

## **WASHINGTON TOWNSHIP ORDINANCE 2024 - 01**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF WASHINGTON TOWNSHIP SPECIFICALLY CHAPTERS 350-351 ENTITLED "ZONING" AND "ZONING, AIRPORT" BY ADOPTING AN ORDINANCE ADDING AND REVISING CERTAIN SECTIONS INCLUDING DEFINITIONS SUCH AS AGRI-ENTERTAINMENT AND NEIGHBORHOOD COMMERCIAL USES; PERMITTING SOLAR ELECTRIC ENERGY FACILITIES AND WIND ENERGY FACILITIES ONLY IN THE RURAL INDUSTRIAL ZONE OF THE TOWNSHIP; ALLOWING FOR INSPECTION AND ENFORCEMENT POWERS BY THE SUPERVISORS FOR CONDITIONAL USES AND SPECIAL EXCEPTIONS; SETTING FORTH CERTAIN CONDITIONS FOR SOLAR ENERGY FACILITIES, WIND ENERGY FACILITIES, TRAVEL TRAILER OCCUPANCY, HOME OCCUPATIONS, EDUCATIONAL FACILITY, LIGHT MANUFACTURING, SHORT TERM RENTAL, HOMESTAY, PLANING MILLS, SLAUGHTERHOUSES AND JUNK/ABANDONED VEHICLES AND PROVIDING FOR A SEPARATE SECTION LISTING THE SEPARATE ZONING DISTRICTS.

### **ZONING**

This Ordinance revises and replaces in its entirety Chapters 350 and 351 of the Code of Ordinances of Washington Township, located in Jefferson County, PA, and was adopted at a regular meeting of the Board of Supervisors on August 13, 2024.

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**Chapter 350****ZONING**

**[HISTORY: Adopted by the Board of Supervisors of the Township of Washington 9-27-2005 by Ord. No. 2005-02. Revised by the Board of Supervisors of the Township of Washington 8-13-2024 by Ord. No. 2024-01]**

**ARTICLE I  
General Provisions****§ 350-1. Short title.**

This chapter shall be known and may be cited as the "Washington Township Zoning Ordinance." The accompanying map is hereby declared to be part of this chapter and shall be known and may be cited as the "Washington Township Zoning Map" hereinafter referred to as the "Zoning Map."

**§ 350-2. When effective; statutory authority.**

This chapter shall become effective immediately upon enactment. Enactment by the Supervisors of the Township of Washington, County of Jefferson, is by the authority of and pursuant to the provisions of Articles VI through X-A of Act No. 247 of 1968, P.L. 805, as reenacted and amended by the Pennsylvania General Assembly, know and cited as the Pennsylvania Municipalities Planning Code.<sup>1</sup>

**§ 350-3. Purpose.**

This chapter is designed, adopted and enacted:

- A. To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, 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 the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- B. 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.
- C. To preserve prime agriculture land considering topography, soil type and classification, and present use.
- D. To provide for the use of land within the 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 multifamily dwellings in

various arrangements, mobile homes and mobile home parks; provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.

- E. 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.

#### **§ 350-4. Interpretation.**

For the purpose of the interpretation and application of this chapter, the provisions contained herein shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare.

- A. Whenever any regulations made under authority of this chapter require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other statute, the provisions of the regulations made under authority of this chapter shall govern.
- B. Whenever the provisions of any other statute require a greater width or size of yards, courts or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by any regulations made under authority of this chapter, the provisions of such statute shall govern.
- C. Whenever any regulations pertaining to a specific use or activity under authority of this chapter require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required for the zoning district or generally required under this chapter, the greater or higher standards shall govern.

#### **§ 350-5. Severability.**

The provisions of this chapter shall be severable, and if any of these provisions shall be held or declared illegal, invalid, or unconstitutional by any court of competent jurisdiction, the validity of the remaining provision of this chapter shall not be affected. It is hereby declared as the legislative intention that this chapter would have been adopted had such unconstitutional provisions not been included herein.

#### **§ 350-6. Repealer.**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed, including the Washington Township Zoning Ordinance, enacted in December 1962, and subsequently amended. Nothing in this chapter hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action occurred or existing under any ordinance repealed by this chapter. Nor shall any right or remedy of any character be lost, impaired or affected by this chapter.

ARTICLE II  
**Community Development Objectives**

**§ 350-7. Community development objectives.**

The Washington Township Supervisors state the following legislative finding with respect to land use, density of population, location and function of roads, and other community facilities and utilities, and other factors that the Supervisors believe relevant in establishing community development objectives for the future development of the Township. It is the purpose of this chapter to reflect the objectives of the Township, to establish such other objectives as may be deemed necessary, and to provide the means and regulations whereby these objectives may be attained.

- A. Encourage balanced and appropriate growth and development that maintains the rural character of Township.
- B. Balance agricultural land uses and productivity and assure the continuance of agricultural and agricultural related services as important commercial operations.
- C. Encourage more flexible land development which will preserve, protect manage and enhance environmental and natural resources such as streams, floodplains, ground water, wooded areas, steeply-sloping areas and other natural areas.
- D. Provide wide variety and choice of housing opportunities for Township residents, including young families and the elderly who need affordable housing as well as new residents moving to the Township.
- E. Provide and maintain an efficient and safe transportation system that minimizes adverse impacts on the Township.
- F. Promote the extension of community facilities and services whenever practicable to existing population centers and to areas where growth is anticipated.
- G. Encourage the planning, design and development of building sites that provide compatible land uses, balanced growth, and appropriate development and in areas where infrastructure exists, where maximum safety and human enjoyment can be assured.
- H. Encourage the planning, design and development of building sites that adapt to and take the best advantage of the natural terrain; and.
- I. Promote adequate active and passive recreational amenities for existing and future Township residents.

ARTICLE III  
Terminology

**§ 350-8. Application and interpretation.**

- A. It is not intended that these definitions include only words used or referred to in this chapter. The words are included in order to aid in the interpretation of this chapter for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.
- B. Unless otherwise expressly stated, the following shall, for the purpose of this chapter, have the meaning indicated as follows:
- (1) Words used in the present tense include the future tense.
  - (2) The word "person" includes a profit or nonprofit corporation, company, partnership or individual.
  - (3) The words "used" or "occupied" as applied to any land or building include the words "intended," "arranged," or "designed" to be used or occupied.
  - (4) The word "building" includes structure.
  - (5) The word "lot" includes plot or parcel.
  - (6) The word "shall" is always mandatory.

**§ 350-9. Definitions.**

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

**ABANDONMENT** — to cease or discontinue a use or activity, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

**ABUTTING** — having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

**ACCESSORY BUILDING** — a subordinate building or portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

**ACCESSORY USE** — a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use of building.

**ACT 247** — the Pennsylvania Municipalities Planning Code, as amended. The law, passed July 31, 1968, is the enabling legislation that permits municipalities in Pennsylvania to prepare and enact comprehensive development plans, zoning ordinances and other land use controls.

**ADULT ENTERTAINMENT** — a store or shop with more than 15 square feet of floor area devoted to the display and selling of pornographic materials consisting of pictures, drawings, photographs or other depictions, or printed matter and paraphernalia which, if sold knowingly to a child under 18 years of age, would violate the criminal laws of the Commonwealth of Pennsylvania in effect the same time thereof.



**AGRICULTURE** — an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes, but is not limited to, an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. Activities that fall within agriculture typically include, but are not limited to, Farmsteads, Apiculture (bee-raising); Aquacultural (fish raising); Silviculture (growing and cultivation of trees, forestry), Horticulture (garden cultivation and management, greenhouses, landscaping); Animal Husbandry (breeding and caring of livestock); Agricultural Conservation practices.

**AGRI-ENTERTAINMENT/BUSINESS** — are activities related to agriculture-related tourism or agriculture-related entertainment opportunities. The term includes activities that provide an opportunity for entertainment in an agricultural setting. Examples of Agri-Entertainment/Business enterprises include, but are not limited to, event centers, pick-your-own fruits and vegetables, agricultural markets, festivals/fairs, interactive animal displays, corn-maze enterprises, for-fee fishing, and agriculture-stay vacations. Many Agri-Entertainment/Business enterprises have an educational component that may include a agricultural tour or agricultural museum visit.

**AGRICULTURE SERVICES** — agriculture Service uses in the Township are intended to include, but are not limited to, enterprises that sell goods or services to a substantially agricultural clientele, including feed mills, seed sales, feed grinding services, agricultural implement dealers, services that fix and maintain all agricultural equipment, services that design and construct agricultural buildings, services engaged in small scale custom animal processing and packaging of animals (such as chicken, beef, swine and deer).

**AGRICULTURAL CONSERVATION PRACTICES** — common practices including, but not limited to, nutrient management, conservation tillage, cover crops, field-edge filter strips, and fences to exclude livestock from streams.

**ALTERATIONS** — as applied to building or structure, means a change or rearrangement in structural parts or in the existing facilities or an enlargement, whether by extending on side, front or back or by increasing height or the moving from one location or position to another.

**AMENDMENT** — revisions to the zoning text and/or the Official Zoning Map; the authority for any amendment lies solely with the Township Supervisors and the Township Planning Board and is pursuant to the Pennsylvania Municipalities Planning Code.

**ANIMAL HUSBANDRY** — the raising and keeping of livestock and poultry, with the intent of producing capital gain, or profit or with the intent of selling any livestock or poultry products. The keeping of livestock or poultry as pets associated with agricultural operations, or for domestic purposes pursuant to the regulations of this Ordinance shall not be construed as animal husbandry.

**APIARY** — any place where one or more colonies of bees are kept at a single location.

**APPLICATION FOR ZONING PERMIT** — an application, required to be filed and approved by the Township Supervisors prior to start of construction or development.

**AREA, BUILDING** — the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory building.

**AUTOMOBILE REPAIR OR BODY WORK FACILITY** — a building designed and used for the storage, care, repair or refinishing of motor vehicles or engines or similar devices including both minor and major mechanical overhauling, paint and body work.

**AUTOMOBILE SALES** — means an establishment engaged in the retail or wholesale sale or rental, from the premises, of motorized vehicles or equipment, along with incidental service or maintenance. Typical uses include new and used automobile and truck sales, automobile rentals, boat sales, motorcycle sales, construction equipment rental yards, moving trailer rental, agriculture equipment sales and rental, and machinery sales, service and rental.

**BAR and/or COCKTAIL LOUNGE** — any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law. It shall not mean a premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than 25% of the gross receipts.

**BANKS AND FINANCIAL SERVICES** — means an establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions and credit unions.

**BEEKEEPER** — a person who owns or has charge of one or more colonies of honeybees.

**BED-AND-BREAKFAST INN** — a house, or portion thereof, that provides overnight accommodations for less than seven (7) consecutive days. The operator of the inn shall live on the premises or in adjacent premises.

**BILLBOARD** — a surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises wherein it is displayed or posted.

**BOARD OF SUPERVISORS** — the Board of Supervisors of the Township of Washington, Jefferson County, Pennsylvania.

**BROADCAST TRANSMISSION FACILITY** — any structure designed or intended for use to transmit or relay any digital, electronic, radio, television or microwave signal via the atmosphere, excluding satellite receivers less than 18 inches in diameter and transmission facilities required for public safety.

**CAR WASH** — an area of land and/or a structure with machine or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

**CARTWAY** — that portion of the street right-of-way surface for vehicular use. Width is determined from face of curb to face of curb or from on edge of driving surface to the other edge of driving surface.

**CEMETERIES** — land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery, but not including accessory burial of family members or pets on land accessory to a single family dwelling or agricultural operation when conducted in conformity to Commonwealth law.

**CERTIFICATION OF COMPLIANCE** — a statement, based on an inspection, signed by the Zoning Officer, setting forth either that a building, structure or use of a parcel of land complies with this chapter or that a building, structure or parcel of land may lawfully be employed for specified use, or both.

**CHURCH or HOUSE OF WORSHIP** — an institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church"

shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

CLUB — buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.

CLUSTER DEVELOPMENT — a development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for agriculture, recreation, common open space, and preservation of environmentally sensitive areas.

COLLECTOR ROAD — a road providing both access service and traffic circulation within areas and connection between local roads and arterial roads and highways.

COMMERCIAL USE — an occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee, involving a sale of goods or services.

COMPOSTING, ACCESSORY USE — storage, collection, transportation, and/or use of manure, agricultural waste, food processing waste, screenings and sludges on land where the materials will improve the condition of the soil, the growth of crops or in the restoration of the kind for the same purposes. The term also includes storage arrangement, transportation, and disposal of manure, agricultural waste, food processing waste, screenings, and sludges accumulated on site for purpose of disposal as long as the waste is not considered to be residual or hazardous wastes according to the standards set by the Pennsylvania Department of Environmental Protection (DEP). This use is customarily incidental and subordinate to the principal use and is located on the same parcel with such principal use.

COMPOSTING, PRINCIPAL USE — the collection, storage, transportation and disposal of agricultural wastes, food processing wastes, screenings, sludges, manure, and biological decomposable materials from mainly, but not necessarily entirely off-site sources for the purpose of resale after the composting processes have been completed as long as the waste is not considered to be residual or hazardous wastes according to the standards set by DEP. This use is clearly the principal purpose for which a building, other structure and/or land is used, occupied or maintained under this chapter.

CONDITIONAL USE — a use permitted in a particular zoning district pursuant to the provisions in Article VI of the Pennsylvania Municipalities Code. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

CONVENTIONAL WELL - A well usually drilled into a sandstone formation that can be as much as 21,000 feet deep. Oil and gas are able to pass through these formations without hydraulic fracturing.

DAY-CARE CENTER, COMMERCIAL — a facility in which care is provided for seven or more children, at any one time, where the child care areas are not being used as a family residence. All facilities require approval or licensure as specified by the Pennsylvania Department of Human Services and the Pennsylvania Department of Labor and Industry.

DAY-CARE HOME, FAMILY FACILITY— any premises other than the child's own home, operated for profit or not for profit, in which child day care is provided at any one time to four, five, or six children, who are not relatives of the caregivers. Pennsylvania Department of Human Services registration is required and home occupation regulations herein shall be adhered to.

**DAY-CARE HOME, GROUP** — a facility in which care is provided for more than six but less than 12 children, at any one time, where the child-care areas are being used as a family residence. All facilities require approval or licensure as specified by the Pennsylvania Department of Human Services and home occupation regulations herein shall be adhered to.

**DENSITY** — a ratio of the number of dwelling units per acre that occupy or may occupy an area of land.

**DEVELOPMENT PLAN** — the provisions for development of a planned residential development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan," when used in this chapter, shall mean the written and graphic materials referred to in this definition.

**DISTRICT or ZONING DISTRICT** — an area constituted by or pursuant to this chapter and delineated by text and map as to location, extent, nature and contents.

**DWELLING** — a building or portion thereof that provides living facilities for one or more families.

**DWELLING, MULTIFAMILY** — a building or portion thereof for occupancy by three or more families living independently of each other and containing three or more dwelling units.

**DWELLING, SEASONAL** — a dwelling not used for permanent residence and nor occupied for more than six months in each year.

**DWELLING, SINGLE-FAMILY, ATTACHED (GROUP, ROW, AND TOWNHOUSES)** — one of two or more residential buildings having a common or party wall separating dwelling units.

**DWELLING, SINGLE-FAMILY, DETACHED** — a residential building containing not more than one dwelling unit entirely surrounded by open space on the same lot.

**DWELLING, TWO-FAMILY** — a building arranged, designed, or intended for occupancy by two families living independent of each other and doing their own cooking therein, on a single lot.

**DWELLING UNIT** — one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

**EASEMENT** — the right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

**EDUCATION FACILITIES** — means a structure available for the instruction of students or the conducting of research or the operation of an institution for higher education, including parking and other facilities or structures essential or convenient for the orderly conduct of the institution for higher education, and shall include lands and interests in lands and landscaping, site preparation, furniture, equipment, machinery, and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended, and any improvements necessary to a particular facility to make the facility more energy efficient.

**ELECTRONIC NOTICE** — notice given by a municipality through the Internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing, pursuant to 53 P.S. § 10109. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**

**ESSENTIAL SERVICE** — the erection, construction, alteration or maintenance by public utilities or public service establishment or municipal or other governmental agencies of underground gas, electrical, telephone, radio, television transmission or distribution systems; and public water, public sanitary sewer and public storm sewer facilities, including wires, mains, drains, sewers, pipes, conduits, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith; including buildings necessary for the furnishing of adequate services for the public health, safety and general welfare; excluding sanitary landfills.

**EVENT CENTER** — a public or privately owned structure used for the purposes of hosting weddings, receptions, dinners or other similar occasions. Uses held in an Event Center shall not impact surrounding areas or land uses. The operation of an Event Center shall be in compliance with all applicable local and state codes and regulations. Copies of applicable licenses, permits and approvals shall be provided to the Township.

**FAMILY** — one or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of four or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

**FAMILY CARE FACILITIES** — a residence offering child and/or adult day-care services by the residents of the premises to a maximum of six persons unrelated by birth or marriage or occupancy of the resident household.

**FAMILY CARE HOMES** — means a home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities.

**FARMSTEAD** — a group of buildings, barn and accessory buildings typically associated with agricultural operations and which are only required for agricultural operations.

**FARM DISTILLERY** — a farm distillery is typically an extension of an existing agricultural operation. According to the American Distilling Institute definition, "Farm distilleries typically produce spirits from grain, potatoes, fruit or sugarcane grown on their farm or brought from local farms".

