

**NEWPORT TOWNSHIP
LUZERNE COUNTY**

**ZONING ORDINANCE
of 2026**

Adopted on:

Effective:

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, Commissioner

, Commissioner

ARTICLE 1 – GENERAL PROVISIONS

SECTION 101 TITLE

This Ordinance shall be known and may be cited as the Zoning Ordinance of Newport Township, Luzerne County, Pennsylvania.

SECTION 102 PURPOSE

This Ordinance is enacted to accomplish the purposes enumerated in Section 604 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, which includes the following:

1. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, emergency management preparedness, airports and national defense facilities, the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of natural, scenic and historic values in the environment and preservations of forests, wetlands, aquifers and floodplains.
2. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
3. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
4. To provide for the use of land within Newport Township for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangement, manufactured home and manufactured home parks, provided, however, that this Ordinance shall not be deemed invalid for the failure to provide any other specified dwelling type.
5. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

SECTION 103 COMMUNITY OBJECTIVES

The enactment of this Ordinance is intended to promote the public health, safety, morals, and welfare of the present and future residents of Newport Township by providing procedures which will assist in directing growth and development in accordance with stated goals and objectives of the Newport Township Community Objections, and as may be amended thereafter.

SECTION 104 SEVERABILITY

If any article, section, subsection, paragraph sentence or phrase of this Ordinance is for any reason declared to be invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

SECTION 105 REPEALER

All ordinances or parts thereof which are in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 106 PROCEDURAL DEFECT

Any allegation that this Ordinance or any amendment thereto has been enacted in a procedurally defective manner shall be appealed as provided by state law and must be filed no more than thirty (30) days after the intended effective date of this Ordinance or any amendment thereto.

SECTION 107 EFFECTIVE DATE

This Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

ARTICLE 2 – DEFINITIONS

SECTION 201 APPLICATION AND INTERPRETATION

The definition of words included herein are provided to facilitate the interpretation of this Ordinance for administrative and enforcement purposes. Unless expressly stated otherwise, within the context of the Ordinance, the following shall apply:

1. Words used in the present tense shall include the future tense.
2. The word “person” shall include a profit or nonprofit corporation, company, partnership, or individual.
3. The words “used” or “occupied” as applied to any land or building shall include the words “intended,” “arranged,” or “designed” to be used or occupied.
4. The word “building” shall include “part thereof” and “structure.”
5. The word “lot” shall include “plot” or “parcel.”
6. The word “shall” is always mandatory.
7. The singular number shall include the plural, and the plural the singular.
8. The masculine gender shall include the feminine and neuter.
9. The word “street” shall include “road,” “highway,” “lane,” “avenue,” and “drive.”
10. All structures that are designed for a specific use shall be used only for such use for which they are designed and any restriction as to use shall apply to construction and vice versa.

SECTION 202 TERMS OR WORDS NOT DEFINED

When terms, phrases, or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply. A standard reference dictionary should be consulted.

SECTION 203 DEFINITIONS

ABANDONMENT:

To cease or discontinue a use or activity without intent to resume but excluding temporary or short-term interruptions to a use or activity during periods or remodeling, maintaining, or otherwise improving or rearranging a facility, subject to completion of the work within one year from the issuance of a zoning permit and/or building permit.

ABUTTING:

Having a common border with or being separated from such a common border by a right-of-way, alley, or easement.

ACCESS:

A way or means of approach to provide physical ingress and/or egress to a property.

ACCESSORY STRUCTURE:

A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

ACCESSORY USE:

A use incidental to, and on the same lot as, a principal use.

ADJOINING PROPERTY:

A property having a contiguous property boundary with a separate property, including properties with any amount of opposite front, rear or side yard areas that are separated by a right-of-way, alley, or easement.

ADULT USE:

Adult Oriented Bookstore: An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following: (1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or (2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Adult Oriented Entertainment: A nightclub, bar, tavern, restaurant, club or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Massage Parlor: An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Specified Anatomical Areas: As used herein, specified anatomical areas means and includes any of the following: (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: As used herein, specified sexual activities means and includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth as a “Sexually Oriented Activity.”

ADVANCED FABRICATION:

A facility engaged in precision or high-technology manufacturing, prototyping, or assembly using methods such as 3D printing, CNC machining, robotics, or microfabrication, typically within enclosed buildings and without heavy industrial impacts.

AGGREGATE OR FILL STORAGE YARD:

An outdoor facility used for the storage, stockpiling, or limited transfer of soil, sand, gravel, stone, fill, or similar bulk materials, excluding processing or extraction activities.

AGRICULTURE USE:

The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for farm homes, and packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agriculture activities, and provided further that the above uses shall not include commercial hog farms, poultry farms or fur farms, and excluding fertilizer plants or sale of fertilizer, feed stores, tanneries, and similar objectionable uses.

AGRI-TOURISM:

An activity or operation that is agriculturally based and brings in visitors to a farm or ranch, including buying produce direct from a farm stand, navigating a corn maze, picking fruit, feeding animals or staying at a Bed and Breakfast on a farm.

AIRPORT:

A facility for the landing, takeoff, storage, or maintenance of aircraft, including runways, taxiways, hangars, and related operations for private, public, or commercial use.

ALLEY:

A public or private way affording secondary means of access to abutting property.

ALTERATION:

Any change, addition, or modification in construction or occupancy of an existing structure.

ALTERATION, STRUCTURAL:

Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

AMENDMENT:

A change in the regulations and provisions of the Newport Township Zoning Ordinance, including any changes to the boundaries of zoning districts as provided upon the Zoning Map.

ANIMAL CEMETERY:

A place where three or more animals, either agricultural or domesticated, are buried.

ANIMAL CLINIC OR HOSPITAL:

A building or structure used for the treatment of domesticated animals by a veterinarian or other medical practitioner licensed by the state, with short-term boarding incidental to the treatment.

ANIMAL CREMATORY:

A place where three or more animals, either agricultural or domesticated, are cremated.

ANIMAL KENNEL:

A place where more than three animals are kept, housed, boarded, bred or trained.

APPLICANT:

The person or entity filing an application under this Ordinance.

ARCADE / ESPORTS / INTERACTIVE GAMING CENTER:

An indoor entertainment facility featuring electronic, virtual, or interactive gaming, including video arcades, esports arenas, or similar gaming experiences, which may include food and beverage service as an accessory use.

ART GALLERY / STUDIO / CULTURAL STUDIO:

A space used for the creation, display, or teaching of visual, performing, or cultural arts, which may include public exhibitions, classes, or limited retail sales of artwork produced on-site.

ASPHALT, BATCH OR CONCRETE PLANT:

An industrial facility used for the production of asphalt or concrete, or asphalt or concrete product, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance or required equipment.

AUTOMOTIVE REPAIR FACILITY:

Auto Body Shop: A facility in which major or minor collision repairs or replacements are performed, including painting and body work. Services provided may also include major or minor parts repairs or replacement.

Service Station (Minor): A facility that provides minor services such as oil changes, alignments, tires, filters, safety/emissions inspections and other similar services.

Service Station (Major): A facility that provides major automotive repairs, such as engines, transmissions and other similar services, but not including body work.

AUTOMOTIVE SALES:

The use of any building, structure or land, other than a street, for the display and sale or rental of motor vehicles, which are in operable condition. The owner/operator of this business shall have a valid state license for the sale or rental of such motor vehicles. Any related repair shall be conducted within an enclosed building and shall be an accessory use.

AUTOMOTIVE SUPPLIES (SALE OF):

A retail establishment engaged in the sale of motor vehicle parts, accessories, tools, and related products, excluding on-site installation or repair services.

AUTOMOTIVE WRECKING YARD (ALSO SEE JUNK YARD):

The dismantling or wrecking of junked motor vehicles or trailers, or the storage, sale, or dumping of dismantled junked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.

AUTONOMOUS LOGISTICS YARD:

A facility designed for the staging, charging, maintenance, or dispatch of autonomous or remotely operated delivery, freight, or transport vehicles, including associated control systems and data infrastructure.

BAKERY:

A retail or wholesale establishment where baked goods such as bread, pastries, and similar items are produced, packaged, and sold, which may include on-site consumption as an accessory use.

BANKS AND SIMILAR FINANCIAL SERVICES:

An establishment providing financial, lending, or banking services to the public, including banks, credit unions, savings and loan institutions, and automated teller facilities.

BATTERY ENERGY STORAGE SYSTEMS (BESS):

A facility or installation that stores electrical energy using batteries or similar technology for later use, grid stabilization, or emergency backup, which may be standalone or accessory to a renewable energy facility, gas-fired electric generating facility, or power generation system.

BATTERY RECYCLING AND MATERIALS RECOVERY FACILITY:

A facility where used batteries are collected, processed, and recycled to recover metals or other reusable materials, operating within enclosed structures and in compliance with all environmental and hazardous materials regulations.

BEAUTY AND BARBER SHOPS:

Establishments providing personal grooming services such as hair cutting, styling, coloring, or related cosmetic treatments for men and women.

BED AND BREAKFAST:

An owner-occupied dwelling containing units which are rented on a nightly basis. Dining and other facilities shall not be open to the public but shall be exclusively for the use of the residents and registered guests. Breakfast shall be the only meal served. Such rooms shall not have separate utilities, provisions for cooking or dormitories for sleeping and must be located within the principal structure.

BETTING OR GAMBLING USE:

A use where lawful gambling activities and/or skill games are conducted, including but not limited to off-track para-mutual betting. This term shall not include betting under the State Lottery programs or betting under the "Small Games of Chance" provisions of State law, which

shall instead be regulated under the regulations applicable to the principal use of the property.

BIG BOX RETAIL STORE:

A physically large retail establishment, usually part of a chain where the building footprint is equal to or greater than fifty thousand (50,000) square feet. The term sometimes also refers, by extension, to the company that operates the store. A Big Box Retail Store can generally be broken down into two categories: general merchandise (examples include Wal-Mart and Target) and specialty stores (such as Home Depot, Lowes, Barnes & Noble, or Best Buy) which specialize in goods within a specific range, such as hardware, books, or electronics.

BIOMANUFACTURING:

A facility that uses biological processes, living organisms, or biomaterials to produce medical, pharmaceutical, agricultural, or industrial products, typically conducted within enclosed and controlled environments.

BOARDING HOUSE / ROOMING HOUSE:

A building or part thereof, other than hotel or restaurant, occupied as a residence and where meals and/or lodging are provided for compensation to four (4) or more people not related to the resident family.

BOTTLE CLUB / BYOB CLUB:

An establishment operated for profit or pecuniary gain which has a capacity for the assemblage of 20 or more persons and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a license under the Act of April 12, 1951 P.L. 90, No. 21) known as the "Liquor Code" or any organization as set forth in Section 6 of the Act of December 19, 1990 P.L. 1200, No. 202) known as the "Solicitation of Funds for Charitable Purposes Act." Said Club shall not be operated in a manner in which it could be classified as either an After-Hours Club or Adult Oriented Entertainment as so defined by the Ordinance.

BRANCH TELECOMMUNICATION EXCHANGE:

A facility that houses equipment for routing, switching, or managing telephone, internet, or data communications within a local or regional network, excluding customer service or retail functions.

BREWERY / DISTILLARY / WINERY / CIDER (WITH TASTING ROOM):

A facility where alcoholic beverages such as beer, spirits, wine, or cider are produced, packaged, and distributed, which may include a tasting room or limited on-site sales as an accessory use.

BRINE OR PRODUCED WATER STORAGE AND RECYCLING FACILITY:

A facility used for the collection, storage, treatment, or recycling of brine or produced water generated from industrial or energy production activities, operated in compliance with all state and federal environmental regulations.

BURIAL GROUNDS (INCLUDING GREEN OR NATURAL BURIAL):

Land used for the interment of human remains without permanent vaults, embalming chemicals, or non-biodegradable caskets, designed to allow natural decomposition and ecological restoration. While a cemetery typically includes paved drives, monuments, vaults, mausoleums, and perpetual maintenance infrastructure, whereas burial grounds are minimally developed, use biodegradable materials, and focus on ecological preservation rather than formal memorial structures.

BUFFER AREA:

A method of improvements designed to separate and substantially obstruct the view of two adjacent land uses or properties from one another.

BUILDING:

Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animal, or property.

BUILDING, ACCESSORY:

A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use.

BUILDING COVERAGE:

The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

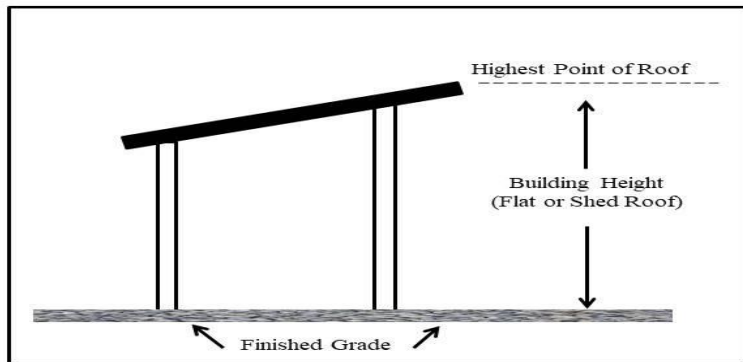
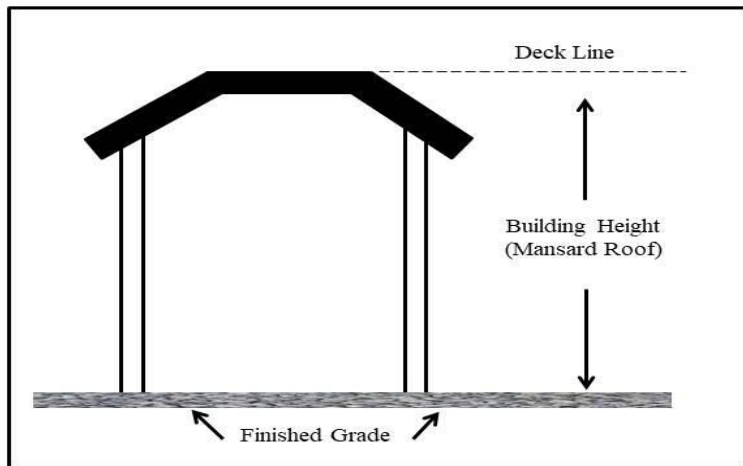
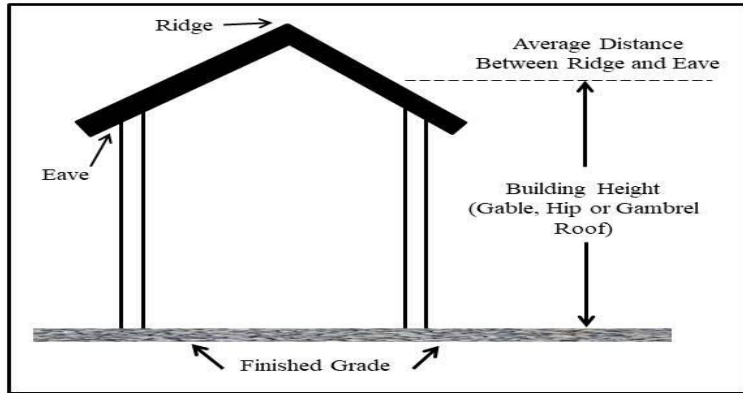
BUILDING ENVELOPE:

An area of a lot upon which development may occur. Excluding deed restrictions, covenants, easements or other site conditions, the governing minimum setback requirements for a given zoning district establishes the building envelope.

BUILDING HEIGHT:

The vertical distance of a building measured from the average elevation of the proposed finished grade within twenty (20) feet of the structure to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs.

EXAMPLES:



BUILDING, PRINCIPAL:

A building in which is conducted the principal use of the lot on which it is located.

CAMPGROUND:

A use with two or more camping unit sites, accessible by vehicular traffic where sites are substantially developed and table, refuse containers, flush toilets, bathing facilities, and water are provided.

CAMPING UNIT:

Any tent, trailer, recreational vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation or vacation purposes.

CAMPSITE:

Any plot of land within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

CARPORT:

A roofed structure opened on two (2) or more sides and used for the storage of private motor vehicles. It may be constructed as a separate accessory structure or part of the principal structure.

CAR WASH AND AUTO DETAILING:

An area of land and/or a structure with machine-or-hand-operated facilities used principally for the interior and/or exterior cleaning, washing, polishing, or waxing of motor vehicles.

CARBOND CAPTURE AND SEQUESTRATION WELLS:

A facility or well system used to inject and store captured carbon dioxide or other greenhouse gases underground for long-term containment, subject to applicable federal and state environmental and safety regulations.

CELLAR:

A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half (6 ½) feet.

CEMETERY:

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including chapels and mausoleums when operated in conjunction with and within the boundaries of such cemetery.

CERTIFICATE OF ZONING COMPLIANCE:

A statement, form or similar written documentation signed by the Zoning Officer, setting forth that a building, structure, or use upon inspection of the property complies with the Zoning Ordinance and the same may be used for the purposes stated on the approved zoning permit application or in a detailed description of the proposed use. Said certificate shall not be construed in any manner to certify or warranty the safety as related to the construction of a building, structure, or use.

CHANGE OF USE:

Any use which differs from the last previously approved use of building, structure or land.

CHURCH: SEE PLACE OF WORSHIP

COMMITTEE, PLANNING COMMITTEE:

The Newport Township Planning Committee of Newport Township, Pennsylvania.

COMMUNICATIONS ANTENNA:

Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio services, or any wireless communication signals, including without rotation, omni-directional or whip antennas and directional or panel antennas, owned and operated by any person or entity licensed by the Federal Communications Committee (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment, including without limitation, ham or citizen band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING:

An unmanned building or cabinet containing communication equipment for the operation of a Communication Antenna.

COMMUNICATIONS FACILITY:

The components normally associated with the use and operation of a Communications Antenna including a Communications Tower and Communications Equipment Building.

COMMUNICATIONS TOWER:

A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support a Communications Antenna.

COMMUNICATIONS TOWER, HEIGHT:

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

COMMUNITY KITCHEN / SHARED USE KITCHEN / FOOD HUB:

A licensed commercial kitchen or facility providing shared space and equipment for food preparation, processing, or packaging by multiple users, which may include small food businesses, caterers, or community programs.

COMPRESSOR STATION (GAS):

A facility that pressurizes and moves natural gas through pipelines, which may include compressors, control buildings, and safety equipment, and is subject to all applicable state and federal regulations.

CONTINUING CARE FACILITY:

An age-restricted residential facility as defined in current state licensing requirements, designed, operated and maintained to provide a continuum of accommodation and care for retired adults that may include:

- Independent Dwelling Units
- Skilled Nursing Facilities
- Intermediate Care Facilities
- Personal Care Facilities

A Continuing Care Facility may also include supporting services and facilities that encompass dining, recreational and social activities limited to residents within said facility.

CONTRACTOR STORAGE YARD:

A lot, building, or part thereof, used to store materials and equipment used by a contractor in the construction of a road, highway, structure or building, landscaping or utilities.

CONVENIENCE STORE:

Any retail establishment offering for sale prepackaged or prepared on site food products, household items, and other goods commonly associated with the same, including beer/wine sales as permitted. No seats are permitted for food consumption on site.

CONVENIENCE STORE WITH GAS SALES:

Any retail establishment offering for sale prepackaged or prepared on site food products, household items, and other goods commonly associated with the same, including beer/wine sales as permitted, along with the retail sales of gasoline and related fuel products, but excluding any type of automotive repairs. No seats are permitted for food consumption on site.

CORRECTIONAL INSTITUTION:

A jail, or other institutional facility, used to confine and/or provide treatment, or rehabilitation, of violators of criminal laws, including juvenile inmates/detainees and including facilities for person who are participating in supervised work release programs, whether such facilities provide confinement for all of each 24-hour period, or only a portion thereof, but not including temporary holding facilities that are necessary to a police station. These uses include, but are not limited to detention facilities, honor camps, houses of correction, jails, juvenile detention facilities, penitentiaries, prison farms, reformatories, training schools for delinquents, offenders, and other adjudicated individuals.

COWORKING / SHARED OFFICE SPACE:

A facility providing flexible, short- or long-term office or workspace rentals for multiple independent businesses, entrepreneurs, or remote workers, which may include shared meeting rooms and common amenities.

CREMATORY:

A facility used for incineration of deceased individuals.

CRITICAL AREAS:

An area with one or more of the following characteristics: stream corridors, streams, flood plain areas, wetlands, slopes which equal or exceed fifteen percent (15%), soils classified as highly acidic or highly erodible, soils classified as having a high-water table, land and associated soils which display poor percolation, mature stands of native vegetation and aquifer recharge and discharge areas.

DATA CENTER:

A facility used primarily for the storage, management, processing, and transmission of digital data, including servers, cooling systems, power supplies, and security infrastructure. Excludes cryptocurrency mining, logistics warehouses, office uses, and telecom switching facilities.

Major Data Center: A data center exceeding ten thousand (10,000) square feet of floor area or

with electrical demand ≥ 1 MW.

Minor Data Center: A data center under (ten thousand) 10,000 square feet or with demand < 1 MW.

DAY CARE FACILITY:

The provision of out-of-home care for children or adults for part of a 24-hour day, excluding the care provided by relatives.

Adult Day Care Center: A facility licensed by the state providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

Child Day Care Center: A premises in which child day care is provided simultaneously for seven (7) or more children who are not relatives of the provider of the child day care center, where such facility is subject to PA Department of Public Welfare supervision or licensing under the PA Public Welfare Code.

Family Day Care Home: A premise in which child day care is provided at any one time to between four (4) to six (6) children who are not relatives of the provider of the child day care, where such facility is required to be registered with the PA Department of Public Welfare under the PA Public Welfare Code.

Group Day Care Home: A state-licensed facility in which care is provided for more than six (6) but less than twelve (12) children, at any one time, if care is provided in a facility where the childcare areas are being used a family residence.

DECISION:

Final adjudication of any board or other body granted jurisdiction under this Ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be subject to appeal to the Court of Common Pleas of Luzerne County.

DETERMINATION:

Final action by an officer, body or agency charge with the administration of this Ordinance or application thereunder, except the following:

- the Newport Township Governing Body;
- the Zoning Hearing Board.

Determinations may be appealed only to the boards designated as having jurisdiction for such appeal.

DEVELOPMENT:

Any man-made improvements to improved or unimproved real estate. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or structure, any mining, dredging, filling, grading, paving, excavation, drilling, land disturbance

and any use or extension of the use of land shall be deemed to constitute a development.

DOMESTIC ANIMAL OR DOMESTICATED ANIMALS:

This term shall mean a dog, cat, rabbit, gerbil, lizard, parrot or other domestic animal normally or ordinarily kept in or permitted to be at large in the dwelling of its owner. This term does not include such animals as bears, chickens, ducks, goats, wolves, wolf-dog hybrids, cows, horses, venomous snakes, pigs, hogs, sheep, or any exotic animals, including but not limited to bobcats, lynx, coyotes, or animals not native to the region.

DEEP COAL MINING:

The extraction of coal from underground deposits through shafts, tunnels, or other subsurface methods, including related ventilation, processing, and transport facilities.

DORMITORIES, FRATERNITIES OR SORORITIES:

Buildings providing sleeping quarters or group living accommodations for students or members of an organization, typically associated with an educational institution, and not operated as hotels or apartments.

DRIVE-IN THEATER:

An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile.

DRONE LOGISTICS FACILITY:

A site used for the storage, maintenance, charging, and dispatch of unmanned aerial vehicles (UAVs) for delivery, inspection, or transport operations, which may include associated control centers and landing or takeoff areas.

DRUG TREATMENT FACILITY:

A licensed medical or counseling establishment providing detoxification, rehabilitation, or therapy services for individuals recovering from substance use disorders, which may operate on an inpatient or outpatient basis.

Residential In-Patient Facility: A facility that offers intensive, residential treatment programs designed to treat serious addictions.

Out-Patient Rehabilitation Facility: A facility offering part-time rehabilitation programs allowing the recovering user to continue work or schooling during normal hours.

Methadone Clinic: A facility that administers methadone and similar substances designed to eliminate the urge to use hard narcotics.

DWELLING:

One or more rooms, designed, occupied or intended for occupancy as separated living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive

use of a single family maintaining a household.

DWELLING UNIT:

One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilet facilities and separate cooking facilities for exclusive use by the family residing therein.

DWELLING, ACCESSORY UNIT (ADU):

A self-contained residential unit located on the same lot as a principal single-family dwelling, providing independent living facilities including areas for sleeping, cooking, and sanitation. The unit may be attached to or detached from the principal dwelling and shall remain subordinate in size and use.

ELECTRIC VEHICLE (EV):

A motor vehicle that uses electricity as a source of propulsion and stores energy in batteries that are charged by plugging the vehicle into an electric power source.

ELECTRIC VEHICLE CHARGING STATION (EVCS):

Equipment designed for the transfer of electric energy to an electric vehicle battery, including Level 1, Level 2, and Level 3 charging facilities.

ENERGY STORAGE TERMINAL (LIQUID FUELS, PROPANE, LNG):

A facility used for the bulk storage, handling, and distribution of liquid fuels, propane, liquefied natural gas (LNG), or similar energy products, including associated tanks, piping, and safety systems.

ENTERTAINMENT FACILITY:

Commercial establishments engaged in providing indoor and/or outdoor entertainment for a fee or an admission charge, including but not necessarily limited to a movie theater, live theater performances, an arcade, bowling alley, billiard or pool hall, roller skating rink, miniature golf, golf driving range, or similar facilities.

EQUIPMENT SALES AND REPAIR:

A facility engaged in the sale, rental, maintenance, or repair of construction, agricultural, or industrial equipment and machinery, which may include limited outdoor display or storage areas.

EXTRACTION:

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

EXTRACTION AND STORAGE OF GAS AND OIL:

The drilling, pumping, processing, or temporary storage of crude oil, natural gas, or related hydrocarbons, including associated wells, tanks, separators, compressors, and ancillary equipment. This use includes surface and subsurface extraction activities and on-site storage incidental to extraction or transmission but does not include retail fuel sales or minor on-site fuel

storage for a permitted principal use.

FAMILY:

Any number of individuals related by blood, marriage or legal adoption, including foster children, occupying a dwelling unit as their domicile as a single housekeeping unit. A family shall also be deemed to include not more than four (4) unrelated people occupying a dwelling unit as their domicile and living as a single unit. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first sentence of this definition. A family does not include a group living in a boarding house or hotel, or fraternities, sororities, and clubs, or other forms of congregate living arrangements, except as otherwise provided herein.

FARM:

An area of land not less than five (5) acres in size, and used for agricultural purposes, as defined under "Agriculture."

FARMERS MARKET (INDOOR) / MARKET HALL / FOOD HALL:

An indoor facility where multiple vendors sell locally produced foods, goods, or prepared meals directly to consumers, which may include shared seating areas and small-scale retail or dining uses.

FARMERS MARKET (OUTDOOR / SEASONAL):

A temporary or recurring open-air market where vendors sell locally grown produce, handmade goods, or prepared foods directly to consumers, typically operating on a seasonal or weekly basis.

FEED AND GRAIN SALES AND STORAGE:

A facility used for the sale, storage, and limited processing or distribution of animal feed, grain, or agricultural seed products, which may include accessory retail or loading areas.

FESTIVAL / FAIRGROUNDS / OUTDOOR EVENT VENUE:

A site used for large public or private gatherings such as fairs, festivals, concerts, or exhibitions, which may include temporary structures, parking, and accessory food or vendor facilities.

FISH HATCHERY / AQUACULTURE:

A facility for breeding, raising, or harvesting fish or aquatic organisms for commercial, recreational, or conservation purposes.

FENCE:

A barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected as an enclosure or to separate areas of land.

FLEA MARKET:

An occasional or periodic market where groups of individual sellers offer goods for sale to the public.

FLOOR AREA:

For the purposes of applying the requirements for off-street parking and loading, “floor area,” in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for non-public purposes such as storage, incidental repair, processing or packaging of merchandise, for shop windows, for offices incidental to the management or maintenance of stores or buildings, for toilet or rest rooms, for utilities or for dressing rooms, fitting or alteration rooms.

FOOD PROCESSING ESTABLISHMENT:

Manufacturing establishments producing or processing foods for human consumption and certain related products. Includes: (1) bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution); (2) dairy products processing; (3) fats and oils products; (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing and by-product processing (not including facilities that also slaughter animals); (7) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

FOOD TRUCK COURT / MOBILE VENDOR PARK:

A designated site accommodating multiple mobile food vendors or food trucks, which may include shared seating areas, utilities, and waste facilities.

FREIGHT / PARCEL / COLD STORAGE:

A facility used for the receipt, storage, sorting, or distribution of goods, parcels, or perishable products, which may include refrigerated or temperature-controlled areas and loading facilities.

FRONTAGE:

The length of any one property line of a premises, which property line abuts a legally accessible street right-of-way.

GAME PRESERVE / HUNTING LODGE / WILDERNESS RESORT / FARM STAY:

A rural lodging or recreation facility that provides accommodations and outdoor activities such as hunting, wildlife observation, farming experiences, or nature-based retreats, which may include limited accessory dining or event uses.

GARAGE, PRIVATE:

A space or structure on the same lot with or in the building to which it is accessory, for storage only, having no public shop or service in connection therewith, and in which no occupation, business or industry is conducted. Except on farms, only one (1) commercial motor vehicle not exceeding 2,600 pounds may be parked in a private garage or driveway.

GASOLINE FILLING STATION:

The retail sale of motor fuels like gasoline and diesel.

GAS-FIRED ELECTRIC GENERATING FACILITY:

A facility that produces electricity through the combustion of natural gas, including any associated generation units and all appurtenant structures, equipment, and infrastructure necessary for the production, conversion, control, transmission, and distribution of electricity.

GOLF COURSE AND GOLF DRIVING RANGE:

An outdoor recreational facility designed for playing golf, including fairways, greens, driving ranges, clubhouses, and accessory facilities such as pro shops or restaurants.

GOLF COURSE, MINIATURE:

A small-scale recreational facility with short putting holes or themed obstacles, intended primarily for family or amusement use and typically operated as a commercial recreation business.

GOVERNING BODY, or BODY:

The organization designated by Pennsylvania Code to conduct the business and functions of Newport Township, also known as the Newport Township Board of Commissioners.

GRAVEL (CRUSHED STONE):

A surface that is considered impervious when the intended use of the stone is for transportation purposes, parking areas, construction areas, trails, or if the gravel is compacted at any time during or after its placement; landscaping stone is not considered as impervious area.

GREENHOUSE (or NURSERY):

A building for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse but are sold directly from such lot at wholesale or retail.

GROUP HOME:

A dwelling unit shared by more than four (4) individuals with disabilities, who are not related by blood, marriage or legal adoption occupying the premises as their domicile and living together as a single housekeeping unit. The term "Group Home" shall not include:

- A boarding house and/or a personal care home.
- A facility providing shelter and/or rehabilitative care or treatment of persons for alcoholism and/or addiction to a controlled substance
- A facility for persons released from or under the jurisdiction of a governmental bureau of corrections or similar institution, including, but not limited to a halfway house or other housing facilities serving as an alternative to incarceration.

HALFWAY HOUSE:

A State licensed residence for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

HIGHWAY OCCUPANCY PERMIT:

A permit, issued by the Pennsylvania Department of Transportation or any other level of government which authorizes access from a parcel of land onto a street or highway which is under its respective jurisdiction.

HOME OCCUPATION:

An occupation, profession, activity, or use that is clearly an incidental and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

HOMESTEAD AGRICULTURE / HOBBY FARM:

A small-scale agricultural use operated primarily for personal enjoyment or supplemental income, involving limited crop production or the keeping of animals, and not functioning as a full commercial farm.

HOSPITAL OR CLINIC:

A facility providing medical, surgical, or diagnostic care to patients, which may include inpatient or outpatient services, emergency treatment, and related support functions.

HOTEL:

A building designed or used primarily as a temporary abiding place in which lodging is provided for compensation, with or without meals, containing ten (10) or more guest rooms, and having an outside entrance in common.

HUB HEIGHT:

The distance measured from the surface of the tower foundation to the height of the Wind Turbine hub to which turbine blades are attached.

HYDROGEN PRODUCTION / GENERATION / FUELING STATION:

A facility that produces, stores, or distributes hydrogen for industrial use, energy generation, or vehicle fueling, including associated equipment such as compressors, pipelines, and safety systems.

IMPACT ANALYSIS:

A study and/or report, which may be required at the discretion of the Zoning Hearing Board prior to approval of a special exception use to determine the potential impact of the proposed use on activities, utilizes, traffic generation and circulation, surrounding land uses, community facilities, environmental features, the public health, safety and welfare, and other factors which may be directly or potentially affected. The applicant shall be responsible for all costs related to all report and/or studies required by the Zoning Hearing Board until or within the context of the "Impact Analysis."

IMPERVIOUS SURFACE OR COVERAGE:

A permanent surface that prevents the infiltration of water into the ground. Impervious surfaces include, but are not limited to, streets, sidewalks, pavements, parking lots or pads, driveways, roofs, stone patios. See definition of "Gravel (Crushed Stone)" for when gravel classifies as impervious area.

IMPROVEMENTS:

Man-made physical additions, alterations, and/or changes which become part of, placed, upon, or affixed to real estate.

INDOOR AGRICULTURE / AGRIVOLTAICS / BIODIGESTERS:

A facility that produces crops, plants, or agricultural products within enclosed or climate-controlled structures, which may integrate solar generation (agrivoltaics) or anaerobic digestion systems for energy recovery.

INDOOR SPORTS / RECREATION FACILITY:

An enclosed building used for athletic, fitness, or recreational activities such as courts, fields, climbing walls, or similar uses, which may include spectator seating and accessory concessions.

INDUSTRY, HEAVY:

A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions and having potential to produce noise, dust, glare, odors or vibrations beyond its property line.

INDUSTRY, LIGHT:

Uses engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, or distribution of such products. Further, "light industrial" shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories, or the like. Light industry must be capable of operation in such a manner to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. Light industry shall not include uses such as mining and extraction industries, petrochemical industries, rubber refining, primary metal and/or any form of basic industrial processing, including but not limited to the use of hazardous materials.

INTERMEDIATE CARE FACILITY:

A facility, as defined under current State licensing requirements, which provides nursing care and related medical or other personal health services to patients on a planned program of care and administrative management, supervised on a continuous 24-hour basis in an institutional setting.

INNOVATION / BUSINESS INCUBATION:

A facility that provides workspace, support services, and resources for start-ups or emerging businesses engaged in research, product development, or light manufacturing.

JUNKED VEHICLES:

Any vehicle, including a trailer, which does not bear current license and inspection stickers or is incapable of being moved under its own power, or presents a hazard or danger to the public by virtue of its state or condition of disrepair. The following conditions, which are not exclusive,

are examples of what may constitute a state or condition of disrepair to classify a vehicle to be a junked vehicle:

- rusted and/or jagged metal on or protruding from the body of a vehicle;
- deflated tires;
- broken glass or windows on or in the vehicle;
- leaking of any fluids from the vehicle;
- unsecured and/or unlocked doors, hood or trunk;
- storage or placement of the vehicle on concrete blocks;
- harboring of rodents, insects or other pests.

JUNKYARD:

Any lot, parcel, or facility used for the outdoor storage, dismantling, or accumulation of five (5) or more inoperable, unregistered, or partially dismantled motor vehicles, or vehicle parts, whether or not offered for sale. Temporary storage of vehicles associated with a permitted repair, towing, or recycling operation for less than thirty (30) days shall not be considered a junkyard.

LAND DISTURBANCE:

Any activity, which exposes soils, alters topography and/or alters wooded vegetation, except for removal of a safety hazard, diseased trees, or invasive vegetation.

LANDOWNER:

The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if they are authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LIVE ENTERTAINMENT / NIGHTCLUB / DANCEHALL / PERFORMANCE VENUE (INDOOR):

An indoor establishment providing live music, dancing, theatrical performances, or similar entertainment for an audience, which may include food or beverage service as an accessory use.

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, for principal and accessory buildings or structures.

LOT AREA:

The total horizontal area within the lot lines of a lot.

LOT AREA, GROSS:

The area of land contained within the limits of the legally described property lines bounding the lot.

LOT AREA, NET:

The area of land contained within the limits of the legally described property lines bounding the

lot that is not covered by structures or other impervious surfaces.

LOT, CORNER:

A lot abutting on and at the intersection two (2) or more streets.

LOT COVERAGE:

Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory building and structures, by the gross area of that lot.

LOT DEPTH:

The average horizontal distance between the front and rear lot lines.

LOT FRONTAGE:

The length of any one property line of a premise, which property line abuts a legally accessible street right-of-way.

LOT LINE:

A line dividing one lot from another lot or from a street or alley.

LOT LINE, REAR:

The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lines will not have a rear lot line.

LOT LINE, SIDE:

Any lot line not classified as a front or rear lot line.

LOT OF RECORD:

Any lot which individually, or as part of a subdivision, has been recorded in the Office of the Recorder of Deeds of Luzerne County, Pennsylvania.

LOT, THROUGH:

A lot having its front and rear yards each abutting on a street.

LOT WIDTH:

The horizontal distance between side lot lines, measured at the required front setback line.

LUMBERYARDS:

A facility where lumber and related building materials are stored, processed, or sold, which may include limited cutting, planing, or fabrication operations conducted indoors or in covered areas.

MACHINE SHOPS:

A facility where metal, plastic, or similar materials are cut, shaped, or assembled using mechanical tools or precision equipment, typically conducted within enclosed buildings.

MAKER SPACE / ARTISAN WORKSHOP:

A shared or individual workspace where craftspeople, artists, or small-scale manufacturers create, repair, or prototype goods using hand tools or light machinery, which may include limited product display or sales.

MANUFACTURED HOME:

A factory-built dwelling unit designed for long-term residential use, transported to a site and installed on a permanent or semi-permanent foundation, meeting U.S. HUD construction standards. Also known as a mobile home.

MANUFACTURED HOME PARK:

A parcel of land designed and developed for the placement of two or more manufactured homes, including internal roads, utility connections, and shared open space or facilities.

MANUFACTURING USE:

A facility engaged in the large-scale production, processing, or assembly of materials, goods, or equipment, which may include packaging, fabrication, and distribution activities conducted primarily within enclosed buildings.

MEDICAL MARIJUANA DISPENSARY:

A facility licensed by the Pennsylvania Department of Health to dispense medical marijuana and related products to certified patients and caregivers, operating in compliance with the Pennsylvania Medical Marijuana Act (Act 16 of 2016) and all applicable regulations.

