

**SOUTH NEWTON TOWNSHIP
ZONING ORDINANCE**

December 2011

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ARTICLE I

SHORT TITLE, PURPOSE AND COMMUNITY DEVELOPMENT OBJECTIVES

Section 1.1 Short Title

This ordinance shall be known as the South Newton Township Zoning Ordinance.

Section 1.2 Purpose

. . . . and to protect and preserve our environment.

Section 1.3 Community Development Objectives

. . . . South Newton Township.

Section 1.4 Definitions

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

1. **Access Drive:** A paved or unpaved surface, other than a street which provides vehicular access from a street, public or private, to a lot.
2. **Accessory Apartment:** A self-contained residential dwelling unit resulting from the conversion of an existing single family detached dwelling into two (2) units (one unit will remain primary and the other unit will be accessory). The accessory unit is complete with kitchen and bath facilities, has direct access to the outdoors, or to a hall from which there is direct access to the outdoors, and is physically subordinate to the primary unit that exists in the dwelling.
3. **Accessory Building:** A building subordinate to and detached from the principal building and located on the same lot with such principal use or building. An accessory building shall not contain a kitchen with fixed cooking facilities.
4. **Accessory Solar Energy System:** An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing

ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

5. **Accessory Use:** A use customarily incidental and subordinate to the principal use of the principal building and located on the same lot with such principal use or building.
6. **Active Recreation Area:** An area designed and constructed for outdoor recreational amenities, as part of the common open space and equipped with playground apparatus and other recreation facilities or implements.
7. **Adult Bookstore:** An establishment, open to the general public in which twenty (20%) percent or more of its stock-in-trade offers for sale, for any form of consideration, any one or more of the following: a) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representation that are characterized by an emphasis upon sexual conduct or sexually explicit nudity or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or offers for sale of sexual devices.
8. **Adult Theater:** A building or a room within a building, open to the general public, used for presenting motion picture film, video tape, or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.
9. **Aerodrome:** refers to *any* surface used for take off or land.
10. **Agri-Business:** A retail establishment located on the same property as the farm, and which functions as an outlet for farm and related products which are supplementary or compatible with the farm products. This definition excludes temporary agri-business (4 months or less) using no buildings or structures and agri-business using buildings or structures of 500 square feet or less.
11. **Agriculture:** The tilling of the soil, the raising of crops, horticulture, gardening and animal husbandry.
12. **Agricultural Purposes:** The use of a tract of land of more than one and one-half (1.5) acres in size for the purpose of active cultivation or animal husbandry.
13. **Airfield and/or Airstrip:** May also be used to refer to a facility that has nothing more than a runway.

14. **Airport:**
- a) A tract of leveled land where aircraft can take off and land, usually equipped with hard-surfaced landing strips, a control tower, hangars, aircraft maintenance and refueling facilities, and accommodations for passengers and cargo; licensed by the responsible government organization (ie FAA) and maintained to high safety standards.
 - b) Such an installation in which the landing area is on water.
 - c) The terms air field and airstrip.
15. **Alley:** A minor street privately or publicly owned, primarily for service access to the rear or side of properties.
16. **Alterations:** As applied to a building or structure, a change or rearrangement in the total floor area, in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing height, or the moving from one location or position to another.
17. **Alterations, Structural:** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
18. **Animal Hospital:** A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits and birds or fowl by a veterinarian.
19. **Apartment:** A dwelling unit within a multiple dwelling. This classification includes apartments in apartment houses, apartment hotels, bachelor apartments, studio apart-apartments and kitchenette apartments. Conversion apartments are not included in this classification.
20. **Apartment House:** A building consisting of three (3) or more dwelling units.
21. **Applicant:** A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors, or assigns.
22. **Application for Development:** Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction, or development, including but not limited to an application for a zoning permit, for the approval of a subdivision plat or plan or for the approval of a development plan.
23. **Area, Building:** The total of areas taken on a horizontal plane at the main grade

level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

24. **Bed and Breakfast Inn:** A single-family residence or portion thereof containing guest rooms which are used by guests where rent is paid in money, goods, labor or otherwise. No more than 30% of the total floor area of the building shall be used for sleeping areas for guest occupancy.
25. **Block:** A tract of land bounded by three (3) or more streets, not less than 500 feet and not more than 1,600 feet in any one direction.
26. **Boarding House:** Any dwelling in which more than three (3) persons either individually or as families are housed or lodged more or less on a permanent basis for compensation with or without meals. A rooming house or a furnished room house shall be deemed a boarding house.
27. **Board of Supervisors:** The South Newton Township governing body. Also referred to as the “Board” or the “Supervisors.”
28. **Buffer Zone:** A strip of land established to protect one type of land use from another with which it is incompatible.
29. **Builder's Affidavit of Compliance:** A notarized statement showing that an applicant has complied with the terms of this Ordinance and completed a South Newton Township form noting the location, address, date and cost of the contract construction work on building and related development.
30. **Building:** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels, and including covered porches or bay windows and chimneys.
31. **Building, Detached:** A building surrounded on all sides by open space on the same lot.
32. **Building Line:** A line usually fixed parallel to the front, side or rear lot line beyond which a building cannot extend under the terms of this Ordinance. It is equivalent to the setback or yard line.
33. **Building Permit/Zoning/Land use:** a permit issued by the South Newton Township Zoning Officer.
34. **Building Semi-Detached:** A building which has only one (1) party wall in common.
35. **Building, Height:** The vertical distance measured from the average elevation of

the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

36. **Building Setback Lines:** Lines parallel to and set back from a street right-of-way line or the lot line if there is no street which lines delineate the required minimum distance between a structure and that property or street line.
37. **Business Services:** Business Services shall include and not be limited to banks, credit unions, loan companies, real estate and insurance agencies, utility offices, and business and professional offices.
38. **Camper Unit:** A tent or camping vehicle which can be temporarily located on a campsite for transient dwelling purposes.
39. **Camp Ground:** A parcel of land used by campers for seasonal, recreational, or other similar temporary living purposes, in buildings of a movable, temporary, or seasonal nature; a travel trailer camp or travel trailer court, but not a mobile home park. Occupancy shall not exceed six (6) months of the year.
40. **Campsite:** A plot of ground within a campground intended for occupation by a camper unit.
41. **Carport:** A covered space, open or up to three (3) sided for the storage of one (1) or more vehicles and accessory to a principal or accessory building.
42. **Cartway:** The paved surface of a street or road available for vehicular traffic.
43. **Clean Wood:** Natural wood that has no paint, stain or other types of coatings, and natural wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.
44. **Certificate of Use and Occupancy:** The certificate issued by the Zoning Officer 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 building in its several parts, together with any special stipulations or conditions of the zoning permit.
45. **Child Day Care Center:** The licensed premises in which care is provided at any one time for six (6) or more children unrelated to the operator. The child day care center is strictly for the care of children.
46. **Clear Sight Triangle:** An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.
47. **Cluster Development:** An area of land in single ownership to be developed as a

residential community in which the dimensions of individual lots may be reduced to preserve common open space, recreation areas and environmentally sensitive areas, provided however, the overall development density does not exceed the development density allowed by the respective zoning district.

48. **Common Open Space:** A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the particular development, not including streets, off-street parking areas, and areas set aside for public facilities.
49. **Conditional Use:** A use of land or buildings within a given district permitted only with approval of the Board of Supervisors. Such approval may be subject to express standards and criteria or additional conditions and safeguards as are deemed necessary by the Board of Supervisors.
50. **Conversion Apartment:** A dwelling unit created by a residential conversion of a single-family detached dwelling.
51. **County:** Cumberland County, Pennsylvania.
52. **Coverage, Lot:** That portion or percentage of the plot or lot area covered by the buildings, paved areas, or other hard surface areas which do not normally absorb rainfall or are impervious.
53. **Curb Level:** The officially established grade of the curb as required by the South Newton Township Subdivision and Land Development Ordinance.
54. **Curb Line:** The outside edge of the shoulder.
55. **DEP:** Pennsylvania Department of Environmental Protection.
56. **Developer:** Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.
57. **Development:** A subdivision of land or land development.
58. **Development Plan:** The provisions for development, including a planned residential development, a plot of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways, parking facilities, common open space and public facilities. The phrase "Provisions of the Development Plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.
59. **Dismantled And Non-Operable Vehicle:** A vehicle which does not display the

current Pennsylvania State Inspection Certification or Pennsylvania State registration or is manifestly incapable of being locomotive in its existing condition located on the premises for 30 days or longer.

60. **Drive - In Business:** A commercial establishment or activity where patrons are served with food, soft drinks, ice cream, and similar confections or where patrons are provided with professional, commercial, or personal services, outside the confines of the principal building, or in vehicles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided for the patrons. Drive-in theatres shall be included provided they do not show adult-rated entertainment.
61. **Driveway:** A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.
62. **Dwelling:** A building or structure designed for living quarters for one (1) or more families, but not including hotels, rooming houses, or other accommodations used for transient occupancy.
63. **Dwelling Unit:** One (1) or more rooms used for living and sleeping purposes and having sanitary sewage facilities and a kitchen with fixed cooking facilities arranged for occupancy by one (1) family or a single person. This unit shall have separate access to the outside.
64. **Dwelling Group:** A group of two (2) or more single-family, two family, or multi-family dwellings occupying a lot in one ownership.
65. **Dwelling Multi-Family:** A building or portion thereof containing three (3) or more dwelling units and used for occupancy by three (3) or more families living independently.
66. **Dwelling Single-Family detached:** A building used by one (1) family, having only one dwelling unit and having two (2) side yards and one each front and rear yards.
67. **Dwelling, Single-Family, Semi-detached:** A building used by one (1) family, having one (1) side yard and one (1) party wall in common with another building.
68. **Dwelling, Single-Family, Attached (Row):** A building used by one (1) family and having two (2) party walls in common with other buildings (such as rowhouse or townhouse).
69. **Dwelling Two Family Detached:** A building used by two (2) families, with one (1) dwelling unit arranged over the other and having two (2) side yards.
70. **Dwelling, Two Family, Semi-Detached:** A building used by two (2) families,

with one (1) dwelling unit arranged over the other, having one (1) side yard and one (1) party wall in common with another building.

71. **Easement:** A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.
72. **Engineer, Township:** A registered professional engineer in Pennsylvania designated by the municipality to perform the duties of engineer as herein specified.
73. **Engineer, Registered:** A person duly registered as a Professional Engineer by the Commonwealth of Pennsylvania.
74. **EPA:** United States Environmental Agency.
75. **Essential Services:** The erection, construction, alteration, or maintenance, by public utilities, municipal or other governmental agencies or private corporations under contract to a municipality, of gas, electrical, telephone, steam, sewer or water transmission or distribution systems including but not limited to: wells, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic light signals, hydrants, and other similar equipment and accessories and services in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or private corporations under contract to a municipality.
76. **Essential Service Buildings:** Any structure and area which serves as the location for storage, distribution, maintenance and/or repair of facilities and/or equipment associated with the operation of a public utility (including other governmental agencies or private corporations under contract to a municipality and responsible for provision of an essential service). Essential service buildings include, but are not limited to the following: sewer pump stations, recycling centers, firehouses, fire companies and emergency service stations, police stations, associated storage yards and like uses.
77. **Family:** One (1) or more persons who live in one (1) dwelling unit and maintain a common household. May consist of a single person or of two (2) or more persons, whether or not related by blood, marriage, or adoption.
78. **Family Child Day Care Home:** A home other than a child's own home, operated for profit or not-for-profit, in which child day care is provided at any one time for as many as six children unrelated to the operator.
79. **Farm:** Any parcel of land which is used for gain in the raising of agricultural

products, livestock, poultry or dairy products, including necessary farm structures and the storage of equipment customarily incidental to the primary use.

80. **Flood:** A temporary inundation of normally dry land areas and is associated with the following:
- a. **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. The area specifically identified in This Ordinance as a Flood Hazard (FH) subject to flooding by the 100-Year Flood. Included would be areas identified on Federal Emergency Management Agency Maps and other documents as Floodway (FW), Flood Fringe Area (FF) and General Floodplain (FA).
 - b. **Flood Prone Area** - A relatively flat or low land area adjoining a stream, river or watercourse, which is subject to partial or complete inundation; or, any area subject to partial or complete inundation; or, any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.
 - c. **Floodproofing** - any combination of structural and non-structural additions, changes, or adjustments and structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.
 - d. **Floodway** - the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude.
 - e. **One Hundred (100) Year Flood** - a flood level having an average frequency of once in one hundred (100) years.
 - f. **Regulatory Flood Elevation** - the One Hundred (100) Year Flood Elevation, plus a freeboard safety factor of one and one-half (1-1/2') feet.
81. **Foster Care Boarding Home:** A foster care boarding home for children (children and adolescents) is to provide a family size facility licensed by the local and state welfare agencies to provide care and 24-hour supervision for children who for various reasons cannot reside with their families.
82. **Garden Apartments:** A multi-family dwelling, containing one (1) story dwelling units, under one (1) ownership.
83. **Glare:** The effect produced by light with an intensity sufficient to cause

annoyance, discomfort, or loss in visual performance and visibility.

84. **Governing Body:** Shall mean the Board of Supervisors of South Newton Township, Cumberland County, Pennsylvania.
85. **Gross Residential Density:** The number of dwelling units per acre computed by dividing the total site area into the total number of proposed dwelling units. Total site area includes land area of easements **and right-of-ways**.
86. **Ground Floor:** The floor of a building nearest the mean average grade of the front of the building.
87. **Group Child Day Care Home:** A home in which care is provided at one time for more than six (6) but fewer than sixteen (16) older school-age level children, or more than six (6) but fewer than thirteen (13) children of another age level who are unrelated to the operator. A home in which care is provided for children, unrelated to the operator, during day light hours and of age 15 and under.
88. **Group Home:** A small supervised residential facility, as for mentally ill people or others in which residents typically participate in daily tasks and are often free to come and go on a voluntary basis. A residence for persons requiring 24 hour home care, assistance or supervision.
89. **Habitable Floor Area:** The sum of the gross horizontal interior areas of all rooms used for habitation, such as living room, dining room, kitchen or bedroom, hallways, but not including stairways, cellars, attics, or unheated areas such as enclosed porches or rooms. This area shall be a minimum of 900 square feet.
90. **Home Occupation:** An accessory use customarily conducted within a dwelling or in a building accessory thereto providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling or accessory building, and no goods are publicly displayed on the premises other than signs as provided herein. Provided, however, that such accessory use shall not occupy more than thirty percent of the floor area used for dwelling purposes. A home occupation is owned and operated by residents. The owner/operator may hire up two (2) persons in addition to those persons residing in said dwelling. The following uses allowed as home occupations include: architectural service, art studio, babysitting (including family day care homes but excluding child day care centers and group child day care homes), consulting services, contracting; data processing; dental technician with laboratory; direct sale product (Avon, Tupperware, Herbalife); drafting and graphic services; dressmaking; sewing, tailoring, contract sewing; electronic services; engineering services; financial planning and investment services; flower arranging; gardening and landscape maintenance; home crafts (including ceramics); house cleaning

service; insurance sales or broker; interior design; jewelry making or jeweler; laundry or ironing service; locksmith; mail order (not including retail sales from site); real estate sales or broker; sales representative (office only); security service, security systems, or auto security systems; swimming pool cleaning; telephone answering, switchboard, or call forwarding; tutoring; typing or word processing service; wallpapering; watch repair; beauty salons or barber shops; and writing or computer programming.

91. **Hotel:** A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building as an accessory use.
92. **Hub Height:** Means the distance measured from the surface of the tower foundation to the highest point of the Wind Turbine hub, to which the blade is attached.
93. **Improvements:** Physical additions and changes to the land that may be necessary to produce usable and desirable lots.
94. **Industrial Park:** An industrial park is an industrial area:
 - a. Organized and laid out in accordance with an overall plan for a community of industries including the servicing of these industries, and;
 - b. Designed to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks, and use requirements.
95. **Industry:** The manufacturing, compounding, processing, assembly, or treatment of materials, articles, or merchandise.
96. **Intensive Agricultural Use:** Any activity which exceeds any of the following thresholds:
 - a. Any agricultural operation involving more than 10 acres in total area of operation.
 - b. Any activity which maintains livestock at a rate of more than one animal equivalent unit per five acres, exclusive of all poultry to fowl.
 - c. Any activity which maintains poultry or fowl at a rate of more than one-half animal equivalent unit per acre.
 - d. Any activity which involves the deposit of manure or sludge on areas exceeding one gross acre, which do not also involve any substantial farming or agricultural activity on the same site.
97. **Junk:** Discarded material, such as glass, rags, paper, metal, or household

rubbish, some of which may be reused in some form.

98. **Junk Yard**: Any premises on which any junk is abandoned, bailed, bartered, sold, bought, brought, bundled, deposited, disassembled, disposed of, exchanged, handled, kept, stored or transported, regardless of whether or not such activity is done for profit.
99. **Land Development**: Any of the following activities:
- a. The improvement of one (1) or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (i) A group of two (2) 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
 - (ii) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
 - b. A subdivision of land.
 - c. Excluded from this definition of land development are the following:
 - (i) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium; or
 - (ii) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - (iii) The addition or conversion of buildings or rides within the confines of an enterprise considered to be an amusement park. For purposes of this sub clause, an amusement park is defined as a tract or area used principally as the location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for an expanded area have been approved by proper authorities.
100. **Landowner**: The legal or beneficial owner of land including the holder of an

option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in the land, shall be deemed to be a landowner for the purpose of this Ordinance.

101. **Landscaping:** Changing, rearranging or adding to the original vegetation or scenery on a parcel of land, for the purpose of this Ordinance, landscaping is composed primarily of trees, shrubs and other plantings which serve to provide aesthetic appeal and to safeguard public health, safety and welfare, buffer between uses, controlling erosion, reducing glare, lowering temperature, softening sound, diverting wind and reducing pollutants.
102. **Livestock and Fowl:** Any member of the Bovine, Equine, or Porcine species including confined domestic rabbits, horses, mules, ponies, cows, pigs, steer, sheep and goats.
103. **Loading Space:** An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.
104. **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.
105. **Lot Area:** The area contained within the property lines of a lot as shown on a subdivision plan **including** space within any public right-of-way or easement.
106. **Lot, Corner:** A lot at the junction of and abutting on two (2) or more intersecting streets, public or private, or at the point of abrupt change of a single street, public or private, where the interior angle is less than one hundred and thirty-five degrees (135°) and the radius of the street line, public or private, is less than one hundred feet (100').
107. **Lot. Coverage:** See definition #52, Coverage, Lot.
108. **Lot. Depth Of:** The average horizontal distance between the front and rear lot lines.
109. **Lot Through or Double Frontage:** A lot with front and rear street frontage.
110. **Lot Interior:** A lot other than a corner lot.
111. **Lot Lines:** The lines bounding a lot as defined herein.
112. **Lot, Minimum Width:** The mean horizontal distance between the side lot lines

of a lot measured at right angles to the depth and located at the front building setback line. It is also the same distance measured at a point midway between the front and rear lot lines, or at the rear interior line of the required front yard, especially on irregularly shaped lots.

113. **Lot, Non-Conforming:** A lot, the area or dimension of which, was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the Zoning District in which it is located by reasons of such adoption or amendment.
114. **Lot of Record:** A lot which has been created by plan or deed or both and has been recorded in the Office of the Recorder of Deeds of Cumberland County, Pennsylvania.
115. **Lot, Reverse Frontage:** A lot extending between, and having frontage on an arterial street and a minor street, and with vehicular access solely from the latter.
116. **Manufactured Houses:** Any housing unit constructed within a factory and delivered wholly or in part (i.e., modular units and double widens), to a site and ready for occupancy with a minimum amount of assembly and setup. This includes housing units covered by HUD Code of Manufactured Homes and Mobile Homes.
117. **Mediation:** A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties create and consider acceptable.
118. **Minor Repair:** The replacement of existing work with equivalent material for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam of bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety. This is addressed in the Floodplain Area Overlay District.
119. **Mixed Occupancy:** Occupancy of a building or land for more than one use.
120. **Mobile home:** A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor

and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation, including manufactured houses. This does not include recreation or travel trailers, unless they are placed on site and remain for more than 180 days.

121. **Mobile home Lot:** A parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.
122. **Mobile home Park:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.
123. **Motel:** A group of attached or detached buildings containing sleeping and living units with accessory facilities designed for temporary use by automobile transients or tourists, including auto courts, motor lodges and similar establishments.
124. **Municipality:** The Township of South Newton, Cumberland County, Pennsylvania.
125. **Non-conforming Lot:** See definition #108 Lot, Non-Conforming.
126. **Non-conforming Structure:** A structure or part of a structure manifestly not designed to comply with applicable use or extent of use Provisions in a Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such Ordinance or Amendment or prior to the application of such Ordinance or Amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, non-conforming signs.
127. **Non-conforming Use:** A use, whether of land or of structure which does not comply with the applicable use Provisions in a Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was Lawfully in existence prior to the enactment of such Ordinance or Amendment, or prior to the application of such Ordinance or Amendment to its location by reason of annexation.
128. **Non-Participating Landowner:** Means any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.
129. **Non-Phase 2 outdoor wood –fired boilers:** An OWB that has not been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32

pounds per million British Thermal Units (Btu) output or lower and is labeled accordingly

130. **Nursery, Horticulture**: Any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the primary use.
131. **Occupied Building**: Means a residence, school, hospital, church, public library, commercial building or other building used for public gathering that is occupied or in use when the permit application is submitted.
132. **Office Building**: A building designed or used primarily for office purposes, no part of which is used for manufacturing, or for dwelling other than by a watchman or janitor.
133. **Office, Professional**: A building or an area within a building used for carrying on of a profession.
134. **Older School-Age Child**: A child from the 4th grade of a public or private school through fifteen (15) years of age.
135. **Open Space**: The unoccupied space open to the sky on the same lot with the building not including any improvements.
136. **Outdoor wood-fired boiler (OWB)**: Also known as outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor hydronic heaters, water stoves, etc. A fuel-burning device:
 1. Designed to burn clean wood or other approved solid fuels;
 2. That the manufacturer specifies for outdoor installation or for installation in structures not normally intended for habitation by humans or domestic animals, including structures such as garages and sheds; and
 3. Which heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze
137. **Panhandle Lot**: A lot created out of an existing parcel of land using a private driveway for vehicular access and not meeting minimum lot width as required by this Ordinance. Also known as a flag lot.
138. **Parking Lot**: An open lot where passenger vehicles may be stored for short term, daily, or overnight off-street parking.
139. **Parking Space**: The space within a building, or on a lot or parking lot, for the parking or storage of one (1) motor vehicle.

140. **Pennsylvania Sewage Facilities Act** (35 P.S. 750.1 - 750.20): An act requiring that municipalities submit for Pennsylvania Department of Environmental Protection approval comprehensive sewage facilities plans for the provision of adequate sewage facilities, which provides for the revisions of said plans whenever new land developments are being proposed and which provides for the regulation of individual and community sewage systems.
141. **Person**: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
142. **Personal Care Boarding Home**: A personal care boarding home (elderly, mentally or physically disabled adults) is to provide for safe, humane, comfortable and supportive residential setting for persons who require assistance beyond the basic necessary requirements of food and shelter, but who do not need hospitalization, or skilled or intermediate nursing care.
143. **Personal Services**: Personal services shall include and not be limited to barber shop, beauty shop, tailor shop, laundromat, dry cleaning centers, furrier, haberdashery, interior decorator, photographer, shoe repair, taxidermist, funeral home, millinery, custom dressmaker, caterer, art studio and fine arts school.
144. **Personal Stand-Alone Wind Turbine**: A wind turbine constructed primarily for the generation of electricity that will be used on the property upon which the Wind Turbine is located in accordance with Article IX.
145. **Phase 2 outdoor wood-fired boiler**: an outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million Btu output and is labeled accordingly. Phase 2 outdoor wood-fired boiler models will be indentified with a white hang tag.
146. **Planned Residential Development**: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and non-residential uses, the development plan for which does not correspond in lot size, bulk or type of dwelling, or use, density, or intensity, lot coverage and required common open space to the regulations established in any one district created, from time to time, under the provisions of this Ordinance.
147. **Planning Commission**: The South Newton Township, Cumberland County, Planning Commission.
148. **Plat**: Subdivision or land development plan or map, whether preliminary or final.

