include, for example, regulations for height, lot area, floor area, yard dimensions, and residential density.
4. No part of a yard or other open space or off-street parking or loading space required in connection with any use for the purpose of complying with this Ordinance shall hereafter be included or shared as part of a yard, open space, or off-street parking or loading space similarly required for any other use, unless otherwise specified by this Ordinance.
5. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
6. No more than one (1) principal use shall be permitted on a lot, unless otherwise specified by this Ordinance.

B. Buffers and Setbacks Across Municipal Boundaries.

If a lot, use, or structure extends across municipal boundaries, the buffer yard and setback requirements of this Ordinance shall still apply.

C. Annexed Territory.

All territory which may hereafter be annexed by the Township shall be automatically included in the district which most nearly corresponds to the zoning classification of the land at the time of annexation, unless otherwise specified in the ordinance of annexation.

Section 5.2 – Deviations from Dimensional Requirements

A. Lot Size Reduction.

No lot shall be reduced in size or otherwise altered so that any nonconformity with this Ordinance or any other applicable ordinances shall be created. This Section, however, shall not prohibit lot size reductions when such reduction is the result of conveying a portion of a lot to a government, government agency, or public utility for public purposes in an easement or a taking.

B. Permitted Encroachments in Required Yard Areas.

The following encroachments are permitted in required yard areas, provided that they do not cause the maximum impervious surface area or lot coverage to be exceeded beyond what is permitted for a lot in the underlying zoning district or are required by law for the purpose of public safety:

1. Light fixtures, other than lighting poles for recreational uses;
2. Sidewalks or walkways on grade;
3. Sidewalk or walkway steps, when not connected to a building, porch, deck, or other part of a building or structure or when required by law;
4. Handrails along sidewalk or walkway steps;
5. Access drives;
6. Parking spaces for dwellings having three (3) or fewer dwelling units or for uses and/or districts otherwise exempted by this Ordinance;
7. Roof overhangs, egress window wells and doors, HVAC equipment, and emergency power generators, up to a maximum dimension of two (2) feet measured horizontally;
8. Flagpoles of the display of official government flags of the United States and its political subdivisions, provided that such flagpoles do not exceed the maximum height limitations specified in Subsection C;
9. Vegetation, including trees, landscaping, and vegetative buffering, provided that a clear sight triangle is maintained at intersections of public rights-of-way and/or public rights-of-way with private driveways;
10. Landscaping materials, excluding patios, decks, and porches not otherwise exempted by this Ordinance;
11. Outdoor seating areas permitted under the provisions of Section 5.15;
12. Awnings and canopies specifically permitted under the provisions of this Ordinance;
13. Decorative lawn ornaments and walls not exceeding 32 inches in height;

14. Bird feeders;
15. Stormwater management facilities not designed to retain a permanent standing pool of water;
16. Traffic control devices required by a government or government agency;
17. Structures required for maintaining the safe passage of vehicular or pedestrian traffic;
18. Utility structures not exceeding seven (7) feet in height, including emergency call stations, other than wireless communication facilities;
19. Railroad sidings;
20. Public transit stops involving surface improvements and shelters;
21. Containers for the collection by municipal authorities of residential solid waste, recyclables, or compost;
22. Functional rain barrels holding less than 65 gallons that are connected to a roof downspout system of a building or structure; and
23. Public bicycle racks, benches, planters, and similar public street furniture.

C. Maximum Height Exceptions.

1. The following structures, when erected with a principal or accessory building roof, may exceed the permitted height of the associated building by 50%, provided that in no situation shall structures associated with buildings of 100 feet in height or taller extend 25 feet vertically beyond the roof of the associated building:
 - (a) Chimneys;
 - (b) Spires;
 - (c) Belfries, steeples, minarets, and other similar structures associated with places of worship/assembly;
 - (d) Cupolas and domes;
 - (e) Silos associated with agricultural uses;
 - (f) Flagpoles;
 - (g) Utility poles, masts, and towers;
 - (h) Antennas, other than satellite antennas and antennas associated with wireless communication facilities;
 - (i) Skylights;
 - (j) Tanks; and
 - (k) Penthouses for housing mechanical equipment.

2. The following freestanding structures are permitted to exceed the maximum height limitations specified in this Ordinance:
 - (a) Utility poles, masts, and towers associated with a public utility under the jurisdiction of the Pennsylvania Public Utility Commission, when found by the Zoning Hearing Board to not adversely affect public health, safety, and welfare or the use and value of adjacent lots and when the applicant can demonstrate a public need for such structures that cannot be accommodated if the structures were not constructed to exceed the maximum height limitations of the underlying zoning district; and
 - (b) Flagpoles of the display of official government flags of the United States and its political subdivisions, provided that such flagpoles do not exceed the maximum height limitations for the underlying zoning district by greater than 25 feet.

Section 5.3 – Stormwater Management

All stormwater management regulations as required by the Commonwealth of Pennsylvania and Lackawanna County shall apply to lands within the Township.

Section 5.4 – Grading and Erosion Control

A. Earth Disturbance and Clearcutting Permit

1. Intent.

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

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.

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.

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.

5. Revegetation/Reforestation.

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

6. Exemption.

The provisions of this Section 5.4 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.

Section 5.5 – Slope Control

No slopes greater than 2:1 shall be constructed within the Township.

Section 5.6 – Buffer Areas and Screening

A. Applicability.

1. Nonresidential Uses Abutting Residential Uses or Districts.
 - (a) When a nonresidential use is established which abuts a Residential District or a residential use, a landscaped buffer shall be established on the site of the nonresidential use immediately adjacent to and parallel to the residential use.
 - (b) The nature of the buffer area(s) permitted for the nonresidential use is specific to the zoning district of the use but includes one or more of the buffer area classes established in Subsection B. When more than one buffer area class is listed for a zoning district, any of the listed alternatives may be provided to satisfy the buffer area requirement.
 - (c) When the width of a required buffer area is in conflict with the minimum yard requirements for the zoning district, the greater distance shall apply.
2. Parking Lots Abutting Public Streets.
 - (a) When a parking lot containing five (5) or more parking spaces abuts a public street right-of-way, a landscaped buffer shall be established in the yard setback area between the parking lot and the public street.
 - (b) The nature of the buffer area(s) permitted is specific to the zoning district of the use associated with the parking lot but includes one or more of the buffer area classes established in Subsection B. When more than one buffer area class is listed for a zoning district, any of the listed alternatives may be provided to satisfy the buffer area requirement.
 - (c) When the width of a required buffer area is in conflict with the minimum yard requirements for the zoning district, the greater distance shall apply.

B. Buffer Area Classes.

The following classes of buffer areas are hereby established and made reference to throughout this Ordinance whenever a buffer area is specifically required:

1. Class A Buffer Area: Between an Industrial and Residential Use.
 - (a) The depth shall be dependent on the yard requirement for the zoning district but shall not be less than 25 feet.
 - (b) The buffer area shall consist of an earthen berm between three (3) feet and seven (7) feet high, with slopes not greater than three (3) feet horizontal to one (1) foot vertical.
 - (c) The buffer area shall include the following density of trees and shrubs located on the top or street side of such berm, per 100 linear feet of buffer area:
 - (1) At least four (4) deciduous shade trees or at least 10 evergreen trees, or some fractional combination of both; and
 - (2) At least 10 evergreen shrubs or at least 25 deciduous shrubs, or some fractional combination of both.
2. Class B Buffer Area: Between a Commercial Use and Residential Use.
 - (a) The depth shall be dependent on the yard requirement for the zoning district but shall not be less than 15 feet.
 - (b) The buffer area shall include the following density of trees and shrubs, per 100 linear feet of buffer area:
 - (1) At least four (4) deciduous shade trees or at least 10 evergreen trees, or some fractional combination of both; and
 - (2) At least 10 evergreen shrubs or at least 25 deciduous shrubs, or some fractional combination of both.
3. Class C Buffer Area: Two (2) Non-residential Uses.
 - (a) The depth shall be dependent on the yard requirement of the zoning district but shall not be less than five (5) feet.
 - (b) The buffer area shall the following density of trees and shrubs, per 100 linear feet of buffer area:
 - (1) At least four (4) deciduous shade trees or at least 10 evergreen trees, or some fractional combination of both; and
 - (2) At least 10 evergreen shrubs or at least 25 deciduous shrubs, or some fractional combination of both.

- (c) In lieu of a buffer area with trees, an opaque or ornamental fence meeting the dimensional, material, and transparency requirements of Section 5.8 and/or a decorative or retaining wall of up to four (4) feet in height may be utilized together with the shrub requirements found in Subsection (b), if authorized by the Newton Township Board of Supervisors upon recommendation by the Planning Commission.
 - 4. Class D Buffer Area: Between Multi-family and Single-family Residential Use.
 - (a) This buffer area class shall apply to situations in which the minimum yard requirement of the zoning district is less than five (5) feet, if applicable.
 - (b) The buffer area shall include an opaque or ornamental fence meeting the dimensional, material, and transparency requirements of Section 5.8.
 - (c) If 20 or more parking spaces face the buffer area, a continuous row of evergreen shrubs shall be planted alongside the fence to provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of motor vehicles.
- C. Buffer Area Planting Requirements.
 - 1. All plantings within buffer areas shall be adhere to the following measurements at the time of installation:
 - (a) Deciduous shade trees shall have a minimum trunk diameter of two (2) inches, as measured six (6) inches above the root collar.
 - (b) Evergreen trees shall be at least six (6) feet tall.
 - (c) Shrubs shall be at least two (2) feet in height.
 - 2. Trees, shrubs, and groundcovers shall be planted in accordance with accepted conservation practices.
- D. Existing Trees in Buffer Areas.
 - 1. Where trees of a minimum of two (2) inches in trunk diameter measured six (6) inches about the root collar already exist within a required buffer area, such trees shall remain undisturbed, except that diseased or dead material may be removed.
 - 2. Healthy existing trees retained within a buffer area may be credited toward buffer area requirements when such trees are shown on approved plans and are adequately protected during construction.
- E. Maintenance and Protection of Buffer Areas.
 - 1. It shall be the continuing responsibility of the landowner or lessee to assure the continued growth of all required landscaping and/or to replace diseased or dead landscaping. Fences must also be continually maintained and replaced when damaged. Failure to replace required landscaping or fencing shall be a violation of this Ordinance and shall be subject to the enforcement provisions in Article 11 and in any other applicable ordinance.

Section 5.7 – Landscaping and Tree Preservation

A. Landscaping Requirements.

1. General Requirements.

- (a) Required buffer areas shall be reserved solely for open space and landscaping. No proposed building addition, structure, parking area, or any other type of physical land improvement shall be located in a required buffer; provided, that driveways or roads may cross required buffers if necessary to provide access to the building site. Sidewalks, bikeways, and pedestrian paths may also be located within required buffers.
- (b) Selected trees and shrubs shall not include invasive plants as determined by the Pennsylvania Department of Conservation and Natural Resources (DCNR).
- (c) All landscaping, trees, and planting materials adjacent to parking areas, loading areas, or driveways shall be properly protected by barriers, curbs, or other means from damage by vehicles. In addition, the tree or shrub shall be planted a minimum of three (3) feet from any curb.
- (d) Plant materials with seasonal diversity should be selected and distributed throughout the site where possible.
- (e) No tree, shrub, fence, wall or similar item shall be installed in the sight triangle of any corner, street intersection, or accessway intersecting a public right-of-way that would cause an obstruction to visibility.

2. Landscaping Plan Requirements.

When a site or land development plan requires the installation of landscaping, a landscaping plan shall be submitted along with the site or land development plan, subject to the following requirements:

- (a) The location of all buffer yards and planting areas shall be graphically depicted.
- (b) The plan must graphically depict the distribution, mature height, and spread of all required plant materials.
- (c) The plan must show a table which identifies the required and proposed number of each plant species being provided for each type of buffer, screen, or other use. The table shall also identify the scientific and common name of each plant, the mature height and spread, and the symbol used for the plant.

3. Planting Standards.

All landscape material planted shall meet or exceed the following standards at the time of planting:

- (a) All deciduous shade trees shall reach a height of at maturity of at least 30 feet with a spread of at least 30 feet and shall have a trunk diameter of at least two

- (2) inches at planting when measured six (6) inches above the ground. Deciduous shade trees are to be planted such that the majority of the canopy is located on the lot of the planting.
- (b) All evergreen trees shall reach a minimum height of 20 feet at maturity and shall be a minimum of six (6) feet tall at planting.
4. All understory trees shall reach a minimum height of 10 feet at maturity and shall have a trunk diameter of 1.5 inches at planting. See the Township's official plant list for a listing of permitted understory trees.
5. All deciduous or evergreen shrubs used for screening purposes shall reach a minimum height of five (5) feet at maturity and shall be at least three (3) feet tall at planting.
6. All deciduous or evergreen shrubs used for general or parking lot landscaping must be a minimum of two (2) gallons at planting.
7. Where plantings would result in an inappropriate or impractical design due to underground utilities, overhead wires, or other factors, the following substitutions may be made:
- (a) Two (2) understory trees meeting the requirements of Subsection 4 above may be substituted for one (1) deciduous shade tree.
- (b) Two (2) evergreen trees may be substituted for one (1) deciduous shade tree.
- (c) One (1) deciduous shade tree may be substituted for five (5) shrubs.
8. Maintenance Requirements.
- (a) The owner or his agent shall be responsible for the maintenance, repair, and replacement of all landscaping materials and screening fences or walls to maintain conformance with landscaping requirements.
- (b) Any plant material that is 50% dead or more shall be considered dead and must be replaced.
- (c) Replacements shall be of the same size and type of plant as shown on the landscaping plan.
- (d) All landscaped areas shall be kept free of litter and trash.
- B. Preservation of Existing Vegetation.
- Preservation of existing trees or groves of three (3) or more trees with a trunk diameter (caliper) of at least four (4) inches when measured at breast height shall enable an applicant to obtain credit toward lot coverage requirements. For every additional tree beyond the three (3) trees preserved, the square footage of the critical root zone circumference of the grove of trees preserved may be used to determine credit toward impervious surface requirements, up to a 15% increase in additional impervious surface beyond the base requirement.

For instance, if a one (1) acre development (43,560 square feet) is located in a part of the Township that permits a lot coverage of 30% impervious surface (13,068 square feet) and there are 50 trees of a four (4) inch caliper or greater, the following calculations would be performed to determine the minimum additional site area that may be impervious beyond the 30% base requirement:

Trunk diameter (caliper): 4 inches;

Critical root zone ratio: 1 inch of trunk diameter (caliper) for every 18 inches of critical root zone radius;

Critical root zone radius: 4 inches \times 18 inches = 72 inches (6 feet);

Critical root zone (in square feet): 6 feet squared \times π (pi) = 113 square feet;

Additional permitted impervious surface: 50 qualifying trees \times 113 square feet = 5,655 square feet;

Total permitted impervious surface with credit: 13,068 square feet + 5,655 square feet = 18,723 square feet (43% impervious surface).

Note that this example development would not be able to go beyond 45% impervious surface even if there were a substantially higher number of qualifying trees preserved, as 45% is equivalent to 15% in additional impervious surface beyond the base 30% minimum requirement.

Section 5.8 – Fences and Walls

A. Fences in Residential Districts.

Fences erected on lots in Residential Districts shall be subject to the following regulations:

1. The maximum height of a fence panel in a front yard shall be four (4) feet.
2. The maximum height of a fence panel in a side or rear yard shall be six (6) feet, except when abutting alleys, where the maximum height shall be four (4) feet.
3. The bottom of a fence panel shall not extend more than four (4) inches above the surface or ground that supports the fence.
4. Fence posts shall not extend more than eight (8) inches from the top of the fence panels.
5. No fence shall be erected at such a location as to interfere with minimum sight distance specifications for street intersections and intersections of driveways and streets as established in the adopted subdivision and land development regulations of Newton Township.
6. Stockade fences shall not be permitted in front yards.

7. The Zoning Hearing Board may grant a special exception to erect fence panels on a lot in excess of the maximum height, if the applicant can demonstrate to the Zoning Hearing Board's satisfaction that due to topographical constraints or special needs related to the use of the lot in questions, fence panels of a greater height than normally prescribed are necessary. The Zoning Hearing Board shall also find that such fence panels exceeding the maximum permitted height will not have a significant negative impact on surrounding lots. The Zoning Hearing Board may attach reasonable conditions such as landscaping requirements or setback requirements when granting such a special exception.

B. Fences in All Other Districts.

Fences erected on lots in districts other than those classified as Residential Districts shall be subject to the following regulations:

1. The maximum height of a fence panel shall be ten (10) feet, except when the lot is located next to a Residential District or an alley, in which cases the maximum height shall be four (4) feet.
2. The bottom of a fence panel shall not extend more than four (4) inches above the surface or ground that supports the fence.
3. Fence posts shall not extend more than eight (8) inches from the top of the fence panels.
4. No fence shall be erected at such a location as to interfere with minimum sight distance specifications for street intersections and intersections of driveways and streets as established in the adopted subdivision and land development regulations of Newton Township.
5. Chain link fences may only be permitted in rear and side yards if the links, posts, and mounting fixtures are vinyl clad.
6. The Zoning Hearing Board may grant a special exception to erect fence panels on a lot in excess of the maximum height, if the applicant can demonstrate to the Zoning Hearing Board's satisfaction that due to topographical constraints or special needs related to the use of the lot in questions, fence panels of a greater height than normally prescribed are necessary. The Zoning Hearing Board shall also find that such fence panels exceeding the maximum permitted height will not have a significant negative impact on surrounding lots. The Zoning Hearing Board may attach reasonable conditions such as landscaping requirements or setback requirements when granting such a special exception.

C. Retaining Walls.

Retaining walls necessary to support the geotechnical needs of a lot shall be permitted.

Section 5.9 – Regulation of Nuisance Elements

All uses shall conform to the Township Code.

A. Noise Control.

1. No person shall operate or cause to be operated on public or private property any source of continuous sound (any sound which is static, fluctuating, or intermittent with a recurrence greater than one (1) time in any 15-second interval) in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use group in the following table when measured at or within the property boundary of the receiving land use:

Sound Level Limits and Permitted Hours by Receiving Land Use Group		
Land Use Group(s) Receiving Noise	Hours and Days	Maximum Permitted Sound Level (dBA)
<ul style="list-style-type: none"> – Residential – Care-Related – Institutional – Conservation 	7:00 a.m. to 10:00 p.m., other than Sundays and legal holidays	62
	10:00 p.m. to 7:00 a.m., plus Sundays and legal holidays	52
<ul style="list-style-type: none"> – Commercial 	7:00 a.m. to 10:00 p.m., other than Sundays and legal holidays	67
	10:00 p.m. to 7:00 a.m., plus Sundays and legal holidays	62
<ul style="list-style-type: none"> – Industrial – Infrastructure 	All times and days	70

2. The maximum permissible sound level limits set forth in Subsection A shall not apply to any of the following noise sources:
 - (a) Uses falling under the Agricultural land use group;
 - (b) The emission of sound for the purpose of alerting persons to the existence of an emergency;
 - (c) Emergency work to provide electricity, water, or other public utilities when public health or safety are involved;
 - (d) Domestic power tools, between the hours of 7:00 a.m. and 10:00 p.m.;
 - (e) Construction, including necessary blasting and explosives between the hours of 7:00 a.m. and 10:00 p.m., and street and utility repair operations;
 - (f) Motor vehicles traveling on public streets, except as otherwise specified by law;

- (g) Public celebrations specifically authorized by Newton Township;
 - (h) Railroads and airplanes; and
 - (i) The unamplified human voice.
3. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one (1) time in any 15-second interval), the sound level shall not exceed 20 dBA over the ambient sound level, regardless of time of day or night or receiving land use group.

B. Vibration Control.

No person shall operate or permit the operation of any device or conduct or permit any use to be conducted that creates vibration (detectable without instruments) above the vibration perception threshold of an average person on private property beyond the lot lines of the use generating the vibration or on public property (including the public right-of-way) 50 feet or greater beyond the lot lines of the use generating the vibration. This restriction shall not apply to occasional non-routine blasting that may be necessary during construction or demolition of structures, streets, or utilities.

C. Dust, Dirt, Smoke, Vapor, Gas, and Odor Control.

- 1. No person shall operate or permit the operation of any device or conduct or permit any use to be conducted which does not conform with the standards set by the Pennsylvania Department of Environmental Protection (DEP), the Air Pollution Control Act of January 8, 1960 (and all amendments thereto), or any other applicable federal or state law or agency.
- 2. No use shall generate odors, smoke, vapors, or gases above the odor perception threshold of an average person on private or public property beyond the lot lines of the use generating the odors.
- 3. No use shall generate dust, dirt, smoke, vapors, or gases at any point for longer than five minutes in any hour of a visible color or shade darker than No. 2 on the Ringelmann Smoke Chart as distributed by the U.S. Department of the Interior, Bureau of Mines.

Section 5.10 – Lighting and Glare

A. General Provisions.

- 1. All uses shall direct, deflect, and shield lights and control the intensity of lights and illuminated signs to avoid nuisances and to prevent glare onto other properties and streets. Lights shall not shine directly into the normal line of sight of motorists.
- 2. Low-voltage and light-emitting diode (LED) lighting systems are encouraged.