**FLOOD** — A temporary inundation of normally dry land areas.

- A. **FLOOD, ONE-HUNDRED-YEAR** — a flood that, on the average, is likely to occur once every 100 years, i.e., that has a one-percent chance of being equaled or exceeded in any given year; for the purposes of this chapter, the "regulatory flood."
- B. **FLOOD, REGULATORY** — a flood having a one-percent chance of being equaled or exceeded in any given year; the one-hundred-year flood.

**FLOOD FRINGE** — that portion of the one-hundred-year floodplain outside the floodway.

**FLOOD HAZARD AREA** — a relatively flat or low land area adjoining a stream, river, or watercourse which is subject to partial or complete inundation; or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source. The boundary of this area shall coincide with the boundary of the one-hundred-year flood.

FLOODPLAIN — for the purposes of this chapter, the floodplain shall be defined the same as the "flood hazard area."

FLOODPROOFING — structural modifications or other changes or adjustments to buildings or their contents, undertaken to reduce or eliminate flood damage to them.

FLOODWAY — the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a one-hundred-year frequency without cumulatively increasing the water surface elevation more than one foot at any point.

FORESTRY — the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**

GARAGE, PRIVATE — an enclosed or covered space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises.

GARAGE, REPAIR — a building used primarily for making major repairs to motor vehicles, including overhauling, body work, refinishing, and upholstering and incidental servicing.

GROUP HOME — a facility or dwelling unit housing four or more persons who are not within the second degree of kinship and are operating as a group family household, including, but not limited to, handicapped persons, foster children, elderly, battered children and women, and operates as a special treatment facility providing less than primary health care.

HOME OCCUPATION — an occupation, profession, activity, or use that is clearly a customary, 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.

HOTEL (SEE ALSO MOTEL) — a facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

IMPERVIOUS SURFACE — any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surface shall include graveled driveways and parking areas.

INDUSTRIAL, 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.

INDUSTRIAL, LIGHT — a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

JUNK — old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass appliances, furniture, beds and bedding, rags, rubber, motor vehicles, and parts thereof.

**JUNKYARD** — a lot or structure, or part thereof, used primarily for the collecting, storage, and sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

**JUNK AND ABANDONED VEHICLES** — motor vehicles, trailer and other self-propelled land vehicles which are partially dismantled, unused, unusable or wrecked and which cannot safely or legally be operated on the streets or highways of this Township or Commonwealth. Vehicles that are currently licensed, have a valid registration and have a current certificate of inspection shall not be included within this definition. Agricultural Equipment shall also not be included in this definition.

**LAND DEVELOPMENT** — Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - 1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - 2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accordance with Section 503(1.1), Article V, of Act 247, as amended.<sup>2</sup>

1. Editor's Note: See 53 P.S. § 10503(1.1).

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**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 he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

**LIGHT MANUFACTURING** — the assembly, fabrication, manufacture, production, processing, storage and/or wholesale distribution of goods or products where no process involved will produce noise, light, vibrations, air pollution, fire hazard or emissions, noxious or dangerous to neighboring properties within four-hundred (400) feet, including, but not limited to, production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; robotics, time pieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition, machine tools; dies and gauges; ceramics; apparel; lightweight nonferrous metal castings; light sheet metal products; plastic goods; pharmaceutical goods; food products such as wholesale commercial bakeries, and wholesale laundering (but not including animal slaughtering, curing nor rendering of fats).

**LIMITED COMMERCIAL** — a small commercial establishment providing light retail goods or services for the convenience of residents of the municipality, which is compatible with the essential character of the neighborhood or district; is not disruptive to neighboring residential uses; confines sales, services and storage activities to the interior of the building; and conforms with the other requirements of the district in which it is located. Limited

commercial establishments shall further be defined as those which do not exceed 5,000 square feet of floor area.

LOGGING — the act of cutting trees for cord wood, for timber, for pulp or for any commercial purpose, excepting therefrom a person cutting on his own property or the property of another, with his permission, for his own or his family's use, the clearing of up to 2 acres for development of building sites, or the clearing for agricultural operations, if there is no altering of natural drainage courses.

LOT (SEE ALSO LOT OF RECORD) — a platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

LOT AREA — the area of horizontal plan bounded by the vertical planes through front, side, and rear lot lines.

LOT COVERAGE — determined by dividing that area of lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

LOT DEPTH — the average horizontal distance between the front and rear lot lines. LOT, INTERIOR — A lot other than a corner lot.

LOT LINE, FRONT (SEE ALSO YARD FRONT) — on an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

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 lot lines will not have a rear lot line.

LOT LINE, SIDE — any lot line not a front or rear lot line.

LOT OF RECORD — a lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.

LOT WIDTH — the horizontal distance between side lot lines, measured at the required front setback line.

LOT, CORNER — a lot abutting on and at the intersection of two or more streets. LOT, THROUGH — A lot having its front and rear yards each abutting on a street.

MAILED NOTICE — notice given by a municipality by first-class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing, pursuant to 53 P.S. § 10109. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

MANUFACTURED HOME — a factory-built residential dwelling unit certified as built in compliance with the HUD Code. It is transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length; or when erected on site, is 320 or more square feet, and is built on a permanent chassis and designed to be used as a year-round dwelling with a permanent foundation and connected to the required utilities.

MANUFACTURING — the act of producing, processing, preparing or assembling finished products or goods from raw materials or component parts through the repetitious use of an established or set process.



**MINI-STORAGE WAREHOUSE** — a warehousing facility where separate storage spaces of varying size are available for lease or rental, usually on a self-service basis. For the purposes of this chapter, there shall be no residential occupancy or nor commercial sales conducted from such storage areas.

**MOBILE HOME** — a transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**MOBILE HOME LOT** — a parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

**MOBILE HOME PARK** — a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**MOTEL (SEE ALSO HOTEL)** — a building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

**MUNICIPALITY** — the Township of Washington, Jefferson County, Pennsylvania.

**NEIGHBORHOOD COMMERCIAL** — are uses that furnish convenience goods and services that meet the daily needs of the residents in the Township and surrounding areas. Appropriate uses are intended to provide for smaller scale commercial and business uses while protecting the unique character of the surrounding residential and agricultural areas. Commercial and business uses shall be of a compatible scale and shall not adversely impact residential and agricultural uses. Township Supervisors will have discretion to determine if a proposed use meets the intent of the Neighborhood Commercial uses.

**NO-IMPACT HOME-BASED BUSINESSES** — this includes business or commercial activity administered and conducted as an accessory use clearly secondary to the residential use of the dwelling, and which involves no vehicular or pedestrian customer, client or patient traffic, and the business use requires no pickup, delivery or removal functions to or from the premises in excess of those normally associated with the residential use. The business or commercial activity must satisfy the following:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses;
- B. The business shall employ no employees other than family members residing in the dwelling;
- C. The business shall not involve the display or sale retail goods and no stockpiling or inventory of a substantial nature;
- D. There shall be no outside appearance of a business use, including but not limited to parking, signs or lights;
- E. The business activity may not use any equipment or process that creates noise, vibration, glare, fumes, odors, electronic or electrical interference, including interference with radio or television reception, which is detectable in the

neighborhood;

- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential uses in the neighborhood;
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor space; and
- H. The business may not involve any illegal activity.

**NONCONFORMING LOT** — a lot the 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 a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such 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 a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

**OFF-SITE SEWER SERVICE** — a system of piping, tanks or other facility approved by DEP serving one or more lots and disposing of sewage in an approved sewage treatment facility.

**OFF-SITE WATER SERVICE** — a water distribution system approved by DEP which supplies potable water to individual lots or dwelling units from a central water source located beyond the limits of the lot being served. Such system may be publicly or privately owned and operated.

**ON-SITE SEWER SERVICE** — a single system of piping tanks or other facilities approved by DEP serving only a single lot and disposing of sewage in whole or in part into the soil.

**ON-SITE WATER SERVICE** — a single water system, well or spring, approved by DEP where applicable, serving only a single lot.

**OPEN SPACE** — any parcel or designated land area in its natural state or essentially unencumbered by either principal or accessory uses, buildings, structures, or impervious surfaces.

**OPEN SPACE, COMMON** — a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking area, and areas set aside for public facilities.

**PARCEL** — a continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

**PARKING SPACE** — an area on a lot and/or within a building intended for the use of

temporary parking of a personal vehicle. This term is used interchangeably with parking stall. Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhouse residential uses shall be considered to have a means of access to a public street.

**PERSONAL AND BUSINESS SERVICE** — any enterprise conducted for man which primarily offers services to the general public, such as shoe repair, valet services, watch repairing, barber shops, beauty parlors, gymnasiums and fitness centers, tattoos and body piercing, computer repair, retail copy printing, licenses therapeutic massage and related activities.

**PHILANTHROPIC FACILITIES** — nonprofit nongovernmental entities, facilities and organizations that utilize donated assets and income to provide social useful services. Community foundations, endowments and charitable trusts are types of philanthropic organizations.

**PLANNING COMMISSION (COUNTY)** — the Planning Commission of the County of Jefferson.

**PLANNING COMMISSION (TOWNSHIP)** — the Planning Commission of the Township of Washington.

**PLAT** — a map, plan or layout of a subdivision indicating the location and boundaries of individual properties.

**PLANNING/SAW MILL** — a business that cuts raw logs and assembles lumber for construction or other uses, and may include planning, or lumber drying services.

**PRINCIPAL BUILDING** — a structure in which the principal use of the site is conducted.

**PRINCIPAL USE** — the main use of land or structures, as distinguished from a secondary or accessory use.

**PRIVATE CLUB** — an organization catering exclusively to members and their guest; or premises and building for recreational or athletic purposes which are not conducted primarily for gain, providing that any vending stands, merchandise or commercial activities are conducted only as required generally for the membership of each club.

**PROFESSIONAL OFFICE** — the office of a member of a recognized profession. This may include an office or studio of a physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher or similar occupation, or a business or portion of a business where only administrative, computer, and clerical services occur. A professional office shall be considered a home occupation when conducted from a residence by a member of the resident family and when the office is only secondary to the residential use of the building.

**PUBLIC HEARING** — a formal meeting held, pursuant to public notice by the governing body or planning agency, intended to form and obtain public comment prior to taking action in accordance with Act 170.<sup>3</sup>

2. Editor's Note: See 53 P.S. § 10101 et seq.

**PUBLIC MEETING** — a forum held pursuant to notice under 65 Pa.C.S.A. § 701 et seq., known as the "Sunshine Act." **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

**PUBLIC NOTICE** — notice published once each week for two successive weeks in a newspaper of general circulation in the Washington Township area. Such notice shall state

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

**PUBLIC USES** — includes public and semipublic uses of a welfare and educational nature, such as hospitals, nursing homes, schools, parks, churches, cemeteries, civic centers, historical restorations, fire stations, municipal and county buildings, essential public utilities that require enclosures within a building; nonprofit recreational facilities; easements for alleys, streets, and public utility rights-of-way; and radio and television transmission facilities.

**RECREATIONAL VEHICLE** — a vehicle less than 38 feet in length, used for temporary living or sleeping purposes, which stands on wheels. Included are travel trailers, truck campers and motor homes, and forms of camping accommodation. Such vehicles are permitted only in campgrounds or on private individual parcels.

**RECREATIONAL VEHICLE (RV) PARK** — any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**RECYCLING CENTER** — a facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, plastic containers, and metal cans, are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

**RECYCLING COLLECTION POINT** — a collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.

**RESTAURANT** — an establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tea rooms, and outdoor cafes.

**RESTAURANT, DRIVE-IN** — a retail outlet where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles.

**RESTAURANT, FAST-FOOD** — an establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or grilled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

**RETIREMENT COMMUNITY** — is a residential community or housing complex designed for older adults who are generally able to care for themselves; however, assistance from home care agencies is allowed in some communities, and activities and socialization opportunities are often provided. Some of the characteristics typically are: the community must be age-restricted or age-qualified, residents must be partially or fully retired, and the community offers shared services or amenities.

**RIGHT-OF-WAY** — a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

**ROAD** — a public or private way that affords principal means of access to abutting properties. The word "road" shall include, but not be limited to, the words "street," "highway," "alley," and "thoroughfare."

**ROAD CENTER LINE** — the center of the surveyed road right-of-way, or where not

surveyed, the center of the traveled cartway.

**ROAD CLASSIFICATION** — for the purpose of this chapter, the following definitions are employed:

- A. **MAJOR ARTERIAL** — a road whose function is to provide for the movement of high volumes of through traffic subject to necessary control of entrances, exits and curb use.
- B. **MINOR COLLECTOR** — a road or street that provides for the movement of large volumes of traffic between arterials and local roads and direct access to abutting properties.
- C. **LOCAL** — a road whose function is to provide for local traffic movement and direct access to abutting properties.
- D. **PRIVATE or NONPUBLIC** — all streets which are not public, including, but not limited to, streets maintained by private agreements, by private owners or for which no maintenance responsibility has been established, and including all private driveway easements or rights-of-way for access.

**ROAD GRADE** — the officially established grade of the road upon which a lot fronts, or in its absence the established grade of roads upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the road at such mid-point shall be taken as the road grade.

**SALVAGE YARD** — the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 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.

**SANITARY LANDFILL** — a lot or land or part thereof used primarily for the disposal of garbage, refuse, and other discarded materials, including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural, and residential activities and approved by the PA Department of Environmental Protection.

**SCREEN PLANTING** — a vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

**SEASONAL DWELLING** — a dwelling intended for seasonal or leisure activity which is not intended now or in the future for year-round dwelling purposes. It includes cottages and cabins built on a permanent foundation. Such uses shall be limited to hunting and fishing seasons, vacation time, weekends, retreats and other periodic visits for a period not to exceed 180 days per year.

**SELF-SERVICE STATION** — an establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

**SERVICE STATION** — any premises where gasoline and other petroleum products are sold and/or light maintenance activities, such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted.

**SETBACK** — the required minimum horizontal distance between the building line and the related front, side, or rear property line. Shall be measured from the right-of-way line of all roads or streets.

**SHORT TERM RENTALS AND HOMESTAYS –**

- A. Homestay – an occupied, fully furnished, single-family dwelling unit or seasonal camp that is rented by written contract to registered guests. “Occupied” shall mean presently and simultaneously occupied by the property owner.
- B. Short Term Rental - a vacant, fully furnished, single-family dwelling or seasonal camp that is rented by written contract to registered guests. “Vacant” shall mean not presently and simultaneously occupied by the property owner.

**SIGN** — a structure that consists of any device, light, letter, word, model, banner, pennant, trade flag, logo, insignia, balloons or representation that advertises, directs, or announces the use conducted; goods, products, services or facilities available; or that influences persons or conveys information, or that calls attention to the building or the use located on the lot. The term "sign" includes the word "billboard," but does not include the flag of the United States of America or the Commonwealth of Pennsylvania, or any Federal, state or municipal traffic or directional sign or other official federal, state, county or municipal government signs.

**SOLAR ELECTRIC ENERGY FACILITY** — an electric generating facility, whose main purpose is to generate and supply electricity and consists of one or more solar electric systems and other accessory structures and buildings, including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. The use is primarily off site.

**SOLAR ELECTRIC ENERGY SYSTEM** — the components and subsystem that, in combination, convert solar energy into electric energy suitable for use. The term includes, but is not limited to, photovoltaic and concentrated solar power system. The use is primarily on site.

**SLAUGHTER HOUSE** — a commercial activity where animals are slaughtered for food.

**SPECIAL EXCEPTION** — a use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of Act 247, the Pennsylvania Municipalities Code, as amended.

**STABLE, PRIVATE** — an accessory building in which livestock are kept for private use and not for hire, remuneration or sale.

**STABLE, PUBLIC** — a building in which any livestock are kept for remuneration, hire, sale, boarding, riding, or show.

**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 it, then the space between any floor and the ceiling next above it.

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

**SUBDIVISION** — the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer or ownership of building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into

parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SURFACE MINING/EXTRACTION** — open pit mining shall include all activity which removes from the surface, or beneath the surface of the land, some material mineral resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of: sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore.

**SWIMMING POOL** — any reasonably permanent pool or open tank, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth any point greater than two feet. Ponds and/or lakes associated with agricultural areas are not included, provided that swimming is not the primary purpose for their construction. Barrier requirements for aboveground pools will be measured from the ground.

**TOWNSHIP** — the Township of Washington, Jefferson County, Pennsylvania.

**TRANSFER STATIONS** — a lot or structure, or part thereof, used primarily for the collection and/or storage of garbage, refuse and other discarded materials, including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agriculture and residential activities.

**TRAVEL TRAILER** — a vehicle that is a portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer on the trailer. Unoccupied travel trailers do not constitute mobile homes as used in this chapter. All travel trailers shall display a current vehicle registration plate.

**TRAVEL TRAILER PARK** — a parcel of land used for the parking of two or more trailers for rent and occupancy by the public on a short term or seasonal basis.

**UNCONVENTIONAL WELL** — A bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation. An unconventional formation is a geological shale formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multi-lateral well bores or other technics to expose more of the formation to the well bore.

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

**VARIANCE** — a modification of the literal provisions of this chapter which the Zoning Hearing Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.

**WATER SURVEY** — an inventory of the source, quantity, yield and use of groundwater and surface water resources within a Washington Township.

**WATERCOURSE** — a channel or conveyance of surface water having a defined bed and banks, whether artificial or natural, with intermittent or perennial flow.