149. **Principal Building or Structure:** A building or structure in which is conducted the principal use of the lot on which the building or structure is located.
150. **Principal Solar Energy System:** An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.
151. **Public Grounds:** Parks, playgrounds, trails, paths and other recreational areas and sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities, publicly owned and operated scenic and historic sites.
152. **Public Hearing:** A formal meeting held pursuant to public notice by the governing body or planning commission, intended to inform and obtain public comment prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.
153. **Public Meeting:** A meeting held pursuant to notice under the Sunshine Act.
154. **Public Notice:** Notice published once each week for two (2) 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 thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
155. **Public Sewer:** A sanitary sewer system owned and/or operated by a municipality or a municipal authority approved and permitted by the Pennsylvania Department of Environmental Protection.
156. **Public Water:** A water supply system, owned and/or operated by a municipality or a municipal authority, approved and permitted by the Pennsylvania Department of Environmental Protection.
157. **Recreation Vehicle:** Tent trailers, campers, travel trailers, and motor homes which provide for eating and/or sleeping for one (1) or more persons are classified as recreational vehicles.
158. **Rehabilitation or Halfway Home:** A rehabilitation or halfway home (delinquent children or adults) is to provide a home-like setting in which persons live while

receiving therapy and counseling for any of the following purposes:

- a. To assist them to recuperate from the effects of drugs or alcohol.
 - b. To assist them to be housed under the supervision while under the constraints of alternatives to imprisonment including, but not limited to, pre-release, work-release, and probationary programs, provided the occupants shall not be permitted without professional supervision. This facility may be sponsored by a public or private agency, but shall be licensed to operate.
159. **Renewable Energy Source:** Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.
160. **Residential Conversion:** The alteration of an existing single family detached dwelling, garage or barn, to accommodate two (2) or more dwelling units.
161. **Re-Subdivision:** Any re-platting or re-subdivision of land limited to change in lot lines on an approved final plan or recorded plan.
162. **Retail Business:** Retail business shall include but not be limited to variety stores, apparel stores, drug stores, grocery stores, eating establishments, antique shops, music shops, sporting goods stores, book, stationary, magazines, candy and tobacco shops, but excluding drive-in carry-out or fast-food businesses.
163. **Retirement Village:** An establishment designed to serve the housing needs of older persons in a continuum of care environment through facilities which relate both to dependent and independent persons, which facilities may include independent living units, sheltered care units, nursing care units, and related support services.
164. **Riding Stable:** 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.
165. **Right-of-Way:** An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of, but not limited to, vehicles and pedestrians.
166. **Salvage yard:** See definition #93 Junkyard.
167. **Screening:** The use of planting or landscaping materials, fencing, walls and/or similar devices to aid in the concealment of such features as parking areas and

vehicles within them or open storage areas, and to provide privacy between two or more different land uses which abut one another.

168. **Screen Planting**: Vegetative materials used to provide screening as required and specified by this Ordinance.
169. **Setback**: The required horizontal distance between a setback line and a property or street line.
- a. **Setback, Front** - the distance between the street right-of-way line and the front setback line projected the full width of the lot. Commonly called "front yard".
 - b. **Setback, Rear** - the distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called "rear yard".
 - c. **Setback, Side** - the distance between the side lot line and the side setback line projected from the front setback line to the rear setback line. Commonly called "side yard".
170. **Sewage**: A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals; a substance harmful to the public health, to animal or aquatic life, or to the use of water for domestic water supply or for recreation; or a substance which constitutes pollution under the Clean Streams Law (35 P.S. § 691.1 - 691.1001).
171. **Sewage Enforcement Officer**: The official of the Township who issues and reviews permits applications and conducts the investigations and inspections as are necessary to implement the Pennsylvania Sewage Facilities Act (35 P.S. § 750.1 - 750.20) and the regulations thereunder.
172. **Shadow Flicker**: Means alternating changes in light intensity caused by a moving wind rotor blade casting shadows on the ground and stationary objects.
173. **Shopping Center**: A group of stores planned and designed to function as a unit for the lot on which it is located, with off-street parking provided as an integral part of the unit.
174. **Shoulder**: That portion of the street, exclusive or bordering the traveled way, designed for parking or emergency use, but not ordinarily to be used for vehicular travel.
175. **Sight Distance**: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic as

defined by our Subdivision and Pennsylvania Department of Transportation Regulations.

176. **Sign:** Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including the following:
 - a. Flags and insignias of any governmental agency or civic, charitable, religious, fraternal or similar organization.
 - b. Legal notices, identification, informational, or directional signs erected or required by governmental bodies.
 - c. Signs which are solely devoted to prohibiting trespassing, hunting, or fishing.
177. **Sign, Area Of:** The total of each surface area used for the purpose of identifying the product is, activities, and/or apprising the public of the location of such enterprise.
178. **Sign, Business:** A sign which directs attention to a use conducted, product or commodities sold or service performed upon the premises.
179. **Sign, Commercial Advertising Or "Billboard":** An advertising sign, structure or symbol erected and maintained by an individual or corporation upon which space there is displayed by means of painting, posting or other method, advertising copy describing a wide variety of products or services which are not necessarily made, produced, assembled, stored, or sold from the lot or premises upon which the advertisement is displayed.
180. **Sign, Directional:** A sign which directs people to: a community; an event of public interest; public uses and buildings; uses and buildings of service and charitable organizations; and uses and buildings of commercial nature provided that no advertising matter other than identifying name or symbol shall be contained on signs of this type.
181. **Sign, Free-standing:** A sign supported by uprights or braces placed upon or in the ground and not attached to a building.
182. **Sign Projecting:** A sign which is attached to a building or other structure and extends beyond the line of a building or structure or beyond the surface of that portion of the building or structure to which it is attached.
183. **Solar Easement:** A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written

instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

184. **Solar Energy**: Radiant energy (direct, diffuse and/or reflective) received from the sun.
185. **Solar Energy System**: An energy conversion system or device, including any structural design features and all appurtenances and parts thereof, whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for water heating and/or for electricity.
186. **Solar Panel**: That part or portion of a solar energy system containing one or more receptive cells or units, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.
187. **Solar Related Equipment**: Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.
 1. **Solar Array**: A grouping of multiple solar modules with purpose of harvesting solar energy.
 2. **Solar Cell**: The smallest basic solar electric device which generates electricity when exposed to light.
 3. **Solar Module**: A grouping of solar cells with the purpose of harvesting solar energy.
188. **Spark Arrester**: A device (located at the top of a chimney) to prevent sparks, ember or other ignited material above a given size from being expelled to the atmosphere.
189. **Special Exception**: The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with standards and criteria established in this Ordinance. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to implement the purpose of the Zoning Ordinance.
190. **Stack**: A vertical structure enclosing a flue or flues that carry off smoke or exhaust from a furnace, especially that part of a structure extending above a roof.
191. **Story**: That portion of any building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the

space between such floor and the ceiling next above it.

192. **Story, Half:** A story under a gable, hip, or gambrel roof, the wall plates of which at least two (2) opposite exterior walls are not over two feet (2') above the finished floor of such story.
193. **Street:** Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.
- a. **Arterial Street** - a major street or highway with fast or heavy traffic volumes of considerable continuity, and used primarily as a traffic artery for travel between high density living areas over long distances.
 - b. **Collector Street** - a street or highway which carries traffic from minor streets to arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development.
 - c. **Minor Street** - a street used primarily for access to abutting properties.
 - d. **Cul-De-Sac** - a street intersection with another street at one end and terminating at the other in a vehicular turn-around.
 - e. **Marginal Access Street** - a minor street which is parallel and adjacent to limited access highways or arterial streets and which provides access to abutting properties and protection from traffic.
194. **Structure:** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to land.
195. **Subdivider:** The owner or the authorized agent of the owner of a lot, tract or parcel of land to be subdivided for sale or development under the terms of This Ordinance.
196. **Subdivision:** The division or re-division of a lot, tracts, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other division 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 more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. Provided, however, that both the sub-divider and the proposed purchaser or transferee of the tract in question shall file with the Board an affidavit executed before a notary public or statement detailing the proposed use of the tract and a

statement that the purchaser or transferee has no present intention to use the tract of land in the future for other than agricultural purposes.

197. **Tower**: A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications.
198. **Township**: The Township of South Newton, Cumberland County, Pennsylvania.
199. **Turbine Height**: Means the distance measured from the surface of the tower foundation to the highest point of a Wind Rotor blade when the blade is positioned at 90 degrees to the surface of the ground.
200. **Undeveloped Land**: Any lot, tract or parcel of land which has not been graded or in any other manner improved or prepared for subdivision or land development or for construction of any kind.
201. **Use**: The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "Permitted Use" or its equivalent shall not be deemed to include any non-conforming use.
202. **Variance**: The permission granted by the Zoning Hearing Board for an adjustment to some regulation which if strictly adhered to would result in an unnecessary physical hardship, where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of this Ordinance.
203. **Watercourse**: A stream of water, river, brook, creek or channel of a perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
204. **Wind Energy Facility**: Means an electric generating facility, whose main purpose is to supply electricity to off-site customers, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmissions lines and other appurtenant structures and facilities.
205. **Wind Energy Facility Owner** Means the entity or entities having a legal or equitable interest in the Wind Energy Facility, including the respective successors and assigns.
206. **Wind Energy Operator** Means the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

207. **Wind Turbine:** Means 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.
208. **Yard:** Any open space located on the same lot with a building, unoccupied and unobstructed from the ground level up except for projections or structures allowed in such open space under the provisions of this Ordinance.
209. **Yard, Buffer:** A yard covered with vegetation and intended to provide an area of separation between different districts or uses.
210. **Yard, Exterior:** An open, unoccupied space between the buildings of a dwelling group or its accessory buildings and the project boundary or street line.
211. **Yard, Front:** An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the right-of-way line and the building setback line projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building setback line and the right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.
212. **Yard, Interior:** An open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not a front, side, or rear yard.
213. **Yard, Rear:** An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the building setback line projected to the side lines of the lot. The depth of the rear line of the building setback line shall not extend into the required rear yard.
214. **Yard, Side:** An open unoccupied space on the same lot with the building situated between the building setback line and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.
215. **Zoning Map:** The map setting forth the boundaries of the Zoning Districts of South Newton Township which shall be part of this Ordinance.

ARTICLE II

ESTABLISHMENT OF DISTRICTS

Section 2.1 List of Districts

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

- (C) Conservation District
- (A) Agricultural District
- (R) Residential District
- (C-I) Commercial/Industrial District

Section 2.2 Official Zoning Map

Boundaries of the said districts are hereby established as shown on the "South Newton Township Zoning Map", which accompanies, and which, with all explanatory matter thereon to include notations, references, and revisions, is hereby adopted and made a part of this Ordinance. A copy of said map, indicating the latest amendments, shall be kept up to date for the use and benefit of the public in the offices of the Township, County and the Tri-County Regional Planning Commission.

Section 2.3 Rules for Interpretation of District Boundaries

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

- A. Where district boundaries are indicated as approximately following the center lines of streets, highways, watercourses, or railroad rights-of-way or such lines extended, such center lines shall be constructed to be such boundaries. Boundaries of districts will be marked where practical.
- B. Where such boundaries are indicated as approximately following the property lines of parks or other publicly-owned lands, such lines shall be constructed to be such boundaries.
- C. In all cases where dimensions are not shown on the Zoning Map, the location of boundaries shown on the map shall be determined by the use of the scale appearing thereon.
- D. Where district boundaries approximately follow municipal boundary lines, they shall be constructed as following such municipal limits.

- E. In case of uncertainty for circumstances not covered by the foregoing sections as to the true location of a district boundary line in a particular instance, the determination thereof shall be made by the Zoning Officer. An appeal may be taken to the Zoning Hearing Board for interpretation of district boundaries.

Section 2.4 Application of District Regulations

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

- A. No building shall be erected, moved, altered, rebuilt, or enlarged nor shall any land or building be used or arranged to be used for any purpose or in any manner except in conformity with all regulations, requirements, and restrictions specified in this Ordinance for the district for which such building or land is located.
- B. No yard or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.
- C. No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith, and the remaining lot comply with all requirements prescribed by this Ordinance for the district in which said lot is located. No building permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with all the provisions of this Ordinance.
- D. Nothing contained in this Ordinance shall require any change in the plans, construction, or designated use of buildings complying with local laws in force prior to this Ordinance, if the following is found to exist:
 - 1. A zoning permit shall have been duly issued prior to the date of the first publication of notice of the public hearing on this Ordinance.
 - 2. The entire building shall have been constructed in accordance with such plans as have been filed with the Township and shall have been completed within one (01) year from the effective date of this Ordinance; or
 - 3. A non-conforming use permit has been issued by the Township.
- E. Any list of prohibited uses contained in any section of this Ordinance shall not be deemed to be an exhaustive list, but has been included for the purpose of clarity and emphasis, and to illustrate, by example, some of the uses frequently proposed that are deemed undesirable and incompatible and thus prohibited. A landowner who, on substantive grounds, desires to challenge the applicability of this Ordinance or the approved zoning maps or any provision thereof which prohibits or restricts the use of development of lands in which they have an interest shall

submit such challenge to either the Township Zoning Hearing Board or Board of Supervisors whichever has been granted jurisdiction over such challenge by Section 909.1 of the Pennsylvania Municipalities Planning Code.

Section 2.5 District Legal Descriptions

SOUTH NEWTON TOWNSHIP RESIDENTIAL DISTRICT

BEGINNING at the centerline of the Ritner Highway, thence south along the eastern property line of Steven Hollenbaugh, thence west along the southern property line of Steven Hollenbaugh, thence southerly along the eastern property lines of Lester Robinson, and R.G. Bowermaster, thence southeast along the eastern property line of R.G. Bowermaster, thence westerly along the northern property line of Alvin Leid to the center of Stoughstown Road, thence northwest along the center of Stoughstown Road to the center of the Ritner Highway, thence northeast along the centerline of Ritner Highway to a point the **POINT OF BEGINNING**.

BEGINNING at the intersection of Hammond Road and the southern right-of-way line of Interstate 81, thence northeast along the southern right-of-way line of Interstate 81 to the western property line of John Bixler, thence southeast along the western property line of John Bixler to the southern property line of John Bixler, thence northeast along the southern property line of John Bixler, thence southeast along the western property line of John Bixler and the eastern property line of the Jacksonville Cemetery to the center of the Walnut Bottom Road, thence northeast along the centerline of the Walnut Bottom Road to the eastern property line of Sarah Franklin and the western property line of Preston and Ronald Baker, thence south along the western property line of Preston and Ronald Baker the northern right-of-way line of the Norfolk Southern Railroad, thence southwest along the northern right-of-way line of Norfolk Southern Railroad to the Southampton Township boundary line, thence northwest along the Southampton Township boundary line to the center of the Walnut Bottom Road, thence northeast along the centerline of the Walnut Bottom Road to the western property line of James Miller, thence northwest along the western property line of James Miller, Delores Traxler, and Wilmer Durff, thence northeast along the northern property line of Wilmer Durff to the center of Hammon Road, thence northwest along the centerline of Hammond Road to the southern right-of-way line of Interstate 81 the **POINT OF BEGINNING**.

**SOUTH NEWTON TOWNSHIP
COMMERCIAL INDUSTRIAL DISTRICT**

BEGINNING at a point on the Southampton Township boundary line and the southern right-of-way line of Interstate 81, thence northeast along the southern right-of-way line of Interstate 81 to the center of Hammond Road, thence southeast along the center of Hammond Road to the northern property line of Wilmer Durff, thence southwest along the northern property line of Wilmer Durff, thence southeast along the western property lines of Wilmer Durff, Delores Traxler, and James Miller to the center of the Walnut Bottom Road, thence southwest along the center of the Walnut Bottom Road to the Southampton Township boundary line, thence northwest along the Southampton Township boundary line to the southern right-of-way line of Interstate 81 the **POINT OF BEGINNING**.

**SOUTH NEWTON TOWNSHIP
CONSERVATION DISTRICT**

BEGINNING at a point on the Penn Township boundary line, thence southeast along the Penn Township boundary line to a common corner of Penn Township and Southampton Township, said corner being located on the Adams County line, thence northwest along the Southampton Township boundary line to the north side of Sandbank Road, thence northeast through the Michaux State Forest and along the northern property line of James Conner, thence northeast along the same line through lands of Evelyn Crusey and along the southern property line of Steven Hershey to the center of Furnace Hollow Road, thence northeast through land of Evelyn Crusey to the center of Horse Killer Road, thence northeast along the southern property lines of Ronald Baker and Richard Meily, thence northwest along the eastern property line of Richard Meily to the southern property line of Harold Wilson, thence northeast along the southern property line of Harold Wilson to the center of High Mountain Road, thence along the southern property lines of Joseph Widra, Jr., Lawrence Reiff and Lloyd Reiff, thence northeast continuing along the same line and through the property of Howard Brown to the Penn Township boundary line the **POINT OF BEGINNING**.

SOUTH NEWTON TOWNSHIP AGRICULTURAL DISTRICT

BEGINNING at common boundary corner of Southampton and North Newton Township at the center of the Ritner Highway, thence northeast along the center of the Ritner Highway and North Newton Township to the intersection of Ritner Highway and Stoughstown Road, thence southeast along the center of Stoughstown Road to the northern property line of Alvin Leid, thence northeast along the northern property line of Alvin Leid, thence northwest along the eastern property line of R.G. Bowermaster, thence north along the eastern property lines of R.G. Bowermaster and Lester Robinson, thence east along the southern property line of Steven Hollenbaugh, thence north along the eastern property line of Steven Hollenbaugh to the center of the Ritner Highway, thence northeast along the centerline of the Ritner Highway to the Penn Township boundary line, thence southeast along the Penn Township boundary line to a point in the property of Howard Brown, thence southwest through lands of Howard Brown and along the southern property lines of Lloyd Reiff, Lawrence Reiff, and Joseph Widra, Jr. to the center of High Mountain Road, thence southwest along the southern property line of Harold Wilson, thence southeast along the eastern property line of Richard Meily, thence southwest along the southern property line of Richard Meily and Ronald Baker to the center of Horse Killer Road, thence through lands of Evelyn Crusey to the center of Furnace Hollow Road, thence southwest along the southern property line of Steven Hershey, through the Evelyn Crusey property and along the northern property line of James Conner to the Southampton Township boundary line on the north side of Sandbank Road, thence northwest along the Southampton Township boundary line to the southern right-of-way line of the Norfolk Southern Railroad, thence northeast along the southern right-of-way line of the Norfolk Southern Railroad, thence north crossing the Norfolk Southern Railroad and along the western property line of Preston and Ronald Baker to the center of the Walnut Bottom Road, thence southwest along the center of the Walnut Bottom Road to the eastern property line of the Jacksonville Cemetery, thence northwest along the eastern property line of the Jacksonville Cemetery and the western property line of John Bixler, thence southwest along the southern property line of John Bixler, thence northwest along the western property line of John Bixler and crossing Interstate 81 to the northern right-of-way line of Interstate 81, thence southwest along the northern right-of-way line of Interstate 81 to the Southampton Township boundary line, thence northwest along the Southampton Township boundary line to the center of the Ritner Highway the **POINT OF BEGINNING**.

ARTICLE III

DISTRICT REGULATIONS

Section 3.1 Conservation (C) District

- A. **Intended Purpose:** The purpose of the Conservation (C) District is to encourage the preservation of the natural amenities of the mountainous area of South Newton Township consistent with the characteristics or the prevailing open environment within South Newton Township.
- B. **Permitted Uses:** Within the Conservation (C) District, the following uses shall be permitted as a matter of right:
1. Conservation, forestry and related operations and timbering as regulated by Section 5.16.
 2. Single-family detached dwellings.
 3. Public parks, playgrounds and open space.
 4. Essential services.
 5. Accessory uses and buildings customarily incidental to a permitted use.
 6. Recreational cabins used as a residence for more than six months each calendar year.
- C. **Special Exception Uses:** The following uses shall be permitted by special exception upon approval of the Zoning Hearing Board pursuant to a public hearing. Uses by special exception shall be subject to the criteria and requirements established in Article VII and elsewhere in this ordinance.
1. Outdoor recreational facilities and organizations such as private playgrounds, fishing and hunting clubs, swimming clubs, golf clubs, tennis courts and similar activities as regulated in Section 5.24.
 2. Campgrounds and trailer or recreational vehicle camps as regulated in Section 5.25.
 3. Essential service buildings as regulated in Section 9.5.
 4. Bed and breakfast residence or inn as regulated in Section 5.15.A.

D. Conditional Uses:

1. Residential Wind Power as regulated in Section 8.14.
2. Residential Solar Power as regulated in Section 8.13.
3. Adult bookstores and theaters regulated in Section 9.3.
4. Home occupations as regulated in Section 5.15.B.
5. Mobile homes pursuant to Section 5.8 with a habitable floor area of 900 square feet.

E. Prohibited Uses:

1. Commercial Wind Power
2. Commercial Solar Power

F. Lot Area and Related Regulations:

All uses unless otherwise stated require:

1. Minimum

Lot size	5 acres for residential and all other purposes
Lot width	200 feet
Lot depth	200 feet
Front yard	50 feet
Each side yard	25 feet
Rear yard	25 feet
Off street parking	2 spaces per dwelling unit. See Section 5.5 for all other uses.
Open space	80 percent
Habitable floor area	1200 square feet

2. Maximum

Building height	Not greater than 35 feet or less than 1 story
Lot coverage	20 percent

Section 3.2 Agricultural (A) District

- A. **Intended Purpose:** The purpose of the Agricultural (A) District is to encourage the continued use of land for agricultural purposes and permit those other uses

which are compatible with agricultural operations and to permit low-density development.

B. Permitted Uses: Within the Agricultural (A) District, the following uses shall be permitted as a matter of right and where practical performance standards as set forth in Section 5.10: will be applied.

1. Conservation, agriculture and agriculturally related operations including timbering as regulated in Section 5.16.
2. Single-family detached dwellings.
3. Individual mobile homes as regulated in Section 5.8.
4. Churches or similar places of worship.
5. Home occupations as regulated in Section 5.15.B.
6. Riding stables.
7. Public parks, playgrounds and open space.
8. Essential services.
9. Residential conversions as regulated in Section 5.18.
10. Accessory apartments as regulated in Section 5.19.
11. Child day care centers and group child day care homes as regulated in Section 5.20.
12. Personal care boarding homes as regulated in Section 5.21.
13. Foster care boarding homes as regulated in Section 5.21.
14. Public and private schools.
15. Accessory uses and buildings customarily incidental to a permitted use.
16. Seasonal farm stands, less than one hundred forty-four square feet for sale of produce only.
17. Cabinet making and furniture making.

