

ARTICLE 12 SUPPLEMENTAL REGULATIONS

1200. NO-IMPACT HOME-BASED BUSINESSES

- A. In R-1, R-1A, R-2, R-3 and R-4, Residential Zoning Districts no-impact home-based businesses are permitted as an accessory use, by-right subject to the following requirements:
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 family members residing at the dwelling.
 3. There shall be no display or sale of retail goods and no stocking of inventory of a substantial nature.
 4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 6. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
 7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
 8. The business may not involve any illegal activities.

1201 HOME OCCUAPTIONS

Home occupations, where they are permitted shall be subject to the following requirements:

1. The maximum number of non-residential employees shall not exceed two (2)
2. A maximum of one (1) sign with the name or the resident and the home occupation, not to exceed the size of any residential identification sign, and subject to the applicable standards of Article 12, shall be permitted.
3. The maximum amount of square footage devoted to the home occupation not exceed 25% of the principal dwelling or 400 sq. ft., whichever is less.
4. The home occupation must be carried out indoors without any outdoor storage.

5. The residential appearance of the structure may not be altered.
6. Any commercial vehicles for the use must be garaged.
7. Not more than one client, customer or patron is permitted on the premises at any time.
8. Deliveries and pickups by tractor-trailers are prohibited.

1202. HISTORIC BUILDINGS.

No historic building as defined herein may be demolished or neglected to the extent that inevitable demolition is apparent, as determined by the Building Codes Official or Zoning Officer, subject to the following conditions:

- A. A demolition permit is required for all such structures to be demolished.
- B. Where inevitable demolition is apparent, as determined by the Building Codes Official or Zoning Officer, a remediation plan may be required by the Township, or the owner shall be in violation of this chapter and an enforcement action may be taken as the inevitable demolition hereby determined would have been undertaken without a permit.
- C. A permit or remediation action may only be granted by action of the Board of Supervisors at a public hearing duly advertised, at which time the Board shall consider the following issues in reaching its determination:
 1. The effect of demolition on the historical significance of the subject and architectural integrity of neighboring contributing historic resources.
 2. Economic feasibility of adaptively reusing the resource proposed for demolition.
 3. Alternatives to demolition of the resource.
 4. Special incentives to encourage the owner to maintain the structure, such as including historic resources as part of the open space contribution, including it as part of a homeowners' association or other incentive as determined by the Board.

1203. VISION OBSTRUCTION.

Clear sight triangles shall be maintained at all street intersections in accordance with the standards of **148-27G** of Chapter 148, Subdivision and Land Development. Within such triangles, no vision-obstructing object shall be permitted which obscures vision above the height of 30 inches and below 10 feet, measured from a vehicle 10 feet back from the edge of the pavement of the street being entered to the center line of the approaching traffic lane. In the case of a four-lane street being intersected, it shall be measured on the left from the intersecting street to the outside lane and on the right to the median lane. The Township reserves the right to require more stringent standards where special conditions exist, such as, but not limited to, topographical features, such as slope or curve, and traffic conditions and the use of the site. See also **1005** of this article for the application of this provision to wall and fence restrictions.

1204. ACCESSORY BUILDINGS, STRUCTURES AND USES**A. Purpose and intent.**

1. Accessory buildings and structures may be erected within the rear or side yard of a zoning district in accordance with the following regulations, which are promulgated to regulate density within zoning districts in relation to lot size and to insure that the residential character of the district is not adversely affected by accessory buildings.
2. An accessory building is permitted to be erected and accessory uses therein are permitted to exist when the building and uses are such as are customarily incidental to any of the permitted uses in the relevant zoning district.

B. Garages/carports.

1. In an R-1 District, a residential garage may be constructed for housing no more than four passenger motor vehicles and shall not exceed 1,000 square feet and 17 feet in height or the height of the principal building, whichever is less, and the use of the garage shall be limited to parking and storage customarily incidental to a residential use.
2. In an R1-A and R-2 District, a residential garage of may be constructed for housing no more than three passenger motor vehicles and shall not exceed 750 square feet and 17 feet in height or the height of the principal building, whichever is less, and the use of the garage shall be limited to parking and storage customarily incidental to a residential use.
3. In an R-3 District, a residential garage of may be constructed for housing no more than two passenger motor vehicles and shall not exceed 500 square feet and 17 feet in height or the height of the principal building, whichever is less, and the use of the garage shall be limited to parking and storage customarily incidental to a residential use.
4. Carports when so determined by the Zoning Officer, may not be constructed or placed on a premises for storage.