MEDICAL MARIJUANA GROWING/PROCESSING FACILITY:

A facility licensed by the Pennsylvania Department of Health for the cultivation, processing, or packaging of medical marijuana for distribution to licensed dispensaries, conducted entirely within enclosed and secure buildings in accordance with Act 16 of 2016 and state regulations.

MEDICAL WASTE PROCESSING:

A facility where medical or biohazardous waste is treated, sterilized, or processed for safe disposal or recycling, operating in compliance with all state and federal environmental and health regulations.

METHADONE CLINIC:

A licensed medical facility providing methadone or other medication-assisted treatments, along with counseling and rehabilitation services, to individuals recovering from opioid addiction.

MICROGRID / DISTRIBUTION HUB:

A localized energy system that generates, stores, and distributes electricity independently or in coordination with the larger utility grid, using renewable or conventional power sources and battery storage.

MINE RECLAMATION / BENEFICIAL REUSE SITE:

A former mining area undergoing restoration, redevelopment, or reuse through grading, stabilization, or conversion to new uses such as recreation, conservation, or industrial development.

MIXED USE STRUCTURE:

A structure which contains two or more distinctly separate uses such as a commercial use and a residential use.

MORTUARY:

A building, or part thereof, used for funeral services. These activities may include embalming, preparation of the dead for burial, autopsies, storage of funeral supplies and vehicles; but shall not include a crematory.

MOTEL:

A building or group of buildings containing apartments and/or rooming units, each of which maintains a separate outside entrance. Such building or group of buildings is designed, intended, or used primarily for the accommodations of automobile travelers and provides automobile parking conveniently located on the premises.

MOVIE THEATER (INDOOR):

An enclosed facility used for the public exhibition of motion pictures or similar visual media, which may include multiple screens, seating areas, and accessory concessions.

NO-IMPACT HOME-BASED BUSINESS:

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling, and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pick-up, delivery, or removal functions to or from the premises in excess with those normally associated with a residential use.

NONCONFORMING LOT:

A lot area or dimension of which was lawful prior to the adoption or amendment of a zoning 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.

NONCONFORMING STRUCTURE:

A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in the 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 nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE:

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

NURSERY SCHOOL:

An educational or childcare facility providing early learning and supervision for preschool-aged

children, typically operating during daytime hours.

OFFICE:

A commercial establishment or use involving clerical, professional or administrative work, which may include the provision of customer services.

OUTDOOR ADVENTURE / ATV / TRAIL PARK:

A recreational facility offering outdoor activities such as off-road vehicle use, hiking, biking, or nature trails, which may include accessory rentals, parking, and visitor amenities.

OUTDOOR ADVERTISEMENT (including BILLBOARDS):

An advertisement used outdoors, including painted walls or rock faces, free-standing billboard signs, or other similar structures, advertising a product or service unrelated to the use of the land or structure on which it is located. This term shall not refer to official notices or directional road signs of a government body.

OUTDOOR WOOD-FIRED BOILER:

A fuel-burning device designed: (1) to burn clean wood or other approved solid fuels; (2) by the manufacturer specifically for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals (e.g., garages); and (3) to heat building space and/or water via distribution, typically through pipes of a fluid heated in the device, typically water or a water/antifreeze mixture. Outdoor wood-fired boilers are also known as outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor hydronic heaters, etc.

PARKING AREA:

A parking lot or garage, used for parking of automobiles, available to the public, and which is not an accessory use.

PARKING SPACE:

An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one (1) motor vehicle.

PERMITTED USE:

Any use which is specifically authorized in a particular zoning district.

PERSONAL CARE HOME:

A facility, as defined under current State licensing requirements, in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four consecutive hours for more than three (3) adults who are not relatives of the operator of the facility and who require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self-administration, but who do not require hospitalization or care in a skilled nursing or intermediate care facility.

PERMANENT FOUNDATION:

A support for a building or structure, reaching below the frost line, consisting of a full poured concrete or masonry foundation or any other type which is permitted under the design standards

of the Pennsylvania Uniform Construction Code, on which the building or structure is anchored and is intended to remain indefinitely.

PERSONAL SERVICES:

Any enterprise conducted for gain, which primarily offers services to the general public, such as shoe repair, valet service, watch repair, hair styling, barbers, tanning salons, beauty spas, manicure and pedicure services, animal grooming services and similar services.

PET DAYCARE / TRAINING FACILITY:

A facility providing daytime care, exercise, or behavioral training for domestic animals, which may include limited overnight boarding as an accessory use.

PLACE OF WORSHIP:

A building or portion thereof used for religious services either on a permanent or periodic basis, including churches, synagogues, mosques and similar edifices.

PLANNED RESIDENTIAL DEVELOPMENT (PRD):

An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in the Newport Township Zoning Ordinance.

PLANNING COMMITTEE:

The Newport Township Planning Committee.

POWER GENERATION:

A facility that produces electricity from renewable or nonrenewable energy sources, such as but not limited to solar, wind, coal or biomass, including associated equipment for transmission and distribution, but excluding gas-fired electric generating facilities, which are defined separately and subject to the controls in Section 528.

PRINCIPAL USE:

The primary use of land or structures, as distinguished from a secondary or accessory use.

PUBLIC USE:

Public schools, parks, and administrative, cultural and service buildings, but not including public or buildings devoted primarily or solely to the storage and maintenance of equipment and material.

PUBLIC UTILITIES FACILITY:

Telephone, electric and cable television lines, equipment structure; water or gas pipes, mains, valves, or other structures, pumping stations; telephone exchanges and all other facilities, equipment and structures necessary for conducting a service by a public utility, under the jurisdiction of the Pennsylvania Public Utility Committee, in accordance with Section 619 of the Pennsylvania Municipalities Planning Code, act 247, as amended.

PUBLIC UTILITY TRANSMISSION TOWER:

A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Committee, designed and used to support overhead electricity transmission lines.

PUBLISHING PLANTS:

A facility engaged in the printing, binding, or digital production of books, newspapers, periodicals, or similar media, which may include administrative and distribution functions.

RACE TRACK (HORSE / MOTORIZED VEHICLE):

A facility or course designed for the racing of horses, motor vehicles, or similar competitive events, which may include spectator seating, garages or stables, and accessory concessions.

RADIO OR TV SENDING OR BOOSTING STATION:

A facility equipped with antennas, towers, or transmitters used to send, receive, or amplify radio, television, or digital broadcast signals, excluding public studios or retail operations.

RAILROAD YARDS:

Land and facilities used for the assembly, maintenance, storage, or dispatch of trains and railcars, including tracks, sidings, maintenance shops, and freight handling areas.

RAISING FUR BEARING ANIMALS (EXCLUDING PETS):

The breeding or keeping of animals such as mink, fox, or similar species for the purpose of fur production, conducted in compliance with applicable agricultural and animal welfare regulations.

RECREATIONAL FACILITIES, COMMERCIAL:

Recreational facilities operated as a business and open to the public for a fee.

RECREATIONAL FACILITIES, PRIVATE:

Recreational facilities other than commercial or public and only open to its members and their guests.

RECREATIONAL FACILITIES, PUBLIC:

Recreational facilities operated by a governmental entity and open to the general public.

RECYCLING / COMPOSTING:

A facility where recyclable materials or organic waste are collected, sorted, processed, or composted for reuse, operating in compliance with environmental and public health regulations.

RESEARCH AND TESTING FACILITIES:

Establishments engaged in scientific, technological, or product research, testing, and development, which may include laboratories, prototype fabrication, and administrative offices.

RESIDENTIAL:

A building or portion thereof used for human habitation, including single-family, two-family, and multi-family dwellings, but excluding transient lodging such as hotels, motels, or

dormitories.

Single-Family: A detached building arranged or used for occupancy by one (1) family. A manufactured dwelling unit which is attached and anchored to a permanent foundation shall be deemed to be a single-family dwelling unit.

Two-Family: A detached or semidetached building where not more than two (2) individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced by access to the outside or to a common cellar.

Multiple-Family: A building containing three or more dwelling units entirely separated by vertical walls or horizontal floors, unpierced except by access to the outside or to a common cellar. This term shall include apartment houses/buildings, apartment hotels, flats, townhouses, and group houses.

RETAIL STORE OR BUSINESS:

An establishment engaged in the sale of goods or merchandise directly to the general public for personal or household use, which may include accessory storage or service areas.

ROADSIDE STANDS:

A temporary or seasonal structure used for the direct sale of agricultural products or handmade goods produced on-site or locally.

ROCK QUARRY:

A site where stone or similar materials are extracted from the earth by open excavation methods, including associated crushing, screening, and stockpiling operations.

ROOMING HOUSE:

A dwelling where individual rooms are rented to unrelated persons, typically sharing common kitchen or bathroom facilities, and not classified as a hotel or apartment.

RURAL CONTRACTOR OR EQUIPMENT YARD:

A site used by contractors for the storage of vehicles, equipment, and materials related to construction, excavation, or landscaping, which may include a small office or workshop.

SAND / SOIL / LAND MATERIALS STORAGE:

A facility for the storage, blending, or limited transfer of sand, soil, mulch, or similar bulk landscape or construction materials, excluding extraction or processing.

SAWMILL / FIREWOOD / FORESTRY PROCESSING:

A facility engaged in the cutting, processing, or storage of timber, logs, or firewood, including small-scale milling or forestry-related operations.

SCHOOL:

A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools that are

licensed by the State as such.

SCREENING:

The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

SEATING CAPACITY:

The actual seating capacity of an area based upon the number of seats or one (1) seat per eighteen (18) inches of bench or pew length. For other areas where seats are not affixed, the seating capacity shall be determined by the applicable standards of the most recent Pennsylvania Uniform Construction Code.

SELF-STORAGE FACILITY:

A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or wares. The units shall be used solely for dead storage of non-hazardous materials and no processing, manufacturing, sales, research and development, service or repair, or other storage activities shall occur.

SEMI-PUBLIC USES:

Churches, Sunday schools, parochial schools, colleges, hospitals, and other institutions of an educational, religious, charitable or philanthropic nature.

SERVICE STATION (MAJOR):

A facility providing fuel sales and a full range of vehicle repair services, including engine, transmission, or body work, typically with multiple service bays and accessory retail sales.

SERVICE STATION (MINOR):

A facility primarily engaged in the retail sale of motor fuel and minor vehicle services such as oil changes, tire repair, or inspections, excluding major engine or body repair work.

SETBACK:

The required minimum horizontal distance between the building line and the related front, side or rear property line.

SHOOTING / RIFLE / ARCHERY RANGE (INDOOR / OUTDOOR):

A facility designed and operated for the use of firearms or archery equipment for sport, recreation, or training purposes, which may be indoors or outdoors. Outdoor ranges shall include appropriate backstops, berms, or safety enclosures to prevent projectiles from leaving the site and must comply with applicable state and federal safety standards. Indoor ranges must include soundproofing, ventilation, and containment measures to ensure health and safety.

SHOPPING CENTER:

A group of retail business and service uses on a single site with common parking facilities.

SHORT TERM RENTAL:

A private residential dwelling unit that is available to rent for periods of less than one month that is not a boarding house, motel or hotel.

SIGN:

An advertisement displayed outside a building, pertaining to a product, service or name, related directly to the permitted activity carried on and use of the lot on which it is placed, including painted walls or structure.

All signs shall be classified according to type and use as provided herein:

Identification Sign: A sign which communicates the name and/or address of an occupant or a permitted home occupation upon the zoning lot on which the sign is located.

Business Sign: A sign which communicates information concerning a business, profession, commodity, service, entertainment or development which is sold, offered prepared, manufactured or conducted upon the zoning where the sign is located.

Billboard or Off-Premises Advertising Sign: A sign which communicated information concerning a subject, business, profession, activity, commodity, service, entertainment or development not related to, sold, offered, prepared or manufactured on the zoning lot where the sign is located.

Real Estate Sign: A temporary sign, having an area not greater than eight (8) square feet in area, which advertises the sale, rental or development of the premises upon which the sign is located.

Subdivision/Development Advertising Sign: A temporary real estate sign, not greater than sixty (60) square feet in area, which advertises the sale of property within an approved subdivision or planned residential development.

Institutional Sign: A sign which identifies a use pertaining to a school, place of worship, hospital or other institution of a similar public or semi-public nature.

On-Site Directional and/or Information Sign: A sign commonly associated with, and limited to, information and directions necessary for visitors entering or exiting a property, including signs marking entrance and exits, parking areas, circulation direction, restrooms and pick-up and delivery areas. Such signs shall contain no advertising material.

Subdivision/Development Identification Sign: A sign that displays the name of a subdivision and/or development at an entrance to the site upon which the subdivision and/or development is located.

Event Sign: A temporary sign advertising private not-for-profit events and fund- raisers such as picnics, bazaars, gaming events, arts and crafts shows, and similar types of fundraising activities.

SITE:

A lot or parcel of land or combination of contiguous lots or parcels of land.

SITE PLAN:

A plan prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and features proposed for a specific parcel of land.

SKILLED NURSING FACILITY:

A facility, as defined under current State licensing requirements, which provides nursing care and related medical or other health services for a period of twenty-four hours or more for individuals not in need of hospitalization, but who because of age, illness or other infirmity, require high- intensity comprehensive planned nursing care.

SKILLS GAMES:

An establishment offering games of skill, such as electronic or mechanical devices where outcomes depend primarily on player ability rather than chance.

SMALL LIVESTOCK / POULTRY OPERATION:

A limited-scale agricultural use involving the keeping of small numbers of animals such as chickens, ducks, goats, or rabbits for personal use, education, or small-scale commercial production, conducted in a manner that minimizes odor and noise impacts on nearby properties.

SMALL SCALE AGRI-PROCESSING:

A facility that processes agricultural products such as dairy, meat, produce, or grains into value-added goods (e.g., cheese, preserves, or baked goods), typically operating at a scale compatible with small farms and local distribution.

SOLAR ARRAY:

Means a ground mounted solar collection system consisting of a linked series of photovoltaic modules.

SOLAR COLLECTION SYSTEM:

A panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage and distribution of solar energy for electricity generation, space heating, space cooling or water heating.

SOLAR EASEMENT:

A means an easement of direct sunlight which may be acquired over the land of another by express grant or covenant.

SOLAR ENERGY DEVICE (active and passive):

The equipment and requisite hardware that provide and are used for collecting, transferring, converting, storing, or using solar energy.

SOLAR ENERGY FARM:

A commercially operated facility or area of land principally used to convert solar energy to electricity to supply electricity to off-site customers.

SOLAR ENERGY SYSTEM:

Any solar collector or other solar energy device or any structural design feature whose primary purpose is to provide for the collection, storage and distribution of solar energy and is not the primary use of the property.

Major System: A commercially operated solar energy system that is principally used to convert solar energy.

Minor System: A solar energy system that (a) uses as its fuel solar power, (b) is located on the power beneficiary's premises, (c) is intended primarily to offset part or all of the beneficiary's requirements for electricity, and (d) is secondary and accessory to the beneficiary's use of the premises for other lawful purposes.

SOLID WASTE OR WASTE:

Any garbage, refuse, or other material including solid, liquid, semisolid or contained in gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities, excluding "Hazardous Substance" as so defined by this Ordinance and "Hazardous Waste" as so defined by the Pennsylvania Department of Environmental Protection, pursuant to Chapter 271.1, under the Solid Waste Management Act, as amended.

SOLID WASTE FACILITY:

Any facility operated pursuant to the laws of the Commonwealth of Pennsylvania governing the management, processing, treatment, storage, transfer and/or disposal of solid waste.

SPECIAL EXCEPTION:

A use which may only be permitted in a particular zoning district by special approval, granted by the Zoning Hearing Board in accordance with the applicable provisions of this Ordinance.

STANDALONE NONCOMMERCIAL WINDMILL:

A wind energy conversion system that is incidental and subordinate to another use on the same parcel and supplies electricity solely for on-site use and not for resale.

STORAGE OF EXCAVATED MATERIALS:

A site used for the temporary or long-term storage of earth, rock, or construction fill generated from excavation or grading activities, excluding on-site stockpiling directly related to an active construction project.

STORAGE OF HAZARDOUS, FLAMMABLE AND EXPLOSIVE MATERIALS:

A secured facility used for the bulk storage of hazardous, flammable, or explosive materials, including but not limited to fuels, chemicals, blasting agents, and dynamite, which is constructed, operated, and monitored in accordance with applicable federal (including ATF), state, and industry safety standards. This use does not include routine on-site storage of materials for a permitted principal use, or retail sale of fuel to the public.

STORY:

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above, the between such floor the ceiling above it. A basement shall be counted as a story if its ceiling is over six (6) feet above the average level of the finished ground surface adjoining the exterior walls of such story.

STRIP MINING:

The extraction of coal, minerals, or other materials from the surface of the earth by removing overlying soil and rock, including all related grading, blasting, and reclamation activities, conducted in compliance with state and federal mining regulations.

STRUCTURE:

Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

STRUCTURAL ALTERATION:

Any change in the structural members of a building, such as walls, columns, beams, roof, or girders.

TATTOO PARLOR / BODY PIERCING STUDIO:

An establishment whose principal business activity is the practice of one or more of the following:

- placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin:
- creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

TAVERN:

A place where alcoholic beverages are served as a primary or substantial portion of the total trade, which may or may not include the sale of food and/or live entertainment.

THERAPEUTIC RETREAT / DAY SPA:

A facility offering health, wellness, or therapeutic services such as massage, hydrotherapy, yoga, or holistic treatments, which may include short-term lodging or counseling as accessory uses.

TOP OF BANK, STREAMBANK:

A stream setback shall be measured horizontally from the top of streambank of any Cold Water Fishery stream. Where a defined top of bank is not present, the setback shall be measured from the ordinary high-water mark or normal pool elevation, consistent with Pennsylvania DEP buffer measurement practice.

TRUCKING FACILITY / TERMINAL:

A facility used for the parking, servicing, loading, or inspection of commercial trucks or tractor-trailers, which may include fueling, washing, weighing, or minor maintenance operations but excludes major repair or long-term vehicle storage.

TRUCKING CONTRACTOR YARD:

A site used by trucking or hauling companies for the storage, dispatch, and maintenance of

commercial vehicles, trailers, or equipment, which may include an office and limited repair facilities.

TRUCK REPAIR AND STORAGE:

A building and/or land used primarily for the maintenance and storage of large commercial vehicles.

USE:

Any purpose for which a lot, building, or other structure or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

UTILITIES:

Includes infrastructure and minor facilities necessary to provide water, sewer, gas, electricity, telecommunications, or broadband service. Examples: power lines, pipelines, poles, transformers, fiber nodes, or similar equipment typically located within or adjacent to the public right-of-way.

UTILITY BUILDINGS AND YARDS (OPERATIONAL FACILITIES):

Includes utility-owned or operated facilities used for storage, maintenance, dispatch, or centralized operations. Examples: substations, maintenance depots, treatment plants, or service yards.

VARIANCE:

A waiver granted by the Zoning Hearing Board from the terms and requirements of this Ordinance in accordance with the applicable provisions of this Ordinance.

WAREHOUSE:

A building used primarily for storage of goods and materials.

WAREHOUSE AND DISTRIBUTION CENTER (INCLUDING STORAGE YARDS):

A facility used for the storage, wholesale, and distribution of goods, materials, or equipment to retailers, commercial users, or other wholesalers, which may include accessory outdoor storage or loading areas, excluding the bulk storage of materials that are inflammable, explosive, hazardous, or commonly recognized as offensive. This term does not include trucking facilities.

WATERCOURSE:

A permanent or intermittent stream, river, brook, creek, channel or ditch for collection and conveyance of water, whether natural or man-made.

WELDING SHOP:

A facility primarily engaged in the joining, cutting, or fabrication of metal products using welding or related processes, which may include small-scale repair or custom fabrication work.

WIND ENERGY CONVERSION SYSTEM (WECS):

A machine designed for the purpose of converting wind energy into electricity. Commonly

known as “wind turbine” or “windmill,” the term WECS shall be used interchangeably with the terms wind turbine and windmill.

WIND ENERGY FACILITY:

A commercial electricity generating facility, whose main purpose is to supply electricity to off-site customers, consisting of one or more commercial WECS, and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

WINDMILL, NON-COMMERCIAL:

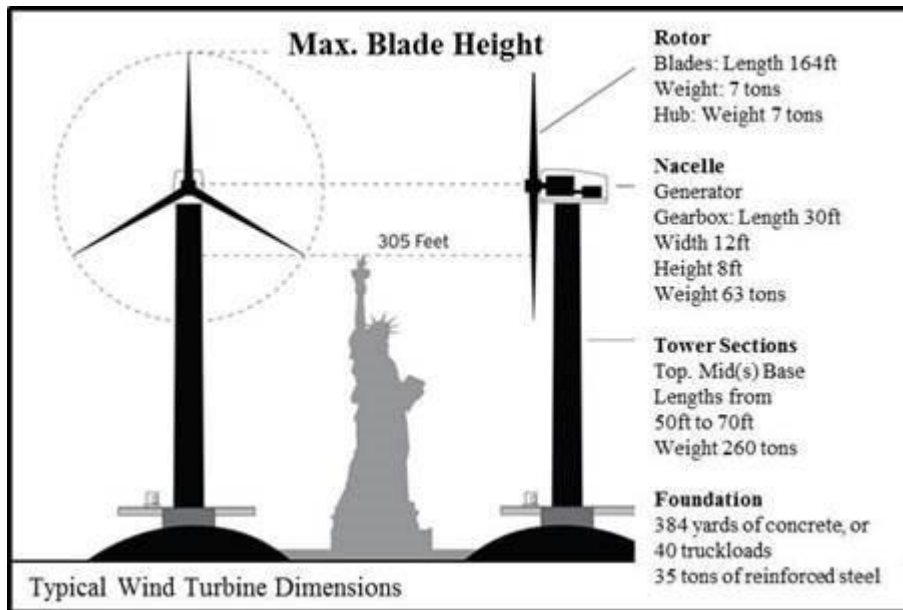
A small-scale wind energy system used to generate electricity primarily for on-site consumption, not for resale or commercial distribution. Such systems are typically limited to one per lot, with a maximum height of eighty (80) feet and a maximum capacity of ten (10) kilowatts.

WIND TURBINE:

A wind energy conversion system that converts wind energy into electricity through the use of wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

WIND TURBINE HEIGHT:

The distance measured from the surface of the tower’s foundation to the highest point of the turbine rotor plane at its furthest vertical extension.



YARD:

An open space that lies between the principal building and the nearest lot line. Such yard is unoccupied and unobstructed from the ground up except for accessory buildings or projections which are expressly permitted by this Ordinance.

YARD, FRONT:

A space extending the full width of the lot between the principal building and the front lot line

and measured perpendicular to the building at the closest point to the front lot line.

YARD, REAR:

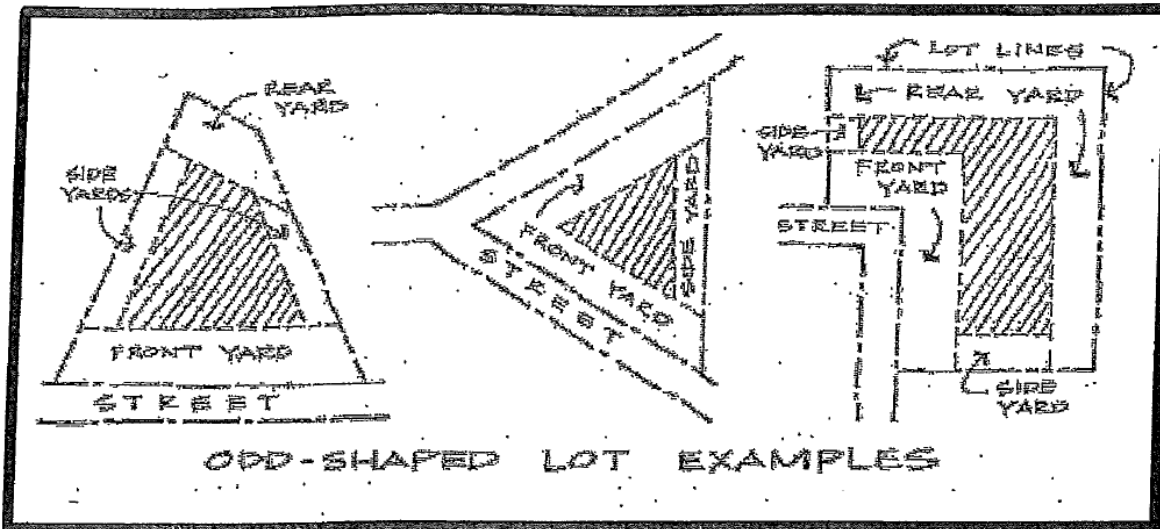
A space extending the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building at the closest point to the rear lot line.

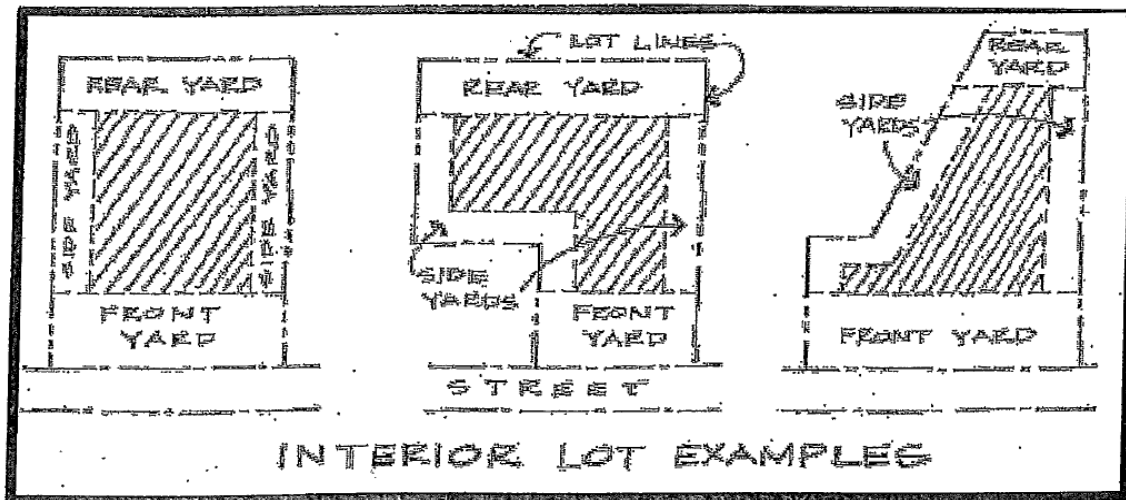
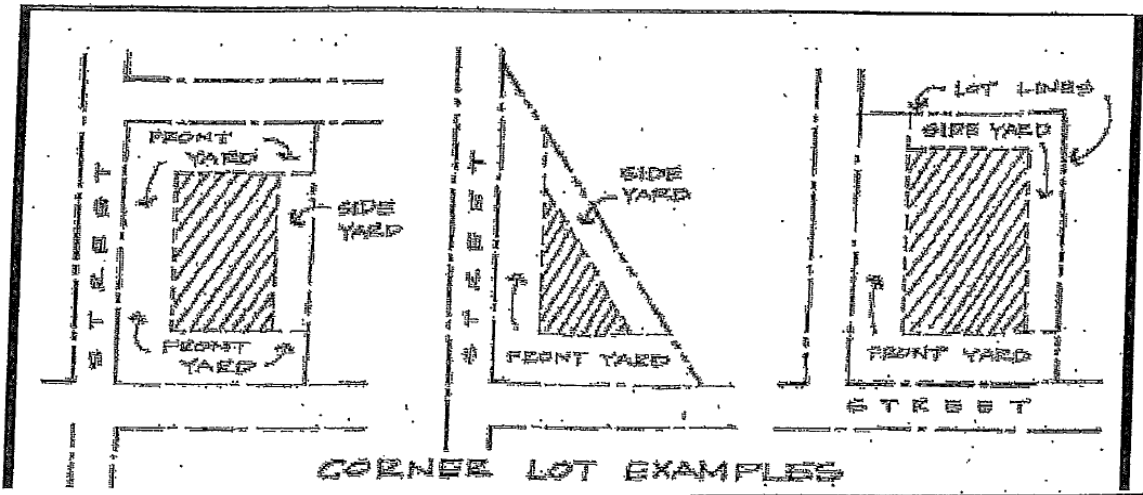
YARD, SIDE:

A space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building.

YARD, REQUIRED:

The minimum open space between a lot line and the building envelope, as defined in this Ordinance, within which no structure is permitted to be located except as otherwise provided for in this Ordinance. SEE ILLUSTRATIONS FOR YARD AREAS FOR VARIOUS LOT TYPES.





YOGA / WELLNESS / FITNESS CENTER:

A facility offering instruction, classes, or services focused on physical fitness, yoga, meditation, holistic health, or personal wellness. May include exercise equipment, group studios, or limited accessory retail or spa services, provided the primary use remains instructional or wellness oriented.

ZONING DISTRICT:

A portion of Newport Township as illustrated upon the Official Zoning Map, within which

certain uniform regulations and requirements apply under the provisions of the Zoning Ordinance.

ZONING HEARING BOARD:

The Zoning Hearing Board was appointed by the Governing Body of Newport Township in connection with the Newport Township Zoning Ordinance.

ZONING MAP:

The map or maps containing the zoning districts of Newport Township, Luzerne County, Pennsylvania, together with all amendments subsequently adopted.

ZONING OFFICER:

The Zoning Officer, or his authorized representative, appointed by the Governing Body of Newport Township.

ZONING PERMIT:

The written authorization, issued by the Zoning Officer, for the construction, alteration, placement, or use of principal or accessory structures and/or for uses of land.

ARTICLE 3 – ZONING MAP, DISTRICTS, AND DISTRICT REGULATIONS

SECTION 301 OFFICIAL ZONING MAP

Newport Township is hereby divided into zoning districts, as shown by the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance, together with all future notations, references and amendments.

SECTION 302 CHANGES TO OFFICIAL ZONING MAP

Any changes to the location of zoning district boundaries or other matters portrayed upon the Official Zoning Map shall be undertaken in accordance with the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended. Such change shall be provided upon the Official Zoning Map promptly after the enactment of the subject amendment by the Governing Body of Newport Township.

SECTION 303 INTERPRETATION OF BOUNDARIES

For the interpretation of zoning district boundaries, the following subsections shall apply if or when a determination is not made by the Zoning Officer.

1. Zoning Hearing Board.

If uncertainty exists as to the boundary of any zoning district shown upon the Official Zoning Map, the Zoning Hearing Board shall determine the location of such boundary according to the guidelines set forth in Section 303.2.

2. Guidelines.

- A. Zoning district boundary lines are intended to follow or parallel the center line of streets, streams, and railroads; and the lot or property lines as they exist on a recorded deed or plan in the Luzerne County Recorder of Deeds Office at the time of adoption of this Ordinance, unless such zoning district boundary lines are fixed by dimensions as shown on the Official Zoning Map.
- B. Where a zoning district boundary is not fixed by dimensions and where it approximately follows lot lines and does not scale more than ten (10) feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
- C. If the guidelines as stated above fail to provide and establish the boundary of a zoning district, a survey of the property or area of land in questions shall be made by a registered surveyor, with the cost of the survey paid by the party who is questioning or contesting the boundary location.

SECTION 304 CLASSES OF ZONING DISTRICTS

For the purposes of this Ordinance, the territorial area of Newport Township is hereby divided in to the following districts:

1. CO CONSERVATION DISTRICT
2. R-1 ONE-FAMILY RESIDENTIAL DISTRICT
3. R-2 TWO-FAMILY RESIDENTIAL DISTRICT
4. RA APARTMENT RESIDENTIAL DISTRICT
5. GB GENERAL BUSINESS DISTRICT
6. MU MIXED USE DISTRICT
7. IN INDUSTRIAL DISTRICT
8. ND NON-DEVELOPABLE SPECIAL DISTRICT

SECTION 305 PURPOSE OF ZONING DISTRICTS

1. Conservation (CO) District.

The purpose of this Zoning District is to provide for the preservation and protection of natural areas and resources including, but not limited to, surface waters, environmentally sensitive soils, steep slopes, woodland and wildlife, while sustaining a rural atmosphere, open spaces, scenic beauty, but yet allowing agricultural development and farming activities. Different types of development are permitted provided that there is sufficient area to promote and maintain the public health, welfare and safety and not interfere with the natural features of the Zoning District.

2. One-Family Residential (R-1) District.

The purpose of this Zoning District is to provide for single-family residential uses in urban settings where public water and public sewer are generally provided.

3. Two-Family Residential (R-2) District.

The purpose of this Zoning District is to provide for one- and two-family residential uses in urban settings where public water and public sewer are generally provided.

4. Apartment Residential (RA) District.

The purpose of this Zoning District is to provide for higher density residential uses in urban settings such as apartment buildings, townhouses, condominiums, or other housing developments that typically provide three or more dwelling units per residential structure.

5. General Business (GB) District.

The purpose of this Zoning District is to provide for retail and service businesses that provide goods and services to both the community and to the region.

6. Mixed Use (MU) District.

The purpose of this Zoning District is to provide for a wide mix of uses and allow for new development based on the permitted uses when proposed to the Township.

7. Industrial (IN) District.

The purpose of this Zoning District is to provide for the extraction of minerals, rock quarries, sand, and larger and more intensive industrial uses such as manufacturing plants, warehousing/distribution facilities, while serving to buffer these uses from other uses and districts.

8. Non-Developable (ND) Special District.

Development is not permitted in this Zoning District.

SECTION 306 PERMITTED USES, SPECIAL EXCEPTION USES, AND NON-PERMITTED USES

1. Permitted Uses.

The letter “P” designated under any of the zoning districts in the Use Table of this Ordinance (Appendix 1) indicates a use that is permitted by right within that zoning district and only requires a determination of compliance and approval by the Zoning Officer.

2. Special Exception Uses.

The letters “SE” designated under any of the zoning districts in the Use Table of this Ordinance indicates a use that requires approval by the Zoning Hearing Board. The Zoning Hearing Board may either approve or deny a special exception use in accordance with the provisions of this Ordinance. The Zoning Officer has no discretion to approve any permit where the use is classified as requiring special exception approval.

3. Non-Permitted Uses.

A blank cell under any of the zoning districts in the Use Table of this Ordinance indicates a use not permitted in that district.

SECTION 307 USES NOT ADDRESSED WITHIN ORDINANCE

Whenever, in any zoning district established under this Ordinance, a use is neither specifically permitted nor denied and/or the Zoning Officer is unable to classify a subject use and an application is made by a landowner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a special exception. The Zoning Hearing Board shall have the authority to permit or deny the proposed use

in accordance with the standards governing special exception applications if the Zoning Hearing Board makes an initial determination that the proposed use is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that:

1. The proposed use is similar to and compatible with permitted uses in the district.
2. The proposed use would not be detrimental to the public health, safety and welfare of the neighborhood.
3. The proposed use meets the standards and criteria for special exceptions as contained in this Ordinance.

SECTION 308 ZONING DISTRICT DIMENSIONAL REGULATIONS TABLE

Refer to Appendix 2 for the zoning district dimensional regulations table.

ARTICLE 4 – GENERAL DEVELOPMENT STANDARDS

SECTION 401 COMPLIANCE REQUIRED

No structure or land shall be used or occupied, and no structure or part of a structure shall be erected, demolished, altered, converted or moved, unless in compliance with all applicable provisions and regulations of this Ordinance.

SECTION 402 INTERPRETATION AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the protection and promotion of the public health, safety, convenience, comfort, morals, and general welfare of the residents of the Township. In the event of any conflict in the application of this Ordinance with other applicable public or private provisions, the following shall apply:

1. Public Provisions.

The regulations of this Ordinance are not intended to interfere with or abrogate or annul any other ordinance, rules or regulations previously adopted or previously issued by Newport Township which are not in conflict with any provisions of this Ordinance. Where this Ordinance imposes a greater restriction upon the use of land, structure or building than any other previously adopted ordinance, rules, or regulations of Newport Township, the provisions of this Ordinance shall apply.

2. Private Provisions.

The regulations of this Ordinance are not intended to interfere with or abrogate or annul any easement, covenant, or other form of private agreement or restriction, provided that where the provisions of this Ordinance impose a greater restriction, the requirements of this Ordinance shall govern. Where the provisions of any easement, covenant or other form of private agreement or restriction impose obligations, duties and/or requirements which are more restrictive and/or impose higher standards than the requirements of this Ordinance, then such private provisions shall be operative and supplemental to the requirements of this Ordinance.

SECTION 403 LIMITATION OF LAND USE

Except as provided in this Ordinance, no building or structure or part thereof shall be erected, altered, add to or enlarged, nor shall any land, building, structures or premises be used, designed or intended to be used for any purpose other than the uses hereinafter listed as permitted in the zoning district in which such building, structure or premises are located.

SECTION 404 REQUIRED AREA OR SPACE CANNOT BE REDUCED

The area or dimension of any lot, yard, parking area or other space shall not be reduced to less

than the minimum required by this Ordinance; and if already less than the minimum required by this Ordinance, said nonconformity may be continued but shall not be further reduced.

SECTION 405 REQUIRED ACCESS

Every building or structure hereafter erected shall have access to or be located upon a lot adjacent to a public or private street.

SECTION 406 LIMIT OF ONE PRINCIPAL USE PER LOT

No more than one principal use shall be permitted on a lot in a residential district, unless specifically permitted by this Ordinance.

SECTION 407 MULTIPLE OCCUPANCY

Occupancy of a principal commercial or industrial building or lot by more than one use is specifically allowed, provided that all other requirements of this Ordinance are satisfied. Each use within a multiple use building shall be required to apply for separate zoning permits. The parking requirements shall be met for each use, and the dimensional requirements for the most restricted use shall apply. This provision by itself shall not be used to allow outdoor vending.

SECTION 408 ACCESSORY STRUCTURES

1. Attached Accessory Structures.

Accessory structures which are attached to a principal structure shall be considered a part of the principal structure and shall comply with the same yard and lot requirements applicable to the principal structure.

2. Unattached Accessory Structures.

A. Residential Districts (R-1, R-2, RA):

- (1) Unattached accessory structures shall be erected within the rear or side yards.
- (2) The maximum height shall not exceed fifteen (15) feet.
- (3) Accessory structures shall not be less than five (5) feet from the side lot line.
- (4) On a corner lot, an accessory structure shall maintain the same setback as a principal structure.
- (5) Accessory structures shall not be less than five (5) feet from the rear lot line.
- (6) Accessory structures shall be located on the same lot as the principle structure.
- (7) Exceptions:
 - a) A flagpole may be located in the front yard in any zoning district and its maximum height shall be the maximum height for a principal structure in that district.
 - b) An amateur (ham) radio antenna shall be limited to the maximum height of a principal structure and shall be installed on a secure and well-maintained tower.