- C. **Conditional Uses:** The following uses shall be permitted as a conditional use when authorized by the Board of Supervisors. The Board of Supervisors shall hear and decide requests for such uses according to the criteria and regulations established in Article VIII and elsewhere in this ordinance including where applicable performance standards as set forth in Section 5.10.
1. Agri-business as regulated in Section 8.4.
 2. Tanning and storage of rawhides, skins and fat rendering, slaughterhouses, stockyards and fertilizer plants as regulated in Section 8.7.
 3. Metal fabrication, welding and equipment repair as regulated in Section 8.4 B-H.
 4. Building contractors who are engaged at least in part with the construction or renovation of farm homes, barns, or other farm related structures as regulated in Section 8.12.
 5. Auction businesses which are engaged at least in part with the public sale of agricultural real estate, residences located in an agricultural zone, personal property and equipment. The business may also be engaged with the sale of non-agricultural real estate, equipment and personal property, but will be able to serve the agricultural community located in South Newton Township subject to regulations set forth in Section 8.12.
- D. **Special Exception Uses:** The following uses shall be permitted by special exception upon approval of the Zoning Hearing Board pursuant to a public hearing. Uses by special exemption shall be subject to the criteria and requirements established in Article VII and elsewhere in this ordinance including where applicable performance standards as set forth in Section 5.10.
1. Outdoor recreational facilities and organizations such as private playgrounds, fishing and hunting clubs, swimming clubs, golf clubs, tennis courts and similar activities as regulated in Section 5.24.
 2. Campgrounds, trailer or recreational vehicle camps as regulated in Section 5.25.
 3. Essential service buildings as regulated in Section 9.5.
 4. Bed and breakfast residence or inn as regulated in Section 5.15.A.
 5. Mining as regulated in Section 8.11.

6. Manufacturing, subject to the provision of public water and sewer services, including the following or similar applications: and the standards set forth in Sections 4.6, 8.7, 8.8 and 8.9 as applicable.
 - a. Agricultural and processed food products.
 - b. Textile, leather, rubber and paper products.
 - c. Stone, clay and glass products.
7. Intensive Agricultural Use:
 - a. All grazing areas shall be fenced.
 - b. No manure storage shall be located within 100 feet of any lot line.
 - c. The Township shall require a copy of the provision of an approved nutrient management plan.
 - d. The maximum number of animal units per acre may be increased with the provision of a nutrient management plan.

E. Lot Area and Related Regulations:

1. Minimum

Lot size	1.5 acres residential use, 5 acres for all other purposes
Lot width	200 feet
Lot depth	200 feet
Front yard	50 feet
Each side yard	25 feet
Rear yard	25 feet
Off street parking	2 spaces per dwelling unit. See Section 5.5 for all other uses.
Open space	80 percent
Habitable floor area	900 square feet

2. Maximum

Building height	Not greater than 35 feet or less than 1 story
Lot coverage	20 percent

- F. On all subdivision and land development plans involving residential lots in the Agricultural Zone, the Owner shall place an Agricultural Nuisance Notice on said plan. The notice shall be in the form as follows:

Agricultural Nuisance Disclaimer – All lands within the Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, “The Right to Farm Law,” may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted with this Zone shall require a note which duplicates this section and which must be transferred to the purchaser by the seller.

Section 3.3 Residential (R) District:

- A. **Intended Purpose:** The purpose of the Residential (R) District is to provide reasonable standards for harmonious development; development of residences, apartments, townhouses, professional offices, financial institutions, retail businesses and small commercial enterprises; and other uses which are compatible with residential housing; to provide for public convenience and to avoid traffic congestion problems.
- B. **Permitted Uses:** Within the Residential District, the following uses shall be permitted as a matter of right where applicable performance standards as set forth in Section 5.10: will be applied.
1. Single-family detached dwellings.
 2. Individual mobile homes as regulated in Section 5.8.
 3. Essential services.
 4. Residential conversions as regulated in Section 5.18.
 5. Accessory apartments as regulated in Section 5.19.

6. Single family semi-detached dwellings (duplexes).
7. Multi-family dwellings (apartments) as regulated in Section 5.22.
8. Attached single-family dwellings (townhouses) as regulated in Section 5.23.
9. Accessory uses and buildings customarily incidental to a permitted use.
10. Bed and breakfast residence or inn as regulated in Section 5.15.A.
11. Home occupations as regulated in Section 5.15.B.

C. **Conditional Uses:** The following uses shall be permitted as a conditional use when authorized by the Board of Supervisors. The Board of Supervisors shall hear and decide requests for such uses according to the criteria and requirements established in Article VIII and elsewhere in this ordinance.

1. Residential Wind Power as regulated in Section 8.14.
2. Residential Solar Power as regulated in Section 8.13.
3. Horses used for transportation.
4. Retirement villages as regulated in Section 8.5.

D. **Prohibited Uses:**

1. Commercial Wind Power as regulated in Section 8.14.
2. Commercial Solar Power as regulated in Section 8.13.

E. **Special Exception Uses:** The following uses shall be permitted by special exception upon approval of the Zoning Hearing Board pursuant to a public hearing. Uses by special exception shall be subject to the criteria and requirements established in Article VII, Article IX and elsewhere in this ordinance and where applicable performance standards as set forth in Section 5.10

1. Financial institutions.
2. Child day care centers and group child day care homes as regulated in Section 5.20.
3. Personal care boarding homes as regulated in Section 5.21.
4. Foster care boarding homes as regulated in Section 5.21.
5. Public and private schools.
6. Professional and administrative offices.

7. Churches or similar places of worship.
8. Public parks, playgrounds and open space.
9. Government buildings.
10. Grocery stores.
11. Drug stores.
12. Personal service shops.
13. Public swimming pools.
14. Recreation areas and structures operated by membership clubs for the benefit of their members and not for gain.
15. Mobile home parks as regulated in Section 9.2.

F. Lot Area and Related Regulations:

1. Minimum

Lot size	1 acre for residential or 2 acres for all other uses
Lot width	150 feet
Lot depth	150 feet
Front yard	30 feet
Each side yard	15 feet
Rear yard	15 feet
Off street parking	See Section 5.5
Open space	70 percent
Habitable floor area	900 square feet
Accessory buildings	5 feet

2. Maximum

Building height	Not greater than 35 feet or less than 1 story
Lot coverage	30 percent

ARTICLE IV

COMMERCIAL-INDUSTRIAL DISTRICT (CI)

Section 4.1 Purpose of the Commercial-Industrial District

The purpose of the Commercial Industrial District is to provide logistical locations for the orderly development of those areas necessary to meet the community needs of the Township and surrounding area for goods and services of a general commercial nature.

The District is also intended to permit and encourage limited industrial development that will or can be made compatible with surrounding residential or farm areas. It is further intended that the standards of this District will constitute a harmonious and appropriate development, contribute to the economic base and otherwise carry out the purposes of this District.

Section 4.2 Statement of Legislative Intent

- A. Provide for reasonable mixture of automobile-oriented commercial uses that will contribute to attractive and reasonable development within the District.
- B. Promote appropriate building location and design standards, which will help create attractive developments and accommodate future roadway improvements or projects.
- C. Permit uses, which can reasonably be accommodated by the existing road network in the interchange area. Discourage uses that would have the potential of requiring extensive and premature interchange area capacity improvements.
- D. Ensure that appropriate on-site improvements are included in commercial development projects within the Commercial-Industrial District.
- E. Create development patterns that are efficient in design and which will focus industrial transportation needs on major roadways instead of in residential neighborhoods.
- F. Require new development to be adequately buffered from nearby residential land uses to ensure the maximum compatibility between land uses.
- G. Provide performance standards for industrial uses that ensure that the off-site impacts of industrial operations on surrounding non-industrial areas are minimized.

- H. Require land coverage, building and facilities design and buffering arrangements that are compatible with the rural characteristics of South Newton Township while, at the same time, allowing for an intensity of land use typical of industrial facilities.
- I. Protect the health, safety, welfare and property values of nearby residential areas from the incompatible effects sometimes associated with contemporary industrial, manufacturing, and processing operations by requiring the sensitive placement, careful design, and appropriate setback of these types of facilities within the rural environment.
- J. Where applicable the performance standard set forth in Section 5.10.

Section 4.3 Permitted Uses:

1. Retail, rental, or both, of goods, excluding adult-related uses;
2. Laboratories for scientific or industrial research and development;
3. Shops for contractors of plumbing, welding, heating, air conditioning, electrical, roofing, flooring, glass and swimming pools and hot tubs, and other structural components of buildings;
4. Industrial uses involving processing, packaging, production repair or testing of materials, goods and products, including those industries performing conversion, assembly or non-toxic chemical operations;
5. Retail services;
6. Offices;
7. Banks and similar financial institutions;
8. Restaurants and taverns;
9. Health and fitness clubs;
10. Communication antennae;
11. Churches and related uses subject to the standards of this Ordinance;
12. Accessory uses customarily incidental to the above permitted uses;
13. Forestry;
14. Farm equipment, sales and service;
15. Dance or art studios;
16. Hospital, clinics;
17. Greenhouses, nursery.
18. Agricultural, horticultural and forestry-related uses;
19. Public uses and public utilities structures;
20. Recycling collection facilities, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, and the facility is posted to prohibit the disposal of any material, good or furnishing that cannot be placed within the actual recycling bin;
21. Warehousing, distribution centers, industrial parks;
22. Wholesale trade establishments;

- 23. Personal services shops: barber, beauty, shoe, dry cleaning;
- 24. Public entertainment facilities;
- 25. Specialty shops;
- 26. Vehicle repair garages;
- 27. Veterinary offices and animal hospital;

Section 4.4 Conditional Uses

- A. Amusement arcades;
- B. Automobile, bus, boat, motorcycle, snowmobile, trailer, mobile home, truck, farm and excavation machinery, and heavy equipment sales and service facilities;
- C. Automobile filling stations;
- D. Billboards;
- E. Car washes;
- F. Commercial recreation facilities;
- G. Commercial schools and day-cares;
- H. Communication towers and equipment;
- I. Fast-food restaurants;
- J. Dry cleaners, laundries and laundromats;
- K. Farmers/flea markets;
- L. Funeral homes, mortuaries;
- M. Home improvement and building supply stores;
- N. Hotels, motels and similar lodging facilities;
- O. Intensive commercial and industrial uses;
- P. Junkyards;
- Q. Mini-warehouses;
- R. Principal waste handling facilities;
- S. Recycling stations;
- T. Shopping centers;
- U. Truck stop or motor freight terminals;
- V. Vocational-mechanical trade schools;
- W. Airports, airstrips;
- X. Boarding houses;
- Y. Fuel storage and supply;
- Z. General manufacturing;
- AA. Light manufacturing;
- BB. Racetracks, vehicular and animal;
- CC. Outdoor recreational use;
- DD. Solid waste-water disposal site;
- EE. Supermarkets;
- FF. RV camp or campgrounds.

Section 4.5 Lot Area, Lot Width and Lot Coverage Requirements

A. Lot Area

For commercial-industrial, the minimum lot area shall be five (5) acres.

All other uses, the minimum lot area shall be one (1) acre.

B. Minimum Lot Width

Two hundred (200) feet at the street right-of-way line for lots containing five (5) to ten (10) acres.

Three hundred (300) feet at the street right-of-way line for lots of more than ten (10) acres.

C. Minimum Setback Requirements

1. Front yard – All buildings and structures (except permitted signs) shall be set back at least fifty (50) feet from the street right-of-way, off-street parking lots shall be set back a minimum of twenty (20) feet from the street right-of-way; no outdoor loading area nor outdoor storage area may be located within the front yard;
2. Side yard – All buildings and structures shall be set back at least twenty-five (25) feet from the side lot lines. Access drives, off-street parking lots, loading areas, and outdoor storage areas shall be set back at least fifteen (15) feet from the side lot lines. Where joint access drives, parking facilities, loading facilities, outdoor storage, or any combination thereof, is shared by adjoining uses, or where two buildings share such joint use adjoin, the applicable side yard setbacks may be waived;
3. Rear yard – All buildings, structures, off-street parking lots, loading areas, and outdoor storage areas shall be set back at least twenty (20) feet from the rear lot line; and,
4. Residential buffer strip – Any lot adjoining land in residential use or residential zoning shall maintain a fifty foot setback for commercial and industrial buildings, structures, off-street parking lots, loading areas, and outdoor storage areas from parcels in residential use or zoning, unless separated by a street. Such areas shall be used for a landscape strip and screen.

D. Maximum Lot Coverage

Sixty (60%) percent unless otherwise specified in the Use Regulations.

E. Maximum Permitted Height

Sixty (60) feet

F. Access Drive Requirements

All access drives shall have twenty (20) feet landscape strips when adjoining a residential use or district.

G. All uses permitted in this Zone shall also comply with the general provisions in this Ordinance.

Section 4.6 Commercial and Industrial Standards

A. General

The Board of Supervisors desires to provide standards for the operation of industrial and commercial uses within the Township in order to protect the health, safety and welfare of Township residents, workers at such establishments, and visitors to the Township. Public health and safety shall be maintained through control of noise, vibrations, dust, and particulate emissions, sulfur oxides, smoke, odor, toxic matter, detonable materials, fire hazards, glare heat, radioactive radiation, liquid or solid wastes, and electromagnetic radiation. The Board of Supervisors also seeks to protect the public health and safety by imposing traffic and access controls to lessen the possibility of vehicular accidents and landscaping and screening requirements to provide a buffer area to the use and to discourage trespassing.

The Board of Supervisors also seeks to protect the public through the requirement of a plan of success in the event of emergency conditions to allow police, fire fighters and rescue personnel to gain access to the premises efficiently and safely.

A commercial impact assessment together with a traffic impact study will be required by the Board of Supervisors.

B. Building Requirements

Exclusive of the arrival, departure, loading, unloading and parking of permitted vehicles, all business, servicing, manufacturing, or processing of materials, goods, or products shall be conducted within completely enclosed buildings.

C. Storage

1. Storage shall be permitted outdoors, but the items stored shall not be visible from a public right-of-way. Outdoor storage within five hundred (500) feet of

a residential district boundary shall be effectively screened by a solid wall, fence, or planting so that the materials shall not be visible from the residential district.

2. All organic rubbish or storage shall be in airtight, vermin-proof containers.

D. Noise

1. Noise shall be measured with a sound level built in accordance with specifications of the American National Standards Institute.
2. Measurements are to be made at any point located five (5) feet from any dwelling or occupied structure. The maximum decibel level shall be sixty-seven (67).
3. Blasting is permitted only between the hours of 9:00 a.m. and 5:00 p.m. prevailing time standard.
4. Operations shall not cause and exceed a maximum noise level of sixty-seven (67) decibels measured five (5) feet from any dwelling or from any utilized accessory use on the property from which the noise complaint originated. Upon the Township receiving any complaint of excessive operational noise coming from the quarry, the Township shall request a qualified field representative from the Pennsylvania Department of Environmental Protection to measure the decibel level in accordance with the above. If the noise level exceeds sixty-seven (67) decibels, the Owner or Operator as the case may be, shall be given ten (10) days within which to submit to the Township a plan to reduce the noise level below sixty-seven (67) decibels and shall be given ninety (90) days within which to implement its plan. If the Owner or Operator, as the case may be, does not alleviate the problem within said ninety (90) day time period, the Township shall be permitted to require those measures necessary to reduce the noise level at the location the maximum was exceeded to a level below sixty-seven (67) decibels. The noise level shall be measured using a calibrated device approved for such use by the Pennsylvania Department of Environmental Protection.
5. Transportation vehicles traveling in and out of the site shall not be required to comply with the maximum noise level stated in Subparagraph c. above, but rather, shall be governed by applicable Federal EPA standards and regulations applicable to licensed vehicles operating on public highways.

E. Vibration

1. Vibration shall be measured at or beyond any adjacent lot line or zoning district line as indicated below and such measurements shall not exceed the

particle velocities so designated. The instrument used for these measurements shall be a three (3) component measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.

2. Table II designates the applicable columns of Table III that apply on or beyond adjacent lot lines within the zone, and on or beyond appropriate district boundaries. Vibration shall not exceed the maximum permitted particle velocities in Table III. Where more than one (1) set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.

TABLE II

	<u>Abutting Zoning District</u>	<u>Adjacent Lot Line</u>
C-I – Commercial-Industrial	A	B

TABLE III

Maximum Peak Particle Velocity – In/Sec

<u>Vibration</u>	<u>A</u>	<u>B</u>
Steady State	0.02	0.10
Impact	0.04	0.20

3. The maximum particle velocity shall be the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously. Particle velocity in inches multiplied by the frequency in cycles per second.
4. For purposes of this Zoning Ordinance, steady-state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minutes. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

F. Dust and Particulate

1. The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues, or other opening or any process, operation, or activity within the boundaries of any lot shall not exceed the levels set forth below. Emissions of dust and particulate shall be in accordance with the Commonwealth of Pennsylvania Rules and Regulations governing air contamination and air pollution. In case of conflict, the most restrictive shall apply.

2. The emission rate of any particulate matter in pounds per hour from any single stack shall be determined by selecting a continuous four (4) hour period which will result in the highest average emission rate.
3. Particulate matter emission from materials or products subject to becoming windborne shall be kept to a minimum by paving, oiling, wetting, covering, or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles of bulk material such as coal, sand, cinders, slag, sulfur, etc.
4. The maximum emission rate of dust and particle matter from all stacks shall be 2.0 pounds per hour per acre of lot area.

G. Sulfur Dioxides

1. Emission of oxides of sulfur (as sulfur dioxides) from combustion and other processes shall be limited in accordance with the standard of 1.0 pounds per hour per acre of lot area and may be computed from the sulfur analysis in the fuel or from known test data of sulfur oxides emission.

H. Smoke

1. For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used. However, the Umbrascope readings of smoke may be used when correlated with Ringelmann's Chart.
2. The emission of smoke darker than Ringelmann No. 1 from chimney, stack, vent, opening, or combustion process is prohibited. However, smoke of a shade not to exceed Ringelmann No. 3 is permitted for up to three (3) minutes total in any one (1) eight (8) hour period.

J. Toxic Matter

1. The ambient air quality standards for the Commonwealth of Pennsylvania shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the Commonwealth of Pennsylvania, the release of such materials shall be in accordance with the fractional quantities permitted below, of those toxic materials currently listed in the Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hour sampling period.

2. The release of airborne toxic matter shall not exceed 1/30 of the threshold limit value beyond the district boundary line.

K. Detonable Materials

1. Activities involving the storage, utilization, or manufacture of products which decomposed by detonation shall include but not be limited to all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMS, PETN, and picric acid; propellants and components thereof, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35) percent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.
2. The storage, utilization, or manufacture of materials or products which decompose by detonation is limited to five (5) pounds. Quantities in excess of five (5) pounds of such materials may be stored or utilized, but not manufactured.

L. Fire Hazard Solids

1. The storage, utilization, or manufacture of solid materials which are active to intense burning (also known as flammable solids) shall be conducted within walls having a fire resistance no less than two (2) hours or protected by an automatic fire extinguishing system or the building wall shall be no less than seventy-five (75) feet from all lot lines. The outdoor storage of such materials shall not be closer than one hundred (100) feet from all lot lines.
2. The storage, utilization, or manufacture of solid materials which are active to intense burning (also known as flammable solids) shall be conducted within walls having a fire resistance no less than two (2) hours or protected by an automatic fire extinguishing system or the building wall shall be no less than seventy-five (75) feet from all lot lines. The outdoor storage of such materials shall not be closer than one hundred (100) feet from all lot lines.
3. The storage, utilization, or manufacture of flammable solid shall meet all the requirements of the National Fire Protection Association's Fire Protection Handbook latest edition, and the National Fire Codes, latest edition.

M. Fire Hazard Liquids and Gases

1. The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original sealed containers (60 gallons or less), which shall be unrestricted.
2. The storage, utilization or manufacture of LPG, including the location or replacement of storage vessels shall be according to the regulations and requirements of the Propane and Liquefied Petroleum Gas Act (35 P.S. § 1329).
3. The storage, utilization or manufacture of flammable liquids or gases shall meet all the requirements of the National Fire Protection Association's Fire Protection Handbook, latest edition, and the National Fire Codes, latest edition.
4. The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in the following Table IV:

ARTICLE V

SUPPLEMENTARY REGULATIONS

Section 5.1 Accessory Building Regulations

- A. Accessory structures attached to the principal building shall be considered a part of the principal building for purposes of this Ordinance. All accessory buildings must be according to the principal use on the same lot.
- B. An accessory building not attached to the principal building may be located in the required side or rear yard provided:
 - 1. Such building shall not occupy more than thirty (30) percent of the required rear yard or side yard.
 - 2. An accessory building may be placed in a front yard pursuant to a conditional use application approved by the Township Board of Supervisors.

Section 5.2 Height Regulations

- A. Chimneys, flues, towers, spires, cupola domes, pole masts, antennas, and windmills and related structures shall be exempt from height limitations of this Ordinance provided their location is not in the required yard. Windmills and related structures shall be placed a distance from all lot lines equal to the structure's height.
- B. Structures used in the operation of agricultural activities shall be exempt from height regulations.

Section 5.3 Yard and Lot Regulations

- A. Corner Lots:
 - 1. Front yards are required on both streets' frontages, and one yard other than the front yards shall be deemed to be a rear yard, and the other (or others) side yards.
 - 2. No obstructions to vision exceeding thirty (30) inches in height above street level shall be erected or maintained within a one hundred (100) feet clear site triangle formed by the centerline of intersecting streets.

B. Front Yard Exception:

No principal building need have a front setback greater than the average front setback of the two existing dwellings with the greatest set-backs located within one hundred (100) feet on each side of the said proposed dwelling, on the same side of the street, within the same block, and the same district. This shall also apply to a proposed dwelling bounded on one side by several existing dwellings and on the other side by no dwellings. However, in no event shall the front yard be less than fifteen (15) feet.

C. Exemptions to Yard Requirements:

Cornices, cantilevered roofs and other ornamental or structural features may project not more than three (3) feet into a required yard.

D. Existing Small Lots:

A lot owned individually and separately and separated in ownership from any adjoining tracts of land on the effective date of this Ordinance, which has a total lot area or lot width less than prescribed in this Ordinance, may be used provided such lot shall be developed in conformity with all applicable district regulations other than the minimum lot area, lot width and side yards. Existing small lots meeting the above stipulation shall comply with the following:

1. Side yards shall be a minimum of ten (10) feet.
2. Rear yard shall be a minimum of fifteen (15) feet.
3. Front yard shall be in accordance with applicable district front yard requirements.

E. Through Lots:

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

F. Panhandle lots.

G. Exceptions to Yard Requirements. In instances where front, rear, or side yards of an existing conforming structure ** do not meet minimum requirements, alterations or improvements to that structure are permitted, provided the alterations or improvements do not extend further into the front, rear, or side yard than the existing structure.

** Conforming structure is one which houses a permitted use.

Section 5.4 Private Outdoor Swimming Pools

A zoning permit shall be granted for the installation or construction of a private outdoor swimming pools on the same lot as the principal residence subject to the following conditions:

- A. Such pool may be erected in the required side or rear yard, but not in the required front yard.
- B. In all zoning districts the edge of such pool including deck shall not be located nearer than ten feet (10') to any lot line.
- C. Any in ground pool or above ground pool with a surface area of one hundred and fifty (150) square feet or more or a depth in excess of two (2) feet shall be completely surrounded by a child-proof barrier, wall or fence that is not less than four (4) feet in height. All gates or doors or other openings through said fence shall be erected, maintained and provided with a self-closing, self-latching door to prevent unauthorized use of the pool and to prevent accidents and all other regulations required by the State Wide Building Code.