C. Sheds.

One shed or similar accessory building may be erected, in addition to a residential garage and/or carport, in any residential district in accordance with the following criteria:

1. In an R-1 District, a shed shall not exceed 180 square feet and be more than 12 feet in height.
2. In an R1-A and R-2 District, a shed shall not exceed 150 square feet and be more than 12 feet in height.
3. In an R-3 District, a shed shall not exceed 100 square feet or be more than 12 feet in height.

D. Barns/greenhouses/gazebos.

1. A barn or similar structure may be constructed in any district where agricultural uses or the housing of livestock is permitted. The size of said structure shall not exceed 200 square feet per acre of land devoted to such use. The height of said structure shall not exceed 20 feet.
2. Greenhouses may be constructed in any residential district, but the size of said structure may not exceed the allocation of space for a shed in the same district. Nothing in this regulation should be construed to deny a property owner the right to construct a greenhouse as an integral part of a residential dwelling or garage or shed structure. Where such a structure is constructed as an addition to and is an integral part of a residence, the allocation of space shall not be deducted from the total assigned to accessory buildings in that district so long as the addition is within the buildable area of the lot.
3. Gazebos may be constructed in any residential district, but the allocation of space for all accessory buildings within that residential district may not be exceeded by the construction of such a structure.

E. Accessory structures and uses.

The regulation of children's playhouses, trash enclosures, swing sets, and **domestic** animal shelters are not covered by this section, except that all such structures shall be no closer than 10 feet from the rear or side yard property line, and no such structure shall be located in the front yard in any residential district, including both front yards on a corner lot. If such is granted, these structures must be provided with a landscape buffer to shield the structures from the street line. The buffer may not be closer than 10 feet to the cartway. The requirements of **1003** as to sight line triangles must be met if implicated by the placement of these structures.

F. General requirements.

1. A zoning permit is required for the erection or placement of any accessory building **or** structure listed in this section.
2. Accessory buildings or structures may allowed in the rear or side yard of a residence. This restriction shall include either front yard of a corner lot. In the event that a variance is granted, however, a buffer must be placed to shield the structure from the road. (See Subsection E above.)
3. All accessory buildings and structures shall be located within the buildable area of the lot, unless such accessory buildings or structures meet the following criteria:
 - a. If the accessory building or structure is entirely separated from the main building.
 - b. If the building is setback at least five feet from the rear or side property lines.
4. Accessory structures must be erected or placed on a pad, piers or a foundation in accordance with the Building Code or other applicable regulations. In the absence

of a specific regulation, accessory buildings (other than garages and barns and greenhouses) must be placed on level ground and be supported by a concrete slab four inches thick or four-by-four treated beams, no more than two feet on center, placed perpendicular to the floor joists of the structure. Other more substantial structures must have proper foundations as determined by the Building Official.

5. The total square footage of all accessory buildings may not exceed the total set forth in this section for accessory buildings as allocated to the particular zoning district.
 - a. In an R-1 District: 1,180 square feet.
 - b. In an R1-A and R-2 District: 900 square feet.
 - c. In an R-3 District: 600 square feet.
 6. Where an existing lot is currently nonconforming as to accessory buildings, all legally erected and legally used accessory buildings may remain. However, upon replacement, the new structure(s) must conform to the standards set forth in this section.
 7. A garage or carport containing a second story must be constructed so as to support the specific use contemplated on the second floor, except that the area above the parking deck of any garage may be finished to the extent necessary to allow for customary residential storage only. Residential or commercial uses are not permitted.
 8. Swimming pools are not governed by this subsection. See **1219**.
 9. Gated communities, churches, clubs, school facilities, estates, farms and similar entities in any district may be permitted additional accessory buildings in excess of the allowable square footage permitted within the zoning district that are customarily incidental to such facilities, such as guard houses, pool houses, snack bars and other accessory structures. See **1204G**.
- G. Special provisions for properties in excess of three acres.
1. Purpose and intent. The accessory uses contemplated herein recognize the special traditional needs and uses on such parcels. It has been determined that density factors mitigate in favor of additional allocations of space, and therefore, the additional and structure size are not detrimental to a residential neighborhood.
 2. Definitions. As used in this section, the following terms shall have the meaning indicated:

LARGE ESTATE — Residential properties located in any district consisting of 10 or more acres.

MINI ESTATE — Residential properties located in the district consisting of three or more acres but less than five acres.

SMALL ESTATE — Residential properties located in any district consisting of five or more acres.

3. In addition to the usual accessory uses, the following uses are permitted in estates
 - a. Mini estates and small estates.

A pool house may be erected in addition to other permitted buildings, but no residential use is permitted in such a building. A kitchen is also prohibited, but a wet bar, refrigerator and minor appliances may be installed. An in-law suite may be located above a garage. Rental of such space is prohibited, and location of any such use in a separate building apart from the main structure is subject to the grant of a special exception (See article 15).
 - b. Large estates.