**WETLANDS** — land that is inundated or saturated by surface water or groundwater at a

frequency and duration sufficient to support, and that under normal circumstances does or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but is not limited to, swamps, bogs, marshes, and marine meadows.

**WIND ENERGY FACILITY** — an electric generation facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. The term does not include stand-alone Wind Turbines constructed primarily for residential or agricultural use.

**YARD** — an open space that lies between the principal building or group of buildings and the nearest lot line. Such space shall be unoccupied and unobstructed from the ground upward except as may herein be permitted.

- A. **YARD, FRONT** — an open space that lies between the principal building or group of buildings and the front lot lines, unoccupied and unobstructed from the ground upward.
- B. **YARD, REAR** — an open space extending the full width of the lot between a principal building and the rear lot line, unoccupied and unobstructed from the ground upward.
- C. **YARD, SIDE** — an open space extending from the front yard to the rear yard between a principal building and the nearest side lot line, unoccupied and unobstructed from the ground upward.

**ZONING HEARING BOARD** — the Zoning Hearing Board of the Washington Township.

**ZONING MAP** — the Official Zoning Map of Washington Township, together with all notations, references and amendments that may subsequently be adopted. The Zoning Map shall be considered a part of this chapter.

**ZONING OFFICER** — the administrative officer charged with the duty of enforcing the provisions of this chapter.

**ZONING PERMIT** — a permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the district in which it is located.



ARTICLE IV  
**Zoning Districts**

**§ 350-10. Establishment of districts.**

For the purpose of implementing the community development objectives of this chapter, the following zoning districts are hereby established:

AR	Agricultural/Residential District
RR	Rural Residential District
RC	Rural Commercial District
RI	Rural Industrial District
AC	Airport/Air Commerce Park District
REC	Recreational Overlay District

**§ 350-11. Description of districts.**

- A. **Agricultural/Residential District - AR District.** This district is intended to preserve and protect the practice of agriculture, emphasize the economic importance of agriculture to the community and the nation, and to ensure the preservation of prime soils for future generations to conduct agricultural operations. Limited residential and agricultural-related activities are permitted in this district. Uses that would substantially interfere with the principal use are discouraged.
- B. **Rural Residential District - RR District.** This district is intended to encourage moderate density and compact residential development in appropriate rural areas. In order to maintain the community's rural character, minimum lot sizes, building setbacks, and buffer requirements have been established. And to foster an appropriate residential environment, compatible public and semipublic uses, such as churches and recreational facilities, and neighborhood are permitted in this district while industrial and commercial activities, with the exception of home occupations, are discouraged.
- C. **Rural Commercial District - RC District.** The intent of this district is to set aside areas that can support a mixture of commercial, service and residential uses, including commercial shops, contractor warehouse and service operations. Such uses are intended to encourage new small business activity that is compatible with the available infrastructure, the rural character of the Township and county and supportive of servicing regional traffic generated on Interstate 80.
- D. **Rural Industrial District - RI District.** The intent of this district is to provide areas where various distributive and light industrial activities can be accommodated without creating undesirable or incompatible situations with neighboring land uses and to provide areas for new industrial growth. Because of the rural nature of the land areas zoned in this chapter, heavy industrial activities requiring an energy- intensive infrastructure (highways, railroads, water, sewer) are discouraged in this district.

- E. **Airport/Air Commerce Park - AC District.** The intent of this district is to provide areas appropriate for the aviation uses required for the operation of the DuBois Regional Airport, and related development of a commerce park adjoining the airport, without creating undesirable or incompatible situations with neighboring land uses and to provide areas for new industrial growth. Because of the nature of this district, businesses directly related to aviation, airport operations, and businesses depending on air service are encouraged in this district.

#### Overlay Districts

- A. **Recreational Overlay District - REC District.** The intent this district is to provide for and preserve certain significant open space resources in the Township to meet recreational needs of the residents and maintain the quality of life. Given the location of these resources in relation to zoning districts, these requirements are being met in an overlay format, whereby recreational areas are preserved in several underlying zoning districts. The requirements of the REC District transcend requirements of the underlying district.
- B. **Airport Landing and Takeoff Overlay District (AL&T).** The purpose of this chapter is to create an Airport District Overlay that considers safety issues around the DuBois Regional Airport, regulates and restricts the heights of constructed structures and objects of natural growth, creates appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones, creates the permitting process for use within said zones, and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.

#### § 350-12. Zoning District Use Tables.

**Agricultural - Residential District (AR)****Permitted Uses:**

1. Agricultural Services
2. Agri-Entertainment/Business
3. Single Family Detached
4. Essential Services
5. Forestry
6. No-impact home-based business
7. Seasonal Dwellings
8. Surface Mines
9. Agriculture (§350-28)
10. Kennels (§350-37)
11. Trailer/recreational vehicle parks (§350-48)
12. Solar Electric Energy System (§350-50)
13. Planing/Saw Mill (§350-54)
14. Slaughter Houses (§350-55)

**Conditional Uses:**

1. Two-Family Attached
2. Bed & Breakfast/Guest Home
3. Neighborhood/Commercial Uses
4. Planned Residential Developments (PRD)
5. Professional Offices
6. Retirement Community
7. Home Occupations. (§350-35)
8. Light Manufacturing (§350-51)
9. Limited Commercial (§350-52)
10. Short Term Rentals and Homestays (§350-53)
11. Mining and Mineral Extraction (§350-57)

**Special Exceptions:**

1. Cemeteries
2. Day Care Facility/Home (child and adult) subject to appropriate state regulations.
3. Houses of Worship/Religious
4. Philanthropic Facilities
5. Quarry
6. Animal Hospital/Vet (§350-29)
7. Mobile Home Parks (§350-39)
8. Group Home (§350-34)
9. Education Facilities (§350-44)
10. Trailer/recreational vehicle parks (§350-48)

<b>Standards</b>	<b>Residential &amp; Agricultural Uses</b>	<b>Educational, Religious and Philanthropic Facilities</b>	<b>B&amp;Bs, Neighborhood &amp; Commercial Uses</b>	<b>All Other Uses</b>
<b>Min. Lot Area</b>	1 Acre	1 Acre	1 Acre	1 Acre
<b>Min. Lot Width</b>	150-lf	150-lf	150-lf	150-lf
<b>Min. Lot Depth</b>	-	-	-	-
<b>Min Front Yard</b>	35-ft	50 ft	35-ft	50 ft
<b>Min. Side Yard</b>	15-ft	15-ft	15-ft	15-ft
<b>Min. Rear Yard</b>	25-ft	25-ft	25-ft	25-ft
<b>Max. Height</b>	Ag uses – no limit SF Residential – 3 stories or 35-ft	3 stories or 35-ft	3 stories or 35-ft	3 stories or 35-ft
<b>Max. Coverage</b>	25%	25%	25%	25%

Buildings housing livestock/poultry shall not be closer than fifty (50) feet to any public right-of-way nor one hundred (100) feet to a residential district or residential structure other than the owner's.

Front, Side and Rear Yard setback distances shall be measured from the right-of-way line of all roads or streets.

**Rural Residential District (RR)****Permitted Uses:**

1. Single Family Detached
2. Two-Family Attached
3. Essential Services
4. Forestry
5. No-impact home-based business
6. Public Golf Courses
7. Trailer/recreational vehicle parks (§350-48)
8. Solar Electric Energy System (§350-50)
9. Slaughter Houses (§350-55)

**Conditional Uses:**

1. Multi-Family Residential
2. Bed & Breakfast/Guest Home
3. Family Care Homes
4. Professional Offices
5. Group Home (§350-34)
6. Home Occupations (§350-35)
7. Short Term Rentals and Homestays (§350-53)

**Special Exceptions:**

1. Day Care Facility/Home (child and adult) subject to appropriate state regulations.
2. Houses of Worship/Religious
3. Education Facilities (§350-44)

<b>Standards</b>	<b>Residential &amp; Agricultural Uses</b>	<b>Educational, Religious and Philanthropic Facilities</b>	<b>B&amp;Bs, Neighborhood &amp; Commercial Uses</b>	<b>All Other Uses</b>
<b>Min. Lot Area w/ on-lot sewerage and/or water</b>	1 Acre	1 Acre	1 Acre	1 Acre
<b>Min. Lot Area w/ public sewerage and/or and water</b>	12,000 sf	12,000 sf	12,000 sf	12,000 sf
<b>Min. Lot Width</b>	100-lf	100-lf	100-lf	100-lf
<b>Min. Lot Depth</b>	120-lf	120-lf	120-lf	120-lf
<b>Min Front Yard</b>	25-ft	50 ft	35-ft	50 ft
<b>Min. Side Yard</b>	10-ft	10-ft	10-ft	10-ft
<b>Min. Rear Yard</b>	10-ft	10-ft	10-ft	10-ft
<b>Max. Height</b>	3 stories or 35-ft	3 stories or 35-ft	3 stories or 35-ft	3 stories or 35-ft
<b>Max. Coverage</b>	35%	35%	35%	35%

Front, Side and Rear Yard setback distances shall be measured from the right-of-way line of all roads or streets.

**Rural Commercial District (RC)****Permitted Uses:**

1. Automobile Sales
2. Banks / Financial Services
3. Car Wash
4. Essential Services
5. Forestry
6. Personal and Business Services
7. Professional Offices
8. Restaurants, Cafes, Fast-Food Restaurants, Food and Beverage
9. Retail Stores
10. Animal Hospital/Vet (§350-29)
11. Automobile Repair / Body Work Facility (§350-31)
12. Hotels and Motels (§350-40)
13. Solar Electric Energy System (§350-50)
14. Slaughter Houses (§350-55)

**Conditional Uses:**

1. Retail Shopping Centers and Malls
2. Home Occupations. (§350-35)
3. Light Manufacturing (§350-51)
4. Limited Commercial (§350-52)

<b>Standards</b>	<b>Permitted Uses</b>	<b>Conditional Uses</b>	<b>Special Exceptions</b>
<b>Min. Lot Area</b>	1 Acre w/ on-lot sewer & water ½ acre w/ public sewer & water	10 Acre	10 Acre
<b>Min. Lot Width</b>	120-lf	120-lf	120-lf
<b>Min. Lot Depth</b>	175-lf	175-lf	175-lf
<b>Min Front Yard</b>	50-lf	50-lf	50-lf
<b>Min. Side Yard</b>	25-ft when abutting a residential use 15-ft for all other	25-ft when abutting a residential use 15-ft for all other	25-ft when abutting a residential use 15-ft for all other
<b>Min. Rear Yard</b>	35-ft	35-ft	35-ft
<b>Max. Height</b>	3 stories or 35-ft	3 stories or 35-ft	3 stories or 35-ft
<b>Max. Coverage</b>	50%	50%	50%

Front, Side and Rear Yard setback distances shall be measured from the right-of-way line of all roads or streets.



**Rural Industrial District (RI)****Permitted Uses:**

1. Uses permitted in RC District
2. Automobile and/or truck repair/body work activity
3. Building supply yards
4. Essential services
5. Forestry
6. Logging and lumber processing
7. Manufacturing industries
8. Mini-storage warehouses
9. Warehousing facilities
10. Solar Electric Energy System (§350-50)
11. Planing/Saw Mill (§350-54)
12. Slaughter Houses (§350-55)

**Conditional Uses:**

1. Chemical plants and storage facilities
2. Offices/office parks
3. Adult entertainment (§350-27)
4. Salvage/junkyards (§350-36)
5. Solid waste facilities, including composting, sanitary landfills, transfer stations and resource recovery operations (§350-42)
6. Wind Energy Facility (§350-49)
7. Solar Electric Energy Facility (§350-50)
8. Mining and Mineral Extraction (§350-57)

**Special Exceptions:**

1. Public Parks
2. Liquid Fuel Storage and Distribution

<b>Standards</b>	<b>Permitted Uses</b>	<b>Conditional Uses</b>	<b>Special Exceptions</b>
<b>Min. Lot Area</b>	5 Acre	5 Acre	5 Acre
<b>Min. Lot Width</b>	200-lf	200-lf	200-lf
<b>Min. Lot Depth</b>	300-lf	300-lf	300-lf
<b>Min Front Yard</b>	50-lf	50-lf	50-lf
<b>Min. Side Yard</b>	25-lf	25-lf	25-lf
<b>Min. Rear Yard</b>	35-ft	35-ft	35-ft
	When abutting a residential use, a fifty-foot setback shall be provided for each affected yard.		
<b>Max. Height</b>	3 stories or 50-ft	3 stories or 50-ft	3 stories or 50-ft
<b>Max. Coverage</b>	60%	60%	60%

Front, Side and Rear Yard setback distances shall be measured from the right-of-way line of all roads or streets.

**Airport/Air Commerce Park District (AC)**

**Permitted Uses:**

1. Air freight and cargo handling
2. Air passenger facilities
3. Automotive rental facilities
4. Aviation-related businesses, offices, sales, services, storage and schools
5. Business services related to air service and facilities
6. Charter and commercial aircraft operations and facilities
7. Heliport facilities
8. Laboratories
9. Manufacturing Facilities
10. Office and Office Parks
11. Research Facilities
12. Forestry
13. Solar Electric Energy System (§350-50)
14. Slaughter Houses (§350-55)

**Conditional Uses:**

1. Chemical plants and storage facilities
2. Other businesses not meeting Subsection E(1) that require inclusion in the Foreign Trade Zone

**Special Exceptions:**

1. Nonaviation liquid fuel storage and distribution

<b>Standards</b>	<b>Permitted Uses</b>	<b>Conditional Uses</b>	<b>Special Exceptions</b>
<b>Min. Lot Area</b>	5 Acre	5 Acre	5 Acre
<b>Min. Lot Width</b>	200-lf	200-lf	200-lf
<b>Min. Lot Depth</b>	300-lf	300-lf	300-lf
<b>Min Front Yard</b>	50-lf	50-lf	50-lf
<b>Min. Side Yard</b>	25-lf	25-lf	25-lf
<b>Min. Rear Yard</b>	35-ft	35-ft	35-ft
	When abutting a residential use, a fifty-foot setback shall be provided for each affected yard.		
<b>Max. Height</b>	3 stories or 50-ft	3 stories or 35-ft	3 stories or 50-ft
<b>50Max. Coverage</b>	40%	40%	40%

Front, Side and Rear Yard setback distances shall be measured from the right-of-way line of all roads or streets.

**Recreation Overlay District (REC)**

**Permitted Uses:**

1. Existing principal and accessory uses
2. Agriculture uses
3. Water-related uses, such as docks, piers, wharves and bridges
4. Recreation, trails, bike paths, open space, nature walks and supportive accessory uses
5. Solar Electric Energy System (§350-50)
6. Slaughter Houses (§350-55)

**Conditional Uses:**

1. Public memorials and monuments
2. Private recreational facilities

<b>Standards</b>	<b>Permitted Uses</b>	<b>Conditional Uses</b>	<b>Special Exceptions</b>
<b>Max. Height</b>	25-ft	25-ft	25-ft
<b>50Max. Coverage</b>	15%	15%	15%

**§ 350-13. Zoning Map.**

The boundaries of the zoning districts shall be shown on the map attached to and made a part of this chapter that shall be designated the "Official Zoning Map." The same map and all the notations, references, and other data shown thereon are hereby incorporated by reference into this chapter as if all were fully described within the text of this chapter.<sup>5</sup>

**§ 350-14. Interpretation of zoning district boundaries.**

The following rules shall apply to any zoning district boundary uncertainty:

- A. District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan or record in the Jefferson County Recorder of Deed's office at the time of the adoption of this chapter, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines and where it does not scale more than 10 feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
- C. In unsubdivided land or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the maps.
- D. In cases of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination; provided, however, that no boundary shall be changed by the Zoning Hearing Board.

**§ 350-15. Application of district regulations.**

The regulations set forth in this article for each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- A. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered:
  - (1) To exceed height or bulk requirements.
  - (2) To occupy a greater percentage of lot area.
  - (3) To accommodate or house a greater number of families, except as permitted in a residential conversion.
  - (4) To have narrower or smaller rear yards, front yards, side yards, or other open space than herein required, or in any other manner be contrary to this chapter.

**§ 350-16. Use regulations and dimensional requirements.**

The specific use regulations and dimensional requirements pertaining to each district are contained in this article.

**ARTICLE V**  
**Special and Supplementary Regulations**

**§ 350-17. Intent.**

This article lists specific controls over general aspects of land utilization that are not included elsewhere in this chapter. The Washington Township Zoning Officer has the right and authority to perform or have performed by an independent party and relevant investigation or study to assure public safety, health and welfare and require the cost to be borne by the applicant. The following regulations shall apply to all zoning districts and uses as applicable.

**§ 350-18. Public utility corporation exemption.**

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

**§ 350-19. Environmental performance standards.**

The Washington Township Supervisors may require safeguards to assure compliance with certain environmental standards. When required, the applicant shall demonstrate that adequate provisions will be made to reduce and minimize any objectionable elements related to this section. Upon request of the Township, the owner shall furnish or obtain proof at his own expense that he is in compliance with the following environmental standards:

- A. Air management.
  - (1) The burning of tires, plastic, or any toxic substance is not permitted.
  - (2) No gasses, vapors or fumes shall be emitted which are harmful to persons, property, animals, or vegetation.
  - (3) No radioactive vapors or gasses shall be emitted.
  - (4) No objectionable odors other than agricultural in origin shall be detectable beyond the property boundaries.
- B. Solid waste management. No storage of waste materials on a lot shall be permitted in excess of 30 days. All waste materials awaiting transport shall be kept in enclosed containers and be screened from view.
- C. Noise and vibration.
  - (1) The noise limit at lot lines shall be 65 decibels.
  - (2) No physical vibration shall be perceptible without use of an instrument at the lot boundaries.
- D. Lighting and heat.