3. All outdoor lighting shall be designed, installed, located, and maintained so that nuisance glare onto adjacent lots or streets shall be minimized and all direct illumination kept within the boundaries of the lot.
4. Lights on motion sensors shall not be triggered by movement or activity that occurs off-property from where the light is located.
5. Lighting associated with any canopy structure shall be installed as internal illumination of the canopy only.

B. Lighting Zones.

The following lighting zones are hereby established for the zoning districts designated in Article 3, with the following maximum illumination provisions for each lighting zone:

Lighting Zone 1 Zoning Districts: RUR, R-1	
Provision	Measurement
Maximum illumination at lot lines	0.10 horizontal and vertical foot-candles, when measured three feet above ground
Maximum on-site illumination value	3 foot-candles, when measured three feet above ground
Maximum average on-site illumination	1 foot-candle, when measured three feet above ground
Maximum proportion of illumination at a 90-degree angle or greater from nadir	5% of the lighting fixture's lumens

Lighting Zone 2 Zoning Districts: V	
Provision	Measurement
Maximum illumination at lot lines	0.20 horizontal and vertical foot-candles, when measured three feet above ground
Maximum on-site illumination value	5 foot-candles, when measured three feet above ground
Maximum average on-site illumination	1.5 foot-candles, when measured three feet above ground
Maximum proportion of illumination at a 90-degree angle or greater from nadir	10% of the lighting fixture's lumens

Section 5.11 – Outdoor Storage

A. Outdoor Storage of Materials.

All outdoor storage of fuel, raw materials, and products, except for finished products for retail sale to the public for a commercial or industrial use in any Mixed Use, Commercial, or Industrial district shall be completely screened from view from any public right-of-way and any residential use or Residential District by a sight-obscuring evergreen planting, fence, or wall at least six (6) feet in height.

B. Outdoor Storage of Garbage.

1. All organic refuse or garbage stored outdoors shall be placed in watertight, vermin-proof containers, with the lid kept in place at all times.
2. All trash dumpsters, compactors, and other refuse storage containers, other than those for single-family or two-family dwellings and other curbside collection, must be completely screened from view on all sides. Solid waste collection and storage areas shall be screened on all sides. Such screening shall consist of decorative masonry walls, solid weather-resistant wood fencing, fencing of a similar appearance (including, but not limited to, vinyl vertical planks) or chain link fencing with privacy slats. The fence or wall shall include a self-latching door or gate.
3. The screening to be installed must be sight-obscuring and shall be installed to at least the height of the dumpster, compactor, or refuse storage container. The permitted screening materials are as follows: solid weather-resistant wood fencing, fencing of a similar appearance (including, but not limited to, vinyl vertical planks) or chain link fencing with privacy slat, decorative masonry walls, or evergreen plantings in combination with deciduous shrubs. Plants installed for screening are required to be the height of the dumpster, compactor, or refuse storage container at the time of planting. Dumpsters, compactors, and refuse storage containers other than those for single-family or two-family dwellings and other curbside collection shall not be permitted in the front yard of any property and shall not be located closer than 25 feet to any front yard property line.
4. The locations of all dumpsters, other than those for single-family or two-family dwellings and other curbside collection, shall be shown on all site plans and land development plans.

C. Outdoor Storage of Trailer, Mobile Homes, and Recreational Vehicles.

1. The parking and storage of trailers, mobile homes, motor homes, campers, and recreational vehicles shall be prohibited within the right-of-way of any public street.
2. At no time shall such parked or stored vehicle be occupied or used as a dwelling.
3. Trailers, mobile homes, motor homes, campers, and recreational vehicles shall be parked entirely behind the front face of the principal building, unless completely screened from view by a sight-obscuring evergreen planting, fence, wall, or gate.

Section 5.12 – Sewage Disposal

- A. A sewage permit shall be a prerequisite to the issuance of a zoning permit.
- B. All uses shall conform to the Township Code.
- C. Mobile Homes.
 - 1. Individual mobile homes not located in a mobile home park and not located in an area with an available public sewer system may be served by an on-lot sewage disposal system, provided such system meets the regulations of the Pennsylvania Department of Environmental Protection (DEP) found in Title 25, Chapter 73 of the Pennsylvania Code.
- D. On-Lot Sewage Disposal.

Any on-lot system proposed shall meet the regulations of the Pennsylvania Department of Environmental Protection (DEP) found in Title 25, Chapter 73 of the Pennsylvania Code.

Section 5.13 – Accessory Structures

- A. Accessory uses, buildings, and structures are permitted only in conjunction with an established principal use and must be located on the same lot as said principal use.
- B. No structure accessory to a nonresidential use, other than signs and lighting fixtures, shall be located in the front yard setback.
- C. Setbacks for accessory structures shall comply with the requirements specified in each zoning district, unless otherwise regulated in this Ordinance.
- D. No object exceeding a height of three (3) feet, unless otherwise permitted by this Ordinance, shall be temporarily or permanently placed, erected, installed, or parked within the clear sight triangle required at the intersection of streets or the intersection of a driveway or private lane with a public street.
- E. Specific types of accessory structures named in this Ordinance shall be regulated by applicable sections in this Ordinance governing such accessory structures. It is the responsibility of the landowner to abide by any provisions for such structures as may be found in this Ordinance or any other ordinances of the Township.

Section 5.14 – Keeping of Household Animals Other than Pets

- A. General Provisions.
 - 1. The keeping of household animals for private, noncommercial use and enjoyment may be permitted in Agricultural/Conservation/Recreational and Residential districts wherever it is demonstrated that the dimensional and density provisions in this Section can be met.

2. No animals shall be allowed to stray so as to create any health or safety hazards. Animals shall be maintained as to be free from objectionable behavior. Noise shall not exceed the maximum permitted levels found in Section 5.9, Subsection A.
3. All animal structures and roaming areas shall be maintained as to comply with the odor standards found in Section 5.9, Subsection C. Likewise, all manure shall be managed so as to prevent any odor from affecting other properties, contaminating any stream, or otherwise having an adverse impact on the human and natural environment.
4. All pasture, grazing, and exercise areas shall be fenced with materials of sufficient height, strength, and density to adequately confine the animal in question. All such fencing must be in compliance with Section 5.8.
5. All animals shall be properly immunized.
6. Every owner engaged in the keeping of animals shall provide facilities maintained with best management practices so as to be clean and well-maintained and to avoid attracting vermin.
7. The disposal of dead animals shall be in accordance with the Domestic Animal Law, Title 3, Chapter 23, Section 2352 of the Pennsylvania Code. Dead animals shall be disposed of within 48 hours after death.
8. Permitting Process.

Applicants proposing the keeping of animals covered by this Section must submit an application to the Zoning Officer identifying the following:

- (a) A zoning permit application fee payable to the Township in the amount of \$25.00 (this amount may be amended by resolution adopted by the Newton Township Board of Supervisors);
- (b) Property address, name, and contact information of the applicant;
- (c) Description of the proposed animals and activities on the property;
- (d) Location, area, and height of the proposed shelter/enclosures;
- (e) Distance between the proposed shelters/enclosures and neighboring lots; and
- (f) Verification that the applicant is familiar with the requirements set forth in this Section.

B. Chickens, Ducks, and Rabbits.

1. Up to twelve (12) chickens, ducks, or rabbits can be raised or kept on lots measuring 3,000 square feet or greater in size. For every additional 1,000 square feet of lot size, the household is permitted one (1) additional chicken, duck, or rabbit.
2. A sheltered area of a size sufficient for good sanitation practices and adequate and sanitary drainage shall be in accordance with the following minimum requirements:

- (a) All shelters shall have a roof and at least three (3) enclosed sides.
- (b) Shelters must be located not less than the setback associated with the lot. No such structures may be erected or maintained in a front yard or a side yard abutting a street.
- (c) Shelters shall provide a minimum of eight (8) square feet per animal.

C. Miniature Goats.

- 1. Up to two (2) dehorned, adult female or neutered male goats can be raised or kept on lots measuring 10,000 square feet or greater in size. For every additional 5,000 square feet of lot size, the resident is permitted one (1) additional dehorned, adult female or neutered male goat.
- 2. A sheltered area of a size sufficient for good sanitation practices and adequate and sanitary drainage shall be in accordance with the following minimum requirements:
 - (a) All shelters shall have a roof and at least three (3) enclosed sides.
 - (b) Shelters must be located not less than the setback associated with the lot. No such structures may be erected or maintained in a front yard or a side yard abutting a street.
 - (c) Shelters shall provide a minimum of 20 square feet per animal.

D. European Honeybees.

- 1. Colonies shall be maintained in moveable frame hives, with hives being no closer than the setback associated with the lot and at least 50 feet from any dwelling located on an adjacent property.
- 2. All hives shall have access to an on-site water supply, whether it be a water-filled tank or natural water sources located on the property.
- 3. Swarm management techniques shall be employed to maintain gentle colonies.
- 4. Beekeeping practices must be consistent with the Pennsylvania Apiary Advisory Board's "Voluntary Best Management Practices for Maintaining European Honey Bee Colonies in the Commonwealth of Pennsylvania."
- 5. All hives shall have a solid fence or vegetative obstruction six (6) feet or more in height or be elevated so as to direct the flight path of the bees well above traffic and pedestrians.
- 6. Any beekeeper shall provide documentation that they are in compliance with Pennsylvania's Bee Law, 3 Pa.C.S.A. §§ 2101-2117, which requires the owner of an apiary located in Pennsylvania to register the apiary with the Pennsylvania Department of Agriculture.
- 7. Ownership, care, and control of the honeybees shall be the responsibility of a resident of the dwelling on the lot or the individual listed on the state registration form.

E. Other Animals.

1. Animals other than chickens, ducks, rabbits, miniature goats, or European honeybees that do not meet the definition of a household pet may only be kept on lots greater than three (3) acres in size.
2. The total number of additional animals permitted on any lot exceeding three (3) acres in lot area shall be computed according to the number of acres (listed below) required per animal. For example, one (1) horse may be kept on a lot of three (3) acres. Two (2) more acres are required for each additional horse. One (1) sheep may be kept on a lot of three (3) acres. One-half (0.5) acre is required for each additional sheep.

Additional Required Lot Area for Additional Animals	
Equine	2.0 acres
Bovine	2.0 acres
Swine	1.5 acres
Sheep	0.5 acres
Poultry and fowl other than chickens and ducks (such as but not limited to geese, turkeys, ostriches, and pea fowl)	0.1 acres

3. Animals not specifically listed above shall be judged as animals of similar size, diet, temperament, and behavior.

Section 5.15 – Outdoor Seating Areas

Outdoor seating areas may be proposed for restaurants, bars or taverns, and brewpubs subject to the following provisions:

- A. A clear pedestrian passageway of five (5) feet or greater shall be maintained. Street furniture, such as light poles, kiosks, mailboxes, tree pits, planters, public benches, and fire hydrants, shall not be located in the clear pedestrian passageway.
- B. No part of the outdoor seating area, including canopy umbrellas, planters, barriers, signage, and freestanding menu displays, shall extend into the required clear pedestrian passageway or into/over the street.
- C. A mobile freestanding menu display may be placed at the edge of the outdoor seating area in lieu of a sandwich board sign (as defined in this Ordinance and provided for in Article 8) but not both.
- D. Outdoor seating areas that extend three (3) feet or less into the public right-of-way or clear pedestrian passageway and that do not include the service of alcohol are not required to be enclosed by a barrier. Otherwise, a barrier between three (3) and four (4) feet in height is

required to be erected between the clear pedestrian passageway and the outdoor seating area. Such barrier, which may consist of planters or fencing, shall be at least 60% opaque.

- E. Chairs and tables shall be weather-resistant to sun, rain, and wind and must be freestanding.
- F. Canopy umbrellas shall be between seven (7) and ten (10) feet in height.
- G. Outdoor seating areas shall be subject to any noise, nuisance, and property maintenance ordinances as well such related provisions found in this Article.
- H. No outdoor seating area shall be located closer than 100 feet from a Residential District.

Section 5.16 – Short-Term Rentals

- A. The dwelling associated with a short-term rental must be the permanent address of the owner, and the owner must occupy the dwelling for at least six (6) months of the calendar year.
- B. All activity at the short-term rental shall be subject to enforcement of any noise, nuisance, and property maintenance ordinances as well such related provisions found in this Article.
- C. If a house guest(s) and/or owner is convicted for any disturbance of the peace on the premises, the owner of the dwelling shall not be permitted to continue the use of the dwelling as a short-term rental.

Section 5.17 – Solar Energy Systems

- A. Intent.

It is the intent of this Section to promote the safe, effective, and efficient use of installed solar energy systems that reduce on-site consumption and demand of utility-supplied energy while protecting the health, safety, and welfare of adjacent and surrounding land uses and lots. This Section seeks to:

- 1. Provide property owners and businessowners/operators with flexibility in satisfying their energy needs;
- 2. Reduce overall energy demands within the community and to promote energy efficiency; and
- 3. Integrate alternative energy systems seamlessly into the community's neighborhoods and landscapes without diminishing the quality of life of the community.

- B. Applicability.

- 1. This Section applies to building-mounted and ground-mounted solar energy systems installed and constructed after the effective date of this Ordinance.

2. Solar energy systems constructed prior to the effective date of this Ordinance are not required to meet the requirements of this Section.
 3. Any upgrade, modification, or structural change that materially alters the size and placement of an existing solar energy system shall comply with the provisions of this Section.
 4. Building-integrated solar energy systems, as defined in this Ordinance, are not considered an accessory use and are not subject to the requirements of this Section.
 5. This Section does not apply to principal solar energy systems (PSES), as defined in this Ordinance.
- C. Location on a Property.
1. Building-mounted solar energy systems are permitted to face any front, rear, or side yard as defined in this Ordinance. Such systems may only be mounted on lawfully permitted principal and accessory buildings.
 2. Ground-mounted solar energy systems are permitted based on the requirements for accessory uses and structures in the property's zoning district.
- D. Design and Installation Standards.
1. Solar energy systems must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as administered by the Pennsylvania Department of Labor and Industry (DLI).
 2. All wiring must comply with the edition of the National Electrical Code (NEC) adopted by the Commonwealth of Pennsylvania. For ground-mounted solar energy systems, all exterior electrical lines must be buried beneath the surface of the ground where possible or otherwise placed in a conduit.
- E. Dimensional Requirements.
1. Setback Requirements for Ground-Mounted Solar Energy Systems.

Ground-mounted solar energy systems are subject to the accessory use setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the lot line to the nearest part of the system. No part of a ground-mounted solar energy system shall extend into the required setbacks, including in the case of tracking systems or other adjustments of related equipment or parts.
 2. Height Requirements.

Notwithstanding the height limitations of the underlying zoning district:

 - (a) For a building-mounted solar energy system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.

- (b) For a building-mounted solar energy system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed, with a maximum distance, as measured perpendicular to the roof, of 18 inches between the roof and the highest edge of or surface of the system.
- (c) For a building-mounted solar energy system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.
- (d) Ground-mounted solar energy systems may not exceed the permitted height of accessory structures in the zoning district where the system is to be installed.

F. Screening and Visibility.

- 1. Building-mounted solar energy systems installed on a sloped roof shall not be required to be screened.
- 2. Building-mounted solar energy systems mounted on a flat roof shall not be visible from the public right-of-way within a 50-foot radius of the lot, exclusive of an alley, at a level of five (5) feet from the ground. Such systems shall be screened in a similar manner as other rooftop HVAC and mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the edge of the roof.

G. Impervious Lot Coverage Restrictions.

The surface area of any ground-mounted solar energy system, regardless of the mounted angle of any portion of the system, shall be considered an impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district. However, if the ground-mounted solar energy system is mounted above an existing impervious surface, it shall not be calculated as part of the lot coverage limitations for the zoning district.

H. Nonconformance.

- 1. Building-Mounted Solar Energy Systems.
 - (a) If a building-mounted solar energy system is to be installed on any building or structure that is nonconforming because its height exceeds the maximum height limitations of the zoning district in which it is located, the building-mounted system shall be permitted so long as the system does not extend above the highest point of the roof to which it is mounted and so long as it complies with the other provisions of this Section.
 - (b) If a building-mounted solar energy system is to be installed on a building or structure on a nonconforming lot that does not meet the setback requirements or exceeds the lot coverage limits for the zoning district in which it is located, the building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage nonconformity and so long as it complies with the other provisions of this Section.

2. Ground-Mounted Solar Energy Systems.

- (a) If a ground-mounted solar energy system is to be installed on a lot containing a structure that is nonconforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the required setback for the lot.
- (b) If a ground-mounted solar energy system is to be installed on a lot that is nonconforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation following the procedures found in Article 10.

I. Signage and/or Graphical Content.

No signage or graphical content may be displayed on the solar energy system except for the manufacturer's badge, safety information, and equipment specification information. Said information shall be depicted within a graphical area no more than 36 square inches in size.

J. Performance Requirements.

All solar energy systems are subject to compliance with any applicable performance standards found elsewhere in this Ordinance.

K. Permit Requirements.

Before any construction or installation of any solar energy system shall commence, a permit issued by the Zoning Officer shall be obtained to document compliance with this Section.

L. Inspection, Safety, and Removal.

- 1. Newton Township reserves the right to inspect a solar energy system for fire or building code compliance and safety.
- 2. If upon inspection, the Township determines that a fire or building code violation exists or that the system poses a safety hazard to persons or property, the Township may order the property owner to repair or remove the system within a reasonable timeframe. Such an order shall be in writing, shall offer the option to repair or otherwise correct the issue, shall specify the code violation or safety hazard found, and shall notify the owner of his or her right to appeal such determination.
- 3. If the property owner fails to repair or remove a solar energy system as ordered and any appeal rights have been exhausted, the Township may enter the property, remove the system, and charge the owner and/or operator for all costs and expense of removal, including reasonable attorney's fees, or pursue other legal action to have the system removed at the owner and/or operator's expense.
- 4. In addition to any other available remedies, any unpaid costs resulting from the Township's removal of a vacated, abandoned, or decommissioned solar energy system shall constitute a lien upon the property against which the costs were charged. Legal counsel of the Township shall institute appropriate action for the recovery of such costs, plus attorney's fees, including but not limited to the filing of municipal

claims pursuant to the Pennsylvania Municipal Claims and Tax Lien Act, 53 P.S. § 7101 et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorneys' fees and costs incurred by the Township in connection with the removal work and filing of the municipal claim.

Section 5.18 – Swimming Pools

- A. All outdoor swimming pools 18 inches in depth or greater with a surface area of 72 square feet or greater shall be properly fenced so as to not become a hazard to any person.
- B. Swimming pools and fencing shall be designed and constructed to the applicable standards of the Pennsylvania Uniform Construction Code (UCC) and the International Swimming Pool and Spa Code (ISPSC), as amended.
- C. No outdoor swimming pool may be located in any setback area.

Section 5.19 – Temporary Uses, Buildings, and Structures

- A. Temporary Construction Buildings or Trailers.

The parking of construction vehicles and temporary construction offices on a site that is necessary for construction that is actively underway on the same lot is permitted by right, provided that such vehicles or offices shall be removed immediately once the construction they relate to is completed or suspended.

- B. Temporary Real Estate Sales Offices.

A temporary real estate sales office may be established within a dwelling unit not occupied for residential purposes in a residential development having more than 10 dwelling units, if the real estate sales office is used only to market the real estate offered within the development. A temporary real estate office shall be removed within 14 days of the sale or lease of the last property in the development.

- C. Tents and Membrane Structures.

- 1. In addition to the special exception procedure provided for in this Ordinance, the Zoning Officer may allow the temporary erection of a tent, membrane, or similar temporary structure that is not totally enclosed for a maximum of seven (7) consecutive days in any four (4) month period for clearly routine customarily accessory uses such as a wedding in the rear yard of a dwelling, a festival by a place of worship, or a special sale within the lot of a lawful commercial use.
- 2. The Zoning Officer may allow the temporary erection of a tent, membrane structure, or similar temporary structure for a period of up to a maximum of 180 days in any given calendar year, for clearly routine customary accessory uses.
- 3. All tents, membrane structures, or similar temporary structures to be erected for a total of more than seven (7) consecutive days shall require the submission of a site plan and an application for a zoning permit. The fee shall be established by resolution of

the Newton Township Board of Supervisors.

D. Other Temporary Uses.

A temporary permit may be issued by the Board of Supervisors as a conditional use for structures or uses, other than those specifically listed in this Ordinance, subject to the following additional provisions:

1. Duration.

The Board of Supervisors shall establish a limit on the duration of the use. In most cases, a temporary approval should have a maximum term of no longer than two (2) years. In the case of a special event, except under special circumstances, this term should be a maximum of six (6) consecutive days in any sixty (60) day period. The Board of Supervisors may grant a single approval once for numerous occurrences of an event.

2. Fee.

The Newton Township Board of Supervisors may waive and/or return the required application fee if the applicant is either a 501(c)(3) nonprofit corporation or if the applicant clearly shows that the proposed use is temporary and will be used to serve a charitable or public service purpose.