In addition to the above uses, such a property may contain a barn or similar structure. The allocation of square footage shall be 200 square feet per acre, with a height limitation of 20 feet.
 - c. Such other accessory buildings as the Zoning Hearing Board finds are appropriate, including but not limited to gatehouses, and similar uses by a grant of special exception (See article 15)
4. Accessory building allocation of square footage for estates is based on multiples of the permitted allocation in the R-1 District resulting in 135 square feet per acre or portion thereof, e.g., a three-acre site equals 405 square feet; a four-acre site equals 540 square feet; a five-acre site equals 675 square feet, to a maximum of 1,350 square feet for a large estate, exclusive of garage space.
5. A garage for a residential property in an estate shall meet the same standards as required in R-1 District, however, additional garage stalls or buildings may be erected under the following conditions:
 - a. No garage may contain less than 250 square feet per vehicle.
 - b. The additional bays or buildings are subject to the overall allocation of space for accessory buildings in accordance with the space allocation and impervious surf requirements defined in this chapter.
 - c. Such buildings must be constructed so as to be compatible with the existing garage and/or dwelling unit.

Example:

R-1	=	1,180 square feet of garage and other accessory buildings + 135 square feet per acre		
		3 acres	=	1,585 square feet

4 acres	=	1,720 square feet
5 acres	=	1,855 square feet
10 acres	=	2,530 square feet
11 acres	=	2,530 square feet

H. Construction; maintenance.

1. No garage, carport, shed or other accessory building may be constructed unless it is in compliance with the current Building Code in effect in the Township at the time of the grant of a building or zoning permit.
2. No such structure shall be of metal unless grounded for lightning protection as determined by the Building Official.
3. All accessory buildings in residential districts shall be constructed with similar materials and be similar in appearance to the building to which they are accessory. All accessory buildings made of wood must be painted or stained, and all accessory buildings made of metal must be painted. Structures may not be constructed of uncoated cement blocks. This provision is intended for safety reasons and to insure such structures are not detrimental to the residential neighborhood.
4. All structures exceeding 100 square feet and exceeding eight feet in height must have an adequate stormwater management plan approved by the Building Official prior to installation. Such a plan has no special requirements other than the means necessary to insure all stormwater remains on the premises.
5. If such a structure is located in a front yard or either front yard of a corner lot because of the grant of a variance by the Zoning Hearing Board, it must be shielded from the street line by a landscape buffer approved by the Building Official.

- I. Once accessory structures are created, subdivisions of these lots are prohibited, unless all buildings remain on a surviving lot.

1205. FENCES, WALLS AND HEDGES.

- A. Fences, walls and/or hedges may be permitted within and along the periphery of any required yard provided:

1. No fence, wall and/or hedge shall be erected or planted within or encroaching upon the legal or ultimate street right-of-way or floodway. No fence, wall and/or hedge shall be erected or planted within or encroaching upon a utility easement or drainage easement unless the easement agreement which creates the easement specifically allows such encroachment.
2. Existing and new fences, walls and hedges must conform to the requirements of Section 148-31G, including but not limited to the requirement that no object greater

than 2 1/2 feet in height may be located within 12 feet of the cartway at or near a driveway or intersection to insure a sight triangle of 100 feet in either direction. Greater distances may be required if the circumstances, such as curvature of the road, elevation or other features, interfere with the sight distances or safety concerns imputed therein. Nothing in this section is intended to prohibit the normal landscaping of a premises, unless the safety issues implicated in the sight triangle at the driveway are involved.

3. Unless otherwise specified by this code, fences and walls erected within a front yard shall not exceed four feet in height, regardless of the type of fence installed and shall maintain a minimum one to one ratio of open areas to structural members (e.g. picket, wrought iron, or post and rail fence).
4. Unless otherwise specified by this code, fences and walls erected within a side or rear yard shall not exceed a six feet in height. Deer fences eight feet in height may be allowed in side and rear yards when approved by the Zoning Hearing Board as a special exception.
5. The finished side of any fence must face the street or neighboring properties.
6. All fences must be constructed off the property line so that no portion of the fence encroaches on a neighboring property owner.
7. Fences erected in residential districts may be comprised of the following materials: wood, split rail, wrought iron, vinyl, combination of the aforementioned materials or other materials which in the discretion of the Zoning Offices are recognized as standard materials utilized in residential fencing. Chain link fences may be permitted along side and rear yards, but not in front yards.
8. Fences which are erected in the nonresidential zoning districts or for nonresidential uses may be comprised of the following materials: wood; split rail; wrought iron; vinyl; chain link; a combination of the aforementioned materials; or other materials which, in the discretion of the Zoning Officer, are recognized as standard materials utilized for nonresidential fencing.
9. Walls may be comprised of the following materials: decorative concrete block; brick; stone; concrete with a brick or stone veneer; or other materials which, in the discretion of the Zoning Officer, are recognized as suitable industry standards.
10. No razor, barb wire or glass shards shall be placed upon a fence or wall in a residential zoning district.
11. The use of razor or barb wire fencing shall only be utilized as part of a security fence for nonresidential uses within nonresidential districts.
12. All swimming pools must be fully enclosed by a fence or wall no less than four feet in height above grade. The fence must be constructed to prevent entry to the pool area, except by a gate which must be latched or secured to prevent children from gaining entry and/or accidental entry by others. (See also 1219)
13. Tennis courts. Fences around tennis courts shall not exceed 10 feet in height and