- (1) All lighting shall be shielded and not cause a glare beyond the lot boundary.
  - (2) Any operation producing heat shall prevent any effect from the heat beyond the property lines.
- E. Electromagnetic. All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission (FCC).
- F. Groundwater supplies. No use shall endanger groundwater levels and quality nor adversely affect groundwater supplies of nearby properties.

#### **§ 350-20. Building height exceptions.**

Height regulations shall not apply to agricultural structures, silos, water towers, church spires, belfries, antennas, chimneys, architectural ornament, or appurtenances placed above the roof level not intended for human occupancy.

#### **§ 350-21. Building setback exceptions.**

The required building setback for a proposed building may be decreased to the average setback of existing buildings within 100 feet on each side of the proposed building. Setback reduction may occur when adjacent buildings have less than the front yard requirement for the applicable district, but in no case shall the reduction encroach upon the street right-of-way. The granting of a variance shall be the authority of the Zoning Hearing Board.

#### **§ 350-22. Required yard exceptions.**

No structure or part of a structure shall be erected within or shall project into any required yard setback except:

- A. Overhanging eaves, gutters, cornices or solar energy collector not exceeding two feet in width.
- B. Arbors, trellises, garden sheds, flagpoles, unroofed steps, unroofed terraces, awnings, movable canopies, walls, fences and other similar uninhabitable structures shall be permitted, provided they are not more than eight feet in height.
- C. Unenclosed fire escapes that extend no more than six feet into any required yard area.

#### **§ 350-23. Obstructions.**

- A. On a corner lot, no structure shall be erected or enlarged, and no vegetation shall be planted or maintained which may cause visual obstruction to motorists on any public road.
- B. Clear sight triangles shall be provided at all street intersections. Within such triangles, no object shall be permitted which obscures vision above the height of 30 inches and below 10 feet, measured from the center line grade of intersecting streets. Such triangles shall be established from a distance of 50 feet from the point of intersection of the center lines of local and collector streets. Triangles shall be established from a distance of 150 feet for all intersections with arterial streets.



**§ 350-24. Floodplain management.**

Floodplain management is the responsibility of the individual municipality. Each municipality subject to this chapter has in place and administers a floodplain management ordinance. Therefore, in addition to the requirements established by this chapter, any activity in a designated flood prone area will be subject to the appropriate municipal ordinance.<sup>6</sup>

**§ 350-25. Travel trailer occupancy and storage requirements.**

Occupied travel trailers equipped with holding tank facilities and that are not connected to a permitted sewage treatment system (public sewer, in-ground holding tank, absorption bed system) shall not remain on a lot that does not contain a residential structure for more than 30 consecutive days. Occupied travel trailers not equipped with holding tank facilities and that are not connected to a permitted sewage treatment system (public sewer, in-ground holding tank, absorption bed system) shall not remain on a lot that does not contain a residential structure for more than 10 consecutive days.

**§ 350-26. Planned residential development.**

- A. A planned residential development as defined by Act 247, the Pennsylvania Municipalities Planning Code, may be permitted in the AR District described in this chapter as a conditional use, provided it meets the minimum standards provided in Chapter 295, Subdivision and Land Development, of the Code of the Township of Washington.
- B. The following are the purposes of the planned residential development:
- (1) To respond to the growing demand for housing of all types and design;
  - (2) To encourage innovations in residential and nonresidential development and renewal so that the growing demand for housing and other development may be met by greater variety in type, design, and layout of buildings;
  - (3) To encourage the conservation of natural features and more efficient use of auxiliary open space;
  - (4) To provide greater opportunities for better housing and recreation to all citizens and residents of this commonwealth;
  - (5) To encourage a more efficient use of land and of public services and to reflect changes in the technology of land development so that economies secured may benefit those who need homes; and
  - (6) To provide a procedure which can relate the type, design and layout of residential and nonresidential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential and nonresidential areas.

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Editor's Note: See Ch. 154, Floodplain Management.

**§ 350-27. Adult entertainment (commercial stores). [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

Within the RI District, adult commercial stores are permitted as a conditional use subject to the following requirements:

- A. The building or structure of such use shall be located not less than 500 feet from any residential use or district, public or private school, church, day-care centers, recreation facility or any other religious, institutional, or educational use.
- B. No such use shall be located within 2,000 feet of a similar use.
- C. No materials sold within shall be visible from any window, door, or exterior of the building.
- D. No person under the age of 18 years of age shall be permitted within an adult commercial store or sold any pornographic material.
- E. Signage shall be limited to one attached sign no larger than six (6) square feet. Signage shall not be animated or illuminated by direct light. Signage shall not include typically considered adult themed images, likenesses or representations.

**§ 350-28. Agriculture, animals and poultry.**

Where permitted, agricultural activities are subject to the following requirements:

- A. Storage of manure, odor producing and/or dust producing substances shall be set back a distance as required by the Department of Environmental Protection regulations. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. A heating plant shall not be operated within 100 feet of any lot line.
- C. Buildings in which animals and/or poultry are housed shall not be permitted within 200 feet of and lot line.
- D. The selling of products raised, bred or grown on the premises shall be permitted, provided that all stands, shelters and/or kiosks used for such sales shall be removed when not in use for the display or sale of said products.

**§ 350-29. Animal hospitals and veterinary facilities.**

Within the AR District, animal hospitals and veterinary facilities are permitted by special exception, and within the RC District as a permitted use, both subject to the following requirements:

- A. All animal boarding facilities that are not wholly enclosed, any outdoor animal pens, or runways shall be located within the rear yard.
- B. Any animal boarding facility that is not wholly enclosed, any outdoor animal pens, stalls, or runways shall be a minimum of 100 feet from all property lines.
- C. All outdoor pasture/recreation areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be set back a minimum of 10 feet from all property lines.

**§ 350-30. Automobile service station (including minor repair).**

Within the RC District, automobile filling stations (including minor incidental repair) are permitted, subject to the following conditions:

- A. The subject property shall front on an arterial or collector road as defined in § 350-9, Definitions, of this chapter.
- B. The subject property shall be set back at least 300 feet from any lot containing a school, day-care facility, playground, library, hospital or nursing, rest or retirement home.
- C. The storage of motor vehicles (whether capable of movement or not) for more than one-month period is prohibited.
- D. Any parts removed from repaired vehicles shall not remain on the exterior of the building longer than 48 hours.
- E. The outdoor storage of auto parts shall not be permitted.
- F. Access driveways shall be a minimum of 30 feet wide.
- G. All ventilation equipment associated with fuel storage tanks shall be set back 100 feet and screened from any adjoining residential properties.

**§ 350-31. Automobile repair or body work facility.**

Automobile repair garage, including paint spraying and body and fender work, shall be permitted in the RC District, subject to the following requirements:

- A. All automobile parts, refuse, and similar articles shall be stored within a building or enclosed area.
- B. All repair and paint work shall be performed within an enclosed building.
- C. No junk vehicles may be stored in the open for a period of longer than 180 days. No more than three such vehicles may be stored in the open.
- D. Signage shall be limited to one attached sign no larger than 20 square feet and/or one perpendicular hanging sign no larger than 12 square feet and one free standing sign no larger than 12 square feet set back at least 20 feet from the adjoining road right-of-way. In the event the financial establishment is located at an intersection, two such signs shall be permitted.
- E. Minimum lot width of not less than 250 feet shall be provided along each street on which the lot abuts.
- F. Access to roads shall be at least 100 feet from the intersection of any streets.

**§ 350-32. Broadcast transmission towers, broadcast antennas and broadcast transmission equipment buildings.**

- A. Building-mounted broadcast transmission antennas shall not be located on any single-family or two-family dwelling.
- B. Building-mounted broadcast transmission antennas shall be permitted to exceed the

height limitations of the applicable zoning district by not more than 20 feet. Broadcast transmission antennas co-located on existing permitted antennas shall not exceed the height established by Board of Supervisors.

- C. Omnidirectional or whip antennas shall not exceed 20 feet in height and seven inches in diameter.
- D. Directional or panel broadcast transmission antennas shall not exceed five feet in height and three feet in width.
- E. Any applicant proposing broadcast transmission antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
- F. Any applicant proposing broadcast transmission antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings to the Board of Supervisors indicating how the antennas will be mounted on the structure.
- G. Any applicant proposing broadcast transmission antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and broadcast transmission equipment building can be accomplished.
- H. Broadcast transmission antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- I. Broadcast transmission antennas shall not cause radio frequency interference with other broadcast transmission facilities located in the Township.
- J. Broadcast transmission antennas shall be set back 200 feet from any residence in an abutting zoning district.
- K. A broadcast transmission equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure. Broadcast transmission equipment housed in underground vaults shall be exempt from setback requirements.
- L. The owner and/or operator of broadcast transmission antennas shall be licensed by the Federal Communications Commission to operate such antennas.
- M. The applicant shall supply documentation to the Township documenting the need for the broadcast transmission facilities and efforts to secure co-location; a visual impact assessment and neighborhood impact assessment of the proposed facilities; and scale drawings showing the proposed placement, spacing, construction and/or modification of the broadcast transmission antennas and related facilities.
  - N. As conditions to issuance of the permit, applicants for broadcast transmission facilities shall be required to supply the following:
    - (1) Financial security in the amount of \$100,000 shall be placed with the Township

to assure compliance with the provisions of this chapter. The form of security shall be subject to the Township's approval and shall be maintained until the removal of the facility.

- (2) Public liability insurance for personal injuries, death and property damage in the amount of \$2,000,000 per occurrence. The Township shall be listed as an additional insured, and the policy shall contain an endorsement that gives the Township a thirty-day notice prior to policy cancellation. A copy of said policy shall be delivered to the Township upon issuance.
- (3) All documentation applicable to the facility including its operation and any enforcement/activities by other agencies.

**§ 350-33. Clubs, lodges and fraternal organizations.**

In districts where permitted, these uses are restricted to those not conducted primarily for gain, although a dining room may be operated for the benefit of club members, providing that no sign advertising the sale of food or beverages will be permitted. Buildings or structures hereafter erected or converted for such uses are subject to all applicable regulations for the zoning district in which it is located.

**§ 350-34. Group home.**

Group homes are facilities intended to accommodate special persons (Article III, Definitions) and are permitted as special exceptions in the AR District and as a Conditional use in the RR District, subject to the following requirements:

- A. The number of persons living in such a group home shall not exceed two persons per bedroom and shall include at least one on-site support staff member who shall not be included in the maximum number.
- B. All group home structures should have the appearance of single-family or other traditionally residential structures.
- C. All group homes shall meet the minimum yard, setback and lot width requirements for detached dwellings in the applicable zoning district.
- D. A group home must be sponsored and operated by a group, organization or corporation licensed by either the county or the state. Proof of licensing shall be submitted with applications for the group home use. Proof of compliance with all applicable county or state regulations shall be furnished to the Zoning Officer.
- E. Sewer and water services shall be provided in accordance with Chapter 295, Subdivision and Land Development, and other relevant Township ordinances.
- F. No group home shall be constructed within a 0.5 mile radius of any other group home.

**§ 350-35. Home occupation.**

Home occupations, not meeting the definition of a no-impact home-based business, are permitted as conditional uses in the AR and RR Districts, subject to the following requirements:

- A. The home occupation shall be owned and managed by a member of the immediate family with a maximum of two nonresident employees.
- B. A nameplate not larger than six square feet in area shall be permitted. It cannot be animated or illuminated by direct light.
- C. Not more than 45% of the habitable floor area of a dwelling unit may be devoted to a home occupation.
- D. The premises must at all times be kept neat and orderly.
- E. The use will not result in substantial increase in traffic. A 20% increase in traffic shall be regarded as substantial.
- F. The use will not involve any waste product other than domestic sewerage or municipal waste.
- G. The use will not involve the sale of any item except as incidental to the home occupation.
- H. If an existing accessory building is to be enlarged or a building constructed to accommodate the proposed use, the building after enlargement or construction shall not have a floor area in excess of 50% of the floor area of the principal building.
- I. The use will not be one that creates dust, heat, glare, smoke, vibration, audible noise, or odors outside the building. No home occupation shall be an undue intrusion upon the neighborhood.
- J. In addition to providing the required parking spaces for the dwelling unit, off-street parking must be provided for employees and customers in accordance with the criteria set forth by this Ordinance.
- K. The applicant must supply to the Zoning Officer such information to ensure that all of the above requirements will be met. The zoning permit once issued shall continue in effect as long as there is no change in the nature or extent of the use.

**§ 350-36. Junkyards. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

Within the RI District, salvage/junkyards shall be permitted as a conditional use, subject to the following requirements:

- A. The deposit or storage for more than 120 days of two or more motor vehicles

not having valid inspection stickers issued by the Pennsylvania Department of Transportation, excluding agricultural equipment, or of two or more wrecked or broken vehicles, or the major parts of two or more such vehicles, shall be deemed to make the lot a junkyard.

- B. No material shall be placed in any junkyard in such a manner that is capable of being transferred out of the junkyard by wind, water, or other natural causes.
- C. The boundaries of any junkyard shall at all times be clearly delineated by a fence.
- D. All paper, rags, cloth and other fibers, and activities involving the same, other than loading and unloading, shall be kept within fully enclosed buildings.
- E. The land area used for junkyard purposes shall not be less than five (5) acres and shall not be exposed to public view from any public street or road by virtue of its location on a hillside or location on a plateau below street level.
- F. Screening of the junkyard from neighboring land uses shall, as a minimum, require the following:
  - (1) The junkyard shall be entirely enclosed by a fence at least eight (8) feet by no more than 10 feet high constructed of approved fencing material with access only through solid gates. Such fence or wall shall be kept in good repair. A chain link fence with opaque insets and dense plantings of evergreen, which shall shield the view of the property, or acceptable perennial species, is an example of an approved fencing material.
  - (2) The contents of such a junkyard shall not be placed or deposited to a height greater than the height of the fence or wall herein prescribed.
  - (3) The fence or wall shall be situated no closer to any street or property line than 50 feet. Between the fence or wall and the street or property line, additional buffer plantings shall be placed so as to minimize the effect of a single fence and hedgerow.
- G. All materials shall be stored in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. When necessary, this shall be accomplished by enclosure in containers, raising of materials above the ground, separation of types of material, preventing the collection of stagnant water, extermination procedures, or other means.
- H. No burning shall be carried on in any junkyard. Fire shall be prevented and hazards avoided by organization and segregation of stored materials, with particular attention to the separation of combustibles from other materials and enclosure of combustibles where necessary (gas tanks shall be drained), by the provision of adequate aisles at least 15 feet for escape and firefighting, and by other necessary measures.

### § 350-37. Kennels.

Within the AR District, kennels are permitted use subject to the following requirements:

- A. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be located within the rear yard.

- B. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls, or runways shall be a minimum of 100 feet away from all property lines.
- C. All outdoor running areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be a minimum of 10 feet from all property lines.
- D. All animal wastes shall be regularly and properly disposed.
- E. The applicant shall demonstrate a working plan to prevent or alleviate any noise problems emanating from animals boarded on the site.

**§ 350-38. Manufacturing permit.**

Proposed industrial operations shall require the issuance of a permit by the Zoning Officer. The permit application shall require the submission of information, including a plot plan; a description of the manufacturing operation and process; engineering plans for water supply and sewage disposal; plans for the prevention of noise, vibration, fire hazards, pollution and traffic; description of proposed fuels to be used; number of shifts and maximum employment per shift; and additional information requested by the Zoning Officer.

**§ 350-39. Mobile home parks.**

Mobile home parks are permitted as a special exception in the AR District, subject to the following provisions.

A. General standards.

- (1) A notice shall be placed on the land development plan stating that it shall be the responsibility of the mobile home park owner to maintain all park facilities, including streets, sewage disposal facilities, and areas designated as open space.
- (2) The minimum width of any mobile home lot shall be not less than 75 feet. The minimum length of any mobile home lot shall be not less than 120 feet or equal to the overall length of any mobile home located on the lot plus 30 feet, whichever length is greater. The maximum number of mobile home lots per acre shall be four.
- (3) A mobile home pad, properly graded, placed, and compacted so as to be durable and adequate for support of the maximum anticipated loads during all seasons shall be provided on each mobile home lot within the development. Each pad shall be provided with an anchoring system designed to resist the flotation, collapse, and lateral movement of mobile homes.
- (4) An all-weather patio of a minimum area of 200 square feet shall be provided on each mobile home lot.
- (5) A minimum of two off-street parking spaces per each mobile home lot within the development shall be provided within 200 feet of the lot to be served.

B. Setbacks, buffer strips, and screening requirements.

- (1) All mobile homes, auxiliary park buildings and other park structures shall be



located at least 40 feet from the mobile home park boundary lines. The minimum buffer strip may be reduced to 25 feet if a suitable perimeter screening of plantings or fencing is provided and approved by the Zoning Hearing Board.

- (2) Mobile homes shall be located at least 50 feet from any auxiliary park buildings and any repair, maintenance or storage areas of buildings.