Section 5.5 Parking Regulations

- A. Schedule of Parking Requirements:

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

OFF-STREET PARKING SPACE REQUIREMENTS

<u>Use</u>	<u>Required Parking Spaces</u>
1. Auctions, Repeated	1 for each 500 sq. ft. of lot area
2. Laundry	5 for each laundry machine
3. Automobile Sales & Service Garage	1 for each 400 sq. ft. of floor area
4. Banks or Professional Offices	1 for each 300 sq. ft. of floor area

5.	Bowling Alleys	5 for each alley
6.	Churches and Schools	1 for each 3.5 seats in an auditorium or for each 17 classroom seats, whichever is greater
7.	Community Building & Special Halls	1 for each 100 sq. ft. of floor area
8.	Driving Ranges & Miniature Golf	1 for each tee
9.	Dwellings	2 for each family or dwelling unit
10.	Food Supermarkets	1 for each 200 sq. ft. of floor area
11.	Funeral Homes, Mortuaries	10 for each parlor
12.	Furniture or Appliance Stores	1 for each 200 sq. ft. of floor area
13.	Hospitals, Nursing, Convalescing Home	1 for each 3 beds, plus 1 for each employee
14.	Hotels - Motels	1 space for each sleeping unit
15.	Manufacturing plants, Research or Testing laboratories, Bottling Plants	1 for each 1,000 sq. ft. of floor area, plus 1 for each 4 employees in the maximum work shift. The total parking area shall not be less than 25% of the building floor area.
16.	Medical or Dental Offices	5 spaces for each doctor or dentist
17.	Restaurants, or Night Clubs	1 for each 2.5 seats.
18.	Retail stores and shops	1 for each 300 sq. ft. of floor area, where the floor exceeds 1,000 sq. ft.
19.	Rooming Houses and Dormitories	1 for each bedroom
20.	Service Stations	2 for each service bay
21.	Sports Arenas, Auditoriums Theatres, Assembly Halls	1 for each 3.5 seats
22.	Trailer Sales	1 for each 2,500 sq. ft. of lot area
23.	Wholesale Establishment or Warehouses	1 for each 2 employees on maximum shift. The total parking area shall not be less than 25% of the building floor area
B.	Areas Computed as Parking Spaces:	Areas which may be computed as open or

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

C. Size of Spaces:

Minimum parking stall width shall be ten (10) feet; minimum length shall be twenty (20) feet.

D. Large Parking Areas:

In parking areas of one-half (1/2) acre or more, at least five (5) percent of the total area shall be devoted to landscaping within the interior of the parking area as recommended by the township engineer.

E. Access:

Unobstructed access to and from a street shall be provided. Such access shall consist of at least one (1) ten (10) foot lane for parking areas with less than twenty (20) spaces and at least two (2) ten (10) foot lanes for parking areas with twenty (20) spaces or more. No entrance or exit for any off-street parking area shall be located within fifty (50) feet of any street intersection.

F. Drainage and Surfacing:

All open parking areas shall be covered with a durable and dust free surface and shall be so graded to dispose of all surface water anticipated within the area.

G. Joint Facilities:

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

H. Minimum Distances:

No non-residential off-street parking shall be closer than ten (10) feet to the principal structure or closer than ten (10) feet to any side or rear lot line. This parking area must be on the same or nearby premises not to exceed 300 feet in distance.

I. Screening and Landscaping:

Off-street parking areas for more than five vehicles shall be landscaped as defined in this Ordinance on each side, which is visible from adjacent occupied residences.

J. Handicapped Parking Requirements:

Five (5) percent of all off-street parking spaces required by this Section shall be designed for and designated as handicap parking. Handicap parking spaces shall at a minimum be fourteen (14) feet wide and twenty (20) feet long and shall be visually identified as handicapped parking.

Section 5.6 Off-Street Loading Requirements

Off-street loading berths, open or enclosed, are required and permitted accessory to any use other than residential uses, subject to the following minimum provisions:

A. Size of Spaces:

Each loading berth shall be at least twelve (12) feet wide, thirty-three (33) feet long, and fourteen (14) feet high.

B. Location and Access:

Unobstructed access, at least ten (10) feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory. No entrance or exit for any off-street loading area shall be located within fifty (50) feet of any street intersection. No off-street loading berth shall be located in any front yard or within ten (10) feet of any side or rear yard adjoining a residential district boundary or residential use.

Section 5.7 Storage of Mobile Homes. Trailers. Boats and Dismantled or Non-Operable Vehicles

- A. No mobile home, trailer or boat shall be stored in any district between the building setback line and the street line of an occupied lot. Any dismantled or non-operating vehicles undefined in this ordinance must be parked in the driveway of the residence or to the rear of their primary residence. No more than two (2) of these non-operating vehicles will be permitted on any property unless they are enclosed in a building. Any other vehicle beyond two (2) non licensed or operating vehicles must have current registration and inspections in order to be parked outside a building or the property.

- B. Where a zoning permit has been issued for the construction or alteration of a building, a temporary permit for one mobile home or camping trailer may be issued for a period not to exceed six (6) months. Said temporary permit may be extended for one additional period of six (6) months if it can be shown that construction has been diligently pursued and that justifiable circumstances require such an extension. Said residence may be occupied during the term of the temporary permit and shall be situated upon the lot for which the zoning permit has been issued.

Section 5.8 Individual Mobile Homes

Foundation requirements: the area of the mobile home stand shall be improved to provide an adequate foundation for the placement of the mobile home, thereby securing the superstructure against uplift, sliding or rotation.

- A. The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, or other forces acting on the superstructure.
- B. The mobile home stand shall be provided with anchors and tie-downs, such as cast-in-place concrete, "dead-men" eyelet's imbedded in arrowhead anchors, or other devices securing the stability of the mobile home.
- C. Anchors and tie-downs shall be placed at least at each corner of the mobile home stand, and each shall be able to sustain a minimum tensile strength of two thousand and eighty (2,080) pounds.
- D. An enclosure of compatible design and materials shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- E. All installations must conform to the requirements of the State Wide Building Code.

Section 5.9 Signs

- A. Prohibited signs:
 - 1. Signs, which use words such as STOP, LOOK, DANGER, YIELD, or any similar words, phrase, symbols, lights or characters in such a manner as to interfere with or mislead or confuse traffic.
 - 2. Signs which by reason of size, location, coloring or manner of illumination obstruct the vision of drivers, including:

- a. signs erected with a hundred (100) feet clear site triangle of intersecting streets.
 - b. signs obstructing vision when entering or leaving a roadway from a driveway.
 - c. signs detracting from the visibility or effectiveness of any traffic sign or signal on public streets or roads.
3. Signs which use a series of two or more free standing signs placed parallel to the highway carrying a single advertising message, part of which is contained on each sign.
 4. Signs illuminated by flashing, intermittent, or rotating light.
 5. Signs placed upon the roof of a building.
 6. Billboards or similar outdoor advertising signs which advertise products or businesses not connected with the site or building shall be prohibited.

B. General Standard Applying to All Signs:

1. No sign shall be located in the established right-of-way on any street or highway.
2. All signs shall be five (5) feet shorter than the tallest principal building.
3. Signs shall not project beyond property lines.
4. All signs shall be removed within thirty (30) days after the circumstances leading to their erection no longer apply. After the thirty (30) day period, the Township may remove any such sign and charge the property owner for the costs incurred.
5. No sign shall illuminate a light source greater than four (4) foot candles in any direction as measured by a foot candle meter 10 feet from such sign.

C. Specific Regulations for Certain Permitted Signs:

1. Signs advertising the sale or rental of the premises upon which they are erected, when erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided:
 - a. the size of any such sign is not in excess of six (6) square feet, and

- b. not more than two signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.
2. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer or other person interested in such sale or development, may be erected and maintained, provided:
 - a. the size of any such sign is not in excess of twenty (20) square feet, and
 - b. not more than two (2) signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.
3. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder or agent may be erected and maintained, provided:
 - a. the size of any such sign is not in excess of six (6) square feet and not in excess of four (4) feet in length, and
 - b. not more than one such sign is erected on each one thousand (1,000) feet of street frontage.
4. Signs of mechanics, painters, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided:
 - a. the size thereof is not in excess of six (6) square feet, and
 - b. such signs are removed promptly upon completion of the work.
5. Signs indicating the private nature of a driveway or trespassing signs, provided that the size of any such sign shall not exceed two (2) square feet.
6. Signs of schools, colleges, churches, hospitals, sanitariums, or other institutions of a similar nature may be erected and maintained, provided:
 - a. the size of any such sign is not in excess of twenty (20) square feet, and
 - b. not more than two signs are placed on a property in single and separate ownership, unless such property fronts upon more than one street, in

which event two such signs may be erected on each frontage.

7. Signs advertising the sale of farm products when permitted by this Ordinance, provided:
 - a. the size of any such sign is not in excess of six (6) square feet, and
 - b. not more than two signs are used.
 - c. the signs shall be displayed only when such products are on sale.
8. Signs advertising home occupations shall be not larger than four (4) square feet, bearing the name, phone number and occupation conducted within the dwelling, and shall be limited to one (1) sign per frontage.
9. Signs necessary for the identification, operation, and protection of the public utility facilities, providing the size thereof is not in excess of two (2) square feet.
10. Signs to identify construction and development programs of State, Federal, and other public agencies.
11. Signs as an accessory to a conditional use or a special exception:
 - a. No sign shall have a gross surface area of more than one hundred (100) square feet, except that where only one surface of such sign is visible, the gross surface area shall be reduced by fifty (50%) percent.
 - b. Signs shall be parallel to the face of the building and shall not project more than six (6) inches beyond the face of the building; provided, however, that whenever a building is located more than thirty-five (35) feet back from the right-of-way, one free standing sign shall also be permitted. Such free-standing sign shall not be located closer than ten (10) feet to any building.
12. Banners will be permitted for special events for no more than sixty (60) consecutive days.
13. Signs placed on mobile trailers may not be used to promote businesses not located on the property. A sign may not be placed at one location for more than sixty (60) days and cannot be used at that location again during that calendar year.

D. Existing Non-conforming Signs:

Existing signs may be continued provided that such signs conform to the general requirements as set forth in Section 5.9 of this Ordinance.

E. Violations:

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

Section 5.10 Performance Standards

A. All uses shall be undertaken and maintained in accordance with the respective zoning district regulations including the regulations of this section. Specifically, all uses shall operate in conformance with the limitations set forth below:

1. Standards, rules and regulations imposed by the Pennsylvania Department of Environmental Protection shall be met and/or followed.
2. Noise - at no point on or beyond the boundary of any lot shall the sound pressure level, resulting from any use of activity whether open or enclosed, (except noise not directly under control of the property user, noises resulting from the construction and maintenance of buildings and facilities including site preparation, the noises of safety signals, warning devices, railroads, and automobile traffic) exceed the maximum permitted decibel levels for the designated octave band as set forth in the table below:

<u>Octave Band, Frequency in Cycles per Sound</u>			<u>Sound Pressure Level in Decibels</u>
0	-	74	73
75	-	149	68
150	-	299	60
300	-	599	53
600	-	1,199	47
1,200	-	2,399	41
2,400	-	4,799	35
4,800	-	and over	33

3. Odors - No continuous, frequent, or repetitive emission of odors or odor-causing substances which would be offensive at or beyond any property line will be permitted. The existence of an odor shall be presumed when the concentration of the odor-causing substance or substances in the air at any point at or beyond the

property line of the source exceeds the lowest concentration listed as the odor threshold for such substance or substances in Table III (Odor Thresholds) appearing in Chapter 5 of the Air Pollution Abatement Manual as issued by the Pennsylvania Department of Environmental Protection. Substances not cited in said table shall be deemed odorous when analysis by a competent technician demonstrates that a discernible odor is being emitted.

4. Offensive Area - All areas for parking, recreation, service, utility equipment, waste receptacles and/or other elements which because of their appearance, odor and/or noise would be offensive to those occupying the lot shall be screened, landscaped or otherwise treated to eliminate the offensive condition.
5. Lighting - All light, illumination and reflection from lighting of all types shall be directed away from the sky, adjacent lots and public rights-of-way. The height of light poles shall be limited to the maximum height of structure permitted in the particular zoning district where they are located. The light itself shall be shielded to eliminate direct glare.
6. Landscaping - Natural landscaping elements, trees, shrubs, rocks, streams, contours, are a valuable asset in the environment. All site developments shall retain as much of the natural landscaping to a quality comparable to that of the surrounding properties.
7. Fire - No structure and no activity within a site or structure shall pose a hazard of fire for adjacent lots and/or structures. Access for fire fighting men and equipment shall be provided for every structure on the site.
8. Smoke - It shall be unlawful for any person to permit the emission of any smoke from any source whatever of a density equal to or greater than that density described as No.2 on the Ringlemann Chart, published by the U.S. Bureau of Mines, (Powers' Micro-Ringlemann Chart, McGraw-Hill Publishing Company, 1954, may be used).
9. Toxic and Noxious Matter - No emission which would be demonstrably injurious to human health, animals, or plant life at or beyond the boundaries of any lot will be permitted. Where such an emission could result from an accident or equipment malfunction, adequate safeguards considered standard for safe utilization of the toxic and noxious matters involved shall be taken.
10. Radiation Hazards - The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes, shall be in conformance with the applicable regulations of the Atomic Energy Commission.

11. Fire and Explosive Hazards - The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, but only if stored, utilized or manufactured within completely enclosed building having incombustible exterior and protected throughout by an automatic fire extinguishing system.

All activities involving the use and/or storage and/or disposal of flammable or explosive material shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire-fighting and suppression equipment and devices standards to the industry involved.

12. Glare and Heat - Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure such operation from view from any point along the property line, except during the period of construction of the facilities to be used and occupied.
13. Electromagnetic Radiation - In the interest of maintaining an atmosphere fruitful to research, there shall be no electromagnetic interference that adversely affects at any point the operation of any equipment other than that belonging to the creator of such interference, or that is not in conformance with the regulations of the Federal Communications Commission.
14. Fly Ash, Dust Fumes Vapors. Gases and other Forms of Air Pollution - No emission which can cause any damage to human health, to animals or vegetation, or other forms of property, or which can cause any excessive soiling at any point, and an no event any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding 0.3 grain per cubic foot of the conveying gas or air at any point shall be permitted. This shall be measured at the point of emission.
15. Water - No emission of pollutants (as defined by the Pennsylvania Department of Environmental Protection) into a waterway or sewage system extending beyond the property line shall be permitted.
16. Solid Waste - All refuse and garbage shall be collected, transported, stored and disposed of in accordance with the official Cumberland County Solid Waste Plan and all South Newton Township Ordinances and Policies adopted in accordance thereto.

Section 5.11 Homeowners Association

Whenever a developer or owner proposes to provide land or structures for the benefit of the particular residents of a project such as common open space and active play areas, a Homeowners Association shall be established. The Board of Supervisors shall retain the right to review and approve the Articles of Incorporation and all Declarations of Covenants, Conditions, and Restrictions of the Homeowners Association.

Section 5.12 Screening and Buffer Zones

Where any nonresidential use adjoins any residential use, a buffer zone shall be provided and maintained on said property in accordance with the following:

- A. All buffer zones shall be in accordance with the following provisions:
 - 1. In any district where a business, commercial or industrial use abuts a residential district or residential use, said buffer yard shall have a minimum width of fifty (50) feet and shall be provided along the non-street frontage sides of the business, commercial or industrial use no closer than the highway right-of-way.
 - 2. Buffer zones shall include screen planting. They shall be planted with grass or ground cover and shall be maintained and kept free of all debris and rubbish.
 - 3. Structures, manufacturing or processing activity or storage of materials shall not be permitted in buffer zones, however, storm water management facilities, utility lines and access drives may cross the buffer zones at a right angle. The parking of motor vehicles shall not be permitted in the buffer zones.
 - 4. A clear-sight triangle shall be maintained at all street intersections and at all points where private access ways intersect public streets.
 - 5. Prior to the issuance of a zoning permit, complete plans showing the arrangement of all buffer zones and screen planting to include the placement, species and size of all plant materials to be placed in such buffer zones, shall be approved by the Township Board of Supervisors.
 - 6. Screen planting shall be in place six (6) months after issuance of a zoning permit, weather permitting.

- B. In all districts requiring screen planting, earthen berms or a combination thereof to serve as a barrier to visibility, airborne particles, glare and noise, these barriers shall be designed in accordance with the following standards:
 - 1. Screening materials shall be planted within the exterior fifty (50) percent of the buffer zone, where said zone is required to have a depth of at least fifty (50') feet.
 - 2. All materials shall reach a minimum height of six (6') feet above finished grade of land at site of planting within two (2) years of planting. However, all materials used for screening of an industrial use shall be six (6') feet at initial planting.

3. All dead vegetation or trees must be replaced if they have been dead within twelve (12) months of the documentation of the death of the vegetation.
4. Planting materials shall be permanently maintained, and replaced when necessary.
5. This vegetative screen must be comprised of plant material that will provide a minimum opacity of eighty (80%) percent in winter and eighty (80%) percent in summer. One of the following arrangements shall be utilized:
 - a. Screen planting shall contain three (3) staggered rows of vegetative material. This screen planting shall consist of one (1) row of fast-growing needled evergreens spaced not more than twelve feet (12' 0") on center and two (2) rows of deciduous trees, with a minimum height potential of twenty feet (20' 0"), spaced not more than twenty-five feet (25' 0") on center.
 - b. Screen planting shall contain two (2) staggered rows of vegetative material. Seventy-five percent (75%) shall be fast-growing needled evergreens planted ten feet (10') on center and staggered for effective screening. The remaining twenty-five percent (25%) shall be deciduous trees planted in staggered clusters with twenty-five feet (25') being the maximum spacing between trees.
 - c. Screen planting shall contain two (2) staggered rows of vegetative material. Seventy-five percent (75%) shall be fast-growing needled evergreens planted ten feet (10') on center and staggered for effective screen. Fifteen percent (15%) shall be deciduous trees planted in staggered clusters twenty-five feet (25') on center. The remaining ten percent (10%) shall be staggered shrubs masses used as under-story plants and in combination with deciduous tree clusters. The maximum spacing for shrubs shall be four feet (4') on center. The deciduous trees and shrubs are suggested to break up the straight line planting of one type of plant material.
6. Prior to issuance of a zoning permit, complete plans showing the arrangement of all buffer zones and the placement, species and size of all screen planting material to be placed therein, shall be approved by the Township Board of Supervisors. Guidelines on specific plant materials suitable for screen planting shall include, but not be limited to the following species; substitutions must be approved by the Township Supervisors upon recommendation by the Zoning Officer.

Evergreen Trees

White Fir	Norway Spruce
Douglas Fir	Blue Spruce
Hemlock	White Pine

Deciduous Trees

Ash	Willow	Locust
Oak	Maple	Birch
Tulip Poplar	Linden	Hawthorn

Shrubs

Forsythia	Spirea	Burning Bush (Euonymous)
Hydrangea	Honeysuckle	Red Stemmed Dogwood
Privet	Lilac	Viburnum

7. Earthen berms used alone or in combination with screen plantings to provide a screened barrier shall be graded to possess a side slope no greater than 3 feet of run to 1 foot of rise. In addition, each earthen berm shall have a five (5) foot minimum top width and be covered with grass or weed-free vegetative ground cover.
8. When earthen berms and screen plantings are used in combination as a screening element, each two (2) feet of height afforded by the berm shall yield the credit of one(1) foot less of height of required plant materials above that berm.

C. All fences used for screening purposes shall be in accordance with the following:

1. See-through Fences

- a. See-through type fencing, such as chain link, post and rail or picket, with at least two-inch spacing, shall not exceed six (6) feet in height.
- b. See-through type fencing along the side of the dwelling and to the front of the dwelling shall not exceed six (6) feet in height.
- c. Only see-through type fence shall be permitted on corner properties or properties bordering intersecting streets and shall be so situated as not to obstruct vision.

2. Solid Fences

Solid fencing, such as plank or basket-weave fencing shall be permitted only to a height of six (6) feet unless otherwise approved.

3. The use of barbed wire, or wire on which barbs or points are strung or fastened is prohibited, except in an industrial zone.
4. The use of canvas or cloth for fences is prohibited.

5. All fences must be erected within the property lines, and no fence shall be erected to encroach on any public right-of-way or erected in violation of Section 5.13. No front yard fence may be closer than the front yard building line.
6. All fences providing screening for residential uses shall be constructed of materials identical to or similar to the materials composing the residential units.
7. All fences shall be maintained in a safe, sound and upright condition.

Section 5.13 Rights-of-Way

All rights-of-way, public or private, shall be in accordance with the following:

- A. All rights-of-way, public or private, shall be devoid of buildings, structures, and trees.
- B. All rights-of-way, public or private, shall be in accordance with the provisions of Subdivision and Land Development Ordinance.

Section 5.14 Access Drives

Safety and convenience of the general public passing through the Township must be taken into consideration when planning a new development – safety as it relates to a reduction of the potential number of accidents at driveway intersections and convenience as it relates to removing the potential for interference within the traffic stream.

Access to State and Township roadways shall be controlled in a manner in which is intended for the safe operation of vehicles on and along public streets and highway facilities. The functional classification and speed limit of a roadway will determine the location, number, and spacing between access points allowed onto the Roadway. Functional classification can be determined from the Official Roadway Hierarchy and Functional Classification Map of South Newton Township, as described in Section 807 of the Subdivision and Land Development Ordinance.

Unless otherwise indicated herein, proposed location and spacing of new access drives/driveways accessing roadways must first comply with access spacing distances indicated in Table 805-1, of the Subdivision and Land Development Ordinance, which is incorporated herein and made a part of the Zoning Ordinance. Spacing shall be measured from centerline of intersection to centerline of intersection. When this requirement has been satisfied, access locations must be checked to assure compliance with desirable sight distance criteria as required by Pennsylvania Law, which is incorporated herein and made a part of the Subdivision and Land Development Ordinance. Said safe sight distance must be measured in accordance with Pennsylvania Department of Transportation, Engineering and Traffic Studies. If desirable sight distance cannot be provided at location along the site frontage, access shall not be permitted.

Wherever required or provided under the provisions of this ordinance, all access drives and driveways shall be designed according to the following standards.

- A. The general layout shall be such that there will be no need for motorists to back into the public right-of-way of collector or arterial streets.
- B. Residential or agricultural driveway entrances or aprons within the street right-of-way shall be surfaced to their full width.
- C. Access drives for commercial and industrial uses shall be paved and shall not be less than twenty-four (24) feet in width, nor exceed thirty-five (35) feet in width within twelve (12) feet of the street right-of-way line, except as increased by the curb or pavement radii.
- D. Where a development/subdivision proposes direct access of individual lots onto an existing local road, the developer shall upgrade the existing road to the standards of new local roads, as required by the South Newton Township Subdivision and Land Development Ordinance, including all necessary stormwater collection and conveyance facilities.
- E. For all subdivisions or land development plans proposing fewer than 10 lots existing within the parent tract as it exists on the date of adoption of this Ordinance, access drives and driveways shall not cross the street right-of-way lines:
 - 1. Within fifty (50) feet of the street right-of-way line of an intersecting street, and in no case less than ten (10) feet from the point of tangency when the intersecting street lines are joined by a curve. This dimension may be increased for access drives to shopping centers, or other commercial, industrial, public or institutional uses.
 - 2. Within ten (10) feet of a fire hydrant, catch basin or drain inlet.
 - 3. Within forty (40) feet of another access drive or driveway.
 - 4. Within three (3) feet of a property line unless two adjoining owners mutually agree to a common access drive.

Section 5.15 Bed and Breakfast Residences or Inns and Home Occupations

- A. Bed and Breakfast Residences or Inns are permitted subject to the following conditions:

A concept regarding rental of rooms on a temporary basis with an arrangement to provide breakfast to the renter, commonly known as a "Bed and Breakfast Residence or Inn", may be a desirable and practical use in certain zoning districts in South Newton Township.

Such use may be granted provided that the Bed and Breakfast establishment does not adversely affect the residential character of the neighborhood and that such use is carried on in an existing residential structure.

The Bed and Breakfast residence may be permitted if applicants for a Bed and Breakfast Residence own and occupy the building where said use will occur as their principal residence and are in accordance with the following:

1. Primary use of the building shall remain residential.
2. The quarters to be utilized by the guests and the occupants of the premises shall be in the principal residential structure. Separate structures, accessory buildings and garages are not permitted to be used as living units or sleeping rooms.
3. The use by a guest shall be a maximum stay of fourteen (14) days.
4. No more than thirty percent (30%) of the total floor area shall be used for sleeping areas for guest occupancy.
5. One (1) off-street parking space shall be provided for each sleeping area designated for guests.
6. Appropriate permits to serve food and to install sewage facilities shall be required.
7. Serving of meals to overnight guests shall be limited to breakfast only.
8. Each room that is designated for guest occupancy must be provided with a smoke detector.
9. A sign of not more than four (4) square feet may be erected to advertise such accommodations.
10. No exterior modification or additions shall be made to a building or structure to accommodate the change of use to a Bed and Breakfast.
11. On-lot sewage systems shall be re-certified.