- B. Non-Residential Districts (All Other): Unattached accessory structures shall comply with the front and side yard setback requirements and building height limits as for principal structures, except as otherwise specified in this Ordinance.

SECTION 409 PROJECTION INTO REQUIRED YARDS

1. A wall or fence under six (6) feet in height, or higher if a retaining wall, may be erected within the limits of any yard or outer court, but shall not block visibility from side streets or adjoining property driveways. EXCEPTION: Fences up to ten (10) feet in height are permitted within the surveyed property in Mixed Use (MU) and Industrial (IN) districts and as perimeter fencing around commercial communications towers.
2. Patios, terraces and open porches may be located in side and rear yards, not closer than three (3) feet to any adjacent property line. If located closer than eight (8) feet in any District, they shall be adequately screened from the adjoining lot.
3. Chimneys, leaders, cornices, eaves, gutters and bay windows, and the like, may extend not more than eighteen (18) inches into any required yard, except that fully cantilevered projections no less than seven (7) feet in height are permitted in business districts up to the property line.
4. Utility facilities necessary to serving any area are exempt from height limitations applicable to the various zoning districts.
5. Ramp entranceways to structures for disabled persons as defined in the Americans with Disabilities Act (ADA) shall be exempt from setback requirements.
6. Ancillary equipment essential to the use of a structure, including but not limited to: HVAC condenser units, propane tanks, permanently installed emergency backup generators, and similar equipment may be located within the limits of any side or rear yard.
7. All permitted projections into required yards shall comply with Section 410, the clear-sight triangle.

SECTION 410 VISIBILITY AT INTERSECTIONS, STREETS, AND PRIVATE DRIVEWAYS

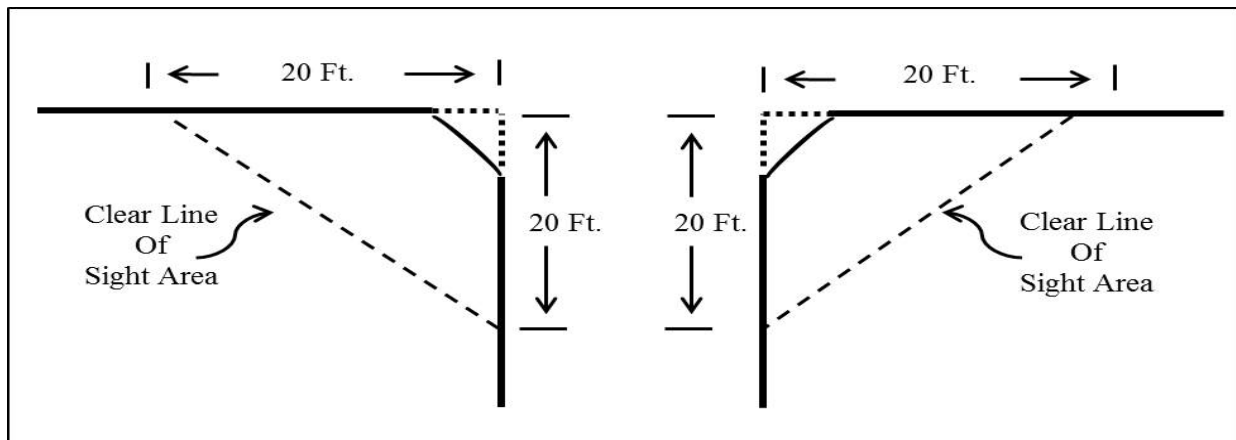
A clear-sight triangle shall be provided at all street and driveway intersections. Nothing shall be erected, placed or allowed to grow in a manner which obscures vision above the height of two and one-half (2 ½) feet and below ten (10) feet. Measured from the centerline grade of intersecting streets and driveways. A fence that allow more than 75% visibility through it (such as a typical open chain-link fence) shall not be regulated by this section.

1. Street Intersections.

For corner properties, at street intersections, an isosceles triangle shall be established for a distance of twenty (20) feet at each side of the point of intersection of the street right-of-way lines with the property line.

2. Driveway Intersections.

At driveway intersections with streets, an isosceles triangle shall be established for a distance of twenty (20) feet at each side of the point of intersection of the street right-of-way with the driveway.



SECTION 411 CORNER LOT RESTRICTION

On a corner lot, the front yard setback required within that zoning district will apply to both sides fronting the intersecting roadways. This provision shall apply to both accessory and principal structures.

SECTION 412 HIGHWAY OCCUPANCY PERMIT

Zoning approval for any proposed use and/or development of a property, which includes the construction and/or relocation of a driveway onto a State Legislative Route, a County road, or a local municipal road shall be conditioned upon the applicant securing a Highway Occupancy Permit from the applicable government entity having jurisdiction over the same.

SECTION 413 NATURAL RESOURCES PROTECTION STANDARDS

All development within the Township shall comply with applicable state and federal environmental regulations, including those of the Pennsylvania Department of Environmental Protection and the U.S. Army Corps of Engineers. Applicants must provide evidence of required permits or approvals prior to receiving final land development approval and a building permit. No additional local review or permitting shall be required for conditions already regulated by state or federal agencies.

SECTION 414 OUTDOOR LIGHTING

1. Purpose.

The intent of the provisions in this Section is to minimize the off-site impact of lighting while providing for lighting that is sufficient for safe use of a property, and to:

- A. Provide adequate lighting in outdoor public places where public health, safety and welfare are potential concerns.
- B. Protect drivers and pedestrians from the glare of non-vehicular light sources that shine into their eyes and thereby impair safe traverse.
- C. Protect neighbors and the night sky from nuisance glare and stray light from poorly aimed, placed, applied, maintained or shielded light sources.
- D. Provide outdoor lighting in a manner consistent with the Township of Newport's goal of retaining the rural, agricultural character where appropriate.

2. Applicability.

- A. Outdoor lighting shall be required for safety and personal security in areas of public assembly and traverse including, but not limited to, the following:
 - (1) Parking areas for multifamily, commercial, and industrial uses.
 - (2) Loading facilities for commercial and industrial uses.
 - (3) At the ingress and egress of parking areas for multifamily, commercial, and industrial parking areas.
 - (4) At street intersections.
 - (5) The Planning Committee or Zoning Hearing Board may require lighting to be incorporated for other uses or locations where personal security and safety reasons warrant, and as they deem necessary to further public health, safety, and welfare.
- B. The glare-control requirements herein contained apply to lighting in all above mentioned uses as well as, but not limited to, sign, landscaping, and residential lighting.

3. Criteria.

- A. Illumination Levels. Lighting, where required by this Ordinance, shall have intensities and uniformity ratios in accordance with but not limited to the following examples:

Use/Task		Maintained Footcandles	Uniformity Avg: Minimum
(a)	Streets, local residential	0.4 Avg.	6:1
(b)	Streets, local commercial	0.9 Avg.	6:1
(c)	Parking, residential, multifamily	0.2 Min.	4:1
	Low vehicular/pedestrian activity		
	Medium vehicular/pedestrian activity		
(d)	Parking, industrial/commercial/institutional/ municipal	0.6 Min.	4:1
	High activity, e.g., regional shopping centers/fast food facilities major athletic/civic/ cultural/ recreational events	0.9 Min.	4:1
	Medium activity, e.g., community shopping centers, office parks, hospitals, commuter lots, cultural/civic/ recreational events	0.6 Min.	4:1
	Low activity, e.g., neighborhood hopping, industrial employee parking, schools, church parking	0.2 Min.	4:1
(e)	Sidewalks, walkways and bikeways	0.5 Avg.	5:1
(f)	Building entrances, commercial, industrial, institutional	5.0 Avg.	/a

Notes:

- Illumination levels are maintained horizontal footcandles on the task, e.g., pavement or area surface.
- Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio (e.g., for commercial parking high activity, the average footcandles shall not be in excess of 3.6 [0.9 x 4]).

B. Lighting Fixture Design. The following factors shall be considered when choosing the appropriate lighting fixture design:

- (1) Fixtures shall be of a type and design appropriate to the lighting application.
- (2) Fixtures shall be equipped with or be capable of being modified to incorporate light directing, shielding devices, or both, such as shields, visors or hoods when necessary to redirect offending light distribution or reduce direct or reflected glare.

C. Control of Glare.

- (1) All outdoor lighting, whether or not required by this Ordinance, on private, agricultural, residential, commercial, industrial, municipal, recreational or institutional property shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse (e.g., disabling glare) and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property, (e.g., nuisance glare).
 - (2) Floodlights and spotlights shall be so installed and aimed so that they do not project their output into the windows of neighboring residences, adjacent uses, directly skyward or onto a roadway.
 - (3) Unless otherwise permitted by the Township (e.g., for safety, security, agricultural uses, or all-night operations), lighting shall be controlled by automatic switching devices such as time clocks or combination motion detectors and photocells, to permit extinguishing offending sources between 11:00 p.m. and dawn to mitigate nuisance glare and sky lighting consequences.
 - (4) Lighting proposed for use after 11:00 p.m., or after the normal hours of operation for commercial, industrial, institutional, or municipal applications, shall be reduced by 75% from 11:00 p.m. until dawn, unless needed for a specific purpose.
 - (5) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
 - (6) Externally illuminated signs and billboards shall be lighted by fixtures mounted at the top of the sign and aimed downward. Such fixtures shall be automatically extinguished between the hours of 11:00 p.m. and dawn, except as specifically approved by the Township to illuminate necessary directional information.
 - (7) Directional fixtures used for architectural lighting (e.g., facade, fountain, feature and landscape lighting) shall be aimed so as not to project their output beyond the objects intended to be illuminated and shall be extinguished between the hours of 11:00 p.m. and dawn.
 - (8) Auto service station or fuel-dispensing facility canopy lighting shall be accomplished using flat-lens full-cut off downlighting fixtures, shielded in such a manner that the edge of the fixture shield shall be level with or below the light source envelope.
 - (9) The use of white strobe lighting for tall structures such as smokestacks, chimneys, and communications towers are prohibited, except as otherwise required under Federal Aviation Administration regulations.
- D. Residential Street Lighting Fixture Placement. Where required, street lighting fixtures in residential developments shall be placed at the following locations:
- (1) At the intersection of public roads with entrance roads to the proposed development.
 - (2) Intersections involving proposed public or nonpublic primary distributor streets within the proposed development.
- E. Lighting systems and standards for outdoor recreational activities such as baseball,

- tennis, football, golf driving ranges, or miniature golf, for which the above standards are unattainable, shall be permitted when approved as a special exception by the Zoning Hearing Board. The applicant shall demonstrate that the proposed lighting system is designed and will be operated to minimize objectionable impacts on other properties. The following standards shall be applied by the Zoning Hearing Board in its consideration of any application for special exception approval:
- (1) Lighting shall be accomplished only through the use of "cutoff" fixtures or as otherwise approved by the Zoning Hearing Board.
 - (2) Except as otherwise permitted by the Zoning Hearing Board, sporting events shall be timed so that all lighting in the sports facility is extinguished by 9:45 p.m.
 - (3) Golf courses and trap shooting facilities shall not be artificially lit and shall not be permitted to operate in the Township during hours of darkness.
 - (4) Outdoor recreational facilities shall not be lighted if they are located within the CO District or within one thousand two hundred (1,200) feet of a property in residential use.
- F. Street lighting shall be provided where required under the terms of the Township Subdivision and Land Development Ordinance.

4. Plan Submission.

- A. For any commercial, industrial, or major institutional use, lighting plans shall be submitted to the Township for review and approval with applications or special exceptions, preliminary or final subdivision or land development plans, or variance applications. In addition, the Zoning Officer may require the submission of a lighting plan with any building permit application for other than single-family residential use. The required lighting plans shall include the following information:
- (1) A site plan containing a layout of the proposed fixture locations by location and type. The site plan shall also include, as applicable, structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting.
 - (2) Isofootcandle plots for individual fixture installations and ten (10) foot by ten (10) foot illuminance-grid plots for multi-fixture installations, which demonstrate compliance with the intensity and uniformity requirements set forth in this Chapter.
 - (3) Description of the proposed equipment, including fixture catalog cuts, photometry, glare reduction devices, lamps, control devices, mounting heights, pole foundation details, and mounting methods proposed.
- B. When requested by the Township the applicant shall submit a visual impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare.
- C. Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Township for review and approval.

- D. When necessary, the Township may retain the services of a qualified lighting engineer to review proposed lighting plans.

SECTION 415 NONCONFORMING LOTS, USES, AND STRUCTURES

Within the zoning districts established by this Ordinance or subsequent amendments thereto, there may exist or will exist certain nonconforming uses of structures and/or land which if lawful before this Ordinance was pass or amended, may be continued, subject to certain limitations, although such uses would be prohibited, regulated or restricted under the terms and provisions of this Ordinance or subsequent amendments thereto.

1. Nonconformity Types.

For the purposes of this Ordinance, nonconformities shall be defined and classified by types, as follows:

- A. Nonconforming Use. Nonconforming use means a use, whether of land or a structure, which does not comply with the applicable use provisions in this Zoning Ordinance or in an amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or such amendment.
- B. Nonconforming Structure. Nonconforming structure means a structure or part of a structure manifestly not designed to comply with the applicable use provisions in the Zoning Ordinance or in an amendment hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or such amendment. Nonconforming structures include, but are not limited to, nonconforming signs.
- C. Bulk Nonconformity. Bulk nonconformity refers to the bulk of a structure which does not comply with the applicable size, height or other bulk provisions in this Zoning Ordinance or in an amendment hereafter enacted, where such structure lawfully existed in compliance with such provisions prior to the enactment of this Ordinance or such amendment.
- D. Area Nonconformity. Area nonconformity refers to that aspect of a structure or use on a zoning lot which is not in compliance with the applicable yard, coverage or other area provisions in this Zoning Ordinance or in an amendment hereafter enacted, where such structure or use lawfully existed in compliance with such requirements prior to the enactment of this Ordinance or such amendment.
- E. Nonconforming Lots. Nonconforming lot means a lot of record legally existing as of the date on which this Ordinance was adopted or amended, which does not conform to the applicable area, frontage, width, or depth requirements established this Ordinance for the zoning district in which it is located.

2. Nonconforming Lots of Record.

In any zoning district, structures, both principal and accessory, may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions or regulations of this Ordinance, even though such lots fail to meet the requirements for the area and/or width of the zoning district in which such lot is located. The erection of a structure on such a lot shall, however, conform to front, rear and side yard requirements for the zoning district in which such lot is located. Variances from the aforementioned yard requirements may be obtained only through approval by the Zoning Hearing Board.

3. Continuation.

Nonconforming uses, nonconforming structures, bulk nonconformities and area nonconformities may be continued except as otherwise set forth in this Article, but no nonconforming use or structure shall not be enlarged, reconstructed, structurally altered or changed except as permitted by the provisions of this Article.

4. Changes of Nonconforming Uses and Structures.

Nonconforming uses and structures shall be changed only in accordance with the following subsections:

- A. A nonconforming use or structure shall not be extended to displace a conforming use or structure.
- B. Structures, buildings or uses, either main or accessory, shall not be combined for the purpose of extending a nonconforming use or creating a different nonconforming use.
- C. When authorized by the Zoning Hearing Board as a special exception, a nonconforming use may be changed to another nonconforming use if the Zoning Hearing Board finds that all of the following standards are met:
 - (1) The proposed change shall be less objectionable in external effects than the previous nonconforming use and will be more consistent physically with its surroundings.
 - (2) There will be no increase in traffic generation or congestion including both vehicular and pedestrian traffic.
 - (3) There will be no increase in the danger of fire or explosion.
 - (4) There will be no increase in noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration or electrical disturbances
 - (5) There will be no increased threat to health by reason of rodent infestation or otherwise.
 - (6) There will be no reduction in minimum lot area requirements as a result of the proposed change.

5. Enlargement of Nonconforming Use or Structure.

A nonconforming structure or a nonconforming use shall not be enlarged except as a

special exception authorized by the Zoning Hearing Board in accordance with the following:

- A. The enlargement will not replace a conforming use.
 - B. The area subject to a proposed expansion shall, after enlargement, conform to all areas and bulk requirements applicable to conforming buildings in the zone in which it is located and to all applicable off-street parking and loading requirements.
 - C. The floor or land area of a nonconforming structure or use shall be enlarged not more than twenty-five percent (25%) of the floor or land area as it existed at the time the structure or use first became nonconforming.
 - D. Not more than one (1) enlargement of a nonconforming use or structure shall be permitted.
 - E. A nonconforming structure or use shall not be enlarged beyond the limits of the zoning lot on which it is located. Expansion to an adjoining lot is prohibited.
 - F. A structure containing residential dwelling uses, both conforming and nonconforming, shall not be enlarged to increase the number of dwelling units unless in full compliance with all other applicable provisions of this Ordinance.
6. Repair and Rehabilitation.

Nonconforming structures and structures containing nonconforming uses may be normally maintained and repaired provided that there is no alteration which extends the area occupied by the nonconforming use. A structure containing nonconforming residential uses may be altered to improve interior livability, subject to no structural alterations which would increase the number of dwelling units or the bulk of the structure.

7. Restoration or Use and/or Structure.

A nonconforming use and/or structure which has been damaged or destroyed by fire, explosion, windstorm, flood or other similar act or cause to the extent of more than sixty percent (60%) of its reproduction value at the time of the damage shall not be restored except in conformity with the regulations of the zoning district in which it is located.

When damage is less than sixty percent (60%) of its reproduction value, a nonconforming building or other structure may be repaired or reconstructed and used as before the time of the damage, provided such repairs or reconstruction are commenced within eighteen (18) months of such damage.

A conforming residential use, which is constructed on a lot that is nonconforming with respect to lot area, lot width, and/or yard areas, may be reconstructed on the same lot

subject to receiving approval from the Zoning Hearing Board for any necessary variances.

8. Termination of Nonconforming Use and/or Structure.

- A. Nonconforming Use and/or Structure. A nonconforming use and/or structure shall not be reconstructed when damaged to an extent greater than sixty percent (60%) of its reproduction value at the time of the damage and said nonconforming use and/or structure shall be deemed terminated.
- B. Change of Nonconforming Use. Where a nonconforming use is changed into a conforming use, a nonconforming use shall not thereafter be resumed. A change of one nonconforming use, without approval by the Zoning Hearing Board, shall be considered an abandonment of the prior nonconforming use, which shall not thereafter be resumed.
- C. Abandonment of Nonconforming Use. The right to a nonconforming use shall be terminated and a nonconforming use shall not be resumed if a nonconforming use is abandoned. A nonconforming use shall be deemed to be abandoned if it is changed as set forth in Section 413.4 or if it is discontinued for a period of one year or more without substantial evidence of intent to resume the nonconforming use by documented overt actions.
- D. Unsafe Structures. If a nonconforming structure, containing a nonconforming use, becomes physically and structurally unsafe due to the lack of maintenance or repairs and it has been legally condemned, it shall not thereafter be restored, repaired or rebuilt except in conformity with uses permitted within the zoning district in which such structure is located.

SECTION 416 BUFFER AREA

A buffer area shall be provided where required by another section of this Ordinance or where a new or expanded principal nonresidential use is proposed abutting an existing principal residential use on another lot. Where required, a buffer area shall meet the following:

- 1. Be established and maintained along the side and rear lot lines that are not abutting a street and that are adjacent to a residential use.
- 2. Be free from buildings, structures, accessory buildings, signs, driveways, parking areas, outdoor storage areas, recreation facilities and all activity areas, except for any necessary perpendicular crossings.
- 3. Be landscaped with primarily evergreen trees and shrubs in addition to lawn or other attractive vegetative ground cover.

SECTION 417 OFF-STREET LOADING AND PARKING

1. Off-Street Loading.

Every building that requires the receipt or distribution of material or merchandise by vehicles shall provide off-street loading berths in accordance with the following table:

OFF-STREET LOADING SPACE REQUIREMENTS

Uses	Floor Area (sq. ft.)	Required Berths
Commercial, Wholesale	10,000 – 25,000	1
Data Centers		3
Hospitals (including ambulance space)	10,000 – 300,000	1
	For each additional 300,000 or major fraction thereof	1 additional
Hotels and Offices	10,000 or more	1
Manufacturing and Storage	25,000 – 40,000	2
	40,000 – 60,000	3
	60,000 – 100,000	4
	For each additional 50,000 or major fraction thereof	1 additional
Schools	15,000 or more	1
Undertakers and Funeral Parlors	5,000	1
	For each additional 5,000 or major fraction thereof	1 additional

Each loading space shall not be less than ten (10) feet in width, seventy (70) feet in length, and fifteen (15) feet in height, and may occupy all or part of a required yard. Access to off-street loading facilities shall be at a clearly marked and defined location along a street right-of-way and shall be at least thirty-five (35) feet from the intersection of streets. All loading areas shall be designed, constructed and used so that all vehicular maneuvering is contained within the lot and no vehicle shall be permitted to back into or out of the public right-of-way.

2. Off-Street Parking.

In all districts, off-street parking facilities shall be provided and properly maintained, as set forth in this Section, for any building which is hereafter erected, enlarged or increased in capacity. Such facilities should be available throughout the hours of operation for the particular business or use for which such facilities are provided.

A. Size and Access. Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet (9' x 20'), exclusive of access drives or aisles and be in usable shape and condition. Except in the case of dwellings, no parking area shall contain less than three (3) spaces.

There shall be adequate ingress and egress to all parking spaces. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive leading to the parking areas. Such access drive shall not be less than ten (10) feet in width in the case of a dwelling, and not less than twenty-five (25) feet in all other cases.

Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along the length of a street or alley.

- B. Number of Parking Spaces Required. The number of off-street parking spaces required is set forth in Appendix 3. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply.
- C. Location of Facilities. Required facilities shall be located on the same zoning lot as the use to which they are accessory, or else within a radius of four hundred (400) feet; provided that required spaces conform with the provision set forth herein, and that such space shall be in the same ownership as the use to which are accessory and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs or assigns to maintain the required number of spaces throughout the life of such use.

3. Facilities or Requirements for Parking and/or Loading.

Off-street parking and loading facilities may be provided jointly for separate uses if approved by the Zoning Hearing Board. The total number of spaces shall not be less than the sum of the separate requirements for each use and shall comply with all regulations governing location of accessory spaces.

4. Development of Parking Lots and Loading Areas (including commercial parking lots, automobile or trailer sales).

- A. Screening and Landscaping. Off-street parking areas for more than five (5) vehicles, and off-street loading areas, shall be effectively screened on each side which adjoins or faces residential or institutional premises situated in any residential district.
- B. Minimum Distances and Setback. No off-street loading area or parking area for more than five (5) vehicles shall be closer than ten (10) feet to any adjoining dwelling, school, hospital, or similar institution. If it adjoins a residential district, no parking area shall be located less than ten (10) feet from the established street right-of-way line within fifty (50) feet of any residential district.
- C. Surfacing. Surfacing shall consist of an asphaltic or Portland cement binder pavement (or similar durable and dustless surface), graded and drained to dispose of all surface water in compliance with applicable storm water management regulations, and designed to provide for orderly and safe loading and parking. Paint markings to

identify parking spaces should be provided.

- D. Lighting. Any lighting used to illuminate off-street parking or loading areas shall comply with Section 412 of this Ordinance.

SECTION 418 SIGNS

A zoning permit shall be required prior to the construction or installation of any sign except for real estate signs and temporary event signs.

1. Types and Uses of Signs.

All signs shall be classified according to type and use as provided herein:

- A. Identification Sign. A sign which communicates the name and/or address of an occupant or a permitted home occupation upon the zoning lot on which the sign is located.
- B. Business Sign. A sign which communicates information concerning a business, profession, commodity, service, entertainment or development which is sold, offered, prepared, manufactured or conducted upon the zoning where the sign is located.
- C. Billboard of Off-Premises Advertising Sign. A sign which communicated information concerning a subject, business, profession, activity, commodity, service, entertainment or development not related to, sold, offered, prepared or manufactured on the zoning lot where the sign is located.
- D. Real Estate Sign. A temporary sign, having an area not greater than eight (8) square feet in area, which advertises the sale, rental or development of the premises upon which the sign is located.
- E. Subdivision/Development Advertising Sign. A temporary real estate sign, not greater than sixty (60) square feet in area, which advertises the sale of property within an approved subdivision or planned residential development.
- F. Institutional Sign. A sign which identifies a use pertaining to a school, place of worship, hospital or other institution of a similar public or semi-public nature.
- G. On-Site Directional and/or Information Sign. A sign commonly associated with, and limited to, information and directions necessary for visitors entering or exiting a property, including signs marking entrance and exits, parking areas, circulation direction, restrooms and pick-up and delivery areas. Such signs shall contain no advertising material.
- H. Subdivision/Development Identification Sign. A sign that displays the name of a subdivision and/or development at an entrance to the site upon which the subdivision

and/or development is located.

- I. Event Signs. A temporary sign advertising private not-for-profit events and fundraisers such as picnics, bazaars, gaming events, arts and crafts shows, and similar types of fundraising activities.

2. Construction Types.

All signs shall be classified according to construction types as provided herein:

- A. Freestanding Sign. A sign not attached or applied to a principal building but supported by another structure, including structures designed for the sign, itself, and accessory structures.
- B. Wall Sign. A sign attached, painted or affixed to the wall of a principal structure or accessory structure, not projecting over any public right-of-way and not extending more than two (2) feet from the building or structure.
- C. Projecting Sign. A sign which projects outward or extends more than two (2) feet and not more than six (6) feet from the building or structure.

3. Permitted Signs by Zoning District.

The establishment, erection or reconstruction of any sign shall be in accordance with the regulations as set forth herein:

- A. Identification Signs. Such signs shall be permitted in all zoning districts.
- B. Business Signs. Such signs shall be permitted in GB, MU, and IN zoning districts.
- C. Real Estate Signs. Such signs shall be permitted in all zoning districts.
- D. Subdivision/Development Advertising Sign. Such signs shall be permitted all zoning districts and any PRD, upon the creation of such.
- E. Institutional Signs. Such signs shall be permitted in all zoning districts.
- F. On-Site Directional and/or Informational Sign. Such signs shall be permitted in all zoning districts.
- G. Billboard Signs. Such signs shall be permitted in the IN zoning district and by special exception in the MU zoning district.
- H. Subdivision/Development Identification Signs. Such signs shall be permitted in all zoning districts.

I. Event Signs. Such signs shall be permitted in all zoning districts.

4. Area, Height, Number, and Setback Requirements.

The establishment, erection, or reconstruction of permitted signs shall be governed by the following regulations:

A. Identification Sign. An identification sign shall not exceed two (2) square feet in area. Such a sign shall be set back not less than ten (10) feet from the front lot line. The maximum height of an identification sign, if freestanding, shall not exceed ten (10) feet in height, or if attached to a building shall not be higher than the first story of the building to which it is attached. Only one (1) identification sign is permitted on any zoning lot.

B. Business Sign. A business sign shall not exceed the square feet of area for the following zoning districts: GB, MU, IN Districts: four (4) times the frontage of the lot on which the sign is located.

The maximum size of a sign for a shopping center, or integrated group of stores or industrial establishments, shall be one hundred eighty (180) square feet. No sign shall project above the height limit of structures in the district in which it is located, nor shall it extend more than twenty (20) feet above the highest part of the roof. No hanging, suspended or projecting sign (except in service station driveways) shall have a vertical clearance of less than fourteen (14) feet over any vehicular public way nor less than nine (9) feet over any pedestrian public way. In service station driveways, the minimum clearance shall be twelve (12) feet. Public ways used in this subsection include privately-owned sidewalks or drives, customarily used by the public.

The number of signs shall be limited to three (3) for each street on which the establishment fronts. In addition, one (1) identification sign for a shopping center or other integrated group of stores, commercial buildings, or industrial buildings, may be added for each street on the properties front; provided that no such signs shall be located within one hundred (100) feet of any existing principal building on adjoining residential premises on the same side of the street, or opposite land zoned for residential purposes on the other side of the street.

Freestanding signs shall comply with the yard requirements for principal structures in the zoning district the sign is located within. Any freestanding or projecting sign within twenty-five (25) feet of a street right-of-way shall be so placed as to allow clear and ample visual sight lines for driveways leading into a street, for the intersection of two streets, or a street with an alley.

A sign of a farm, noting the sale of articles grown or produced on premises, is permitted, provided that such sign shall not exceed six (6) square feet in area, shall be at least ten (10) feet from any public right-of-way, and be at least fifty (50) feet from the nearest corner of a road intersection.

- C. Real Estate Sign. A temporary real estate sign shall not exceed eight (8) square feet in area and shall be located on the same lot on which the property is offered for sale or lease. The sign shall be set back not less than ten (10) feet from the front lot line and shall be removed from the premises within thirty (30) days after the sale or rental of the property.
- D. Subdivision/Development Advertising Sign. A subdivision/development advertising sign shall be considered a temporary real estate sign and shall not exceed sixty (60) square feet in area. The sign shall be located on the same property on which lots and/or homes in the subdivision are offered for sale. Not more than one (1) sign shall be erected in any subdivision, and such signs shall be set back not less than thirty-five (35) feet from the front lot line. The sign shall be removed from the premises within thirty (30) days after the last lot and/or home is sold.
- E. Institutional Sign. An institutional sign for public or semi-public facilities, such as schools, places of worship, hospitals, libraries, colleges or other institutions of similar nature, shall not exceed fifty (50) square feet in area. The maximum height of such signs shall not exceed the maximum height restriction established for a principal structure in the district in which the sign is located. An institutional sign shall be not less than ten (10) feet from the front lot line. One (1) bulletin board sign, not over twenty (20) square feet in area, may be placed on a school, place of worship, or college property.
- F. On-Site Directional and/or Informational Sign. An on-site directional and/or informational sign shall not exceed six (6) square feet in area. A front, rear or side yard setback of not less than five (5) feet shall be required for such signs. The maximum height of such signs shall not exceed six (6) feet.
- G. Billboard of Off-Premises Advertising Sign. The following regulations shall apply to any billboard and/or off-premises advertising sign:
 - (1) Location. No billboard or off-premises advertising sign shall be permitted within two hundred (200) feet of any residential district, nor facing any school, library, place of worship, hospital or similar institutional use if closer than two hundred (200) feet.
 - (2) Spacing. No two (2) billboards shall be located closer to one another than the distance equal to one-fifth (1/5) of their combined gross square foot area, except that no two (2) such signs shall be closer to one another than one hundred twenty (120) feet.
 - (3) Setbacks. Billboards shall conform with all yard spaces required for the district in which they are located.
 - (4) Size. The total surface area of any billboard, exclusive of structural supports and trim, shall not exceed in square feet, four (4) times the frontage of the lot or tract on which it or they stand, nor shall any individual advertisement of a poster panel exceed three hundred (300) square feet, or painted advertisement, six hundred (600) square feet. However, where a lot or tract is already occupied by a use or

structure exhibiting signs, the total surface area of signs and off-premises advertisements in square feet shall not exceed four (4) times the lot frontage.

- (5) Height. No billboard shall exceed the maximum height limit for a principal structure in the district in which it is located, nor shall it extend more than twenty (20) feet above the highest part of the roof.

H. Subdivision/Development Identification Sign. A subdivision/development identification sign shall not exceed ten (10) square feet in area. Not more than one (1) sign shall be erected at any entrance point to the subdivision/development. Such signs shall be set back not less than ten (10) feet from the front lot line.

I. Event Sign. An event sign shall not exceed six (6) square feet in area, having dimensions of two (2) feet by three (3) feet. Such signs shall not be attached to any tree, utility pole or structure within a public right-of-way. Such signs shall not be posted more than forty-five (45) days in advance of the schedule event and shall be removed within thirty (30) days following the event.

5. Lighting or Moving.

If illuminated, the light shall be confined to the surface of the sign or off-premises advertisement, which shall be located and arranged so as to avoid glare or reflection onto any portion of any designated highway or into the path of oncoming vehicles, or into any adjacent residential premises.

Flashing or moving billboards or off-premise advertisements shall not be permitted in any district, and flashing or moving signs are not permitted in any district except the GB district, where signs are located on business premises, and where these signs are located and arranged so as to avoid glare or reflection onto any portion of any adjacent highway or into the path of oncoming vehicles, or into any adjacent residential premises.

6. Maintenance.

All signs and billboards/off-premises advertisements shall be maintained in good condition, as determined by the Zoning Officer; otherwise, they shall be ordered removed after due notice.

SECTION 419 SUPPLEMENTAL REGULATIONS

A use, provided for under any Zoning District within this Ordinance, shall, in addition to all other applicable provisions of this Article, also be governed by supplemental regulations applicable to such use contained in Article 5 – Supplemental Land Use Regulations of this Ordinance.

ARTICLE 5 – SUPPLEMENTAL LAND USE REGULATIONS

SECTION 501 ADULT USE

An Adult Use, as so defined in Article 2 of this Ordinance, shall be located not less than one thousand (1,000) feet from any of the following uses:

1. A residential dwelling.
2. A place of worship.
3. A public or semi-public use or structure.
4. A zoning boundary of any zoning district in which residential uses are permitted as a principal permitted use.

Measurements of the required distance shall be made in a straight line from the nearest portion of the structure or premises of an Adult Use to the nearest property line of the above listed uses. The structure and/or premises of an Adult Use, including all off-street parking areas shall be completely enclosed by a “Buffer Area” as so defined in Article 2 of this Ordinance. The owner of the property shall be responsible for maintaining such buffer area in good condition, including the replacement of any trees which are damaged, diseased, die, removed by any means, or otherwise fail to grow.

SECTION 502 AGRICULTURE USE

The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, and animal and poultry husbandry, and the necessary accessory uses for farm homes and the processing, packing, treating, storing, and selling the product; provided, however, that the operation of any accessory uses are secondary to that of normal agricultural activities, and provided further that use complies with the following requirements:

1. No fertilizer plants are permitted.
2. Horse Stable and Riding Academies.
 - A. Minimum lot size shall be two acres.
 - B. Maximum density shall be one (1) horse per acre.
 - C. No manure storage shall be located within two hundred fifty (250) feet of any lot line.
 - D. Manure shall be regularly collected and disposed of in such a manner as to prevent odors and surface liquids from leaving the property.
3. Raising Livestock or Poultry.

The minimum lot size for the raising of livestock or poultry shall be five (5) acres, and the raising of more than fifty (50) animals shall require a minimum lot size of twenty-five (25) acres. In both cases, the minimum building and other impervious surface coverage shall not exceed ten percent (10%). Any structure or concentrated feeding or grazing area for the raising of fifty (50) or less animals shall be located not less than one hundred (100) feet from a lot line, and two hundred fifty (250) feet from any lot line of an existing residential dwelling unit or residential district. This section shall not be interpreted to permit an agricultural use in a residential district. Any structure or concentrated feeding or grazing area for the raising of more than fifty(50) animals shall be located not less than three hundred (300) feet from a lot line, and one thousand (1,000) feet from any lot line of an existing residential dwelling unit or residential district. No animals, animal products, or animal waste/manure shall be permitted within the required yard areas. Manure storage facilities and concentrated feeding areas used for the keeping of livestock or poultry shall not be located within two hundred fifty (250) feet of any stream, body or water, floodplain, water source, water well or open sinkhole. Any operation regulated under the Pennsylvania Nutrient Management Act shall provide evidence that the use will comply with the applicable provisions of the Act. Access drives shall be sufficient in size to accommodate the anticipated amount, type and size of vehicular traffic.

4. Retail Sales of Agricultural Products (including Nurseries).

The erection of structures (whether permanent or temporary) for the purpose of retail sales of agricultural products is permitted as an accessory structure by zoning permit. No area, structure, stand, parking area or loading space utilized for the sale of agricultural products shall be located less than fifty (50) feet to any existing residential dwelling unit, residentially zoned boundary line, and street right-of-way; and not less than one hundred (100) feet of any street intersection. The applicant shall prove that all access drives have adequate sight distances based upon Pennsylvania Department of Transportation regulations and guidelines regardless of whether the access drive abuts a state highway.

SECTION 503 AMUSEMENT CENTER

Amusement centers including bowling alleys, dance halls and similar uses shall provide proper parking areas with vehicular circulation designed so as to minimize traffic congestion, shall not be closer than ten (10) feet to any property line, shall provide adequate screening from any residential district. Outdoor lighting shall comply with Section 412 of this Ordinance.

SECTION 504 ANIMAL HOSPITAL AND SIMILAR USE

No animal hospital, veterinary clinic or kennel shall be located closer than one hundred (100) feet to any residential district, or existing restaurant, hotel, motel, or trailer camp. No animals shall be kept in outdoor pens during the hours of 6:00 p.m. to 6:00 a.m. local time. All manure shall be regularly collected and disposed of.

SECTION 505 ANIMALS IN RESIDENTIAL, BUSINESS AND MIXED USE

DISTRICTS

Only “domestic animals” as defined in Article 2 shall be kept in Residential (R-1, R-2, RA), General Business (GB), and Mixed Use (MU) Districts. Household pets shall be limited to four (4) combined per family in residential districts.

SECTION 506 BED AND BREAKFAST

1. A Bed and Breakfast shall be within an owner-occupied premise which is rented on a nightly basis.
2. There shall not be separate cooking facilities in any guestrooms.
3. Dining and other facilities shall not be open to the public but shall be exclusively for the use of the residents and registered guests.
4. Two off-street parking spaces shall be provided for each room rental.

No signs, show windows or any type of display or advertising shall be visible from outside the premises, except for a single wall or freestanding sign, which shall not be internally illuminated, with a maximum sign area of two (2) square feet on each of two sides, if freestanding, and with a maximum height of eight (8) feet.

In a residential district, the exterior of the building shall not be changed in any way that would decrease its residential appearance and character, except for needed modifications for historic restoration, handicapped access or fire safety.

SECTION 507 BETTING OR GAMBLING USE

1. Betting or gambling use as a special exception use shall only be permitted in the IN Industrial District.
2. Betting or gambling use as an accessory use shall be permitted as accessory to all non-residential uses. The total number of accessory betting or gambling use devices, including skill games, which are permitted shall be limited to a total of four (4) devices in any combination. If a machine contains multiple stations for players, each individual station shall be considered a separate "device." This includes, but is not limited to, any machine designed for simultaneous use by multiple players through individual stations or terminals. A zoning permit shall not be required for an accessory betting or gambling use.
3. A qualified attendant shall be present on-site at all times during the facility's hours of operation for both principal and accessory uses.

SECTION 508 BOTTLE CLUB

A Bottle or BYOB Club, as so defined in Article 2 of this Ordinance, shall be located not less

than one thousand (1,000) feet from any of the following uses:

1. A residential dwelling.
2. A place of worship.
3. A public or semi-public use or structure.
4. A zoning boundary of any zoning district in which residential uses are permitted as a principal permitted use.