C. Design standards.

- (1) A mobile home park shall have a gross area of at least five contiguous acres of land suitable for development.
- (2) The developer shall provide a minimum of 10% of the gross area of the mobile home park for recreational/open space.
- (3) Access to mobile home lots within the development shall be provided via an internal street designed and constructed in accordance with the standards in Chapter 295, Subdivision and Land Development.
  - (a) The state highway system includes all public streets and highways maintained by the Pennsylvania Department of Transportation.
  - (b) The municipal street system includes all public streets and roads maintained by Township. Developers proposing public dedication of streets within mobile home park shall submit road design and construction plans, which meet the minimum specifications of the Township as part of the plan submission process. A deed, which dedicates the land to be used as a public street to the municipality, shall be recorded with the final plan.
  - (c) Private streets include all streets or roads not dedicated, accepted, and maintained for public use. Private streets may be permitted where the following conditions can be met:
    - [1] A survey of the center line of the private right-of-way shall be shown on the plot plans along with a notation identifying the street and right-of-way as being private.
    - [2] The subdivider shall provide a right-of-way use and maintenance agreement in each deed, lease, or conveyance prescribing a right-of-way width and location and setting forth an arrangement between the subdivider and buyer or lessee for maintenance of the private right-of-way.
    - [3] Where an existing private right-of-way is proposed to provide access to a new subdivision, the subdivider shall provide a right-of-way use and maintenance agreement signed by all property owners using all the right-of-way if such an agreement has not been previously included in the existing deeds. This agreement shall be recorded with the final plan and prescribe a right-of-way width and location in accordance with the standards of this chapter and set forth arrangements for maintenance of the private right-of-way.
- (4) Mobile home parks shall be provided with water supply and sanitary sewer facilities designed and constructed in accordance with the standards of the

Department of Environmental Protection and the following regulations.

- (a) The developer shall construct a system of water mains and connect with such public water supply system where a public water supply with sufficient capacity is available at plat boundary or within a reasonable distance thereto (1,000 feet).
  - (b) If a public water supply system is not available under the conditions stated above, the developer shall provide individual or community wells to serve the mobile home park that shall be approved by the Department of Environmental Protection.
  - (c) Where wells provide a water supply in a mobile home park, at least one test well shall be drilled in the proposed area for each 10 lots, or upon the requirements of the Department of Environmental Protection.
  - (d) All public water systems shall be laid wherever possible in the planting strip on the higher side of the street and constructed in accordance with the standards of the authority, utility company, Department of Environmental Protection or municipal department operating such water mains.
  - (e) The developer shall construct a sanitary sewer system and connect with such sewer main and provide lateral connections for each lot where a public sanitary sewer main is available at plat boundary or within a reasonable distance thereto (1,000 feet of mobile home park).
  - (f) If a public sanitary sewer main is not available under the conditions stated above, the developer shall construct a public or community sewage treatment system as approved by the Department of Environmental Protection.
- (5) All sanitary sewers shall be constructed and installed according to the standards of the authority or municipal department operating such sewers. Stormwater shall not be permitted to enter sanitary sewers.
  - (6) All phases of construction, including excavation, trench, pipe size, grade, backfill and manholes shall be in accordance with approved construction drawings, Department of Environmental Protection requirements, and inspected by the Township Engineer, his authorized representative, authority or health officer during the entire construction period.
  - (7) In areas where a municipal sewer is planned to be available as per the most recent Act 537 Plan but not yet built, laterals shall be extended to the center of the street or into the right-of-way, and trunk lines provided to the edge of the mobile homes closest to the municipal trunk location and capped. Until such time as a municipal sewer becomes available, a project system must be installed. In the case of a project system, a trunk shall be provided to connect into the municipal system.
  - (8) All phases of construction, including minimum size line, excavation, trench, type pipe, backfill hydrants, tees and valves shall be in accordance with approved construction drawings, Department of Environmental Protection's

standards and inspected by the Township Engineer, his authorized representative or the authority or agency representative of the utility company during the entire construction period.

**§ 350-40. Motels.**

In districts where permitted, motels shall be subject to the following additional regulations:

- A. The minimum lot area shall be one acre;
- B. Approved collection and treatment of anticipated sewage flows shall be documented, and each unit shall be provided with hot/cold water and complete toilet facilities;
- C. The perimeter of the lot shall be landscaped;
- D. If constructed as freestanding cabins/units, the minimum space between cabins/units shall be 20 feet and the minimum space between the fronts and rears of cabins/units shall be 60 feet.
- E. Parking shall be provided in accordance with § 350-47;
- F. A plan shall be submitted showing the boundary of the property; access/egress points, sidewalks, and internal roads; plot plan; and utility plan.

**§ 350-41. Municipal buildings and uses.**

The requirements of this chapter shall not apply to any building of the municipality required for the convenience or welfare of the public.

**§ 350-42. Sanitary landfills and transfer stations.**

Sanitary landfills and transfer stations shall be permitted as a conditional use in the RI District subject to the following requirements:

- A. All activities must be in compliance with all applicable federal, state and local regulations.
- B. All activities must be entirely fenced with an opaque material at least 10 feet in height. A living fence shall not be substituted.
- C. Setbacks on all sides must be at least 300 feet.
- D. All access roads must be constructed to meet the requirements of the Pennsylvania Department of Transportation Form 408.

**§ 350-43. Sign regulations.**

- A. General requirements. The following regulations shall apply to all zoning districts:
  - (1) Permits to construct, install and maintain signs shall be obtained from the Zoning Officer, and shall be in accordance with the requirements of the respective zoning district.
  - (2) Signs may be erected and maintained only when in compliance with the

provisions of this chapter and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs.

- (3) Signs shall not contain moving mechanical parts or use flashing or intermittent illumination. The source of light shall be steady and stationary.
- (4) No sign shall be placed in a position, or have illumination that it will cause any danger or distraction to pedestrians or vehicular traffic.
- (5) Floodlighting of any sign shall be arranged so that the source of light is not visible nor glare is detected from any property line or vehicular access, and that only the sign is illuminated.
- (6) No sign, other than official traffic signs, shall be erected within the right-of-way lines of any street.
- (7) Every sign must be constructed of durable material and be kept in good condition. Any sign that is allowed to become dilapidated shall be removed by the owner, or, upon failure of the owner to do so, by the Township at the expense of the owner or lessee. The Zoning Officer shall make such determination as to state of repair. All violations shall be corrected within 60 days of receiving notice of violation.
- (8) No sign shall be erected or located as to prevent free ingress to or egress from any window, door, fire escape, sidewalk or driveway.
- (9) No sign shall be erected which emits smoke, visible vapors or particles, sound or odor.
- (10) No sign shall be erected which uses an artificial light source, or reflecting device, which may be mistaken for a traffic signal.
- (11) No sign shall be erected containing information that implies that a property may be used for any purpose not permitted under the provisions of this chapter.
- (12) No sign shall be placed on any tree except political signs, yard or garage sale signs, hunting and trespassing signs. Any political, yard or garage sale signs must be removed no later than five days after the cessation of the posted event.
- (13) The distance from ground level to the highest part of any freestanding sign shall not exceed eight feet in residential districts.
- (14) No freestanding sign shall be located within the public right-of-way.
- (15) Signs shall not project above the maximum building height permitted in any district in which they are located.
- (16) Signs necessary for the identification, operation, and protection of public utilities may be erected within the street right-of-way when authorized by the County Zoning Officer for a special purpose and for a specified time.

(17) All signs erected along the right-of-way of a state highway shall be in accordance with the regulations of Pennsylvania Department of Transportation.

B. Signs in the AR and RR Districts. Signs in the AR and RR Districts are subject to the following requirements:

- (1) Official traffic signs.
- (2) Identification signs, bulletin or announcement boards for schools, churches, hospitals, or similar institutions, for similar permitted uses, approved special exception uses and approved conditional uses:
  - (a) No more than two such signs shall be erected on any frontage to any one property.
  - (b) The area on one side of any such sign shall not exceed 12 square feet in the AR District and six square feet in the RR District.
- (3) Professional, home occupation, or name sign indicating the name, profession, or activity of the occupant of a dwelling, provided:
  - (a) The area of any one side of any such sign shall not exceed two square feet.
  - (b) One such sign shall be permitted for each permitted use or dwelling.
  - (c) A sign indicating a permitted nonresidential use shall be erected on the property where that use exists.
  - (d) The sign shall not be illuminated or animated.
- (4) Real estate signs, including signs advertising the rental or sale of premises, provided that:
  - (a) The area on any one side of any such sign shall not exceed six square feet.
  - (b) A sign shall be located on the property to which it refers.
  - (c) Such signs shall be removed within 14 days upon the sale of the premises.
  - (d) Not more than one such sign shall be placed on any one street frontage.
- (5) Temporary signs of contractors, architects, special events, and the like, provided that:
  - (a) Such signs shall be removed within 14 days upon completion of the work or special event.
  - (b) The area of such signs shall not exceed six feet.
  - (c) Such signs shall be located on the applicable property.
- (6) Signs advertising an existing nonconforming use, provided that:
  - (a) The area on one side of such sign shall not exceed six square feet.

- (b) The sign shall be erected only on the applicable premises.
  - (c) No more than one such sign shall be erected on any one street frontage.
  - (7) Signs necessary for the identification and protection of public utility corporation facilities, provided that the area of one side of such sign shall not exceed four square feet.
  - (8) Signs within a residential subdivision to direct persons to a rental office or sample unit within that subdivision provided that the area on one side of any such sign shall not exceed two square feet.
  - (9) Trespassing signs and signs indicating the private nature of the premises. The area of any one side of such signs shall not exceed two square feet and the signs shall be placed at intervals of not less than 100 feet along any street frontage.
  - (10) Sign denoting the name of a subdivision or development, provided that:
    - (a) The area on one side of such sign shall not exceed 24 square feet.
    - (b) The sign shall be erected only on the premises on which the subdivision or development is located.
    - (c) No more than one such sign shall be erected on any one street frontage.
  - (11) Freestanding signs, provided that no more than one freestanding sign, exclusive of all directional signs, shall be allowed on any one property.
- C. Signs in the RC, AC and RI Districts. Signs in the RC, AC and RI Districts are subject to the following requirements:
- (1) Any sign permitted under § 350-43B of this article.
  - (2) Commercial signs, provided that:
    - (a) The total area on one side of all signs placed on or facing any one street frontage of any one premises shall not exceed 20 square feet, except in the case of a tract or building housing more than one commercial use.
    - (b) In the case of a building, or tract of land housing more than one use, one permanent directory or identifying sign for the building or tract may be erected. The area on one side of said sign shall not exceed 40 square feet. In addition, for each use located within that building, or on the same lot, one wall-mounted sign shall be permitted. The area of such sign shall not exceed 12 square feet, and may be attached to that portion of the building housing in use.
    - (c) No more than two separate signs shall face any one street frontage for any one use except in the case of a tract containing a directory sign.
  - (3) Directional signs, provided that the area on one side of a directional sign shall not exceed two square feet.
  - (4) Freestanding signs, provided that:

- (a) No more than one freestanding sign exclusive of all directional signs shall be allowed on any one property.
  - (b) The area on one side of a freestanding sign shall not exceed 16 square feet, exclusive of all directional signs.
- (5) Billboards, provided that:
- (a) Billboards shall be located no closer than within 1,000 feet of another billboard.
  - (b) Billboards shall be a minimum of 50 feet from all side and rear property lines.
  - (c) All billboards shall be set back at least 50 feet from any road right-of-way lines.
  - (d) All billboards shall be set back at least 100 feet from any land within a residential district.
  - (e) Billboards shall not obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification.
  - (f) Billboards shall not exceed an overall size of 300 square feet nor exceed 25 feet in height.
- D. Signs in the REC Overlay District. Signs in the REC Overlay District are subject to the following, regardless of the nature of the underlying zoning district:
- (1) Official traffic signs.
  - (2) Identification signs for permitted uses not exceeding two square feet.
  - (3) Real estate signs, including signs advertising the rental or sale of premises, provided that:
    - (a) The area on any one side of any such sign shall not exceed two square feet.
    - (b) A sign shall be located on the property to which it refers.
    - (c) Such signs shall be removed within 14 days upon the sale of the premises.
    - (d) Not more than one such sign shall be placed on any one street frontage.
  - (4) Signs advertising an existing nonconforming use, provided that:
    - (a) The area on one side of such sign shall not exceed two square feet.
    - (b) The sign shall be erected only on the applicable premises.
    - (c) No more than one such sign shall be erected on any one street frontage.
  - (5) Signs necessary for the identification and protection of public utility corporation facilities, provided that the area of one side of such sign shall not exceed two square feet.

- (6) Trespassing signs and signs indicating the private nature of the premises. The area of any one side of such signs shall not exceed two square feet and the signs shall be placed at intervals of not less than 100 feet along any street or trail frontage.
  - (7) Mile markers for trails not exceeding one square foot.
- E. Existing signs. Existing signs at the time of the passage of this chapter are subject to the following:
- (1) Existing signs may be continued provided that all such signs shall conform to the general requirements as set forth in § 350-43A of this section.
  - (2) Any sign existing at the time of the passage of this chapter that does not conform with the regulations of the district in which such sign is located shall be considered a nonconforming use and may continue in such use in its present location until replacement or rebuilding becomes necessary and/or ordered by the Township, at which time a zoning permit will be required and the sign brought into conformity with this chapter.

**§ 350-44. Education Facilities, hospitals and other public buildings.**

In districts where permitted, these uses shall meet the following requirements:

- A. The maximum lot coverage of all buildings shall not exceed 30%.
- B. The maximum lot size for an Educational Facility is 15 acres.
- C. Minimum setbacks shall be as follows:
  - (1) Front: 35 feet.
  - (2) Side: two provided at 10 feet.
  - (3) Rear: 25 feet.
- D. Parking requirements in accordance with § 350-47.
- E. Access drives and internal roads in accordance with § 350-47.

**§ 350-45. Screening requirements.**

- A. It is the intent of the screening provisions to provide visual and auditory separation between potentially incongruous land uses. It is a further intent of the following provisions to provide flexibility to the developer or property owner to create effective concealment through performance design requirements below.
- B. Screening requirements shall be applicable under the following circumstances:
  - (1) Where a proposed nonagricultural use abuts an agriculture use.
  - (2) Where a proposed nonresidential use abuts an existing residential use.
  - (3) Where any proposed multiple-family residential building of four or more dwelling units (including a retirement village, and mobile home park) abuts an existing single-family residential area.



- (4) Mobile home parks shall be screened along their entire perimeter, as specified in § 350-39 and in accordance with Chapter 295, Subdivision and Land Development.
  - (5) Any other instance where screening is required by this chapter, or deemed necessary by the Township Supervisors or, if applicable, the Zoning Hearing Board.
  - (6) Screening is not required if the features to be screened are set back 400 feet or more from the lot line along which screening would otherwise be required.
- C. In addition to the zoning district boundary areas described above, the following land development features shall be screened on the lot for which development is proposed:
- (1) Loading and unloading areas;
  - (2) Parking lots for seven or more vehicles;
  - (3) Storage of products or raw materials;
  - (4) Refuse storage and transfer facilities;
  - (5) Mechanical equipment, vents, fans, and similar appurtenances.
- D. Site and district requirements.
- (1) For screening of features, screening may be located anywhere on the lot provided it effectively shields the features to be screened.
  - (2) For a zoning district buffer, screening shall be located at the lot perimeter representing the zoning district boundary.
  - (3) Screening may be interrupted for necessary driveways to the street, provided a gap in the screening is 30 feet maximum.
- E. Effective screening may be accomplished through the use of one or more of the following methods:
- (1) Placement of features to be screened behind an existing or proposed landform or berm.
  - (2) Use of existing or proposed 90% opaque architectural barriers such as walls, fences and buildings, provided they are architecturally compatible with the style of buildings on the abutting lot(s) that necessitate the screening.
  - (3) Use of existing woody vegetation masses, such as hedges, woodlands and hedgerows, provided they are preserved intact during construction on the site.
  - (4) Proposed woody vegetation plantings such as trees and shrubs.
- F. Buffer/screen width located between divergent land uses shall be in response to the degree of land use conflict.

- (1) The width shall be as follows:
    - (a) A minimum buffer of 75 feet width of existing or newly planted trees is required where any proposed commercial and/or industrial uses abut the AR, REC or RR Districts.
    - (b) A minimum buffer of 25 feet width of existing or newly planted trees is required where a proposed residential use abuts the REC Districts. This screen shall also be required as an absolute minimum around proposed mobile home parks (see § 350-39).
    - (c) A planted buffer of 25 feet width is required between any other incongruous land uses so deemed by the Township Supervisors or Zoning Hearing Board, as applicable for the specific conditional or special exception use.
    - (d) The width of the buffer may be reduced by means of employing other methods as noted in § 350-45E above, as approved by the Zoning Officer (for permitted uses), Supervisors (for conditional uses), and the Zoning Hearing Board (for variances, special exceptions and appeals), however, in no case shall the buffer be narrower than as follows:
      - [1] Commercial and/or industrial uses abutting the AR, REC or RR Districts: 25 feet.
      - [2] Residential use abuts the REC District: 10 feet.
      - [3] Other incongruous land uses so deemed by the Township Supervisors or Zoning Hearing Board, as applicable for the specific conditional or special exception use: 10 feet.
  - (2) To meet the above screening requirements in part or in whole, existing wood lots and hedgerows should be utilized, if they exist.
- G. The following design standards shall guide the design of the buffer.
- (1) For areas requiring a screen width of 50 feet or more, a tree plantation or a combination of trees and shrubs is required.
  - (2) Where trees are proposed for screening, at least one tree that normally achieves a height greater than 30 feet shall be planted for every 20 linear feet of distance required to be screened. Any resulting fraction of this division shall be rounded up to the next whole number. Location of the required trees is flexible.
  - (3) Where proposed shrubs are used, the maximum distance between plant centers shall be eight feet.
  - (4) At a minimum, screening shall be of sufficient height and density to constitute a continuous opaque screen in summer months to a height of six feet within a period of three years of planting.
  - (5) Proposed trees and shrubs shall be healthy, typical of their species, have normal growth habits with well developed branches and vigorous root systems.