B. Home occupations are permitted subject to the following conditions:

1. Home occupations are permitted within a single dwelling unit or in a building or other structure accessory to the dwelling unit and provided not more than two (2) persons in addition to those persons residing in said dwelling are employed in the home occupation.

2. Home occupations shall not display or create outside the building any evidence of the home occupation, except that one (1) non - animated, non-illuminated flat sign having an area of not more than four square feet (4 sq. ft.) on both sides shall be permitted on each street front of the same lot on which the building is situated.
3. Off-street parking shall be provided in accordance with Section 5.5, Parking Regulations.
4. No more than thirty percent (30%) of the total floor area of the dwelling unit shall be used for a home occupation.

Section 5.16 Agriculture and Agriculturally Related Operations Include:

- A. Forest reserves, tree farming and crop farming to include forage, sod, grain, and feed.
- B. Granaries, sawmills, and similar agriculturally related activities.
- C. Vineyards, orchards, greenhouses, nurseries, gardens, commercial production of fruits, vegetables, flowers, plants and similar products, sales of agricultural products in buildings which may not exceed three thousand square feet (3,000 sq. ft.) in floor area, or one-story in height and said building must be set back a minimum of thirty-five (35') from any property line or street right-of-way.
- D. Animal husbandry, milk processing, livestock production including breeding of dairy and beef cattle, sheep, swine, horses, ponies, mules, goats, poultry, other birds, fowl, fur animals, associated farm animals including domestic cats and dogs.
- E. Buildings housing animals and storage areas for animal waste shall have a minimum setback distance from any property line in accordance with the following schedules:

1. Permitted Use:

<u>TYPE OF FARM ANIMAL</u>	<u>TOTAL NUMBER OF ANIMALS</u>	<u>MINIMUM SETBACK DISTANCE</u>
a. Swine (Hogs & Pigs)	Up to 50	100'
b. Cattle (Cows, Steer, Heifers, Calves, & Bulls)	Up to 100	100'
c. Sheep and Goats	Up to 200	100'
d. Horses (Ponies, Mules)		

& Donkeys)	Up to 20	100'
e. Fowl (Chicken, Turkeys Ducks, Other Birds)	Up to 1,000	100'
f. Domestic Dogs & Cats	Up to 10	Same as accessory building.

2. Permitted Use but requires a Manure Management Plan for the following:

a. Swine (Hogs & Pigs)	Greater than 50	200'
b. Cattle (Cows, Steer, Heifers, Calves, & Bulls)	Greater than 100	200'
c. Sheep and Goats	Greater than 200	200'
d. Horses (Ponies, Mules & Donkeys)	Greater than 20	200'
e. Fowl (Chicken, Turkeys, Ducks, Other Birds)	Greater than 1,000	200'
f. Domestic Dogs & Cats	11 or more	50'
g. Domestic Dogs & Cats in approved Kennels regulated by Pennsylvania Bureau of Dog Law Enforcement	11 or more	25'

3. Manure Management Plan:

When the number of animals meets the numerical specification for sub-section 2 above the applicant shall prepare a Manure Management Plan with the assistance and concurrence of the Cumberland County Soil Conservation District.

- a. Such plan shall accompany any land development or zoning permit application. It shall be reviewed and approved by the Supervisors. The Manure Management Plan shall include provisions for control of runoff, odor, vectors and other nuisances. When wastes are stored outdoors, waste material shall not be less than two hundred feet (200') from any property line, potable water supply, occupied residential dwelling, surface water body, and storm water drainage channel, excluding property owner or lease farmer's residence. Any land application of treatment of wastes shall be done in accordance with accepted practices recommended by the Cumberland County Conservation District. Such application shall be prohibited on lands exceeding fifteen percent (15%) in slope and where bedrock lies less than two feet (2') below

the ground surface.

- b. The Manure Management Plan shall include a statement that periodic inspections by the Township Zoning Officer will be conducted to verify that conditions of the plan have been met and continue to be in compliance.
- c. When the Manure Management Plan includes the use of leased or rented land for disposal of manure, a lease or rental agreement specifically stating that manure disposal is permitted on the leased or rented property shall be included.
- d. Disposal of dead animals on all farm land including that land intended for manure management is expressly prohibited. Dead animals must be disposed of by rendering.
- e. At a minimum, this plan shall follow the guidelines and criteria set forth in the Pennsylvania Department of Environmental Protection publication entitled "Manure Management for Environmental Protection (1986)."

Section 5.17 Water Supply Facilities

- A. Where a water main supply system is within one thousand (1,000) feet of the property line of land proposed for subdivision or development, or where plans approved by the Township provide for the installation of such public water facilities, the subdivider or developer shall provide the subdivision or development with a complete water main supply system to be connected to the existing or proposed water main supply system in accordance with the Township or water supplier's specifications, if in the opinion of the Township such installation is feasible.
- B. Where installation of a public water supply system is not required, the subdivider or landowner shall provide for each lot, at the time improvements are erected thereon, an individual water supply approved by the Pennsylvania Department of Environmental Protection, as to source, installation, and quality of water and in accordance with the Pa DEP Water Supply Manual. In addition, all individual water systems shall be in accordance with the following:
 - 1. Drilled and driven wells shall be located a minimum distance from sources of pollution as required by the Pennsylvania Department of Environmental Protection and a minimum of ten (10) feet from all property lines and street rights-of-way.

Section 5.18 Residential Conversions

Residential Conversions are permitted subject to the following conditions:

- A. The intent of this section is to provide an alternative use for structurally sound, large and primarily older single family detached dwellings that are extremely costly to maintain as a single-family use, and provide an excessive amount of living space for today's decreasing family size. This section is also intended to increase the supply of smaller dwelling units and provide for a more efficient use of the existing housing stock, while protecting the character of sound, stable residential neighborhoods and preserving the basic character of dwellings that might otherwise become obsolete.

Accordingly, residential conversions are specifically encouraged in single-family detached dwellings containing more than 3,000 square feet of gross floor area. They include garages and barns.

- B. The minimum size of each existing or newly created dwelling unit shall be as follows:

<u>Number of Bedrooms in Unit</u>	<u>Minimum Square Footage Required per Unit</u>
0 (efficiency)	400
1	500
2	650
3 (max. allowed)	800

- C. The total number of dwelling units in the structure after conversion shall not exceed four (4).
- D. Each dwelling unit in the converted structure shall have direct access to the outdoors.
- E. A minimum of two (2) off-street parking spaces shall be required for each dwelling unit. All parking areas shall meet the following standards:
 - 1. All newly constructed driveways and parking spaces shall be set back a minimum of five (5) feet from all property lines and buildings.
- F. Along the perimeter of the property and/or the parking area, a planting area of sufficient density to screen the parking spaces and driveway shall be placed and maintained, between ground level and at least six (6) feet above that, from adjoining properties and the street as follows:
 - 1. If the parking area is located ten (10) feet or more from the property lines, there shall be a planting area that provides fifty (50) percent visual screening. This planting area shall contain hedge, shrubbery, evergreen trees, other

suitable vegetation, mounding, fencing or walls, or any combination thereof. If fencing or walls are used, they shall be compatible with the existing structure and the surrounding neighborhood. All attempts shall be made to preserve the existing mature vegetation at the perimeter and within the parking area.

2. If the parking area is less than ten (10) feet from the property lines, there shall be a planting area that provides eighty (80) percent visual screening. This planting area shall contain hedge, shrubbery, evergreen trees, other suitable vegetation, mounding, fencing or walls. If fencing or walls are used, they must be compatible with the existing structure and the surrounding neighborhood.
- G. If on-site sewer or water systems are to be used, the applicant shall submit evidence to the Sewage Enforcement Officer showing that the total number of occupants in the converted dwelling units will not exceed the maximum capacities for which the original one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the Sewage Enforcement Officer, and in turn to the Zoning Officer.
- H. Additions to an existing dwelling designed to allow the creation of multiple dwelling units in that dwelling shall not be permitted; except that, small additions containing up to a maximum of ten (10) percent of the gross floor area of the existing dwelling may be permitted, if the addition will facilitate the creation of otherwise allowed units in a more logical manner, considering design, lay-out and safety factors.
- I. The applicant shall submit to the Zoning Officer:
1. Sketch floor plan(s) showing the location and size of each unit;
 2. Rough elevations showing modification of any exterior building facade to which changes are proposed; and
 3. A site development sketch plan properly showing and locating the dwelling and other existing buildings; all property lines; any proposed additions (along with minimum setback lines; the location, size and extent of all underground utilities; and the length, width and function of all rights-of-way and easements); the required parking spaces for all the units; and any 100 year floodplain, fifteen (15) percent or greater slopes, or other natural or man-made conditions which might affect these items.

All plans and elevations shall be clear and concise and drawn to a scale of not less than one (1) inch equals four (4) feet for the floor plan(s) and elevation(s) and one (1) inch equals fifty (50) feet for the site development plan.

Section 5.19 Accessory Apartments

One accessory apartment in a self-contained dwelling unit is permitted subject to the following conditions:

A. The Accessory Apartment shall meet the following size requirements:

1. Minimum size of unit:

<u>Number of Bedrooms in Units</u>	<u>Gross Floor Area in Unit (square feet)</u>
0 (efficiency)	400
1 (max. allowed)	500

2. Maximum size of Unit: The Accessory Apartment shall not exceed thirty-five (35) percent of the gross floor area contained in the existing dwelling prior to conversion.

B. The third floor or any floor above shall not be used for a separate dwelling unit, but may be used for storage or sleeping rooms for a second floor dwelling unit.

C. There shall be no Accessory Apartment located in a below ground basement where the exterior grade is more than half-way up the height of the exterior wall, unless there is at least one (1) exterior facade where the unit is at grade with the ground outside.

D. Additions to an existing dwelling designed to allow the creation of an Accessory Apartment in that dwelling shall not be permitted; except that, small additions containing up to a maximum of ten (10) percent of the gross floor area of the existing dwelling may be permitted, if the addition will facilitate the creation of an otherwise allowed Accessory Apartment in more logical manner, considering design, lay-out and safety factors.

E. Alterations to the exterior of the existing dwelling, other than those to improve the maintenance and attractiveness of the dwelling, shall be minimized; after creation of the Accessory Apartment, the building shall maintain the usual appearance of a single-family detached dwelling and shall remain compatible with the character of the surrounding neighborhood.

F. The converted dwelling shall have no more than the existing number of entrances along the front of the building. All other entrances to either the principal or accessory dwelling units shall be located on the side or rear of the building.

G. Necessary changes in the number or placement of windows to provide adequate light and air will be allowed, but shall be minimized, any changes which occur must be done in a manner consistent with the architectural character of the

dwelling.

- H. A minimum of one (1) off-street parking space shall be provided for the Accessory Apartment, in addition to that required for the original dwelling unit.
- I. The applicant shall submit to the Zoning Officer the following:
 - 1. Sketch floor plan(s) showing the location, size and relationship of both the Accessory Apartment and the primary dwelling within the building;
 - 2. Rough elevations showing the modification of any exterior building facade to which changes are proposed; and
 - 3. A site development sketch plan properly showing and locating the dwelling and other existing buildings; all property lines; any proposed addition (along with minimum building setback lines; the location, size and extent of all underground utilities; and the length, width and function of all rights-of-ways and easements potentially affecting that addition); the required parking spaces for both dwelling units; and any 100-year floodplain, fifteen (15) percent or greater slopes, or other natural or man-made conditions which might affect these items.

All plans and elevations shall be clear and concise and drawn to a scale of not less than one (1) inch equals four (4) feet for the floor plan(s) and elevation(s) and one (1) inch equals fifty (50) feet for the site development plan.

Section 5.20 Child Day Care Centers and Group Child Day Care Homes

Child day care centers and group child day care homes are permitted subject to the following conditions:

- A. Child day care centers shall be in accordance with 55 PA Code, Chapter 3270.
- B. Group child day care homes shall be in accordance with 55 PA Code, Chapter 3280.
- C. All outdoor play areas shall be sufficiently screened as to protect the neighborhood from noise and to provide for the health and safety of the children to be served by the facility.
- D. At least one (1) off-street parking space for each person employed plus one (1) off-street space for four (4) children to be served by the facility shall be provided. A minimum of 500 square feet of off-street parking shall be provided.

Section 5.21 Personal Care and Foster Care Boarding Homes

All personal care and foster care boarding homes are permitted subject to the following conditions:

- A. Any personal care or foster care boarding home shall have a minimum of 350 square feet of habitable floor area provided for each occupant.
- B. A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require any kitchen and dining facilities if the affiliated institution provides them elsewhere.
- C. All personal care and foster care boarding homes shall be connected to public water and public sanitary sewage facilities when available or be provided with a suitable on-lot sewage system approved by the Pennsylvania Department of Environmental Protection.
- D. All personal care and foster care boarding homes shall comply with 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.
- E. Personal care or foster care boarding homes shall be registered and licensed by either the Federal Government and/or the Commonwealth of Pennsylvania and shall be in compliance with all applicable Rules and Regulations of the licensing body.
- F. Off-street parking shall be provided for all personal care and foster care boarding homes based upon one (1) parking space per occupant, including resident staff.

Section 5.22 Multi-Family Dwellings (Apartments)

Multi-family dwellings (apartments) are permitted subject to the following conditions:

- A. Lot area and yard requirements:
 - 1. Project Lot Area - forty thousand (40,000) square feet for each multiple family residential project.
 - 2. Lot Area per Dwelling Unit - two thousand five hundred (2,500) square feet.
 - 3. Lot Width - one hundred and fifty feet (150').
 - 4. Lot Depth - one hundred and fifty feet (150').

5. Front, Side, and Rear Yards - each twenty-five feet (25').
- B. Lot Coverage - thirty percent (30%) maximum:
1. A suitable land area equal to ten percent (10%) of the required project lot area shall be provided in addition to the required project lot area for common open space purposes.
 2. Active play area within the Common open space per dwelling unit:
 - Efficiency – seventy-five (75) square feet.
 - One (1) bedroom - one hundred (100) square feet.
 - Two (2) bedroom - one hundred twenty-five (125) square feet.
 - Three (3) or more - one hundred fifty (150) square feet.
- C. Off street parking - two (2) spaces per dwelling unit.
- D. Building length and height - length not to exceed one hundred fifty feet (150'); height not to exceed two and one-half (2½) stories or thirty-five feet (35').
- E. No project shall be permitted without a Department of Environmental Protection approved water and sewer systems.

Section 5.23 Attached Single-Family Dwellings (Townhouses)

Attached single-family dwellings (townhouses) are permitted subject to the following conditions:

- A. Lot area and yard requirements:
1. Total Project Land Area - One (1) acre
 2. Per dwelling unit:
 - a. Lot Area - two thousand five hundred (2,500) square feet.
 - b. Lot Width - twenty feet (20').
 - c. Front and Side Yard - twenty feet (20').
 - d. Rear Yard - twenty-five feet (25').
- B. Off street parking - two (2) spaces per dwelling unit.
- C. Lot coverage - buildings shall occupy only twenty-five percent (25%) of the lot:

1. A suitable area equal to ten percent (10%) of the required total project land area shall be provided for common open space purposes. Required yards for each lot shall be excluded from this common open space area set aside.
 2. Active play area within the common open space - one hundred (100) square feet per dwelling unit.
- D. Building height - not to exceed two and one-half (2½) stories or thirty five feet (35') in height.
 - E. Maximum number of units in any building group - eight (8).
 - F. No project shall be permitted without a Department of Environmental Protection approved water and sewer systems.

Section 5.24 Outdoor Recreational Facilities and Organizations

Outdoor recreational facilities such as private playgrounds, swimming pools, golf clubs, tennis courts, and similar activities are permitted subject to the following conditions:

- A. That any such use is incorporated pursuant to the provisions of a membership corporation or unincorporated association approved by the Township Supervisors, and catering exclusively to members and their guests.
- B. That such use shall occupy a lot with an area of not less than five (5) acres. That exterior lighting, other than that essential for the safety and convenience of the users of the premises, shall be prohibited. All exterior lighting shall be shielded from adjacent properties. In addition, all exterior lighting shall comply with the performance standards contained in Section 5.10 of this Ordinance.
- C. Screening and buffer zones in accordance with Section 5.12 of this Ordinance.
- D. Lot area and yard requirements:

Lot Width	-	three hundred feet (300')
Lot Depth	-	three hundred feet (300')
Front Yard	-	seventy-five feet (75')
Side Yard	-	seventy-five feet (75')
Rear Yard	-	seventy-five feet (75')
- E. Building Height shall not exceed thirty-five feet (35').

Section 5.25 Campgrounds and Trailer or Recreational Vehicle Camps

Campgrounds and trailer or recreational vehicle camps are permitted subject to the following

conditions:

- A. Lot area and yard requirements as a minimum:
 - Lot Area - ten (10) acres
 - Lot Width and Depth - five hundred feet (500')
 - Front, rear and each side yard - one hundred feet (100')
- B. Nothing contained in this Ordinance shall relieve the owner or their agent or the developer of a proposed campground, and trailer or recreational vehicle camp from receiving Subdivision Plan Approval in accordance with the Township Subdivision and Land Development Ordinance.
- C. All private streets shall have a minimum right-of-way of fifty feet (50') and a minimum Cartway width of twenty feet (20').
- D. All public streets shall be in accordance with the requirements of the Township Subdivision and Land Development Ordinance. All streets shall be kept in good repair.
- E. All proposed developments shall have available a continuing supply of safe and potable water as approved by the Commonwealth Department of Environmental Protection.
- F. All proposed developments shall have available a centralized sanitary sewage disposal system which shall be approved by the Commonwealth Dept. of Environmental Protection.
- G. All proposed developments shall provide not less than ten percent (10%) of the total land area for common open space purposes. Common open space shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located and easily accessible to all campers.
- H. Each trailer or vehicle lot shall be a minimum of forty feet (40') wide and fifty feet (50') deep. Density shall not exceed eighteen (18) trailers or vehicles per gross acre.
- I. Occupancy in each dwelling or structure shall be limited to six (6) months out of any twelve (12) month period, and it shall be incumbent upon the owner or camp operator to maintain a guest register containing the name, date of entry, and date of departure of each tenant. Said register shall be subject to inspection by a duly appointed representative of the Board of Supervisors. The Owner/Operator may reside on the campground year round.
- J. Two (2) off-street parking spaces per camp site or lot.

- K. The height of any building or structure shall not exceed thirty-five feet (35').
- L. Only those commercial uses which are designed to expressly serve the tenants of a proposed development during their stay shall be permitted.
- M. Screening and buffer zones shall be required along adjacent residential uses in accordance with Section 5.12 of this Ordinance.
- N. One (1) fire alarm box or public telephone shall be provided for each camp, and be easily accessible to all camp sites or lots. A public telephone shall have free access to an operator or emergency service. Emergency telephone numbers shall be prominently displayed.
- O. A water reservoir or supply of at least five thousand gallons (5,000) capacity shall be provided for fire protection and centrally located to all camp sites or lots.
- P. Camps shall be maintained free of vegetation which is poisonous or which may harbor rodents, insects, or other pests harmful to people.

Section 5.26 Weed and Vegetation Control

Definitions :The following terms shall be construed in this Ordinance to have the following meanings, except in those instances where the context clearly indicates otherwise:

- A. The word “Person” shall mean any natural person, association, partnership, firm or corporation. The singular shall include the plural and the masculine shall include the feminine and the neuter.
- B. The word “Vegetation” shall mean, but not be limited to, grass, weeds, vines and similar growths, jimson, burdock, ragweed, thistle, cocklebur, chicory and those weeds defined and appearing on the noxious weed control list as authorized and defined under the Noxious Weed Control Law, Act No. 1982-74, P.L. 228 (P.S. § 255.1 et seq.). Vegetation may be considered a nuisance if it throws off any unpleasant or noxious odors, conceals any filthy deposit, produces pollen or is not planted for some useful, ornamental or agricultural purpose.

The State noxious weed list currently includes the following plants:

- | | |
|--------------------|-----------------------|
| 1. Canada Thistle | Cirsium arvense |
| 2. Multiflora Rose | Rosa Multiflora |
| 3. Johnsongrass | Sorghum halepense |
| 4. Marijuana | Canabis sativa |
| 5. Mile-a-minute | Polygonum perfoliatum |
| 6. Kudzu-vine | Pueraria lobata |

7. Bull or Spear Thistle	Cirsium vulgare
8. Musk or Nodding Thistle	Carduus nutans
9. Shattercane	Sorghum bicolor
10. Jimsonweed	Datura stramonium
11. Purple Loosestrife	Lythrum salicaria

Conditions and Regulations: Weed vegetation growing to a height exceeding eighteen (18) inches on any lot or tract of ground in South Newton Township is to be considered a nuisance detrimental to the health, safety, welfare and comfort of the residents of South Newton Township and abatable as such. The following conditions shall be met:

- A. It shall be unlawful for any person owning, leasing or having a present interest in any real estate located in whole or in part in South Newton Township to permit vegetation as defined herein to grow to a height exceeding eighteen (18) inches.
- B. All vegetation on any premises growing to a height exceeding eighteen (18) inches shall be cut by the person, owner, lessee or other individual having a present interest in the said real estate. Failure to comply herewith shall constitute a violation of this Ordinance.
- C. It shall be the duty of the Township Supervisors, or any other party or parties designated by the Board of Supervisors of South Newton Township upon complaint of citizens or property owners or otherwise, to investigate an alleged violation of this Ordinance and if a violation exists, to notify the person allegedly in violation of the following:
 - 1. The belief of the Township that a violation exists for which the person is responsible;
 - 2. A description of the location and nature of the alleged violation;
 - 3. That the violation must be abated or removed by the said person within five (5) days of receipt of notice;
 - 4. Each five (5) day continuance of a violation of the provisions of this Ordinance shall constitute a separate offense which will not require the Township to provide additional or subsequent notification of said violations;
 - 5. Failure to comply with the directions of the Township may result in the abatement or removal of the nuisance by the Township or its authorized representative and the cost of said removal or abatement shall be assessed against the violator together with the additional amount of ten

(10) percent of such cost, to be collected by summary proceedings or in the manner provided for the collection of municipal claims or by an action of assumpsit without the filing of a complaint. Provided, however, the imposition of such cost and additional amount may be in addition to any other penalty provided for in this Ordinance.

- D. Any person who shall violate any provision of this Ordinance shall be liable, upon summary conviction for the first offense and upon summary conviction for each subsequent offense, to a fine not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00), together with the costs of prosecution, in each case. Each five (5) day continuance of a violation of the provisions of this Ordinance shall constitute a separate offense and shall be punishable as such. The fines and costs imposed under the provisions of this Ordinance shall be enforceable and recoverable in the manner and at the time provided by applicable law. Upon judgment upon any person by summary conviction, or by proceedings by summons on default of the payment of the fine and penalty imposed and the costs, such person may be sentenced and committed to the jail of Cumberland County for a period not exceeding thirty (30) days.

Section 5.27 Fences & Shrubbery

Solid fences or solid shrubbery higher than thirty (30) inches will not be permitted beyond the front building set back line.

