

Article XXI. Passive Park District**Section 21.00 Purpose**

The Passive Park District is established for the following purposes: to protect and preserve park lands, wilderness areas, open spaces, and scenic areas; to conserve fish and wildlife; to promote forestry, wetlands, and other natural habitats; to protect, promote and maintain the area's ecosystem; to enhance the public's knowledge of the area's ecosystem; and to educate the public with respect to the preservation of natural habitats. The uses of property in such District are intended to be of a passive nature such that they do not disturb the natural terrain, habitat and wildlife of the area but rather enhance such conditions and the passive enjoyment thereof.

Section 21.01 Principal Permitted Buildings, Structures, and Uses

- A. Agriculture.
- B. Passive open space.
- C. Cross-country skiing, ice skating, and snow shoeing
- D. Wetlands
- E. Ponds or lakes for fishing and/or Swimming.
- F. Hiking and nature observation
- G. Botanical gardens
- H. Scientific and educational research.
- I. Bicycling

Section 21.02 Permitted Accessory Buildings, Structures, and Uses

- A. Fences
- B. Foot Trails
- C. Board walks
- D. Observation decks
- E. Containers and dumpsters for waste materials.
- F. The maintaining of fences, foot trails, board walks, picnic pavilions, gazebos, water fountains, and observation decks as may be appropriate to effectuate the foregoing purposes without impairing the essential natural character of the property is permitted. Appropriate management activities shall include, but shall not be limited to, control of

non-native species of flora and fauna, and management activities intended to promote or sustain populations of rare species and/or communities.

Section 21.03 *Conditional Buildings, Structures, and Uses*

Conditional buildings, structures, and uses may be allowed in accordance with Article X and the following conditions.

- A. Buildings, structures, facilities and uses which enhance the public's awareness of the area's ecosystem as well as educate the public about maintaining and preserving the area's natural habitat.
 - 1. No part of any building, structure, facilities, use or lot shall be used for non-park sponsored activities.
- B. Other customary accessory uses and structures which are clearly incidental to permitted uses or structures as authorized by the Zoning Board of Appeals
 - 1. No part of any accessory use or structure shall be used for non-park sponsored activities.
- C. Non-vehicular trails which include surface improvements such as sand, gravel, pavement, drain pipes and the like.
 - 1. All non-vehicular trails which include surface improvements shall be a minimum of three (3) feet wide.

Section 21.04 *Prohibited Uses*

The following uses, though not an exclusive listing, are specifically prohibited within a Passive Park District.

- A. Overnight camping
- B. Ball fields
- C. Car washing
- D. Golf courses
- E. Tennis courts
- F. Hunting
- G. Dumping of trash, waste or other offensive materials of any kind
- H. All uses listed in Section 4.01

Section 21.05 *Minimum Yards, Lot Width and Lot Area for Permitted and Accessory Buildings, Structures and Uses*

The specific requirements for the Passive Park (P-P) District are contained in the following table:

Passive Park District P-P					
Front Yard Setback from edge of right of way	Side Yard	Rear Yard	Corner Lot Side Yard	Lot Width	Minimum Lot Area
100	30	50	100	200	3 acres

The minimum lot width for any lot shall be two hundred (200) feet.

Section 21.06 *Minimum Yard Dimensions for Conditional Uses*

- A. Front yard one hundred fifty (150) feet
- B. Each side yard fifty (50) feet
- C. Rear yard one hundred (100) feet.
- D. Any building, structure or use that abuts a residential district shall be set back a minimum of two hundred (200) feet

Section 21.07 *Maximum Height of Buildings*

The maximum height of any building, including appurtenant or accessory structures such as towers, turrets, poles, and antennas shall not exceed two and one half stories or measure more than thirty-five (35) feet above ground, whichever is less

Section 21.08 *Site plan approval for Conditional Uses*

None of the conditional uses authorized for a Passive Park District shall be permitted until a site plan showing the proposed development of the area and use regulations submitted by the owner have been approved pursuant to Article X of the Newbury Township Zoning Resolution.

After approval, a copy of the approved plan shall be filed with the Zoning Inspector, and no Zoning Certificate shall be issued except in conformity with the Plan. No zoning fees shall be charged for any permit or approval required herein.

Section 21.09 *Parking*

All parking shall be subject to review under conditional use regulations, and in accordance with the standards set forth in Article XI.

Section 21.10 *Signs*

All signs shall be subject to review under conditional use regulations, and in accordance with the standards set forth in Article XII.

Article XXII. Active Park District**Section 22.00 Purpose**

The Active Park District is established to provide recreational facilities for the general population within a park-like setting and atmosphere; to promote certain healthy and beneficial outdoor leisure time activities for the general population which do not present a significant risk of harm to others, and to afford reasonable access for the public to outdoor athletic, social and educational activities. Unlike the Passive Park District, this District recognizes that certain outdoor activities may require modification and alteration of natural terrain and disturbance of natural habitat. The Active Park District is created to achieve a balance between the public's need for active outdoor recreational facilities and the preservation of open space, light, and air for the enjoyment of such activities.

Section 22.01 Permitted Principal Structures and Uses

- A. Ballgames, including hardball, softball, soccer, football, lacrosse, rugby and other similar athletic activities
- B. Jogging
- C. Tennis
- D. Swimming
- E. Picnic grounds, campgrounds
- F. Playgrounds
- G. Bicycling
- H. Dugouts, ball fields, fences, backstops, goal posts, hard surface tennis courts and other similar structures or facilities necessary to carrying on of any permitted use. Grandstands for spectators shall be limited, however, to four (4) rows in height and thirty (30) feet in length, two such grandstands per ball field.
- I. Barbeque pits and similar cooking facilities, and shelters.
- J. Swimming pools and pool houses.
- K. All uses permitted in a Passive Park District.

Section 22.02 Prohibited Uses

The following uses, though not exclusive, are specifically prohibited within an Active Park District.

- A. All terrain vehicles, motorbikes, snowmobiles
- B. Golf courses

- C. Survival games
- D. Any activity involving the use of firearms, including hunting, skeet-shooting, and target practice crossbow or archery
- E. Dumping of trash, waste or other offensive materials of any kind
- F. All uses listed in Section 4.01

Section 22.03 *Minimum Yards, Lot Width and Lot Area for Permitted and Accessory Buildings, Structures and Uses*

The specific requirements for the Active Park (A-P) District are contained in the following table:

Active Park District A-P					
Front Yard Setback from edge of right of way	Side Yard	Rear Yard	Corner Lot Side Yard	Lot Width	Minimum Lot Area
150	30	50	100	300	10 acres

The minimum lot width for any lot shall be three hundred (300) feet.

Any building, structure or use that abuts a residential district shall be set back a minimum of two hundred (200) feet.

Section 22.04 *Maximum Height of Buildings*

The maximum height of any building, including appurtenant or accessory structures, such as towers, turrets, poles or antennas shall not exceed two and one half stories or measure more than thirty-five (35) feet above ground, whichever is less.

Section 22.05 *Parking and Signs in Active Park District*

These standards shall apply to all property located in the Active Park Districts

- A. All driveways, roads and parking areas shall be developed so as to blend with the natural features of the landscape and minimize the visual and ecological impact upon the Park District. The Zoning Board of Appeals may limit the maximum parking so as to preserve and protect the natural features and uses for which the Park District is established.
- B. All signs will be permitted without the requirement to obtain a permit when they are not visible from any public road or are informational only and limited to information about the Park District. All signs shall be designed and placed so as to minimize the

visual and ecological impact upon the Park District. No advertising signs shall be permitted.