3. Special Events.

For a new special event (not including annual reoccurrences of a previously held event) that will attract significant numbers of the public, the Board of Supervisors shall deny the use if it determines that the following will not be generally appropriate for the provision of the temporary use: sanitary and water service, traffic control, off-street parking, and protection of public health, safety, and welfare.

Section 5.20 – Wind Energy Systems

- A. Only one wind energy system shall be permitted as an accessory structure on any lot.
- B. The lowest part of the rotor blade must be a minimum of 30 feet higher than the surrounding structures and/or obstructions.
- C. The maximum total height (including main structure and the highest point of the blade) shall be no greater than 300 feet.
- D. Setbacks from all lot lines, utility lines, and structures shall be 1.5 times the total height of the wind energy system.
- E. Permitting Requirements.

In addition to a zoning permit, applications to construct a wind energy conversion system shall be accompanied by a plot plan package that includes the following:

1. Property lines and physical dimensions of the lot;
 2. Location of the wind energy system tower on the lot;
 3. Location, dimensions, and types of existing principal and accessory structures on the lot;
 4. The right-of-way delineation of public streets adjacent to the lot;
 5. The presence of any overhead utility lines;
 6. Any easements;
 7. A map of the 200-foot lot area surrounding the slot showing all affected lands and structures at a legible scale;
 8. Specifications of the wind energy system, including manufacturer and model, rotor diameter, tower height, and tower type (e.g., freestanding or guyed);
 9. Standard installation drawings shall be submitted showing the wind turbine structure, including the tower, the base, and the footings, stamped, and sealed by a professional engineer licensed by the Commonwealth of Pennsylvania;
 10. An engineering analysis of the tower showing compliance with the Uniform Construction Code and certified by a licensed professional engineer;
 11. A site-specific wind resource assessment by a qualified professional; and
 12. Drawings, plans, and/or narratives demonstrating that the wind energy conservation system is equipped with manual braking and meets all building and electrical codes.
- F. When an application is made for approval of a wind energy system, all property owners within 1,250 feet of the lot on which the system is to be constructed shall be notified in written form.
- G. The applicant shall comply with all applicable regulations of the Pennsylvania Public Utility Commission (PUC) governing generation of electricity for private use and shall provide evidence that he or she has notified the incumbent utility provider of his or her desire to install an interconnected wind energy system.
- H. Artificial lighting is not permitted, whether directly or indirectly, except as required by the Federal Aviation Administration.
- I. The owner/operator shall make all reasonable efforts to eliminate shadow flicker to occupied buildings on immediately adjacent properties. The applicant is responsible for identifying problem areas where shadow flicker will interfere with existing or future residences and to described proposed mitigation measures when called upon, including but not limited to, a change in siting of the wind energy system, a change in the operation of the wind energy system, or grading or landscaping mitigation measures.
- J. Noise levels for the wind energy system shall not exceed the permitted decibel levels for the underlying zoning district prescribed in Section 5.9.

- K. The wind energy system shall not cause any radio, television, microwave, or navigation interference. If a signal disturbance problem is identified, the owner shall correct the problem within 90 days of being notified of the problem.
- L. The wind energy system shall maintain a galvanized neutral finish or be painted to conform to the surrounding environment to minimize adverse effects.
- M. The wind energy system shall have an automatic overspeed control to render the system interoperable when winds are blowing in excess of the speeds for which the system is designed, and a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.
- N. All ground-mounted electrical and control equipment shall be labelled and secured to prevent unauthorized access. The tower shall be designed and installed so as not to provide step bolts, a ladder, rungs, or other publicly accessible means of climbing the tower, for a minimum height of eight (8) feet above the ground elevation. Safety fencing is required if the wind energy system has climbing features below 12 feet.
- O. All electrical wires associated with a wind energy system shall be located underground when practicable. All wires not located underground, including but not limited to wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, shall be contained within an appropriate conduit suitable for the same.
- P. A wind energy system is considered abandoned if it is inoperable or unsafe or unattended for a period of 12 months. Non-function or lack of operation may be proven by reports from the interconnected incumbent utility provider. Wind energy systems must be immediately removed at the expense of the property owner if deemed abandoned.
- Q. Wind energy systems cannot be used to support signage, satellite dishes, or antennas.

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ARTICLE 6
Specific Criteria, Conditional Uses, and Special Exceptions

Section 6.1 – Process for Uses Permitted by Right

Each use that is listed in the Table of Principal Use Regulations for each district and the Table of Accessory Use Regulations for each district in Section 3.4 as permitted by right (notated with the letter 'P') shall comply with all applicable performance standards and supplementary regulations in this Ordinance. Applications for a zoning permit, a certificate of use and occupancy, and a building permit must be submitted to the Zoning Officer following the provisions and procedures found in Section 11.1.

Section 6.2 – Process for Conditional Uses

A. Applicability.

Each use that is listed in the Table of Principal Use Regulations for each district and the Table of Accessory Use Regulations for each district in Section 3.4 as permitted by conditional use (notated with the letter 'C') shall comply with the provisions of this Section, any applicable provisions for the corresponding use found in Section 6.4, and all other applicable performance standards and supplementary regulations in this Ordinance. A conditional use permit shall only be granted when the minimum conditions set forth in Section 6.4 for the specific conditional use have been met.

B. Procedure.

1. An application form prescribed by the Township shall be submitted by the applicant for a conditional use permit along with a fee in an amount as established from time to time by resolution of the Newton Township Board of Supervisors.
2. The applicant shall submit seven (7) paper copies and one (1) digital copy of the necessary documentation of the proposed conditional use to enable the review of such proposal by the Township. The burden of submitting adequate data to allow for full evaluation of the proposal shall rest with the applicant. The applicant must demonstrate that the following conditions have been addressed to the maximum extent applicable:
 - (a) That the proposed conditional use will not adversely affect the health, safety, or welfare of residents in the neighborhood or district in which the use is to be located;
 - (b) That the proposed conditional use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements;
 - (c) That the proposed conditional use meets all other requirements for the zoning district in which the use is proposed;

- (d) That the proposed conditional use is in general conformity with the Scranton-Abington Planning Association Comprehensive Plan; and
 - (e) That the proposed conditional use will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Newton Township Board of Supervisors shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.
3. If subdivision or land development approval is required for the proposed conditional use, the application for a conditional use permit and the application for the subdivision or land development may be processed concurrently, provided that all requirements for the separate applications are met.
 4. The grant of approval of a conditional use permit shall not relieve the applicant from filing and having the Township approve any zoning permit, building permit, certificate of use and occupancy, subdivision, land development, or site plan required by this Ordinance or any other Township ordinance.
 5. The Newton Township Board of Supervisors may attach such reasonable conditions and safeguards as necessary to implement the purpose and goals of this Ordinance and of the Scranton-Abington Planning Association Comprehensive Plan, except that any such conditions shall not be related to off-site transportation or road improvements, as prescribed by Section 603(c)(2) of the Pennsylvania Municipalities Planning Code (MPC).
 6. Public Hearings.
 - (a) Prior to granting approval or denying a conditional use application, the proposal shall be reviewed by the Newton Township Planning Commission. The Planning Commission and Township Engineer shall be given an opportunity to provide written recommendation to Township Elected Body concerning whether to approve, conditionally approve, or deny the application.
 - (b) A minimum of one (1) public hearing shall be held by the Township Elected Body at a regularly scheduled meeting within 60 days of the date that the applicant filed the conditional use application.
 - (c) Notice of said public hearing shall be placed in the classified section of a newspaper of general local circulation once in each of two (2) successive weeks, the first notice appearing not more than 30 days or less than seven (7) days prior to the hearing and shall be conspicuously posted by the Township at least one (1) week prior to the date of the hearing at highly visible locations along the perimeter of the lot affected by the conditional use request. Written notice of the hearing shall also be sent by first-class mail to the owners of lots abutting the subject lot or within 1,250 linear feet of the subject lot and other recognized parties at least one (1) week prior to the date of the hearing. Notices shall indicate the date, time, and place of the hearing, the particular nature of the matter to be considered, and the street address of the specific lot involved.

- (d) If a subsequent public hearing is required, the hearing shall be held within 45 days of the prior hearing.
- (e) The Township Elected Body shall render a written decision, upon review by the Planning Commission, or when no decision is called for, make written findings on the conditional use request, within 45 days after the prior public hearing.
- (f) If the Township Elected Body denies the conditional use application, the applicant may reapply for the same use no sooner than one (1) year after the date of denial of the application or the date of denial of appeal to the Lackawanna County Court of Common Pleas.

C. Duration of Conditional Use Permit.

- 1. If a conditional use requires the processing of a subdivision or land development plan, then the grant of the conditional use permit shall expire if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained within 24 months from the date of the grant of the conditional use permit. However, the Township Elected Body, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.
- 2. If a subdivision or land development plan is not required, then the grant of the conditional use permit shall expire if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained within 12 months from the date of the grant of the conditional use permit. However, the Township Elected Body, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.

Section 6.3 – Process for Uses by Special Exception

A. Applicability.

Each use that is listed in the Table of Principal Use Regulations for each district and the Table of Accessory Use Regulations for each district in Section 3.4 as permitted by special exception (notated with the letters 'SE') shall comply with the provisions of this Section, any applicable provisions for the corresponding use found in Section 6.4, and all other applicable performance standards and supplementary regulations in this Ordinance. A special exception permit shall only be granted when the minimum conditions set forth in Section 6.4 for the specific use by special exception have been met.

B. Procedure.

Applicants seeking to obtain approval for a use by special exception shall follow the process described in Section 10.6 of this Ordinance.

C. Conditions for Approval.

- 1. In addition to the minimum conditions contained in Section 6.4 for each use by special exception, the use shall meet the following additional requirements:

- (a) The Zoning Hearing Board shall find that the proposed use by special exception will not adversely affect the health, safety, or welfare of residents in the neighborhood or district in which the use is to be located.
 - (b) The Zoning Hearing Board shall find that the proposed use by special exception will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements.
 - (c) The Zoning Hearing Board shall find that the proposed use by special exception meets all other requirements for the zoning district in which the use is proposed.
 - (d) The Zoning Hearing Board shall find that the proposed use by special exception is in general conformity with the Scranton-Abington Planning Association Comprehensive Plan.
 - (e) The Zoning Hearing Board shall find that the proposed use by special exception will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Zoning Hearing Board shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.
2. In granting a use by special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the policy, goals, and community development objectives of this Ordinance.

Section 6.4 – Specific Regulations for Conditional Uses and Uses by Special Exception

- A. Agriculture/environmental education program.
 1. The applicant shall identify the scale of building square footage, parking, and projected guests (maximum) that the programming will accommodate.
- B. Agricultural products processing.
 1. On lots less than five acres, the scale of activities and production shall be residentially oriented.
- C. Amusement Park.
 1. A minimum of 15% of the parking lot consisting of more than 50 parking spaces shall be maintained as a landscaped area, with at least one canopy tree measuring two-inch caliper at six inches above the root collar provided for each eight parking spaces or portion thereof.
 2. Landscaped front, side and rear (when adjacent to a street or alley) yard areas within 10 feet of the parking lot may be included in this calculation so long as a minimum of 8% of the landscape area is located in the interior of the parking lot. Canopy trees along the perimeter shall be spaced evenly to the greatest extent possible, however, canopy trees must be included in the interior landscaping as well.

3. Access drives which fall within the minimum yard area must be landscaped in accordance with the following:
 - a. The landscape planting shall be placed so that at maturity it shall not be closer than three feet from any public street or property line.
 - b. The landscape planting shall consist of a mix annual and perennial materials.
 - c. The landscaping may be a combination of earth berms, vegetation and fencing.
 4. New parking lot landscaping shall consist of peripheral landscaping having a minimum width of eight feet along a minimum of 50% of the periphery of the parking lot, which shall contain vegetative screening, including trees planted in number which would equal one tree per 100 feet, but not necessarily placed 100 feet on center, shrubs, perennials, grasses, ground cover, and annuals. Vegetation planted in this landscaping zone shall be chosen to grow to a height of not less than 2 1/2 feet.
- D. Animal hospital or veterinary clinic.
1. Such uses and structures shall be located at least one hundred (100) feet from any lot line adjoining a residential use or zoning district and at least fifty (50) feet from any other lot line.
 2. Animal holding areas shall be within an enclosed building.
 3. If any adjacent property is or has been developed for any residential dwelling, the kennels/boarding area of said animal hospital/care facility shall be soundproofed to minimize noise impact on adjacent properties.
 4. The facility shall be licensed by the Commonwealth of Pennsylvania, and compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania and local/County Health Department shall be maintained.
 5. At no time shall the animals be permitted to run loose on the lot other than in a completely enclosed area.
 6. Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
 7. No disposal of dead animals shall occur on the lot. Cremation shall only be permissible if lawful in accordance with other requirements of the Newton Township Code relating to such instances.
- E. Bank or financial institution.
1. The Township shall require the landowner and/or developer to prepare and submit a traffic impact analysis of the proposed development.

2. The ground of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
 3. Side and rear buffer areas shall be maintained in accordance with this Ordinance.
 4. Paved off-street stacking spaces shall be arranged in an orderly fashion so as not to cause blockage of any means of ingress or egress and to insure that the traffic flow on public rights-of-way is not endangered in any way. A separate means of ingress shall be established and clearly marked as shall be a separate means of egress from the bank. Should any traffic congestion occur in the public right-of-way, it shall be the responsibility of the owner to direct traffic away from the facility by posting a "Temporarily Closed" sign or other means. The Township may require any traffic studies and associated improvements as a condition of approval.
 5. No drive-thru window, customer automated teller machine (ATM), or the like shall be permitted to be oriented toward any front lot line and front façade on the subject lot.
- F. Bar or tavern.
1. A tavern, bar or pub shall comply with the minimum distance separation requirements as defined by the Pennsylvania State Liquor Control Board (PA LCB).
 2. The owner(s) and operator(s) of a tavern/bar/pub shall be responsible for the conduct and safety of the patrons and shall be available to respond to inquiries and promptly quell any disturbances caused by the patrons.
- G. Bed-and-breakfast.
1. A minimum of four (4) rooms shall be offered as part of this use.
- H. Boarding or lodging house.
1. Any single-family dwelling occupied by a family whose members are related by blood, marriage or adoption may also accommodate not more than two (2) individual boarders, who also take meals in the dwelling, or two (2) individual roomers, who do not take meals there.
 2. Any single-family dwelling occupied by a family and containing no boarders or roomers may also accommodate foster persons, placed by court order.
 3. There shall be at least two (2) means of egress from each floor in the structure.
 4. One (1) parking space shall be provided on the premises for each guest sleeping room plus three spaces per dwelling on premises.
 5. Off street parking in a front yard shall not be permitted except in a driveway.
 6. For any conversion, floor plans shall be reviewed and approved by the Township.

I. Brewery.

1. Any conditions imposed upon the establishment related to proximity from any specified land uses shall be as set forth by Chapter 47, Liquor Code and the Pennsylvania Liquor Control Board.
2. Illumination, when measured at the property line, shall be a maximum of zero (0) foot candles.
3. All applicable Township provisions for parking shall be applied. If provided on the lot, all off-street parking areas shall reduce exterior lights from standard operating power to half-power after 10:00 P.M. Provisions within the Township's Code related to lighting and glare shall apply.
4. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located. No dumpster shall be located within twenty (20) feet on any property line.
5. To minimize conflicts and promote public health and safety, the storage of palettes, loading - related equipment, and production-related materials shall be contained within an enclosed and covered structure that are connected to the principal building.
6. Storage and production activities shall be located within the principal building. The combined square footage associated with storage and production shall not exceed fifty percent of the gross square footage of the principal building.
7. Parking quantities shall be determined using the parking ratio applicable to Tavern/Bar as identified within the Township's parking requirements.
8. Based upon the extent of delivery/truck traffic associated with the use, the Township may require a loading berth to be provided. The location of such berth shall be designated to minimize impact to surrounding land use(s) and circulation of vehicles and pedestrians.
9. Outdoor Seating Area.
 - a. A designated outdoor seating area, designed to be integral with the principal building, is permitted and shall be no larger than 10% of the entire lot and shall only be accessible through the inside of the facility.
 - b. The outdoor seating area shall be entirely enclosed by fencing or landscaping and shall comply with all standards as required by the Pennsylvania Liquor Control Board.
 - c. The outdoor seating area shall only be located within the side of rear yards of the lot.
 - d. The outdoor seating area shall comply with all setbacks regulations required for the principal building.

10. If the establishment fills reusable take home containers, more commonly known as “growlers,” the establishment shall dedicate at least four (4) parking spaces for short-term parking for growler filling. The maximum amount of time for short-term parking shall not exceed twenty (20) minutes, but the hours in which this short-term parking is enforced shall be determined by the establishment. Signage shall be required to delineate these short-term parking spaces.
 11. The establishment shall not have a drive-through facility.
 12. Outdoor entertainment shall not be permitted on the premises.
- J. Brew pub.
- See Bar or tavern.
- K. Building, contracting, or related business.
1. No outdoor storage of materials shall be located within the front yard of the lot.
- L. BYOB Club.
1. Such use shall not fall under any category of adult business.
 2. The hours of operation shall be limited to 12 p.m. to 2 a.m.
- M. Car or truck wash.
1. 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.
 2. Appropriate facilities for the handling of wastewater from the washing activities shall be provided including, but not limited to the following:
 - a. The prevention of water being dripped onto the adjoining road or street from freshly washed vehicles during periods of freezing weather.
 3. The facility shall have adequate means of ingress and egress to prevent adverse effects to either vehicular or pedestrian traffic.
 - a. All access drives shall be no less than twenty (20) feet nor more than thirty-five (35) feet in width.
 - i. 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.
 4. A ten (10) foot buffer strip shall be provided along all road or street right-of-way lines except where access drives are located.

- a. The ten (10) foot buffer strip shall contain plantings or other barriers to prevent vehicular ingress or egress.
- 5. 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.
 - a. Waiting line area for five (5) automobiles shall be provided for each automatic car wash machine as a minimum.
 - b. Waiting line area for three (3) automobiles shall be provided for each self-washing stall as a minimum.
- N. Cideries.

See Brewery.
- O. Cemetery.
 - 1. The landowner and/or developer shall provide a statement of guaranteed perpetual maintenance before approval is given.
 - 2. No burial sites shall be within fifty (50) feet of any lot line or one hundred (100) feet of a street right-of-way.
 - 3. Access drives shall be located to take maximum advantage of sight distances for motorists.
- P. College or University.
 - 1. Shall be limited to full-time students, faculty or staff of an accredited college, university, nursing school, medical training program or teaching hospital.
 - 2. The building shall be a minimum of 80 feet from any existing single-family detached dwelling or single family semi-detached (twin) dwelling that is not owned by the institution providing such dormitory.
 - 3. A dormitory shall include a maximum of one (1) cooking area for every 20 students.
- Q. Commercial Recreation Facility, indoor and outdoor.
 - 1. To protect the surrounding uses from detrimental noise, dust and other disturbances, screening and buffering of parking areas and outdoor common spaces equivalent to 120% of the base zoning standard must be provided along any respective lot line shared with a residential use.
 - 2. If the parking area is adjacent to a residential use or any parking areas contain more than 10 automobiles, the following shall apply:

- a. An additional ten-foot setback for the respective lot line shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential development.
 - i. One and one-half times the required number of plants for screening and buffering off-street parking and loading areas; or
 - ii. A berm shall be installed along the parking area proposed adjacent to the lot line shared with the residential use, a minimum of 3.5 feet in height at its peak, and the sides do not exceed a four-foot horizontal to one-foot vertical change in elevation. The berm shall be landscaped with plants that provide four seasons of vegetated cover, not including turf grass.
 3. Any activity not included within a fully enclosed structure shall have hours of operation limited to 7:00 a.m. to 9:00 p.m. Monday through Saturday.
 4. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0) footcandles. Outdoor lights shall not exceed 18 feet in height.
- R. Community Center or Library.
- A traffic study shall be complete to affirm the scale of any necessary improvements for safety or circulation to the adjacent right-of-way.
- S. Convenience Store.
- If gasoline/fuel and/or energy recharge units are provided, they shall be located to the side and or rear to the principal structure on the lot.
- T. Conversion Residential.
1. Each dwelling unit shall have a minimum floor area of 600 square feet of habitable floor area, with all areas used to meet such required floor area complying with the following conditions:
 - a. All such floor area shall have a floor-to-ceiling height clearance of at least 6 feet 8 Inches that not unobstructed by pipes, ducts, joists or other Intrusions,
 - b. All such floor area shall be heated and completely enclosed,
 - c. A minimum of 50% of the floor surface of such required floor area shall be located above the average surrounding ground level.
 2. Windows. Each dwelling unit shall have at least 1 window that opens to the outside.
 3. The use shall comply with the Pennsylvania Sewage Facilities Act, as amended and State and local fire safety regulations.
 4. A total maximum over the lifetime of the property of no more than 2 dwelling units may be added to any existing single family detached dwelling, single family semi-detached dwelling, two family detached dwelling or townhouse beyond the number of dwelling units that existed in such building at the time of adoption of this Ordinance.