ARTICLE VI

NON-CONFORMING USES AND STRUCTURES

Section 6.1 Non-Conforming Uses and Structures

- A. A non-conforming use is any use, whether of a building or tract of land or both, existing on the effective date of this Ordinance which does not conform to the Use Regulations of the District in which it is located.
- B. The following provisions shall apply to all buildings and uses existing, except those buildings, structures and uses which have been identified as having historic value by the Cumberland County Historic Commission and the Pennsylvania Historical and Museum Commission, on the effective date of this Ordinance which do not conform to the requirements set forth in this Ordinance or its predecessor and to all buildings and uses that become non-conforming by reason of any subsequent amendment to this Ordinance. Any non-conforming use of buildings or land may be continued provided that any such use:
1. Shall not be enlarged, altered, extended, reconstructed, or restored, except as provided herein, or placed on a different portion of the lot or parcel of land occupied by such uses on the effective date of this Ordinance without approval by the Zoning Hearing Board.
 - a) Any modification shall take place only on the lot or contiguous lots held in the same ownership as that existing at the time the uses became non-conforming.
 - b) Any modification shall conform with the area, building height, parking, sign and other requirements of the district in which said modification is located.
 - c) The proposed alteration shall not exceed 25 percent of the gross floor area occupied by the non-conforming use at the time of the enactment of this Ordinance.
 - d) The proposed alteration will not cause an increased detrimental effect on the surrounding neighborhood.
 2. Shall not be moved to another location where such use would be non-conforming.
 3. Shall not be changed to another non-conforming use without approval by the

Zoning Hearing Board and then only to a use which, in the opinion of the Zoning Hearing Board is of the same or of a more restricted nature.

4. Shall not be reestablished if such use has been discontinued for any reason for a period of one (1) year or more, or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.
 5. A non-conforming building or structure shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is started or reinstated within one (1) year of such damage; if the restoration of such building is not completed within the two (2) year period, the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use is carried on without interruption in the undamaged portion of such building.
- C. Nothing in this Article shall be deemed to prevent normal maintenance and repair, structural alteration in moving, reconstruction, or enlargements of a non-complying building provided that such action does not increase the degree of or create any new non-conformity with regards to the regulations pertaining to such buildings.

Section 6.2 Repairs and Maintenance

Notwithstanding any of the above regulations, nothing in this Article shall be deemed to prevent normal maintenance and repair of any use or building, or the carrying out upon the issuance of a zoning permit or major structural alterations or demolition's necessary in the interest of public safety. In granting such a zoning permit, the Township shall state the precise reason such alterations were deemed necessary.

Section 6.3 Registration of Non-Conforming Uses

If an owner or a township official seeks to determine whether a particular structure or use is necessary, the Township Zoning Officer may be directed to investigate and issue an opinion as to whether the building or structure is a non-conforming building or use.

Section 6.4 Exceptions to Setback Requirements

- A. Where an existing building line is established on at least fifty (50%) percent of the properties in a block within a residential zone or on properties immediately adjacent to any lot of record, the required minimum set-back may be either increased or decreased to conform with such established building line.

- B. Where no uniform building line is established in a block located in any residential zone, but where the average set-back line of all properties when any such block is less than the required minimum, then the required minimum may be decreased to conform with such calculated average set-back distance.

Section 6.5 **Replacement of Existing Structures:**

- A. A permit will not be required by the Township to replace an existing building in whole or part unless a permit is required by the existing regulations of the Pennsylvania Building Code. The restoration of an existing structure in whole or in part must be stated or repaired within one (1) year of the removal of the permanent structure.

ARTICLE VII

ZONING HEARING BOARD

Section 7.1 Creation and Appointment of Board

The membership of the Board shall, upon the determination of the governing body, consist of either three (3) or five (5) residents of the Township appointed by the resolution of the governing body. The term of office of a three (3) member board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The terms of office of a five (5) member board shall be five (5) years and shall be so fixed that the term of office of one member of a five member board shall expire each year. If a three (3) member board is changed to a five (5) member board, the members of the existing three (3) member board shall continue in office until their term of office would expire under prior law. The governing body shall appoint two (2) additional members to the Board with terms scheduled to expire in accordance with the provisions of this section. The Board shall promptly notify the governing body of any vacancies which occur. Appointments to fill vacancies shall be only for the un-expired portion of the term. Members of the Board shall hold no other office in the Township.

The governing body may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in the Pennsylvania Municipalities Planning Code, as amended, and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated unless designated as a voting alternate member.

Section 7.2 Organization of Zoning Hearing Board

The 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. 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 Section 7.3.

If by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of said Board to sit on

this Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve this Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

The Zoning Hearing Board may, make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and Laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

Section 7.3 Public Hearings

- A. **NOTICE: CONDUCT OF MEETING:** Public notice as required by the Pennsylvania Municipalities Planning Code shall be given and written notice shall be given to the applicant, the Zoning Officer, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing and owners of record on adjoining properties within 200 feet of the subject property shall be notified by certified mail.

The governing body may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The cost, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

The Board or Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issues involved except upon notice and opportunity for all parties to participate, shall not take notice of

any communication, reports, staff memoranda, or other materials, except the advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

- B. REPRESENTATION AND STATEMENTS: The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

- C. WITNESSES: The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and paper, including witnesses and documents requested by the parties.

- D. DECISION PROCEDURE: The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, as amended, or of any Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the receipt of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, 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. When a decision has been rendered in favor of the applicant

because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection (A.) of this section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

A copy of the final decision, or where no decision is called for, or the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

- E. RECORDS: The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The cost of the original transcript shall be paid by the Board if ordered by the Board or hearing officer, or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

Section 7.4 Zoning Hearing Board's Functions

- A. APPEALS FROM THE ZONING OFFICER:

The Zoning Hearing Board shall hear and decide appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure, or lot.

- B. CHALLENGE TO THE VALIDITY OF THIS ORDINANCE OR MAP:

The Zoning Hearing Board shall hear challenges to the validity of This Ordinance or Map, pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended. In all such challenges, the Zoning Hearing Board shall take evidence and make a record thereon as provided in Section 7.3. At the conclusion of the hearing, the Board shall decide all contested questions of interpretation and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

C. VARIANCES:

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may grant a variance provided that 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 property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
6. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance.

D. SPECIAL EXCEPTIONS:

Where the Township in This Zoning Ordinance, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purpose of This Zoning Ordinance.

The Zoning Hearing Board may authorize by special permit those uses which are

permitted by This Ordinance as a special exception as set forth in certain sections prescribing district use regulations, where such uses are deemed desirable or essential to the public convenience or welfare, and they are in harmony with elements and objectives of the basic plan prepared for the Township of South Newton to form a foundation for This Ordinance. Such permits may be granted only by the Zoning Hearing Board after public notice and hearing on any application for a special permit.

E. PARTIES APPELLANT BEFORE ZONING HEARING BOARD:

Appeals under Section 7.4.A. and proceedings to challenge this Ordinance under Section 7.4.B. may be filed with the Zoning Hearing Board, in writing, by the landowner affected or any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 7.4.C. and for special exceptions under Section 7.4.D. may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

Section 7.5 Time Limitations

The time limitations for raising certain issues and filing certain proceedings with the Zoning Hearing Board shall be the following:

- A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate Township Officer, Agency, or Body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that they had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a preliminary plan, or from an adverse decision by a Zoning Officer on a challenge to the validity of this Ordinance or Map shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative or preliminary approval.
- 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 7.6 Stay of Proceedings

Upon filing of any proceeding referred to in Section 7.4.E. and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the

Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of Zoning Appeals on petition after notice to the Zoning Officer or other appropriate agency or body.

When an application for development, preliminary or final, has been duly approved and is filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the Court having jurisdiction of Zoning Appeals to order such persons to post bond as a condition to continuing the proceedings before the zoning Hearing Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

Section 7.7 Fees

- A. All filing fees shall be paid at the time of application and be in accordance with the South Newton Township Fee schedule as duly adopted by resolution.
- B. The Zoning Hearing Board may employ legal counsel and pay an amount not to exceed funds budgeted for legal services rendered. The Board's legal counsel shall be an attorney other than the Municipal Solicitor. The Zoning Hearing Board may also employ or contract for and fix the compensation of experts and other staff and may contract for compensation for services as it shall deem necessary.
- C. Reasonable fees may be set with respect to public hearings before the Zoning Hearing Board including: compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. These costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- D. The stenographic fee is shared equally by the Applicant and the Board. Transcripts are paid for by the party requesting the copy. In appeals the party appealing the decision pays for the transcript.

ARTICLE VIII

PROCEDURE AND STANDARDS FOR CONDITIONAL USES

Section 8.1 Compliance - Nothing in this Ordinance shall relieve the Owner or their agent, the developer or the applicant applying for a Conditional Use Permit from obtaining a Subdivision Plan and/or Land Development Approval in accordance with Township Subdivision and Land Development Ordinance.

Section 8.2 Conditional Use

- A. Upon Application, and after a public hearing, pursuant to publication of public notice in accordance with this Ordinance, is held by the Board of Supervisors and recommendations are made by the Planning Commission, the Board of Supervisors may authorize the issuance of a Conditional Use Permit for any of the Conditional Uses for which this Ordinance requires in the District in which such use is proposed to be located. In approving any such use, the Board of Supervisors shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general, and of the residents of the immediate neighborhood in particular, and may prescribe reasonable conditions and safeguards as may be required in order that the results of its action may, to the maximum extent possible, further the expressed intent of this Ordinance and the accomplishment of the following objectives in particular:
1. That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.
 2. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the District in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the Zoning Classification of such properties.
 3. That, in addition to the above, in the case of any use located in, or directly adjacent to, a District which permits a residential use:
 - (a) The location and size of such use, the nature and intensity of operation involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said residential uses or conflict with the normal traffic of the neighborhood; and

- (b) The location and height of buildings; the location, nature, and height of walls and fences; and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land or buildings.
4. That the need exists for such use in the proposed area as established in the Township's Comprehensive Plan.
 5. That sufficient area is provided to effectively screen the conditional use from adjacent different land uses.
 6. That sufficient safeguards such as parking, traffic control, screening and setbacks can be implemented to remove any potential adverse influences the proposed use may have on adjoining uses.
 7. Conditional uses shall meet the provisions and requirement of the Township Subdivision and Land Development Ordinance, as amended.
 8. That when site improvements are required, the Board of Supervisors may prescribe further conditions and safeguards which in the Board's opinion are necessary to promote the health, safety, welfare, comfort and convenience of the general public and of the residents of the immediate neighborhood, in particular.
- B. APPLICATION - Each application for a Conditional Use Permit shall be accompanied by a proposed plan showing the size and location of the lot, the location of all buildings and proposed facilities including access drives, parking areas, and all streets within two hundred feet (200') of the lot. In addition, each application shall provide plans and data which adequately address the requirements of this Ordinance and are in accordance with the express standards and criteria set forth in this Article for each respective conditional use.
- C. REFERRAL TO THE COUNTY PLANNING COMMISSION - Any conditional use application may be referred by the Board of Supervisors to the Cumberland County Planning Commission for review and comment at least thirty (30) days prior to said hearing by the Board of Supervisors. The County shall report to the Township, in writing, its advisory opinions, findings, and recommendations on said application within thirty (30) days. Failure of County to respond within the prescribed time period shall constitute a favorable opinion on said application by the County.
- D. BOARD OF SUPERVISORS ACTION - The Board of Supervisors shall, within forty-five (45) days of the date of the public hearing on the application for conditional use approval, take final action to approve or disapprove the application for said conditional use and shall so notify the applicant in writing.

- E. CONDITIONS AND SAFEGUARDS - The Board of Supervisors may require that the conditional use permits be periodically renewed. Such renewal shall be granted following due public notice and hearing and may be withheld only upon a determination by the Board of Supervisors to the effect that such conditions as may have been prescribed by the Supervisors in conjunction with the issuance of the original permit have not been, or are being no longer, complied with. In such cases a period of sixty (60) days shall be granted the applicant for full compliance prior to the revocation of said permit.
- F. EFFECT OF CONDITIONAL USE APPROVAL - Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the District in which such use is located provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

Section 8.3 Requirement of Express Standards and Criteria

Express standards and criteria for Conditional Uses allowed in this Ordinance are set forth in this Article. These standards and criteria must be met prior to the Board of Supervisors granting a Conditional Use Permit for such uses in applicable zones.

Section 8.4 Agri-Business

Agri-Businesses are permitted as a conditional use subject to the following conditions:

- A. The principal farming operation on which the agri-business is proposed to be located shall sell only its own produce and contain a minimum of twenty (20) acres.
- B. The agri-business building shall be of one-story and not exceed three thousand square feet (3,000 sq. ft.) of floor area.
- C. The agri-business building shall be set back a minimum of seventy-five feet (75') from the street right-of-way and located no closer than fifty feet (50') from the side and rear property lines.
- D. Each application shall be accompanied with a report listing the products to be sold consistent with the agri-business definition.
- E. Along each property line which is adjacent to the residential district or an existing residence, screening shall be provided as defined in this Ordinance.
- F. Any illumination or flood-lighting shall be arranged so that there will be no glare of lights upon a residence or residential district.
- G. Each application shall be accompanied with a Plan as set forth in Section 5.5 of

this Ordinance indicating parking and circulation, and landscaping arrangements. Parking spaces as a minimum shall be provided at the rate of seven (7) spaces per one thousand square feet (1,000 sq. ft.) of floor area.

- H. Signs shall be in accordance with Section 5.9 of this Ordinance.

Section 8.5 Retirement Villages

Retirement villages are permitted as a conditional use subject to the following conditions:

- A. Minimum lot area - Ten (10) acres.
- B. Minimum lot width - Two hundred feet (200').
- C. Maximum dwelling unit density - six (6) dwelling units per acre.
- D. Lot coverage shall not exceed thirty-five percent (35%).
- E. A minimum of twenty-five percent (25%) of the lot area shall be landscaped with trees and shrubbery.
- F. Required parking:
 - 1. Per dwelling unit - One and one-half (1-1/2) spaces.
 - 2. Personal care and medical care facilities - One (1) space per facility employee and one (1) space per bed.
 - 3. Parking aisles shall be at least twenty-four (24) feet wide.
- G. Public water and sewer are required.
- H. No structure shall be closer than fifty (50) feet to any lot or street line.
- I. Screen planting and buffer zones are required in accordance with Section 5.12 of this Ordinance.
- J. Direct access to an arterial or collector road is required as designated in the Township Comprehensive Plan.
- K. All proposed streets and access drives shall follow the provisions of the street design requirements of the Subdivision and Land Development Ordinance.

Section 8.6 Salvage and Junk Yards

Salvage and junk yards are permitted as conditional uses subject to the following conditions:

- A. Lot area - Shall have a minimum area of ten (10) acres and a maximum no greater than twenty-five (25) acres.
- B. Lot width - Three hundred feet (300') minimum.
- C. Setbacks - Any area used for this purpose must be at least seventy-five feet (75') from any property line and one hundred (100) feet from any street line.
- D. The area to be used must be completely enclosed with a six foot (6') high fence so constructed as not to have openings greater than six inches (6") in any direction and be provided with a vegetative buffer, 100% opaque, six (6) feet high and ten (10) feet wide. This fence shall have a locked gate.
- E. Tires, batteries, fluids and related materials shall be removed from all junk vehicles.
- F. Performance Standards as set forth in Section 5.10 supplementing regulations.

Section 8.7 Tanning and Storage of Rawhides, Skins and Fat Rendering, Slaughterhouses, Stockyards and Fertilizer Plants

Tanning and storage of rawhides, skins and fat rendering, slaughterhouses, stockyards and fertilizer plants are permitted as a conditional use subject to the following conditions:

- A. Lot area - Shall have a minimum area of ten (10) acres and a maximum no greater than twenty-five (25) acres.
- B. Lot width - Three hundred feet (300') minimum.
- C. Setbacks - Any area used for this purpose must be at least seventy-five feet (75') from any property line and one hundred (100) feet from any street line.
- D. The area to be used must be completely enclosed with a six foot (6') high fence so constructed as not to have openings greater than six inches (6") in any direction and be provided with a vegetative buffer, 100% opaque, six (6) feet high and ten (10) feet wide. This fence shall have a locked gate.
- E. Hazardous and toxic substances shall be properly stored and disposed of in accordance with the Cumberland County Solid Waste Management Plan and the regulations of the Commonwealth of Pennsylvania.

- F. Performance standards contained in Section 5.10 supplementing regulation.

Section 8.8 Shopping Centers

Shopping centers are permitted as a conditional use subject to the following conditions:

- A. Total Area - Five (5) acres minimum.
- B. Lot Width - Three hundred feet (300') minimum.
- C. All buildings must be set back at least fifty feet (50') from any property line and one hundred feet (100') from a street line.
- D. Screening and buffer zones shall be in accordance with Section 5.12 of this Ordinance.
- E. Parking must be provided at the ratio of parking space to gross floor area of two (2) to one (1).
- F. Access must be via an arterial street or collector street as designated by the Township Comprehensive Plan.

Section 8.9 Communication Towers, Commercial Radio and Television Transmission and Receiving Tower Facilities

All commercial radio and television transmission and receiving tower facilities are permitted as a conditional use subject to the following conditions:

- A. All tower facilities shall be set back from all street rights-of-way and property lines a minimum distance equal to that of the height of the tower facility. In no instance shall the setback for a tower facility be less than fifty (50) feet.
- B. The height of any tower facility shall not be restricted unless there is an adverse effect upon the character of the neighborhood, television interference will occur, or significant amounts of noise are generated by the tower facility.
- C. Security fencing shall be provided to restrict access to the tower facility by unauthorized persons.
- D. All tower facilities shall be planned, constructed and operated in accordance with the rules and regulations of the Federal Communications Commission.

Section 8.10 Industrial or Commercial Office Parks

Industrial or commercial parks are permitted subject to the following conditions:

- A. Total park area: Ten acres minimum.
- B. Lot width: Three hundred feet minimum.
- C. All buildings must be set back at least fifty feet from any property line and one hundred feet from a street lane.
- D. Screening and buffer zones in accordance with Section 5.12 of this ordinance.
- E. Access shall be via an arterial street or major and minor collector street as designated by the Township Subdivision and Land Development Ordinance.
- F. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial wastes) in accordance with Section 5.10 of this Ordinance.
- G. Appearance should be harmonious with adjoining properties. This feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, building coverage, and architectural controls.

Section 8.11 Building Contractors and Auction Businesses Operating in the Agricultural Zone of the Ordinance

- A. The business floor area of the Building Contractor's Business or the Auction House may not exceed three thousand (3,000) square feet of floor area.
- B. Any building housing a Building Contractor or an Auction House shall be set back a minimum of seventy-five feet (75') from the street right-of-way and located no closer than fifty feet (50') from the side and rear property lines.
- C. Each application shall be accompanied with a report listing the nature of the business and the services rendered to the agricultural community of South Newton Township.
- D. Along each property line, which is adjacent to the residential district or an existing residence, screening shall be provided in accordance with Section 5.12 of this Ordinance.
- E. Any illumination or flood lighting shall be arranged so that there will be no glare of lights upon a residence or residential district.
- F. Each application for a Building Contractor or an Auction Business shall be accompanied with a Plan as set forth in Section 5.5 of this Ordinance indicating parking and circulation, and landscaping arrangements. Parking spaces as a

minimum shall be provided at the rate of one (1) space per five hundred square feet (500 sq. ft.) of lot area.

- G. Signs shall be in accordance with Section 5.9 of this Ordinance.
- H. The applicant will endeavor to utilize areas of its property that are not designated as prime farmland whenever possible. The applicant will also endeavor to use any existing agricultural buildings for its contracting or auction businesses when practical and appropriate.

Section 8.12 Special Requirements for Adult Book Stores and Theatres

Adult bookstores and theatres are permitted as a special exception use subject to the following conditions:

A. General Intent and Application

It is the intent of these requirements that uses be regulated for the purpose of protecting the public health, safety and welfare. Each of the following land uses contains criteria, which shall be addressed by the applicant and reviewed by the Zoning Officer when a permitted use, or by the Board of Supervisors when a conditional use.

B. Adult Related Uses

In the enactment of this Ordinance, it is recognized that adult-related facilities or business, because of their very nature, have serious objectionable operational characteristics, particularly when several such businesses are concentrated in a given area thereby having a deleterious effect upon adjacent land use. Special regulation of these adult-related facilities or businesses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The location of adult-related facilities is also of vital concern to society with regard to their proximity to areas where minors may learn, play or congregate. On the other hand, it is recognized that adult-related facilities are protected under the First Amendment, and the market for these businesses must remain essentially unrestrained. It is the goal and purpose of this Ordinance to protect the health, safety, morals and general welfare to the extent authorized by the Municipalities Planning Code while at the same time maintaining community access to adult establishments so as to not violate the First Amendment's guarantee of freedom and expression.

- a. All adult-oriented businesses shall have a minimum lot area of twenty (20) acres.
- b. The lot width at the street right-of-way line shall be a minimum of three hundred (300) feet.
- c. An adult-oriented business shall not be permitted within one thousand (1000) feet of any other adult-oriented business.

- d. An adult-oriented business shall not be permitted within one thousand (1000) feet of any public or private school, day care facility, public recreation facility, public rest areas, public parking areas, public and private camping areas, commercial recreation or entertainment facility, library, museum, or church. No adult-oriented business may be established within one thousand (1000) feet of any residentially-used land.
- e. No performance, service, materials, merchandise, or film offered for sale, rent, lease, loan or for view within the premises shall be exhibited or displayed outside of a building or be visible from outside the building or structure.
- f. Any buildings or structures must be set back at least three hundred (300) feet from any property or street right-of-way.
- g. A buffer yard of at least two hundred (200) feet wide must be located on the site in all instances.
- h. Trees and shrubs must be planted in the buffer yard so as to form an effective visual barrier between the business and all adjoining properties, including road frontage. Trees shall be of such dimension and variety that they will achieve a minimum height of six (6) feet in the year after issuance of the permit.
- i. Any building or structure used and occupied as an adult-oriented business shall be windowless, or have an opaque covering over all windows and doors where performance, service, materials, merchandise, or film are exhibited or displayed.
- j. No sign shall be located upon the premises which depicts a visual representation of the type of performance, service, materials, merchandise, or film being offered therein.
- k. All entrances to the premises shall be posted with notices that persons under the age of eighteen (18) years are not permitted to enter and warning all other persons that they may be offended by the performance, service, materials, merchandise, or film exhibited or displayed therein.
- l. No adult-oriented business may change to another adult-oriented business except upon approval by an additional conditional use.
- m. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
- n. No unlawful sexual activity or conduct shall be permitted.
- o. No more than one (1) adult-oriented business may be located within one building.

Section 8.13 Solar Energy Systems

Solar energy systems are allowed in all zoning districts as an accessory use subject to the following conditions and requirements.

DEFINITIONS:

Accessory Solar Energy System: An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption or utility power to fuels.

Glare: The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Principal Solar Energy System: An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

Solar Easement: A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

Solar Energy: Radiant energy (direct, diffuse and/or reflective) received from the sun.

Solar Panel: That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

Solar Related Equipment: Items including a solar photovoltaic cell, module, panel or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

1. **Solar Array:** A grouping of multiple solar modules with purpose of harvesting solar energy.
2. **Solar Cell:** The smallest basic solar electric device which generates electricity when exposed to light.

3. **Solar Module:** a grouping of solar cells with the purpose of harvesting solar energy.

A. General requirements applicable to all solar energy systems.

1. Solar energy systems are permitted as an accessory use to any lawfully permitted principal use on the same lot upon issuance of a zoning permit from the Zoning Officer upon compliance with all requirements of this Section and as elsewhere specified in this Ordinance.
2. Installation of solar energy systems shall be in compliance with the Pennsylvania Uniform Construction Code, as amended, and be subject to all applicable permit requirements thereof as well as all other applicable laws, codes and regulations.
3. On-site electrical transmission and power lines connected to or associated with the solar energy system shall be located underground.
4. The owner of any solar energy system connected to an electric utility grid shall provide the Township with written authorization from the utility acknowledging and approving such connection.
5. All solar energy system installations must be certified by a professional firm from a list of approved solar electric installers provided on the PA Sunshine Program website operated by the PA Department of Environmental Protection or from the North American Board of Certified Energy Practitioners.
6. Solar energy systems shall not be used for displaying advertising except for reasonable identification of the manufacturer of the system. In no case shall such identification exceed 200 square inches.
7. A clearly visible warning sign concerning voltage shall be placed at the base of all pad mounted transformers and substations.
8. When a building is necessary for the storage of cells and/or equipment or components related to the solar energy system, the building must not exceed 400 square feet in area, must not exceed fifteen (15) feet in height and must not be located within any side, rear, or front yard setback.
9. The owner of solar energy system shall be responsible for decommissioning and removal of the system after a period of 12 months during which the system has not been in active and continuous service.
10. Any solar energy systems existing as of the effective date of this Section are exempt from the provisions of this Section; however, any repairs to or replacements of any

part or all of the system shall be in compliance with the requirements of this Ordinance.