- H. The following performance standards affect the design and requirement of screening:
- (1) The developer should consider placing improvements on the land in a manner that would lessen the extent and cost of required screening. Examples of sensitive design include the following:
    - (a) Situating development in or behind existing vegetation such as woodlots or hedgerows.
    - (b) Consolidating or clustering development in the smallest possible land area.
    - (c) Situating development far from the lot line.
    - (d) Situating development behind landform crests.
  - (2) To assure compliance with screening requirements, the applicant shall provide a screening plan to enable the Township to access whether proposed screening will create an effective buffer at necessary points.
    - (a) The screening plan may include any one of the following:
      - [1] Plot plan with view analysis;
      - [2] Landscaping and grading plan;
      - [3] Topographic profiles and cross-sections; or
      - [4] Photographic evidence.
    - (b) The screening plan shall be drawn to scale and proposed plants shall be indicated, including type, quantity, size at planting time, and spacing.
- I. The following maintenance requirements apply to all screening/buffering:
- (1) Any proposed tree or shrub planted for screening purposes that dies shall be replaced.
  - (2) Any fence, wall or other architectural method utilized for screening shall be maintained in a structurally sound condition, and the surfaces facing the lot line shall be maintained for an attractive appearance.
  - (3) Any landform or existing vegetation mass approved for screening shall not be altered or otherwise developed, except for usual maintenance.
  - (4) The owner shall be responsible for continual maintenance of the screening. A note on the subdivision land development or site plans shall indicate this, and be signed by the applicant.

**§ 350-46. Swimming pools (private).**

Private swimming pools are permitted in the AR and RR Districts as accessory uses, subject to the following requirements:

- A. The pool shall be intended and shall be used solely for the enjoyment of the occupants and their guests of the principal use of the property.
- B. The pool shall be located in either the rear or side yard of the property.
- C. Fences, barriers and gates for swimming pools shall comply with the applicable requirements of the Uniform Construction Code.<sup>7</sup> **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

**§ 350-47. Traffic control, internal circulation, loading and off-road parking.**

- A. To minimize traffic congestion and hazard, control road access and encourage orderly development of street frontage, the following regulations shall apply:
  - (1) Every building erected or altered shall be on a lot adjacent to a public road or have access to a public road via an approved private road.
  - (2) Where lots are created having frontage on expressways, arterial, and collector roads, any proposed development road pattern shall also provide frontage to local roads within the subdivision.
  - (3) Each use with less than 100 feet of road frontage shall not have more than one ingress and egress lane to such road. No use with 100 feet or more of road frontage shall have more than two accessways to any one road for each 300 feet of road frontage. A common access point for two or more uses is encouraged, where practical, to minimize vehicular access points along roads classified other than local roads.
  - (4) All driveways to any public road shall be located a minimum of 40 feet from any intersection of road center lines.
  - (5) Provision shall be made for safe and efficient ingress and egress to and from public roads, without undue congestion or interference with normal traffic flow. The developer shall be responsible for the design and construction, and the costs thereof, of any necessary traffic control device and/or highway modifications required by the county, Township or the Pennsylvania Department of Transportation.
  - (6) The maximum width of driveway entrances and exits onto a public road, measured at the road line and within the road right-of-way, shall be 14 feet for one-way driveways and 28 feet for two-way driveways. The radius of the edge of the driveway apron shall not exceed 25 feet.
- B. The following internal circulation regulations shall apply to multiple-family residential, commercial and industrial uses, unless otherwise specified:
  - (1) Design of access aisles and drives.
    - (a) Internal drives and service areas shall be designed to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way.

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Editor's Note: Original § 5.30, regarding aboveground pools, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Egress to the road shall be in a forward direction.

- (b) Accessways, parking areas and loading areas shall have clearly defined parking bays and circulation designated by markings, curbs, and/or landscaped islands, so that patrons shall not impede traffic as a result of any confusion as to location of entrances and exits.
- (c) All interior drives and accessways shall be paved with an approved all-weather surfaces, and shall be graded, properly drained and maintained in a good condition. Interior drives shall have a maximum grade of 8%.
- (d) Minimum interior drive cartway widths (with no abutting parking):

Use	Two-Lane Two-Way Drives (feet)	One-Lane One-Way Drive (feet)
Multifamily residential	20	12
Commercial/office	22	12
Industrial	26	15

- (e) Common or shared access driveways to parking and loading areas are permitted and encouraged, provided landowners submit an agreement of maintenance responsibility.
- (2) Fire lane easements. Any use or building located more than 600 feet from a road shall provide a dedicated fire lane easement consisting of an unobstructed right-of-way width of 30 feet.
- C. For loading and unloading requirements in connection with any use, building or structure which requires the receipt or distribution of materials by trucks or similar vehicles, there shall be provided a sufficient number of off-street loading and unloading berths in accordance with the following requirements:
- (1) Location. Loading and unloading areas shall not be located between the building setback line and street line, and loading facilities shall be screened in accordance with § 350-45.
  - (2) Space allowed.
    - (a) Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking facilities or portions thereof.
    - (b) Loading and unloading space shall be at least 12 feet wide with 14 feet of vertical clearance, and shall have an adequate maneuvering area.
  - (3) Surface. Loading and unloading areas shall have an all-weather cohesive and dust-free surface.
- D. Off-street parking requirements are subject to the following:

- (1) Off-street parking facilities shall be provided whenever:
  - (a) A building is constructed or a new use is established.
  - (b) An existing building or its use is changed.
- (2) Off-street parking facilities existing at the effective date of this chapter shall not be reduced to an amount less than that required under this chapter for a similar new building or use.
- (3) Land use issues:
  - (a) Off-street parking shall be an accessory use solely for the parking of patrons, occupants and/or employees.
  - (b) No motor vehicle repair work of any kind except emergency service shall be permitted within parking lots.
- (4) Location.
  - (a) All parking spaces shall be on the same lot as the principal building except herein described. Parking spaces may be located within a structure or in the open.
  - (b) The parking spaces may be located elsewhere than on the same lot when authorized by the Zoning Hearing Board, subject to some portion of the off-street parking area being within 300 feet of an entrance, regularly used by patrons.
  - (c) For all residential dwellings, the parking spaces shall be within 100 feet of the dwelling unit they serve.
  - (d) No parking or paved area shall directly abut a street.
- (5) Size and design of parking lot.
  - (a) In the layout of parking lots, standard parking dimensions shall be utilized.
  - (b) Up to 1/3 of the total parking spaces may be designed for compact vehicles.
  - (c) Parking lots shall be landscaped in accordance with § 350-45.
  - (d) Parking lots for commercial and residential uses shall be illuminated at night.
  - (e) Parking lots shall have an all-weather cohesive dust-free surface.
  - (f) Parking lots shall have a minimum slope of 1% and a maximum slope of 5%. Stormwater runoff shall not be directed across pedestrian walkways or other lots.
- (6) Handicapped parking. The following shall apply to commercial, industrial, office, institutional, and educational uses:

- (a) If the total number of required parking spaces exceeds 20, a minimum of 2% of the total number of parking spaces, but not less than two parking spaces, shall be designed for physically handicapped persons.
  - (b) Said spaces shall be most accessible and approximate to the building or buildings that the parking spaces shall serve.
  - (c) Each space or group of spaces shall be identified with a clearly visible marking displaying the international symbol or access.
  - (d) Each space shall be 12 feet wide and shall abut a level, paved surface.
- E. Specific parking requirements for various uses in each district shall be as follows:
- (1) Parking for residential uses.
    - (a) Townhouses and multifamily low-rise apartments: two parking spaces per dwelling unit.
    - (b) Residential conversion units: two spaces per dwelling unit.
    - (c) Mobile homes: two spaces per dwelling unit.
  - (2) Parking for public and semipublic uses.
    - (a) Places of worship or other public auditorium: one parking space for every three seats provided for assembly.
    - (b) Nursing and convalescent homes: one parking space for every three beds, plus one space for each employee on the largest shift.
    - (c) Clinic and medical: five patient spaces per doctor and one space for each staff member.
    - (d) Family care centers: one space for each employee and an off-street loading and unloading area to accommodate one space for each six children cared for in the center.
    - (e) Parks/playgrounds that include spectator seating: one parking space for every three seats.
    - (f) Schools: one space per 600 square feet of gross floor area.
    - (g) Hospitals: three spaces per bed.
    - (h) Assembly halls: one space per four seats.
  - (3) Parking for commercial uses.
    - (a) Retail stores and commercial uses: one parking space for every 300 square feet of floor space used for sales purposes and one space for each employee.
    - (b) Supermarkets and dairy stores: one parking space for every 200 square feet of floor space used for sales purposes and one space for each employee.

- (c) Eating and drinking establishments: one parking space for every 2 1/2 seats for patron use and one space for each employee.
  - (d) Drive-in and fast-food restaurants: one space for every 10 square feet of floor area and one space for each employee.
  - (e) Bowling alleys: five parking spaces for each pair of lanes and one space for each employee.
  - (f) Skating rinks: one space for every 100 square feet of skating area and one space for each employee.
  - (g) Billiard and pool rooms: two spaces per billiard or pool table and one space for each employee.
  - (h) Miniature golf and driving ranges: one space per hole and one space for each employee.
  - (i) Golf courses: four spaces per hole and one space for each employee.
  - (j) Animal kennels: one parking space for every three kennel runs and one space for each employee.
  - (k) Office buildings and professional offices: one parking space for each 200 square feet of floor area or fraction thereof.
  - (l) Motels, hotels and tourist homes: one parking space for each unit and one space for each employee on the largest shifts.
  - (m) Barber and beauty shops: two parking spaces per shop plus 1 1/2 spaces per chair.
  - (n) Shopping centers: one parking space for each 350 square feet of gross floor area or fraction thereof.
  - (o) Home occupations: two parking spaces for each dwelling unit, one space for each nonresident employee.
  - (p) Gasoline service stations and car washes: one parking space for each employee on the largest shift.
- (4) Parking for industrial uses. The total parking area shall be 25% of the building's gross floor area. Space shall also be provided for visitors and handicapped.

**§ 350-48. Trailer/recreational vehicle parks.**

In districts where permitted, these uses shall be subject to the following requirements:

- (a) Access/egress points, internal roads and walkways shall be stabilized, lighted and maintained in good condition;
- (b) The minimum size of a campsite shall be 2,000 square feet;
- (c) The minimum length of a campsite shall be 40 feet;



- (d) The minimum spacing between each trailer/RV shall be 20 feet;
- (e) Each campsite shall have space for the parking of one vehicle, and each trailer/RV site shall have space for one additional vehicle; and
- (f) The above site issues shall be depicted on a scale plan submitted at the time of application.

#### § 350-49. Wind Energy Facility.

Is permitted as a Conditional Use in the Rural Industrial Zoning District, provided that the following conditions are met.

- (a) The layout, design, and installation shall conform to applicable industry standards, with the Township Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- (b) The facilities shall not generate noise which exceeds fifty-five (55) decibels (dBA) nor ten (10) dBA above ambient noise in any one hour, whichever is higher. Noise is measured from the property line of all neighboring properties with a habitable structure.
- (c) All on-site utility and transmission lines shall be placed underground.
- (d) Shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes.
- (e) Shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA).
- (f) Shall not display advertising, except for reasonable identification of the Wind Energy Facility's principal manufacturer. Such sign shall have an area of less than four (4) square feet.
- (g) Shall be a non-obtrusive color such as white, off-white or gray.
- (h) Shall, to the extent feasible, be sited to prevent shadow flicker on habitable structures located on all neighboring properties.
- (i) A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- (j) All mechanical equipment including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening. Screening shall comply with standards set forth in this Ordinance.
- (k) Security fencing of at least twelve (12) foot high is required around the entire Wind Energy Facility, which must be located inside the perimeter of any screening.
- (l) The furthest extent of the turbine blade shall be set back a minimum of 1,000-feet from all property lines and a minimum of 1,000-feet from all road rights-of-ways and a minimum of 1,000-feet from residential properties or uses. No other portion of the wind energy facility shall extend beyond these setbacks.

- (m) Turbine blade height limits are subject to applicable Federal Aviation Administration (FAA) regulations regarding objects affecting navigable airspace. The Applicant shall provide acknowledgment from the FAA indicating height of the wind energy system does not adversely affect the airspace of the DuBois Regional Airport or other local airports.

Decommissioning:

- (1) Operation of the Wind Energy Facility shall be continuous. Continuous operations mean that operations are ongoing and have sustained activities consistent with the permitted (approved) Wind Energy Facility. The wind energy facility shall be presumed to be discontinued or abandoned if operated at less than full capacity for a period of six (6) continuous months. There shall not be a stoppage of continuous operations for more than six (6) months.
- (2) The Wind Energy Facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The owner shall be responsible for the removal of the facility within six (6) months from the date the applicant ceases use of the facility or the facility becomes obsolete.
- (3) At the time of issuance of the permit for the construction of the principal Wind Energy Facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.

Permit requirements:

- (1) Zoning/building permit applications shall document compliance with this section and shall be accompanied by drawings showing the location of the system on the property, including property lines. Permits must be kept on the premises where the wind energy system is constructed.
- (2) The zoning/building permit shall be revoked if the wind energy system, whether new or preexisting, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the wind energy system not to be in conformity with this chapter.
- (3) The wind energy system must be properly maintained and kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the wind energy system owner.

**§ 350-50 Solar Electric Energy System and Solar Electric Energy Facility.**

Solar Electric Energy Facilities are permitted as a Conditional Use in the Rural Industrial Zoning District, provided that the following applicable conditions are met.

Solar Electric Energy Systems are permitted in certain districts, provided that the following applicable conditions are met:

A. Lot size and setbacks:

- (1) The minimum lot size for a solar electric energy facility is twenty (25) acres. Contiguous lots under the same owner, that together are larger than twenty (25) acres shall meet this condition. The maximum lot size for a solar electric energy facility is 100 acres.

- (2) The Solar electric energy facility, including solar panels and support equipment, shall be set back a minimum of 200-feet from all property lines, road rights-of-way and from residential properties or uses.
- B. Design safety certification: The design of the solar electric energy system shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories (UL), IEEE, Solar Rating and Certification Corporation (SRCC), ETL, Florida Solar Energy Center (FSEC) or other similar certifying organizations.
- C. Uniform Constructions Code: The solar electric energy facility and the solar electric system shall be constructed to and comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999,<sup>1</sup> as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Department of Labor and Industry under its regulatory authority.
- D. Visual appearance: power lines.
- (1) Solar electric energy facilities shall not be artificially lighted, except to the extent required by safety or by any applicable federal, state or local authority.
  - (2) Solar electric energy facilities shall not display advertising, except for reasonable identification of the panel, inverter or other equipment manufacturer, and the facility owner.
  - (3) On-site transmission and power lines shall, to the maximum extent practicable, be placed underground.
- E. Warnings:
- (1) A solar electric energy facility shall be enclosed by a fence, barrier or other appropriate means to prevent or restrict unauthorized persons or vehicles from entering the property.
  - (2) Clearly visible warning signs shall be placed on the fence, barrier or solar electric energy facility perimeter to inform individuals of potential voltage hazards.
- F. Property lines: All solar energy systems shall be set back from the nearest property line a distance of not less than the maximum setback requirements for that zoning classification where the system is located. The setback distance shall be measured from the closest edge of the solar energy system to the property line.
- G. A solar electric energy facility shall be sited in such a way that it presents no threat to traffic or public health and safety.
- H. Decommissioning:
- (1) The solar electric energy facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The solar electric energy facility shall be presumed to be discontinued or abandoned if operated at less than full capacity for a period of six (6) continuous months.
  - (2) The solar electric energy facility owner shall have six (6) months in which to dismantle

and remove the solar electric energy facility including all solar-related equipment or appurtenances related thereto, including, but not limited to, buildings, cabling electrical components, road, foundations and other associated facilities from the property. If the owner fails to dismantle and/ or remove the solar electric energy facility within the established time frames, the municipality may complete the decommissioning at the owner's expenses.

- (3) At the time of issuance of the permit for the constructions of the solar electric energy facility, the owner shall provide financial security (bond) in the form and amount acceptable to the Township to secure the expense of dismantling and removing said solar electric energy facility and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original. The amount of of financial security shall be reviewed every five (5) years.
- (4) Disturbed earth shall be graded and reseeded.

I. Glare:

- (1) All solar electric energy systems shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
- (2) The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

- J. Zoning permit shall be required for all solar electric energy systems and facilities. Prior to the issuance of a zoning permit, applicants must acknowledge, in writing, that the issuing of said permit for solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself:
- a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or b) the right to prohibit the development on or growth of any trees or vegetation on such property.

K. Permit requirements:

- (3) Zoning/building permit applications shall document compliance with this section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the solar electric energy system is constructed.
- (4) The zoning/building permit shall be revoked if the solar electric energy system, whether new or preexisting, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the solar electric energy system not to be in conformity with this chapter.
- (5) The solar electric energy system must be properly maintained and kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the solar electric energy system to conform or to remove the solar electric energy system.

L. Roof-mounted and wall-mounted accessory solar energy system:

- (1) A roof-mounted or wall-mounted solar electric energy system may be located on a principal or accessory building.
- (2) Solar electric energy system mounted on roofs or walls of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within each of the underlying Zoning Districts.