5. The following regulations shall apply to the conversion of an existing single-family detached dwelling into a greater number of dwelling units:
 - a. The building shall maintain the appearance of a single-family detached dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
 - b. The conversion shall not be permitted if it would require the placement of an exterior stairway on the front of the building or would require the placement of more than 3 off-street parking spaces in the required front yard abutting an arterial street.
 6. Separate cooking and sanitary facilities shall be provided for each dwelling unit.
- U. Craftsman-Artisan Manufacturing.
1. All manufacturing shall be accommodated within an indoor setting.
 2. Hours of operation shall be limited to 8 a.m. to 10 p.m.
 3. Retail of products made on site shall be permitted as an accessory use.
- V. Cultural Center or Museum.
1. A traffic study shall be complete to affirm the scale of any necessary improvements for safety or circulation to the adjacent right-of-way.
- W. Day Care Center, adult and day care center, child.
1. The day care facility must hold an approved Pennsylvania Department of Public Welfare registration certificate or license, as appropriate, and meet all current DPW regulations including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local buildings and fire safety codes.
 2. All drop-off and pick-ups associated with day care shall occur on the lot.
 3. The application shall include a plan for the circulation of vehicles to ensure vehicles do not back into the public right-of-way.
- X. Day Care Home, family.
1. The day care facility must hold an approved Pennsylvania Department of Public Welfare registration certificate or license, as appropriate, and meet all current DPW regulations including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local buildings and fire safety codes. All day care facilities shall be fully protected by smoke detectors and fire extinguishers.
 2. Parking:

In addition to the particular district's parking requirements, there shall be one additional off-street parking space provided for each nonresident employee and one safe passenger unloading space measuring at least ten feet by twenty feet.

3. In addition to the required parking areas for said use, a designated passenger "drop-off" and "pick-up" area(s) that accommodates a minimum of three (3) vehicles at any given time, have direct access to the use's front door and shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.
4. The application shall include a plan for the circulation of vehicles to ensure vehicles do not back into the public right-of-way.

Y. Dormitory.

1. Residents shall be limited to students enrolled within the school or university.
2. The service of meals, if provided, shall be limited to faculty, staff, enrolled students and authorized visitors only.
3. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
4. Means of ingress and egress shall meet requirements as outlined in the Townships Building Code.
5. The primary entrance to the dormitory shall be from a public or private street.

Z. Dwelling: accessory

1. Parking for the accessory dwelling shall be calculated in addition to the parking requirements of the principal dwelling of the lot.

AA. Dwelling: seasonal farm/agricultural worker

1. All structures shall be subject to Building Code inspections.

BB. Dwelling: townhouse

1. Density shall not exceed four (4) dwelling units per acre.
2. Driveway access shall be provided to a rear alley, unless the lot to be developed contains no alley frontage.

CC. Emergency Services.

1. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined herein.

2. Ingress and egress from the site shall be designed so as to maximize sight distance along the adjacent public streets and enhance safety for vehicles exiting the site, as well as those traveling on the streets.
3. Buildings shall be located so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow on or blocking any public street.
4. If a fire service building includes a rental hall or banquet facilities, the following criteria shall be met:
 - a. Any rental of the facility to non-members shall require on-site management and/or security personnel during the event.
 - b. Off-street parking for the facility or rental hall shall be provided in accordance with the requirements of this Ordinance for eating and drinking establishments.
 - c. Activities on the site and within the building shall comply with the noise standards specified in this Ordinance.
 - d. If entertainment is presented, doors and windows shall remain closed during any entertainment involving a speaker system and/or amplification.
 - e. Parking areas adjoining residential lots shall be screened as described in the Ordinance.

DD. Event barn/facility.

1. A parcel of land of not less than five (5) acres shall be required for a special event venue.
2. Special occasion functions may be conducted on the grounds surrounding the home and in buildings accessory to a residential home.
3. A special event venue shall obtain a state highway occupancy permit or a Township driveway permit, as appropriate.
4. Catered food service from a licensed facility is permitted without additional licensing requirements.
5. A special event venue must conform to all zoning regulations with regard to parking, access, signs, area, setbacks, etc., as applicable under this Ordinance or as stipulated by the Zoning Hearing Board.
6. A special event venue must provide for buffer yards as specified in this Ordinance.
7. No offensive odor, noise, vibration, lighting, etc., should be emitted from the use.
8. The use of a residential dwelling for a special event venue utilizing an on-site sewage disposal system must be approved by the Township's Sewage Enforcement Officer and the system upgraded if necessary.

9. A traffic impact study shall be prepared if deemed necessary by the Board of Supervisors.
10. The source of water to be used by the Special Occasion Home shall be a potable water source as certified by a test laboratory and tested annually.
11. The use shall comply with the Federal Life Safety Code, the rules and regulations of the Pennsylvania Department of Labor and Industry, and all other applicable building, safety, and fire codes of the federal, state, or local government.

EE. Farmers Market.

1. As a principal land use, the following conditions shall apply:
 - a. The market shall be open no more than 12 hours per day.
 - b. Up to 3 food trucks at any one time may be parked in the parking area to serve prepared food to patrons.
 - c. The market shall comply with noise standards contained in the Township's Noise Ordinance.
2. As an accessory land use the following conditions shall apply:
 - a. A minimum gravel area equivalent to three parking spaces shall be available for the use of parking on the lot.
 - b. The market shall be open no more than 12 hours per day.

FF. Fairgrounds/carnival grounds/event grounds.

1. During such events, temporary on-site parking may be permitted.
 - a. Traffic must be directed in an organized way.
 - b. Temporary parking must be at least 50 feet from any adjacent residential lot and screened with a minimum planting height of six (6) feet.
 - c. There must be 100 feet of pavement for vehicular access between the temporary parking and the right-of-way.
 - d. A stormwater management plan shall be submitted as part of the application.
2. Hours of operation are limited to 8 a.m. to 10 p.m.
3. Temporary structures including but not limited to, rides, travel trailers, arcade tents, food trucks, animal pens, and porta potties must be at least 200 feet from any adjacent residential lot.

GG. Flea Market.

1. The minimum site area shall be 10 acres.
2. The application shall include the following information:
 - a. The siting and orientation of the flea market;
 - b. The location of each individual sales area within the flea market;
 - c. The number and location of proposed parking spaces and driveways proposed for ingress and egress;
 - d. Dimensions of the lot and of the building, if any, in which the flea market will be located;
 - e. Dimensions of each proposed sales area, and the distance between each sales area and adjoining sales areas;
 - f. The distance between lot lines and sales areas;
 - g. The distance between any buildings or structures and sales areas;
 - h. The types of vehicles, stands, trailers or other structures from which sales will be conducted;
 - i. The specific nature of the goods to be sold;
 - j. The availability of restroom facilities;
 - k. Proposed hours of operation;
 - l. Proposed manner and intensity of lighting;
 - m. Proposed manner of trash storage, including a specific description of the types of trash containers to be used and the scheduling and timing of trash pickup.
 - n. No flammable, explosive or hazardous materials shall be sold.
 - o. No exterior storage of items to be sold shall be permitted.
 - p. No exterior public address system shall be permitted.
 - q. If the flea market is conducted on the site of an existing business that is operational during the hours that the flea market is open for business, traffic circulation and parking shall not interfere with the free flow of traffic visiting the existing business, nor shall the flea market obstruct parking spaces that are accessory to the existing business.

- r. If an existing business is not located on the site or the existing business is not open during the hours of operation of the flea market, sanitary facilities shall be provided for public use during the flea market hours of operation.
- s. If an existing business is not located on the property, the flea market shall be subject to the sign regulations applicable in the zoning district. If an existing business exists on the property that has a freestanding ground or pole sign, the flea market shall be entitled to one nonilluminated ground sign, provided the surface area of the sign shall not exceed 32 square feet and the location of the sign complies with the requirements of this Ordinance.
- t. Auctions shall not be conducted as part of any flea market.
- u. All activities shall be conducted under a roofed structure.

HH. Funeral Home.

1. There shall be no crematory or receiving vaults, nor any external display of merchandise on the premises.
2. One off-street loading space shall be provided for each viewing room.
3. No loading and unloading of merchandise and cadavers shall occur, under any circumstances, on public property or shall be visible from the public right-of-way.
4. An occupancy or building permit shall not be issued unless they are filed with the written consent of sixty (60) percent of the residential lot owners within two hundred (200) feet of the proposed structure. Lot(s) owned by the Applicant shall not be included in such consents.

II. Galleries.

Auctions shall not be permitted.

JJ. Gameland or Preserve.

1. This use shall meet all the requirements for a Pennsylvania State Gameland.
2. All shooting activities shall take place at a minimum of 1,000 feet from any occupied structure. This dimension may be reduced to 600 feet for any commercial hunting preserve restricted to archery use.
3. Firearms shall not be stored on the premises or otherwise left unattended.
4. Each preserve shall have a clear and concise safety plan.
5. Minors shall not be allowed on the preserve unless accompanied by an adult at all times.

KK. Gasoline Service Station.

1. In order to ensure pedestrian safety, access and circulation for both customers and deliveries/loading shall be posted on the lot.
2. Loading areas/docks shall be screened with either landscaping or fencing from neighboring uses.
3. One additional tree per fuel pump/recharge unit shall be planted on the lot.
4. Lighting associated with any canopy constructed on the lot shall be installed as internal illumination of the canopy only.
5. To minimize conflicts between food/beverage items, animals and the natural elements, the storage of palettes and other loading-related equipment/materials shall be contained within an enclosed and covered structure.
6. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
7. Building and parking setbacks shall be consistent with the existing building and parking setbacks of adjoining lots.
8. Buffering of parking and loading areas shall be provided in accordance with this Ordinance.
9. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0) foot candles.
10. A traffic impact study shall be required to be submitted where the proposed development, according to the institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.

LL. Golf Course or Country Club.

1. All applications for a conditional use permit shall be accompanied by a land development plan prepared in conformance with the provisions of the Township's Subdivision and Land Development Ordinance.
2. All lighting must conform to the standards of this Ordinance.
3. All applications shall conform with the provisions of this Ordinance.
4. All buildings shall be set back 75 feet from any adjoining roads and 100 feet from adjoining residential structures or parcels.
5. In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, or driveway.

6. Golf courses may include the following uses provided such uses are reasonably sized and located so as to provide incidental service to the golf course users and employees:
 - a. Clubhouse, which may include:
 - i. Restaurant, snack bar, or lounge.
 - ii. Locker and rest rooms; classrooms; and instructional space.
 - iii. Pro shop.
 - iv. Administrative offices.
 - v. Golf cart and maintenance equipment storage and service facilities.
 - vi. Fitness and health equipment, including workout machines, whirlpools, saunas, and steam rooms.
 - b. Freestanding maintenance equipment and supply buildings, storage yards, locker rooms and/or team meeting facilities.
 - c. Accessory amenities located outside of the clubhouse including:
 - i. Driving range.
 - ii. Practice putting green.
 - iii. Picnic tables, pavilions and park benches.
 - iv. Snack shacks.

MM. Golf Driving Range.

1. A driving range's hours of operation and activities must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, disturbance or interruption.
2. The owner(s) and operator(s) of a driving range shall be responsible for the conduct and safety of the members, visitors or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by the members, visitors and guests.
3. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted.
4. Light fixtures for the night illumination of putting greens, driving range areas and parking areas shall be designed to minimize illumination levels to zero (0) footcandles when measured from an adjacent lot line.
5. The owner(s) and operator(s) of a driving range shall incorporate Best Management Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

NN. Greenhouse/Landscape Nursery.

1. The use shall be subject to the Township's standard Land Development requirements.
2. The location, orientation and lot circulation shall be such as to minimize the disturbance of the surrounding open space.
3. Equipment storage shall be permitted to include man-operated or mechanical equipment or other machinery that is in operable condition. The storage of inoperable vehicles is prohibited for this use.
4. Site grading shall be completed to ensure that surface run-off is directed away from any and all material storage areas.
5. An eight (8) foot high screen shall be constructed around the perimeter of any storage areas if equipment and/or materials are not contained within an enclosed building/area. The screen shall be measured from the average grade of the adjacent ground, unless otherwise defined by the applicable Township. The screen shall be eighty (80) percent opaque and composed of finished masonry, wood, or black or green vinyl-covered chain link fencing with eight (8) foot high evergreen plantings on the exterior side of the fence.
6. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be permitted, with the exception of gasoline, diesel, fuel and oil for the operation and maintenance of motorized vehicles and equipment.
7. The ground surface of off-street parking shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances. Loading and equipment storage areas shall, at a minimum, be paved with crushed limestone aggregate.
8. No more than one (1) identification sign shall be permitted; said sign shall be a ground or a wall sign. The graphic area of the sign shall not exceed forty (40) square feet.

OO. Grocery Store.

1. There must be one (1) parking spot for each full-time equivalent employee.
2. There must be one (1) additional parking space for every 500 sf of gross floor area.
3. Parking areas must be illuminated.
4. The landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0) footcandles. Outdoor lights shall not exceed 18 feet in height.
5. There shall be no deliveries between the hours of 6 a.m. and 10 p.m.

6. Active seasonal displays are permitted so as long as they are not located on any parking space designated to meet the minimum parking requirements. No other outdoor storage shall be permitted on the lot.

PP. Home Based Business, other.

1. The submission shall be subject Public Safety Official review and recommendation. Prior to use of a residence for a no-impact home-based business, an applicant shall apply for a permit with the Zoning Administrator and pay the required fee. Within 14 days of said application, the Zoning Administrator shall notify the applicant, in writing, of the denial of the permit, and shall state the provisions of this Part 6 with which the application does not comply. Failure of the Zoning Administrator to properly grant or deny a permit in the manner and time period stipulated above shall constitute an approval of the application for the permit, and the residence may be used as a no-impact home-based business so long as the use complies with this Part 6.
2. After a permit has been granted, the applicant must annually apply for a renewal, said application to be made annually before September 1 of each year and said permit to be reissued, if all conditions of this Part 6 are met, on or before September 30 of each year. There shall be no fee required for the annual renewal.

QQ. Hospital.

1. The developer and/or landowner shall complete a Traffic Network Analysis to demonstrate that the Township's roadway network will maintain an acceptable level of service and roadway capacity based upon the proposed development's peak traffic volumes. The Traffic Network Analysis shall be completed in accordance with this Chapter.
2. Safe vehicular access and areas for discharging and picking up patients shall be provided.
3. Parking facilities shall be provided at the ratio of one (1) for each full-time staff members on peak shift and one (1) additional stall for every two (2) patients.
4. A traffic impact study shall be required to be submitted according to the Township's Subdivision and Land Development Ordinance whereas the proposed development, which according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.
5. A hospital's height shall not exceed seventy-five (75) feet.

RR. Hotel/Motel.

1. The location, orientation and lot circulation shall be such as to minimize the disturbance to surrounding uses.

2. All off-street parking areas located adjacent to existing residences shall reduce exterior lights to half power after 9:00 P.M. and shall be screened as per this Ordinance.
3. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
4. Drop-off/temporary parking areas shall remain free and clear of obstructions for general safety and fire department access.
5. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
6. Service of meals and/or beverages (alcoholic/non-alcoholic) must be secondary to the principal use of room or suite rental.
7. Secondary eating establishments serving alcoholic beverages or secondary bars or nightclubs must be licensed by the Pennsylvania Liquor Control Board.
8. The owner(s)/operator(s) of a hotel/motel shall be responsible for the conduct and safety of the renters and guests and shall be available to respond to inquiries and promptly quell any disturbances caused by renters or guests.

SS. Kennel.

1. All applicable laws of the Pennsylvania Dog Law shall apply.
2. A minimum parcel of three (3) acres shall be required.
3. 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.
4. 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.
5. A buffer consisting of a solid fence but 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.
6. Between the hours of 8 P.M. and 8 A.M., all animals shall be housed within a completely enclosed structure.

TT. Laundromat/Dry Cleaners.

1. A wastewater plan must be submitted.

UU. Lumberyard.

1. There must be 200 feet of pavement of access between the structure and the right-of-way.
2. A traffic plan must be submitted.

VV. Membership Club, Fraternity, or Sorority.

1. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
2. The service of meals shall be limited to residents only.
3. Under no circumstances shall a boarding house have more than twenty (20) residents, unless approved by the Board of Supervisors.
4. The owner and/or manager of the boarding house shall reside therein.

WW. Mineral Extraction and Quarrying.

1. Environmental impact statement.
 - a. 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:
2. 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.
3. 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, method of controlling downstream effect and impact on macroinvertebrate population.
 - 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.

4. 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.
5. 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 in topography.
6. 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.
7. 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.
8. Sewage Stem.
 - 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.
9. 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.

10. 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.

11. 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.

12. 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 (macro invertebrate study) 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.
- i. Effects on sites of historic significance.

13. 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.
14. 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.
15. 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.
16. 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.
17. PA DEP
- a. Use of land for surface mining in the rural districts shall be permitted as a Conditional Use, provided the Board of Supervisors determines in each instance that the proposed location will offer reasonable protection to the neighborhood in which the mining operation will occur against possible detrimental effects of the surface mining operations, taking into consideration the physical relationship of the proposed mining site to surrounding properties and permitted land uses, access to the site from public roads, streets and other public rights-of-way that must be traveled in removing minerals from the site and the effect of the mining operations on the public water supply. In granting a use permit under this provision, the Board of Supervisors may impose such conditions upon the location of the mining operation as are shown to be necessary and appropriate to protect the public health, safety and welfare. No permit granted under this provision shall be valid unless the mine operator also has secured a valid permit to conduct surface mining operations from the appropriate State or Federal agency having regulatory authority over the conduct of surface mining operations.
 - b. The Board of Supervisors shall forward one copy of all applications for a Conditional Use for surface mining to the Newton Township Planning Commission immediately

upon receipt for review and comment by that agency on all aspects of the application as they relate to the purposes and requirements of this Chapter. The Planning Commission shall prepare a report on the application within 30 days of the receipt of the application, which report shall be presented to the Board of Supervisors by an authorized representative of the Newton Township Planning Commission during the public hearing held on the application for a Conditional Use. Copies of the report shall be made available to any party to the proceeding before the Board at a reasonable cost for duplication or reproduction.

18. Application.

- a. Application for a special exception permit from the Zoning Hearing Board shall include a duplicate copy of the application the company made to Pennsylvania Department of Environmental Protection in accordance with the Surface Mining Conservation and Reclamation Act of 1971.

19. Limitations.

- a. No surface mining shall be conducted closer than 100 feet of any public right-of-way or within 300 feet of any property line.
- b. Edges of stockpiles of excavated materials shall not be located closer than 300 feet to the property line, and all reasonable precaution shall be taken to prevent any material or waste deposited upon any stockpile from being transferred off the premises by wind, water or other natural cause.
- c. Fencing. A 6-foot fence that completely encloses the portion of the property that includes the open pit area, high wall, water pool or spoilbank and culm bank (as those terms are defined in the Surface Mining Conservation and Reclamation Act) shall be provided and shall be constructed as to have openings no larger than 6 inches and if pickets are used, the openings shall not exceed 6 inches.

XX. Golf, miniature.

1. No commercial miniature golf shall be situated within one (100) feet of any property line abutting an existing residence or within one (100) feet of a residential district.

YY. Mixed Use Building.

1. Residential units shall not exceed 67% of the total floor area of a mixed-use building.
2. Notwithstanding any permitted density increases as part of a Master Plan, the maximum density of residential units shall not exceed the permitted density per acre of the zoning district in which the building will be located.
3. Mixed-use buildings shall only be permitted as part of a Master Plan.

ZZ. Mobile Home Park.

1. The minimum tract area shall be ten (10) acres.

2. Sewer and water approved by the Pennsylvania Department of Environmental Protection must be utilized, and each lot must be not less than eight thousand (8,500) square feet in area and not less than fifty (50) feet wide at the building setback line.
3. The following dimensions shall apply to the tract: 35' front and rear yards; side yards shall be 20'.
4. Regardless of lot size, the side yard distances measured from outside each mobile home to the lot line shall not be less than twenty (20) feet. Front and rear yards shall not be less than thirty-five (35) feet.
5. The Planning Commission and Board of Supervisors shall require suitable screen planting and may restrict the proximity of mobile-homes or other improvements to adjoining properties and attach such other conditions or safeguards to the use of land for a mobile-home park as the Board may deem necessary to protect the general welfare.
6. A mobile home park and extension thereof shall also comply with all applicable State and/or municipal regulations now in effect or hereafter enacted.
7. Mobile home parks must also comply with the provisions of the Townships Subdivision and Land Development Ordinance.
8. At least two (2) off-street parking spaces shall be available per mobile home.

AAA. Municipal/government facility or use.

A delivery plan for the use shall be submitted for Board of Supervisors approval.

BBB. Office, Business or Professional.

1. Off-street parking shall be provided in accordance with the provisions of this Chapter.
2. Buffering of parking and loading areas shall be provided in accordance with this Chapter.
3. A Delivery Zone Plan acceptable to the Township Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Township development and circulation patterns.