Measurements of the required distance shall be made in a straight line from the nearest portion of the structure or premises of a bottle club to the nearest property line of the above listed uses. The structure and/or premises of a bottle club, including all off-street parking areas shall be completely enclosed by a “Buffer Area” as so defined in Article 2 of this Ordinance. The owner of the property shall be responsible for maintaining such buffer area in good condition, including the replacement of any trees which are damaged, diseased, die, removed by any means, or otherwise fail to grow.

SECTION 509 BULK FUEL STORAGE

Bulk fuel storage shall be located on a tract of land not less than ten (10) acres. Storage tanks shall be located not less than one thousand (1,000) feet from any property line and shall be not less than two thousand (2,000) feet from any dwelling, school, church or similar use. Cylinder filling rooms, pumps, compressors and truck filling stations shall be located four hundred (400) feet from all property lines. The property shall be fenced with an eight (8) foot high industrial gauge fence. If the storage property abuts on the side or rear property line containing a residence, the fence shall be screened from view by a dense growth of evergreens at least five (5) feet in height at the time of planting. Bulk fuel storage facilities shall be developed in full compliance with all applicable federal, state and insurance regulations.

SECTION 510 CEMETERY AND MAUSOLEUM

1. Purpose and Intent.

This section is intended to ensure that burial sites are established, operated, and maintained in a manner that protects public health, safety, and community character. It is further intended to prevent the proliferation of isolated or individual burials, maintain proper separation from infrastructure and residential areas, and ensure the long-term stewardship of all interment sites.

2. Applicability.

This section shall apply to all cemeteries, burial grounds, green or natural burial areas, mausoleums, and other land or structures used for the interment of human remains within Newport Township.

3. Minimum Standards for Cemeteries and Burial Grounds.

- A. Minimum Acreage: No cemetery or burial ground shall be established on a parcel containing less than five (5) contiguous acres.
- B. Minimum Planned Interments:
 - (1) Each cemetery or burial ground shall demonstrate capacity and intent for not fewer than twenty-five (25) planned interments at the time of subdivision or land development approval.
 - (2) Private or single-family burials shall be prohibited except as permitted by law for existing homesteads or family cemeteries established prior to the adoption of this ordinance.
- C. Setbacks: No interment shall occur within 50 feet of any property line, public right-of-way, or watercourse.
- D. Access and Screening: Cemeteries shall provide safe ingress/egress and visual screening from adjoining residential uses.
- E. Bonding and Maintenance: A maintenance bond or trust fund shall be established to ensure perpetual care of the grounds, monuments, and related improvements.

4. Mausoleums and Above-Ground Interment Structures.

- A. Permitted Location: Mausoleums and columbaria shall be permitted only as accessory structures within an approved cemetery or burial ground.
- B. Size and Scale: No mausoleum shall exceed 1,000 square feet in floor area or 20 feet in height unless approved by special exception use.
- C. Construction Standards: Structures shall comply with applicable state health and building codes and provide permanent drainage and ventilation systems.
- D. Separation and Setback: Mausoleums shall be located at least 100 feet from any property line or residential dwelling.

5. Prohibited Uses.

- A. No interment, scattering of ashes, or placement of human remains shall occur in basements, under structures, within right-of-way buffers, or between sidewalks and roadways.
- B. Temporary or makeshift memorials involving the interment of remains shall not constitute a lawful burial ground.

SECTION 511 COMMERCIAL COMMUNICATION ANTENNAS ATTACHED TO A BUILDING OR STRUCTURE

A Commercial Communication Antenna when attached to an existing building or structure shall be subject to the following requirements:

1. Commercial Communications Antennas shall not be located or permitted on any building or structure located within a residential district.
2. A Commercial Communications Antenna mounted on a building or other structure shall not exceed eight (8) feet in height above the existing building or structure and shall not exceed three (3) feet in width.
3. A Commercial Communications Antenna shall comply with all applicable standards established by the Federal Communications Committee (FCC) governing human exposure to electromagnetic radiation. A copy of the subject standards shall be submitted with a Zoning Permit Application along with a graphic depiction of the proposed Communications Antenna(s).
4. The applicant shall provide a copy of a current FCC license.
5. The applicant shall provide certification and documentation from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, considering wind and other loads associated with such mount or location.
6. The applicant shall provide evidence of agreements and/or easements necessary to provide access to the building or structure on which the Commercial Communications Antenna is to be mounted.
7. The applicant shall provide a Certificate of Insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence.
8. An antenna mounted upon an existing structure shall be removed by the owner of the same within six (6) months of the discontinuation of its use. The owner shall provide Newport Township with a copy of the notice to the FCC of intent to cease operations. The six-month period for the removal of an antenna mounted upon an existing structure shall commence on the date indicated for ceasing operations.

SECTION 512 COMMERCIAL COMMUNICATION ANTENNAS CO-LOCATED ON A TOWER

The placement of a Commercial Communications Antenna upon an existing Commercial Communication Tower or an existing Public Utility Transmission tower shall be subject to the

following requirements:

1. Commercial Communications Antennas shall not be located within a residential district.
2. A Commercial Communications Antenna shall comply with all applicable standards established by the Federal Communications Committee (FCC) governing human exposure to electromagnetic radiation. A copy of the subject standards shall be submitted with a Zoning Permit Application along with a graphic depiction of the proposed Communications Antenna(s).
3. The applicant shall provide a copy of a current FCC license.
4. The applicant shall provide certification and documentation from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the tower, considering wind and other loads associated with such mount or location.
5. The applicant shall provide evidence of agreements and/or easements necessary to provide access to the tower on which the Commercial Communications Antenna is to be mounted.
6. The applicant shall provide a Certificate of Insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence.
7. An antenna mounted upon an existing structure shall be removed by the owner of the same within six (6) months of the discontinuation of its use. The owner shall provide Newport Township with a copy of the notice to the FCC of intent to cease operations. The six-month period for the removal of an antenna mounted upon an existing structure shall commence on the date indicated for ceasing operations.
8. The proposed Commercial Communications Antenna will not increase the overall height of the tower plus existing antennas and/or equipment located on said tower.

SECTION 513 COMMERCIAL COMMUNICATIONS TOWER

The placement of a Commercial Communications Tower shall be subject to the following requirements:

1. The applicant shall demonstrate that it is licensed by the FCC to operate a Commercial Communications Tower, if applicable, and Commercial Communications Antennas.
2. The applicant shall demonstrate that the proposed Commercial Communications Tower and Commercial Communications Antennas thereon comply with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.

3. Commercial Communications Towers shall comply with all applicable Federal Aviation Administration (FAA), Commonwealth Bureau of Aviation and applicable airport zoning regulations.
4. Any applicant proposing construction of a new Commercial Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Commercial Communications Antennas on an existing building, structure or tower. A good faith effort shall require that all owners of a potentially suitable structure within a two (2) mile radius of the proposed tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:
 - A. The proposed antennas and related equipment would exceed the structural capacity of the existing structure, and its reinforcement cannot be accomplished at reasonable cost.
 - B. The proposed antennas and related equipment would cause frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 - C. Such existing structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to perform its intended function.
 - D. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structures exceeding applicable standards established by the FCC governing human exposure to electromagnetic radiation.
 - E. A commercially reasonable agreement could not be reached with the owners of such structures.
5. Access shall be provided to the Commercial Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a paved, all-weather surface for its entire length unless approved by the Zoning Hearing Board.
6. A Commercial Communications Tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
7. Land development approval shall not be required for a leased parcel on which a Commercial Communications Tower is proposed to be constructed, provided the Communication Equipment Building is unmanned.
8. Subdivision approval shall be required for a lease parcel on which a Commercial Communications Tower is proposed to be constructed. The applicant shall demonstrate

that the proposed height of the Commercial Communications Tower is the minimum height necessary to perform its function.

9. In all zoning districts, the maximum height of any Commercial Communications Tower, as defined in Article 2 of this Ordinance, shall be one hundred eighty (180) feet.
10. The foundation and base of any Commercial Communications Tower shall be set back from a property line (not lease line) a distance equal to or greater than the Tower height. For a Tower located upon a lease lot, the Tower shall also be located a distance equal to or greater than its height from any principal or accessory structure on the principal lot.
11. The base of a Commercial Communications Tower shall be landscaped to screen the foundation and base and Communications Equipment Building from abutting properties. The Communications Equipment Building shall comply with the required setbacks and height requirements of the applicable zoning district for an accessory structure.
12. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Commercial Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Associations / Telecommunications Industry Association.
13. The applicant shall submit a copy of its current FCC license; the name, address, and emergency telephone number for the operator of the Commercial Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence covering the Commercial Communications Tower, Communications Antennas, Communications Equipment and Equipment Building.
14. All guy wires associated with guyed Commercial Communications Towers shall be marked so as to be visible at all times and shall be included within a fenced enclosure.
15. The site of Commercial Communications Tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public. No signs or lights shall be mounted on a Commercial Communications Tower, except as may be required by the FCC, FAA, Newport Township, or other governmental agency which has jurisdiction.
16. If a Commercial Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Commercial Communications Tower within six (6) months of the expiration of such twelve (12) month period.
17. One (1) off-street parking space shall be provided within the fenced area.

SECTION 514 COMMERCIAL TOWER-BASED WIRELESS COMMUNICATION FACILITY IN THE PUBLIC RIGHT-OF-WAY

The following regulations shall apply to Tower-Based Wireless Communications Facilities (WCF) located in the Public Rights-of-Way (ROW):

1. Location and Development Standards.

- A. Tower-Based WCF in the public ROW shall not exceed forty (40) feet in height.
- B. Tower-Based WCF are prohibited in areas in which utilities are located underground.
- C. Tower-Based WCF shall not be located in the front yard area of any structure.
- D. Tower-Based WCF shall be permitted along collector roads and arterial roads throughout the Township, regardless of the underlying.
- E. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township.
- F. To the extent permissible under state and federal law, any height extensions to the existing Tower-Based WCF shall require prior approval of the Township and shall not increase the overall height of the Tower-Based WCF to more than forty (40) feet.
- G. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's antennae and comparable antennae for future users.

2. Time, Place, and Manner.

- A. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower- Based WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.
- B. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

3. Equipment Location.

Tower-Based WCF and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrian and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:

- A. In no case shall ground-mounted Accessory Equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb or cartway.
- B. Ground-mounted Accessory Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
- C. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
- D. Any graffiti on the tower or on any Accessory Equipment shall be removed at the sole expense of the owner
- E. Any underground vaults related to Tower-Based WCF's shall be reviewed and approved by the Township.

4. Relocation or Removal of Facilities.

Within ninety (90) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary, or such shorter period in the case of an Emergency, an owner of Tower-Based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Committee regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- A. The construction, repair, maintenance or installation of any Township or other public improvement in the ROW.
- B. The operations of the Township or other governmental entity in the ROW.
- C. Vacation of a street or road or the release of a utility easement.
- D. An emergency as determined by the Township.

SECTION 515 CONTRACTOR STORAGE YARD

Commercial or industrial uses utilizing outdoor storage space of more than two thousand (2,000) square feet shall be located on a tract of land of not less than one (1) acre. The applicant shall furnish a complete listing of all types of items to be stored therein. No hazardous substances, as defined in Article 2 of this Ordinance, shall be permitted upon the site. Supplies stored outdoors shall be neatly arranged and no required yard areas shall be used for storage. There shall be an aisle fourteen (14) feet in width provided for every forty (40) linear feet of stored materials. The aisle shall be kept passable for fire-fighting equipment. Outside lighting shall comply with Section 412.

SECTION 516 CORRECTIONAL INSTITUTION

An application for a Correctional Institution may only be approved as a special exception by the Zoning Hearing Board and shall demonstrate to the Zoning Hearing Board and provide documentation that the following requirements are fully satisfied:

1. That traffic, sanitary and environmental safety measures will be provided and be operational and fully usable before such operations or activities and functions commence; and
2. That light fixtures for security and night operations are positioned and designed to avoid glare and safety hazards on adjacent roadways or properties and nuisance effects on the nearby area. Lighting shall be directed to shine away from abutting properties and into the Institution's property; and
3. A formal written standing commitment from the highest responsible official and/or policy board that operational policies, practices (including maximum inmate number) and staffing plans will provide on-going security and control to prevent unauthorized trespass and litter on adjacent properties, or unreasonable risk to safety of nearby residents; and
4. An Emergency Response Plan which guarantees that the facility owner will either provide directly or provide to the municipality whatever supplementary equipment, personnel and financial resources as deemed necessary by the municipality to properly train and develop the necessary capability for effective response to fire, explosion, riot, epidemic, toxic spill, or other identifiable potential incident; and
5. A communications plan which defines in detail the manner in which municipal officials, broadcast and print news media, and any appropriate public safety officials will be immediately notified and fully briefed on listed reportable incidents, including their ultimate disposition and preventative measures being undertaken to prevent their recurrence as well as a mechanism for advisory input from Newport Township and the Newport Township Planning Committee; and
6. An accountability chart which identifies the on-site and parent organization chain of command by position and name of incumbents, such names to be regularly updated; and
7. A maintenance plan which assures that the physical appearance and utility functions, as well as residential and food processing, storage and serving areas will be kept in a sanitary and secure condition with reasonable effort to assure that the value of adjacent properties will not be adversely affected; and
8. The minimum lot size shall be twenty (20) acres.
9. That Correctional Institution principal and accessory structures shall be a minimum distance of four hundred (400) feet from any property line; and

10. Where the detention facility abuts a zoning district where residences are a principal permitted use or where an existing residential dwelling unit is located, a solid wall or substantial attractive fence not less than ten (10) feet in height shall be constructed and maintained in good condition along such boundary line; and
11. The applicant shall establish and maintain a fifty (50) foot landscaped buffer area around the perimeter of the site and the landscaping plans shall be reviewed by the Zoning Hearing Board as part of the special exception application, rather than requiring any necessary variance, with security as a primary consideration, and the Zoning Hearing Board shall take into account the security plan in consideration of any modifications of required landscape planting and/or buffer area; and
12. All permits, licenses and approvals required from Federal or State Agencies must be secured with documentation supplied with the application or said requirement shall become a condition of approval.
 - A. Nothing in this section or this Ordinance is intended nor shall be implied or interpreted to attempt to regulate those aspects of correctional institutions which are specifically regulated by the PA Department of Corrections or the US Department of Justice, provided that the above essential precautions are defined by such regulations in as much detail as required herein. The intent of this section is to provide a mechanism whereby Newport Township can assure that the site planning and site location of such activities and facilities comply with reasonable precautions for public safety, public health and protection of nearby property values.
 - B. No Correctional Institution shall be located less than one thousand (1,000) feet from any of the following:
 - (1) A residential dwelling
 - (2) A zoning boundary of any residential district
 - (3) A place of worship
 - (4) A school, child care facility, park, public playground or similar recreational facility
 - C. Measurement. Measurements of the required distance shall be made in a straight line, from the nearest portion of the Correctional Institution's property boundary line, to nearest property line of the above noted uses or district.
 - D. A Zoning Permit shall not be issued until the proposed Correctional Institution has received final land development plan approval from the Newport Township Planning Committee.

SECTION 517 DATA CENTER

1. Purpose and Intent.

The purpose of this section is to regulate the siting, operation, and decommissioning of data centers and similar digital infrastructure to prevent sprawl, protect environmental resources, ensure emergency preparedness, and maintain compatibility with surrounding land uses. These standards balance economic development with infrastructure capacity, environmental integrity, and community resilience. The intent is to allow technological growth while safeguarding local infrastructure, public safety, and ecological systems.

2. Use Regulations.

A. Permitted Districts. Data centers shall be permitted by right only within the Mixed Use (MU) District, provided they comply with all applicable standards of this section.

B. Prohibited Locations.

The structure shall not be located:

- (1) Within mapped floodplains, wetlands, or riparian buffers regulated under state or federal law unless otherwise approved by PA DEP.
- (2) Within six hundred (600) feet of a residential district or residential uses, schools, or parks (minimum five hundred (500) foot structural setback and one hundred (100) foot vegetative buffer) that pre-existed the proposed use.
- (3) Within one hundred fifty (150) feet of any perennial Cold Water Fisheries (CWF) stream, as designated in 25 Pa. Code Chapter 93, that is also classified as a Water of the United States (WOTUS), or within four hundred (400) feet of permanently preserved farmland, unless part of a formally adopted redevelopment plan.

3. Site Compatibility and Infrastructure Impact Review.

All proposed data centers must submit a Site Compatibility and Infrastructure Impact narrative report with their zoning permit application to ensure alignment with the zoning ordinance. This is a preliminary document is for informational purposes only. The Zoning Officer shall determine whether it is complete or if additional information is required.

4. Full Impact Assessment.

A Full Impact Assessment (FIA) is required when any of the following thresholds are met:

- Floor area exceeds ten thousand (10,000) square feet;
- Electrical load exceeds one (1) megawatt (MW);
- Site is within four hundred (400) feet of a Conservation District, Cold Water Fishery stream's top of bank, or residential zone;
- Site is outside of an Industrial or designated redevelopment district.

A. FIA Components. The Full Impact Assessment (FIA) shall include the components listed below. The FIA shall be submitted with the zoning application unless otherwise noted. Where certain systems or designs are not yet finalized at the time of zoning submission, the applicant shall provide a conceptual plan or narrative description sufficient to demonstrate feasibility and compliance, which shall be updated and

finalized during land development, building permit, or MEP permitting, as applicable. Prepared by a licensed engineer and including:

- (1) Fire Protection and Emergency Operations Plan
 - Dual suppression systems (clean agent + pre-action sprinkler).
 - On-site static water storage (20,000–50,000 gallons).
 - Fire lane layout, Knox Box, or digital gate access.
 - Annual coordination plan with fire and EMS.
- (2) Utility Coordination Plan
 - Power supply redundancy (N+1 or N+2).
 - Substation compatibility and grid coordination.
 - Water sourcing and redundancy verification.
- (3) Hydrologic Impact Study
 - A hydrologic impact study shall be required where the proposed cooling system includes groundwater withdrawal, surface water withdrawal, or discharge subject to state or federal regulation. The study shall document anticipated water use, recharge considerations, and compliance with applicable permits.
 - Evaluate drawdown, recharge, and contamination risks.
- (4) Noise and Generator Management Plan
 - Predicted decibel levels at boundaries.
 - Testing schedule (9:00 a.m. to 5:00 p.m. weekdays only).
 - Acoustic shielding and equipment orientation.
- (5) Environmental Impact Analysis
 - Impervious coverage, air quality, heat island, and habitat avoidance.
 - Landscape restoration plan using native vegetation.
- (6) Telecommunications and Fiber Infrastructure Plan
 - Routing strategy and co-location with existing utilities.
- (7) Community Benefit and Mitigation Plan
 - A proposed Community Benefit Agreement (CBA) and description of mitigation measures addressing operational impacts on local services and infrastructure beyond minimum safety and code requirements.

5. Performance Standards for Data Centers.

A. Location and Land Use Compatibility.

- (1) Data centers shall be located on sites that are already served, or can be reasonably serviced, by public electric and utility infrastructure.
- (2) A site is considered proximate to existing electric transmission infrastructure if it:
 - Contains or directly abuts an existing electric transmission or distribution line suitable for interconnection; or
 - Is within one thousand (1,000) feet of such a line and can reach it using existing road, rail, or utility rights-of-way.
- (3) Where new or upgraded lines are needed, the applicant shall demonstrate that they will:
 - Use existing transmission or utility corridors to the maximum extent practical;

and

- Avoid, or where unavoidable minimize, new cross-country corridors through undisturbed forest, wetlands, steep slopes, or mapped conservation areas.
 - (4) No new utility corridors may bisect preserved lands unless no feasible alternative exists.
 - (5) Design shall minimum visibility and provide full perimeter screening.
- B. Access and Emergency Circulation
- (1) Minimum two points of ingress/egress.
 - (2) Internal roads twenty-four (24) feet wide, fifty (50) foot turning radii (NFPA compliant).
 - (3) No shared cul-de-sacs.
- C. Fire Protection and Safety.
- (1) On-site static water supply: 20,000 gallons (50,000 for facilities >10 MW).
 - (2) Fire-separated battery storage areas.
 - (3) Annual emergency walkthrough and response coordination.
- D. Water Use and Environmental Protection.
- (1) The applicant shall identify the proposed cooling system type, including air-cooled, evaporative, closed loop, or other comparable technologies. Any cooling system utilizing water withdrawal, discharge, or reuse shall comply with all applicable state and federal permitting requirements, including PA DEP approvals, where required.
 - (2) No withdrawals from Cold Water Fishery streams, bogs, or conserved wetlands without PA DEP approval.
 - (3) Private wells metered with quarterly reports.
 - (4) Hydrologic studies required in recharge zones.
- E. Noise and Generator Control.
- (1) Maximum 65 dBA at any property line (24-hour standard).
 - (2) Generator testing weekdays only, with advance public notice.
 - (3) Acoustic shielding and berms required.
- F. Buffers and Screening.
- (1) Six hundred (600) foot total buffer from residential, commercial, or institutional uses (500 foot structure + 100 foot vegetative).
 - (2) One hundred (100) foot buffers elsewhere, native evergreens preferred.
 - (3) Berms, opaque fencing, and twenty (20) foot firebreak using low-fuel vegetation.
- G. Telecommunications and Power Redundancy.
- (1) The applicant shall identify the proposed telecommunications connectivity strategy, including whether redundant or diverse routing is provided. Where redundancy is proposed, the applicant shall demonstrate that such redundancy is feasible and consistent with industry standards, without requiring disclosure of proprietary routing details.

- (2) The applicant shall identify the proposed electrical service configuration, including on-site or off-site redundancy measures. The applicant shall demonstrate that the facility is designed to maintain operational continuity consistent with industry standards, including coordination with the electric utility, where applicable.
- (3) Automatic transfer switching and 24-hour backup generation.

H. Building and Site Design.

- (1) Height \leq 70 foot or limited by local emergency apparatus.
- (2) Impervious coverage 55%.
- (3) Facilities $>$ 25,000 square feet shall use cool roofs, green roofs, or solar-integrated surfaces.
- (4) Neutral colors, non-reflective façades, and screened rooftop equipment.

I. Stormwater and Heat Island Mitigation.

- (1) Use of bioretention, bioswales, and infiltration basins.
- (2) Permeable or shaded surfaces for staging areas.
- (3) 30% canopy coverage minimum in parking/loading areas.

6. Decommissioning, Abandonment, and Financial Assurance.

- A. Decommissioning Plan. Required for all facilities, detailing dismantling, material disposal, soil remediation, and revegetation.
- B. Financial Assurance. Bond or letter of credit equal to total decommissioning cost, not less than \$250,000, renewed annually.
- C. Abandonment. Twelve months of inactivity constitutes abandonment; removal required within six months unless extended by the Zoning Hearing Board.
- D. Ownership Transfer. Transfer of ownership does not release prior operator from responsibility until assumption of obligations by successor.

7. Community Benefit and Resilience.

- A. Community Benefit Agreement (CBA). A Community Benefit Agreement (CBA) shall be required for any data center that is subject to a Full Impact Assessment (FIA) or is served by volunteer or part-time emergency services.
- B. Minimum Contributions. All data center facilities shall first meet all applicable fire protection, life safety, emergency access, utility, and infrastructure requirements necessary to safely serve the use, including any specialized equipment or capacity required due to building height, scale, electrical load, or operational characteristics. The purpose of the CBA is to address additional operational and service impacts beyond those minimum safety and infrastructure requirements.

Minimum CBA contributions shall be:
\$0.50 per square foot of gross floor area, or
\$2,000 per megawatt of electrical capacity, whichever is greater.

CBA contributions are in addition to, and shall not be applied to offset or reduce, any required safety, emergency service, utility, or infrastructure improvements. Compliance with applicable fire codes and safety standards shall not reduce or replace the required CBA contribution.

8. Maintenance, Inspections, and Reporting.

- A. Routine Maintenance. All facilities shall undergo regular inspections and maintenance.
- B. Annual Reports. Operators shall submit copies of yearly summaries of energy/water use, maintenance activities, and emergency incidents.
- C. Safety Audits. The operator shall conduct an independent safety audit at least once per calendar year. The audit shall be performed by a qualified third-party professional with experience in data center or critical infrastructure facilities and shall evaluate, at a minimum, fire protection systems, emergency access, backup power systems, and life-safety controls. A summary of audit findings and confirmation of corrective actions, if any, shall be submitted to the Township within thirty (30) days of completion.
- D. Hazardous Material Reporting. Battery storage and coolant systems shall meet NFPA 855 and DEP standards, with annual inventory reports to the Township.

SECTION 518 DAY CARE FACILITY

All day care facilities shall comply with the following:

- 1. The applicant or owner shall provide evidence of certification of compliance with all appropriate regulations of any designated State agency whose approval and/or license is required by the laws of the Commonwealth.
- 2. Noise and all other possible disturbing aspects connected with such use shall be controlled to the extent that the operation of such use shall not unduly interfere with the use and enjoyment of properties in the surrounding area.
- 3. All day care facilities shall have an outdoor recreation area which shall be completely enclosed with a fence six (6) feet in height.
- 4. The applicant shall supply evidence that vehicular traffic congestion will be avoided in “pick-up and drop-off points” utilized in transporting individuals to and from the facility.

5. One off-street parking space shall be required for each employee.
6. One off-street parking space shall be required for each vehicle used by the establishment for the purpose of transporting people attending the facility.

SECTION 519 DRIVE-IN THEATER

1. Where possible, access shall be to minor roads rather than highways to reduce congestion and accidents.
2. Theater screens shall be placed so that they are not visible from a highway or shall be screened with adequate fencing or planting.
3. No central loud speakers shall be permitted.
4. All parts of the theater shall be at least two hundred (200) feet from any residential district.

SECTION 520 DRIVE THROUGH FACILITY

Any use providing a drive-through (e.g., bank, eating establishment) shall comply with the following requirements:

1. The drive through lane or aisle shall be designed with adequate space for a minimum of four (4) waiting vehicles per lane or aisle. There shall be a maximum of one (1) lane or aisle per drive through window.
2. Each drive through lane or aisle shall be clearly marked and designed so as to prevent traffic hazards and congestion while at the same time minimizing conflicts with pedestrian travel.
3. Canopies situated over drive-through areas shall meet all setback requirements for the zoning district in which the property is located.

SECTION 521 DWELLING, ACCESSORY UNIT (ADU)

Accessory dwelling units shall be permitted under the following criteria:

1. Any lot with a principal single-family detached dwelling unit may have one accessory dwelling unit.
2. No accessory dwelling unit shall be located in front of the front building line of the principal structure.
3. No setback shall be required for an existing garage living area or accessory structure or a structure constructed in the same location and with the same dimensions as an

existing structure and converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.

4. The square footage of an accessory dwelling unit shall be less than seventy percent (70%) that of the primary dwelling and no less than a minimum of four hundred (400) square feet of gross floor area.
5. In addition to off-street parking requirements for the principal use, each accessory dwelling unit shall require off-street parking pursuant to requirements found in Section 414.

SECTION 522 DWELLING OVER OR ATTACHED TO A BUSINESS

A dwelling unit over or attached to business establishments shall be designed as living quarters with private access, having adequate natural light and kitchen and bathroom facilities. Required residential parking and commercial parking must be provided for each use in accordance with the parking requirements of this Ordinance.

SECTION 523 ELECTRIC VEHICLE CHARGING STATIONS (EVCS)

1. Purpose and Intent.

The purpose of this section is to permit and regulate electric vehicle charging stations in a manner that supports transportation electrification while ensuring public safety, compatibility with surrounding land uses, and compliance with applicable building, electrical, and fire codes.

2. Use Regulations.

Electric vehicle charging stations shall be permitted by right as an accessory or principal use in all zoning districts, subject to the standards of this section.

3. General Standards.

- A. EV charging stations shall comply with all applicable National Electrical Code (NEC), NFPA standards, Pennsylvania Uniform Construction Code, and Township Fire Code requirements.
- B. EV charging stations shall be located so as not to obstruct required parking spaces, driving aisles, pedestrian access, accessible routes, or emergency access routes.
- C. Charging equipment shall be protected from vehicle impact through curbing, wheel stops, bollards, or equivalent protective measures.

- D. Installation of EV charging stations shall not reduce the number of required parking spaces below the minimum required by this Ordinance, unless otherwise approved by the Zoning Hearing Board.
- E. EV charging stations shall be clearly labeled with operating instructions and emergency contact information.
- F. Lighting associated with EV charging stations shall be directed away from adjacent properties and shall comply with applicable outdoor lighting standards of this Ordinance.

4. Location and Installation.

- A. EV charging stations may be installed in surface parking areas and parking structures, subject to compliance with applicable codes.
- B. Level 3 charging stations shall not be installed inside enclosed structures unless approved through the applicable building and fire code review process.
- C. EV charging stations installed as a principal use shall be arranged to minimize queuing, vehicle stacking, and impacts to adjacent streets or properties.

5. Electrical Capacity and Utilities.

- A. EV charging installations shall demonstrate adequate electrical capacity to serve the proposed equipment, either through existing service or approved utility upgrades.
- B. Any required utility upgrades shall be coordinated with the electric utility provider and completed prior to operation.

6. Abandonment.

Any EV charging station that is non-operational for a continuous period of twelve (12) months shall be removed, and the site restored to its prior condition, unless an extension is approved by the Zoning Officer.

7. Permitting.

All EV charging stations shall require applicable electrical and building permits, and inspections as required by the Township and applicable third-party inspection agencies.

SECTION 524 ENTERTAINMENT FACILITY

- 1. Entertainment facilities as defined in Article 2 of this Ordinance shall provide proper parking areas with vehicular circulation and access designed to minimize any potential traffic congestion.

2. Such facilities shall:
 - A. Not be closer than fifty (50) feet from any boundary of a district having residences as a principal permitted use,
 - B. Provide adequate screening from any residential district, and
 - C. Be conducted entirely within an enclosed structure.

SECTION 525 EXTRACTION OF MINERALS, SAND, STONE, OR SIMILAR

Extraction of minerals, as defined in Article 2, shall be considered a temporary use, subject to the following requirements:

1. Project Narrative.

A written report shall be submitted by the applicant that includes the type of minerals proposed to be extracted and/or removed from the site, the volume of such material and the maximum length of time associated with the proposed operation based upon the stated volume of material. Said narrative shall also describe normal, daily operational features performed upon the site, including but not limited to, proposed hours of operation, anticipated noise levels, and the type and volume of truck traffic to be generated with the proposed traffic routes to and from the site.

2. Plan Map.

Submission of a map or maps at a scale of not greater than one (1) inch equals fifty (50) feet that outlines the entire property and the proposed area subject to extraction and/or removal of minerals. Said map shall indicate existing contours prior to the start of work, and proposed final contours, including the proposed maximum depth of extraction at all points subject to extraction. Said map or maps shall also contain surface features showing the location of buildings, dwellings, places of worship, schools, railroads, highways and public uses within four hundred (400) feet from the perimeter of the proposed use.

3. Distance Provisions.

The perimeter of any extraction under this Section shall not be nearer than four hundred (400) feet from any building, property line or street, except that owned by the applicant.

4. Limitation on Land Area.

At any given time, the active extraction areas shall not exceed ten (10) acres in area on any lot or tract of land. Additional areas may be approved on the completion and cessation of previous approvals.

5. Compliance With State Requirements.

Final and/or unconditional approval for extraction and/or removal of minerals under the provisions of this Ordinance shall not be issued until the applicant documents that all required licenses and/or permits have been properly secured from the applicable State and/or Federal agencies, including but not limited to the Pennsylvania Department of Environmental Protection (PA DEP).

6. Blasting, or Use of Explosives.

The use of explosives for the purpose of blasting in connection with extraction and/or removal of minerals shall be done in accordance with regulations promulgated by and under the supervision of a representative of the PA DEP. Blasting in any extraction shall occur only between the hours of 8:30 a.m. and 4:00 p.m., in either Eastern Standard or Eastern Daylight time, as the case may be.

SECTION 526 FENCES AND WALLS

1. Fence and Wall Permits.

No fence, wall or similar structure greater than three (3) feet in height shall be erected without first obtaining a permit from the Zoning Officer. The height of fences and wall shall be measured based upon the total height above the ground.

2. Fence and Wall Heights.

Fences, walls and similar structures in the minimum front yard of a residential district shall not exceed four (4) feet in height.

3. Prohibited Fences, Walls, Materials or Similar Structures.

The following fences, walls, similar structures or fencing and wall materials shall be prohibited:

A. Barbed wire.

- (1) When the fence, wall or similar structure is located in any residential district associated with a residential use or abuts a residential property; or is located in the GB or MU Districts.
- (2) When the barbed wire would be located less than six (6) feet above grade.
- (3) When the barbed wire would extend beyond the exterior façade of the fence, wall or similar structure.

B. Fabric.

C. Electrically charged fences, other than invisible fences for animals.

- D. Broken glass affixed to or on any wall, fence or similar structure.
- E. Razor wire, except around a correctional institution.

SECTION 527 GASOLINE FILLING STATION

In addition to the general requirements for the zoning district, the following regulations shall pertain to gasoline filling stations:

1. Canopy Design.

The maximum height of the canopy clearance shall be sixteen (16) feet and the maximum width of the canopy fascia shall be thirty (30) inches.

2. Canopy Setback.

The canopy shall be located no less than twenty (20) feet from any property line, roadway right-of-way, or overhead electrical lines.

SECTION 528 GAS-FIRED ELECTRIC GENERATING FACILITY

1. Purpose and Intent.

The purpose of this section is to regulate the siting, operation, and decommissioning of gas-fired electric generating facilities to protect public health and safety, avoid land use conflicts, and minimize adverse impacts on nearby properties and natural resources. These standards are intended to locate gas-fired electric generating facilities where infrastructure is adequate, protect residential and conservation areas from noise and visual impacts, and ensure compatibility with surrounding land uses.

2. Use Regulations.

A. Permitted Districts. Gas-fired electric generating facilities shall be permitted only in those zoning districts where a “Gas-Fired Electric Generating Facility” is listed as a permitted (P) use in the Use Table, subject to the standards of this section and all other applicable regulations.

B. Prohibited Locations.

- (1) Within mapped floodplains, wetlands, or riparian buffers regulated under state or federal law unless otherwise approved by PA DEP or another applicable agency.
- (2) Within four hundred (400) feet of residential district or residential uses, schools, or parks that pre-existed the proposed use, measured from the nearest principal generating equipment or fuel storage area to the district boundary or lot line of such use.
- (3) Within four hundred (400) feet of any mapped Conservation District or permanently preserved farmland unless the facility is part of a formally adopted

- redevelopment plan or similar public planning effort approved by the Township.
- (4) Within one hundred fifty (150) feet of any perennial Cold Water Fisheries (CWF) stream, as designated in 25 Pa. Code Chapter 93, that is also classified as a Water of the United States (WOTUS).

C. Accessory Gas-Fired Electric Generating Facilities. Standby generators and similar small-scale equipment that are clearly accessory to a permitted use are regulated as accessory uses and are not subject to this section, but shall comply with applicable noise, screening, and building code requirements.

3. Site Compatibility and Infrastructure Impact Review.

A. A Site Compatibility and Infrastructure Impact Review shall be required for any gas-fired electric generating facility with a nameplate capacity of one (1.0) megawatt or greater.

B. Required Components. At a minimum, the review shall include:

- (1) Utility, Fuel and Infrastructure Needs. Description of anticipated electrical capacity, grid connection point and required substation or utility upgrades.
- (2) Identification of the electric interconnection point, fuel type and delivery method (pipeline, rail, or truck), and any necessary public utility or infrastructure upgrades.
- (3) Emergency Access and Fire Protection. Description of primary and secondary access routes, turning movements for fire and emergency vehicles, and a summary of on-site fire suppression, detection, spill containment, and shutdown systems.
- (4) Environmental and Land Use Compatibility. Description of the relationship of the site to nearby residential areas, schools, conservation areas, and Cold Water Fishery streams; proposed buffers, landscaping, screening, and stormwater controls.
- (5) Noise and Air Quality. Summary of primary noise sources, projected sound levels at property lines and nearest dwellings, and a list or summary of air permits expected to be required by state or federal agencies.
- (6) Traffic and Construction. Estimated construction and operating traffic, haul routes, and proposed measures to manage dust, mud tracking, and construction impacts.

4. Full Impact Assessment.

A. A Full Impact Assessment (FIA) shall be required for any gas-fired electric generating facility that meets one or more of the following thresholds:

- (1) Total building or equipment yard area exceeds ten thousand (10,000) square feet; nameplate electrical capacity exceeds 1.0 megawatt (MW);
- (2) The site is within four hundred (400) feet of a residential district or residential uses, schools, or parks that pre-existed the proposed use, or a Conservation District.

- (3) The site is within one hundred fifty (150) feet of any perennial Cold Water Fisheries (CWF) stream, as designated in 25 Pa. Code Chapter 93, that is also classified as a Water of the United States (WOTUS).
 - (4) The site is located outside of an Industrial or formally designated redevelopment district.
- B. FIA Components. The FIA shall be prepared by a licensed professional engineer or similarly qualified professional and shall, at a minimum, address the following topics. The Township may waive specific items that are clearly not applicable to the proposed facility or may require additional detail where necessary to protect public health, safety, and welfare.
- (1) Fire Protection and Emergency Operations Plan.
 - a) Description of primary fire and explosion risks and mitigation measures.
 - b) On-site fire suppression systems and water supply (including any static storage).
 - c) Fire lane layout, site access controls, and emergency shutdown procedures.
 - d) Plan for initial and periodic coordination with local fire and EMS, including at least one pre-incident walk-through prior to operation.
 - (2) Utility and Fuel Coordination Plan.
 - a) Electric interconnection summary (substation, voltage, and redundancy).
 - b) Fuel type, storage configuration, and delivery method (pipeline, rail, or truck).
 - c) Measures for fuel spill prevention, detection, and containment.
 - (3) Hydrologic and Groundwater Impact Study.
 - a) Required where the site is in a mapped recharge area, within one thousand (1,000) feet of an existing potable well or proposes on-site wells or significant water use.
 - b) Evaluation of drawdown, recharge, and potential contamination risks to nearby wells, streams, and Cold Water Fishery streams.
 - (4) Noise and Operational Management Plan.
 - a) Predicted decibel levels at all property boundaries and nearest existing dwellings.
 - b) Identification of primary noise sources and proposed mitigation (enclosures, berms, barriers, equipment orientation).
 - c) Schedule and limits for testing of backup generators and other intermittent high-noise activities (generally restricted to 9:00 a.m. to 5:00 p.m. on weekdays, except during emergencies).
 - (5) Environmental Impact Analysis.
 - a) Impervious coverage and stormwater management approach, including any thermal or pollutant controls.
 - b) Measures to avoid or minimize impacts on wetlands, steep slopes, habitat areas, Conservation Districts, and Cold Water Fishery streams.
 - c) Summary of air emission controls and applicable state or federal air permits.
 - d) Landscape and restoration plan using native or naturalized vegetation, especially within required buffers.
 - (6) Traffic and Construction Impact Summary.
 - a) Estimated construction traffic (type, volume, and duration) and operational

- traffic (fuel deliveries, maintenance trips).
 - b) Proposed haul routes and any needed turn, sight distance, or roadway improvements.
 - c) Measures to control dust, mud tracking, debris, and hours for heavy construction activity.
- (7) Community Benefit and Mitigation Plan (Optional at Township Discretion).
- a) Where a proposed use is served by volunteer or part-time emergency services, the applicant shall submit a summary of proposed financial or in-kind contributions intended to support fire protection, EMS, and emergency management capacities related to the facility.
 - b) The plan shall describe any additional mitigation or community benefit measures proposed to address operational impacts on municipal services or surrounding properties, which may include, but are not limited to, emergency service support, infrastructure enhancements, or site-specific mitigation beyond minimum ordinance standards.