shall set back from any property line by 100 feet.

14. Safety and privacy screens along highways or busy streets may allow for the construction of a fence, wall, hedge or similar object or structure in the front, side or rear yard, if approved by the Zoning Board by special exception, so long as the safety issues implicated in the sight triangle are abated as set forth in 1203. The Zoning Officer may evaluate existing conditions and approve appropriate existing structures (such as post and rail fences) or plantings (such as hedges) subject to safety considerations.

B The following wall and fences shall be exempt from the provisions established under Section 1205 of this chapter of the article:

1. Fences and walls used for agricultural and active recreational purposes to contain livestock, provided that they do not hinder visibility or pose a threat to the public health, safety or welfare.
2. Fences and walls of an historic nature which are accessory to an officially designated historic structure.
3. Buried electronic fences used to control pets, provided that they do not emit radiation which would pose a threat to the public health, safety or welfare.

1206. BUILDING HEIGHT RESTRICTIONS.

No part of any building shall exceed 45 feet in height unless otherwise provided in this chapter, provided that this regulation shall not apply to chimneys, spires, towers or similar projections not used for human habitation.

1207. RESTRICTED USES.

Applicable in all districts and uses, no building may be erected, altered or used and no lot or premises may be used for any use, trade, processing or business which is noxious or offensive by reason of odor, dust, smoke, gas, radiation, vibration, electrical disturbances, illumination or noise or which constitutes a nuisance or a public hazard, whether by fire, explosion or otherwise.

A. Fire and explosive hazards and radioactivity.

All activities involving and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazards of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices as detailed and specified by the Department of Labor and Industry and the laws and regulations of the Commonwealth of Pennsylvania. Any activity which involves radioactivity shall be registered with the Township.

B. Smoke, ash, dust, fume, vapor, gases and other forms of air pollution.

There shall be no emissions at any point from any chimney or otherwise which may cause any damage to health, to animals or vegetation or to other property or which will cause excessive soiling at any point. Visible emissions from any chimney or otherwise shall meet the current limitations of the Pennsylvania Department of Environmental Protection.

C. Liquid and solid wastes.

There shall be no discharge at any point into any private or public sewerage system or stream or into the ground of any materials in such a way or of such a nature or temperature as can contaminate or otherwise cause the release of hazardous materials except in accordance with the standards of the Pennsylvania Department of Environmental Protection and the Township of Newtown.

D. Noise and vibration.

Noise and vibrations shall be subject to the limitations and restrictions of Chapter 106, subject to the provisions and requirements of **Chapter 106, Noise Control of the Newtown Code**

E. Odor.

Odorous emissions of gases and other matter shall be subject to the limitations and restrictions of **Chapter 107, Nuisances of the Code of Newtown.**

F. Operation.

All operations, other than agricultural, involving processing or production of any materials or goods shall be conducted entirely within an enclosed building.

G. Light Pollution

Light sources may not produce in excess of 0.2 footcandle when measured at the property line.

1208. CONTINUATION OF SETBACKS.

The setback of a building from street lines in any zoning district shall be as hereinbefore provided in the zoning district within which the building is located, provided that:

- A. Wherever in any **residential** zoning district the present **average** setback of existing buildings on the same block and on the same side of the street is greater than the minimum **required**, the required setback of a building hereafter erected shall be the same as or greater than the present **average** setback of **those** existing buildings in the same block on the same side of the street, **except when a special exception is authorized.**
- B. Wherever the present **average** setback of existing buildings in commercial districts is less than 20 feet, the required setback of a building hereafter erected on an unimproved lot may be the same as the present average setback of existing buildings within the same block and on the same side of the street **when authorized as a special exception.**

1209. PUBLIC UTILITY CORPORATIONS.

This chapter shall not apply to any existing or proposed building or extension thereof used or to be used by a public utility corporation if, upon petition of such corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

1210. SIDE YARDS FOR CORNER LOTS.

Where a side yard is required, a corner lot having a side yard shall have a minimum width of at least as great as the narrower side yard specified for lots containing two side yards

1211. IRREGULAR LOT FRONTAGES.

Where a lot fronts on a cul-de-sac turnaround, in conformance with Chapter 148, Subdivision and Land Development, the Board of Supervisors of the Township may, at the time of approving the subdivision, specify that the lot frontages on such lots be measured at the building setback line as established at the minimum front yard required by the underlying zoning district, providing that a minimum lot width of 50 feet is provided at the street line. In such cases, a notation shall be made on the subdivision drawing indicating how the frontages of the cul-de-sac circle lots were measured. All other lots shall have their lot frontages measured at the street line.