CCC. Park, private.

1. All pools, tennis courts, or other comparable facilities shall be considered structures for the purpose of this chapter.
2. Coverage, including structures, parking lots, and buildings, shall not exceed 50% of the lot.
3. The facility area and lot boundaries shall be landscaped as required by the Township to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.

4. Traffic impact study must be completed according to the following standards:
 - 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 accident. 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 an 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.
 - f. 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.

- g. 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 on 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.
5. All structures shall not be less than 100 feet from any lot line, and no less than 200 feet from the nearest house.
6. All parking shall be a minimum of 25 feet from any residential lot line. Gravel parking lots with bumper blocks shall be allowed until such time as the required parking exceeds 25 parking spaces. At such time, all parking spaces shall be paved. Handicapped parking spaces shall comply with ADA standards.
7. All facilities shall abut a public road and have a permanent access thereto.
8. Alcoholic beverages without a Pennsylvania Liquor Control Board license, amplified music, and jukeboxes shall be prohibited on the premises.
9. No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
10. All pools shall be surrounded by a fence at least six feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable state requirements.
11. Tennis courts shall be protected by a permanent fence 10 feet in height behind each base line extending 10 feet beyond the playing area in each direction.
12. The landowner and/or developer shall demonstrate the proposal will be compatible with the neighborhood and not adversely affect adjoining lot.
13. The amount of new traffic generated shall not have a detrimental impact on the neighborhood.
14. Plans shall clearly show ingress-egress facilities and provide proper sight visibility for motorists.

15. Hours of operation shall be scheduled to minimize negative impacts on surrounding residential neighborhoods. The Township may limit hours within this time frame based on the use and location of the facility. Operating hours for the purpose of this section shall mean the period of time that the recreational or athletic activity is occurring.

DDD. Personal Care Home.

1. The institution shall be accredited by the Commonwealth.
2. The institution shall be the sole occupant of the lot.
3. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
4. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
5. Buildings shall be set back from one another and residential occupancy shall be in conformance with this Ordinance.

EEE. Personal Service establishment.

1. There shall not be any outdoor storage.

FFF. Place of Worship/Assembly.

1. Submission and approval of a land development plan and traffic impact study per the requirements established in Township's Subdivision and Land Development Ordinance.
2. All activity will be subject to the Township's Noise Ordinance.
3. All lighting will be subject to the illumination standards in this Ordinance.
4. Primary or accessory uses that are not enclosed shall be limited to operating from dawn to dusk; exceptions may be made for organized activities that are held in outdoor areas with approved lighting.
5. Buffering of any accessory use within the boundary of the site shall not be required; however, landscaping shall be used to delineate the boundaries of the site from adjacent uses in separate ownership and all landscaping required within parking areas shall be provided.
6. All signs, other than directional signage shall be located on site. The use of temporary event signage must be approved by the Zoning Administrator:
 - a. Any requests for on-site signage beyond that which identifies the principal use of the site or any that is approved as part of the land development plan shall be considered for approval at the sole discretion of the Board of Supervisors.

Such consideration may include a review of size, location, material, and illumination.

7. Any other conditions that the Board determines are necessary to address the impacts associated with the specific use or the specific site.

GGG. Radio or Television Studio.

If indoor and/or outdoor space is allocated for performances and/or rental, a parking plan and a noise abatement shall be submitted for Township review and assessment as part of the application. Recommendations associated with the assessment shall be incorporated into the lot so as to protect the health, safety and welfare of Township residents and visitors.

HHH. Raising of Livestock, large-scale/intensive.

In the event that the parcel of contiguous land owned by the owner of the livestock operation consists of more than one lot, the owner must merge such lots by a recordable agreement with the Township, which will preclude the lot from being placed in separate ownership without Township subdivision approval.

1. Irrespective of the provisions of this Section, any large livestock operation in existence prior to the enactment of this ordinance may expand such operation subject to the following limitations:
 - a. The gross floor area of buildings housing such livestock may not be expanded to more than double the gross floor area housing such livestock.
 - b. The number of equivalent animal units may not be more than doubled. For this purpose both the number of animal equivalent units present on the property prior to the enactment of this ordinance and the number permitted by this section shall be calculated by reference to Title 25, Chapter 83, subchapter D, Table A, referred to in the Pennsylvania Code (Section 83.212).
2. Any building constructed after the date of the enactment of this Ordinance to house animals in a large livestock operation must maintain the following setbacks:
 - a. From a dwelling not owned by the owner of the large livestock operation, a church, a building used in connection with a home occupation or small business, or other building occupied by human beings at least ten (10) hours a week - five hundred (500) feet.
 - b. From a property line - one hundred (100) feet.
 - c. Buildings housing animals shall not be located within the floodplain.
 - d. From a well not owned by the owner of the large livestock operation - one hundred (100) feet.

- e. Irrespective of the setback requirements of this Ordinance, a new building to provide housing for animals may be located in the aforesaid setback area provided:
 - i. There was prior to the enactment of this Ordinance, another building housing animals within the required setback area.
 - ii. The new building housing livestock will not project further into the required setback area than did the building in existence prior to the enactment of this Ordinance.
 - iii. The number of equivalent animal units on the parcel where the large livestock operation is or will be located, after construction of the proposed building, not be more than three times the number that were present on such tract prior to the enactment of this Ordinance.
3. The owner of the large livestock operation must establish and maintain an access to the large livestock operation so that all motor vehicles making a right turn (whether entering or leaving the property) can do so without first having to enter the left-hand side of the public highway. Such access is required only for motor vehicles going in one direction with the direction of travel to be selected by the Township, provided such vehicles do not in fact travel in the other direction. In the event vehicles should travel in the other direction, the owner of the large livestock operation shall be required to alter the access so that vehicles will not be required to enter the left side of the public highway to complete the turn. In the event motor vehicles entering or leaving the large livestock operation by making a right turn in fact enter the left lane of the public highway, the owner of the operation shall revise the access so that motor vehicles entering or leaving the operation by making a right turn can do so without entering the left lane of the public highway.
4. The large livestock operation must establish and maintain compliance at all times with the requirements of the Pennsylvania Nutrient Management Law.
5. The large livestock operation must insure dead animals, if disposed of on the property, are disposed of in strict accordance with the applicable standards of the Pennsylvania Department of Environmental Protection and until such disposition, irrespective of whether such disposition occurs on the property, are kept in airtight containers if turkeys, chickens, or piglets, and are kept in a manner so as to minimize the spread of odors and disease of larger animals.
6. The owner of the property on which a building to house animals in a large livestock operation is located shall remove such building within five (5) years following the time such building ceases to be utilized to provide housing for livestock unless prior thereto such owner attains a Use or Occupancy Certificate from the Township to utilize such building for another purpose. For approval of structure removal, the applicant shall obtain a bond equal to 110% of the structure value, unless otherwise specified by the Town's fee/bond schedule as amended from time-to-time. Such a Use or Occupancy

Certificate shall not be granted to permit use of such building for storage purposes unless:

- a. Such storage is of materials utilized in conjunction with the agricultural use of the property;
 - b. At least fifty (50) percent of the gross floor area of the building is utilized for such storage purposes.
7. A property owner shall not obtain a Use or Occupancy Certificate permitting a different use unless the owner has maintained the buildings so that windows are not out, substantial rust does not appear, and the building is in otherwise reasonably good condition. Following the issuance of such Use or Occupancy Certificate, the building must be maintained in the same condition as of the time the certificate is issued.

III. Recreation Facility, public and private.

1. All pools, tennis courts, or other comparable facilities shall be considered structures for the purpose of this Chapter.
2. Coverage, including structures, parking lots, and buildings, shall not exceed fifty (50) percent of the lot.
3. The facility area and lot boundaries shall be landscaped as required by the Township to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
4. All structures shall not be less than one hundred (100) feet from any lot line, and no less than two hundred (200) feet from the nearest house.
5. All facilities shall have a paved parking area in accordance with this Chapter; and it shall not be closer than twenty-five (25) feet to any residential lot line.
6. All facilities shall abut a public road and have a permanent access thereto.
7. Alcoholic beverages without a Pennsylvania Liquor Control Board license, amplified music, and juke boxes shall be prohibited on the premises.
8. No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
9. All pools shall be surrounded by a fence at least six (6) feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable state requirements.
10. Tennis courts shall be protected by a permanent fence ten (10) feet in height behind each base line extending ten (10) feet beyond the playing area in each direction.
11. The landowner and/or developer shall demonstrate the proposal will be compatible with the neighborhood and not adversely affect adjoining lot.

12. The amount of new traffic generated shall not have a detrimental impact on the neighborhood.
13. Plans shall clearly show ingress-egress facilities and provide proper sight visibility for motorists.
14. Hours of operation shall be scheduled to minimize negative impacts on surrounding residential neighborhoods. The Township may limit hours within this time frame based on the use and location of the facility. Operating hours for the purpose of this section shall mean the period of time that the recreational or athletic activity is occurring.

JJJ. Recycling, small scale.

1. The use shall be conducted within a completely enclosed building.
2. Recycling storage containers shall be completely enclosed.
3. Vehicular access shall not be from the primary commercial frontage if access from the rear or side is possible.
4. Vehicular drop-off areas shall be located a minimum of sixty (60) feet from any intersection or driveway and shall not conflict with residential parking.
5. Board of Supervisors shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation, truck routes, hours of operation, and noise generation.

KKK. Restaurant.

1. The maximum impervious surface coverage shall not exceed 80%.
2. The required parking shall be in accordance with the parking regulations set forth in this Ordinance.

LLL. Restaurant, drive through/drive-in.

1. No drive-thru window or the like shall be located in a front yard.
2. The drive-thru shall have direct access to a public right-of-way.
3. A minimum of three (3) stacking spaces shall be provided for each drive-thru lane.
4. Stacking shall not interfere with the normal traffic flow within the lot nor shall it cause the stopping of vehicles on any public right-of way.

MMM. Retail establishment.

The hours of operation shall be limited to 8 a.m. to 10 p.m.

NNN. Riding Academy and Stables.

1. All applications for a riding stable and/or academy conditional use permit shall be accompanied by a land development plan.

2. All required off street parking spaces and aisles shall consist of six inches of crushed and compacted stone.
3. Front, side and rear setbacks shall be a minimum of 50 feet.
4. No outdoor activity or event lighting or loudspeaker system is permitted to be installed or used on the site. Security lighting is permitted; however, all lighting must conform to the standards of this Ordinance.
5. Maximum building height shall be 40 feet.

OOO. School, private and public.

1. All outdoor play areas shall be completely enclosed by a fence or wall with a minimum height of 4 feet and screened by an evergreen planting which shall reach a height of at least 6 feet within 5 years of planting.
2. The required side yard and rear yard setbacks for a school shall be doubled for any portion of the school that is used for public assembly, whether indoor or outdoor. A school shall be considered as being used for public assembly if it possesses bleachers, permanent seating for viewing events or a cafeteria.
3. There shall be no outside storage materials, equipment or machinery used in the training activities.
4. Vehicular access to a school building shall be via either an arterial or collector street. Vehicular access to a school building via a local street shall be prohibited, except and only to the extent necessary to provide access for handicapped individuals or secondary emergency access.
5. A Traffic Study shall be submitted with the application. The traffic study shall address and mitigate any adverse impact occasioned by:
 - a. Proposed changes in parking and traffic circulation on the site and into and out of the site; and
 - b. Proposed trip generation, parking and traffic circulation compared with those features of the school when it was operational; and
 - c. Comparative impact on the adjacent streets and surrounding development or the proposed use and the former school use.
6. Any exterior lighting proposed for a building or parking area in a Zoning district shall be of low intensity and shall be shielded so that the source of the lighting is not visible. The maximum intensity measured on the ground or surface of the parking area shall be two (2) footcandles. Flood lighting or similar lighting shall not be permitted.

PPP. Short Term Rental.

1. The dwelling must be the permanent address of the owner or lessee and the owner or lessee must occupy the dwelling for at least six (6) months of the calendar year.
2. All activity at the short-term rental shall be subject to enforcement of the Township's noise-, nuisance- and property maintenance-related ordinances including but not limited to Performance Standards and Property Maintenance.
3. If the house guest(s) and/or owner is convicted for any disturbance(s) of the peace, the short-term rental may be revoked.
4. The short-term rental shall provide one off-street parking space per bedroom available for rental.

QQQ. Solar Energy Farm.

1. Principal Solar Energy Systems (PSES) constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Section. Any physical modification to any existing PSES, whether or not existing prior to the effective date of this Section that expands the PSES shall require approval under this Ordinance. Routine maintenance or replacements do not require a permit.
2. The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL) or other similar certifying organizations, and shall comply with Township's Building Code, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
3. All on-site utility transmission lines and plumbing shall be placed underground to the greatest extent feasible.
4. The owner of a PSES shall provide the Township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. The owner shall provide a copy of the final inspection report or other final approval from the utility company to the Township prior to the issuance of a certificate of use and occupancy for the PSES.
5. If a PSES is being used as an accessory use for commercial/industrial activity on another property, then the municipality shall be informed of the intent of the PSES.
6. Signage shall comply with the prevailing sign regulations.
7. All PSES shall be situated to eliminate concentrated glare onto nearby structures or roadways.
8. All solar energy systems should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.

9. Minimum Lot Size.
10. The PSES shall meet the lot size requirements of the applicable zoning district.
11. Setbacks.
 - a. The PSES shall comply with the setbacks of the applicable zoning districts.
 - b. If located adjacent to a residential district, the PSES shall have an increased setback of 100 linear feet.
 - c. PSES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
12. Height.
 - a. Ground mounted PSES shall comply with the building height restrictions of the applicable zoning district.
13. Impervious Coverage.
 - a. The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district:
 - i. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - ii. All mechanical equipment of PSES including any structure for batteries or storage cells.
 - iii. Gravel paved access roads servicing the PSES.
14. Stormwater.
 - a. The Applicant shall submit a storm water management plan that demonstrates stormwater from the PSES will infiltrate into the ground beneath the PSES at a rate equal to that of the infiltration rate prior to the placement of the system.
 - b. PSES owners are encouraged to use low maintenance and/or low growing vegetative surfaces under the system as a best management practice for stormwater management.
15. Screening.
 - a. Ground mounted PSES shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a fence

that provides visual screening and meets requirements of the controlling ordinance may be used.

16. Security.

- a. All ground mounted PSES shall be completely enclosed by fencing that consists of a minimum eight (8) foot high fence with a locking gate, or as designated by the municipality.
- b. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.

17. Access Drives.

- a. Access drives are required to allow for maintenance and emergency management vehicles and shall have a cartway with a minimum width of 12'.

18. Removal.

- a. If a ground mounted PSES is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system must be graded and re-seeded.

RRR. Studio or School for Special Training.

1. The hours of operation shall be limited to 8 a.m. to 10 p.m.
2. A drop off area shall be provided to ensure ongoing street traffic movement throughout remainder of lot.

SSS. Trails.

1. A parking plan shall be submitted along with the application.
2. A traffic plan for ingress and egress shall be submitted.

TTT. Vehicle or Equipment Sales.

1. Automobile repair and sales shall have direct access to an arterial road.
2. All automobile repair and sales shall have a maximum lot area of one (1) acre.
3. Automobile inventory shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
4. All outdoor display areas adjacent to a residence or residential zoning district shall have exterior lighting reduced to fifty (50) percent luminosity after 11:00 P.M.
5. Automobile repair and automobile sales and service (dealership) may be provided so long as any area not within a building which is used for the display of automobiles shall be bordered by curbing or barrier.

6. All lights used to illuminate automobile sales area shall be so arranged as to reflect the light away from adjoining properties and roadways.
7. Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances. Where an automobile display area abuts a residential use, it shall be bordered by a fence or hedge not less than four (4) feet in height.
8. Landscaping requirements:
 - a. One (1) tree (2 ½" cal.) per fifteen (15) display spaces shall be planted on the lot.
 - b. A decorative landscaped strip shall be located immediately adjoining the supporting structure of any signage in all directions;
 - c. A hedge or other desirable planting of at least two (2) feet in height shall extend the entire length and breadth of the required landscaped strip.
9. A Delivery Zone Plan acceptable to the Township Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Township development and circulation patterns.
10. The maximum lot area for an automobile repair and sales station shall be twenty thousand (20,000) square feet.
11. The use shall have direct ingress/egress to an arterial road.
12. All authorized repair and service work, car washing and lubrication shall be conducted within a completely enclosed building.
13. All automobile parts and accessories, dismantled vehicles and similar materials shall be stored within a completely enclosed building.
14. All fuel, oil and other flammable substances shall be stored at least twenty (20) feet from any property line.
15. Hazardous fluids shall be disposed of in accordance with regulations of appropriate regulatory agencies.

UUU. Vehicle Repair Services

1. Minimum Setbacks from Street Right-of-ways lines:
 - a. Building: fifty feet (50')
 - b. Canopies: twenty feet (20')
2. Driveways shall be located as provided in this Ordinance.
3. Motor vehicles shall not be permitted to be parked or to stand on sidewalk areas.
4. Except along access drives, a concrete curb eight inches (8") in height must be placed along all street right-of-way lines.
5. Signs shall conform with this Ordinance.

6. Outdoor Display: All merchandise shall be displayed within a building. Vending machines shall be maintained in a semi- enclosed structure or within the building.
7. Storage: No outdoor stockpiling of tires, auto parts, or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is permitted. No materials may be stored so as to create a fire hazard.
8. All lights must be diverted inward and downward with no glare effect impacting adjacent lots.
9. The outdoor storage of unlicensed vehicles is prohibited.
10. All vehicles shall be serviced and removed from the premises within sixty (60) days.
11. The demolition or junking of vehicles, trailers, boats, and other machinery is prohibited.
12. One kiosk is permitted on the gasoline service island, no larger than 10' by 10' and within the pump setbacks.
13. All service and/or repair activities shall be conducted within a wholly enclosed building.
14. No outdoor storage of parts, equipment, lubricants, fuel or other materials, new or used or discarded, as part of the service or repair operation, shall be permitted.
15. All exterior vehicle storage areas shall be screened from adjoining residentially zoned or residentially used lots and roads.
16. The storage of unlicensed vehicles for more than thirty (30) days is prohibited.
17. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed towards any adjoining residentially zoned or used property and conform to all outside agency requirements.

VVV. Warehouse.

1. Every portion of the property used for warehouse uses shall be located not closer than two hundred (200) feet from any abutting property that is in a different zoning district.
2. All vehicular maneuvering shall be located on-site.
3. Curb cuts shall be minimized to the maximum extent feasible in order to achieve access to the site.
4. The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the emission of noise or glaring light, and proposed accessory uses, such as meeting facilities.
5. Loading areas shall not be visible from a public right of way or an adjacent residence. A landscaped buffer yard a minimum of twenty-five (25) feet in width shall be provided adjacent to all existing residences. Buffer yards shall be landscaped with a

combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.

6. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped buffer yards.
7. Outdoor storage of foods and/or materials shall not be permitted.
8. The ground surface of off-street parking and loading spaces shall be paved with bituminous paving, brick, concrete or store block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.

WWW. Wholesale Establishment.

1. Truck parking shall be located along the side and/or rear of the lot. Truck bays shall be located along the side and/or rear of the structure on lot.
2. If deliveries during the hours of 10 p.m. and 6 a.m., a Delivery Schedule specifying such activity shall be submitted to the Township.
3. Maximum impervious surface coverage is 80%.

XXX. Wind Farm.

The purpose of this section is to provide for the construction and operation of wind farm facilities subject to reasonable conditions that will protect the public health, safety, and welfare.

1. Definitions Specific to Wind Energy Facilities
 - a. Operator: The entity responsible for the day-to-day operation and maintenance of the wind energy facility.
 - b. Hub Height: The distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade is attached.
 - c. Occupied Building: A residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.
 - d. Turbine Height: The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.
 - e. Wind Farm: An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities. Also referenced as wind energy facilities.
 - f. Wind Turbine: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

- ii. An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the wind energy facility.
 - iii. Identification of the properties on which the proposed wind energy facility will be located, and the properties adjacent to where the wind energy facility will be located.
 - iv. A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
 - v. Documents related to decommissioning, including bonds or escrow amounts needed for decommissioning.
 - vi. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Municipality to ensure compliance with this Ordinance.
 - c. Within thirty (30) days after receipt of a permit application, the Municipality will determine whether the application is complete and advise the applicant accordingly.
 - d. Within sixty (60) days of a completeness determination, the Municipality will schedule a public hearing, in which property owners within 1,250 feet of the applicant lot shall be provided notice. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.
 - e. Within one hundred and twenty (120) days of a completeness determination, or within forty-five (45) days after the close of any hearing, whichever is later, the Municipality will make a decision whether to issue or deny the permit application.
 - f. Throughout the permit process, the applicant shall promptly notify the Municipality of any changes to the information contained in the permit application.
 - g. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.
5. Design and Installation
- a. Design Safety Certification: The design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det

Norske Veritas, Germanishcer Lloyd Wind Energies, or other similar certifying organizations.