5. Dimensional and Siting Standards.

A. Minimum Lot Area. Gas-fired electric generating facilities shall be located on a lot of not less than one (1) acre, or the minimum required in the base zoning district, whichever is greater.

B. Setbacks and Buffers.

- (1) No principal gas-fired electric generating equipment, fuel storage, or cooling towers shall be located within:
 - a) Four hundred (400) feet of any residential district boundary or existing dwelling on an adjacent lot.
 - b) Two hundred (200) feet of any public street right-of-way.
- (2) Where a facility abuts a residential district, a buffer yard of not less than four hundred (400) feet shall be provided, using a combination of vegetation, berms, and fencing to soften visual and noise impacts.
- (3) No principal gas-fired electric generating equipment shall be located within four hundred (400) feet of a mapped Conservation District, unless the applicant demonstrates that no reasonable alternative exists and provides enhanced mitigation acceptable to the Township.
- (5) No principal generating equipment shall be located within one hundred fifty feet (150) feet of any perennial Cold Water Fisheries (CWF) stream, as designated in 25 Pa. Code Chapter 93, that is also classified as a Water of the United States (WOTUS).

C. Height.

- (1) Principal structures associated with gas-fired electric generating facilities shall not exceed one hundred thirty (130) feet in height.
- (2) Stacks or exhaust structures exceeding one hundred thirty (130) feet may be permitted where required by building code or air quality regulations, subject to review and any reasonable conditions imposed by the Township.

D. Lot Coverage and Impervious Surface.

- (1) In the Industrial district, total impervious coverage for the site shall not exceed seventy percent (70%), unless the base district is more restrictive.
- (2) In Mixed Use or other non-industrial districts where a gas-fired electric generating facility is permitted, total impervious coverage for the facility shall not exceed sixty percent (60%), unless the base district is more restrictive.

6. Performance Standards.

A. Noise.

- (1) Noise from the facility shall not exceed:
 - a) Sixty (60) dBA at any property line adjacent to a residential district or adjacent to a residential use that pre-existed the proposed use in the MU district.
 - b) Sixty-five (65) dBA at any property line adjacent to Agricultural, Conservation, or Open Space districts.
 - c) Seventy (70) dBA at any property line adjacent to Industrial, General Business, or Mixed Use districts.
- (2) Noise levels shall be measured as hourly equivalent (Leq) sound pressure levels, at approximately five (5) feet above grade, using accepted acoustical standards.
- (3) Routine testing of backup generators shall be limited to weekdays between 9:00 a.m. and 5:00 p.m., except during emergencies or where otherwise required by law.

B. Lighting.

- (1) Outdoor lighting shall be the minimum necessary for safety and security and shall be fully shielded and directed downward.
- (2) Lighting shall not create direct glare onto adjoining properties or public roads.

C. Air Emissions and Odors.

- (1) All emissions shall comply with applicable state and federal air quality regulations.
- (2) Required air permits shall be submitted to the Township prior to issuance of a building permit.
- (3) The facility shall be designed, constructed, operated, and maintained so as to minimize the emission of odors that create a nuisance on adjacent properties, to the extent practicable using best available control technologies, good engineering practices, and proper operation and maintenance.

D. Fuel Storage and Spill Control.

- (1) Bulk fuel storage tanks shall include secondary containment sized to hold at least one hundred ten percent (110%) of the volume of the largest tank.
- (2) A basic spill prevention and response procedure shall be included in the facility's operations plan and shall be made available to emergency responders upon request.

E. Traffic and Construction. Construction and delivery traffic shall use designated haul routes and shall be managed, to the extent practical, to avoid conflicts with peak school and commuter traffic. Reasonable measures shall be taken to control dust, mud tracking, and debris during construction.

7. Decommissioning and Financial Security.

A. Decommissioning Plan. A decommissioning plan shall be submitted with any application for a gas-fired electric generating facility. The plan shall describe removal of equipment, structures, foundations, and fuel storage systems, and restoration of the site to a stable condition suitable for future reuse.

B. Abandonment. A gas-fired electric generating facility that ceases commercial operation for a continuous period of twelve (12) months shall be considered abandoned, unless the Township grants an extension for good cause. Abandoned facilities shall be decommissioned in accordance with the approved plan.

C. Financial Security. The applicant shall provide financial security, in a form acceptable to the Township, in an amount sufficient to cover the estimated cost of decommissioning and site restoration. The Township may periodically review and adjust this amount as needed.

SECTION 529 GOLF DRIVING RANGE

Driving ranges shall contain perimeter netting to contain golf balls on the property.

SECTION 530 GROUP HOME

Any party seeking to establish and/or operate a Group Home, as defined in Article 2 of this Ordinance, in addition to all other applicable zoning regulations and/or requirements, shall be subject to the following requirements:

1. The maximum occupancy of a Group Home shall not exceed eight (8) people, excluding staff. The occupancy of said Group Home shall be governed by the standards and requirements as provided for within the most recent housing code as provided for under the Pennsylvania Uniform Construction Code.
2. The Group Home shall be under the jurisdictional and regulatory control of a governmental entity (state and/or Federal).
3. The applicant and/or operator of Group Home shall provide written documentation from the applicable governmental entity which certifies said Group Home complies with the location, supervised services, operation, staffing and management of all applicable standards and regulations of the subject governing program.

4. The applicable requirements and standards which govern off-street parking for a single-family dwelling shall also govern for a Group Home; however, two (2) additional off-street parking spaces shall be provided for visitors and additional parking spaces shall be provided, which equals the maximum number of required staffing associated with the management and operation of a Group Home.
5. A Group Home shall be operated and maintained in the character of a residential dwelling in harmony with and appropriate in appearance with the character of the general vicinity in which it is located.

SECTION 531 HOME OCCUPATION

A home occupation shall be an incidental use of a dwelling unit conducted only by residents of the building, who may not employ more than one (1) additional non-resident person. The following additional conditions shall be required:

1. Where Permitted.

Within a single dwelling unit, provided that only one home occupation per dwelling unit is permitted.

2. Evidence of Use.

No exterior evidence of the home occupation shall be visible, other than a permitted sign as specified in Section 418.4.

3. Extent of Use.

Not more than thirty percent (30%) or six hundred (600) square feet, whichever is less, of the gross floor area of any dwelling unit may be used for a home occupation, except for medical and dental offices and foster family care, which may use up to forty percent (40%).

4. Exterior Impacts.

The home occupation shall not disturb the peace, quiet, and dignity of the neighborhood by electrical interferences dust, noise, smoke, or traffic generated by the use. There shall be no change in the residential character of the building or neighborhood wherein the home occupation is being conducted. No outdoor storage of materials or products shall be permitted. Vehicular traffic may not require the use of a panel or delivery truck greater than two (2) ton load capacity.

5. The operator of the Home Occupation shall obtain a Certificate of Zoning Compliance from the Zoning Officer prior to beginning said occupation.

SECTION 532 HOSPITALS AND RELATED USES

Hospitals and convalescent or nursing homes shall locate future structures or extensions thereto, at least one hundred (100) feet distant from any lot in any residential district or any lot occupied by a dwelling, school, place of worship, or institution for human care.

SECTION 533 INDUSTRIAL ACTIVITIES AND USES

All activities and uses permitted within the Industrial (IN) District shall comply with all regulations governing odors, fumes, dust, smoke, vibration, noise, sewage, industrial waste, fire hazards, and any other of the activities and uses which side effects are deemed injurious to the public health, safety and welfare by the United States Environmental Protection Agency (E.P.A.), the PA DEP, and Pennsylvania Department of Labor and Industry. It shall be the responsibility of the applicant to provide the Zoning Officer with a complete listing of all State and federal regulations governing the proposed use and written compliance from the governing agencies.

SECTION 534 JUNK YARD AND/OR AUTOMOTIVE WRECKING YARD

All junk yards shall be completely screened from roads or developed areas with a solid fence or wall six (6) feet or more in height, maintained in good condition, and painted except for masonry construction, or with suitable plantings. All such operations shall comply with the following:

1. Traffic circulation aisles shall be maintained so as to allow movement of emergency response vehicles and regular traffic.
2. All liquids (oils, antifreeze, gasoline, etc.) shall be removed from vehicles and stored in a secured, fire-resistant building until such time as proper disposal can be arranged.
3. No operations shall be conducted which shall cause a general nuisance or endanger the public health.
4. All existing junk yards shall comply with these requirements within one (1) year of the date of this Ordinance or shall then terminate their operation and remove all materials from the site and be disposed per local, state, and federal regulations.

SECTION 535 MACHINE SHOP

Where the operation abuts a zoning district where residences are a principal permitted use, or where an existing residential dwelling unit is located, a solid wall or substantial, attractive fence not less than six (6) feet in height shall be constructed and maintained in good condition along such boundary line, or a buffer yard of not less than fifty (50) feet in width must be landscaped and maintained in good condition. All materials shall be stored within a completely enclosed building and outdoor storage of any kind is prohibited. All operations excluding pickups or deliveries shall be conducted within the enclosed building.

SECTION 536 MEDICAL MARIJUANA FACILITY

1. Medical Marijuana Growing/Processing Facility.

All medical marijuana growing/processing facilities shall hold a valid license issued by the Commonwealth of Pennsylvania for such facilities, and shall also meet the following minimum standards:

- A. The minimum lot area for such facilities shall be five (5) acres, with a minimum lot frontage of four hundred (400) feet.
- B. All growing/processing buildings shall be set back fifty (50) feet from any lot line.

2. Medical Marijuana Dispensary Facility.

All medical marijuana dispensary facilities shall hold a valid license issued by the Commonwealth of Pennsylvania for such facilities.

SECTION 537 MOTEL

No motel shall have a lot area of less than one (1) acre, nor a lot area per rental room of less than two thousand (2,000) square feet.

Motels shall utilize collective sewers connected with a sewage disposal system approved by the Pennsylvania Department of Health or by the Department of Environmental Protection, whichever agency has jurisdiction.

SECTION 538 NO-IMPACT HOME-BASED BUSINESS

A No-Impact Home-Based Business, as defined in Article 2 of this Ordinance, shall be permitted by right in all residential districts and zoning districts in which residences are permitted as a principal permitted use. The following standards and criteria shall apply to a No-Impact Home-Based Business:

- 1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- 2. The business shall employ no employees other than the family members residing in the dwelling.
- 3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- 4. There shall be no outside appearance of a business, including, but not limited to, parking, signs or lights.

5. The business activity shall not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with a residential use in the neighborhood.
7. The business activity shall not occupy more than twenty-five percent (25%) of the habitable floor area.
8. The business may not involve any illegal activity.
9. The operator of the No-Impact Home-Based Business shall obtain a Certificate of Zoning Compliance from the Zoning Officer prior to beginning said occupation.

SECTION 539 OUTDOOR WOOD-FIRED BOILER

An Outdoor Wood-Fired Boiler shall comply with following standards:

1. The property must have a lot area of not less than five (5) acres.
2. A safe flue or chimney shall be provided which has a minimum termination height of twenty-five (25) feet above the natural ground level upon which the outdoor wood-fired boiler is located and be provided with a spark arresting device designed and approved for that purpose.
3. A fan or blower attached to the appliance to increase the efficiency of the Outdoor Wood-Fired Boiler.
4. An outdoor wood-fired boiler shall be located not less than two hundred (200) feet from any property line and not less than forty (40) feet from any principal structure or building located upon the property.
5. The outdoor wood-fired boiler shall have an orange hang tag that signifies that it meets the Federal Environmental Protection Agency (EPA) standards for Phase 1 air emission levels of 0.60 pounds of fine particulates per million BTU heat input and qualifies for the EPA's voluntary program.
6. All outdoor wood-fired boilers shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and the regulations promulgated hereunder.
7. The owner of the outdoor wood-fired boiler shall produce the manufacturer's instructions for all devices that do not conform to the requirements of this Section.
8. All outdoor wood-fired boilers may only be utilized for the sole purpose of furnishing heat to a structure or building and/or providing hot water during the time period of

October 1 through May; and subject to meeting the requirements of this Section.

9. No homemade outdoor wood-fired boilers will be allowed.
10. Only natural clean wood may be burned in outdoor wood-fired boilers. Regardless of the manufacturer's instructions, an outdoor wood-fired boiler shall not be used to burn any of the following materials:
 - Any material that does not meet the definition of clean wood
 - Furniture
 - Garbage
 - Tires
 - Lawn clippings or yard waste
 - Wet or soggy wood
 - Material containing plastic
 - Material containing rubber
 - Waste petroleum products
 - Paints and paint thinners
 - Chemicals
 - Any hazardous waste
 - Coal
 - Glossy colored paper
 - Construction and demolition debris
 - Plywood
 - Particleboard
 - Salt water driftwood
 - Manure
 - Animal carcasses
 - Asphalt products
11. All storage of materials to be burnt in the outdoor wood-fired boiler shall be neatly stacked and/or stored under cover and free from insects (termites, ants, etc.) or any type of disease-carrying rodents.
12. Ashes or waste cannot be accumulated in a large area on the property. They may be dispersed on the property as long as no accumulation can be seen (for example: spread in a driveway). Any large accumulation of ashes or waste must be disposed of weekly with the owner's trash.

SECTION 540 PLANNED BUILDING GROUPS

1. Integrated Neighborhood and Community Shopping Centers.
 - A. Preliminary Plan and Minimum Size. The owner of a tract of land located in any district at or near where a proposed shopping center is shown on the Land Use Plan of Newport Township, containing not less than two (2) acres in the case of a

neighborhood shopping center, and not less than fifteen (15) acres in the case of a community shopping center, shall submit to the Newport Township Planning Committee for its review a preliminary plan for the use and development of such tract of land for an integrated shopping center.

- B. Applicant's Financial Ability. In accepting such plan for review, the Planning Committee must be satisfied that the applicant for the integrated neighborhood or community shopping center is financially able to carry out the proposed project; that they intend to start construction within one (1) year of the approval of the project and any necessary change in zoning; and intend to complete it within a reasonable time as determined by the Planning Committee.
- C. Planning Committee Findings. The Planning Committee shall determine whether the location, size and other characteristics of the site, and the proposed plan, comply with the following conditions:
 - (1) Need Must Be Demonstrated. The need for the proposed center at the proposed location to provide adequate shopping facilities to the surrounding neighborhood or community, as the case may be, has been demonstrated by the applicant by means of market studies or such other evidence as the Planning Committee may require.
 - (2) Adequacy of Site. The proposed shopping center is of sufficient, but not excessive, size to provide adequate neighborhood or community shopping facilities, as the case may be, for the population which may reasonably be expected to be served by such shopping facility.
 - (3) Traffic Congestion Not To Be Created. The proposed shopping center is located so that reasonably direct traffic access is supplied from principal thoroughfares and where congestion will not likely be created by the proposed center; or where such congestion will be obviated by presently projected improvement of access thoroughfares, by demonstrable provisions in the plan for proper entrances and exits, and by internal provisions for traffic and parking.
 - (4) Integrated Design. The plan shall provide for a shopping center consisting of one or more groups of establishments in buildings of integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping. The project shall be arranged in an attractive and efficient manner, convenient, pleasant and safe to use, and fitting harmoniously into, and having no adverse effects upon, adjoining or surrounding properties.
- D. Permitted Uses. The uses permitted in an integrated neighborhood and community shopping center shall be those retail business, commercial, and services uses permitted in the GB and MU Districts. No residential uses or industrial uses, shall be permitted, or any use other than such as is necessary or desirable to supply with goods or services the surrounding neighborhood or community.
- E. Minimum Design Standards. The following minimum standards shall be met in the design of an integrated neighborhood or community shopping center:
 - (1) Building Heights. No building shall exceed two and one-half (2 ½) stories or

thirty-five (35) feet in height.

- (2) Yards and Landscaping. No building shall be less than fifty (50) feet distant from any boundary of the tract on which the shopping is located. The center shall be permanently screened from all abutting properties located in any residential district by an appropriate wall of acceptable design, except for necessary entrances and exits, from all properties located across the street and within one hundred (100) feet from such center in any residential district, by a wall or hedge not less than three (3) feet in height. The exact type and nature of such screening shall be determined by the Planning Committee.
- (3) Tract Coverage. The ground area occupied by all the buildings shall not exceed twenty-five percent (25%) of the total area of the lot or tract.
- (4) Customer Parking Spaces. There shall be one parking space per two hundred (200) square feet of retail floor space.
- (5) Loading Space. Notwithstanding any other requirements of this Ordinance, there shall be provided one (1) off-street loading or unloading space for each twenty thousand (20,000) square feet or fraction thereof of aggregate floor space of all buildings in the center. At least one third (1/3) of the spaces required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor-trailer type.

F. Submission and Approval of Final Development Plan.

- (1) Submission to Planning Committee: Upon determination by the Planning Committee that the proposed integrated neighborhood shopping center or community shopping center, as the case may be, as shown by the preliminary plan, appears to conform to the requirements of this Section, and all other applicable requirements of this Ordinance, the proponents shall prepare and submit a final development plan, which shall incorporate any changes or modifications required or suggested by the Planning Committee.
- (2) Recommendation to the Governing Body of Newport Township and Public Hearing. If the final development plan is found to comply with requirements set forth in this Section and other applicable provisions of this Ordinance, the Planning Committee shall submit said plan with its report and recommendations, together with any required application by the proponents of any necessary change in zoning classification of the site of the proposed center, to the Governing Body of Newport Township. The Governing Body shall hold a public hearing on both the development plan and any application for a change in zoning.
- (3) Possible Modification and Zoning: Following a public hearing, the Governing Body of Newport Township may modify the plan, consistent with the intent and meaning of this Ordinance, and may rezone the property to the classification permitting the proposed center, for development in substantial conformity with the final plan, as approved by the Governing Body of Newport Township.
- (4) Adjustments in Carrying Out The Plan: After the final development plan has been approved by the Governing Body of Newport Township, and in the course of carrying out this plan, adjustments or re-arrangements of buildings, parking areas, loading areas, entrances, heights, or yards, may be requested by the proponents, and, provided such requests conform to the standards established by the final

development plan and this Ordinance, such adjustments or re-arrangements may be authorized by the Planning Committee.

2. Planned Residential Developments.

A. Referral to Municipality. Every application for a PRD shall be referred to the Planning Committee and Governing Body of Newport Township and thirty (30) days shall be given to submit comments or forfeit the right to review.

B. Standards and Conditions for PRDs.

(1) Permitted Uses. The permitted land use requirements of the zone within which the PRD unit is located shall apply with the exception that open space requirements shall be considered cause for population density and building intensity increases, and for this purpose the permitted type of dwelling units may include single-family detached homes, townhouses, garden apartments or high-rise apartments provided:

- a) In PRDs of less than fifty (50) acres, only the uses permitted in the zoning district may be used.
- b) In PRDs of fifty (50) acres or more, a maximum of twenty percent (20%) of the dwellings located with CO, R-1 and R-2 Districts may be multiple dwellings. A maximum of one (1) acre of the commercial and professional are permitted for each one hundred (100) dwelling units, when planned and gauged primarily for the service and convenience of residents located in the development and shall be authorized only to the extent that such uses are not available in reasonable proximity.
- c) In tracts of land of two hundred (200) or more acres, additional uses may be permitted if approved by the Governing Body of Newport Township.

(2) Density and Intensity of Land Use.

- a) Number of Dwelling Units Permitted. The maximum number of dwelling units that may be approved in a PRD shall be computed by dividing the net development area by the minimum lot or lot area per dwelling unit required by the district or districts in which the area is located. The area of land set aside for common space or recreational use shall be included in the net development area.
- b) Lot Area. No lot or area per dwelling unit in any district listed below shall be reduced in area below the following minimum standards:

<u>Zoning District</u>	<u>Required Lot Size</u>	<u>Permitted PRD Lot Size</u>
CO	2 acres	40,000 sf
R-1	20,000 sf ⁽¹⁾	12,000 sf ⁽¹⁾
	11,250 sf ⁽²⁾	9,000 sf ⁽²⁾
	7,200 sf ⁽³⁾	6,000 sf ⁽³⁾

R-2	20,000 sf ⁽¹⁾	12,000 sf ⁽¹⁾
	11,250 sf ⁽²⁾	9,000 sf ⁽²⁾
	6,000 sf ⁽³⁾	6,000 sf ⁽³⁾
	3,500 sf/DU	3,000 sf
RA	6,000 sf	6,000 sf
	2,000 sf/DU	1,500 sf/DU
MU	1 acre	20,000 sf

(1) Neither public water nor sewer.

(2) Individual sewage system on each lot, but public water; or individual water system on each lot, but public sewers.

(3) Public water and sewer.

NOTE: DU = Dwelling Unit

(3) Ownership and Subdivision. The tract or parcel of land involved must be either in one ownership or the subject of an application filed jointly by the owners of all the property included. It must constitute an area of at least twenty (20) acres or be bounded on all sides by streets, public open spaces, or the boundary lines of less restrictive use districts. The application may include a proposed subsequent division of the tract or parcel of land involved into one or more separately owned and operated units. Such proposed subsequent division, if approved along with the PRD, shall be permissible without further approval; otherwise, subsequent division of a PRD shall be permitted only upon application to the Governing Body of Newport Township through the Planning Committee as provided in the PRD Section.

(4) Standards and Other Conditions.

a) Open Space.

1. Areas set aside for open space under this Ordinance shall not contain any structure other than one related to a recreational use.
2. Within the PRD, common open space shall be set aside for the use and benefit of the residents of the PRD.
3. The deed or deeds to any land set aside as open space must contain a restriction, in a form acceptable to the Governing Body of Newport Township, to be duly recorded in the office of the Recorder of Deeds in and for Luzerne County, eliminating the possibility of further subdivision of said open space in the future.
4. The developer of a PRD shall make adequate provision for the ownership and continuing maintenance of open space and improvements thereon by the establishment of a homeowner's organization which is approved by the Governing Body. Such homeowners' organization shall not be dissolved nor shall it dispose of any or all of the open space in any manner whatsoever, except to a separate organization of homeowners' conceived and established to own and maintain said open space from being dedicated to the public by the acceptance of a deed of dedication by the Governing Body, at its sole discretion.
5. The developer of a PRD shall submit full details concerning the proposed homeowners' organization, its powers, rights, duties, responsibilities, etc., in regard to the ownership, and maintenance of the common open space,

which shall be subject to approval by the Governing Body. No final plan shall be approved by the Governing Body without such prior approval.

- b) Other Standards:
 - 1. Single-Family Detached Units:
 - a. The lot for each home shall have a width at the building line of not less than sixty (60) feet and a width at the street line not less than fifty (50) feet.
 - b. The building area shall not exceed twenty percent (20%) of the lot area.
 - c. There shall be a front yard on each street on which the lot abuts the depth of which shall be at least forty (40) feet.
 - d. There shall be two (2) side yards, one on each side of the building, together having an aggregate width of not less than twenty-five (25) feet, but neither having a width of less than ten (10) feet.
 - e. There shall be rear yard, the depth of which shall be at least thirty (30) feet.
 - 2. Single-Family Semi-Detached Units:
 - a. The lot for each home shall have a width at the building line and at the street line of not less than fifty (50) feet.
 - b. The building area shall not exceed thirty percent (30%) of the lot area.
 - c. There shall be a front yard on each street on which the lot abuts, the depth of which shall be at least thirty (30) feet.
 - d. There shall be one side yard for each home which shall be at least fifteen (15) feet wide.
 - e. There shall be a rear yard, the depth of which shall be at least thirty (30) feet.
 - 3. Single-Family Attached Units:
 - a. The minimum lot size shall be six thousand (6,000) square feet.
 - b. The lot for each home shall have a width of not less than thirty (30) feet at the building line and at the street line.
 - c. No individual section of cluster or group housing shall contain more than 6 single-family townhouses.
 - d. Each single-family townhouse shall have a setback of not less than forty (40) feet from an interior road right-of-way within the PRD.
 - e. No part of any section of cluster or group housing shall be erected within one hundred fifty (150) feet of any other building or structure in the PRD.
 - f. Each single-family townhouse shall contain at least one thousand two hundred (1,200) square feet of habitable floor area.
 - g. In no case shall any building or structure exceed thirty (30) feet in height above the ground slab.
 - h. Each dwelling unit shall have two (2) off-street parking spaces.
 - i. The Township shall not be obligated to accept the dedication of streets and/or roads within the PRD, but the PRD, however, must conform to all the requirements applicable to the size, design and construction of municipal roads and streets.

- j. Flexibility of the municipality to complement the existing neighboring properties and the municipality as a whole is a prime objective of this Ordinance; the combination of uniqueness and beauty of design and architecture in a PRD is encouraged.

C. Enforcement and Modification of the Provisions of the Plan.

- (1) To further the mutual interest of the residents of the PRD and of the public in the preservation of the integrity of the development plan, as finally approved, and to insure that modifications, if any, in the development plan shall not impair the reasonable reliance of the residents upon the provisions of the development plan, and not result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the development plan as finally approved, whether those are recorded by plat, covenant, easement, or otherwise shall be subject to the following provisions:
- (2) The provisions of the development plan relating to the use, bulk and location of buildings and structures, the quantity and location of common open space (except as otherwise provided in the PRD Section), and the intensity of use or the density of residential unit shall run in favor of Newport Township, and shall be enforceable in law or in equity by Newport Township without limitation on any powers of regulation otherwise granted Newport Township.
- (3) All provisions of the development plan shall run in favor of the residents of the PRD, but only to the extent expressly provided in the development plan and in accordance with the terms of the development plan, and to that extent said provision whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents acting individually, jointly or through an organization designated in the development plan to act on their behalf, provided, however, that no provision of the development plan shall be implied to exist in favor of residents of the PRD except as to those portions of the development plan which have been finally approved and have been recorded.
- (4) All those provisions of the development plan authorized to be enforced by Newport Township under this section may be modified, removed or released by the Governing Body of Newport Township except grants or easements relating to the service or equipment of a public utility subject to the following conditions:
- (5) No such modification, removal, or release of the provision of the development plan by the Township shall affect the rights of the residents of the PRD to maintain and enforce those provisions, at law or equity, as provided in this section;
- (6) No modification, removal or release of the provisions of the development plan by the Township shall be permitted except upon a finding by the Governing Body following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of this article, that the same is consistent with the efficient development and preservation of the entire PRD, does not adversely affect either the enjoyment of land abutting upon or across the street from the PRD or the public interest, and is not granted solely to confer a special benefit upon any person.
- (7) Residents of the PRD may, to the extent and in the manner expressly authorized

by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan, but no such action shall affect the right of the Township to enforce the provisions of the development plan in accordance with the provisions of this Section.

D. Application for Tentative Approval of a PRD.

- (1) The application for tentative approval of a PRD shall include a written statement by the landowner(s) setting forth the reasons why, in his opinion, a PRD would be in the public interest.
- (2) The Planning Committee of Newport Township shall review the application for tentative approval and make recommendations to the Governing Body of Newport Township.
- (3) An application for tentative approval of a PRD shall be informative and shall contain a detailed plan consisting of the following:
 - a) The location, size, soil conditions and topography of the entire tract and adjacent properties;
 - b) The nature and interest of any and all owners of the tract, as well as the owners of all adjacent neighboring tracts of land;
 - c) The density of land use to be allocated to parts of the tract to be developed;
 - d) The location and size of the common open space;
 - e) The specific details of the proposed homeowners' organization created to own, maintain and improve the open space, along with the proposed deed restrictions, homeowners' agreements, etc. concerning ownership and maintenance of said open space;
 - f) The feasibility studies of public water and public sanitary sewer lines and treatment plants, and the location and size of storm water facilities made by an engineer licensed to practice in Pennsylvania, and the recommendations of the Pennsylvania Department of Environmental Protection on the proposed water and sewer systems;
 - g) The use, dimension, location, architectural design and elevation of all buildings and structures, including architectural schematics;
 - h) The covenants, restrictions, grants of easements, or any other restrictions to be imposed on the use of land, buildings, and structures, including the location of the proposed easements for public parking;
 - i) The provisions for parking of vehicles and the location and width of all proposed streets and public and/or private rights-of way;
 - j) The existing zoning applicable to said tract, and the required modifications in the Township land regulations, otherwise applicable to the subject property;
 - k) The specific use of the open spaces, and the condition of said open space at such time it is turned over to the homeowners' organization and the proposed dates or dates thereof; in the event that the application for preliminary approval calls for a development of the entire tract over a period of time, the time schedule proposed for such development, as well as a time schedule showing approximately when applications for final approval of all sections will be filed; all such time schedules shall be up-updated annually until development is completed and accepted, and shall be changed only with the

approval of the Governing Body of Newport Township.

- (4) The application for tentative and final approval of a development plan for a PRD shall be in lieu of all other procedures and approvals, otherwise required pursuant to the Newport Township Ordinance and Subdivision Regulations.

E. Public Hearings.

- (1) Within sixty (60) days after the filing of an application for tentative approval of a PRD, a public hearing pursuant to public notice on said application shall be held by the Governing Body of Newport Township in the manner prescribed for the enactment of an amendment to the Zoning Ordinance. The chairman, or in his absence, the acting chairman, of the Governing Body may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.
- (2) A verbatim record of the hearing shall be caused to be made by the Governing Body whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such a record shall be borne by the party requesting it and the expense of copies of such record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified and duly preserved, or if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.
- (3) The Governing Body may continue the hearing from time to time and may refer the matter back to the Newport Township Planning Committees for a report, provided, however, that in any event, the public hearing(s) shall be concluded within 60 days after the date of the first public hearing.

G. The Findings.

- (1) The Governing Body, within thirty (30) days following the conclusion of the public hearing provided for in this Article, shall make official written communication to the landowner either:
 - a) Grant tentative approval of the development plan as submitted;
 - b) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 - c) Deny tentative approval of the development plan.
- (2) Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Governing Body, notify such Governing Body of his refusal to accept all such conditions, in which case, the Governing Body shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the Governing Body of his refusal to accept all said conditions, tentative approval of the development plan with all said conditions shall stand as granted.
- (3) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific

proposal and shall set forth the reasons for grant, with or without conditions, or for the denial, and said communications shall set forth with particularity in what respects the development plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:

- a) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
- b) The purpose, location and amount of the common open space in the PRD, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
- c) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
- d) The relationship, beneficial or adverse, of the proposed PRD to the neighborhood in which it is proposed to be established; and
- e) In case of a development plan which proposed development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the PRD in the integrity of the development plans. In the event a development plan is granted tentative approval, with or without conditions, the Governing Body may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than 3 months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall not be less than 12 months.

H. Status of Plan After Tentative Approval. The official written communication provided for in this article shall be certified by the Township Manager and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same shall be noted on the zoning map in the office of the Zoning Officer of Newport Township.

I. Application for Final Approval.

- (1) An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Governing Body and within the time(s) specified by the official written communication granting tentative approval. The application shall include any drawings, specifications, easements,

performance bond and such other requirements as may be specified by ordinance, as well as any conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan or part thereof shall not be required provided the development plan, of the part thereof, submitted for final approval, is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto. The Governing Body may refer it to the Newport Township Planning Committee for recommendation.

- (2) In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the ordinance and the official written communication of tentative approval, the Governing Body shall, within 30 days of filing, grant such development plan final approval, provided it conforms with the tentative approval.
- (3) In the event the development plan as submitted contains variations from the development plan given tentative approval, the Governing Body may refuse to grant final approval and shall, within 30 days of the filing of the application for final approval, so advise the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:
 - a) Refile their application for final approval without the variations projected; or
 - b) File a written request with the Governing Body that it hold a public hearing on his application for final approval. If the landowner wishes to take either such alternate actions, they may do so at any time within which they shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance.
 - c) In the event the landowner shall fail to take either of these alternate actions within said time, they shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after the request for the hearing is made by the landowner and the hearing shall be conducted in the manner prescribed in this Ordinance for public hearings on applications for tentative approval. Within 30 days after the conclusion of the hearing, the Governing Body shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in the PRD section.
- (4) A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Governing Body and shall be filed of record forthwith in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of said PRD or of that part thereof as the case may be, that has been finally approved, no modifications of the provisions of said

development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner.

- (5) In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the Governing Body in writing; or in the event the landowner shall fail to commence and carry out the PRD within such reasonable period of time as may be fixed by ordinance after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is re-subdivided and re-classified by enactment of an amendment to the Newport Township Zoning Ordinance in the manner prescribed in such Ordinance.
- (6) Plans submitted for final approval shall be prepared with the Subdivision and Land Development Ordinance of Newport Township and all construction shall be in accordance with the Subdivision Regulations and all other codes and ordinances of Newport Township, except those excluded under this Section. The Subdivision and Land Development Ordinance of Newport Township, as amended, shall govern the construction and acceptance of all public improvements.

SECTION 541 POWER GENERATION

1. Purpose and Intent.

The purpose of this section is to regulate the siting, operation, and decommissioning of power generation facilities to protect public health and safety, avoid land use conflicts, and minimize adverse impacts on nearby properties and natural resources. These standards are intended to locate power generation where infrastructure is adequate, protect residential and conservation areas from noise and visual impacts, and ensure compatibility with surrounding land uses.

2. Use Regulations.

A. Permitted Districts. Power generation facilities shall be permitted only in those zoning districts where “Power Generation” is listed as a permitted (P) or special exception (SE) use in the Use Table, subject to the standards of this section and all other applicable regulations.

B. Prohibited Locations.

- (1) Within mapped floodplains, wetlands, or riparian buffers regulated under state or federal law unless otherwise approved by PA DEP or another applicable agency.
- (2) Within four hundred (400) feet of residential district or residential uses, schools, or parks that pre-existed the proposed use, measured from the nearest principal generating equipment or fuel storage area to the district boundary or lot line of such use.
- (3) Within four hundred (400) feet of any mapped Conservation District or permanently preserved farmland unless the facility is part of a formally adopted

- redevelopment plan or similar public planning effort approved by the Township.
- (4) Within one hundred fifty (150) feet of any perennial Cold Water Fisheries (CWF) stream, as designated in 25 Pa. Code Chapter 93, that is also classified as a Water of the United States (WOTUS).

C. Accessory Power Generation. Standby generators and similar small-scale equipment that are clearly accessory to a permitted use are regulated as accessory uses and are not subject to this section, but shall comply with applicable noise, screening, and building code requirements.

3. Site Compatibility and Infrastructure Impact Review.

A. A Site Compatibility and Infrastructure Impact Review shall be required for any power generation facility with a nameplate capacity of one (1.0) megawatt or greater.

B. Required Components. At a minimum, the review shall include:

- (1) Utility, Fuel and Infrastructure Needs. Description of anticipated electrical capacity, grid connection point and required substation or utility upgrades.
- (2) Identification of the electric interconnection point, fuel type and delivery method (pipeline, rail, or truck), and any necessary public utility or infrastructure upgrades.
- (3) Emergency Access and Fire Protection. Description of primary and secondary access routes, turning movements for fire and emergency vehicles, and a summary of on-site fire suppression, detection, spill containment, and shutdown systems.
- (4) Environmental and Land Use Compatibility. Description of the relationship of the site to nearby residential areas, schools, conservation areas, and Cold Water Fishery streams; proposed buffers, landscaping, screening, and stormwater controls.
- (5) Noise and Air Quality. Summary of primary noise sources, projected sound levels at property lines and nearest dwellings, and a list or summary of air permits expected to be required by state or federal agencies.
- (6) Traffic and Construction. Estimated construction and operating traffic, haul routes, and proposed measures to manage dust, mud tracking, and construction impacts.

4. Full Impact Assessment.

A. A Full Impact Assessment (FIA) shall be required for any Power Generation Facility that meets one or more of the following thresholds:

- (1) Total building or equipment yard area exceeds ten thousand (10,000) square feet; nameplate electrical capacity exceeds 1.0 megawatt (MW);
- (2) The site is within four hundred (400) feet of a residential district or residential uses, schools, or parks that pre-existed the proposed use, or a Conservation District.
- (3) The site is within one hundred fifty (150) feet of any perennial Cold Water

Fisheries (CWF) stream, as designated in 25 Pa. Code Chapter 93, that is also classified as a Water of the United States (WOTUS).

- (4) The site is located outside of an Industrial or formally designated redevelopment district.

B. FIA Components. The FIA shall be prepared by a licensed professional engineer or similarly qualified professional and shall, at a minimum, address the following topics. The Township may waive specific items that are clearly not applicable to the proposed facility or may require additional detail where necessary to protect public health, safety, and welfare.

- (1) Fire Protection and Emergency Operations Plan.
 - a) Description of primary fire and explosion risks and mitigation measures.
 - b) On-site fire suppression systems and water supply (including any static storage).
 - c) Fire lane layout, site access controls, and emergency shutdown procedures.
 - d) Plan for initial and periodic coordination with local fire and EMS, including at least one pre-incident walk-through prior to operation.
- (2) Utility and Fuel Coordination Plan.
 - a) Electric interconnection summary (substation, voltage, and redundancy).
 - b) Fuel type, storage configuration, and delivery method (pipeline, rail, or truck).
 - c) Measures for fuel spill prevention, detection, and containment.
- (3) Hydrologic and Groundwater Impact Study.
 - a) Required where the site is in a mapped recharge area, within one thousand (1,000) feet of an existing potable well or proposes on-site wells or significant water use.
 - b) Evaluation of drawdown, recharge, and potential contamination risks to nearby wells, streams, and Cold Water Fishery streams.
- (4) Noise and Operational Management Plan.
 - a) Predicted decibel levels at all property boundaries and nearest existing dwellings.
 - b) Identification of primary noise sources and proposed mitigation (enclosures, berms, barriers, equipment orientation).
 - c) Schedule and limits for testing of backup generators and other intermittent high-noise activities (generally restricted to 9:00 a.m. to 5:00 p.m. on weekdays, except during emergencies).
- (5) Environmental Impact Analysis.
 - a) Impervious coverage and stormwater management approach, including any thermal or pollutant controls.
 - b) Measures to avoid or minimize impacts on wetlands, steep slopes, habitat areas, Conservation Districts, and Cold Water Fishery streams.
 - c) Summary of air emission controls and applicable state or federal air permits.
 - d) Landscape and restoration plan using native or naturalized vegetation, especially within required buffers.
- (6) Traffic and Construction Impact Summary.
 - a) Estimated construction traffic (type, volume, and duration) and operational traffic (fuel deliveries, maintenance trips).