M. Ground-mounted solar energy system:

- (1) No part of a ground mounted system shall be located in a front yard area.
- (2) No part of a ground mounted system shall project into any minimum side or rear yard setbacks established for the underlying district.
- (3) Ground mounted facilities, including all required support equipment, shall not exceed 2,000-sf.

**§ 350-51 Light Manufacturing.**

Shall be permitted as a conditional use; provided: No such facility shall occupy a lot area of less than five (5) acres.

- (a) Shall provide evidence of meeting the parking requirements of this Ordinance.
- (b) Shall provide appropriate opaque screening on all sides which abut nonindustrial uses.
- (c) Shall provide a fifteen (15) foot buffer yard, appropriately maintained and landscaped.
- (d) Shall increase all side and rear yards by twenty-five (25) feet in those instances where they abut residential uses.

**§ 350-52 Limited Commercial.**

The purpose of this use is to allow smaller retail operations in a rural or village environment. Such uses shall:

- (a) Provide all parking as required by this Ordinance
- (b) Provide screening along lot lines which abut residential uses.
- (c) All compressors shall be so enclosed as to baffle their sound from surrounding uses.
- (d) The facility/Operation shall not generate noise which exceeds fifty-five (55) decibels (dBA) nor ten (10) dBA above the ambient noise in any one hour, whichever is higher.
- (e) All dumpsters and or garbage/trash storage areas shall be enclosed.
- (f) Total building size shall not exceed five-thousand, (5,000) square feet.
- (g) All signage shall be lit by indirect means.

**§ 350-53 - Short Term Rentals and Homestays.**

Short Term Rentals and Homestays are permitted subject to the following regulations:

**Short Term Rentals -**

- (a) A property manager must be identified, and the name and contact information shall be provided to the Township.
- (b) The entire dwelling shall be rented in the name of one individual, who represents the entire family or group renting the dwelling during the reserved time period. The name and contact information of the rental representative shall be provided to the Township prior to the start of each new rental.
- (c) Guests have use of the facilities as provided for in any contract or agreement with the owner or management company, and no services, such as meals or house cleaning, are provided to the guests.
- (d) The number of guests in one party shall not exceed two adults per bedroom.
- (e) No exterior or interior sign intended to be seen by the public shall be permitted.
- (f) No activity which may cause a nuisance, including, but not limited to, fairs, parties, educational seminars, recreational activities, festivals, parades, public assembly, performances, meetings, contests, exhibits, athletic competitions or presentations, community events, concerts or ceremonies, shall be permitted without prior issuance of a Special Event Permit by the Township.

**Homestay**

- (a) The homeowner must be residing in the dwelling unit for the duration of the rental.
- (b) The homeowner shall serve as the sole property manager and will be responsible for overseeing the behavior and activities on the renters.
- (c) The number of guests in one party shall not exceed 2 adults per bedroom.
- (d) No exterior or interior sign intended to be seen by the public shall be permitted.
- (e) Guests must have use of a bathroom and kitchen for the duration of the rental.
- (f) Structures with only 2 bedrooms may only dedicate one bedroom as a homestay.
- (g) No activity which may cause a nuisance, including, but not limited to, fairs, parties, educational seminars, recreational activities, festivals, parades, public assembly, performances, meetings, contests, exhibits, athletic competitions or presentations, community events, concerts or ceremonies, shall be permitted without prior issuance of a Special Event Permit by the Township.

**§ 350-54 - Planing/Saw Mill**

Such uses shall:

- (1) Sawmills shall be set at least fifty (50) feet from the front lot line and at least seventy-five (75) feet from the side or rear lot lines.
- (2) There shall be no storage of logs or lumber within twenty-five (25) feet of any lot line.

**§ 350-55 – Slaughter Houses**

- (1) Slaughter Houses shall be set back at least fifty (50) feet from the front lot line and at least seventy-five (75) back feet from the side yard line.

### § 350-56 – Junk and Abandoned Vehicles

- A. Inside Storage - persons are permitted to keep, own, or possess junk vehicles on public or private property; provided they are kept in an enclosed garage or building.
- B. Outside Storage - persons are permitted to keep, own, or possess up to five (5) junk vehicles on public or private property; provided that the following conditions are met.
  - (1) All such vehicles are screened from the view of persons using the streets, roads and highways and from the view of owners, occupiers or users of other residences, businesses or properties.
  - (2) All such vehicles are located at least 100 feet back from the Township or other Right-Of-Way line and the property line.
- C. It shall be unlawful for any person owning or having custody of any junked motor vehicle or motor vehicle accessories which creates a hazard or threat or potential threat to the health, safety or welfare of the Township's citizens to store or permit any such vehicle or accessories to remain in unsheltered storage on any private property or public street or highway within the Township for a period of more than thirty (30) days. After the expiration of the thirty-day period, and following receipt of a notice requiring such removal, and it shall be further unlawful for any person owning any private property in the Township or leasing any such property to store or to permit to remain any such vehicles or accessories on his property for more than a like period.
  - A. It shall further be unlawful for any person, after notification to remove any junked motor vehicle or motor vehicle accessories constituting a public nuisance hereunder from any private property has been given, to move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage.
  - B. Washington Township Supervisors will notify property owners of their non-compliance with the provisions of this section via a Certified Letter addressed to the property owner. Failure of the property owner to respond or to rectify the non-compliance in an agreed upon time frame will result in the Township filing a citation with the local Magistrate.

### § 350-57 – Mining and Mineral Extraction

Mineral excavation and oil and gas well operations and excavations of sand, gravel, coal and other material from aboveground and below-ground operations is permitted in certain districts, provided that the following conditions are met. In addition to the following conditions, all activities shall comply fully with the rules and regulations governed of the Pennsylvania Department of Environmental Protection (DEP). Therefore, the issuance of any permit or certificate by the Township shall be conditional upon clear evidence, submitted by the developer, of successful compliance with DEP regulations. Such evidence shall consist of permits, official approval letters, or similar official documents of DEP. In addition, copies of all applications and permits are to be filed with the Township. All mineral extraction, except oil and gas conventional and unconventional wells, which are regulated by Subsection (5) and (6), shall comply with the following minimum requirements and any other measure that the Township might reasonably specify. A zoning certificate shall be required for each property.

- (1) No operation shall be conducted closer than 100 feet to an adjacent property, unless under common lease or ownership, and no closer than 100 feet to any road right-of-way line.
- (2) No operation shall be conducted closer than 300 feet to an existing dwelling, school, hospital or similar residential use. Isolation distances of 150 feet to water wells shall be observed.
- (3) The operator shall submit with the zoning application a plan for the restoration of the area to be excavated. It is assumed that such plan will be required by DEP or other permitting agency. In that event, a copy of the required plan will suffice. However, if such a restoration plan is not required by any other agency, it will be required by the Township.
- (4) The operator shall file with the Township written proof that all regulation and bonding requirements of the Pennsylvania Department of Environmental Protection have been met.
- (5) Oil and Gas Conventional Well operations shall be a conditional use in certain districts, provided that the requirements of this subsection and of the Oil and Gas Act (58 P.S. § 601.101 et seq.), as amended, are met.
  - (a) No operation shall be conducted closer than 100 feet to an adjacent property, unless under common lease or ownership, and no closer than 100 feet to any public road right-of-way.
  - (b) No operation shall be conducted closer than 200 feet to an existing dwelling, school, hospital or similar residential use or water source for those uses.
  - (c) A zoning certificate shall be required and issued by the Zoning Officer. No zoning certificate shall be issued until the following is submitted with the application for a zoning certificate:
    - 1) A copy of the permit from the Department of Environmental Protection for the operation and a copy of the well location map and notice of proposed or existing location form as required by the Department of Environmental Protection.
    - 2) The Zoning Officer may require, prior to the permit issuance, a performance and/or a maintenance guaranty. The performance guaranty shall include, at a minimum, but not be limited to provision for adequate protection from any adverse conditions which may result from the well-drilling operation.
    - 3) The maintenance guaranty shall contain, at a minimum, but not be limited to adequate protection from any damage to adjacent roads and other related property damage.
    - 4) The performance and maintenance guaranties, amount and time limit shall be for the period of well development.
  - (d) As an addendum to the zoning application, a plan accurately drawn to scale, showing the location of all wells as referenced by the location of adjacent properties, roads and natural features.



- (6) Oil and Gas Unconventional Well operations shall be a conditional use in certain districts, provided that the requirements of this subsection and of the Oil and Gas Act (58 P.S. § 601.101 et seq.), as amended, are met.
- (a) No operation shall be conducted closer than 1,000 feet to an adjacent property, unless under common lease or ownership, and no closer than 1,000 feet to any public road right-of-way.
  - (b) No operation shall be conducted closer than 1,000 feet to an existing dwelling, school, hospital or similar residential use or any water source.
  - (c) A zoning certificate shall be required and issued by the Zoning Officer. No zoning certificate shall be issued until the following is submitted with the application for a zoning certificate:
    - 1) A copy of the permit from the Department of Environmental Protection for the operation and a copy of the well location map and notice of proposed or existing location form as required by the Department of Environmental Protection.
    - 2) The Zoning Officer may require, prior to the permit issuance, a performance and/or a maintenance guaranty. The performance guaranty shall include, at a minimum, but not be limited to provision for adequate protection from any adverse conditions which may result from the well-drilling operation.
    - 3) The maintenance guaranty shall contain, at a minimum, but not be limited to adequate protection from any damage to adjacent roads and other related property damage.
    - 4) The performance and maintenance guaranties, amount and time limit shall be for the period of well development.
  - (d) As an addendum to the zoning application, a plan accurately drawn to scale, showing the location of all wells as referenced by the location of adjacent properties, roads and natural features.

## ARTICLE VI

**Administration, Enforcement and Procedures****§ 350-59. Zoning Officer.**

- A. Appointment. The Zoning Officer shall be appointed by the Board of Supervisors to administer and enforce this chapter. The Zoning Officer shall not hold any elective office within the municipality. No building, structure or sign shall be erected, constructed, moved, added to, or structurally altered, nor shall land be put to any use without a permit therefor, issued by the Zoning Officer.
- B. Legal framework. The Zoning Officer shall have all the duties and powers conferred by this chapter in addition to those reasonably implied for that purpose. He/she shall not issue a zoning permit in connection with any contemplated erection, construction, alterations, repair, extension, replacement and/or use of any building, structure, sign and/or land unless it first conforms with the requirements of this chapter, with all other ordinances of the Township, and with the laws of the Commonwealth of Pennsylvania.
- C. Duties and Powers of the Zoning Officer. It shall be the duty of the Zoning Officer to enforce literally the provisions of this chapter and amendments. He/she shall have such other duties and powers as are conferred upon him/her by this chapter or as are reasonably implied for that purpose, or as may be, from time to time, conferred upon him by the Board of Supervisors. The Zoning Officer's powers and duties shall include, but are not limited to, the following:
- (1) Receive applications for and issue zoning permits and sign permits as permitted by the terms of this chapter.
  - (2) Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this chapter and the action taken consequent to each such complaint. All such records shall be open and available for public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign and/or land, shall be retained in hard copy as long as they remain in existence.
  - (3) At his/her discretion, examine, or cause to be examined, all buildings, structures, signs, and/or land or portions thereof, for which an application has been filed for the erection, construction, alteration, repair, extension, replacement, and/or use before issuing any permit, and otherwise as required to fulfill her/his duties. Thereafter, he/she may make such inspections during the completion of work for which a permit has been issued. Upon completion of the building, structure, sign and/or change, a final inspection shall be made and all violations of the approved plans or zoning permit shall be noted and the holder of the zoning permit shall be notified of the discrepancies. He/she shall have the power to enter any building or structure or enter upon any land at any reasonable hour in the course of his/her duties. Should such access be prevented by any property owner, lessee or other person, he/she shall have the authority, with the approval of the Board of Supervisors, to obtain a search warrant for said property.

- (4) Issue permits for special exception uses, conditional uses and/or variances only after such uses and/or buildings have been approved in writing by either the Zoning Hearing Board, in the case of special exceptions and/or variances, and the Board of Supervisors in the case of conditional uses.
- (5) Maintain responsibility for keeping this chapter and the Official Zoning Map up to date so as to include all amendments thereto.
- (6) Issue certificates of zoning compliance in accordance with the provisions of this chapter.
- (7) Investigate alleged violations and address violations to this chapter.
- (8) Prepare and submit annual reports, as required in this chapter, to the Planning Commission and Board of Supervisors.
- (9) Identify and register nonconforming uses and structures created as a result of the adoption of this chapter or created as a result of amendments thereto.
- (10) Any other such duties as directed by Board of Supervisors.

**§ 350-60. Administration and administrative procedures.**

- A. No permit shall be issued except in conformity with the provisions of this chapter, or upon written order from the Zoning Hearing Board in the form of a special exception or variance, or upon written order from the Board of Supervisors in the form of a conditional use, or as otherwise provided for by this chapter, any applicable laws or any court of competent jurisdiction.
- B. It shall be unlawful to commence the excavation for or the construction or alteration of any buildings until the Zoning Officer has issued a zoning permit for such work. A zoning permit shall be required for all construction or alterations. No zoning permit shall be required for repairs to or maintenance of any building, structure or grounds, provided such repairs do not change the use or otherwise violate the provisions of this chapter. All applications shall be made in writing and shall be accompanied by all applicable fees and two sets of plans showing, at a minimum, the following information to be considered as a complete application, if applicable:
  - (1) Actual dimensions and shape of the lot to be used.
  - (2) The exact size and location on the lot of buildings, structures, or signs existing and/or proposed, including any extensions thereto.
  - (3) The number of dwelling units.
  - (4) A parking plan, indicating the number, size and location of all off-street parking spaces and/or required loading areas for the specific use(s).
  - (5) Statement indicating any existing or proposed use(s).
  - (6) Height of any structure, building or sign existing or proposed.
  - (7) Statement indicating the provider of essential services such as water supply, sewage disposal, electrical service, natural gas service, etc.

- (8) The name, address and telephone number of the property owner, the applicant (if different from the owner), and the estimated value of any proposed improvements.
  - (9) Any other information deemed necessary by the Zoning Officer in order to determine compliance with this and any other applicable ordinances.
- C. One copy of the submitted plans and associated information shall be returned to the applicant by the Zoning Officer after he shall have made a determination of compliance with the provisions of this chapter and other applicable ordinances.
- (1) Said plans shall be either marked approved or disapproved, and shall be attested to it by the signature of the Zoning Officer.
  - (2) Plans that are marked approved shall be returned with a permit, and shall note any conditions of approval.
  - (3) Plans that are marked disapproved shall be accompanied by a written statement of the deficiencies of said plans.
- D. All applications shall be reviewed and marked for approval or disapproval within 30 days from the date of submission of a complete application.
- E. All applications marked for disapproval shall be accompanied by a letter informing the applicant of his/her rights for appeal and shall be accompanied by a hearing application.
- F. Applications for a permit shall be submitted in such form as the Zoning Officer may prescribe.
- G. Zoning permit(s) shall be valid for a period of 180 days from date of issuance, if work described in any permit has not begun. If work described in any zoning permit has begun within the 180-day period said permit shall expire after two years from the date of issuance thereof.
- (1) If work is not initiated and/or completed within the time frames noted in Subsection G, continuation of work approved in the original application may only occur after payment of additional application costs as per § 350-55.
  - (2) Work initiated prior to the issuance of a zoning permit will be subject to fees double those outlined in § 350-55.
- H. A certificate of zoning compliance shall be required upon the completion of any work permitted under this chapter. It shall be unlawful to use and/or occupy any structure, building and/or land or portions thereof in any manner until such certificate of zoning compliance has been issued.
- (1) The application for certificate of zoning compliance shall be submitted in such form as the Zoning Officer may prescribe, when all construction and related activities are complete.
  - (2) The Zoning Officer shall inspect any use, structure, building, sign and/or land or portions thereof and shall determine the compliance therewith to the provisions of this chapter.

- (3) Upon determination of compliance with the provisions of this chapter and with any conditions listed in the zoning permit, he/she shall issue a certificate of zoning compliance.
  - (4) Certificate of zoning compliance shall be granted or refused, in writing, within 10 days from the date of application for certificate of zoning compliance. In the event that such certificate of zoning compliance is refused, the reasons for said refusal shall be included in the written notice of refusal.
- I. In the case of permits for which performance standards are imposed, as a condition of approval, no certificate of zoning compliance shall become permanent until 30 days after the use is fully operating and upon reinspection by the Zoning Officer to determine compliance with all performance standards.
- (1) The applicant shall submit documentation of compliance with all relevant performance standards as requested by the Zoning Officer.
  - (2) Upon completion of said reinspection, the Zoning Officer shall notify the applicant, in writing, that the use is in full compliance with all performance standards and that the certificate of zoning compliance is permanent or that the use is not in compliance and that the certificate of zoning compliance is still temporary.
  - (3) In the event that the required performance standards are not met within 90 days after the start of operation of said use, the certificate of zoning compliance shall be withdrawn and the use shall be ordered to cease and desist operations until such time as the compliance with the performance standards can be determined by the Zoning Officer.
- J. Exemptions. 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 the corporation, the Pennsylvania 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 and welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of such hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

### § 350-61. Enforcement.

- A. As a condition of granting final approval of a land development involving a Conditional Use or Special Exception, the Board of Supervisors shall require that the developer execute a development agreement with the Township, in a form acceptable to the Township Solicitor, that guarantees the proper installation and operation of private improvements related to the approved land use. In addition, as part of any Conditional Use or Special Exception approval, a condition shall be included that allows the Washington Township Supervisors to enter the property to verify that the approved land use is in compliance with the conditions set forth in the Conditional Use or Special Exception approval. The Supervisors shall have the authority to require the property owner to make changes and/or modify the land use to ensure compliance with the conditions set forth in the Conditional Use or Special Exception approval.