- b. Uniform Construction Code: To the extent applicable, the wind energy facility shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1-403.142.
 - c. Controls and Brakes: All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
 - d. Electrical Components: All electrical components of the wind energy facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
 - e. Visual Appearance; Power Lines:
 - i. Wind turbines shall be a non-obtrusive color such as white, off-white, or gray.
 - ii. Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
 - iii. Wind turbines shall not display advertising.
 - iv. On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.
 - f. Warnings:
 - i. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 - ii. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
 - iii. All warning devices, labels, and similar safety devices shall be kept in good repair and legible during the useful life of the facility.
 - g. Climb Prevention/Locks:
 - i. Wind turbines shall not be climbable up to fifteen (15) feet above ground surface.
 - ii. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
6. Setbacks

- a. Occupied Buildings:
 - i. Wind turbines shall be set back from the nearest occupied building a distance not less than the required setback requirements for that zoning classification or 1.5 times the turbine height, whichever is greater. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
 - ii. Wind turbines shall be set back from the nearest occupied building located on a non-participating landowner's property a distance of not less than five (5) times the hub height, as measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
 - b. Property Lines: All wind turbines shall be set back from the nearest property line a distance of not less than the required setback requirements for that zoning classification or 1.1 times the turbine height, whichever is greater. The setback distance shall be measured to the center of the wind turbine base.
 - c. Public Roads: All wind turbines shall be set back from the nearest public road a distance of not less than 1.1 times the turbine height, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.
7. Use of Public Roads
- a. The Applicant shall identify all state and local public roads to be used within the Municipality to transport equipment and parts for construction, operation or maintenance of the wind energy facility.
 - b. The Municipality's engineer or a qualified third party engineer hired by the Municipality and paid for by the applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
 - c. The Municipality may require a bond on the road in compliance with State and Municipal regulations.
 - d. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.
 - e. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.
8. Local Emergency Services
- a. The applicant shall provide a copy of the project summary and site plan to local emergency services, including the volunteer fire department(s).
 - b. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the wind energy facility.

9. Noise and Shadow Flicker
 - a. Audible sound from a wind energy facility shall not exceed fifty (55) dBA, as measured at the exterior of any occupied building on a non-participating landowner's property. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.
 - b. The facility owner and operator shall ensure that shadow flicker does not impact any occupied building on a non-participating landowner's property.
10. Waiver of Noise and Shadow Flicker Provisions
 - a. Property owners may waive the noise and shadow flicker provisions of this Ordinance by signing a waiver of their rights.
 - b. The written waiver shall notify the property owner(s) of the sound or flicker limits in this Ordinance, describe the impact on the property owner(s), and state that the consent is granted for the wind energy facility to not comply with the sound or flicker limit in this Ordinance.
 - c. Any such waiver shall be recorded in the Recorder of Deeds Office of Lackawanna County. The waiver shall describe the properties benefited and burdened and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.
11. Signal Interference: The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the wind energy facility.
12. Liability Insurance: There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to the Municipality upon request.
13. Decommissioning
 - a. The facility owner and operator shall, at its expense, complete decommissioning of the wind energy facility, or individual wind turbines, within (12) twelve months after the end of the useful life of the facility or individual wind turbines. The wind energy facility or individual wind turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

- b. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.
 - c. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
 - d. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning (“Decommissioning Costs”) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (“Net Decommissioning Costs”). Said estimates shall be submitted to the Municipality after the first year of operation and every fifth year thereafter.
 - e. The facility owner or operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs, provided, that at no point shall decommissioning funds be less than twenty-five percent (25%) of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Municipality.
 - f. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Municipality.
 - g. If the facility owner or operator fails to complete decommissioning within the period prescribed, then the landowner shall have six (6) months to complete decommissioning.
 - h. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed, then the Municipality may take such measures as necessary to complete decommissioning, utilizing all or any of the decommissioning funds. The entry into and submission of evidence of a participating landowner agreement to the Municipality shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Municipality may take such action as necessary to implement the decommissioning plan.
 - i. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.
14. Public Inquiries and Complaints

- a. The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
- b. The facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

YYY. Wineries/tasting facilities

See Brewery.

ZZZ. Wireless communications tower

Unless county, state, or federal law, orders, court rulings, or legal precedent supersede the following provisions, wireless communications facilities shall be permitted as a conditional use in districts identified in this Ordinance subject to the criteria stated in Appendix 1.

ARTICLE 7
Off-Street Parking and Loading

Section 7.1 – General Regulations for Parking Facilities

A. Availability of Facilities

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

B. Lighting

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

C. Public Right-of-Ways

Parking, loading and unloading of vehicles shall not be permitted on public right-of-ways, except in designated areas and in accordance with Township parking regulations. No parking area shall be designed which requires or encourages parked vehicles to be backed into a public street, except for single-family and two-family dwellings with access onto a local street or parking court.

D. Off-Street Parking in the VMU Village Mixed Use District

Off-street parking for uses involving new construction in the VMU Village Mixed Use District shall be provided to the rear of the principal structure. In the case of a change in use in the VMU District which does not involve an expansion of a structure or additional floor area, additional off-street parking shall be provided equal to the difference between the number of spaces required by §7.1E for the new use and the number required for the existing use as though parking had been provided in accord with §7.1E. The replacement of non-conforming uses in the VMU District shall not require parking as required by §7.1E.

E. Number of Spaces To Be Provided

1. Any structure or building not exempted by §7.1D and which is hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with off-street parking spaces adequate to serve such use but with not less than the minimum spaces, as set forth in the following Table, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.
2. For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use.

3. Additional parking for the handicapped shall be provided in accord with §7.1L.
4. To lessen the effects of storm water runoff and creation of heat sinks from acres of little used parking stalls (i.e. Black Friday Parking) the Subsection 7.1.1 Table is both the minimum and maximum number of parking spaces required. Any business requesting to exceed the limit by more than 5% must show proof why the requirement is not sufficient.

F. Parking and Loading Area Buffers

All parking and loading areas (not including parking decks) and parallel circulation and service lanes serving any commercial, industrial, institutional or multi-family use shall be separated from any public road right-of-way or adjoining property lines by a buffer area not less than three (3) feet in width unless adjoining uses share parking in accord with §7.1I. In the case of adjoining R-1, R-2, R-3 or RP Districts, the buffer shall be increased to ten (10) feet. Buffers shall be improved in accord with §7.2.

1. Measurement - The width of the buffer shall be measured from the curb line or from the legal right-of-way line after development if no curbs will be provided.
2. Uses Prohibited - The buffer area shall be maintained in natural vegetative ground cover and shall not include:
 - a. Paving except for approved driveway crossings
 - b. Fences
 - c. Parking, storage or display of vehicles
 - d. Items for sale or rent
3. Uses Permitted - The buffer area may include the following:
 - a. Permitted freestanding signs
 - b. Pervious storm water facilities
 - c. Approved driveway/access way crossings
4. Sidewalks - If sidewalks exist or will be provided, the buffer area may be provided between the sidewalk and the street or between the sidewalk and the parking lot.
5. Clear Sight Triangles - All required clear sight triangles at intersections shall be maintained.

G. Surfacing

Off-street parking areas and driveways/access ways shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface of concrete or bituminous concrete surface constructed in accord with accepted standards to assure durability.

H. Off-Lot Parking

A principal use located within four hundred (400) feet of another use, within the same Zoning District, that has excess of available parking spaces due to the principal use operating at different time(s) or for any other reason, the principal use seeking the shared parking arrangement may, as a conditional use, seek approval of a shared parking arrangement before Township Board of Supervisors. Board of Supervisors may submit the application to the Newton Planning Commission for recommendations.

I. Joint Use Parking

In cases where two principal uses share a common property line, shared parking facilities may be utilized. The arrangement for joint-use parking shall be provided by deed restriction for the portion of each parcel included in the shared arrangement. The joint-use parking area may span the common property line thereby eliminating the setback required in §7.1F. The standards in §7.1E for number of spaces to be provided shall apply to joint-use parking. To the extent that principal uses operate at different times, the same spaces may be credited to both uses. (Example: If a church parking lot is generally occupied only to ten (10) percent of capacity on days other than a Sunday, another development not operating on a Sunday could make use of the unused church lot spaces on weekdays.)

J. Existing Parking Areas

No existing parking area or any off-street parking shall be eliminated, reduced in size or otherwise altered so that any use is served by less parking than is required by this Ordinance.

K. Parking for Residential Use

Off-street parking shall be provided in accord with this §7 for all residential uses in all Districts.

L. Handicapped Parking

1. Number of Spaces - Any lot including four (4) or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is established under the Federal Americans With Disabilities Act (ADA).

Total # of Required Spaces on Parking Lot	Required Minimum # / % of Handicapped Parking Spaces
4 to 25	1
26 to 50	2
51 to 75	3

Total # of Required Spaces on Parking Lot	Required Minimum # / % of Handicapped Parking Spaces
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of required number of spaces
1,001 or more	20 plus 1% of required number of spaces over 1,000

2. Location - Handicapped parking spaces shall be located where access to the use is via the shortest reasonable accessible distance. Curb cuts with an appropriate slope shall be provided as needed to provide access from the handicapped spaces.
3. Minimum Size - Each required handicapped parking space shall be a minimum of eight (8) feet by eighteen (18) feet. In addition, each space shall be adjacent to an access aisle five (5) feet in width. Such access aisle may be shared by two (2) handicapped spaces by being placed between the spaces. In order to provide for van accessibility, one (1) of every eight (8) required handicapped spaces shall have an adjacent access aisle of eight (8) feet in width instead of five (5) feet.
4. Slope - In accord with ADA requirements, handicapped parking spaces shall be located in areas of less than two (2) percent slope in all directions.
5. Marking - All required handicapped spaces shall be well-marked by clearly visible signs and/or pavement markings.

Subsection 7.1.1 – Table of Off-Street Parking Requirements

USE	PARKING SPACES REQUIRED
A. Dwellings	2 per dwelling unit
B. Homes for handicapped or infirm, nursing homes, group homes, halfway houses and similar uses	3 per every 5 beds '
C. Hotels, motels, boarding and tourist homes, bed and breakfast establishments and other uses providing overnight accommodations	1.1 per bedroom
D. Sales and rental of goods, merchandise and equipment	
1. Retail establishments	1 per 200 SFGFA open to the public
2. Wholesale establishments	1 per 800 SFGFA
3. Flea markets	1 per 200 square feet of lot area designated for display or sales
E. Offices, research facilities and services not primarily related to goods	
1. Serving customers or clients on premises such as attorneys, physicians, insurance, banks, service establishments, and travel agents	1 per 200 SFGFA
2. Drive-in banks	1 per 200 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
3. Serving little or few customers or clients on premises, such as corporate offices	1 per 250 SFGFA
4. Funeral homes	1 per 4 seats used for services
F. Manufacturing, processing, renovating, assembling goods, merchandise and equipment	1 per 600 SFGFA
G. Educational, cultural, religious, social, fraternal uses	
1. Public schools	1.75 per classroom for elementary and middle schools; and 5 per classroom for high schools
2. Trade and vocational schools, colleges	1 per 100 SFG FA open to the public
3. Places of worship	1 per every 4 seats used for services
4. Libraries and museums, social, fraternal clubs and lodges; and similar uses	1 per 300 SFGFA open to the public
H. Recreation, amusement and entertainment	
1. Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses	1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA
2. Movie theaters, stadiums and similar uses with seating accommodations	1 per every 4 seats

USE	PARKING SPACES REQUIRED
3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses	1 per 200 SFGFA open to the public plus 1 per every 3 persons of fully utilized design capacity
4. Docking facilities	1 per every 3 slips
I. Health related facilities	
1. Hospitals, clinics and other medical treatment facilities	1 per bed or 1 per 200 SFGFA, whichever is greater
2. Nursing homes, personal care homes	1 per five resident beds at maximum capacity
J. Restaurants, bars, taverns and other eating establishments	1 per 50 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
K. Vehicle related uses	
1. Sales, service, repair	1 per 250 SFGFA
2. Gas sales	1 per 250 SFGFA plus sufficient parking area at pumps which does not interfere with other required spaces
3. Car or truck wash	1 per employee plus 2 reservoir spaces in front of each stall for self-serve and 5 reservoir spaces for conveyor type
4. Truck terminals	1 per 200 SFGFA devoted to office use plus 2 per company vehicle using the facility
5. Bus terminals	1 per 200 SFGFA devoted to office use plus 0.75 per seat of the total capacity of buses serving riders who travel round-trip during the peak twelve-hour period of the day
L. Warehousing and storage	1 per 2,000 SFGFA
M. Miscellaneous uses	
1. Veterinary	1 per 200 SFGFA
2. Nursery schools and day care	1 per staff member plus 1 per 5 clients at maximum capacity
3. Greenhouses	1 per 200 SFGFA open to the public
4. Emergency services	1 per 200 SFGFA open to the public
5. Post office	1 per 200 SFGFA open to the public
6. Recycling centers	1 per employee with a minimum of 2
7. Kennels	1 per 400 SFGFA with a minimum of 4
8. Institutional uses	1 per employee plus 1 per 25 inmates/residents

Note: SFGFA means "square feet of gross floor **area**". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.

For uses not specifically provided above, the Zoning Officer is authorized to determine the required number of spaces based upon the similarity of the proposed use to the uses provided. Any decision of the Zoning Officer may be appealed to the Zoning Hearing Board. It shall be the duty of the Zoning Hearing Board to render its determination with respect thereto.

Section 7.2 – Design Standards for Parking Facilities

A. Size and Design of Parking Spaces

Unless the vehicle in the garage has unobstructed access to the street (i.e. a vehicle parked directly in front of the garage) then the garage space should not count as a parking space. Most families now have at a minimum two vehicles and unless there is unobstructed access to the street the vehicle(s) will be parked in the public right-of-way.

B. Distance From Intersections At a minimum, the following distance shall be maintained between the centerline of any driveway/access way and the centerline of any street intersecting the same street as the driveway/access way:

Type of Street	Minimum Separation Distance
State	75 feet
Township	50 feet

C. Highway Occupancy Permit - A Township or State highway occupancy permit, as applicable, shall be required for any new access or access proposed for increased average daily traffic to any public street or any other regulated activity within the right-of-way.

D. Landscaping

All improved off-street parking areas not entirely contained in a garage or building shall comply with the following landscaping standards:

- Buffer Areas - The buffer area required by §7.1F shall be landscaped to a minimum of thirty (30) inches in height including vegetation; of which a minimum of fifty (50) percent shall be evergreen shrubbery; and shall average at least one shrub for every ten (10) feet of frontage.
- Parking Lot Interiors - A minimum of five (5) percent of the interior of any parking lot having twenty-five (25) or more parking spaces shall be maintained with landscaping, including trees and shrubs in plots of at least sixty (60) square feet in area. One (1) deciduous tree with a trunk diameter of not less than one (1) inch measured at a height of one (1) foot above finished grade shall be provided for every three thousand (3,000) square feet of paved area. Trees and landscaping plots shall be so located to provide visual relief and sun and wind interruption within the parking area and to insure safe patterns of internal circulation. In no case shall more

than fifteen (15) spaces be permitted in a continuous row without interruption by landscaping, and not more than sixty (60) spaces shall be permitted in one lot, said lots being separated by landscaping plots a minimum of four (4) feet in width.

3. Plants - Plant species shall be of a type proven suitable to local soil and climate conditions and which are resistant to disease, road salt and air pollution as determined by the Township. All landscaping including plants shall be protected from damage by vehicles and shall be maintained in a good condition with plants that have died being replaced by similar plants.
4. Plan - A landscaping plan showing the arrangement of the landscaping and parking areas and including plant sizes and species shall be submitted by the applicant for approval by the Township.

Section 7.3 – Parking of Commercial, Recreational, and Junk Vehicles

Parking of Unregistered Vehicles, Commercial Vehicles and Junk Vehicles

- A. Purpose - To prevent the character of residential areas from being harmed by nuisances, hazards and visual blight, and to prevent the establishment of junkyards in residential districts.
- B. Storage of Unregistered, Commercial or Junk Vehicles.
 1. Definitions - For the purposes of this §7.3, the following terms shall have the following meanings:
 - a. Commercial Vehicle - A motor vehicle that has a gross vehicle weight of greater than six thousand (6,000) pounds and is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material.)
 - b. Tractor of a Tractor-Trailer - A truck with a minimum of three (3) axles that is primarily intended to pull a trailer, as defined below, and not primarily to carry goods itself.
 - c. Trailer of a Tractor-Trailer - A commercial vehicle with a length of 20 feet or more that is not self-propelled, that is intended to haul materials, vehicles, goods, gases or liquids and that is intended to be pulled by a tractor (as defined above), and that is not a "recreational vehicle."
 2. Residential District - Within a residential district, no motor vehicle or trailer that does not display current registration and current safety inspection (or safety inspection and registration that expires less than 90 days prior) and no "abandoned

- or junk vehicle" (as defined by Article 2), motor home, recreational vehicle, camper, bus or ambulance shall be parked or stored in any way that is visible from a public street or an adjacent dwelling.
3. Non-Residential District - Within a non-residential district, no motor vehicle or trailer that does not display current registration and current safety inspection (or safety inspection and registration that expires less than 90 days prior) and no "abandoned or junk vehicle" (as defined by Article 2), shall be parked or stored in any way that is visible from a public street or an adjacent structure. This §7.3 shall not apply to a permitted auto sales use, auto service station, junkyard or auto repair garage, provided that the regulations for that use are met.
 4. Exceptions - This section does not apply to the following, provided they are in an operational condition:
 - a. Municipally-owned vehicles
 - b. Vehicles operated by the U.S. Postal Service or a level of government or a Municipal Authority
 - c. Vehicles actively engaged in the construction or repair of buildings, streets, curbs, sidewalks, rehabilitation or utilities in the immediate area
 - d. Vehicles actively engaged in making routine household deliveries or rendering routine household services to a property that is adjacent or on the same lot as the vehicle is parked.
 5. Commercial Vehicles in a Residential District
 - a. In a residential district, a maximum of two (2) "vehicles" which are commercial in nature (having a business name painted on it and/or other advertising on it) shall not be parked for more than eight (8) hours in any forty-eight (48) hour period on private property. Such vehicles shall be permitted only if used by residents of the property as a means of transportation between their home and work. [No commercial vehicle in a residential district shall have a gross vehicle weight of over twenty-five (25,000) pounds if parked outside of an enclosed building.]
 - b. In a residential district, the engine of a tractor or a tractor-trailer shall not be idled for more than 10 minutes on the property between the hours of 10 p.m. and 6 a.m. or be repaired, except for clearly emergency repairs.
 - c. See the requirements of the State Motor Vehicle Code that require vehicles parked on a public street to have current registration.

Section 7.4 – Off-Street Loading

A. Loading and Unloading Areas

In addition to the required off-street parking spaces the developer of any building erected, converted or enlarged in any district. for commercial, office building, hotel, motel, restaurant, manufacturing, wholesale, hospital or other non-residential uses, to provide adequate off-street areas for loading and unloading of vehicles. The applicant shall provide to the satisfaction of the Zoning Officer, Borough Council or Zoning Hearing Board, as the case may be, documentation that the use will have sufficient numbers and sizes of loading facilities.

Largest Type of Truck Service	Minimum Width (feet)	Minimum Length (feet)
Tractor trailer	12	55 with 12 ft clear height
Trucks other than tractor trailers, pick-ups or vans	10	25
Pick-up truck or van	9	18

B. Access to Off-Street Parking and Loading Areas

There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:

1. Width - Unless otherwise required by PennDOT for access to a state road, the width of the driveway/access way onto a public street at the edge of the cartway shall be as follows:

WIDTH	1-Way Use	2-Way Use
Minimum	12 feet	20 feet
Maximum	35 feet	50 feet

2. Controlled Access • Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.
3. Distance Between Non-residential Driveways In no case shall one entrance or exit be located within fifty (50) feet of any other on the same property or adjoining property along the same public right-of-way.

ARTICLE 8
Signs

Section 8.1 – General Sign Regulations

The following regulations shall apply to all permitted signs:

- A. No person shall erect, alter in size or height, or relocate within the Township any sign without obtaining a permit.
- B. The repainting, changing of parts and preventive maintenance of signs shall not require a permit.
- C. A sign shall be permitted only in connection with the permitted use on the premises, or as otherwise permitted in this Section 8.
- D. All signs shall be removed when the reasons for their erection no longer apply
- E. Signs shall not be permitted above the roof line of the building to which they are attached.
- F. No part of any sign shall project above the top or beyond the ends of the wall surface upon which it is located.
- G. Signs other than official traffic signs shall comply with side yard setbacks as established for principal structures.
- H. Signs shall not project into, onto, or over any public right-of-way and shall not be erected, installed, maintained or replaced so as to be a hazard to the users of a public right-of-way.
- I. No signs shall be erected, installed, or maintained in a location which will constitute an obstruction to vision or endanger the safety of the traveling public.
- J. No sign, except a public sign, visible from a public street, shall use the words "stop," "danger," or any other word, phrase, symbol or character which could be interpreted by a motorist as being a public safety warning or traffic sign.
- K. No sign shall be so constructed, erected, or located so as to obstruct the visibility of a motorist or pedestrian proceeding along the public way or entering or leaving a parking lot or any road intersection.
- L. No revolving sign or any other type of moving sign shall be permitted with the exception of barber poles.
- M. No sign shall be attached to any tree, fence, utility pole or other object not specifically intended for sign support except for "no trespassing" signs, legal warning or other private signs not exceeding one and one-half (1 1/2) square feet in surface area.
- N. Freestanding signs shall not exceed a height of twenty (20) feet from the average natural grade measured to the top of the sign.