1212. CONVERSION OF ONE-FAMILY DWELLINGS.

Because the ordinances of Newtown Township provide for adequate two-family and multifamily dwellings, single-family dwellings may not be converted into two-family or multifamily dwellings unless they are permitted uses in the subject district, comply with the Township building code and the parking requirements of this chapter, and then only by special exception.

1213. EXISTING CORNER LOTS.

In the residential zoning districts (R-1, R-2 and R-3), for lots held in single and separate ownership prior to the effective date of this chapter, the following less restrictive provisions apply to corner lots only when the owner does not own adjoining property:

District	Buildings Affected	Lot Width (feet)	Permitted Minimum Depth of Front Yard (feet, measured on the longest side)
R-1	All	175	50
R-2	All	125	40
R-3	All	80	30

1214. FLOOR AREA REQUIREMENTS.

- A. No detached dwelling shall hereafter be erected or altered and no permit shall hereafter be issued for the erection or alteration of a detached dwelling having less than 1,200 square feet of habitable floor space, which shall be exclusive of any floor space contained in the cellar or garage attached thereto. The habitable floor space shall be that space which is included in the area within the walls of any dwelling which can be used principally and primarily for living quarters of one or more human beings.
- B. No room used for living or sleeping purposes shall contain less than 80 square feet of floor area, nor shall the ceiling height at the center of such room be less than seven feet, six inches above the floor, nor shall the knee wall height be less than four feet, unless the Building Code in effect has a more restrictive requirement which shall govern.

1215. TEMPORARY STRUCTURES.

Temporary structures, as defined in Article 2, shall not be permitted in the front yard of any residential district and shall be setback a minimum of 25 feet from any property line.

1216. MINIMUM LOT AREA FOR LOCATIONS WITH NO PUBLIC WATER OR PUBLIC SEWER SERVICE.

Any lot in any district on which is built a dwelling which is not an accessory building and for which there is not public water supply or public sewer shall have an area of not less than 12,000 square feet. Further, all relevant state regulations governing the placement of on-site septic in relation to on-site water supply are incorporated herein by reference.

1217. SWIMMING POOLS.

All swimming pools, hot tubs or other similar swimming and shall be located within the setback lines specified by the zoning district in which they are to be located, except that, in the case of private swimming pools located in R-1, R-1A, R-2 or R-3 Zoning Districts, a swimming pool may be located not less than 10 feet from the rear and side property line on which the pool is to be located.

- A. All swimming pools must be fully enclosed by a fence or wall as set forth in 1205.
- B. Swimming pools located within a building shall contain a door alarm or notification upon entry and exit, as required by national pool safety standards and/or the Building Code)?
- C. The pool and its enclosures may not interfere with the sight triangle necessary to insure safe exiting from any street, alley or driveway. (See 1205 or 148-31G for guidance.)

1218. RECYCLING FACILITIES.

All commercial, industrial, institutional and multifamily and apartment building uses shall include adequate facilities to handle, store and properly remove recyclable materials as required by the laws of the Commonwealth of Pennsylvania and Township ordinance

1219. DOMESTIC AND OTHER ANIMALS

- A. Cats, dogs, birds and other domesticated animals may be kept in any residential district, except that all such animals must be kept on the premises in a fenced space unless on a leash.
- B. All horses, livestock and poultry may be kept so long as suitable shelter is provided in a fenced space and so long as the shelter is no less than 50 feet from any street line or property line. Horses may be kept in a ratio of one horse to every two acres so long as an adequate stable is provided and the space wherein the horse(s) are kept is fenced and the shelter is no closer than 50 feet from any street line or property line.

1220. OUTDOOR LIGHTING

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

CUTS — The manufacturer's catalog sheets, including photographs or pictures showing the design of the fixture and the performance data for the luminaires. The cuts also show lighting fixture supports, poles and the light standards which are proposed with applicable notes.

FOOTCANDLE (FC) — A quantitative unit for measuring illumination equivalent to the illumination produced by a plumber's candle (standard source), measured at a distance of one foot; one lumen per square foot.

ILLUMINATION — The density of luminous flux on a surface.