- b) Proposed haul routes and any needed turn, sight distance, or roadway improvements.
- c) Measures to control dust, mud tracking, debris, and hours for heavy construction activity.
- (7) Community Benefit and Mitigation Plan (Optional at Township Discretion).
 - a) Where a proposed use is served by volunteer or part-time emergency services, the applicant shall submit a summary of proposed financial or in-kind contributions intended to support fire protection, EMS, and emergency management capacities related to the facility.
 - b) The plan shall describe any additional mitigation or community benefit measures proposed to address operational impacts on municipal services or surrounding properties, which may include, but are not limited to, emergency service support, infrastructure enhancements, or site-specific mitigation beyond minimum ordinance standards.

5. Dimensional and Siting Standards.

- A. Minimum Lot Area. Power generation facilities shall be located on a lot of not less than one (1) acre, or the minimum required in the base zoning district, whichever is greater.
- B. Setbacks and Buffers.
 - (1) No principal generating equipment, fuel storage, or cooling towers shall be located within:
 - a) Four hundred (400) feet of any residential district boundary or existing dwelling on an adjacent lot.
 - b) Two hundred (200) feet of any public street right-of-way.
 - (2) Where a facility abuts a residential district, a buffer yard of not less than four hundred (400) feet shall be provided, using a combination of vegetation, berms, and fencing to soften visual and noise impacts.
 - (3) No principal generating equipment shall be located within four hundred (400) feet of a mapped Conservation District, unless the applicant demonstrates that no reasonable alternative exists and provides enhanced mitigation acceptable to the Township.
 - (4) No principal generating equipment shall be located within one hundred fifty feet (150) feet of any perennial Cold Water Fisheries (CWF) stream, as designated in 25 Pa. Code Chapter 93, that is also classified as a Water of the United States (WOTUS).
- C. Height.
 - (1) Principal structures associated with power generation shall not exceed one hundred thirty (130) feet in height.
 - (2) Stacks or exhaust structures exceeding one hundred thirty (130) feet may be permitted where required by building code or air quality regulations, subject to review and any reasonable conditions imposed by the Township.

D. Lot Coverage and Impervious Surface.

- (1) In the Industrial district, total impervious coverage for the site shall not exceed seventy percent (70%), unless the base district is more restrictive.
- (2) In Mixed Use or other non-industrial districts where Power Generation is permitted, total impervious coverage for the facility shall not exceed sixty percent (60%), unless the base district is more restrictive.

6. Performance Standards.

A. Noise.

- (1) Noise from the facility shall not exceed:
 - a) Sixty (60) dBA at any property line adjacent to a residential district or adjacent to a residential use that pre-existed the proposed use in the MU district.
 - b) Sixty-five (65) dBA at any property line adjacent to Agricultural, Conservation, or Open Space districts.
 - c) Seventy (70) dBA at any property line adjacent to Industrial, General Business, or Mixed Use districts.
- (2) Noise levels shall be measured as hourly equivalent (Leq) sound pressure levels, at approximately five (5) feet above grade, using accepted acoustical standards.
- (3) Routine testing of backup generators shall be limited to weekdays between 9:00 a.m. and 5:00 p.m., except during emergencies or where otherwise required by law.

C. Lighting.

- (1) Outdoor lighting shall be the minimum necessary for safety and security and shall be fully shielded and directed downward.
- (2) Lighting shall not create direct glare onto adjoining properties or public roads.

D. Air Emissions and Odors.

- (1) All emissions shall comply with applicable state and federal air quality regulations.
- (2) Required air permits shall be submitted to the Township prior to issuance of a building permit.
- (3) The facility shall be designed, constructed, operated, and maintained so as to minimize the emission of odors that create a nuisance on adjacent properties, to the extent practicable using best available control technologies, good engineering practices, and proper operation and maintenance.

E. Fuel Storage and Spill Control.

- (1) Bulk fuel storage tanks shall include secondary containment sized to hold at least one hundred ten percent (110%) of the volume of the largest tank.
- (2) A basic spill prevention and response procedure shall be included in the facility's operations plan and shall be made available to emergency responders upon request.

- E. Traffic and Construction. Construction and delivery traffic shall use designated haul routes and shall be managed, to the extent practical, to avoid conflicts with peak school and commuter traffic. Reasonable measures shall be taken to control dust, mud tracking, and debris during construction.

7. Decommissioning and Financial Security.

- A. Decommissioning Plan. A decommissioning plan shall be submitted with any application for a Power Generation facility. The plan shall describe removal of equipment, structures, foundations, and fuel storage systems, and restoration of the site to a stable condition suitable for future reuse.
- B. Abandonment. A facility that ceases commercial operation for a continuous period of twelve (12) months shall be considered abandoned, unless the Township grants an extension for good cause. Abandoned facilities shall be decommissioned in accordance with the approved plan.
- C. Financial Security. The applicant shall provide financial security, in a form acceptable to the Township, in an amount sufficient to cover the estimated cost of decommissioning and site restoration. The Township may periodically review and adjust this amount as needed.

SECTION 542 RACE TRACK (HORSE)

Commercial race horse tracks must have all activities, including all buildings, not less than two hundred (200) feet from any residential district or any lot occupied by a dwelling, school, place of worship, or institution for human care. Traffic in connection with race tracks must be arranged so as to result in a minimum of congestion.

SECTION 543 RACE TRACK (MOTORIZED VEHICLE)

Motorized vehicle race tracks shall only be permitted by special exception approval from the Zoning Hearing Board. Such tracks shall be located a minimum of four hundred (400) feet from any residential district. The Zoning Hearing Board shall consider the noise factor and shall require noise-deadening devices, or other means, to prevent the noise from becoming objectionable to surrounding areas.

SECTION 544 RESTAURANT AND TAVERN

1. Unless superseded by a PennDOT Highway Occupancy Permit, access drives shall not be less than thirty (30) feet in width and for those establishments located on a corner lot, no access drive shall be located less than sixty (60) feet (as measured from the right-of-way lines) from the intersection of the two abutting streets.
2. Outdoor trash dumpsters shall be concealed within an area surrounded by solid opaque fencing not less than six (6) feet in height.

3. All exterior lighting shall be directed away from adjacent properties and shall utilize cutoff shields or otherwise be designed to conceal the light source from adjoining properties and streets.

SECTION 545 SAWMILL / FIREWOOD / FORESTRY PROCESSING

Sawmills, firewood, and forestry processing shall require a minimum distance of one thousand (1,000) feet from residential districts.

SECTION 546 SCHOOLS AND COLLEGES

These structures shall be located not less than fifty (50) feet from any other lot in the R-1 District, and not less than twenty (20) feet from any lot in the R-2 or RA District. All outdoor lighting shall comply with Section 414 of this Ordinance. Off-street loading and parking facilities shall comply with Section 417. Outdoor facilities, such as athletic fields, etc., shall be screened from adjacent residential use properties or districts.

SECTION 547 SELF-STORAGE FACILITY

All storage units shall be contained within a completely enclosed or buildings. There shall be a minimum spacing of twenty-five (25) feet between buildings for traffic circulation, parking and fire lane purposes. All outside lighting shall be directed away from adjacent properties.

SECTION 548 SEWAGE DISPOSAL PLANT

Plans for sewage disposal plants shall be in harmony with surrounding uses and the written approval of the Pennsylvania Department of Environmental Protection shall be provided by the applicant with the zoning permit application.

SECTION 549 SOLAR ENERGY SYSTEM (MINOR)

1. Design and Supplemental Requirements.
 - A. Solar collection systems shall not be located in the front yard between the principal structure and the public right-of-way or a private street.
 - B. If not located on a rooftop, then the collection system must meet the minimum setbacks of an accessory building for the zoning district in which it is located.
 - C. Height. Freestanding collection systems shall not exceed twenty (20) feet in height.
 - D. Size. Freestanding Solar Collection systems on residential properties shall not exceed the greater of one-half (½) the footprint of the principal structure or six hundred (600) square feet, whichever is greater. The size of arrays for non-residential properties shall not exceed one-half (½) of the footprint of the principal structure except for

rooftop systems.

- E. Solar Collection Systems are permitted to be located on the roof or the exterior wall of a structure subject to the following:
 - (1) Collection systems shall not extend more than twelve (12) feet above the roof line;
 - (2) Collection systems shall not exceed the maximum height permitted in the zoning district in which it is located; and
 - (3) Collection systems located on the roof or attached to a structure shall provide, as part of their permit application, a structural certification.
- F. Code Compliance. Solar Collection Systems shall comply with all applicable building and electrical codes.
- G. A property owner who has installed or intends to install a solar collection system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easements.

2. Site Plan Required.

The applicant for a zoning permit for a minor solar collection system shall provide a drawing to scale to show the following:

- A. Lot boundary lines and setback lines and easements.
- B. Location and size of proposed solar collection system, with dimensions to property lines.
- C. Location of all existing structures on the property.
- D. Estimated cost of the solar collection system.

SECTION 550 SOLAR ENERGY SYSTEM (MAJOR)

1. Permit Requirement and Application.

All applications for a Major Solar Energy System shall be considered a Land Development and shall meet the requirements of this Ordinance and the Newport Township Subdivision and Land Development Ordinance (SALDO). All applications shall be approved as a special exception by the Newport Township Zoning Hearing Board and subsequently approved as a Land Development by the Newport Township Planning Committee. No permit will be issued, nor can any construction begin until the applicant has met all the requirements of the SALDO and this Ordinance.

2. Review Criteria.

The following criteria shall apply to the review and approval Major Solar Energy Systems:

- A. A determination that adequate measures have been undertaken by the proponent of the major solar energy system to reduce the risk of accidents caused by hazardous materials.
 - B. A determination that the proposed major solar energy system is essential or desirable to the public convenience and/or not detrimental or injurious to the public health or safety, or to the character of the surrounding neighborhood.
 - C. A determination that the proposed major solar energy system will not be detrimental to the economic welfare of the Township and/or that it will not create excessive public cost for public services by finding that it will be adequately serviced by existing services such as highways, roads, police and fire protection, emergency response, drainage structure, refuse disposal, water and sewers, or that the applicant shall provide such services or facilities.
 - D. Consideration of the industry standards, available technology, and proposed design technology for solar energy in formulating conditions of approval.
3. Setbacks, Restrictions and Easements.

A Major Solar Energy System:

- A. Shall be a minimum of one thousand (1,000) feet from any zoning district boundary line and property line of existing residential or public use.
 - B. Shall not be located within four hundred (400) feet of a public or private right-of-way, nor within one hundred (100) of all other property lines.
 - C. The proponent of a major solar energy system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easements and shall record said easements with the Newport Township Recorder of Deeds Office.
 - D. Shall provide a fifty (50) foot planted buffer along all property lines.
 - E. Shall conceal solar collectors' supporting structures, fixtures and piping where applicable.
4. Site Plan Drawing.

A Site Plan Drawing shall be provided as part of the special exception use application that drawn to scale and dimensioned, displaying the following information:

- A. Existing property features including property lines, physical dimensions of the

property, total parcel size, land use, zoning district, contours, setback lines, right-of-way, public and utility easements, public roads, access roads (including width), sidewalks, non- motorized pathways, large trees and all buildings. The site plan must also include the adjoining properties as well as the location of all structures and utilities within three hundred (300) feet of the property.

- B. Location, size, and height of all proposed Major Solar Energy Systems, buildings, structures, ancillary equipment underground utilities and their depth, security fencing, access roads (including width, composition, and maintenance plans), electrical substations, and other above-ground structures and utilities associated with the proposed Major Solar Energy System.
- C. Additional details and/or information as required for a special exception use application as set forth in Section 805 of this ordinance or as requested by the Zoning Hearing Board.

5. Access Driveway.

Every Major Solar Energy System shall require the construction of a paved road to offer an adequate means by which the Township may readily access the site in the event of an emergency. Exceptions shall be handled on a case-by-case basis by the Zoning Hearing Board during the special exception approval process.

6. Safety Requirements.

- A. If the Major Solar Energy System is connected to a public utility system for net metering purposes, it shall meet the requirements for interconnection and operation set forth in the public utility's then current service regulations applicable to solar power generation facilities, and the connection shall be inspected by the appropriate public utility.
- B. Security measures need to be in place to prevent unauthorized trespass and access. All access doors to electrical equipment shall be locked and/or fenced as appropriate to prevent entry by unauthorized person(s).
- C. All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner and disposed of in accordance with current DEP regulations.
- D. Each Major Solar Energy System shall have a minimum of one (1) sign, not to exceed two (2) square feet in area, posted on the security fence is applicable. The sign shall contain at least the following:
 - (1) WARNING: High Voltage
 - (2) Manufacturers' and owner/operator's names
 - (3) Manufacturers' and owner/operator's emergency contact numbers

7. Natural Resources and Historic Sites.

No Major Solar Energy System shall be located less than two hundred (200) feet from any Important Bird Area or migration corridor, National Wetland Inventory wetland, Historic Site, or lake, dam, ponds or public water supply sources.

8. Minimum Lot Size.

A Major Solar Energy System shall require a minimum lot size of not less than ten (10) acres.

9. Parking.

If the Major Solar Energy System is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall be equal to the number of people on the largest shift plus overflow spaces equal to twenty percent (20%) of the required spaces based on the number of employees, but not less than two (2) parking spaces.

10. Licenses.

The Applicant shall demonstrate that the required permits and licenses from the Federal Energy Regulatory Committee, the Pennsylvania Department of Environmental Protection, the Pennsylvania Public Utility Committee, and other agencies have been obtained. The Applicant shall also document compliance with all applicable state and federal regulations by providing to the Township copies of all required documents, studies, and responses (e.g., National Environmental Policy Act, Pennsylvania Natural Diversity Inventory submission, Pennsylvania Historical and Museum Committee compliance, U.S. Fish and Wildlife Service, the Department of Conservation and Natural Resources and the PA Game Committee).

11. Liability Insurance.

The Applicant for a Major Solar Energy System shall submit a Certificate of Insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence covering the Major Solar Energy System. The Applicant shall provide the Township with proof annual renewal prior to expiration.

12. Landscaping.

Existing vegetation on and around the site shall be preserved to the greatest extent possible without restricting solar access.

13. Decommissioning.

- A. Each major solar collection system and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
- B. The major solar collection system owner is required to notify Newport Township immediately upon cessation or abandonment of the operation. The major solar collection system shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
- C. The major solar collection system owner shall then have twelve (12) months in which to dismantle and remove the major solar collection system including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the major solar collection system within the established time frames, Newport Township may complete the decommissioning at the owner's expense to include Court costs and reasonable attorney's fees.
- D. As a condition of final land development approval, the owner shall provide financial security in the form and amount acceptable to Newport Township to secure the expense of dismantling and removing said major solar collection system.

SECTION 551 SOLID WASTE FACILITY

Plans for a solid waste facility shall be in harmony with existing surrounding uses and permitted by the Department of Environmental Protection and/or other governing agency.

SECTION 552 STORAGE OF HAZARDOUS, FLAMMABLE AND EXPLOSIVE MATERIALS

The Zoning Hearing Board shall approve as a special exception use the storage of hazardous, flammable, and explosive materials provided that the applicant provides evidence that the use complies with all applicable state and federal laws.

SECTION 553 SWIMMING POOL

A swimming pool capable of containing water to a depth of eighteen (18) inches or greater shall be permitted as an accessory use in any zone subject to the following:

1. Private Swimming Pools.

- A. The pool is intended to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located, and their guests, and no fee shall be charged.

- B. Yard requirements shall be the same as those required for unattached accessory structures.
- C. The swimming pool, or the entire property on which it is located, shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall be not less than four (4) feet in height and maintained in good condition and grounded for electricity.
- D. The requirements of paragraph C, above, shall not apply to above-ground swimming pools if the side walls of such pools are: (1) at least four (4) feet in height vertically for a distance of three (3) feet horizontally as measured from every point around the pool from the surrounding ground level; (2) if there is an adjacent deck, that deck has a lockable, secure gate; and (3) if access is provided by a ladder, that ladder shall either be removable for storage when not in use or lockable in such a manner as to prevent access to the pool.

2. Community or Club Pools.

A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club solely for use and enjoyment by members of the association or club and their families and guests of members. Community and club swimming pools shall comply with the following conditions and requirements:

- A. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than one hundred (100) feet to any property line of the property on which it is located.
- B. The swimming pool and all of the area used by the bathers shall be walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than four (4) feet in height, grounded for electricity, and maintained in good condition. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees, and maintained in good condition.

SECTION 554 TRAILERS, MANUFACTURED HOMES AND PARKS

1. Manufactured Homes.

- A. A manufactured home is permitted in AG and CO Districts on wheels by a temporary zoning permit for up to two (2) years provided utilities are properly provided for and subject to removal within ninety (90) days if the area is rezoned residential. Temporary permits may also be obtained in these same districts, without permanent installation of utilities provided that sanitary facilities are properly provided for.
- B. Manufactured homes may obtain a permanent permit in these same districts provided

that the following conditions are met:

- (1) It is placed upon a suitable permanent, wholly enclosed foundation;
- (2) Acceptable enclosure materials include: simulated concrete masonry unit walls, simulated brick walls, simulated concrete walls, and simulated stone walls;
- (3) Its location on the lot conforms in every respect to the setbacks required for a single-family dwelling and individual sewage disposal facilities are provided.

C. A manufactured home may be occupied as a single-family dwelling, as defined in Article 2, and may be located upon a permitted lot, within a residential district, provided that the following conditions are met:

- (1) A special exception use is approved by the Zoning Hearing Board;
- (2) It is placed upon a suitable permanent, wholly enclosed foundation;
- (3) Acceptable enclosure materials include: simulated concrete masonry unit walls, simulated brick walls, simulated concrete walls, and simulated stone walls;
- (4) The structure conforms to all of the yard area and dimensional requirements as provided in Section 308 and Appendix 2 of this Ordinance; and
- (5) The establishment, use, location and design of such manufactured homes within a residential district must not, under any circumstances, appreciably detract from the character of the area surrounding it, as determined by the Zoning Hearing Board.

D. A manufactured home may be used temporarily for office purposes during the construction of a principal building or a road in any district other than a residential district, or in a residential district with approval of the Zoning Hearing Board, on the issuance of a temporary permit by the Zoning Officer.

2. Manufactured Home Parks.

Manufactured Home Parks, where permitted, shall meet the following requirements:

- A. No manufactured home park shall have an area less than five (5) acres, nor an average gross area per manufactured home less than three thousand (3,000) square feet.
- B. Every manufactured home shall be supplied with potable water service. Manufactured homes shall be connected to a sanitary sewer or an approved sewage disposal system.
- C. A safe, usable recreation area shall be conveniently located in every manufactured home park and shall contain a total area of a minimum of three hundred (300) square feet per home and shall not be less than ten percent (10%) of the gross area of the manufactured home park.
- D. No manufactured home park shall be located less than fifty (50) feet from an abutting property in a CO, AG, Residential, or MI District.
- E. The manufactured home park shall be permanently landscaped and maintained in good condition.

Except for a manufactured home offered for sale on manufactured home sales lots, or those for which necessary permits have been obtained, the parking of a manufactured home outside of a permitted manufactured home park in any district for forty-eight (48) hours or more shall be prohibited.

3. Trailer or Campground Parks.

Trailer Parks, or campgrounds, where permitted, shall meet the following requirements;

- A. No trailer park or campground shall have an area less than five (5) acres, nor an average gross area per unit less than three thousand (3,000) square feet.
- B. Every unit shall be supplied with a potable water service.
- C. Trailers shall be provided with a common sewage disposal system in order that the removal and disposing of sewage from trailer holding tanks is accomplished in a sanitary manner. Toilet facilities for the public, which are separate for each gender, shall be provided on the premises. Sewage systems shall be approved by the PA DEP.
- D. A safe, usable recreation area shall be conveniently located in every trailer park or campground and shall contain a total area of a minimum of three hundred (300) square feet per unit and shall not be less than ten percent (10%) of the gross area of the trailer park or campground.
- E. No trailer park or campground shall be located less than fifty (50) feet from an abutting property in a CO, AG, Residential, or MI District.
- F. The trailer park or campground shall be permanently landscaped and maintained in good condition.
- G. Except for trailers or recreational equipment offered for sale on sales lots, the parking of any trailer or recreational vehicle outside of a permitted trailer park or campground in any district for forty-eight (48) hours or more shall be prohibited.

4. Camping and Recreational Equipment.

Any owner of camping and recreational equipment, including but not limited to, travel trailers, pick-up coaches, motorized homes, and boat trailers, may park or store such equipment on private residential property subject to the following conditions:

- A. Such parked or stored camping and recreational equipment shall never be occupied or used for living, sleeping or housekeeping purposes.
- B. If the camping or recreational equipment is parked or stored outside of a building, it shall be parked or stored, if possible, to the rear of the principal structure, and in all

cases, shall at least be parked or stored behind the front of the principal structure.

- C. Notwithstanding the provisions stated in B, above, camping and recreational equipment may be parked anywhere on the premises while being loaded or unloaded.

SECTION 555 TRUCKING FACILITIES

1. The minimum lot size shall not be less than four (4) acres.
2. Access drives shall be sufficient in width to accommodate the use. Access drives must connect to a public street.
3. Where the operation abuts a zoning district where residences are a principal permitted use, or where an existing residential dwelling unit is located, a solid wall or substantial, attractive fence not less than six (6) feet in height shall be constructed and maintained in good condition along such boundary line, and a buffer yard of not less than three hundred (300) feet in width must be landscaped and maintained in good condition.
4. No parking, loading, idling, storage of any kind, or trucking use shall be allowed within the buffer yard.
5. All trucks idling in excess of fifteen (15) minutes shall be prohibited.

SECTION 556 WAREHOUSE AND DISTRIBUTION FACILITY

1. All materials shall be stored within a completely enclosed building and outdoor storage of any kind is prohibited.
2. Access drives shall be sufficient in width to accommodate the use.
3. No activities including off-street parking shall be allowed within one hundred fifty (150) feet of a property line abutting a district having residences as a principal permitted use.
4. All trucks idling in excess of fifteen (15) minutes shall be prohibited.

SECTION 557 WIND ENERGY FACILITY

1. Information to be Submitted.

The applicant for a Wind Energy Facility shall be required to submit the following information:

- A. The Applicant and landowner's name and contact information.
- B. The tax map numbers, existing use and acreage of the site parcels on which it is to be located.

- C. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the generating capacity of the Wind Energy Facility; the number, representative types and heights of all Wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers; and a description of ancillary facilities.
- D. A site plan sealed by a professional land surveyor at a scale not greater than one (1) inch equals one hundred (100) feet which includes but may not be limited to identification of the properties on which the proposed Wind Energy Facility will be located with the name and mailing address of the owners of record, the proposed location of each wind turbine within the Wind Energy Facility, property lines, setback lines, access roads, substations, electrical cabling from each wind turbine within the Wind Energy Facility to the substations, ancillary equipment, buildings, and structures, including permanent meteorological towers.
- E. A survey drawing at an appropriate and legible scale showing the proposed location of the Wind Energy Facility (including access roads) as it relates to the boundaries of the parcel, adjacent ownerships and existing residences, schools, places of worship, hospitals, libraries, federal, state, county, or local parks, and recognized historic or heritage sites within a distance of two thousand (2,000) feet or less from any property boundary.
- F. As applicable, copies of all proposed leases required to be secured by the applicant shall be provided if the applicant is not the sole owner of the parcel or parcels on which the Wind Energy Facility is proposed to be constructed. Boundaries of said leases shall be clearly illustrated upon the site plan.
- G. Standard drawings of proposed wind turbine structures, including the tower, base and footings.
- H. Documentation that all proposed wind turbines conform to applicable industry standards, including compliance with the Pennsylvania Uniform Construction Code (UCC), and the regulations adopted by the Department of Labor and Industry. All wiring shall comply with the applicable version of the National Electric Code (NEC). The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute.
- I. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations certified by an engineer registered in the Commonwealth of Pennsylvania.
- J. A completed Environmental Impact Statement, as may be required for special exception uses, under Section 808 of this Ordinance shall be provided.

- K. The Applicant shall provide three-dimensional graphic information that accurately portrays the visual impact of the proposed Wind Energy Facility and each individual wind turbine within that Facility from various vantage point selected by the Zoning Hearing Board, such as, but not limited to, residential developments, roads and recreation areas. This graphic information shall be provided in the form of photographs or computer-generated images with the wind turbines superimposed, as may be required by the Zoning Hearing Board.
- L. The Applicant shall provide a written plan regarding how complaints about noise, communications interferences and vibration will be addressed by the operator of a Wind Energy Facility.

2. Approval Standards.

A Wind Energy Facility shall, in addition to all other applicable criteria and requirements of this Ordinance, comply with the following:

- A. The minimum distance between the ground and any part of the rotor blade system shall be one hundred (100) feet.
- B. To limit unauthorized access, a fence no less than six (6) feet high with a locking portal shall be placed around the base of the tower of a wind turbine. Also, all access doors to wind turbines and electrical equipment shall be locked to prevent entry by unauthorized persons. A sign shall be posted on the entry area of the fence around each wind turbine or group of towers and any building containing emergency contact information, including a telephone number with 24 hours, 7 days a week coverage.
- C. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Visible, reflective, color objects, such as flags, reflectors, or tape shall be placed on the anchor point of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
- D. Wind turbines shall not be climbable up to fifteen (15) feet above the average grade of the ground surface. Tower-climbing apparatus shall be located no closer than fifteen (15) feet from the ground and a locked anti-climb device shall be installed on the tower.
- E. No signs or lights shall be mounted on any wind turbine except as may be required by this Ordinance, the Federal Aviation Administration (FAA), or other governmental agency which has jurisdiction. No wind turbine shall be artificially lit, except as required by the FAA or for security purposes approved as part of the zoning permit. No approved security light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are fully shielded to project the light below the horizontal plane of the lowest point of the fixture. Other lighting shall be indirect or surrounded by a shade to hide visibility from the light source. No direct or sky-reflected glare, whether from overhead lighting or floodlights shall be permitted. The

applicant shall provide a copy of the response to Notice of Proposed Construction or Alteration forms submitted to the FAA and PA DOT Bureau of Aviation; and, the Wind Energy Facility and support structures shall comply all FAA and PA DOT requirements.

- F. All wind turbines shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding and excessive pressure on the tower structure, rotor blades and turbine components. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
- G. All power transmission lines from a wind turbine to on-site substations shall be underground.
- H. The Applicant shall submit a certificate of insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence covering the Wind Energy Facility and all its facilities. The applicant shall provide Newport Township with proof of annual renewal prior to expiration.

3. Siting and Installation.

A Wind Energy Facility shall:

- A. Combine transmission lines and points of connection to local distribution lines.
- B. Connect the facility to existing substations, or if new substations are needed, minimize the number of new substations.
- C. All wiring between wind turbines and the wind energy facility substation shall be underground.
- D. The Wind Energy Facility, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then current service regulations applicable to wind power generation facilities and shall provide evidence of a signed interconnection agreement, or letter of intent, with the interconnecting utility company.

4. Land Area Requirements and Setbacks.

- A. A Wind Energy Facility shall require a minimum lot size of not less than fifty (50) acres with a minimum lot width of six hundred sixty (660) feet and a minimum lot depth of six hundred sixty (660) feet.
- B. If the parcel on which the Wind Energy Facility is located is a separate and distinct

- parcel, no wind turbine shall be located closer to any property line than one thousand five hundred (1,500) feet as measured from the center of the foundation of a wind turbine. The setback for equipment containers, other accessory structures, and any guy wire anchors shall be a minimum of four hundred (400) feet from any property line.
- C. If the land on which a Wind Energy Facility is leased, or is used by license or easement, no wind turbine shall be located closer to any line of lease, license or easement than one thousand five hundred (1,500) feet as measured from the center of the foundation of a wind turbine. The setback distance for equipment containers, other accessory structures, and guy wire anchors shall be a minimum of four hundred (400) feet from the line of lease, license or easement. If the land to construct a Wind Energy Facility is to be leased, a subdivision plan must be submitted to and approved by the Township creating the new parcel to be leased prior to granting approval.
 - D. No wind turbine within a Wind Energy Facility shall be located less than one thousand five hundred (1,500) feet to any public road as measured from the center of the foundation of a wind turbine to the outer edge of the public right-of-way.
 - E. Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line at a distance no less than 1.1 times its total height, as measured from the center of the foundation of a wind turbine to an existing power line or telephone line.
5. Nuisance Issues.
- A. All wind turbines shall be located so that the level of noise produced by wind turbine operation shall not exceed 55 dBA, measured at all points of the site's property line. Methods for measuring and reporting acoustic emissions from wind turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 – 1989 titled 'Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems, Volume I: First Tier.'
 - B. The Applicant shall document that the radio, television, telephone or reception of similar signals from nearby properties will not be disturbed or diminished by the installation of any wind turbine.
 - C. No vibration associated with the operation of a wind turbine shall be permitted that is detectable without instruments at or beyond the property line; and no use shall generate any vibration that is capable of causing damage to buildings, structure, equipment alignment, or structural soundness.
 - D. The Applicant shall make reasonable efforts in siting proposed locations of wind turbines to minimize shadow flicker to any off-site buildings.
6. Environmental and Visual.

- A. No wind turbine shall be located less than one thousand (1,000) feet from any important bird area or migration corridor, National Wetland Inventory wetland, Historic Site, lake, dam, stream, creek, ponds or public water supply sources, or waterways. These areas shall be defined or designated by the Pennsylvania Department of Environmental Protection and/or as depicted on U.S.G.S. mapping.
- B. Wind Energy Facilities shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Wind Energy Facility.
- C. The design of the wind turbines, buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
- D. Where wind characteristics permit, wind turbines shall be set back from the tops of visually prominent ridgelines.
- E. The maximum turbine height, as so defined in this Ordinance, shall not exceed four hundred fifty (450) feet.
- F. Wind turbines shall be designed and located to minimize adverse visual impacts from neighboring residential areas to the greatest extent feasible.
- G. Wind turbines shall be designed to avoid, to the extent practicable, the creation of artificial habitat for raptors or raptor prey, such as: (1) electrical equipment boxes on or near the ground that can provide shelter and warmth; (2) horizontal perching opportunities on the towers or related structures; or (3) soil where weeds can accumulate.
- H. A Wind Energy Facility shall provide conclusive documentation that the location and operation of the proposed facility will not adversely affect the wildlife habitat, including but not limited to, bats and birds of the region and associated migration routes. Comments from any State and/or Federal Agency having jurisdictional review or stewardship over the protection of wildlife shall be required.

7. Traffic.

- A. Access to Wind Energy Facility shall be provided by means of a public street or easement to a public street. All access easements shall be a minimum of twenty-five (25) feet in width and shall be improved to a width of not less than twelve (12) feet with an improved, durable, dust-free, all-weather surface. No access easement shall exceed a grade of fifteen percent (15%) unless it can be proven to the Township Engineer that an unsafe situation is not being proposed that the road surface can be properly maintained by the applicant, and that emergency vehicles can negotiate the excessive slopes.

- B. The Applicant shall identify all state, county and municipal roads to be used with Newport Township for the transport of equipment parts for construction and operation or maintenance of the Wind Energy Facility.
- C. If the Wind Energy Facility is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall be equal to the number of people on the largest shift plus overflow spaces equal to twenty percent (20%) of the required spaces based on the employees, but not less than two (2).

SECTION 558 WINDMILL, NON-COMMERCIAL

The following requirements shall apply to a proposed Standalone Non-Commercial Windmill:

1. Information to be Submitted.

- A. The applicant for a Non-Commercial Windmill shall be required to submit the following information:
- B. The applicant and landowner's name and contact information.
- C. The tax map numbers, existing use and acreage of the site parcel.
- D. A copy of the deed to the property. If the application is made by a potential buyer of the site, then a signed copy of the Agreement of Sale for the real estate transaction shall suffice.

2. Design and Installation.

- A. The design of a Non-Commercial Windmill shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturer(s) from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
- B. All components of a Non-Commercial Windmill shall be designed and constructed to be in compliance with pertinent provisions of the Pennsylvania Uniform Construction Code (UCC).
- C. A Non-Commercial Windmill shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail- safe mode. Stall regulation shall not be considered a sufficient braking system for over- speed protection.
- D. The minimum distance between the ground and any part of the rotor blade system

shall be thirty (30) feet.

- E. All electrical components of a Non-Commercial Windmill shall conform to the UCC. The maximum turbine power output shall be limited to ten (10) kW. All on-site electrical wiring associated with the system shall be installed underground except for “tie-ins” to a public utility company and public utility company transmission poles, towers and lines.

The applicant shall demonstrate that the Non-Commercial Windmill shall not cause disruption or loss of radio, telephone, television or similar signals. The applicant shall be required to mitigate any harm caused by the operation of the system.

At least one (1) sign shall be posted on the tower at a height of five (5) feet warning of electrical shock or high voltage and potential harm from rotating machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor or generator where it would be visible from the ground, except that a system or tower’s manufacturer’s logo may be displayed on a system generator housing in an unobtrusive manner.

- F. Anchor points for any guy wires for a Non-Commercial Windmill shall be located within the property where the system is located on and not on or across any above ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six (6) feet high or sheathed in bright orange or yellow covering to a height eight (8) feet above the ground.

3. Visual Appearance.

- A. A visual analysis of a Non-Commercial Windmill as intended to be installed shall be provided with the application for a special exception use. The visual analysis shall a computerized photographic simulation, demonstrating the visual impacts from adjacent property lines.
- B. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.
- C. A Non-Commercial Windmill’s tower and blades shall be painted in a non-reflective light gray or light blue hue that blends with sky and clouds.
- D. A Non-Commercial Windmill shall be designed and located in such a manner as to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). To the greatest extent feasible, the system:
 - (1) shall not project above the top of ridgelines, and
 - (2) shall be screened to the maximum extent feasible by natural vegetation or other means to minimize potentially significant adverse visual impacts on neighboring residential areas.

4. Lot Size, Setback and Height Requirements.

- A. A Non-Commercial Windmill shall not exceed a maximum height of eighty (80) feet and shall be located on a lot with a minimum size of not less than five (5) acres.
- B. A Non-Commercial Windmill shall not be located closer to a property line than two and one-half (2 ½) times the turbine height as measured from the center point of the base of the tower.
- C. Only one (1) Non-Commercial Windmill per legal lot shall be allowed.

5. Climb Prevention/Locks.

- A. Towers shall be constructed to provide one (1) of the following means of access control, or other appropriate method of access:
 - (1) tower-climbing apparatus located no closer than fifteen (15) feet from the ground,
or
 - (2) a locked anti-climb device installed on the tower.
- B. A locked, protective fence of six (6) feet in height shall enclose the tower and electrical equipment to prevent entry by unauthorized persons.

6. Noise and Shadow Flicker.

- A. Audible sound from a Non-Commercial Windmill shall not exceed fifty (50) dBA, measured at all points of the site's property lines. Methods for measuring and reporting acoustic emissions from wind turbines and Non-Commercial Windmills shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 – 1989 titled, "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generations Systems, Volume I: First Tier."
- B. Reasonable efforts shall be made to preclude shadow flicker to any off-site building not owned by the applicant. The applicant shall provide an assessment of potential buildings that could be affected.

7. Abandonment.

A Non-Commercial Windmill that is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.

Section 559 SHORT TERM RENTALS

1. Definitions

As used within this section, the following terms shall be defined in accordance with this

section:

SHORT-TERM RENTAL:

A short-term rental shall be defined as the use of a dwelling unit to be occupied by lessees, renters or tenants for a period of time less than 30 consecutive calendar days in duration. This use does not include use of a dwelling unit as a hotel, motel, or boarding house.

TRANSIENT LODGING HOUSE:

A Transient Lodging House shall be defined as a short-term rental occupied concurrently by more than 10 occupants per dwelling unit.

LOW IMPACT SHORT-TERM RENTAL:

A low impact short-term rental shall be defined as a short-term rental occupied concurrently by no more than 6 occupants per dwelling unit.

HIGH IMPACT SHORT-TERM RENTAL:

A high impact short-term rental shall be defined as a short-term rental that is not a Transient Lodging House occupied concurrently by more than 6 occupants per dwelling unit.

MIXED TRANSIENT USE RENTAL:

A short-term rental use that fluctuates between different kinds of short-term rental uses within a single year, unless the fluctuation occurs under a high impact short-term rental permit where the fluctuation is to a low impact short-term rental use and back.

2. Short-Term Rentals Prohibited Except As Permitted In This Ordinance.

It shall be unlawful for any person to rent or lease any property within the territorial boundaries of Newport Township as a short-term rental unless such person has first obtained a use permit for such use in compliance with this zoning ordinance and an occupancy permit for such use under the Pennsylvania Uniform Construction Code (hereafter "UCC").

3. General Short-Term Rental Use Restrictions.

The following provisions apply to all short-term rentals within the territorial boundaries of Newport Township:

- A. All structures being used as a short-term rental shall conform in all material respects with the requirements of the Uniform Construction Code of the Commonwealth of Pennsylvania.
- B. Any dwelling unit for which the owner of such unit has obtained an occupancy permit to use such unit as a short-term rental shall not be used for any other purpose unless and until the owner of such unit obtains a new occupancy permit for such other use.