- O. All signs, with the exception of permitted temporary signs, shall be permanently attached to the ground or a structure.
- P. Signs shall be constructed of durable material and be maintained in good condition.
- Q. Any sign projecting over any sidewalk or area of pedestrian traffic shall have a minimum ground clearance of eight (8) feet.
- R. One sign as permitted by this Section 8 shall be permitted upon each road frontage of any lawful use.

Section 8.2 – On Premises Business and Institutional Signs

- A. The owner, lessee or occupant of land in the Township, may erect and maintain on such land not more than two (2) faces advertising the business or profession of such owner, lessee or occupant of the property, If both sides of one sign are used for advertising, then only one sign may be erected. The face of any such sign shall not exceed forty (40) square feet in surface area, except as regulated by Section 8.7.
- B. Signs of schools, colleges, churches, hospitals, sanitariums or other similar institutions may be erected and maintained on the parcel with the principal permitted use in accord with the provisions of Subsection 8.2,A.
- C. In addition, business and institutional signs attached to the principal structure shall be permitted, Said signs shall only be attached to the façade of the building which faces the public right-of-way, shall be attached directly to and in the same plane of the facade and shall not project more than one (1) foot from the facade, The total area of the signs(s) shall not exceed ten percent (10%) of the area of the facade to which the sign is attached or fifty (50) square feet, whichever is less.

Section 8.3 – Directory Signs

The installation and maintenance of a central directory sign board not more than six (6) feet high and not more than ten (10) feet wide at the intersection of two or more roads advertising one (1) or more businesses and directional arrows thereto shall be permitted as a conditional use. An individual sign on this board advertising a single business shall not exceed a surface area of four (4) square feet and shall be uniform in size with other signs on the sign board. Evidence of the ownership and proposed operation and maintenance of such directory shall be submitted with the permit application. All other applicable standards in this Section 8 shall apply and a permit shall be required for each individual sign on the directory. Not more than one (1) directory sign shall be permitted on each corner of an intersection.

Section 8.4 – Billboards

The following regulations shall apply to all billboards which shall be permitted in all Districts except the Rural Single Family Residential District.

- A. Not more than one (1) billboard shall be erected on any lot or parcel of property; and in no case shall a billboard be located closer than five-hundred (500) feet to any other billboard.
- B. No billboard shall be erected less than three-hundred (300) feet from any existing residential structure or R-1 District.
- C. No billboard shall exceed three-hundred (300) square feet in surface area; and no advertising face shall exceed twelve (12) feet in vertical measurement or twenty-five (25) feet in horizontal measurement
- D. No billboard shall exceed a height of thirty (30) feet as measured from the elevation of the public road immediately adjacent to the billboard to the highest part of the billboard.
- E. All billboards shall maintain a side yard setback of not less than twenty-five (25) feet; and shall be located not less than thirty (30) feet, nor more than seventy-five (75) feet, from the adjoining public road right-of-way line.
- F. No billboard shall be attached to or erected on any other structure.
- G. Advertising material shall be permitted only on one side of any billboard; and advertising material shall not be placed on the blank side of any existing billboard.

Section 8.5 – Signs Requiring No Permits

The following types of signs shall not require permits but shall in all other respects comply with the requirements of this Section 8.

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

- C. Signs of mechanics, painters and other artisans may be erected (erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided the size thereof is not in excess of eight (8) square feet; and such signs are removed promptly upon completion of the work.
- D. Trespassing signs not exceeding one and one-half (1 1/2) square feet in area.
- E. Signs indicating the private nature of a driveway or property provided the size of any sign shall not exceed one (1) square foot.
- F. Signs advertising the sale of farm products when permitted by this Ordinance, provided: (1) the size of any such sign is not in excess of six (6) square feet; (2) not more than two signs are used; and (3) the signs shall be displayed only when such products are on sale,
- G. Yard sale signs erected on the subject parcel or by permission of other property owners, such signs to be removed immediately following the advertised yard sale.
- H. Political signs erected by a property owner on his property or erected by permission of a property owner, such signs to be removed immediately following the subject election.

Section 8.6 – Home Occupation Signs

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

Section 8.7 – Residential Development and Multi-Family Project Signs

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

Section 8.8 – Shopping Center or Multiple Commercial Occupant Signs

- A. One (1) free standing sign identifying the shopping center or multiple occupant project is permitted on the premises of such project provided each sign face does not exceed forty (40) square feet in surface area.
- B. One (1) sign identifying each business or profession located in the project is permitted provided each sign face does not exceed ten (10) square feet in surface area. Such signs shall be attached to the same frame as the project sign.
- C. In addition, one sign for each occupant of the project may be attached to the principal structure in accord with Section 8.2.C. above.

Section 8.9 – Temporary Signs

The following temporary signs shall be permitted upon obtaining a permit: special advertising or business identification signs or banners not exceeding forty (40) square feet in total surface area for each sign face; including, but not limited to, signs announcing to the general public any special events such as commercial sales days, cultural or entertainment attractions, or charitable activities. Said signs shall be permitted only on the premises of the subject business or principal use and shall comply with all other requirements of this Section 311; and shall be permitted for the length of the activity, but in no case exceeding twenty-one (21) days.

Section 8.10 – Illumination

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

Section 8.11 – Non-Conforming Signs

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

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

- 1. Immediate termination - The following signs or sign features shall be terminated within six (6) months after the effective date of this ordinance, except as otherwise expressly permitted by this ordinance. Termination of the non-conformity shall consist of removal of the sign or its alteration to eliminate fully all non-conforming features: portable signs, flashing signs, animated and moving signs, signs which obstruct free ingress to or egress from a fire escape, door, window, or other required access way, signs which by reason of size, location, content, coloring, or manner of illumination obstruct the vision of

drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on streets and roads within the Township or within any public road right-of-way, and signs which advertise a business no longer conducted or a product no longer sold on the premises where such sign is located.

2. Termination by abandonment - Any non-conforming sign structure the use of which as a sign is discontinued for a period of forty-five (45) consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not thereafter be reestablished exactly in full compliance with this Ordinance.
3. Termination by damage or destruction - Any non-conforming sign damaged or destroyed, by any means, to the extent of one-third (.333) of its replacement cost new shall be terminated and shall not be restored.

Section 8.12 – Nuisance Signs

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

Section 8.13 – Permit Applications

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

ARTICLE 9
Nonconformities

Section 9.1 – Intent and Applicability

- A. It is the intent of this Article to recognize the right of nonconformities to continue but to encourage that such lots, uses, and structures be brought into conformity with this Ordinance as soon as constitutionally permissible. To achieve this end, nonconformities are subject to the regulations set forth in this Article.
- B. A lawful nonconforming use, structure, or lot as defined by this Ordinance may be continued and may be sold and continued by new owners. Any expansion of, construction upon, or change in use of a nonconformity shall only occur in conformance with this Section and subject to the following criteria and standards:
1. The alteration or extension provides for a natural expansion which is not detrimental to public health, safety, and general welfare, provided such expansion does not exceed 50% of the existing ground floor area of the structure or other space occupied by the use.
 2. The alteration or extension does not constitute the addition of a new nonconforming use or structure.
 3. The alteration or extension does not decrease yards when already failing to meet minimum yard setback areas.
 4. The alteration or extension meets the district regulations for such use or structure as if the use or structure were being altered or extended in a district where such use is permitted.

Section 9.2 – Nonconforming Uses

- A. Expansion of Nonconforming Residential Uses.

An existing nonconforming residential use may be expanded in floor area as a permitted by right use, provided that:

1. The number of dwelling units is not increased;
2. The expansion meets all applicable setbacks;
3. No new types of nonconformities are created; and
4. A nonconformity is not made more severe (including the building area within the required setback area).

- B. Expansion of Nonconforming Nonresidential Uses.

A nonconforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

1. An expansion of a total of more than 5% in total building floor area in any five-year period shall require special exception approval from the Zoning Hearing Board under Article 10.
2. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
3. The total building floor area used by a nonconforming use or the total area covered by impervious surfaces of a nonconforming use shall not be increased by greater than 50% beyond each such measurement that existed in such use at the time the use became nonconforming. This maximum increase shall be measured in aggregate over the entire life of the nonconformity.
4. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.

C. Abandonment of Nonconforming Uses.

If a nonconforming use is abandoned for 12 months or longer, subsequent use shall conform with the current regulations of this Ordinance.

D. Nonconforming Outdoor Storage Activities.

If a nonconforming junkyard, outside storage area, or similar use of open land is discontinued for 90 days or more, or is damaged or destroyed to an extent of 50% or more of replacement cost, such use shall not be continued, repaired, or reconstructed.

E. Change from One Nonconforming Use to Another.

1. Once changed to a conforming use, such use shall not revert to a nonconforming use.
2. A nonconforming use may be changed to another nonconforming use only if permitted as a special exception by the Zoning Hearing Board. The Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equally or less objectionable in external effects than the pre-existing nonconforming use with regard to:
 - (a) Traffic generation (especially truck traffic);
 - (b) Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, and explosive hazards;
 - (c) Amount and character of outdoor storage;
 - (d) Hours of operation if the use would be close to dwellings; and
 - (e) Compatibility with the character of the surrounding area.

F. Nonconformities Due to Zoning Changes.

Any uses that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

Section 9.3 – Nonconforming Structures

A. Reconstruction or Expansion of Nonconforming Structures.

1. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded, provided that:
 - (a) Such action will not increase the severity, extent, or amount of the nonconformity (such as the area of the building extending into the required setback) or create any new nonconformity; and
 - (b) Any expanded area complies with the applicable height restrictions and applicable setbacks set forth in the underlying zoning district in which the nonconforming structure is located as well as all other requirements of this Ordinance.
2. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.

B. Damaged or Destroyed Nonconforming Structures.

1. A nonconforming structure that has been destroyed or damaged by fire, windstorm, lightning or a similar cause to an extent of 50% or more of its total value and shall be deemed not to be the fault of the owner may rebuild in a nonconforming fashion only if the application for a building permit is submitted within 18 months after the date of damage or destruction, work begins in earnest within 12 months afterward, and no nonconformity is created or increased by any reconstruction.
2. Rebuilding of a damaged or destroyed nonconformity shall not begin until plans for rebuilding have been presented and approved by the Zoning Officer. Any change of one nonconforming use to another nonconforming use shall comply with the provisions of this Section.
3. Nonconforming agricultural structures on farms may be reestablished or reconstructed as a use permitted by right if damaged or destroyed, without a time limit.

C. Abandonment of Nonconforming Structures.

If a nonconforming structure is razed, removed, or abandoned for 12 months or longer, subsequent use of such building or land shall conform with the current regulations of this Ordinance.

D. New Construction and Building Permits.

1. New Construction.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance and upon which actual building construction has been carried on diligently. Actual

construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

2. Building Permits and Nonconformities.

When an active building permit has been lawfully issued prior to the adoption of this Ordinance that makes such activity nonconforming, such use, lot, or structure shall be regulated under the applicable nonconforming regulations, provided that such construction is completed within a maximum of 12 months of the issuance of such permit

Section 9.4 – Nonconforming Lots of Record

A. In any district in which dwellings are permitted as principal uses, a single-family detached dwelling and customary accessory uses may be erected on any single nonconforming lot of record at the effective date of adoption of this Ordinance, provides that such lot:

1. Has a minimum width of 100 feet measured at the minimum building setback line;
2. Has a minimum lot area of 0.5 acres;
3. Will comply with minimum setbacks and other requirements of this Ordinance for any new construction or expanded area, except for minimum lot depth and those provisions specifically allowed to be altered by this Section or for which a variance is granted; and
4. Has minimum side yard setbacks of fifteen (15) feet each or 10% each of the lot width, whichever is larger.

B. Integration of Nonconforming Lots.

If two (2) or more abutting lots or combinations of abutting lots and portions of lots under the same ownership are of record and not in conformity at the time of adoption of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width or area, the lands involved shall be integrated to form one (1) lot that would be in conformance with this Ordinance or otherwise less nonconforming. Such integrated lot in common ownership shall not be subdivided, re-subdivided, or sold in parts using separate deeds to separate owners, unless specifically approved as a subdivision under the adopted subdivision and land development regulations of Newton Township.

Section 9.5 – Registration of Nonconformities

It shall be the responsibility of a property owner asserting a nonconformity to provide the evidence that it is lawful. The property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

ARTICLE 10
Zoning Hearing Board

Section 10.1 – Organization and Procedure

A. Organization.

1. The Newton Township Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in Subsection E.
2. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with the ordinances of Newton Township and the laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, records of which shall be the property of Newton Township. The Zoning Hearing Board shall submit reports of its activities to the Newton Township Board of Supervisors when requested.

B. Membership, Terms, and Vacancies.

1. 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 accordance 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.

C. Removal of Members.

1. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by majority vote of the Newton Township Board of Supervisors, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

D. Appeals and Applications to the Zoning Hearing Board.

Appeals and applications to the Zoning Hearing Board from the terms of this Ordinance shall be filed with the Zoning Officer and shall contain:

1. The name and address of the applicant;
2. The name and address of the owner of the real estate involved in the appeal;
3. A brief description and location of the real estate involved in the appeal;

4. A statement of the present zoning classification of the involved real estate and a description of the improvements thereon and the present use thereof;
5. Reference to the section or sections of this Ordinance under which the appeal or application is filed; or, reference to the section or sections of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal;
6. An accurate description of the present and/or proposed use intended to be made, indicating the size and use of such proposed use;
7. A plot plan of the involved real estate as required to accompany applications for permits; and
8. An application fee, in an amount as established from time to time by resolution of the Newton Township Board of Supervisors, payable to Newton Township.

E. Conduct of Hearings.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 10.6 and with Section 908 of the Pennsylvania Municipalities Planning Code (MPC).

F. Expenditures for Services.

Within the limits of funds appropriated by the Newton Township Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by resolution of the Newton Township Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to members of the Newton Township Board of Supervisors.

Section 10.2 – Zoning Hearing Board Functions

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 when a curative amendment is brought before the Newton Township Board of Supervisors;
- 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;
- 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-deist order or the registration or refusal to register any nonconforming use, structure, or lot;

- D. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to any floodplain or flood hazard ordinance or such provisions within a land use ordinance;
- E. Applications for variances from the terms of this Ordinance;
- F. Applications for uses by special exception under the terms of this Ordinance;
- G. Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this Ordinance;
- H. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (MPC); and
- I. Appeals from any determination of the Township Engineer or the Zoning Officer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development applications or applications for a planned residential development.

Section 10.3 – Variances

- A. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. Upon appeal, the Zoning Hearing Board shall have the power to authorize variances from the requirements of this Ordinance and to attach conditions to such variances as it deems necessary to assure compliance with the purposes of this Ordinance. A variance may be granted if all of the following findings are made, where relevant in a given case:
 - 1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular lot and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the lot is located;
 - 2. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the lot;
 - 3. That such unnecessary hardship has not been created by the appellant;
 - 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the lot is located, nor substantially or permanently impair the appropriate use or development of adjacent lots, nor be detrimental to the public welfare; and
 - 5. That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.

- B. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the policy, goals, and community development objectives of this Ordinance.
- C. Unless specifically authorized by the Zoning Hearing Board, the grant of a variance shall expire if a zoning permit, building, permit, certificate of use and occupancy, or grading permit is not obtained within 12 months from the date of the grant of the variance. However, the Zoning Hearing Board, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the initial expiration date.

Section 10.4 – Uses by Special Exception

The Zoning Hearing Board shall have the power to hear and decide on applications for uses by special exception as authorized by this Ordinance, in harmony with the purpose and goals of this Ordinance and of the Scranton-Abington Planning Association Comprehensive Plan, and in accordance with the provisions set forth in Article 6. The Zoning Hearing Board shall approve a use by special exception only if it meets all applicable requirements of this Ordinance and the express standards and criteria set forth in Section 6.4. In granting a use by special exception, the Zoning Hearing Board may attach such reasonable safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to properly implement the purpose and goals of this Ordinance and to protect the public health, safety, and welfare.

Section 10.5 – Parties Appellant Before the Board

Appeals under Section 10.2, subsections A, B, C, D, G, H, and I, may be filed in writing with the Zoning Hearing Board by:

- A. The landowner affected;
- B. Any officer or agency of the Township; or
- C. Any person aggrieved.

Section 10.6 – Hearings and Decisions

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 908 of the Pennsylvania Municipalities Planning Code (MPC). The rules and procedures for such hearings shall be as follows:

- A. Public notice shall be placed in the classified section of a newspaper of general local circulation once in each of two (2) successive weeks, the first notice appearing not more than 30 days or less than seven (7) days prior to the hearing, and shall be conspicuously posted at highly visible locations along the perimeter of the subject lot at least one (1) week prior to the hearing. In addition, written notice of the hearing shall be sent by first-class mail to the owners of lots abutting the subject lot or within 1,250 linear feet of the subject lot and other recognized parties at least one (1) week prior to the date of the hearing. Notices shall indicate the date, time, and place of the hearing, the particular nature of the matter to be considered, and the street address of the specific lot involved.

- B. The parties to the hearing shall be the applicant, the municipality, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person, including civic or community organizations, permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall require all persons who wish to be considered parties to enter such request on an appearance form provided by the Zoning Hearing Board for that purpose.
- C. The Chairman of the Zoning Hearing Board or the hearing officer presiding shall conduct the hearing and shall have the power to administer oaths and issue subpoenas to compel attendance of witnesses and/or the production of relevant documents and papers, including witnesses and documents requested by the parties.
- D. The parties in a hearing shall have the right to be represented by counsel and shall be afforded the opportunity to respond, present evidence and cross-examine adverse witnesses on all relevant issues.
- E. Formal rules of evidence shall not apply and irrelevant or redundant evidence may be excluded.
- F. The first hearing before the Zoning Hearing Board or the hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time.
- G. Each subsequent hearing before the board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record.
- H. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing.
- I. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the 100 days, including the first hearing.
- J. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Township, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal.
- K. The Zoning Hearing Board, or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer, or shall be paid by the person appealing the decision of the Zoning Hearing Board if such an 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.

- L. The Zoning Hearing Board, or the hearing officer, as the case may be, shall not communicate, directly or indirectly, with any party and/or representative of any party in connection with any issue relevant to the hearing except upon notice and opportunity for all parties to participate; shall not take notice of any communications, reports or other materials, except advice from the Zoning Hearing Board's legal counsel, unless all parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings with any party and/or representative of any party after the start of hearings unless all parties are given an opportunity to be present.
- M. The Zoning Hearing Board, or the hearing officer, as the case may be, shall render a written decision, or, when no decision is required, a written finding on the application, within 45 days after the last hearing. Decisions shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this Ordinance or any other ordinance or regulation shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- N. If the hearing is conducted by a hearing officer and there has been no stipulation that his or her decisions or findings are final, the Zoning Hearing Board shall make the hearing officer's report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings. The Zoning Hearing Board may concur in the hearing officer's decision, overturn it, or order a new hearing, provided that such decision by the Zoning Hearing Board is entered no later than 30 days after the report of the hearing officer.
- O. Where the Zoning Hearing Board fails to render the decision within the period required by this Section or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing or on the record, to an extension of time.
- P. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as herein provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in this Section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to the Lackawanna County Court of Common Pleas.
- Q. A copy of the final decision, or the findings, if no decision is required, shall be mailed to the applicant not later than the day after the date of the decision. All others requesting notice of the decision not later than the last day of the hearing shall receive by mail a summary of the findings or decision and a statement of the place at which the full decision or findings may be examined.

Section 10.7 – Mediation

- A. Parties to proceedings authorized in this Section may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Section once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
- B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township, in offering the mediation option, shall assure that in each case the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
1. Funding mediation;
 2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
 3. Completing mediation, including time limits for such completion;
 4. Suspending time limits otherwise authorized by this Ordinance or the Pennsylvania Municipalities Planning Code (MPC), provided that there is written consent by the mediating parties, and by an applicant or decision-making body of the Township, if either is not a party to the mediation;
 5. Identifying all parties and affording them the opportunity to participate;
 6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public; and
 7. Assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Ordinance or the Pennsylvania Municipalities Planning Code (MPC).
- C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Section 10.8 – Time Limitations

- A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate Township officer, agency, or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of an

ordinance or map pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code (MPC), shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the preliminary submission.

- B. All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.