ISOLUX DIAGRAM — A line plotted on any appropriate set of coordinates which shows all the points of a surface where the illumination is the same as an isolux (isofootcandle) line. When a series of such lines for various illumination levels is plotted on the same set of coordinates, an isolux diagram is formed.

LUMINAIRES — A complete lighting unit, lighting unit assembly (including reflectors, glassware, socket, etc.) and accessories for mounting.

REFLECTOR — A surface or element of a luminaire designed to direct light in a desired direction.

B. Plan requirements.

1. Final lighting plan. The location and type of all proposed exterior lighting fixtures for parking areas shall be indicated on the final lighting plan, along with the expected hours of operation. On all pedestrian and vehicular use areas indicated on the lighting plan, an isolux diagram shall be drawn to sufficiently indicate the illumination levels furnished by each luminaire and the pattern of coverage on these areas. Reproduction of the cuts shall be transferred to the lighting plan for each type and configuration of proposed exterior lighting.
2. Final landscape plan. The location and type of all proposed exterior lighting fixtures shall be indicated on the final landscape plan to ensure that there is no conflict between the location of light standards and the location of trees and that trees will not adversely affect lighting patterns. Lighting fixture locations shall be indicated on the plan by symbol.

C. Design standards. Lighting for safety purposes to illuminate parking and/or pedestrian areas shall conform to the following:

1. Lighting shall be designed so that the illumination does not appear beyond the property line on which the lighting originates at levels above 0.2 footcandle.
2. Parking areas shall be lighted using support poles or lighting standards. The fixtures shall be located within or adjacent to parking areas, in raised traffic islands, parking bay separators or adjacent landscape areas. Parking areas shall not be lighted by means of floodlighting attached to buildings. Poles or standards shall be located so as not to be damaged by automobiles being parked (front overhang: minimum 39 inches; rear overhang: minimum 60 inches).

3. The maximum height of outdoor lighting standards and fixtures shall not exceed 20 feet in height, measured from the ground level to the top of the fixture.
4. All light fixtures shall be of the shielded type and provided with deflector light cutoff shields.
5. Site lighting shall not be lighted by means of floodlights attached to buildings, except for single-family dwelling units.

D. Other lighting.

1. A photometric plan, including design standards for lighting for athletic fields and other similar active recreation uses not included in Subsection C above shall provided. The height and design of the lighting array shall be determined on a case-by-case basis considering the following issues:

- a. Spill light.
- b. Glare.
- c. Sky glow.
- d. Definitions. As used in this section, the following terms shall have the meanings indicated:

GLARE — A subjective effect from the highest amount of light from the brightest source of light which must be masked by reflects or other devices to be reduced.

SKY GLOW — The bright aura in the night sky which requires reflections be controlled.

SPILL LIGHT — The footcandles measured beyond the area you are trying to illuminate. In no event shall footcandles exceed 0.2 at the property line.

2. The applicant shall formulate their design based on requirements of the Illumination Engineering Society, the NCAA and the requirements of the various sports groups or similar criteria for lighting in excess of 20 inches in height.
3. All lighting must be directed onto the field in question to the maximum extent possible. The height shall be determined by this factor in conjunction with Subsection D(1) and (2) above.

E. Applicability.

The submission requirements under this section shall be part of the submission of any subdivision and land development applications, where applicable. Any application for subdivision or land development, which includes the installation of outdoor lighting, shall not be considered complete unless accompanied by the appropriate submittals as outlined in this section.

F. Construal of provisions.

Nothing in this article shall be construed to be applied retroactively to existing lighting. When more than 50% of the lighting fixtures on a property are replaced, the new lighting fixtures shall conform to this section.

1221. GREEN AREAS

As used in this article, the following terms shall have the meanings indicated:

GREEN AREA — That area set aside for growing of vegetation, including trees, bushes, grass, flowers and plants, and also includes lakes, ponds, streams and other natural growth. "Green area" may include walkways for nonvehicular traffic only, but only to the extent that such walkways are provided to cross green areas.

- A. Areas set aside for recreational use shall not be counted as green area, except that those areas devoted exclusively to golf course use, including a driving range when conducted as an accessory use thereto, but not including a miniature golf course, may be counted towards the requisite area.
- B. Green area requirements under this article shall not be used to satisfy green area requirements under **Article 10**.
- C. Required green area. Any lot used or occupied in any of the following districts shall be provided with minimum green areas based upon the following percent of the lot area:

Article	District	Percent
401	R-1 Residence	35%
402	R-1A Residence	35%
403	R-2 Residence	35%
404	R-3 Residence	35%
405	R-4 Residence	40%
406	CCRC Residence	
407	A-O Apartment Office	25%
408	C-1 Commercial	5%
409	C-2 Commercial	15%
410	I Light Industrial	30%
411	SU-1 Special Use	30%