- C. No dwelling unit being used as a short-term rental shall be leased or occupied by more people equal to twice the number of bedrooms available in the dwelling unit.
- D. No dwelling unit being leased as a short-term rental shall have fewer than one full bathroom including a toilet, sink, and shower or tub for every 3 bedrooms located within the dwelling unit.
- E. Any dwelling unit being leased as a short-term rental shall have a smoke detector installed in every bedroom and in every common space within the dwelling unit.
- F. Any dwelling unit being leased as a short-term rental shall have a carbon monoxide detector installed in every common space within the dwelling unit and in any attached garage.
- G. Any existing dwelling unit being used as a short-term rental as of the date of the enactment of this ordinance may continue to be used as a short-term rental without complying with this ordinance for a period of 60 days from the date of this ordinance's adoption. A property owner seeking to honor a short-term rental lease entered prior to the date of this ordinance's adoption, which rental would not terminate within 60 days from the date of this ordinance's adoption may seek a temporary use permit from the zoning officer for Newport Township to honor such lease. Such temporary use permit shall expire upon the expiration date of the lease that the property owner seeks to honor.
- H. Any dwelling unit being leased as a short term rental shall have installed a decibel meter or other device capable of monitoring exterior noise and reporting the same to the owner, or in the alternative, a person or company located within 15 miles of the dwelling unit may be designated as a point of contact with the Township for the purposes of ensuring that the exterior noise of the dwelling unit does not exceed the decibel level proscribed within this ordinance.
- I. No noise activity at a dwelling unit being leased as a short-term rental shall at any time exceed 65 dB as measured at the property line for the lot upon which such dwelling unit is situated.
- J. No dwelling unit being leased as a short-term rental shall leave solid waste, trash, garbage, detritus, or other waste materials outside of the dwelling unit without first ensuring that such materials are fully enclosed within an appropriate waste receptacle.
- K. Any property owner leasing a dwelling unit as a short-term rental shall provide the Township at all times with updated contact information so that the Township can reach the property owner. At a minimum, the Township shall be provided with a valid email address, phone number, and address for the property owner prior to any zoning permit being issued. Any property owner leasing a dwelling unit as a short-term rental shall update the information provided to the Township if the same is no longer

accurate in any way.

- L. No dwelling unit being leased as a short-term rental may be leased such that the occupancy under one lease ends less than two days before the occupancy under another lease begins.
- M. No dwelling unit being leased as a short-term rental may be sublet.
- N. The common areas of a short-term rental shall not be used to sleep any of its occupants.
- O. Any short-term rental for which 3 notices of violation of this ordinance are issued in one year, if the same notices of violation are not successfully contested on appeal thereof, shall constitute conclusive evidence that the short-term rental has been converted to a mixed transient use rental. Upon a finding that a short-term rental has been converted to a mixed transient use rental, the code enforcement officer shall issue a notice of violation requiring the property owner to seek a special exception application for such use and to cease using the property until a permit is obtained.
- P. Short-term rentals shall be permitted in every zoning district, but only by special exception or, in the case of a mixed transient use rental, by a special exception application.

4. Transient Lodging House Restrictions.

Transient Lodging Houses, as defined herein, shall be additionally restricted as follows:

- A. Transient Lodging Houses shall be made at all times accessible to the code enforcement officers of Newport Township, who may inspect such transient lodging houses to ensure compliance with this ordinance and the uniform construction code after having provided to the property owner 24 hours advance notice of their intent to perform an inspection. Provided, however, that if the owner informs the Township code enforcement officers that the dwelling unit is currently occupied prior to inspection, the code enforcement officers shall stay their inspection so long as the property owner provides the next available date that the dwelling unit will not be occupied, at which time such inspection shall be performed. Failure to provide a Township code enforcement officer access to the dwelling unit shall be a violation of this ordinance.
- B. Transient Lodging Houses shall be handicapped accessible as required by the Americans with Disabilities Act, the Uniform Construction Code, and all other applicable laws.
- C. Transient Lodging Houses shall be equipped with a fire suppression system in form acceptable to the code enforcement officer or officers of Newport Township and the Township engineer.

- D. Transient Lodging Houses shall provide exterior access and egress to all bedrooms situated at the second floor of the structure or above.
- E. Transient Lodging Houses shall not be permitted unless there is a designated property manager who at all times during the occupancy of the transient lodging house shall staff an agent at the transient lodging house to oversee the transient lodging house and the safety of its occupants.
- F. Transient Lodging Houses shall only be permitted if they are connected to public water and sanitary sewer systems.
- G. Transient Lodging Houses may be used as low impact short-term rentals or high impact short-term rentals, but they will remain transient lodging houses until a new zoning and occupancy permit is issued to the owner thereof.

5. Low Impact Short-Term Rentals.

Low impact short-term rentals shall abide by the restrictions generally applicable to short-term rentals as found within this ordinance. In addition, it shall be unlawful to convert a low impact short-term rental into any other use without first applying for both a new zoning permit and occupancy permit.

6. High Impact Short-Term Rental.

High impact short-term rentals shall abide by the restrictions generally applicable to short-term rentals as found within this ordinance. In addition, high impact short-term rentals shall only be permitted if they are connected to public water and sanitary sewer systems. It shall be unlawful to convert a high impact short-term rental into any use other than a low impact short-term rental without first applying for both a new zoning permit and occupancy permit.

7. Mixed Transient Use Rental.

A Mixed Transient Use Rental shall abide by the requirements applicable to a Transient Lodging House under this section 558, except that in addition:

- A. The property owner shall be required to submit an annual report of all leases to the Newport Township code enforcement officer along with the names of all tenants at the dwelling unit being used as a mixed transient use rental.
- B. The property owner shall seek a special exception use permit for the mixed transient use rental, the same not being permitted as of right in any district.
- C. Once a property is designated as a mixed transient use rental it may not be reclassified as any other short-term rental use for a period of ten (10) years and no

permit shall issue for any other short-term rental use until the ten-year period following the granting or denial of the property owner's special exception use application or issuance of notice of violation.

SECTION 560 YARD AND GARAGE SALE

Yard and garage sales shall only be allowed as accessory to a residential lot. Accessory yard and garage sales are permitted, provided the following requirements are met in residential districts:

1. A zoning permit shall be required for a yard and garage sale.
2. Yard and garage sales in residential districts shall not occur more than four times per year per lot, and each sale shall not exceed two days.
3. Only used items may be sold in a residential district.
4. Hours of operation shall be between 7:00 a.m. and 7:00 p.m.
5. At no time shall any part of the sale activity obstruct pedestrian and wheelchair access along a public sidewalk.

ARTICLE 6 – ADMINISTRATION AND ENFORCEMENT

SECTION 601 ZONING OFFICE/ZONING OFFICER

1. Administration.

The provisions of this Ordinance shall be administered by the Newport Township Zoning Office, in coordination with the Governing Body of Newport Township.

2. Duties and Powers of the Zoning Officer.

It shall be the duty of the Zoning Officer to enforce the provisions of this Ordinance in accordance with its literal terms and said Officer shall not have the power to permit any construction, alteration or any use or change of use of land or structure which does not conform to the applicable provisions with this Ordinance. The Zoning Officer's duties shall include, but are not limited to, the following:

- A. Receive and review all applications for zoning permits and to approve and issue zoning permits when warranted.
- B. Keep an official record of all business and activities, including all complaints of zoning violations of any of the provisions of this Ordinance and the resulting action of said complaints.
- C. Conduct inspections of properties as required to fulfill his/her duties. In conducting such activities, the Zoning Officer may have access to any land, building or structure, subject to the consent and/or right of entry by the owner or tenant or by securing a search warrant issued by a Court of proper jurisdiction.
- D. Issue permits as authorized by the Zoning Hearing Board pursuant to the requirements and applicable procedures of this Ordinance, or by written order of a Court of proper jurisdiction.
- E. Issue Certificates of Zoning Compliance in accordance with the terms and provisions of this Ordinance.
- F. Issue Certificates of Nonconformity to nonconforming uses and/or structures and to maintain a listing of such as required.
- G. Maintain the Zoning Map, showing the current zoning districts of all and the zoning text, including amendments thereto.
- H. Notify the Zoning Hearing Board, Planning Committee, or Governing Body of required and/or requested hearings based upon the completion of review and processing of applications for a zoning permit or Zoning Map amendment. The submission of an application for a zoning permit to the Zoning Officer and the

Officer's determination that a hearing before the Zoning Hearing Board, Planning Committee or Governing Body is either required or requested shall be a prerequisite for any application being forwarded to the said body for consideration.

- I. Participate in proceedings before the Zoning Hearing Board, Planning Committee or Governing Body and at their request, furnish such facts, records and similar information which may assist them in rendering decisions.

In the event of a violation of this Ordinance, provide written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct the violation. Such written notice may be served personally or by certified mail. Corrective action may include an order to cease and desist the illegal use and/or activity of land, buildings, signs, or structures; or to remove illegal buildings, structures, additions, signs, and/or structural alterations.

SECTION 602 ZONING PERMIT

A zoning permit shall be required prior to the erection, construction, moving or alteration of any building, structure, or portion thereof, and prior to the placement of any sign as defined in Section 418. Normal and routine maintenance and repairs to a structure shall be exempt from obtaining a zoning permit. Interior remodeling of a structure shall also be exempt from obtaining a zoning permit provided that such remodeling does not result in a change in the use of the structure.

Applications for zoning permits shall be made in writing to the Zoning Officer and shall contain all information necessary to ascertain whether the proposed erection, construction, alteration or use complies with the provisions of this Ordinance including the following:

1. The applicant and/or landowner's name and contact information.
2. Property location, including street address and tax parcel identification number (PIN).
3. A site plan drawn to scale indicating:
 - A. Actual dimensions and shape of the lot to be built upon
 - B. Exact size and location on the lot of all buildings and other structures, if any, and the location and dimensions of proposed buildings and other structures or additions, including distances to property lines.
4. Existing and proposed uses, including the number of dwelling units the building is designed to accommodate as appropriate.
5. Any other information deemed necessary by the Zoning Officer to determine conformance with the provisions and regulations of this Ordinance.

Applications for zoning permits shall be granted or denied within thirty (30) days from the date of application, including submission of all required fees. One copy of the plan shall be returned to the applicant marked either approved or denied and attested to same by the signature of the Zoning Officer. A copy of the plans, similarly marked, shall be filed in the office of the Zoning Officer.

A zoning permit shall expire one (1) year from the date of issuance if the work described in said permit has not commenced, including permits authorized to be issued by the Zoning Hearing Board. If the work described within the zoning permit has commenced within the prescribed one (1) year period, the permit shall expire two (2) years from the date of issuance. An extension of the expiration date may be granted by the Zoning Officer upon receipt and review of a written request for extension from the applicant, provided the applicant provides a compelling reason for extension.

The Zoning Officer may revoke a permit or approval issued in error under the provisions of this Ordinance or in the case of any false statements or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other just cause as set forth in this Ordinance.

SECTION 603 CERTIFICATE OF ZONING COMPLIANCE

A Certificate of Zoning Compliance, issued by the Zoning Officer, shall be required prior to the occupation for use or change of use of any building, structure or land. Residential accessory structures, private recreation, and agricultural uses shall be exempt for securing a Certificate of Zoning Compliance. It shall be unlawful to use and/or occupy any structure, building and/or land or portions thereof in any manner until a Certificate of Zoning Compliance has been issued by and obtained from the Zoning Officer.

All applications for a Certificate of Zoning Compliance shall be made in writing on forms prescribed by the Zoning Officer and shall include all information necessary for the Zoning Officer to ascertain compliance with the subject zoning permit and this Ordinance.

An application for a Certificate of Zoning Compliance shall be granted or denied within thirty (30) days after the Zoning Officer has been officially notified of the completion of construction or the application to occupy and use land where no construction is involved.

SECTION 604 ENFORCEMENT PROCEDURES

1. Notice of Violation.

If in the judgment of the Zoning Officer, it appears that a violation of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending a Notice of Violation to the owner of record of the parcel of land on which the violation has occurred, to any person who has filed a written request to receive violation notices regarding the parcel of land, and to any other person requested in writing by the owner of record. The Notice of Violation shall include, but may not be limited to the following:

- A. The name of the owner of record and any other person against whom Newport Township intends to take action.
- B. The location and/or address of the property in violation.
- C. The specific violations with a description of the requirements which have not been met, citing in each instance the applicable sections and provisions of this Ordinance.
- D. The date by which the steps for compliance must be commenced and the date by which the steps for compliance must be completed.
- E. That the recipient of the Notice of Violation has the right to appeal the violation notice and request a hearing on the same before the Zoning Hearing Board within thirty (30) days from the issuance of the Notice of Violation. Section 803 shall govern the procedural process of any appeal of a Notice of Violation.
- F. Failure to comply with the notice within the specified time period, unless extended by an appeal to the Zoning Hearing Board, constitutes a violation, with a description of sanctions which shall result to correct or abate the violation.

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 the Newport Township Zoning Ordinance, an officer of Newport Township 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 Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Governing Body of Newport Township. No such action may be maintained until such notice has been given.

3. Jurisdiction.

District Justices shall have initial jurisdiction over proceedings brought under Section 604.4.

4. Enforcement Remedies.

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of the Newport Township Zoning Ordinance, shall upon being found liable therefore in a civil enforcement proceeding commenced by Newport

Township, pay a judgment of not more than \$600 plus all court costs, including reasonable attorney fees incurred by Newport Township. 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, Newport Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that 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 Newport Township.

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

Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than Newport Township the right to commence any action or enforcement pursuant to this Section before a District Justice. Aggrieved owners or tenants must commence equity actions at the Township court level.

SECTION 605 SCHEDULE OF FEES, CHARGES AND EXPENSES

The Governing Body shall establish by resolution a schedule of fees, charges, and expenses and collection procedures for Zoning Permits, Certificates of Zoning Compliance, Certificates of Nonconformity, appeals to the Zoning Hearing Board, amendments to the Zoning Ordinance or Zoning Map, and any other matter pertaining to the administration of this Ordinance. The schedule of fees, charges and expenses shall be available for public inspection and may altered or amended by resolution of the Governing Body. No action shall be taken on any application, appeal or certificate until all related fees, charges and expenses have been paid in full. An application shall not be deemed as filed until completed and submitted with payment in full of appropriate fees and applicable supporting documentation.

ARTICLE 7 – AMENDMENTS TO MAP OR TEXT

SECTION 701 GENERAL PROVISIONS

Whenever the public necessity, convenience, general welfare or good zoning practices require, the Governing Body may, after receipt of recommendation thereon from the Planning Committee, and subject to the procedures provided by law, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereafter established by this Ordinance or amendments thereof.

SECTION 702 PROCEDURE FOR CHANGE IN ZONING DISTRICT

1. Applications.

Applications for any change in the text of the Zoning Ordinance or of district boundaries or classifications of property shown on the Zoning Map, shall be submitted to the Zoning Officer upon such forms as may be prescribed for that purpose by the Officer. All applications for a zoning change shall include:

- A. A statement of justification by the applicant including what the intention for the request is and what potential impacts it would have on either surrounding properties or on the local municipality.
- B. An affidavit that indicates the applicant is the property owner, or that the applicant has the consent of the owner as a party to the application.

Each application for a change of district boundaries or classification of property shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. It shall contain a map of the area proposed to be rezoned, and the area within two hundred (200) feet, giving the name and address of property owners and all district boundary lines, and streets and alleys located therein. The Zoning Officer shall check the application to determine whether it conforms to the requirements listed above, and if satisfactory, shall immediately submit it to the Planning Committee. Amendments to the Zoning Ordinance may also be initiated by the Planning Committee by resolution and recommended to the Governing Body of Newport Township for adoption.

2. Action of Planning Committee.

In reviewing an application for a zoning amendment, the Planning Committee may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application be not granted. These recommendations shall then be certified to the Governing Body of Newport Township.

3. Public Hearings by the Governing Body of Newport Township.

- A. Upon receipt of the Planning Committee's certification on a proposed amendment, and before adoption of such amendment, the Governing Body shall hold a public hearing thereon, pursuant to public notice as defined.
 - B. The Governing Body, through the Zoning Officer, shall give notice of the time, place and purpose of public hearings to be held by it on proposed amendments or supplements, by mailing a postal card or letter notice to the owners of all properties lying within two hundred (200) feet of any part of the property proposed to be changed. The failure to notify as provided in this Section, shall not invalidate any recommendations adopted hereunder; it being the intention of this Section to provide, so far as may be possible, due notice to the persons substantially interested in the proposed change that an application is pending before the Governing Body, proposing to make a change in the Zoning Map or the regulations set forth in this Ordinance.
 - C. If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by Newport Township at points deemed sufficient by Newport Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
 - 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 Governing Body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
4. Action of the Governing Body of Newport Township.

The Governing Body shall consider the recommendations of the Planning Committee, and other information given at its public hearing, and vote on the proposed amendment to the text or map of the Zoning Ordinance. The applicant and others so requesting shall receive notice of the decision of the Governing Body through the Zoning Officer.

ARTICLE 8 – ZONING HEARING BOARD

SECTION 801 ORGANIZATION AND PROCEDURE

1. Organization.

The Zoning Hearing Board shall consist of three (3) members to be appointed by the Governing Body of Newport Township, one (1) of whom shall be designated to serve until the first day of January following the adoption of the Zoning Ordinance, one (1) until the first of the second January thereafter, and one (1) until the first day of the third January thereafter. On the expiration of their appointed terms, their successors shall be appointed for a three (3) year term. Vacancies shall be filled for the unexpired term of any member. At the expiration of a member's term, they shall remain in office until they are reappointed or replaced. The Governing Body of Newport Township may also appoint one (1) alternate member to serve a three-year term. The alternate member shall not participate in hearings unless replacing an absent member to ensure that a quorum is available for all hearings.

2. Procedure.

The Zoning Hearing Board shall organize and adopt rules of procedure consistent with this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247.

3. Meetings.

Meetings of the Zoning Hearing Board shall be held at the call of the Chairman and at such other times as the Zoning Hearing Board in its rules of procedure may specify. The Chairman, or in his absence the acting Chairman, or Hearing Officer appointed from the membership of the Zoning Hearing Board, may administer oaths and compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties. All meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board or the Hearing Officer shall keep minutes of the proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of the examinations and other official actions. The records of the Zoning Hearing Board shall be kept in the office of the Zoning Officer and shall be a public record. The Zoning Hearing Board shall meet at least once a month, if it has any cases to come before it.

4. Quorum.

For the conduct of any hearing and the taking of any action, a quorum shall not be less than two (2) members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided in Section 908, Act 247, Pennsylvania Municipalities Planning Code.

SECTION 802 POWERS, AND LIMITATIONS OF POWERS, OF THE ZONING HEARING BOARD

The Zoning Hearing Board shall have jurisdiction on zoning matters as specified by the Pennsylvania Municipalities Planning Code, Act 247, Section 909.1, as amended.

1. Administrative Review.

The Zoning Hearing Board shall have the power to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the Zoning Officer or other administrative official or agency, based on or made in the enforcement of the Zoning Ordinance.

2. Temporary Uses and Permits.

In addition to permitting the special exception heretofore specified, the Zoning Hearing Board shall have authority to hear and decide on requests for temporary structures and uses in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this Ordinance for the district in which it is located, provided that such use be of a temporary nature which does not involve the erection of a substantial structure. Any request for such structure or use, when approved, shall be granted in the form of a temporary and revocable permit, for not more than a 12-month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

SECTION 803 APPLICATIONS AND APPEALS TO THE ZONING HEARING BOARD

1. Applications.

Application for special exceptions and variances under the provisions of this Ordinance shall be filed with the Zoning Officer who shall transmit same to the Zoning Hearing Board.

2. Application Requirements.

Applications shall be submitted to the Zoning Officer on such forms and accompanied by such data and information as may be prescribed for that purpose by the Zoning Officer or the Zoning Hearing Board, so as to assure the fullest practicable presentations of facts for the record. Each application shall be verified in writing by the owner or majority of owners for the area proposed for development or use, attesting to the truth and correctness of all facts and information presented with the application. It shall contain an assessment map of the subject property, and for all of the properties within five hundred (500) feet, a listing of the name and address of property owners. The Zoning Officer shall check the application to determine whether it conforms to the requirements listed above, and if satisfactory, shall immediately submit it to the office of the Zoning Hearing Board.

3. Appeals.

Appeals may be taken by an officer of the Township or by any other person aggrieved by any decision of the Zoning Officer or other administrative official or agency. Such appeal shall be submitted within 30 days after said decision, by filing with the Zoning Officer a notice of appeal specifying the grounds thereof. The Zoning Officer shall arrange for the proper notices and shall bring the appeal before the Zoning Hearing Board at its next meeting. Nothing contained herein shall be construed to deny to the appellant the right to proceed directly in court, where appropriate, pursuant to Pennsylvania Rules of Civil Procedure, Sections 1091 to 1098 relating to mandamus.

4. Stay of Proceedings.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer shall certify to the Zoning Hearing Board, after the notice of appeal shall have been filed with it, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Hearing Board or by the Common Pleas Court, after notice to the Officer from whom the appeal is taken, and on due cause shown.

5. Decision of the Zoning Hearing Board.

The Zoning Hearing Board may in conformity with the provisions of this Article reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made and to that end, shall have all powers of the Zoning Officer from whom the appeal is taken.

6. Refiling of Disapproved or Withdrawn Cases.

If a case is disapproved by the Zoning Hearing Board, thereafter the Zoning Hearing Board shall take no further action on another case for substantially the same proposal on the same property, until one (1) year after the date of such disapproval. If a case before the Zoning Hearing Board is advertised and thereafter withdrawn by the applicant before or at the meeting of the Zoning Hearing Board, they shall be precluded from filing another application for substantially the same proposal on the same premises for six (6) months, and the case shall be re-advertised.

7. Transcript Fees.

The cost of the original transcript and any additional copies shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made. In other cases, the parties requesting the original transcript shall bear the cost thereof and any additional copies.

8. Filing.

The Zoning Hearing Board may require the applicant to furnish such information as it deems necessary when filing an appeal.

SECTION 804 HEARINGS

Upon filing of an appeal or application, the Zoning Hearing Board shall fix a time and place for a hearing to be held within sixty (60) days of said appeal or application, unless extended by written consent of all parties. The Zoning Hearing Board shall give due notice as follows:

1. Public Notice.

The Zoning Hearing Board shall give public notice in advance of any public hearing as required by the Pennsylvania Municipalities Planning Code, Act 247, as amended. Such notice shall be published in a newspaper of general circulation in two consecutive weeks with the first publication not more than thirty (30) days prior to the date of the hearing and the second publication not less than seven (7) days prior to the date of the hearing. The notice shall also state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The Zoning Officer shall also post the property in a conspicuous location so as to be visible from the public right-of-way at least seven (7) days in advance of the hearing.

The hearings of the Zoning Hearing Board shall be public. However, the Zoning Hearing Board may go into executive session during a hearing.

2. Continuance of Hearings.

After a hearing has commenced, the Zoning Hearing Board may continue the hearing in order to obtain additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be substantially interested in said application or appeal. In the case of a continuance, people previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Zoning Hearing Board so decides, provided the Zoning Hearing Board publicly states the date of hearing at the time, otherwise they shall be notified.

3. Decisions of the Zoning Hearing Board.

The Zoning Hearing Board shall decide all applications and appeals within forty-five (45) days after the final hearing thereon. Notice of decision shall be given to all parties so requesting. The Zoning Hearing Board's decision shall be binding on the Zoning Officer, and they shall incorporate the terms and conditions of the same in any permit issued. If the Zoning Hearing Board does not render its decision within forty-five (45) days of the final hearing, it shall be deemed that the Zoning Hearing Board has decided in favor of the party making the request.

SECTION 805 SPECIAL EXCEPTIONS

The Zoning Hearing Board shall grant approval only upon the determination that the proposed use and/or development conform to all applicable standards and provisions within this Ordinance and the following expressed standards and criteria:

1. Public services and facilities such as streets, sewers, water, police, and fire protection shall be adequate for the proposed use and/or development.
2. Existing and future streets and access to the site shall be adequate for emergency services, for avoiding undue congestion, and for providing for the safety and convenience of pedestrian and vehicular traffic.
3. The relationship of the proposed use and/or development to other uses and activities existing or planned in the vicinity shall be harmonious in terms of the locations and site relative to the proposed operation, and the nature and intensity of the operation involved.
4. The relationship of the proposed use and/or development to other activities existing or planned in the vicinity shall be harmonious in terms of the character and height of buildings, walls, and fences so that the use, development, and value of adjacent property is not impaired.
5. The proposed use and/or development shall not be more objectionable in its operations in terms of noise, fumes, odors, vibration, or lights than would be the operations of any permitted use in the district.
6. The proposed use and/or development shall not be injurious to the public interest.

In considering an application for special exception, the Zoning Hearing Board shall give due regard to the nature and condition of all adjacent uses and structures; and in authorizing a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance for the particular special exception, as the Zoning Hearing Board may deem necessary to implement the purposes of this Ordinance.

SECTION 806 VARIANCES

The Zoning Hearing Board may grant a variance in the application of the provisions of the Zoning Ordinance, only if all of the following findings are made:

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 to 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 the Zoning 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; and
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement for purposes of the Zoning Ordinance.

SECTION 807 SPECIFIC LIMITATIONS OF POWERS OF THE ZONING HEARING BOARD

The Zoning Hearing Board does not have the power to amend any zoning ordinance, to rezone any land, to declare this Zoning Ordinance or any amendment thereto invalid, or to allow any use not permitted by this Ordinance.

The fact that a property owner will suffer financial hardship if not granted a special exception or a variance from the Zoning Ordinance is, of itself, insufficient ground for granting a variance or special exception.

SECTION 808 ENVIRONMENTAL IMPACT STATEMENT

In addition to all other requirements for special exception uses, an Environmental Impact Statement may be required as part of the special exception application to the Zoning Hearing Board. The purpose of the Environmental Impact Statement is to disclose the environmental consequences of a proposed application. This requirement is designed to protect the natural environment with respect to water quality, water supply, soil erosion, pollution of any kind, flooding and waste disposal. The intent is to preserve trees and vegetation, to protect water courses, air quality, aquifers and the quality of life throughout Newport Township and its environs. An Environmental Impact Statement shall require a site plan which illustrates the applicable information for the following items and/or a written response to the following items for said proposed use/development:

1. Soil Types.
 - A. U.S.D.A. Soil types (illustrated upon map)

- B. Permeability of soil on the site
- C. Rate of percolation of water through the soil for every five (5) acres

2. Surface Waters.

- A. Distance of site from the nearest surface water and head waters of streams
- B. Sources of runoff water
- C. Rate of runoff from site
- D. Destination of runoff water and method of controlling downstream effects
- E. Chemical additives to runoff water on the site
- F. Submission of a soils erosion and sedimentation control plan meeting the requirements of the Luzerne Conservation District.
- G. A storm water management plan which shall be developed in coordination with the soils erosion and sedimentation plan.

3. Ground Cover Including Trees.

- A. Extent of existing impervious ground cover on the site.
- B. Extent of proposed impervious ground on the site.
- C. Extent of existing vegetative ground cover on the site.
- D. Extent of proposed vegetative ground cover on the site.

4. Topography.

- A. Maximum existing elevation of site.
- B. Minimum existing elevation of site.
- C. Maximum proposed elevation of site.
- D. Minimum proposed elevation of site.
- E. Description of the topography of the site and all proposed changes in topography.

5. Ground Water.

- A. Average depth to seasonal high-water marks.
- B. Minimum depth to water table on site.
- C. Maximum depth to water table on site.

6. Water Supply.

- A. The source and adequacy of water to be provided to the site.
- B. The projected water requirements (G.P.D.) for the site.
- C. The uses to which the water will be put.

7. Sewage System.

- A. Sewage disposal system (description and location on the site of system).
- B. Expected content of sewage effluents (human waste, pesticides, detergents, oils,

- heavy metals, and other chemicals).
- C. Projected daily volumes of sewage.
- D. Affected sewage treatment plant's present utilization and design capacity.

8. Solid Waste.

- A. Estimated quantity of solid waste to be developed and/or processed on the site during and after construction.
- B. Method of disposal and/or processing of solid waste during and after construction.
- C. Plans for recycling of solid waste during and after construction.

9. Air Quality.

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

10. Sound.

- A. Sound levels, above existing levels, anticipated to be generated at the site (source and magnitude), during and after construction.
- B. Proposed method for control of additional noise on-site during and after construction.

11. Impact of Proposed Use/Development.

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

- A. Existing plant species (upland and marine), and effects thereon.
- B. Existing animal species and effects thereon.
- C. Existing wild fowl and other birds and effects thereon.
- D. Effects on drainage and runoff.
- E. Effects on ground water quality.
- F. Effects on surface water quality.
- G. Effects on air quality.
- H. Alternatives to proposed use/development, consistent with the zoning of the site.
- I. Projected amount and type of traffic to be generated and the effects of the same on public roads and highways.

12. Impact Upon Critical Areas.

The applicant shall define, describe and identify upon a map, critical areas as defined in Article 2 of this Ordinance. A statement of any potential impact upon critical areas shall be provided by the applicant, including but not limited to adverse impacts which cannot be avoided and/or mitigated as a resulting effect of the development.

13. Other Governmental Jurisdiction.

A list of all licenses, permits and other approvals required by State or Federal law and the status of each.

14. Review Procedure of Environmental Impact Statement.

Upon receipt of an Environmental Impact Statement, the Zoning Hearing Board shall promptly forward the Environmental Impact Statement to the Newport Township Planning Committee, the Township Engineer, and any other agency, firm or individual which the Zoning Hearing Board may desire for their consultation and input.

The Planning Committee shall review the applicant's Environmental Impact Statement and provide the Zoning Hearing Board with its comments and recommendations within thirty (30) days from the date of its submission to the Planning Committee.

In the event that any information, data, and/or impact analysis indicates a project and/or potential adverse impact, the applicant shall fully mitigate such impact. A determination of a potential adverse impact which may result, based upon the Environmental Impact Statement or the Zoning Hearing Board's review of the same, shall constitute sufficient basis for the denial of a special exception use permit.

ARTICLE 9 – FLOOD PLAIN MANAGEMENT

SECTION 901 STATUTORY AUTHORIZATION

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt flood plain management regulations to promote public health, safety, and the general welfare of its citizenry.

SECTION 902 INTENT

The intent of the regulations as set forth in the Article is to:

1. Promote the general health, welfare, and safety of the community.
2. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
3. Minimize damage to public health by protecting water supply and natural drainage.
4. Reduce financial burdens imposed on the community, its governmental units, and its residents by preventing excessive development in areas subject to flooding.
5. Comply with federal and state flood plain management requirements.

SECTION 903 APPLICABILITY

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within Newport Township unless a permit has been obtained from the Flood Plain Administrator. A permit shall not be required for minor repairs to existing buildings or structures.

SECTION 904 ABROGATION AND GREATER RESTRICTIONS

The regulations within this Article supersede any other conflicting provisions which may be in effect in identified flood plain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Article, the more restrictive shall apply.

SECTION 905 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur, or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside any identified flood plain area or that land uses permitted within such areas will be free from

flooding or flood damages.

This Article shall not create liability on the part of Newport Township or any officer or employee thereof for any flood damage that results from reliance on the provisions of this Article, or any administrative decision lawfully made thereunder.

SECTION 906 DEFINITIONS

Unless specifically defined below, words and phrases used in this Article shall be interpreted so as to give this Article its most reasonable application.

ACCESSORY USE OR STRUCTURE:

A use or structure on the same lot with, and of a nature customarily incidental and subordinated to, the principal use or structure.

BASE FLOOD:

A flood which has a one percent (1%) chance of being equaled or exceeded in any given year (formerly referred to as the '100-year flood').

BASE FLOOD ELEVATION (BFE):

The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-A30 that indicates the water surface elevation resulting from a base flood.

BASEMENT:

Any area of the building having its floor below ground level on all sides.

BUILDING:

A combination of materials to form a permanent structure having walls and a roof, including all manufactured homes and trailers to be used for human habitation.

DEVELOPMENT:

Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by a community..

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:

The preparation of additional sites by the construction of facilities for servicing the lots on which

the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD:

Temporary inundation of normally dry land area.

FLOOD INSURANCE RATE MAP (FIRM):

The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS):

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood boundary and Floodway Map, and the water surface elevation of the base flood.

FLOOD PLAIN AREA:

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.

FLOOD PROOFING:

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate of improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY:

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

HIGHEST ADJACENT GRADE:

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE:

Any structure that is:

- Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a state inventory of historic places in states which have been by the Secretary of the Interior; or
- Individually listed on a local inventory of historic places in communities with historic

preservation that have been certified either:

- By an approved state program as determined by the Sec. of the Interior, or
- Directly by the Sec. of the Interior in states without approve programs.

LOWEST FLOOR:

The lowest floor of the lowest fully enclosed area, including basement (an unfinished, flood resistant partially enclosed area used solely for parking of vehicles, building access and incidental storage in an area other than a basement area is not considered the lowest floor of a building, providing that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirement of this Article.

MANUFACTURED HOME:

A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities.

MANUFACTURED HOME PARK OR SUBDIVISION:

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE DETERMINATION:

For the purposes of this Article, the current assessed improvement value as indicated by Newport Township Tax Assessor's Office records shall be used the market value of a structure.

MINOR REPAIR:

The replacement of existing work with equivalent materials 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 or bearing support; or the removal or change of any required means of egress; or rearrangement of parts of a structure affecting the egress 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.

NEW CONSTRUCTION:

Structures for which the start of construction commenced on or after April 1, 1981, and includes any subsequent improvements thereto.

NEW MANUFACTURED HOME PARK OR SUBDIVISION:

A manufactured home park or subdivision whose construction is completed on or after the effective date of flood plain regulations adopted by a community.

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.

RECREATIONAL VEHICLE:

A vehicle which is built on a single chassis; not more than four hundred (400) square feet, measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light-duty truck; not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION:

The base flood elevation (BFE) plus a freeboard safety factor of one and one-half (1 ½) feet.

REPETITIVE LOSS:

Flood related damages sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damages occurred.

SPECIAL PERMIT:

A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion, of a flood plain.

SPECIAL FLOOD HAZARD AREA (SFHA):

An area in the flood plain subject to a one percent (1%) or greater chance of flooding in any given year; shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

START OF CONSTRUCTION:

Includes substantial improvement and other proposed new development and means that date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE:

A walled and roofed building, including a gas or liquid storage tank that is principally above ground as well as a manufactured home.

SUBDIVISION:

The division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or

other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease partition by the court for distribution to heirs, or devisee, transfer of ownership or building or lot development, provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE:

Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT:

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the 'start of construction' of the improvement. This term includes structures which incurred 'substantial damage or repetitive loss,' regardless of the actual repair work performed. The term does not, however, include either:

- Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official, and which are the minimum necessary to assure safe living conditions, or
- Any alteration of a 'historic structure,' provided that the alteration will not preclude the structure's continued designation as a 'historic structure.'

UNIFORM CONSTRUCTION CODE (UCC):

The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State flood plain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

VIOLATION:

The failure of a structure or other development to be fully compliant with the applicable flood plain management regulations of Newport Township as set forth in this Article. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(4) or (e)(5) and within this Article is presumed to be in violation until such time as that documentation is provided.

SECTION 907 DESIGNATION OF THE FLOOD PLAIN ADMINISTRATOR

The Zoning Officer is hereby appointed to administer and enforce this Article and is referred to herein as the Flood Plain Administrator.

SECTION 908 PERMITS REQUIRED

A zoning permit shall be required before any construction or development within a designated flood plain is undertaken within any area under Newport Township jurisdiction.

SECTION 909 APPLICATION PROCEDURES AND REQUIREMENTS

Newport Township requirements for zoning permits shall form the basis for applications under this Article, with the following additional requirements for permits involving flood-related repairs and improvements, or structures located entirely or partially within designated Special Flood Hazard Areas (SFHA):

1. Construction Entirely or Partially Within SFHA's.

If any proposed construction or development is located entirely or partially within any identified Special Flood Hazard Area (SFHA), applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the Flood Plain Administrator to determine that:

- A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this Article and all other applicable codes and ordinances;
- B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
- C. Adequate drainage is provided so as to reduce exposure to flood hazards;
- D. Structures will be anchored to prevent flotation, collapse, or lateral movement;
- E. Building materials are flood-resistant;
- F. Appropriate practices that minimize flood damage have been used; and
- G. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.

2. Application Requirements.

Applicants shall file the following minimum information plus any other pertinent information as may be required by the Flood Plain Administrator to make the above determination:

- A. A completed permit application.
- B. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being

equal to one hundred (100) feet or less, showing the following:

- (1) North arrow, scale, and date;
- (2) Topographic contour lines, if available;
- (3) The location of all existing and proposed buildings, structure, and other improvements, including the location of any existing or proposed subdivision and development;
- (4) The location of all existing streets, drives, and other access ways; and
- (5) The location of any existing bodies of water or watercourses, identified flood plain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

C. Plans for all proposed buildings, structures and other improvements, drawn at a suitable scale showing the following:

- (1) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988.
- (2) The elevation of the base flood.
- (3) Supplemental information as may be necessary under 34 PA Code, as amended, and the IBC or IRC codes currently in effect.

D. The following data and documentation:

- (1) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood elevation.
- (2) Detailed information concerning any proposed flood proofing measures and corresponding elevations.
- (3) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within a SFHA, when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point.
- (4) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or development.
- (5) Detailed information needed to determine compliance with Section , Storage, and Section, Development Which May Endanger Human Life, including:
 - a) The amount, location and purpose of any materials or substances referred to in Sections and which are intended to be used, produced, stored or otherwise maintained on site;
 - b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section during a base flood.
- (6) The appropriate component of the Department of Environmental Protection's 'Planning Module for Land Development.'
- (7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion

and sedimentation control.

SECTION 910 REVIEW OF APPLICATION BY OTHERS

A copy of all plans and applications for any proposed construction or development in any identified SFHA to be considered for approval may be submitted by the Flood Plain Administrator to any other appropriate agencies and/or individuals (e.g., Planning Committee, Township Engineer) for review and comment.

SECTION 911 CHANGES

After the issuance of a permit by the Flood Plain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Flood Plain Administrator. Requests for any such changes shall be in writing and shall be submitted by the applicant to the Flood Plain Administrator for consideration.

SECTION 912 ENFORCEMENT AND APPEALS

Whenever the Flood Plain Administrator determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Article, or any regulations adopted pursuant thereto, the Flood Plain Administrator shall give notice of such alleged violation according to the provisions of Section 604 of this Ordinance. Penalties shall be the same as provided for in Section 604 with the additional provision that the Governing Body of Newport Township may declare any development or construction within an identified Floodway to be a public nuisance and abatable as such upon the determination of the District Magisterial Court that said violation occurred.

Appeals to a notice of violation from the Flood Plain Administrator shall follow the provisions of Section 604 and Section 802 and 803 of this Ordinance. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.

SECTION 913 IDENTIFICATION OF FLOOD PLAIN AREAS

The identified flood plain area shall be any areas of Newport Township, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs), the most recent version as issued by the Federal Emergency Management Agency (FEMA).

The above-referenced FIS and FIRMs are hereby adopted by Newport Township and declared to be a part of this Ordinance.