Section 10.9 – Appeals to Court and Other Administrative Proceedings

Nothing contained in this Article shall be construed to deny the appellant the right to proceed directly to a court where appropriate, pursuant to the Pennsylvania Rule of Civil Procedure No. 1091, relating to action in mandamus. Appeals to court from any decision of the Zoning Hearing Board may be taken by any party aggrieved in accordance with the time frame and manner provided by Article X-A of the Pennsylvania Municipalities Planning Code (MPC).

ARTICLE 11
Administration and Enforcement

Section 11.1 – Permits and Certificates

A. Applications for Zoning Permits, Certificates of Use and Occupancy, and Building Permits.

The applicant shall be responsible to submit sufficient data with his or her applications for a zoning permit, a certificate of use and occupancy, and/or a building permit to enable the Township to review said applications for full compliance with the provisions of this and other applicable ordinances. The Township reserves the right to request that the applicant submit information certified by a professional engineer or registered surveyor licensed by the Commonwealth of Pennsylvania when it is deemed necessary for an accurate review of the application(s).

B. Permits.

1. Zoning Permits.

(a) A zoning permit shall be required prior to:

- (1) A change in use of land or structure;
- (2) The placement, erection, construction, improvement, or alteration of a structure, or portion thereof, including a fence, that has a fair market value exceeding \$500, except that a zoning permit shall be required prior to all construction or development located in the Floodplain Overlay, regardless of cost;
- (3) The alteration or improvement of any existing structure, where such improvement or alteration thereof increases the amount of space enclosed by the structure;
- (4) The alteration or development of any improved or unimproved real estate; and
- (5) The erection or alteration of any signs specified in Article 8, except for those specifically exempted from permit.

(b) No zoning permit shall be required for the following:

- (1) The placement, erection, construction, improvement, or alteration of a structure, or portion thereof, including a fence, that has a fair market value of less than \$500, except that a zoning permit shall be required prior to all construction or development located in the Floodplain Overlay, regardless of cost;
- (2) Ordinary repair to existing structures, except signs;

- (3) Light fixtures for single-family and two-family dwellings complying with the provisions of Section 5.10;
 - (4) Sidewalks or walkways on grade;
 - (5) Sidewalk or walkway steps, when not connected to a building, porch, deck, or other part of a building or structure;
 - (6) Handrails along sidewalk or walkway steps;
 - (7) Access drives;
 - (8) Parking spaces for dwellings having three (3) or fewer dwelling units;
 - (9) Flagpoles of the display of official government flags of the United States and its political subdivisions placed on lots containing single-family and two-family dwellings, provided that such flagpoles do not exceed the maximum height limitations for the underlying zoning district;
 - (10) Vegetation, including trees, landscaping, and vegetative buffering;
 - (11) Landscaping materials, excluding patios, decks, and porches;
 - (12) Decorative lawn ornaments and walls not exceeding 32 inches in height;
 - (13) Children's play yards, trampolines, treehouses, and swing sets placed on lots containing dwellings;
 - (14) Stormwater management facilities;
 - (15) Traffic control devices located within a public right-of-way or governmental easement;
 - (16) Utility structures not exceeding seven (7) feet in height, including emergency call stations, except that wireless communication facilities and lighting poles for recreational uses shall require permitting;
 - (17) Railroad sidings;
 - (18) Public transit stops involving surface improvements only;
 - (19) Signs specifically exempted from permit; and
 - (20) Temporary construction buildings or trailers as permitted in Section 5.19, Subsection A.
- (c) A zoning permit shall only be issued when it is deemed that the proposed use or improvement is in conformity with:
- (1) All applicable regulations of this Ordinance;

- (2) Any conditions imposed upon the site by the Newton Township Zoning Hearing Board or the Newton Township Board of Supervisors; and
 - (3) Any recorded subdivision or land development plan, when specifically required by the adopted subdivision and land development regulations of Newton Township.
- (d) Application Procedures.
- (1) Applications for zoning permits shall be submitted by the applicant to the Zoning Officer.
 - (2) An application for a zoning permit shall be made by the owner of any building or structure or the agent thereof; provided, however, that if the application is made by a person other than the owner or agent, it shall be accompanied by a written authorization of the owner or agent that the proposed work is authorized by the owner or agent. The full name and address of the owner or agent shall be stated in the application.
 - (3) The Zoning Officer may consult with or call upon other Township staff and/or Township-appointed consultants in the review of submitted materials for applications.
 - (4) Upon receiving the application, the Zoning Officer shall examine the application and grant or deny such application, in whole or in part, within 30 business days of the filing date. If the application or plans do not conform to the provisions of all pertinent ordinances and laws, the Zoning Officer shall deny such application in writing, stating the reasons therefor, and inform the applicant of his or her right to appeal the Zoning Officer's decision to the Township Zoning Hearing Board. If satisfied that the proposed work and/or use conforms to the provisions of this Ordinance and all ordinances and laws applicable thereto and that a certificate of use and occupancy as required herein has been applied for, the Zoning Officer shall grant such zoning permit application.
 - (5) The Zoning Officer may revoke a zoning permit or approval issued under the provisions of this Section in the case of any false statement or misrepresentation of fact in the application or on the plans on which the zoning permit or approval was based or for any other cause set forth in this Ordinance.
 - (6) No zoning permit shall be issued until the fee, in an amount as established from time to time by resolution of the Newton Township Board of Supervisors, is paid to the Newton Township. The payment of fees under this Section shall not relieve the applicant or holder of the zoning permit from payment of other fees that may be required by this Ordinance or by any other ordinances or law. Where a zoning permit is required by this Section but the work or the use is commenced or changed prior to obtaining such zoning permit, the fee set by resolution of the Newton Township Board of Supervisors shall be doubled to reflect the additional expense incurred

by the Newton Township resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices, and/or process additional applications. The payment of such increased permit fee shall not relieve any person from the compliance with all requirements of this Ordinance or any other applicable ordinances or laws or from any penalties or enforcement actions authorized by this Ordinance or the Pennsylvania Municipalities Planning Code (MPC).

- (7) In all instances in which the Zoning Officer expresses reasonable doubt as to the ability of a proposed use or improvement to meet all of the requirements of this Section, it will be incumbent upon the applicant to furnish adequate evidence in support of his or her application. If such evidence is not presented, the zoning permit will be denied.
 - (8) An applicant whose request for a zoning permit has been denied by the Zoning Officer may make a later application for a zoning permit, provided that all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to conduct a new review of the application if this condition is not met.
 - (9) The zoning permit shall expire after one (1) year from the date of issuance; provided, however, that the permit may be extended every six (6) months for a period not to exceed an additional two (2) years, upon written request by the applicant that demonstrates good cause to the Zoning Officer. When a zoning permit is issued in conjunction with a building permit, the zoning permit shall remain valid for up to five (5) years so long as the building permit is valid.
 - (10) The zoning permit shall be a license to proceed with work and shall not be construed as authority to violate, cancel, or set aside any provisions of this Ordinance. The issuance of a zoning permit does not indicate that a building permit will be issued nor is it considered a license to begin work where a building permit is also required.
 - (11) All approved zoning permits shall be prominently and continuously displayed on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance or prior to the commencement of actual work on the site, whichever occurs first, and shall remain on display until the site receives its certificate of use and occupancy.
- (e) General Application Requirements.

Applications for zoning permits shall contain a general description of the proposed work, development, use, or occupancy of all parts of the structure or land and shall be accompanied by plans in duplicate drawn to scale and showing the following, where applicable:

- (1) The actual dimensions and shape of the lot to be developed;

- (2) The exact location and dimensions of any structures to be erected, constructed, and/or altered;
 - (3) Existing and proposed uses, including the number of dwelling units, tenant spaces, employees, etc., that all structures are designed to accommodate;
 - (4) The location and number of off-street parking and loading spaces;
 - (5) Utility systems affected and proposed, including the locations of any primary and alternate on-lot sewage disposal systems and the required isolation distances imposed thereupon and any sewer permitting required;
 - (6) Alteration or development of any improved or unimproved real estate;
 - (7) Two (2) copies of any approved highway occupancy or driveway permits;
 - (8) Any supplementary information required as a condition for use or development in the Floodplain Overlay as detailed in Article 4;
 - (9) Information related to needed conservation plans, nutrient management plans, and erosion and sediment pollution control plans; and
 - (10) Any necessary approvals granted by the Pennsylvania Department of Labor and Industry or any other state agencies.
- (f) Additional Application Requirements for Nonresidential Uses.

Applications for zoning permits for uses of a nonresidential nature shall also contain, where applicable:

- (1) A location plan showing the lot(s) to be developed, zoning district boundaries, adjoining lots, significant natural features, and streets for a distance of 200 feet from all lot boundaries;
- (2) A plot plan of the lot showing the location of all existing and proposed buildings, structures, driveways, parking lots, access drives, circulation patterns, curb cut accesses, screening fences and walls, waste and sewage disposal areas, other construction features, and the location of all topographical features;
- (3) A description of the proposed operations in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or noxious matter or radiation;
- (4) Designation of the manner by which sanitary sewage and stormwater shall be conveyed and water supply obtained;
- (5) The proposed number of shifts to be worked and the maximum number of employees on each shift; and

- (6) Where use by more than one (1) business/firm is anticipated, a list of the businesses/firms which are likely to be located in the development, their floor area, and estimated number of employees for each.

2. Certificates of Use and Occupancy.

- (a) It shall be unlawful to use and/or occupy any building, structure, sign, and/or land or portion thereof for which a zoning permit is required herein until a certificate of use and occupancy for such building, structures, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time as an application for a zoning permit is filed with the Zoning Officer.
- (b) The application for a certificate of use and occupancy shall be in such form as the Zoning Officer prescribes and may accompany the application for a zoning permit.
- (c) The application for a certificate of use and occupancy shall contain the intended use and/or occupancy of any building, structure, sign, and/or land or portion thereof for which a zoning permit is required herein.
- (d) The Zoning Officer or his or her assign shall inspect any building, structure, or sign within 10 days upon notification that the proposed work that was listed under the zoning permit has been completed, and if satisfied that the work is in conformity and compliance with the work listed in the issued zoning permit and with all other pertinent provisions, ordinances, and laws, shall issue a certificate of use and occupancy for the intended use listed in the application.
- (e) Upon request of a holder of a zoning permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a building, structure, sign, and/or land, or portion thereof, before all work covered by the zoning permit has been completed provided that such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. Such temporary certificates shall be valid for a period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months, unless an extension of the temporary permit has been requested from and granted by the Zoning Officer.
- (f) A certificate of use and occupancy shall not be issued for buildings and structures located in subdivisions or land developments requiring improvement guarantees until the building or structure has access to either a roadway which has been dedicated to and accepted by the Township or which abuts upon a street which has been paved with a base wearing course.
- (g) The certificate of use and occupancy or a copy thereof shall be kept available for official inspection at all times.
- (h) If a zoning permit and/or building permit is not required, a certificate of use and occupancy will still be required.

3. Building Permits.
 - (a) Building permit administration shall be governed by provisions of the current building code adopted by Newton Township; provided, however, that no building permit shall be deemed valid until the Zoning Officer has certified that the proposed building, structure, addition, or alteration thereto or any change of use complies with all of the provisions of this Ordinance and has issued to the applicant a zoning permit.
 - (b) The building permit shall be a license to proceed with work and shall not be construed as authority to violate, cancel, or set aside any provisions of this Ordinance. The issuance of a building permit does not indicate that a zoning permit will be issued nor is it considered a license to begin work where a zoning permit is also required.
 - (c) The Zoning Officer shall deny any permit authorized by this Ordinance to any applicant to whom a permit may be denied pursuant to the Neighborhood Blight Reclamation and Revitalization Act, Act 90 of 2010, 53 Pa.C.S.A. § 6101 et seq.

Section 11.2 – Zoning Officer

A. Appointment and Powers of the Zoning Officer.

It shall be the duty of the Zoning Officer to:

1. Administer the zoning ordinance and issue permits only where there is compliance with the provisions of the zoning ordinance.
2. Conduct inspections and surveys as prescribed by the governing body or ordinance to determine compliance or non-compliance with the terms of the zoning ordinance.
3. Enforce the zoning ordinance, including the issuance of enforcement notices and, where authorized by the governing body, the filing of summary citations with the magisterial district judge, and keep records of all enforcement activities.
4. Perform a review of applications for conditional uses, special exceptions, and variances for compliance with the zoning ordinance, and provide testimony at hearings on such applications. Where directed by the governing board, the zoning officer may be charged with receiving appeals and applications for conditional uses, special exceptions, and variances, forwarding them to the governing body or the zoning hearing board, as appropriate, scheduling hearings, advertising, posting notices, and issuing written notices of the hearings.
5. Perform a review of applications for subdivision and land development for compliance with the zoning ordinance, and provide review comments to the planning commission and governing body.
6. Upon the request of the planning commission, governing body, or zoning hearing board present facts, records or information to assist in making decisions.

7. When required by the zoning ordinance, identify and register nonconforming uses and structures and record the reasons for the nonconforming status.
8. Where authorized by the governing body, to take action on behalf of the municipality in any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, demolition, maintenance, or use of any building or structure, to restrain, correct, or abate such violation so as to prevent the occupancy or use of any building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.
9. Revoke by order a permit issued under a mistake of fact or contrary to the law or the provisions of the zoning ordinance.
10. Keep records of all applications and plans for permits and the action taken thereon.
11. Maintain a map or maps showing the current zoning districts and overlay districts for all the land within the municipality. Upon request – via permit applications, or verbal and/or written requests – the zoning officer shall make determinations of any zoning map district boundary question.
12. Upon request, issue preliminary opinions under Section 916.2 of the MPC.
13. To perform other duties in the administration and enforcement of this Ordinance as may be directed by the Newton Township Board of Supervisors.

Section 11.3 – Fees

- A. The Newton Township Board of Supervisors shall establish, by resolution, a schedule of fees and a collection procedure for all permits, applications, and appeals.
- B. The schedule of fees shall be available in the Newton Township Municipal Building.
- C. All such fees shall be payable to Newton Township.
- D. No request for any permits, applications, or appeals shall be considered complete, nor shall they be filed or docketed, until all fees have been paid in full.

Section 11.4 – Violations, Penalties, and Remedies

- A. Causes of Action.

In case any building, structure, landscaping, or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the Newton Township Board of Supervisors or an officer of the Township, with the approval of the Newton Township Board of Supervisors, 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 any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting

a violation. When any such action is to be instituted by a landowner or tenant, notice of that action shall be served upon Township at least 30 days prior to the time the action is to be instituted by serving a copy of the complaint on the Newton Township Board of Supervisors. No such action may be instituted until such notice has been given.

B. Enforcement Notices.

1. If it appears to the Township that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Subsection.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
3. An enforcement notice shall be in writing and shall state at least the following:
 - (a) The name of the owner of record and any other person against whom the Township intends to take action;
 - (b) The location of the property in violation;
 - (c) The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance, and an outline of remedial action which, if taken, will bring such property compliance with the provisions of this Ordinance;
 - (d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed;
 - (e) A statement that the recipient of the notice has the right to appeal to the Zoning Hearing Board; and
 - (f) A statement that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
4. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
5. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

C. Penalties and Remedies.

1. District Justices shall have initial jurisdiction over proceedings brought under this Ordinance.

2. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor 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 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, in assessing if there has been a further violation, determines that there was a good faith basis for the person, partnership, or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) 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.
3. The Lackawanna County 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.
4. Nothing contained in this Ordinance shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Ordinance.

Section 11.5 – Planning Commission

The Newton Township Planning Commission has been created in accordance with Article II of the Pennsylvania Municipalities Planning Code (MPC) to fulfill the advisory role to the Newton Township Board of Supervisors in the administration of this Ordinance and the adopted subdivision and land development regulations of Newton Township.

A. Membership.

1. The membership of the Planning Commission shall consist of seven (7) members, all of whom shall be residents of Township.
2. The term of office for each member shall be four (4) years, and the terms of no more than two (2) members shall expire in any calendar year.
3. When any vacancies occur, the chairman of the Planning Commission shall promptly notify the Newton Township Board of Supervisors, upon which a member of the Newton Township Board of Supervisors shall fill the vacancy for the unexpired portion of the term until a replacement member is found.

B. Duties.

The Planning Commission shall, at the request of the Newton Township Board of Supervisors, have the power and shall be required to, at the request of the Newton Township Board of Supervisors:

1. Represent the Township in the development of the Scranton-Abington Planning Association Comprehensive Plan and any future comprehensive plan;
2. Maintain and keep records of its actions, which shall be in the possession of the Newton Township Board of Supervisors;
3. Make recommendations to the Newton Township Board of Supervisors concerning adoption or amendment of an official map;
4. Prepare and present to the Newton Township Board of Supervisors a zoning ordinance and make recommendations to the Newton Township Board of Supervisors on proposed amendments to it; and
5. Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code (MPC) or as prescribed in this Ordinance.

Section 11.6 – Amendments

A. Publication, Advertisement, and Availability of Ordinances and Amendments.

Proposed zoning ordinances and amendments shall be published, advertised, and available for review in accordance with the procedures found in Section 610 of the Pennsylvania Municipalities Planning Code (MPC).

B. Zoning Map Amendments (Rezoning).

1. Purpose of Rezoning.

Rezoning can be initiated to protect the safety, capacity, and efficiency of the Township's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the Scranton-Abington Planning Association Comprehensive Plan.

2. Rezoning Applications.

Rezoning applications are completed on the official forms provided by the Zoning Officer. All applicants submitting rezoning applications are required to prepare a series of plans, analyses and reports as enumerated by the following, to demonstrate the compatibility of a rezoning proposal:

- (a) Statement of existing and proposed base and overlay zoning districts;
- (b) Conceptual site development plan;
- (c) Topographic survey;
- (d) Site conditions report;

- (e) Estimated infrastructure demands (sanitary sewer and potable water) in gallons per day;
 - (f) Off-street parking projections (number of parking spaces) available on site;
 - (g) A summary of anticipated impacts on adjoining lots including but not limited to noise, vibration, night-time lighting, service area locations and visibility, and hours of operation;
 - (h) Other related studies that the Township may require, depending upon the location of lot access, infrastructure service/demands, and impacts identified on adjoining lots, such as a:
 - (1) Traffic impact study;
 - (2) Fiscal impact analysis;
 - (3) Density comparison between existing and proposed zoning districts; and/or
 - (4) Geotechnical/stormwater analysis.
3. Review of Rezoning Applications.
- (a) The Zoning Officer will:
 - (1) Perform a review of the application and packet for completeness. An incomplete or insufficient application and packet will be returned to the applicant. A completed application and packet will be forwarded to the Township and Lackawanna County planning commissions for review;
 - (2) Provide the applicant written confirmation within seven (7) business days stating that the application has been received with all required information; and
 - (3) Submit a written recommendation to the Planning Commission and the Newton Township Board of Supervisors, either in favor of or not in favor of the rezoning proposal, including a specific statement as to whether or not the proposed rezoning is in accordance with the objectives of the Scranton-Abington Planning Association Comprehensive Plan;
 - (b) As part of the rezoning approval process, the Newton Township Board of Supervisors and Planning Commission can consider the motivation and implications of each plan, analysis, and report.
 - (c) The Planning Commission will:
 - (1) Consider any projected beneficial and/or detrimental effects on the Township and hold a public hearing on the application, if deemed applicable; and

(2) Forward to the Newton Township Board of Supervisors a recommendation for the nature of action regarding rezoning.

(d) The Lackawanna County Planning Commission shall review such requests and provide comments as necessary to the Newton Township Board of Supervisors and Planning Commission.

(e) The Newton Township Board of Supervisors will hold a public hearing on the application and may compose a brief summary explanation of its decision and will forward the decision and explanation to the applicant. Upon rezoning approval, the Zoning Officer will update the Zoning Map accordingly.

C. Zoning Ordinance Amendments.

The Newton Township Board of Supervisors may, from time to time, amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The enactment of a zoning amendment shall be in accordance with Section 609 of the Pennsylvania Municipalities Planning Code (MPC).

D. Curative Amendments.

1. Landowner Curative Amendments.

A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, shall submit to Newton Township a curative amendment, any fees established by resolution of the Township, and a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (MPC). The Newton Township Board of Supervisors shall commence the associated procedures in accordance with Section 609.1 of the Pennsylvania Municipalities Planning Code (MPC).

2. Municipal Curative Amendments.

If the Newton Township Board of Supervisors determines that this Ordinance, or any portion hereof, is substantially invalid, it shall take actions in accordance with Section 609.2 of the Pennsylvania Municipalities Planning Code (MPC).


THIS ORDINANCE DULY ORDAINED AND ENACTED by the Township of Newton
this 12th day of April, 2021


In accordance with the 2021 Scranton-Abingtons Planning Association (SAPA)
agreement, the effective implementation date of this Ordinance shall be upon the latest date of
Zoning Ordinance adoption as conducted by all nine participating SAPA municipalities.

ATTEST:


TOWNSHIP OF NEWTON


Douglas Pailman Board of Supervisors


Kevin Carr Board of Supervisors


Robert Naegle Board of Supervisors

REVIEWED AND APPROVED:


Francine Fawcett Township Secretary

[Signature Page]