1222. LOT REDUCTION

In any subdivision made under the Newtown Township ordinance in R-1 or R-1A Residence Districts, lot areas, except corner lots, may be reduced to not less than 75% of the minimum lot area permitted in the district, and requirements for frontage, side yards and rear yards may be reduced by not more than 15%, provided that:

- A. The Board of Supervisors approves.
- B. The average of the areas of the individual lots within the subdivision shall be not less than the minimum lot area required for the district.
- C. If any lot created within such subdivision is of such size that it could be further subdivided,

further subdivision thereof shall be prohibited by a deed restriction or agreement satisfactory to the Township Solicitor and recorded in the county office for the recording of deeds prior to the issuance of a building permit for the erection of any structure within the subdivision or, if acceptable to the Township, either by transfer of a conservation easement or development rights to the Township.

- D. Any lot, tract or area created within such subdivision for park or recreational purposes, if acceptable to the Board of Supervisors, may be dedicated to the Township by a formal deed of dedication. If any such lot, tract or area is not so dedicated, provision for its conservation, maintenance and future use shall be made by deed restriction or agreement satisfactory to the Township Solicitor and recorded in the county office for the recording of deeds prior to the issuance of a building permit for the erection of any structure within the subdivision.

1223. HELICOPTERS

- A. Restrictions on landing and takeoff

No person shall land, discharge, load or take off in a helicopter in any place within the Township, other than at a heliport, unless such landing or takeoff is done:

1. In conjunction with a special event, such as an athletic contest, a holiday celebration, parade or similar activity, after at least two working days' advance notice has been given to the Zoning Officer of the Township and permission has been obtained to make such landings or takeoffs.
2. When necessary for law enforcement purposes and for emergencies.
3. In connection with a construction project where a helicopter is to be used to lift equipment or materials in connection with such project.

- B. Use restrictions; permit requirements; heliport standards.

Heliports are permitted in the SU-1 Special Use district and are prohibited in all other districts. All heliports shall be subject to the following provisions:

1. A use permit must be obtained from the Township authorizing the same.
2. The size of the property upon which the heliport is to be constructed is adequate to provide for safe operation of the helicopter and shall not be detrimental to the health, safety and welfare of the Township residents and their property.
3. There shall be a three-foot fence around the heliport, except for those heliports on a rooftop. The fence shall be located so as to not be hazardous to helicopter operations.
4. The edge of the takeoff and landing area may not be closer than 200 feet to any property line.
5. Permits for heliports shall be issued for a period of one year and may be renewed annually. Permits shall be deemed automatically revoked if:

- a. The Pennsylvania Bureau of Aviation revokes or refuses to relicense the heliport after one of its periodic inspections;
- b. The Federal Aviation Administration withdraws or revokes its approval or clearance; or
- c. The heliport is not in compliance 30 days after the Zoning Officer has notified the permit holder at its last known address, in writing, that the heliport is no longer in compliance with the requirements of the Township.

C. Heliport standards.

No land, water or building in the Township shall be used as a location for landing, takeoffs, storage, servicing or fueling of any helicopter until the following standards have been adhered to:

1. The proposed heliport shall be constructed, operated and maintained in accordance with the published rules and regulations of the Federal Aviation Administration (FAA), the Pennsylvania Bureau of Aviation and the National Fire Protection Association governing the use of heliports.
2. Each application for a heliport shall include:
 - a. A copy of the Federal Aviation Administration Form 7480-1, Notice of Landing Area Proposal.
 - b. A copy of a letter of no objections from the FAA.
 - c. A copy of the Commonwealth of Pennsylvania application for approval of landing area site and the letter of site approval from the Bureau of Aviation.
 - d. An aerial photograph or drawing of a scale no less than one inch equals 200 feet indicating the approach and departure routes and the location of all residences, schools, churches, hospitals and areas used for the outdoor assembly of people, as well as other noise-sensitive areas within a radius of 1/2 mile of the proposed heliport site.
 - e. A statement of property ownership for authorization of the owner for the property proposed to be used as a heliport.
 - f. A description of the purpose for which the heliport is being established and a schedule of proposed activities, including:
 - (1) Number of monthly operations.
 - (2) Hours of operation.
 - (3) Support activities, such as storage, maintenance and refueling.
 - g. A site plan, which shall contain the following information:
 - (1) The location, nature and height of proposed security fences, berms,

landscaping and other security and noise attenuation structures.

- (2) The location and type of fire-fighting equipment and materials.
- (3) The location and type of fuel-storage facilities, if applicable.
- (4) The location of all existing and proposed buildings.
- (5) The location of the helicopter takeoff and landing areas, parking areas and the method of surface preparation or stabilization.