11. All owners of property upon which a solar energy system is installed shall be required, as a conditions of the issuance of the zoning permit referred to in Paragraph A.1, above, to acknowledge in writing to the Township that the issuance of a zoning permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (2) the right to prohibit the development on or growth of any trees or vegetation on such property.

B. Requirements applicable to all roof-mounted solar energy systems.

1. The total height of a building with solar panels shall not exceed by more than one (1) foot the maximum building height permitted in the applicable zoning district.
2. Solar panels shall not extend beyond any portion of the roof edge.
3. A structural roof analysis shall be required for all roof-mounted solar energy systems.
4. Integrated or separate flush mounted solar panels shall be located only on rear or side-facing roofs as viewed from the any adjacent street unless the proposed location prevents the solar energy system from operating as designed, as certified in writing by the manufacturer or installer. Removal of potential obstructions such as vegetation shall not be considered sufficient cause for permitting panel installation on a front-facing roof.

C. Requirements applicable to ground-mounted solar energy systems.

1. Ground-mounted solar energy systems (also referred to as "ground arrays") shall be located so that any sun reflection is directed away from or is properly screened from adjoining property.
2. Ground arrays shall not exceed a height of 20 feet at the highest point of the structure.
3. Solar panels shall not be mounted on any pole or tower.
4. No part of a solar energy system shall be placed or erected within the required yard setback required by the applicable zoning district.
5. No part of a solar energy system shall be located in a required front yard, however it may be located in the portion of the yard in front of the principal building and outside

of the required front yard provided that vegetative screening is provided to serve as a barrier to visibility and glare, subject to the following standards:

(a) All materials shall reach a minimum height of six feet above finished grade of land at site of planting within two years of planting. However, all materials used for screening of an industrial use shall be six feet at initial planting.

(b) Planting materials shall be permanently maintained in order to ensure effective screening and replaced when necessary.

(c) Vegetative screen must be comprised of plant material that will provide a minimum opacity of 80% in winter and 80% in summer. One of the following arrangements shall be utilized:

(i) Screen planting shall contain three staggered rows of vegetative material. This screen planting shall consist of one row of fast-growing needled evergreens spaced not more than 12 feet on center and two rows of deciduous trees, with a minimum height potential of 20 feet, spaced not more than 25 feet on center.

(ii) Screen planting shall contain two staggered rows of vegetative material. Seventy-five percent shall be fast-growing needled evergreens planted 10 feet on center and staggered for effective screening. The remaining 25% shall be deciduous trees planted in staggered clusters with 25 feet being the maximum spacing between trees.

(iii) Screen planting shall contain two staggered rows of vegetative material. Seventy-five percent shall be fast-growing needled evergreens planted 10 feet on center and staggered for effective screening. Fifteen percent shall be deciduous trees planted in staggered clusters 25 feet on center. The remaining 10% shall be staggered shrub masses used as understory plants and in combination with deciduous tree clusters. The maximum spacing for shrubs shall be four feet on center. The deciduous trees and shrubs are suggested to break up the straight line planting of one type of plant material.

(d) Prior to issuance of a zoning permit, a sketch plan showing the proposed arrangement, placement, species and size of all screen planting material shall be submitted for approval to the South Newton Township Zoning Officer pursuant to Section 5.12.

6. The surface area of a ground-mounted solar energy system, regardless of the mounted angle of any solar panels, shall be considered part of and calculated in the lot coverage of the lot on which the system is located.

7. The surface area of a ground-mounted solar energy system shall not exceed three percent (3%) of maximum lot coverage of the lot.

Section 8.14 Personal Stand-Alone Wind Turbines and Wind Energy Facilities

Personal Stand-Alone Wind Turbines are permitted in the designated zoning districts as a permitted accessory use.

DEFINITIONS

Hub Height: means the distance measured from the surface of the tower foundation to the highest point of the Wind Turbine hub, to which the blade is attached.

Non-Participating Landowner: means any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

Occupied Building: means a residence, school, hospital, church, public library, commercial building or other building used for public gathering that is occupied or in use when the permit application is submitted.

Personal Stand-Alone Wind Turbine: a wind turbine constructed primarily for the generation of electricity that will be used on the property upon which the Wind Turbine is located in accordance with Article IV.

Shadow Flicker: means alternating changes in light intensity caused by a moving wind rotor blade casting shadows on the ground and stationary objects.

Turbine Height: means the distance measured from the surface of the tower foundation to the highest point of a Wind Rotor blade when the blade is positioned at 90 degrees to the surface of the ground.

Wind Energy Facility: means an electric generating facility, whose main purpose is to supply electricity to off-site customers, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmissions lines and other appurtenant structures and facilities.

Wind Energy Facility: means an electric generating facility, whose main purpose it to supply electricity to off-site customers, 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.

Wind Energy Operator: means the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

Wind Energy Facilities are permitted in the designated zoning districts as a conditional use subject to the following conditions and requirements.

A. Personal Stand-Alone Wind Turbines.

1. Standards and Design Criteria.

- a. One (1) Personal Stand-Alone Wind Turbine is permitted per lot.
- b. The turbine shall be secondary to the principal use of the lot.
- c. The Wind Turbine shall only be located on a single parcel of land having a lot size of no less than two and one-half (2 ½) acres if the primary use of the parcel is for residential use.
- d. Height limitations.
 - (i) Turbine height shall not exceed fifty (50) feet in height.
 - (ii) The minimum distance between the ground and the lowest point of a Wind Rotor blade shall be twenty (20) feet measured when a Wind Rotor Blade is positioned 270 degrees to the surface of the ground.
- e. The minimum distance between the Wind Turbine and any property line shall not be less than one and one-half (1.5) times the Turbine Height.
- f. Supporting structures.
 - (i) Any structure supporting the Wind Turbine, including guideposts and cables, and above ground fuel storage tanks, shall be independent of any occupied structure (unless a roof mounted wind turbine as described in (9), below).
 - (ii) Any structure supporting the Wind Turbine shall be located a minimum distance of the Turbine Height plus ten (10) feet from any existing aerial utility line or occupied dwelling
 - (iii) Supporting structures shall not be more than fifty (50) feet in height.
- g. All electrical or utility lines from the turbine to the inverter shall be buried underground.

- h. A Personal Stand-Alone Wind Turbine shall be designed at a capacity to meet only the energy demands of the lot on which it is placed. All energy produced from such turbine shall be used to first meet energy demands of the lot on which it is located. This paragraph shall not prohibit a landowner from receiving an off-set from an energy supplier for excess electricity generated by the Wind Turbine.
- i. The Wind Turbine shall be enclosed by a six (6) foot fence with locking gate or the base of the Wind Turbine shall not be climbable for a distance of twelve (12) feet.
- j. Noise. Audible noise or the sound pressure level from the operation of a Wind Turbine shall not exceed fifty-five (55) dBA, for more than 10 percent of any hour, as measured at the exterior of any occupied building on a non-participating adjoining landowner's property. A manufacturer's certificate stating compliance with this standard shall be provided.
- k. Vibration. A Wind Turbine shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
- l. Ice throw. The potential ice throw or ice shedding for a Wind Turbine shall not cross the property line of the lot on which the Wind Turbine is located nor impinge on any right-of-way or overhead utility line.
- m. The Wind Turbine as well as any structure used to support the Wind Turbine shall comply with the Uniform Construction Code as may be amended from time to time.
- n. Roof-mounted Wind Turbines. The Turbine Height of a roof-mounted Wind Turbine shall not exceed 10 feet.
- o. Notification of Local Emergency Services. Before the Wind Turbine is made operational, the applicant shall provide a written notice of the Wind Turbine, including Turbine description and siting, to local emergency services, including paid or volunteer Fire Department(s).
- p. Tree Preservation. No trees or other landscaping otherwise required by the Township's ordinances or attached by the Board of Supervisors or Zoning Hearing Board as a condition of approval of any plan, application or permit may be removed for the installation or operation of a Wind Turbine.

2. An application for a Personal Stand-Alone Wind Turbine as an accessory use shall include the following:
 - a. Plans and data sufficient to satisfy the Board of Supervisors.
 - b. A narrative describing the proposed Personal Stand-Alone Wind Turbine, including an overview of the project, the project location, the approximate generating capacity of the Turbine, the type and height of Turbine to be constructed and a description of any ancillary facilities.
 - c. Identification of the properties adjacent to the property on which the Turbine will be located.
 - d. A site plan showing the planned location of the Turbine, property lines, setback lines, access road and turnout locations, any ancillary equipment, buildings or structures, utility lines and layout of all structures within the geographical boundaries of any applicable setback.

B. Wind Energy Facility.

1. Standards and Design Criteria

a. Height

- (i) The minimum distance between the ground and any part of the Wind Turbine blade shall be thirty (30) feet.
- (ii) The turbine height shall not exceed 195 feet.

b. Setbacks

- (i) Wind Turbines shall be set back from the nearest building on the participating landowner's property a distance not less than the greatest boundary setback requirements for the zoning district or 1.1 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 building.
- (ii) Wind Turbines shall be setback from the nearest building located on a non-participating landowner's property a distance of not less than two (2) times the Turbine Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the building.

- (iii) All Wind Turbines shall be setback from all adjoining property lines a distance of not less than the normal 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.
- (iv) All Wind Turbines shall be setback from any 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.
- (v) All Wind Turbines shall be setback from any ridge a distance of not less than the Turbine Height. For this provision, “ridge” shall be defined as the elongated crest or series of crests at the uppermost point of intersection between opposite slopes of a mountain and including all land lying between such point and an elevation 250 feet below the elevation of such point.
- c. Slopes. No Wind Energy Facility shall be located on a lot of record containing slopes (as that word is defined in Section 178-7 of the Code of the Township of South Newton, Chapter 178, Subdivision and Land Development) equal to or exceeding 15% on 50% or more of the lot of record. This standard shall apply to each lot where a Wind Energy Facility extends across multiple lots of record.
- d. Buildings and Accessory Structures. The design of buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening and landscaping that will blend the Wind Energy Facility into the natural setting and existing environment.
- e. Transmission and Power Lines. On-site transmission and power lines between Wind Turbines shall be placed underground.
- f. Color. Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.
- g. Lighting. 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.
- h. Advertising. Wind Turbines shall not display advertising, except for identification of the turbine manufacturer, Facility Owner or Operator.

i. Safety

- (i) 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. Staff regulation shall not be considered a sufficient braking system for over speed protection.
- (ii) A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
- (iii) 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.
- (iv) All access doors to Wind Turbines and electrical equipment shall be locked or fenced with a locked gate, as appropriate, to prevent entry by non-authorized persons.
- (v) To limit climbing access, a six (6) foot high fence with a locking gate shall be placed around the Wind Energy Facility, or the Wind Turbines' climbing apparatus shall be limited to no lower than twelve (12) feet from the ground, or the Wind Turbines' climbing apparatus shall be fully contained and locked within the tower structure.

(j) Noise.

- (i) Audible noise or the sound pressure level from the operation of a Wind Energy Facility shall not exceed fifty-five(55) dBA, for more than 10 percent of any hour, as measured at the exterior of any occupied building on a non-participating landowner's property. In the event audible noise due to operation of a Wind Turbine contains a steady, pure tone, such as a whine, screech or hum, audible sound due to operation of a Wind Turbine shall not exceed forty-five (45) dBA for any period of time, when measured at any adjoining property line. A steady pure tone is defined to exist if the sound level of any one-third (1/3) octave band exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) or more dB for center frequencies of five hundred (500) Hz and above, by eight (8) dB for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dB for center

frequencies less than or equal to one hundred and twenty-five (125) Hz for any period of time.

- (ii) 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 prevision described in AWEA Standard 2.1 – 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume 1. First Tier.*
- k. **Vibration.** A Wind Turbine shall not cause vibrations through the ground, which are perceptible beyond the property line of the parcel on which it is located.
- l. **Shadow Flicker.** A Wind Turbine shall not cause any shadow flicker on any occupied building on a non-participating landowner's property.
- m. **Ice Throw.** The potential ice throw or ice shedding for a Wind Turbine shall not cross the property line of the lot on which the Wind Turbine is located nor impinge on any right-of-way or overhead utility line.
- n. **Tree Preservation.** No trees or other landscaping otherwise required by the Township's ordinances or attached by the Board of Supervisors or Zoning Hearing Board as a condition of approval of any plan, application or permit may be removed for the installation or operation of a Wind Turbine.
- o. **Signal Interference.** The Wind Energy Facility shall not cause any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any such harm caused by the Wind Energy Facility.
- p. **Compliance with Applicable Standards and Codes**
 - (i) 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 a certificate of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas Germanischer Lloyd Wind Energies or other similar certifying organizations.
 - (ii) The Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code, 34 PA Code § 403.1 – 403.142 as may be amended from time to time.

(iii) 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.

q. Public Inquiries and Complaints

(i) 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.

(ii) The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquiries and complaints.

(iii) The Facility Owner and/or Operator shall keep a record of all such inquiries and complaints and shall submit a report thereof to the Township not less than quarterly.

2. Conditional Use Application. A conditional use application for a Wind Energy Facility shall include the following:

b. Plans and data sufficient to satisfy the Board of Supervisors.

c. A narrative describing the proposed Wind Energy Facility, including an overview of the project, the project location, the approximate generating capacity of the Wind Energy Facility, the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

d. 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 the operation of the Wind Energy Facility and setting forth the applicant's and property owner's name, address and phone number.

e. 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.

f. 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.

- g. A topographical survey of the parcel of land on which the Wind Energy Facility is proposed, prepared by a surveyor registered in the Commonwealth of Pennsylvania containing minimum vertical intervals of five (5) feet.
- h. Environmental Studies. Such studies shall include geotechnical, hydrogeological, threatened or endangered species, and avian and bat studies.
- i. Test Tower Study. A study conducted in advance of the construction of the Wind Energy Facility that demonstrates the potential generation capacity and economic viability of the proposed facility site.
- j. Sound study. A sound study conducted by a licensed, certified noise expert shall demonstrate that compliance with the noise standards.
- k. Statement regarding use of public roads.
 - (i) The applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility.
 - (ii) The Township Engineer or a qualified third party engineer hired by the Township 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.
 - (iii) The Township may require the applicant to bond the road in compliance with state regulations.
 - (iv) Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.
 - (v) The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.
- l. Local Emergency Services
 - (i) The applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer Fire Department(s).

- (ii) Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility (appropriate fees may be required as determined by the Township).
- m. Liability Insurance. A Wind Energy Facility Owner shall maintain 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. A certificate of insurance shall be presented with the Conditional Use Application.
- n. Decommissioning Plan. A Decommissioning Plan sufficient to satisfy the Board of Supervisors.
- o. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Township to ensure compliance with this Ordinance.
- p. Throughout the permit process, the applicant shall promptly notify the Township of any changes to the information contained in the conditional use permit application. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.
- q. Physical Modification. Any physical modification to an existing and permitted Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a conditional use permit modification under this Ordinance. Like kind replacements shall not require a permit modification.

C. Decommissioning.

The provisions of (1) through (3), below, shall be applicable to both Wind Energy Facilities and Stand-Alone Wind Turbines with the provisions of (4) through (9), below, being applicable only to Wind Energy Facilities.

1. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within twelve (12) months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

2. 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.
3. 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.
4. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommission ("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 Township after the first year of operation and every fifth year thereafter.
5. 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 one hundred (100) percent 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 Township.
6. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, cash, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
7. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed above, then the landowner shall have six (6) months to complete decommissioning.
8. If neither the Facility Owner or Operator nor the landowner complete decommissioning within the periods prescribed by above, then the Township, may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
9. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval by the Township in order to implement the decommissioning plan.

ARTICLE IX

STANDARDS FOR SPECIAL EXCEPTION USES

Section 9.1 Requirement of Specific Standards

Specific standards and criteria for Special Exception Uses allowed in this Ordinance are set forth in this Article. These standards and criteria must be met prior to the Zoning Hearing Board granting a Special Exception Use Permit for such uses in applicable zones.

Section 9.2 Special Requirements for Mobile Home Parks

Mobile home parks are permitted as a special exception use subject to the following conditions:

A. Lot area and yard requirements must as a minimum be:

1. Project area - five (5) acres
2. Project area - Lot Width and Depth - each five hundred feet (500')

B. Procedure:

No person, firm or corporation shall construct, maintain or operate a Mobile home Park within the Township without obtaining a Mobile home Park Permit from both South Newton Township and the Department of Environmental Protection. The procedures for reviewing mobile home park plans shall be the same as for subdivision and land development plans in accordance with the Provisions of this Ordinance. Unless specified in this Article, the design standards and improvement requirements for mobile home parks shall be the same as for subdivision and land development projects in accordance with the Provisions of this Ordinance.

C. Plan Requirements

Prior to the issuance of a Mobile Home Park Permit, plans shall be submitted to and approved by the Township in accordance with the requirements and procedures of this Ordinance regarding Pre-application Consultation, Preliminary Plans and Final Record Plans. In addition to the site plan information required elsewhere in this Ordinance, the following information shall be provided on the Plans:

1. The location and use of proposed buildings or structural improvements.

2. The location and design of all uses not requiring structures such as recreation areas and landscaping.

D. Renewable Mobile home Park Permit

1. The Board of Supervisors may grant a Mobile home Park Permit for a period not to exceed twelve (12) months from the date of approval of such permit which shall be renewable every twelve (12) months. The Board or its duly authorized representative shall inspect each Mobile home Park prior to granting or renewing an annual permit for conformance with the Provisions of this Ordinance and any other applicable regulations.
2. It shall be incumbent upon the proprietor of a Mobile home Park to keep a register and to report therein the name of person or head of family occupying each said mobile home, showing date of entry on said land, make and size of mobile home, and the names of all persons living in said mobile home. Said register shall be subject to inspection periodically by the Board of Supervisors.

E. Lot Requirements and Mobile Home Standards

1. Individual mobile home lots located in a mobile home park shall contain at least ten thousand (10,000) square feet of lot area and shall not be less than seventy-five (75) feet wide at the building set-back line exclusive of easements or rights-of-way. All mobile homes will be pursuant to the Statewide Building Code.
2. All mobile home lots shall be given street numbers and all park streets shall be given names.
3. Every mobile home shall be provided with a mobile home stand, which provides an adequate foundation for the placement of such mobile home, securing the structure from settling, vibration, uplift and sliding. The mobile home stand shall have a minimum area of seven hundred twenty (720) square feet. Such stand shall be cement concrete with a minimum thickness of four (4) inches, shall have a frost wall around its perimeter, and shall have an adequate subbase.

F. Yard and Setback Requirements

1. All mobile homes shall be located at least thirty-five feet (35') from any street right-of-way, which abuts a mobile home park boundary, and at least twenty-five feet (25') from any other boundary of the park.
2. There shall be a minimum distance of twenty-five feet (25') between an individual mobile home and adjoining pavement of a park street or common

parking area or other common areas.

3. There shall be a minimum distance of thirty feet (30') between adjacent individual mobile homes.
4. All mobile homes and patios on a mobile home lot shall not be closer than fifteen feet (15') to a lot line.

G. Park Street System

1. Park Access - Each Mobile home Park shall be provided with suitable point(s) of ingress and egress and a distance of at least one-hundred and fifty feet (150') shall be maintained between centerline of access streets.
2. Lot Access - All Mobile home Parks shall be provided with safe and convenient paved access streets to and from each and every mobile home lot. Alignment and gradient shall be properly adapted to topography.
3. Local Streets - All streets in any Mobile home Park shall be designed and improved as local streets in accordance with Township Specifications.
4. Intersections - Not more than two (2) streets shall intersect at any point and a distance of at least one-hundred and fifty (150) feet shall be maintained between centerlines of offset intersecting streets.

H. Required Off-Street Parking

1. Off-street parking areas shall be provided in all Mobile home Parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two (2) vehicular parking spaces for each mobile home lot.
2. Each off-street parking space shall contain at least two-hundred (200) square feet and shall not exceed a distance of three-hundred (300) feet from the mobile home lot that it is intended to serve.

I. Utility Improvements

1. Sewer and Water: All mobile homes shall be connected to sewer and water systems approved by the Department of Environmental Protection.
2. Electrical Distribution: All Mobile home Parks shall have underground electrical distribution systems which shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems.

3. Natural Gas systems: Any natural gas system shall be installed and maintained in accordance with the regulations and specifications of the company supplying said natural gas.
4. Liquefied Petroleum Gas System (LPG): Liquefied petroleum gas systems provided for mobile homes, service buildings or other structures shall include the following:
 - a. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
 - b. Systems shall have at least one (1) accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
 - c. All LPG Piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in a mobile home.
 - d. Any vessel containing liquefied petroleum gas shall be secured, but not permanently fastened to prevent accidental overturning.
 - e. No LPG Vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure unless such installations are specifically approved by the Township.
5. Fuel Oil Supply Systems: All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the following regulations:
 - a. All piping from outside fuel storage tanks or cylinders to mobile homes shall be secured, but not permanently, fastened in place.
 - b. All fuel oil supply systems provided for mobile home, service buildings and other structures shall have shut-off valves located within five (5) inches of storage tanks.
 - c. All fuel storage tanks or cylinders shall be securely placed and shall not be less than ten (10) feet from any mobile home exit.
 - d. Storage tanks located in areas subject to traffic shall be protected against physical damage.

J. Common Open Space

1. All Mobile home Parks shall provide not less than ten (10) percent of the total land area for common open space purposes. Common open space shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located and easily accessible to all park residents. Mobile home parks containing more than fifty (50) lots or dwelling units shall provide playgrounds in accordance with Section 5.20.C of this Ordinance.
2. Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings, and other solid material, or protected with a vegetation growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
3. Park grounds shall be maintained free of vegetation which is poisonous or which may harbor rodents, insects, or other pests harmful to man.

K. Buffer Strips

A suitably screened or landscaped buffer strip shall be provided by the developer along all of the property and street boundary lines separating the park from adjacent uses.

L. Walkways

1. General Requirements: All parks shall be provided with safe, convenient, all season pedestrian walks of adequate width for intended use, durable and convenient to maintain, between individual mobile home lots, the park streets, and all community facilities provided for park residents. Sudden change in alignment and gradient shall be avoided.
2. Common Walk System: A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a width of four (4) feet.
3. Individual Walks: All mobile home lots shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2) feet.

M. Other Site Improvements

1. One (1) fire alarm box or public telephone shall be provided for each mobile home park. Dry chemical fire extinguishers, not less than five (5) pounds in capacity, shall be provided to each mobile home, and each tenant, upon entrance to the park, shall receive instructions on the proper use of the fire

extinguisher. The park owner/manager shall be responsible for such instructions.

2. Each mobile home lot may be provided with a concrete slab for use as a patio or for any expansion of the mobile home. If provided, the concrete slab shall be constructed on a stable surface and be located so as to adjoin and be parallel to the mobile home.
3. Individual tenants at the Mobile home Park may construct attached enclosures or covered patios to individual mobile homes, provided that such enclosure does not exceed the slab area noted in B. above, and is confined to same.
4. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
5. All means of ingress, egress, walkways, streets and parking lots shall be adequately lighted.
6. A water reservoir of at least 10,000 gallons capacity for fire protection shall be provided, and the mobile home park owner/developer shall seek the recommendation of the local fire company in the design of such reservoir. No mobile home shall be located a greater distance than 1,000 feet from the water source.

N. Park Areas for Non-Residential Uses

1. No part of any mobile home park shall be used for a non-residential purpose, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park.
2. Nothing contained in this Section shall be deemed as prohibiting the sale of a mobile home located on an individual lot and connected to the pertinent facilities.