SECTION 914 DESCRIPTION AND SPECIAL REQUIREMENTS OF IDENTIFIED FLOOD PLAIN AREAS

Identified flood plain areas shall consist of the following specific areas:

1. Floodway Area.

A. Description: the area identified as Floodway in the FIS which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special flood plain areas where no floodway has been identified in the FIS.

B. Special Requirements:

- (1) Any encroachment that would cause any increase in flood elevations shall be prohibited.
- (2) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

2. Special Flood Plain Area.

A. Description: the areas identified as Zones AE and A1-A30 in the FIS which are subject to inundation by the one percent (1%) annual chance flood event determined by detailed methods and have base flood elevations (BFEs) shown.

B. Special Requirements;

- (1) No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank- of nay watercourse.
- (2) In Special Flood Plain Areas without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one (1) foot.

3. Approximate Flood Plain Area.

A. Description: the areas identified as Zone A in the FIS which are subject to inundation by the one percent (1%) annual chance flood event determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no BFEs or flood depths are shown.

B. Special Requirements:

- (1) No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- (2) When available, information from other Federal, State, and other acceptable sources shall be used to determine the BFE, as well as a floodway area, if possible. When no other information is available, the BFE shall be determined by using a point on the boundary of the identified flood plain area which is nearest to the construction site in question.

In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by Newport Township.

4. Shallow Flooding Area.

- A. Description: the areas identified as Zones AO and AH in the FIS. These areas are subject to inundation by one percent (1%) annual chance shallow flooding where average depths are between one (1) and three (3) feet.
- B. Special Requirements:
 - (1) Residential: elevate utilities and wood framing to a level at or above the regulatory flood elevation and provide approved flood venting to prevent hydrostatic pressure damage.
 - (2) Commercial: flood proof structures to a level at or above the regulatory flood elevation.

SECTION 915 TECHNICAL PROVISIONS

1. Alteration or Relocation of Watercourse.

- A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality within which such development is to occur, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.
- B. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
- C. In addition, FEMA and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

2. Technical or scientific data shall be submitted to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes in the BFE.

3. Any new construction, development, uses or activities allowed within any identified flood plain area shall be undertaken in strict compliance with the provisions contained in this Article and any other applicable codes, ordinances and regulations.

SECTION 916 ELEVATION AND FLOOD PROOFING REQUIREMENTS

1. Residential Structures.

- A. In AE, A1-A30 and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated to the base flood elevation plus one and one-half (1 ½) foot of freeboard (regulatory flood elevation).
- B. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to or above the regulatory flood elevation as determined in Section 914.3.B.2 of this Article.
- C. The design and construction standards and specifications contained in the International Residential Code, as amended, shall be utilized.

2. Non-Residential Structures.

- A. In AE, A1-A30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated to the regulatory flood elevation or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - (1) Is flood proofed so that the structure is watertight with walls substantially impermeable to the passage of water, and
 - (2) Has structural components with the capability of resisting hydrostatic and hydrodynamics loads and effects of buoyancy.
- B. In A Zones, where there are no BFEs specified on the FIRM, and new construction or substantial improvement shall have the lowest floor elevated to a point above the regulatory flood elevation as determined in Section 914.3.B.2 of this Article.
- C. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be flood proofed in accordance with the W1 or W2 space classification standards contained in the publication entitled 'Flood-Proofing Regulations' published the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such flood proofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above-referenced standards.
- D. The design and construction standards and specifications contained in the International Building Code, as amended, shall be utilized.

3. Space Below the Lowest Floor.

- A. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term 'fully enclosed space' also includes crawl spaces.
- B. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - (1) A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space,
 - (2) the bottom of all openings shall be no higher than one (1) foot above grade, and
 - (3) openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

4. Accessory Structures.

Structures accessory to a principal building need not be elevated or flood-proved to remain dry, but shall comply, at a minimum, with the following requirements:

- A. The structure shall not be designed or used for human habitation but shall be limited to the parking of vehicles or to the storage of tools, material and equipment related to the principal use of activity.
- B. The structure will have a low damage potential.
- C. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
- D. Power lines, wiring and electrical outlets will be elevated to the regulatory flood elevation.
- E. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- F. Sanitary facilities are prohibited.
- G. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of flood water for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting requirements must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - (1) a minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space,
 - (2) the bottom of all openings shall be no higher than one (1) foot above grade, and
 - (3) openings may be equipped with screens, louvers, etc. or other covering or devices provided that they permit the automatic entry and exit of flood waters.

SECTION 917 DESIGN AND CONSTRUCTION STANDARDS

The following minimum standards shall apply for all construction and development proposed within any identified flood plain area:

1. Fill.

If fill is used, it shall:

- A. extend laterally at least fifteen (15) feet beyond the building line from all points;
- B. consist of soil or small rock materials only; sanitary landfills shall not be permitted;
- C. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
- D. be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data, justifying steeper slopes are submitted to, and approved by, the Flood Plain Administrator; and
- E. be used to the extent to which it does not adversely affect adjacent properties.

2. Drainage Facilities.

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

3. Water and Sanitary Sewer Facilities and Systems.

- A. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damage and the infiltration of flood waters.
- B. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
- C. No part of any on-site sewage system shall be located within any identified flood plain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment of it, or contamination from it, during a flood.
- D. The design and construction provisions of the U.C.C. and FEMA #348, Protecting Building Utilities from Flood Damages, and The International Private Sewage

Disposal Code shall be utilized.

4. Other Utilities.

All other utilities such as gas lines, electrical, cable and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

5. Streets.

The finished elevation of all new streets shall be no more than one (1) foot below the regulatory flood elevation.

6. Storage.

All materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, and not listed in Section 918, Development Which May Endanger Human Life, shall be stored at or above the regulatory flood elevation and/or flood proofed to the maximum extent possible.

7. Placement of Buildings and Structures.

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

8. Anchoring.

- A. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- B. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotations.

9. Floors, Walls and Ceilings.

- A. Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- B. Plywood used at or below the regulatory flood elevation shall be of a 'marine' or 'water-resistant' variety.
- C. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are 'water-resistant' and will withstand inundation.

- D. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other 'water-resistant' material.

10. Paints and Adhesives.

- A. Paints and other finishes used at or below the regulatory flood elevation shall be of 'marine' or 'water-resistant' quality.
- B. Adhesives used at or below the regulatory flood elevations shall be of a 'marine' or 'water-resistant' variety.
- C. All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a 'marine' or 'water-resistant' paint or other finishing material.

11. Electrical Components.

- A. Electrical distribution panels shall be at least three (3) feet above the BFE.
- B. Separate electrical circuits shall serve lower levels and shall be dropped from above.

12. Equipment.

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

13. Fuel Supply Systems.

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

14. Uniform Construction Code Coordination.

The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and limited to the following provisions, shall apply to the above and other sections and sub-sections of this Article, to the extent that they are more restrictive and/or supplement the requirements of this Article.

International Building Code (IBC) 2115 or the latest edition thereof: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G

International Residential Code (IRC) 2115, or the latest edition thereof: Secs. R104,

R109, R323, Appendix AE101, Appendix E, and Appendix J

SECTION 918 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE

1. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

A. will be used for the production or storage of any of the following dangerous materials or substances; or

B. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or

C. will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- acetone
- ammonia
- benzene
- calcium carbide
- carbon disulfide
- celluloid
- chlorine
- hydrochloric acid
- hydrocyanic acid
- magnesium
- nitric acid and oxides of nitrogen
- petroleum products (gasoline, fuel oil, etc.)
- phosphorus
- potassium
- sodium
- sulfur and sulfur products
- pesticides (including insecticides, fungicides, and rodenticides)
- radioactive substance, insofar as such substances are not otherwise regulated

2. Within any floodway area, any structure of the kind described in subsection 918.1, above, shall be prohibited.

3. Within any flood plain area, any new or substantially improved structure of the kind described in subsection 918.1, above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

4. Where permitted within any flood plain area, any new or substantially improved structure of the kind described in subsection 918.1 above, shall be:
 - A. elevated or designed and constructed to remain completely dry up to at least regulatory flood elevation,
 - B. designed to prevent pollution from the structure or activity during the course of a base flood event.

Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry flood proofing contained in the publication 'Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

SECTION 919 SPECIAL REQUIREMENTS FOR SUBDIVISIONS

All subdivision proposals and development proposals containing at least fifty (50) lots or at least five (5) acres, whichever is the lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analysis shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

SECTION 920 SPECIAL REQUIREMENTS FOR MANUFACTURED HOMES

1. Within any floodway area, manufactured homes shall be prohibited.
2. Within Approximate Flood Plain or Special Flood Plain Area, manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
3. Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
 - A. placed on a permanent foundation;
 - B. elevated so that the lowest floor of the manufactured home is at or above the regulatory flood elevation; and
 - C. anchored to resist flotation, collapse, or lateral movement.
4. Installation of manufactured homes shall be done in accordance with the manufacturer's installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the IRC or the U.S. Department of Housing and Urban Development's Permanent Foundations for

Manufactured Housing, 184 Edition, draft or latest revision thereto shall apply, and 34 PA Code Chapter 401-405.

SECTION 921 SPECIAL REQUIREMENT FOR RECREATIONAL VEHICLES

Recreational vehicles in Zones A, A1-A30, AE and AH must either:

1. be on the site for fewer than 180 consecutive days, or
2. be fully licensed and ready for highway use so as to move in advance of a base flood event.

SECTION 922 PROHIBITED USES

The development of the following uses and/or activities including new construction, expansion, enlargement, and/or substantial improvement, is hereby prohibited in any area of a designated Special Flood Hazard Area (Zones A, A1-A10, AE, and AH):

- hospitals
- nursing homes (public or private)
- jails, prisons, or any similar detention facility
- manufactured home park or manufactured home subdivision.

SECTION 923 SPECIAL TECHNICAL REQUIREMENTS

1. In addition to all applicable procedures contained within Section 915 through and including Section 921 of this Article, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those contained within Section 915 through and including Section 921 of this Article, or in any other code, ordinance, regulation, the more restrictive provisions shall apply.
2. No application for a special exception shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - A. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall designed, located and constructed so that:
 - (1) The structure will survive inundation by waters of the base flood elevation without any lateral movement or damage to either the structure, itself, or to any of its equipment or contents below the BFE
 - (2) The lowest floor (including basement) will be elevated to at least the regulatory flood elevation
 - (3) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood event.

- B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
- C. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to all a thorough technical review by Newport Township and the Department of Community and Economic Development.

SECTION 924 EXISTING STRUCTURES IN IDENTIFIED FLOOD PLAIN AREAS

1. Existing Structures.

The provisions of this Article do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 924.2 shall apply.

2. Improvements.

The following provisions shall apply whenever any improvement is made to an existing structure located wholly or partially within any identified flood plain area:

- A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the base flood.
- B. No expansion or enlargement of an existing structure shall be allowed within any SFHA that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty percent (50%) or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Article.
- D. The above activity shall also address the requirements of the IBC and IRC and 34 PA Code, as amended.
- E. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of ‘repetitive loss’ shall be undertaken only in full compliance with the provisions of this Article.

SECTION 925 VARIANCES

1. General.

If compliance with any of the requirements of this Article would result in an exceptional hardship to a prospective builder, developer, or landowner, the Zoning Hearing Board of Newport Township may, upon request, grant relief from the strict application of the requirements.

2. Variance Procedures and Conditions.

Requests for variances shall be considered by the Zoning Hearing Board of Newport Township in accordance with the procedures contained in Section 912 of this Article and Sections 802 and 803 of this Ordinance, and the following:

- A. No variance shall be granted for any construction, development, use or activity within identified flood plain areas that would cause any increase of the BFE.
- B. No variance shall be granted for any use, activity and/or development that is prohibited under Section 922 of this Article.
- C. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Section 918, Development Which May Endanger Human Life.
- D. If granted, a variance shall involve only the least modification necessary to provide relief.
- E. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare, and to achieve the objectives of this Article.
- F. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance; and
 - (2) Such variances may increase the rights to life and property.
- G. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:
 - (1) That there is good and sufficient cause;
 - (2) That failure to grant the variance would result in exceptional hardship to the applicant;
 - (3) That the granting of the variance will:
 - a) Neither result in an unacceptable or prohibited increase in base flood elevations, additional threats to public safety and health, or extraordinary public expense;
 - b) Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

- H. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one percent (1%) annual chance flood.

APPENDIX 1
ZONING DISTRICT LAND USE TABLE

For the purpose of this Ordinance, the area of Newport Township, Pennsylvania, is hereby divided into the following Districts:

CO	Conservation District
R-1	One-Family Residential District
R-2	Two-Family Residential District
RA	Apartment Residential District
GB	General Business District
IN	Industrial District
MU	Mixed Use District
ND	Non-Developable Special District

Symbol Key:

P	Permitted Use
SE	Special Exception Use
Blank	Non-Permitted Use

APPENDIX 1

ZONING DISTRICT LAND USE TABLE

LAND USE	CO	R-1	R-2	RA	GB	MU	IN	400 foot setback required for this use when abutting residential uses that pre-exist the proposed use in the MU Zoning District
Adult Use							SE	
Advanced Fabrication						SE	P	X
Aggregate or Fill Storage Yard							P	
Agriculture Use	P					P		X
Agri-Tourism	P					P		X
Airport							SE	
Amusement Center					SE	P		
Animal Cemetery	SE					SE		X
Animal Clinic or Hospital					P	SE		X
Animal Crematory							SE	
Animal Kennel						SE		X
Arcade / Esports / Interactive Gaming Center					P	P		
Art Gallery / Studio / Cultural Studio			SE		P	P		
Asphalt, Batch or Concrete Plant							P	
Auto Body Shop					SE		P	
Automotive Sales							P	
Automotive Supplies (sale of)					P	P		X
Automotive Wrecking Yard							SE	
Autonomous Logistics Yard							SE	
Bakery					P	P		
Banks and Similar Financial Services					P	P		
Banquet / Event Center				SE	P	P		
Battery Energy Storage Systems (BESS)						SE	SE	X
Battery Recycling and Materials Recovery Facility							SE	
Beauty and Barber Shops					P	P		
Bed and Breakfast	SE				SE	SE		
Betting or Gambling Use							SE	
Big Box Retail Store						SE		X
Biomanufacturing						SE	P	X
Boarding House / Rooming House			SE	SE				
Bottle Club / BYOB Club					SE			
Branch Telecommunication Exchanges	P	P	P	P	P	P	P	X
Brewery / Distillery / Winery / Cidery (with tasting room)					P	P	P	
Brine or Produced Water Storage and Recycling Facility							SE	
Bulk Fuel Storage Facility					P		SE	
Burial Grounds (includes Green or Natural Burial)	SE		SE	SE		SE		
Campground, Camping Unit, Camp Site	SE					SE		X
Car Wash and Auto Detailing					P	P		
Carbon Capture and Sequestration Wells							SE	
Cemetery	SE	SE	SE	SE		SE	SE	
Cleaning, Laundry and Dyeing Plants					P		P	
Clubs and Lodges	SE				P	P		X
Commercial Hog Farms							SE	
Commercial Horse Track and Riding Stables						P		X

LAND USE	CO	R-1	R-2	RA	GB	MU	IN	400 foot setback required for this use when abutting residential uses that pre-exist the proposed use in the MU Zoning District
Communications Antenna (mounted on a building or other structure, and communications equipment building)	P				P	P	P	
Communications Antenna (mounted on an existing public utility transmission tower)	P					P	P	
Communications Tower	SE					SE	P	
Community Kitchen / Shared Use Kitchen / Food Hub			SE	SE	P	P		
Community or Cultural Arts Center			SE	SE	P	P		
Compressor Station (Gas)	SE						SE	
Continuing Care Facility	SE				P	P		
Contractor Storage Yard							P	
Convenience Store					P	P		
Convenience Store with Gas Sales					P	P		X
Correctional Institution	SE						SE	
Coworking / Shared Office Space			SE	SE	P	P		
Crematory							SE	
Data Center (Major)						P	P	600 foot setback
Data Center (Minor)						P	P	600 foot setback
Day Care Facility				SE	P	P		
Deep Coal Mining	SE					SE	P	X
Dormitories, Fraternities, or Sororities						SE		
Drive Through Facility					P	P		
Drive-In Theater						SE		
Drone Logistics Facility						SE	SE	X
Drug Treatment Facility							SE	
Dwelling, Accessory Unit (ADU)		P	P	P		P		
Dwelling Over or Attached to a Business					SE			
Electric Vehicle Charging Stations (EVCS)	P	P	P	P	P	P	P	
Energy Storage Terminal (Liquid Fuels, Propane, LNG)							SE	
Entertainment Facility (excluding Adult Facility)					P	P		
Equipment Sales and Repair						P	P	X
Extraction and Storage of Gas and Oil	SE					P	P	X
Extraction of Minerals	SE					SE	P	X
Extraction of Peat Moss	SE					SE	P	X
Farmers Market (Indoor) / Market Hall / Food Hall					P	P		
Farmers Market (Outdoor / Seasonal)		SE	SE	SE	P	P		
Feed and Grain Sales and Storage							P	
Festival / Fairgrounds / Outdoor Event Venue	SE			SE	P	SE		
Firewood / Sawmill / Forestry Processing				SE		SE	P	X
Fish Hatchery / Aquaculture	SE			SE	SE	SE	P	X
Flea Market					P	P		X
Food Processing Establishment							P	
Food Truck Court / Mobile Vendor Park					P	P		
Freight / Parcel / Cold Storage Logistics							SE	
Game Preserve / Hunting Lodge / Wilderness Resort / Farm Stay	P			P		P	P	
Gas-Fired Electric Generating Facility						P	P	X

LAND USE	CO	R-1	R-2	RA	GB	MU	IN	400 foot setback required for this use when abutting residential uses that pre-exist the proposed use in the MU Zoning District
Gasoline Filling Station (no convenience store)					P	P	P	X
Golf Course and Golf Driving Range	SE					SE		
Golf Course, Miniature						P		
Greenhouse (or Nursery)	P					P	P	
Group Home		SE	SE	SE		P		X
Halfway House							SE	
Home Occupations	SE	SE	SE	P	P	P		
Homestead Agriculture / Hobby Farm		SE	SE	P		SE		
Hospital, clinic, intermediate care facility (excluding drug treatment facility)					P	P		X
Hotel / Motel						P		X
Hydrogen Production / Generation / Fueling Station						SE	SE	X
Indoor Agriculture / Agrivoltaics / Biodigesters				SE	SE	SE	P	X
Indoor Sports / Recreation Facility					P	P		
Industry, Heavy							P	
Industry, Light						SE	P	X
Innovation / Business Incubation					P	P	SE	X
Integrated Neighborhood and Community Shopping Centers						SE		X
Junkyard							SE	
Live Entertainment / Nightclub / Dance Hall / Performance Venue (Indoor)					P	SE		X
Lumberyards							P	
Machine Shops							P	
Maker Space / Artisan Workshop			SE	SE	P	P	P	
Manufactured Home	P	SE	SE	SE		SE		
Manufactured Home Park	SE					SE		X
Manufacturing Use						SE	P	X
Medical Marijuana Dispensary					P	P		X
Medical Marijuana Growing/Processing Facility	P					SE	P	X
Medical Waste Processing							SE	
Methadone Clinic							SE	
Microgrid / Distributed Energy Hub						P	P	X
Mine Reclamation / Beneficial Reuse Site						P	P	X
Mortuary				SE		SE		
Movie Theater (Indoor)					P	P		
Neighborhood Retail Store					P	P		
No-Impact Home-Based Business	P	P	P	P	P	P		
Nursery School			SE	SE	SE			
Office				P	P	P		
Outdoor Adventure / ATV or Trail Park	P			SE		SE	SE	
Outdoor Advertisement (Billboard)						SE	P	
Outdoor Wood-Fired Boilers	SE	SE				SE		
Personal Care Home			SE	SE	P	SE		
Personal Services					P	P		
Pet Daycare / Training Facility				SE	P	P	SE	
Place of Worship	P	P	P	P	P	P	P	
Planned Residential Development (PRD)	SE	SE	SE	SE		SE		
Power Generation						SE	SE	X

LAND USE	CO	R-1	R-2	RA	GB	MU	IN	400 foot setback required for this use when abutting residential uses that pre-exist the proposed use in the MU Zoning District
Public Use	SE		SE	P	P	P	P	X
Public Utilities Facility	P	P	P	P	P	P	P	
Publishing Plant							P	
Race Track (Horse / Motorized Vehicle)							SE	
Radio or TV Sending or Boosting Stations	SE					SE	SE	X
Railroad Yards						P	P	X
Raising Fur-Bearing Animals (excluding pets)	P						SE	
Recreational Facilities, Commercial	P					P	P	
Recreational Facilities, Private	P	SE	SE	SE		P	P	
Recreational Facilities, Public	P	SE	SE			P	P	
Recycling / Composting						P	P	X
Research and Testing Facilities							SE	
Residential, Single-Family	P	P	P	P		P		
Residential, Two-Family			P	P		P		
Residential, Multiple-Family				P	SE	SE		
Restaurant / Tavern					P	P		
Retail Store or Business					P	P		
Roadside Stands	SE							
Rock Quarry	SE					P	P	X
Rooming House (see Boarding House)								
Rural Contractor or Equipment Yard				SE		SE	P	X
Sand / Soil / Land Materials Storage				SE		SE	P	X
Sawmill / Firewood / Forestry Processing						SE	SE	X
Self-Storage Facility						P	P	X
Semi-Public Use	P	P	P	P				
Service Station (Major)					P	P	P	X
Service Station (Minor)					P	P	P	X
Sewage Disposal Plant							SE	
Shooting / Rifle / Archery Range (Indoor / Outdoor)	SE			SE			SE	
Shopping Center (see Integrated Neighborhood and Community Shopping Centers)								
Short Term Rentals	SE				SE			
Skilled Nursing Facility			SE	SE	P	SE		
Small Livestock / Poultry Operation	P			SE			SE	
Small Scale Agri-Processing				SE		SE	SE	X
Solar Energy Farm / Solar Energy System	SE					SE	SE	X
Solid Waste Facility							SE	
Storage of Excavated Materials						SE	P	X
Storage of Hazardous, Flammable and Explosive Materials	SE						SE	
Strip Mining						P	P	X
Tattoo Parlor / Body-Piercing Studio					P			
Therapeutic Retreat / Day Spa			SE	SE	P	P		
Truck Facility / Terminal						P	P	X
Trucking Contractor Yard							P	
Truck Repair and Storage							P	
Utility Buildings and Yards (Operational Facilities)	SE					P	P	X

LAND USE	CO	R-1	R-2	RA	GB	MU	IN	400 foot setback required for this use when abutting residential uses that pre-exist the proposed use in the MU Zoning District
Warehouse and Distribution Center (including Storage Yard)						SE	P	X
Welding Shop						SE	P	X
Wind Energy Facility	SE						SE	
Windmill, Non-Commercial	SE						SE	
Yoga / Wellness / Fitness Studio			SE	SE	P	P		

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APPENDIX 2
ZONING DISTRICT DIMENSIONAL REGULATIONS TABLE

APPENDIX 2

ZOING DISTRICT DIMENSIONAL REGULATIONS TABLE

	CO	R-1	R-2	RA	GB	MU	IN
MINIMUM LOT SIZE (square feet unless acreage indicated)	2 acres	20,000(2)	20,000(2)	20,000(2)	None	20,000(2)	None
		11,250(3)	11,250(3)	11,250(3)		11,250(3)	
		7,200(4)	6,000(4)	6,000(4)		6,000(4)	
			3,500/D.U.	2,000/D.U.		2,000/D.U.	
MAXIMUM BUILDING COVERAGE (%)	20	40	45	50	40	50	40
MAXIMUM IMPERVIOUS COVERAGE (%)	50	50	75	90		50	50
MAXIMUM BUILDING HEIGHT(5)							
Stories	2.5	2.5	2.5		3	3	3
Feet	35	35	35		40	40	40
MINIMUM LOT WIDTH (feet)	200	100(2)	100(2)	100(2)	None	100(2)	None
		75(3)	75(3)	75(3)		75(3)	
		60(4)	60(4)	60(4)		60(4)	
MINIMUM INTERIOR HOUSING (square feet)(8)	525(7)	700	600	525	None	525	
MINIMUM YARD SETBACKS (feet)							
Front Yard	50	30	25	25	15	25 (9)	50
Rear Yard	50	35	30	30	30	30 (9)	50
Side Yard	30	12	8	5	None(1)	10 (9)	30
Combined Side Yards	60	25	16	13	None(1)	20 (9)	60

D.U. = Dwelling Unit

FOOTNOTES:

- (1) Except when abutting a Residential District. When abutting a Residential District, the side yard setback for that Residential District shall apply.
- (2) Neither public water nor public sewer.
- (3) Either public water but individual sewage disposal system on each lot, or on-lot water systems but a public sewer system on each lot.
- (4) Sewerage collected from lot and disposed of in another area; 6,000 square feet for a single family, as minimum in R-2 districts.
- (5) Except for motels, tourist courts and trailer camps where minimum is one acre.
- (6) Except for motels, tourist courts and trailer camps where minimum is 150 feet.
- (7) Except in recreation areas for occupancy on a temporary basis.
- (8) Not including any basement area.
- (9) A 400 foot setback is required for more intense uses abutting an existing residential use in the MU Zoning District, as identified in the Land Use Table.

These dimensional requirements shall apply unless a different requirement is identified in Article 5: Supplemental Land Use Regulations.

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APPENDIX 3
OFF-STREET PARKING REQUIREMENTS TABLE

APPENDIX 3

OFF-STREET PARKING REQUIREMENTS TABLE

LAND USE	REQUIRED OFF-STREET PARKING SPACES
Adult Use	1 space per 300 sq. ft. of floor area plus 1 space per employee
Advanced Fabrication	1 space per employee
Aggregate or Fill Storage Yard	1 space per employee
Agri-Tourism	1 space per every 4 persons of fully utilized design capacity plus 1 space per employee
Airport	1 space per 5 airplanes or helicopters maintained on site plus 1 space per employee
Amusement Center	1 space per 500 sq. ft. of floor area plus 1 space per employee
Animal Cemetery	2 visitor spaces plus 1 space per employee
Animal Clinic or Hospital	1 space per examination room plus 1 space per employee
Animal Crematory	2 visitor spaces plus 1 space per employee
Animal Kennel	1 space per 10 animals kept or housed plus 1 space per employee
Arcade / Esports / Interactive Gaming Center	1 space per 500 square feet of floor area plus 1 space per employee
Art Gallery / Studio / Cultural Studio	1 space per 1,000 sq. ft. of floor area plus 1 space per employee
Asphalt, Batch or Concrete Plant	1 space per employee
Auto Body Shop	2 spaces per service bay plus 1 space per employee
Automotive Sales	1 space per 1,000 sq. ft. of retail space plus 1 space per vehicle designated for sale plus 1 space per employee
Automotive Supplies (sale of)	1 space per 300 sq. ft. of floor area plus 1 space per employee
Automotive Wrecking Yard	2 spaces plus 1 space per employee
Autonomous Logistics Yard	1 space per employee
Bakery	1 space per 300 sq. ft. of floor area plus 1 space per employee
Banks and Similar Financial Services	1 space per 500 sq. ft. of floor area plus 1 space per employee
Banquet / Event Center	1 space per 4 seats plus 1 space per employee
Battery Energy Storage Systems (BESS)	1 space per employee
Battery Recycling and Materials Recovery Facility	1 space per employee
Beauty and Barber Shops	1 space per 500 sq. ft. of floor area plus 1 space per employee
Bed and Breakfast	1 space per each guest rental unit plus 2 spaces for the dwelling unit
Betting or Gambling Use	1 space per 500 sq. ft. of floor area plus 1 space per employee
Big Box Retail Store	1 space per 500 sq. ft. of floor area plus 1 space per employee
Biomanufacturing	1 space per employee

LAND USE	REQUIRED OFF-STREET PARKING SPACES
Boarding House / Rooming House	1 space per each 2 bedrooms
Bottle Club / BYOB Club	1 space per 300 sq. ft. of floor area plus 1 space per employee
Branch Telecommunication Exchanges	1 space per employee
Brewery / Distillery / Winery / Cidery (with tasting room)	1 space per 4 seats plus 1 space per 100 sq. ft. of common waiting area, bar service area or social area plus 1 space per employee
Brine or Produced Water Storage and Recycling Facility	1 space per employee
Bulk Fuel Storage Facility	1 space per employee
Burial Grounds (includes Green or Natural Burial)	2 visitor spaces plus 1 space per employee
Campground, Camping Unit, Camp Site	1 space per camp site plus 1 space per employee
Car Wash and Auto Detailing	1 space per bay plus 1 space per employee
Cemetery	5 visitor spaces plus 1 space per employee
Cleaning, Laundry and Dyeing Plants	1 space per employee
Clubs and Lodges	1 space per 4 seats plus 1 space per 100 sq. ft. of common waiting area, bar service area or social area plus 1 space per employee
Commercial Hog Farms	1 space per employee
Commercial Horse Track and Riding Stables	1 space for each 5 persons of facility design capacity plus 1 for each employee
Community Kitchen / Shared Use Kitchen / Food Hub	1 space for each 5 persons of facility design capacity plus 1 for each employee
Community or Cultural Arts Center	1 space for each 5 persons of facility design capacity plus 1 for each employee
Continuing Care Facility	1 space for each 4 beds plus 1 for each employee
Convenience Store	1 space per 200 sq. ft. of floor area plus 1 space per employee
Convenience Store with Gas Sales	1 space per 200 sq. ft. of floor area plus 1 space per employee
Correctional Institution	10 visitor spaces plus 1 space per employee
Coworking / Shared Office Space	1 space for each 5 persons of facility design capacity plus 1 for each employee
Crematory	4 visitor spaces plus 1 space per employee
Data Center (Major)	Twice the maximum number of employees on site during the target shift
Data Center (Minor)	Twice the maximum number of employees on site during the target shift
Day Care Facility	1 space per 12 occupants plus 1 space per employees plus loading area
Dormitories, Fraternities, or Sororities	1 space per 4 beds plus 1 space per employee
Drive Through Facility	1 space per employee
Drive-In Theater	1 space per employee
Drone Logistics Facility	1 space per employee
Drug Treatment Facility	1 space per 4 beds plus 1 space per employee

LAND USE	REQUIRED OFF-STREET PARKING SPACES
Dwelling, Accessory Unit (ADU)	1 space
Dwelling Over or Attached to a Business	1 space per dwelling and spaces for the use as listed elsewhere in this chart
Energy Storage Terminal (Liquid Fuels, Propane, LNG)	1 space per employee
Entertainment Facility (excluding Adult Facility)	1 space per 500 sq. ft. of floor area plus 1 space per employee
Equipment Sales and Repair	2 visitor spaces plus 1 space per employee
Farmers Market (Indoor) / Market Hall / Food Hall	1 space per 300 sq. ft. of floor area plus 1 space per employee
Farmers Market (Outdoor / Seasonal)	1 space per 300 sq. ft. of floor area plus 1 space per employee
Feed and Grain Sales and Storage	1 space per employee
Festival / Fairgrounds / Outdoor Event Venue	1 space per every 4 persons of fully utilized design capacity plus 1 space per employee
Firewood / Sawmill / Forestry Processing	1 space per employee
Fish Hatchery / Aquaculture	1 space per employee
Flea Market	1 space per 300 sq. ft. of floor area plus 1 space per employee
Food Processing Establishment	1 space per employee
Food Truck Court / Mobile Vendor Park	2 spaces per vendor
Freight / Parcel / Cold Storage Logistics	1 space per employee
Game Preserve / Hunting Lodge / Wilderness Resort / Farm Stay	1 space per each guest rental unit plus 1 space per employee
Gasoline Filling Station (no convenience store)	1 space per employee
Golf Course and Golf Driving Range	1 space per every 4 persons of fully utilized design capacity plus 1 space per employee
Golf Course, Miniature	1 space per every 4 persons of fully utilized design capacity plus 1 space per employee
Greenhouse (or Nursery)	1 space per 500 sq. ft. of floor area plus 1 space per employee
Group Home	1 space per 4 beds plus 1 space per employee
Halfway House	1 space per 4 beds plus 1 space per employee
Home Occupations	1 space per non-residential employee
Hospital, clinic, intermediate care facility (excluding drug treatment facility)	1 space per 2 examination rooms plus 1 space per 4 beds plus 1 space per employee
Hotel / Motel	1 space per rental unit plus 1 space per employee plus spaces for all other principal or subordinate uses
Hydrogen Production / Generation / Fueling Station	1 space per employee
Indoor Agriculture / Agrivoltaics / Biodigesters	1 space per employee
Indoor Sports / Recreation Facility	1 space per 500 sq. ft. of floor area designed for recreation use plus 1 space per employee
Industry, Heavy	1 space per employee
Industry, Light	1 space per employee
Innovation / Business Incubation	1 space per employee

LAND USE	REQUIRED OFF-STREET PARKING SPACES
Integrated Neighborhood and Community Shopping Centers	1 space per 1,000 sq. ft. of floor area plus 1 space per employee
Junkyard	1 space per employee
Live Entertainment / Nightclub / Dance Hall / Performance Venue (Indoor)	1 space per 4 seats plus 1 space per 100 sq. ft. of common waiting area, bar service area or social area plus 1 space per employee
Lumberyards	1 space per 500 sq. ft. of retail space plus 1 space per employee
Machine Shops	1 space per employee
Maker Space / Artisan Workshop	1 space per employee
Manufactured Home	1 space per residential unit
Manufactured Home Park	1 space per residential unit plus 1 space per 20 residential units for employee or visitor parking
Manufacturing Use	1 space per employee
Medical Marijuana Dispensary	1 space per 300 sq. ft. of floor area plus 1 space per employee
Medical Marijuana Growing/Processing Facility	1 space per employee
Medical Waste Processing	1 space per employee
Methadone Clinic	1 space per 2 examination rooms plus 1 space per employee
Microgrid / Distributed Energy Hub	1 space per employee
Mortuary	1 space per 100 sq. ft. of floor area plus 1 space per employee
Movie Theater (Indoor)	1 space per 4 seats plus 1 space per employee
Neighborhood Retail Store	1 space per 300 sq. ft. of floor area plus 1 space per employee
Office	1 space per 500 sq. ft. of floor area plus 1 space per employee (except doctor/clinic)
Outdoor Adventure / ATV or Trail Park	1 space per every 4 persons of fully utilized design capacity plus 1 space per employee
Personal Care Home	1 space per 4 beds plus 1 space per employee
Personal Services	1 space per 500 sq. ft. of floor area plus 1 space per employee
Pet Daycare / Training Facility	1 space per every 4 persons of fully utilized design capacity plus 1 space per employee
Place of Worship	1 space per 4 seats
Planned Residential Development (PRD)	Spaces for the uses identified in the PRD as stipulated in this Table
Power Generation	1 space per employee
Publishing Plant	1 space per employee
Race Track (Horse / Motorized Vehicle)	1 space per every 4 persons of fully utilized design capacity plus 1 space per employee
Radio or TV Sending or Boosting Stations	1 space per employee
Railroad Yards	1 space per employee
Raising Fur-Bearing Animals (excluding pets)	1 space per employee
Recreational Facilities, Commercial	1 space per every 4 persons of fully utilized design capacity plus 1 space per employee

LAND USE	REQUIRED OFF-STREET PARKING SPACES
Recreational Facilities, Private	1 space per every 4 persons of fully utilized design capacity plus 1 space per employee
Recreational Facilities, Public	1 space per every 4 persons of fully utilized design capacity plus 1 space per employee
Recycling / Composting	4 spaces plus 1 space per employee
Research and Testing Facilities	1 space per employee
Residential, Single-Family	2 spaces per residential unit
Residential, Two-Family	1.5 spaces per residential unit
Residential, Multiple-Family	1 space per residential unit plus 1 space per 20 residential units for employee or visitor parking
Restaurant / Tavern	1 space per 4 seats plus 1 space per 100 sq. ft. of common waiting area, bar service area or social area plus 1 space per employee
Retail Store or Business	1 space per 300 sq. ft. of floor area plus 1 space per employee
Roadside Stands	2 space plus 1 space per employee
Rock Quarry	1 space per employee
Rural Contractor or Equipment Yard	1 space per employee
Sand / Soil / Land Materials Storage	1 space per employee
Sawmill / Firewood / Forestry Processing	1 space per employee
School: auditorium, gymnasium, social hall, and other place for public assembly	1 space per 4 seats, which may be available on chairs, seats, benches, or bleachers
School: nursey school through elementary school	1 space per 20 students plus 1 space per employee plus auditorium, gymnasium, social hall or assmby requirements plus bus parking spaces
School: high school	1 space per 10 students plus 1 space per employee plus auditorium, gymnasium, social hall or assmby requirements plus bus parking spaces
School: college or university classroom, social or buildings not utilized for residential housing	1 space per 5 students plus 1 space per instructor and/or employee
Self-Storage Facility	1 space per 50 units plus 1 space per employee
Service Station (Major)	1 space per bay plus 1 space per employee
Service Station (Minor)	1 space per bay plus 1 space per employee
Sewage Disposal Plant	1 space per employee
Shooting / Rifle / Archery Range (Indoor / Outdoor)	1 space per every 4 persons of fully utilized design capacity plus 1 space per employee
Shopping Center (see Integrated Neighborhood and Community Shopping Centers)	See Integrated Neighborhood and Community Shopping Centers
Short Term Rentals	1 space per 2 bedrooms
Skilled Nursing Facility	1 space per 4 beds plus 1 space per employee
Small Livestock / Poultry Operation	1 space per employee
Small Scale Agri-Processing	1 space per employee
Solid Waste Facility	1 space per employee
Tattoo Parlor / Body-Piercing Studio	1 space per 500 sq. ft. of floor area plus 1 space per employee

LAND USE	REQUIRED OFF-STREET PARKING SPACES
Therapeutic Retreat / Day Spa	1 space per 500 sq. ft. of floor area plus 1 space per employee
Truck Facility / Terminal	1 space per employee
Trucking Contractor Yard	1 space per employee
Truck Repair and Storage	2 truck spaces per service bay plus 1 space per employee
Warehouse and Distribution Center (including Storage Yard)	1 space per 10,000 sq. ft. of floor are plus 1 space per employee
Welding Shop	1 space per 5,000 sq. ft. of floor area plus 1 space per employee
Yoga / Wellness / Fitness Studio	Recreational Facilities (any) Indoor: 1 space per 500 sq. ft. of floor area designed for recreational use plus 1 space per employee
Other uses that are not specified with this Table	As determined appropriate by the Zoning Officer or Zoning Hearing Board

Note: floor area = usable floor area; per employee = total number of employees on the maximum shift