D. Rooftop heliports.

Where heliports are located on rooftops or other elevated structures, the following conditions shall apply in addition to provisions in subsection C:

- a. Fuel basins and fuel spillage drainage lines shall be provided.
- b. Two fire escapes shall be provided.
- c. Standard heliport markings shall be provided.
- d. There shall be a fence or restraining wall at least four feet in height around that portion of the roof structure, exclusive of the landing pad, designed for human occupancy. No other obstruction above the landing level shall be permitted in the flight path.
- e. Heliports shall comply with the standards of the current Township Building Code.⁵⁸
- f. A certification of structural compliance attested to by a registered professional engineer or architect shall be furnished with each application for a rooftop or other elevated heliport.

E. Fire extinguishers; fueling.

1. All heliports shall be provided with fire extinguishers in accordance with current NFPA-recommended requirements for heliports.
2. Fueling and refueling of aircraft shall be permitted within the Township when authorized by the Fire Marshal.

F. Prohibited landing hours. No landings shall be made between 12:00 midnight and 6:00 a.m., unless permitted by conditional use.

G. Exemptions. Any heliport licensed in accordance with the Pennsylvania Bureau of Aviation of the Department of Transportation before February 13, 1978, is hereby exempt from the provisions herein relating to heliports.

1224. GROUP HOMES

The purpose of this Section is to provide for housing opportunities within the Township for

handicapped persons as defined in the Fair Housing Amendments Act of 1988, as amended and to allow for living arrangements to meet various supportive needs of the resident occupants consistent with public safety, health and welfare.

Group homes shall be permitted by-right in the R-1, R-2, R-3, R-4, R-5 Districts subject to compliance with the following criteria:

- A. Such group homes shall conform to the requirements of the underlying zoning district.
- B. A group home shall not be used for the housing of persons released from or under the jurisdiction of a government bureau or corrections or similar institution. The term “Handicapped” does not include current, illegal use of or addiction to a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C § 802)
- C. Group Homes shall be licensed at all times as may be required by appropriate Federal, State and/or local agencies.
- D. Services shall be provided to the resident occupants in accordance with the license and as otherwise required by State law and/or the Fair Housing Amendments Act.
- E. The requirements of the Newtown Township Building Code shall be met prior to occupancy of any group home.
- F. In any case where an applicant seeking a zoning permit for a group home requests a reasonable accommodation pursuant to the provisions of the Federal Fair Housing Act, a written application shall be filed with the Zoning Officer who is hereby empowered to grant such accommodation subject to the provisions of the Federal Fair Housing Act.

1225. COMMERCIAL AND RECREATIONAL VEHICLES AND EQUIPMENT

- A. Commercial vehicles, as defined in Article 2 are prohibited from parking in a driveway, garage or any portion of a residential lot within any zoning district that permits residential uses.
- B. Motorized construction equipment including but not limited to motorscrapers, backhoes, motorgraders, compactors, excavators, tractors, trenchers and bulldozers are prohibited from parking in a driveway, garage or any portion of a residential lot within any zoning district that permits residential uses.
- C. Recreational vehicles, as defined in Article 2 and including boats, may only be stored on driveways, or in garages and must be setback a minimum of five feet from an adjoining property line.

1226 SOLAR ENERGY SYSTEMS

- A. Solar energy systems where permitted, shall be in compliance with the following provisions.
 - 1. Solar energy systems shall be permitted as roof-mounted, building integrated photovoltaic, or ground mounted systems.

2. Roof-mounted solar energy systems shall be subject to the following height limitations:
 - a. For sloped roofs, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
 - b. For flat roofs, the highest point of the system shall be allowed to exceed the districts height limit by four (4) feet.
3. Roof-mounted solar energy systems shall be setback three (3) feet from all roof peaks, and where located on attached or semi-detached residential structures, three (3) feet from the jointure where two or more roofs may meet (valley).
4. Ground-mounted solar energy systems shall not exceed a height of fifteen (15) feet.
5. For purposes of determining compliance with building coverage standards of the applicable zoning district, the total horizontal projection area of all ground-mounted solar energy systems shall be considered pervious coverage so long as previous conditions are maintained underneath the photovoltaic cell, panels or array.
6. Solar energy systems for commercial or other non-residential uses shall be screened from neighboring residential uses through the use of parapets, roof fences or other similar treatments for roof-mounted systems, screening for ground-mounted systems.
7. Anti-glare coating shall be required for all solar energy systems.
8. No advertising, signs or lighting shall be permitted on or around solar energy systems

1227. MEDICAL MARIJUANA

Medical marijuana grower/processor facilities or dispensaries, where permitted shall be subject to the provisions and regulations of the Pennsylvania Medical Marijuana Act, P.L. 84, Act 16, as amended.