O. Anchoring

1. Every mobile home shall be anchored to the concrete slab on which it shall be placed to prevent uplift or overturning of the mobile home pursuant to the Pennsylvania Statewide Building Code.
2. Every mobile home shall be firmly anchored to withstand a lateral wind pressure of fifteen pounds per square foot (15 lb./sq. ft.).
3. The dead load resisting moment of a mobile home shall not be less than one

and one-half (1 ½) times the over turning moment due to wind and other lateral forces. The foundation and superimposed earth loads may be included provided the anchorage is sufficient to develop these weights. The Township Engineer shall determine the sufficiency of the method of anchorage.

Section 9.3 Special Requirements for Sanitary Landfills

Sanitary landfills are permitted as a special exception use subject to the following conditions:

- A. Lot area - Fifty (50) acres minimum.
- C. Lot width - Three hundred (300) feet.
- C. No building or structure shall be located within two hundred (200) feet of the nearest property line.
- D. The area being used shall be completely surrounded by a six (6) foot high fence so constructed that no opening will be greater than six (6) inches in any dimension. In no event shall this fence permit material to be discharged beyond the property line of said landfill.
- E. All proposed and existing sanitary landfills shall comply with all applicable requirements of the Pennsylvania Department of Environmental Protection.
- F. A community impact assessment shall be performed together with a traffic impact study.

Section 9.4 Special Requirements for Essential Service Buildings

Essential service buildings are permitted as a special exception use subject to the following conditions:

- A. The proposed installation in a specific location must be reasonably necessary for the satisfactory provision of services by the utility to the neighborhood or area in which the particular use is to be located.
- B. The design of any building in connection with such facilities must conform to the general character of the area and not adversely affect the enjoyment of property rights in the zoning district in which it is located.
- C. Adequate fences and other safety devices must be provided as may be required by the Zoning Hearing Board. Fences, when used to enclose public utility facilities such as electrical power substations, shall be built in accordance with the applicable requirements of the Commonwealth of Pennsylvania Utilities

Commission.

- D. Sufficient landscaping and screening, including shrubs, trees and lawn, shall be provided and be periodically maintained.
- E. Adequate off-street parking shall be provided.
- F. All of the area, yard, building coverage and height requirements of the respective zoning district must be met. In addition, all essential service buildings shall comply with the Performance Standards contained in Section 5.10 of this Ordinance.

Section 9.5 Special Requirements for Rehabilitation or Halfway Houses

Rehabilitation and halfway house facilities are permitted as a special exception use subject to the following conditions:

- A. Because of the additional risks to the general population, the following are required:
 - 1. Such facilities shall be located at least one mile from any other group facility.
 - 2. Provisions will be made for direct communications and periodic surveillance by local police, as well as to other law enforcement agencies and to agencies providing emergency service.
 - 3. A logging procedure for residents will be implemented so as to know where and the period of time the residents are away from home.
 - 4. A physical barrier, a fence or like device, shall be installed compatible with a residential area; no barbed wire fences are permitted.
 - 5. All facilities must be licensed or approved by the appropriate Commonwealth or other governmental agency.
 - 6. There shall be 24-hour care and supervision for residents of the facility.
 - 7. All facilities must be provided with one (1) parking space per three (3) residents plus one (1) per employee and another oversized space for visitors and deliveries.
 - 8. All facilities shall be provided with adequate outside lighting to promulgate safety for all persons at all times, with minimum disturbance to adjoining properties.

9. All facilities shall be equipped with fire extinguishers, smoke alarms and other safety systems.

B. As part of the submission procedure for a special exception, the applicant shall provide the Township with a security plan for the facility. This plan shall demonstrate a readiness program for any accident, incident, occurrence, or disturbance which may happen and adversely impact the neighborhood.

9.6 Outdoor Wood-Fired Boilers (OWBs)

A. For this Section the following terms apply:

Clean wood – Natural wood that has no paint, stains, or other types of coatings, and natural wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

DEP - Pennsylvania Department of Environmental Protection.

EPA - United States Environmental Agency.

Non-Phase 2 outdoor wood –fired boilers – An OWB that has not been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (Btu) output or lower and is labeled accordingly.

Outdoor wood-fired boiler (OWB) – Also known as outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor hydronic heaters, water stoves, etc. A fuel-burning device:

1. Designed to burn clean wood or other approved solid fuels;
2. That the manufacturer specifies for outdoor installation or for installation in structures not normally intended for habitation by humans or domestic animals, including structures such as garages and sheds; and
3. Which heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

Phase 2 outdoor wood-fired boiler – an outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million Btu output and is labeled accordingly. Phase 2 outdoor wood-fired boiler models will be identified with a white hang tag.

Spark Arrester – A device (located at the top of a chimney) to prevent sparks, ember or other ignited material above a given size from begin expelled to the atmosphere.

Stack – An vertical structure enclosing a flue or flues that carry off smoke or exhaust from a furnace, especially that part of a structure extending above a roof.

B. REQUIREMENTS FOR OUTDOOR WOODFIRED BOILERS

Outdoor wood-fired boilers are permitted subject to the following conditions and requirements:

1. Zoning District
 - a. OWBs are permitted as an accessory use in all districts.
2. Emissions Standards – All outdoor wood-fired boilers must meet EPA Phase 2 emission standards. Non-Phase 2 OWBs acquired through real estate transactions are exempt from this requirement.

*** Note: DEP mandates all OWBs bought, sold, distributed, leased or installed must meet EPA Phase 2 emission standards.**

3. Number of OWBs – The number of OWBs shall be limited to (one per lot)
4. Lot Size – OWBs shall only be utilized on lots or parcels of land (1-3+, XX) acre(s) or larger.
5. Setbacks – OWBs shall be installed in accordance with the following setbacks”

Front	None
Side	200 feet
Rear	200 feet
Nearest Residential Structure not on lot where the OWB is located	200 feet

*** Note: DEP mandates all Phase 2 OWBs be installed at least 50 feet from the property line.**

6. Location:
 - a. OWBs shall not be located in the front yard.

7. Stack Height – OWBs must have a permanently installed stack that extends at least ten (10') feet, and is installed according to manufacturer's specifications.
***Note: DEP mandates all Phase 2 OWBs have a permanently installed stack that extends at least 10 feet above the ground.**
8. Types of Fuel Permitted – All OWBs shall operate using only the following fuels:
 - a. Clean Wood
 - b. Wood pellets made from clean wood
 - c. Home heating oil, natural gas or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual fired outdoor wood-fired boilers
 - d. Other types of fuel approved in writing by DEP upon receipt of a written request.

***Note: DEP mandates type of fuel permitted to be burned in OWBs.**

9. Solid Waste Disposal – During the entire period of use, every owner of an OWB shall have a current contract with a licensed solid waste hauler and shall use its services for disposal of all household trash. Upon request, every owner and user of an OWB shall present proof of current waste disposal contract to the South Newton Township.
10. An OWB shall not be used as a waste incinerator.
11. Use of Starter Fluids – Use of starter fluids such as lighter fluid, gasoline and other chemicals to ignite an OWB is prohibited.
12. Safety – All OWBs should be equipped with a properly functioning spark arrestor.
13. Decommissioning – All OWBs shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by the owner or operator or upon termination of the useful life of same. The OWB shall be presented to be discontinued or abandoned if the unit has not been in operation for a period of twelve (12) months.
14. Nuisance – The use of an OWB shall not cause a nuisance, as defined by the (insert the appropriate code) to neighboring or other property, as determined by the (insert appropriate code official).
15. All storage of materials to be burned in the OWB shall be kept five (5) feet away from the OWB.

16. Vegetation – An area not less than twenty (20) feet in any direction around the OWB shall be kept free of any vegetation.
17. Installation, use and operation of an OWB must comply with manufacturer’s specifications as well as all applicable local, county, state and/or federal laws, regulations and codes.
18. Administration:
 - a. An applicant shall submit obtain a (zoning/building) permit prior to installation of an OWB.
 - b. Owners of Non-Phase 2 OWBs shall register the device with the (insert appropriate code official) within sixty (60) days of the effective date of this ordinance.
19. Permit Requirements:
 - a. Zoning/building permit applications shall document compliance with this ordinance and shall be accompanied by drawings showing the location of the OWB on the property, including property lines and setbacks. Permits shall be kept on the property where the OWB is located.
 - b. The zoning/building permit shall be suspended or revoked if the OWB is not operated in accordance with this ordinance. A suspended permit may be reinstated once the condition resulting in the suspension is remedied and reasonable assurances are given that such condition will not reoccur.

Section 9.7 Excavating, Stripping, Quarrying, and Mining Operations

Excavation, stripping, quarrying and mining operations are permitted subject to the following conditions:

- A. An open excavation shall be enclosed by a fence or wall that completely encloses the portion of the property in which the excavation is located; said fence or wall shall be so constructed as to have openings no larger than six inches (6), and if pickets are used, the openings shall not exceed six inches (6) and all fences and walls shall be a minimum of eight feet (8) in height with a locked gate.
- B. No quarry wall shall be nearer than one hundred and fifty feet (150') to any property line or street line.
- C. In case of an open excavation or quarry wall, a slope with a ratio no greater than two foot run to one foot rise (2:1) shall extend from the open excavation or quarry wall to the interior of the property for a distance of one hundred fifty feet (150').

- D. An agreement in writing has to be executed which shall comprise a plan for reclamation of the tract, which clearly sets forth the following information:
1. An engineering drawing showing ownership, topography, streams, existing roads, buildings, boundaries and legal description of the tract.
 2. A description of the location, type, extent, methods and time schedule for the operations proposed.
 3. A drawing showing the location and/or proposed relocation of land, trees, buildings, structures, public roads, streams, drainage facilities and utility lines on the tract or adjacent tracts as may require protection, repairs, clearance, demolition or restoration either during or following completion of the operation proposed.
 4. A statement describing methods for compliance with Section 5.10, "Performance Standards", plus any drainage, air pollution, soil erosion or other environmental problems created during the operations including production, transportation, processing, stock-piling, storage and disposal of by-products and wastes.
 5. A plan for re-use of the land after completion of the operations which shall permit the carrying out of the purposes of this Ordinance and appropriately provide for any restoration, reclamation, reforestation or other correction work deemed necessary. Such plan shall be prepared by a Registered Landscape Architect or other qualified person, and shall bear the recommendations of the Township Engineer.
 - a. An erosion and sedimentation control plan in accordance with the DEP Erosion and Sedimentation Control Manual and all other Chapter 102 requirements.
 - b. A plan for reclamation setting forth the proposed final contours, surface runoff controls, applicable seeding, and related stabilization methods and time schedule for implementation.
 - d. Suitable assurance to the Board of Supervisors either in the form of a performance bond or other security acceptable to the Board covering the cost of implementing Items a. and b. above.
 6. A community impact assessment together with a traffic impact study must be completed by the developer.

ARTICLE X

ADMINISTRATION, PERMITS AND FEES

Section 10.1 Duties of Zoning Officer

- A. For the administration of this ordinance, a Zoning Officer who shall not hold any elective office in the Township shall be appointed by the Board of Supervisors. The Zoning Officer shall meet qualifications established by the Board of Supervisors and shall be able to demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning. The Zoning Officer shall administer this ordinance in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this ordinance and other applicable Township codes and ordinances. The Zoning Officer shall issue all permits and perform all inspections required by this Article. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment by the Township.
- B. The provisions of this Ordinance shall be administered and enforced by the Zoning Officer of the South Newton Township. The Zoning Officer, who may hold other office in the Township, shall be appointed to administer the Zoning Ordinance in accordance with its literal term. In no case shall a permit be granted for the construction or alteration, or use thereof would be in violation of any provision of this Ordinance. It shall be the duty of the Zoning Officer or his duly authorized assistants to cause any building, plans, or premises under construction or alteration to be inspected or examined and to order in writing the remedying of any conditions found to exist in violation of any provision of this Ordinance; and he shall have the right to enter any building or premises during the daytime in the course of his duties.
- C. The Zoning Officer shall maintain files, open to the public, of all applications for zoning permits along with plans submitted therewith.
- D. The Zoning Officer shall also maintain records, open to the public, of every complaint of a violation of the provisions of this ordinance as well as action taken as a result of such complaints.
- E. The Zoning Officer shall submit to the Township Supervisors for insertion in the

Supervisors' minutes, a written report summarizing for the month all zoning permits or other permits issued by him, and a summary of all inspections. As applicable he shall include a summary of complaints received and investigated, and any violations identified and action taken.

Section 10.2 Zoning Permit

- A. **Requirement:** A zoning permit shall be required prior to the erection, construction or alteration of any building structure, or sign, or any portion thereof, prior to the moving of a building into the Township, or from one place in the Township to another prior to the change or extension of nonconforming use, and upon a change in the use of a structure or land.
- B. **Application:** Application for permits shall be made in writing to the Zoning Officer on such forms as may be furnished by the Township. Such application shall include building and plot plans of a satisfactory nature in duplicate and shall contain all information necessary for such official to ascertain whether the proposed erection, alteration, use, or change in use complies with the provisions of this ordinance. No permit shall be considered complete or permanently effective until the Zoning Officer has certified that the work meets all the requirements of applicable codes and ordinances.
- C. **Issuance of Permits:** No zoning permit shall be issued except in conformity with the regulations of this ordinance, except after written order from the Zoning Hearing Board or the Courts. Permits shall be granted or refused within thirty days after date of application. Inaction of Zoning Officer does not constitute approval of application for building permit.
- D. **Expiration of Permits:** No zoning permit shall be valid or effective after twelve months from the date of issuance thereof and shall thereafter be void unless the work authorized by such permit has been commenced within said twelve-month period and pursued with due diligence. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted due to circumstances or any reasonable cause beyond his control, the permit may be renewed without additional cost to the applicant.
- E. **Revoking of Permits:** The Zoning Officer may revoke a permit or approval issued under the provisions of this ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based, or if it is found that the work performed or the use to which the property is put is not in conformance with the application, approved plans, or provisions of all pertinent laws.
- F. **Record of Permits:** A record of all zoning permits shall be kept on file at the Township Office by the Zoning Officer and a copy shall be furnished on request

to any person having proprietary or tenancy interest in the building or land affected.

Section 10.3 Inspections

- A. Inspection by the Zoning Officer. It shall be a duty of the Zoning Officer to make the following minimum number of inspections of property for which a zoning permit/building permit has been issued:
1. **Initial Inspection:** This inspection shall be performed at the beginning of any construction, erection or alteration activity, prior to the change or extension of nonconforming uses, or prior to the change in the use of a structure or land. The purpose of the inspection shall be to determine compliance with applicable provisions of this ordinance, to assure that the work being performed conforms to the plans and other data submitted with the approved permit application, and especially in the case of non-conformities, to assess existing use, operation, and extent of occupation prior to changes.
 2. **Final Inspection:** This inspection shall be performed upon completion of any construction, erection or alteration activity, after a change or extension of non-conforming uses, or after a change in the use of a structure or land. The purpose of this inspection shall be to determine compliance with applicable provisions of this ordinance and to assure that the permitted activity has been performed in accordance with the plans, statements and other data submitted with the approval permit application.
- B. **Records:** The Zoning Officer shall keep a record of all inspections, noting the permittee, address, purpose of the inspection, date, time and his findings. Such record shall be accessible to the Board of Supervisors and Township Secretary, and a copy of each inspection record shall be mailed to the permittee. Enforcement actions shall be undertaken in accordance with Article 10 of this ordinance, the Pennsylvania Municipalities Planning Code (Act 247 pf 1968 as reenacted and amended), and other law as may be applicable.

Section 10.4 Certificate of Use

- A. A Certificate of Use shall be a statement issued by the Zoning Officer stating that a building, structure, parcel or use of land complies with the provisions of this ordinance.
- B. No vacant land shall be occupied or used, and no structure or part of a structure hereafter erected, substantially altered or changed in use shall be occupied or used until a Certificate of Use shall have been issued by the Zoning Officer.

- C. A Certificate of Use for the use or occupancy of vacant land or for a change in ownership or for a change in the use of land, or for a change in the use of an existing building, either for whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the application for a building or zoning permit, and shall be issued or denied within fifteen days after a final inspection by the Zoning Officer.
- D. A Certificate of Use for changing or extending a non-conforming use, existing at the time of passage of this ordinance or of an amendment thereto, shall be applied for and issued before any such non-conforming use shall be changed or extended. Such certificate shall be issued within fifteen days after a final inspection and approval by the Zoning Officer.
- E. A record of all Certificates of Use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

Section 10.5 Fees

- A. The Board of Supervisors shall set fees by resolution, payable in advance, for all applications, permits or appeals provided for by this ordinance. Such fees shall be in accordance with the regulations of the Pennsylvania Municipalities Planning Code, and shall be used to defray allowable costs which may include the cost of advertising, processing, inspecting, mailing notices, charges of a stenographer for taking the notes of testimony, and handling applications and permits. Zoning permit fees shall not be required for any maintenance operations such as painting, roof repair, window replacement, installation of siding, replacement of defective structural member or similar maintenance measures.
- B. The Board of Supervisors shall be empowered to reevaluate the fee schedule and make necessary changes to it. Such changes shall not be considered an amendment to this ordinance and may be adopted at any public meeting of the Board of resolution.
- C. The required fees for zoning district amendments may vary according to advertising costs and thus shall be kept up-to-date by the Board of Supervisors and the Zoning Officer. All such fees shall be paid into the Township treasury.
- D. Special exceptions and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until preliminary charges have been paid in full.

Section 10.6 Procedures

Where applicable an application must be made pursuant to the procedures and regulations of the State Wide Building Code.

ARTICLE XI

ENFORCEMENT, VIOLATIONS, AND PENALTIES

Section 11.1 Enforcement Notice

- A. Whenever the Zoning Officer or other authorized Township representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, or of any regulation adopted pursuant thereto, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice by certified mail as provided in this section.
- B. 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.
- C. An enforcement notice shall state at least the following:
 - 1. The name of the owner of record and any other person against whom the Township intends to take action.
 - 2. The location of the property in violation.
 - 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
 - 4. The date before which the steps for compliance must be commenced, not to exceed thirty days from receipt of notice, and the date before which the steps must be completed.
 - 5. An outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance or any part thereof, and with any regulations adopted pursuant thereto.
 - 6. A statement indicating that the recipient of the notice has the right to appeal to the Zoning Hearing Board or the Board of Supervisors within a prescribed period of time, in accordance with procedures set forth elsewhere in this ordinance.
 - 7. A statement indicating that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions clearly described.

Section 11.2 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 any ordinance enacted under this act or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute 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 instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least thirty days prior to the time the action is begun by serving a copy of the complaint on the governing body of the municipality by certified mail. No such action may be maintained until such notice has been given.

Section 11.3 Jurisdiction

District Justices shall have initial jurisdiction over proceedings brought under Section 11.2

Section 11.4 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this zoning ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than one thousand (\$1,000.00) dollars plus all court costs, including reasonable attorney fees incurred by a municipality 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 municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this zoning ordinance shall be paid over to the Township.
- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

- C. Nothing contained in this Section 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 section.

ARTICLE XII
AMENDMENTS AND APPEALS

Section 12.1 Enactment of Zoning Ordinance Amendments

- A. For the preparation of amendments to this zoning ordinance, the procedure set forth in section 607 of the Pennsylvania Municipalities Planning Code for the preparation of a proposed zoning ordinance shall be optional.
- B. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or areas shall be posted at least one week prior to the date of the hearing.
- C. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
- D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- E. At least 30 days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the Cumberland County Planning Commission for recommendations.
- F. The Township may offer a mediation option as an aid in completing proceedings authorized by Article IX or Article X-A of the Pennsylvania Municipalities Planning Code. In exercising such an option, the Township and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code.
- G. Within 30 days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the Cumberland County Planning Commission.

Section 12.2 Procedure for Landowner Curative Amendments

- A. A landowner who desires to challenge on substantive grounds the validity of this Zoning Ordinance or Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided as provided in the Pennsylvania Municipalities Planning Code. The governing body shall commence a hearing thereon within 60 days of the request as provided in said Section. The curative amendment and challenge shall be referred to the Township Planning Commission and County Planning Commission and notice of the hearing thereon shall be given as provided in this ordinance and of the Pennsylvania Municipalities Planning Code.
- B. The hearing shall be conducted in accordance with Article VII and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Board of Supervisors. If the Township does not accept a landowner's curative amendment brought in accordance with this Subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- C. If the Board of Supervisors of South Newton Township determines that a validity challenge has merit, it may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;
 3. The suitability of the site for the intensity of use proposed by the site soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;

4. The impact of the proposed use on the site soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
5. The impact of the proposal on the presentation of agriculture and other land uses which are essential to public health and welfare.

Section 12.3 Procedure for Municipal Curative Amendments

If the Township determines that this Zoning Ordinance or any portion thereof is substantially invalid, it shall take the following actions:

- A. The Township shall declare by formal action, this Zoning Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days following such declaration and proposal the Board of Supervisors of South Newton Township shall:
 1. By resolution make specific findings setting forth the declared invalidity of the zoning ordinance which may include:
 - a) references to specific uses which are either not permitted or not permitted in sufficient quantity;
 - b) reference to a class of use or uses which require revision; or
 - c) reference to the entire ordinance which requires revisions.
 2. Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity.
- B. Within 180 days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this Zoning Ordinance pursuant to the provisions required in order to cure the declared invalidity of the zoning ordinance.
- C. Upon the initiation of the procedures, as set forth in clause A., the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment, nor shall the Zoning Hearing Board be required to give a report requested of the Pennsylvania Municipalities Planning Code subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution as required. Upon completion of the procedures as set forth in clauses A. and B., no rights to a cure

pursuant to the provisions of Sections 16.02 of this ordinance and 916.1 of the Pennsylvania Municipalities Planning Code shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended zoning ordinance for which there has been a curative amendment pursuant to this Section.

- D. If the Township utilizes the procedures as set forth in clauses A. and B. it may not again utilize said procedure for a 36-month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of this Zoning Ordinance, pursuant to clause B. provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to prepare a curative amendment to this ordinance to fulfill said duty or obligation.

Section 12.4 Publication, Advertisement and Availability of Ordinances

- A. Amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed amendment once in one newspaper of general circulation in the Township not more than 60 days nor less than 7 days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary , prepared by the Township Solicitor and setting forth all the provisions in reasonable detail if the full text is not included:
 - 1. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
 - 2. An attested copy of the proposed amendment shall be filed in the county law library or other county office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
- B. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Board of Supervisors shall, at least ten days prior to enactment, re-advertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

- C. This zoning ordinance and any amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

Section 12.5 Appeals

- A. The procedures set forth in Article X-A of the Pennsylvania Municipalities Planning Code, as amended, shall be used for securing review of any decision rendered pursuant to Article II of this zoning ordinance.
- B. All appeals from all land use decisions rendered pursuant to Article 7 of this ordinance shall be taken to the Court of Common Pleas of Cumberland County and shall be filed within thirty days after entry of the decision as provided in 42 Pa. C.S. Section 5572 (relating to time of entry of order) or, in the case of a deemed decision, within thirty days after the date upon which notice of said deemed decision is given as set forth in this ordinance.

This Ordinance shall take effect five (5) days after the date of enactment of this Ordinance.

DULY ENACTED and ORDAINED this ____ day of _____ 2011, by the Supervisors of South Newton Township in public session duly assembled.

SOUTH NEWTON TOWNSHIP BOARD OF SUPERVISORS

David E. Durff, Chairman
South Newton Township, Cumberland
County, Pennsylvania

Wayne E. Shoemaker, Vice Chairman
South Newton Township, Cumberland
County, Pennsylvania

Glenn Keefer, Supervisor, Roadmaster
South Newton Township, Cumberland
County, Pennsylvania

ATTESTED and FILED this the _____ day of _____, 2011.

Trena R. Durff, Secretary
South Newton Township,
Cumberland County, Pennsylvania