- B. The Zoning Officer and/or the Washington Township Supervisors shall serve written notice of violation upon any person, firm, corporation or partnership deemed responsible for violating any of the provisions of this chapter, or in violation of any detailed statement or plan approved thereunder. Such written notice shall be served personally or by certified mail, indicating the nature of the violation and ordering the action necessary to correct same. Such notice shall contain, at a minimum, the following information:
- (1) The party deemed responsible for the violation, and the name of the owner of record of the property in question.
  - (2) The date and location of the violation.
  - (3) The specific section of this chapter that has been violated.
  - (4) The specific action required to correct such violation.
  - (5) The time period within which such violation shall be corrected.
  - (6) The penalties that could be assessed for such violation.
  - (7) The right of the party to appeal the decision of the Zoning Officer, and the procedures to be followed to file such appeal.
  - (8) The signature of the Zoning Officer.
- C. Should such notice of violation not be complied with within the time period set forth in said notice, the Zoning Officer shall order the discontinuance of such unlawful use of structure, building, sign and/or land involved in said violation. The Zoning Officer shall also file a report of said noncompliance with the Board of Supervisors and, upon authorization from the Board of Supervisors, shall initiate legal action, in accordance with the provisions below: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (1) Causes of action. In case any building, structure, landscaping or land is erected, constructed, reconstructed, altered, converted, maintained or used in violation of this chapter, the Board of Supervisors shall have the power to authorize the Zoning Officer or Township Solicitor to initiate any appropriate action or proceeding to prevent, restrain, correct or abate such violation.
  - (2) When any such action is instituted by the Board of Supervisors, written notice shall be served by the municipality upon the owner or tenant of said property or use in violation.
  - (3) The Zoning Hearing Board shall have initial jurisdiction for proceedings brought under this section. Any subsequent legal action shall be in accordance with Article X-A of the Pennsylvania Municipalities Planning Code.
- D. Any person, partnership or corporation who or which has violated or permitted the violation of this chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not less than \$500.00 nor more than \$1,000.00. Any person, partnership or corporation found liable shall also be responsible for all court costs, including reasonable attorney fees incurred by a municipality as a result thereof.
- (1) Each day that a violation continues shall constitute a separate violation, unless the

Magisterial District Judge determines that there was a good-faith basis for the continuance of the violation, in which case 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 Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation.

- (2) All judgments, costs and reasonable attorney fees collected for the violation of this chapter shall be paid over to the Township.
- (3) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Board of Supervisors the right to commence any action pursuant to this section.

**§ 350-62. Zoning Hearing Board.**

- A. The Board of Supervisors hereby creates a Zoning Hearing Board, herein referred to as the ZHB, consisting of three members, and two alternate members, pursuant to Article IX of the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247, as amended, who shall perform all the duties and have all the powers prescribed by said statute and as herein provided.
- B. The membership of the ZHB shall consist of three residents of the Township, appointed by the Board of Supervisors. The terms of office shall be three years. One member shall be appointed to serve until the first day of January of the year following the adoption of this chapter; one member until the first day of January of the second year following the adoption of this chapter; and one member until the first day of January of the third year following the adoption of this chapter.
  - (1) There shall be two alternate members of the ZHB appointed by the Board of Supervisors. The term of office shall be three years. The terms for the alternate members shall coincide with the terms of the members as specified in Subsection B above.
    - (a) Alternate members, when seated pursuant to the provisions of Section 906, of Act 247, as amended by Acts 66 and 67 of 2000 (the Pennsylvania Municipalities Planning Code), shall be entitled to participate in all proceedings, and shall have the powers and duties specified in the statute and this chapter.
    - (b) Any alternate may participate in any proceeding or discussion of the ZHB but shall not be entitled to vote as a member, nor be entitled to any compensation unless designated as a voting alternate member pursuant to Section 906 of the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247, as amended.
  - (2) Members of the ZHB and alternate members of the ZHB shall hold no other office of the municipality.
  - (3) Any member or alternate member of the ZHB may be removed for malfeasance, misfeasance or nonfeasance or for other just cause by a majority vote of the Board of Supervisors.
    - (a) A member or alternate member shall receive a minimum of 15 days' advance notice of the intent to take such a vote.

- (b) A public hearing shall be held if the member or alternate member requests one in writing.
  - (4) Vacancies shall be filled by appointment by the Board of Supervisors for the unexpired portion of the vacated term.
- C. The members of the ZHB shall receive such compensation if and/or as shall be fixed by the Board of Supervisors, by resolution, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.
- D. Within the limits of funds appropriated by the Board of Supervisors, the ZHB may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical or legal staff. The solicitor to the ZHB shall not be the solicitor of the municipality.
- E. The ZHB may make, alter and rescind rules and forms for its procedure, consistent with the ordinances of the Township and the laws of Pennsylvania.
  - (1) The ZHB shall keep full public records of its business.
  - (2) The records of the ZHB shall be the property of the Township.
  - (3) The ZHB shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors. The Board shall submit an annual report of its activities to the Board of Supervisors.
  - (4) Such rules as may be established by the ZHB shall continue in force and effect, until amended or repealed by the ZHB, by municipal ordinance or by federal or state law.
  - (5) The ZHB shall elect, from its own membership, its officers, who shall serve annual terms as such, and may succeed themselves.
  - (6) Meetings and hearings of the ZHB shall be held at the call of the Chairman and at such other times as the ZHB, by majority vote, may determine.
- F. Hearings. The ZHB shall conduct hearings and make decisions in accordance with the following requirements.
  - (1) For the conduct of any hearing and the taking of any action, a quorum of not less than a majority of the members or voting alternates shall be present. In the event that any member is disqualified, for reason of conflict of interest, his/her place on the hearing panel shall be taken by a voting alternate.
  - (2) Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, abutting or adjoining property owners and such other persons as the Board of Supervisors or the ZHB may designate, and to any person who as made a timely request for same. Written notice of said hearing shall be conspicuously posted on the affected tract at least one week prior to the hearing.
    - (a) Public notice shall consist of publication of an advertisement in a newspaper of general circulation in the Township, not more than 30 days or less than seven days prior to the hearing.
    - (b) Written notice shall consist of letter signed by the Chairman of the Board. Written notice shall be provided a minimum of 15 days prior to the hearing.



- (3) Hearings shall be conducted by the ZHB.
- (a) The hearing shall be commenced within 60 days from the date of the receipt of the applicant's request, unless the applicant has agreed, in writing, to an extension of time. Any subsequent hearing shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant, in writing, or on the record. An applicant shall complete the presentation of the presentation of the case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the ZHB shall assure that the applicant receives at least six hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete the case-in-chief, provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- (b) Fees for hearings shall be established by the Board of Supervisors.
- [1] Fees may include compensation for the members and secretary (or court stenographer), notice, advertising costs and administrative costs.
- [2] Fees shall not include legal expenses, consultant expenses or expert witness costs.
- (c) The findings shall be made by the ZHB.
- (d) The ZHB shall not appoint a member to serve as a hearing officer.
- (e) The parties to any hearing shall be the Township, the applicant, any person affected by the application who has made timely appearance of record before the ZHB, and any other person, including civic or community organizations, permitted to appear by the ZHB. The ZHB shall have the power to require that all persons who wish to be considered parties enter appearances, in writing, in a form acceptable to the ZHB.
- (f) The Chairman or acting Chairman of the ZHB shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and production of relevant documents and papers, including any witnesses and/or documents requested by the parties.
- (g) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (h) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- (i) The ZHB shall keep a stenographic record of the proceedings.
- [1] Stenographer fees shall be shared equally by the ZHB and the applicant.

- [2] The cost of the original transcript shall be paid by the ZHB if the transcript is ordered by the ZHB.
  - [3] The cost of the transcript shall be paid by any person or party who might appeal from the decision of the ZHB.
  - [4] Additional copies of the transcript shall be paid by the person requesting such copy.
- (j) The ZHB shall not communicate, directly or indirectly, with any party or his/her representatives in connection with any issue involved except upon notice and opportunity for all parties to participate.
- [1] The ZHB shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless parties are afforded an opportunity to contest the material so noticed.
  - [2] The ZHB shall not inspect the site or its surroundings after the commencement of hearings with any party or his/her representative unless all parties are given an opportunity to be present.
- (k) The ZHB shall render a written decision, or when no decision is called for, a written finding on the application within 45 days after the last hearing before the ZHB.
- [1] Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor.
  - [2] Conclusions based on the provisions of Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247, as amended), this chapter or any other rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.
  - [3] Where the ZHB fails to render the decision within the required forty-five day period, or fails to hold a hearing within the required sixty-day period, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing, or on the record to an extension of time.
  - [4] In such case when a decision has been rendered in favor of the applicant because of the failure of the ZHB to meet or render a decision as herein provided, the ZHB shall give public notice of said decision within 10 days from the last day it could have met to render such decision as provided in this chapter. If the ZHB should fail to provide such notice, the applicant may do so.
  - [5] Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- (l) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him/her not later than the day following its date. To all other persons who have filed their name and address with the ZHB not later than the last day of the hearing, the ZHB shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the time and place at which the full decision or findings may be examined.
- G. Functions of the Zoning Hearing Board. The ZHB shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
- (1) Substantive challenges to the validity of this chapter or Chapter 295, Subdivision and Land Development, except that the ZHB shall have no jurisdiction regarding any landowner curative amendments.<sup>8</sup>
  - (2) Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order, the registration or refusal to register any nonconforming use, structure or lot, the interpretation of any district boundary line or any other Official Map.
    - (a) In exercising this power, the ZHB may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, determination or permit appealed from.
    - (b) Nothing in this section shall be construed to deny the appellant the right to proceed directly to court, when appropriate, pursuant to the Pennsylvania Rules of Civil Procedure relating to mandamus.
  - (3) Appeals from the decision by the professional engineer retained by the Township or the Zoning Officer with reference to the administration of Chapter 154, Floodplain Management, or Chapter 286, Stormwater Management.
  - (4) Applications for variances from the terms of this chapter, Chapter 154, Floodplain Management, or Chapter 286, Stormwater Management, pursuant to § 350-53 of this chapter.
  - (5) Applications for special exceptions under this chapter pursuant to any special exception criteria established under this chapter.
  - (6) Appeals from the determination of the Zoning Officer regarding any performance or density provisions of this chapter.
  - (7) Appeals from the determination of the professional engineer or consultant retained by the Township with reference to sedimentation and erosion control plans.
- H. Standards for variances. The ZHB shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the

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3. Editor's Note: Original § 6.037B, Challenges to validity, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

applicant. The ZHB shall, by rule, prescribe the form of application and may require the submission of a preliminary application to the Zoning Officer. The ZHB may grant a variance, provided that all the following findings are made where relevant to a given case:

- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size and shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances created by the provisions of this chapter in the district in which the property is located.
  - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter 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 applicant.
  - (4) That the variance, if authorized, will not alter the essential character of the neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
  - (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- I. Other conditions and safeguards. The ZHB may also grant a variance, provided that all the following findings are made where relevant to a given case:
- (1) That no nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of land, structure or buildings in other districts shall be considered grounds for the granting of any variance.
  - (2) That in no case shall a variance be granted solely for reasons of financial hardship or additional financial gain on the part of the applicant.
  - (3) In granting any variance, the ZHB may attach such reasonable conditions and safeguards, as it may deem necessary, to implement the purposes of this chapter.
- J. Standards for special exceptions. The ZHB shall have the power to hear and decide only such special exceptions as specifically authorized in Article IV of this chapter. All special exceptions shall meet the following criteria:
- (1) Special exception uses shall be specifically authorized in the zoning district, and shall meet the special exception criteria established in Article IV.
  - (2) Special exception uses shall be found to be consistent with the community development goals and objectives; the general purposes and intent of this chapter.

- (3) Special exception uses shall not adversely affect the character of the district, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- (4) Special exception uses shall be in substantial compliance with all portions of the Township Comprehensive Plan.
- (5) Special exception uses shall comply with the supplemental regulations contained in Article V of this chapter.
- (6) No special exception use, requiring a variance from this or any other ordinance, shall be granted until such time as the variance may be authorized.
- (7) The ZHB may attach any reasonable conditions and safeguards, as it may deem advisable and appropriate to any special exception permit. Refusal of the applicant to accept such conditions shall result in the revoking of the special exception permit.
- (8) All applications for special exception shall be submitted to the Planning Commission for their review and recommendation. Lack of recommendation by the Planning Commission shall be deemed as recommended approval of the application.

**§ 350-63. Functions of Board of Supervisors.**

- A. The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudication in the following matters:
  - (1) All applications for approval of subdivisions or land developments, pursuant to Chapter 295, Subdivision and Land Development, demonstrating compliance with this chapter.
  - (2) Applications for conditional use.
  - (3) Applications for curative amendment to this chapter.
  - (4) All petitions for amendments to this chapter, Chapter 295, Subdivision and Land Development, Chapter 154, Floodplain Management, and Chapter 286, Stormwater Management.
  - (5) Petitions for waivers from the requirements of Chapter 295, Subdivision and Land Development.
  - (6) Appeal from the any determination by the Zoning Officer or Municipal Engineer in the administration or enforcement of the provisions of Chapter 295, Subdivision and Land Development, where final administrative action is vested in said ordinance.
- B. Standards for conditional use. The Board of Supervisors shall hold a public hearing for all conditional uses listed in this chapter. In granting any conditional uses, the below listed criteria shall be applied:
  - (1) The presence of nearby similar uses.

- (2) An adjoining district in which the use is permitted.
  - (3) Compatibility of the use with the provisions of the Township and/or County Comprehensive Plan.
  - (4) Sufficient lot area to provide effective screening from adjacent residential uses.
  - (5) That the use will not detract from permitted uses in the district.
  - (6) Compliance with relevant requirements in Article V of this chapter.
  - (7) Notification of adjoining property owners.
  - (8) Compliance with the provisions of Chapter 295, Subdivision and Land Development.
- C. Additional procedural matters. The following apply to conditional use applications before Board of Supervisors:
- (1) Should any conditional use require a variance from this or any other ordinance, said variance shall be authorized prior to the scheduling of a conditional use hearing.
  - (2) The Board of Supervisors may attach such reasonable conditions to a conditional use permit as they may deem appropriate and advisable. Failure of the applicant to agree to said conditions shall result in the immediate revoking of the permit.
  - (3) Should the work authorized under a conditional use permit fail to commence within 180 days of the issuance of the permit, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned said permit and all such permits shall be automatically rescinded by the Board of Supervisors.
  - (4) All applications for conditional use shall be submitted to the Planning Commission for their review and recommendation. Lack of recommendation by the Planning Commission shall be deemed as recommended approval of the application.
  - (5) Where the Board of Supervisors fails to render a decision within the period required by Section 913.2 of the Pennsylvania Municipalities Planning Code (i.e., within 45 days after the last hearing), or fails to commence, conduct or complete the required hearing as provided in Section 908 (1.2) of the Pennsylvania Municipalities Planning Code (i.e., hearing is not commenced within 60 days of applicant's request or not completed within 100 days of the completion of the applicant's case-in-chief), the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed, in writing, or on record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or render a decision as hereinabove provided, the Board of Supervisors shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner as required

by the public notice requirements of the Pennsylvania Municipalities Planning Code.

**§ 350-64. Procedures for hearings.**

The procedures discussed in this section shall apply to all proceedings before the ZHB and, where applicable, shall apply to proceedings before the Board of Supervisors.

- A. All hearings shall be held in strict accordance with the procedures contained in Article IX of Act 247 as amended by Acts 66 and 67 of 2000 (the Pennsylvania Municipalities Planning Code).
- B. All appeals and applications shall be in writing, in a form prescribed by the Board. Such applications shall contain, at a minimum:
  - (1) The specific ordinance and provision of said ordinance involved;
  - (2) The interpretation that is claimed for any challenges to the validity of said ordinance; or
  - (3) The use for which special exception or conditional use is sought; or
  - (4) The details of the variance that is applied for, and the grounds on which it is claimed that the variance shall be granted;
  - (5) All required filing fees as may be established by the Board of Supervisors.
- C. No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by the appropriate municipal officer agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he/she had no notice, knowledge or reason to believe that such approval had been given.
  - (1) If such person has succeeded to his interest after such approval, he/she shall be bound by the knowledge of his/her predecessor in interest.
  - (2) The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to Article VI of this chapter or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247, as amended) shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative plan.
- D. All appeals from determinations adverse to landowners shall be filed by the landowner within 30 days after the determination is issued.
- E. Upon filing of any proceeding referred to in this article and during its pendency before the ZHB, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any appropriate agency or bodies certifies to the Board facts indicating that such stay would cause imminent

peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, that may be granted by the ZHB or by a court of competent jurisdiction on petition, after notice to the Zoning Officer or other appropriate agency or body.

- F. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the ZHB by persons other than the applicant, the applicant may petition a court of competent jurisdiction to order such persons to post bond as a condition to continuing the proceedings before the Board.
- G. The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

**§ 350-65. Schedule of fees, charges and expenses.**

- A. The Board of Supervisors shall establish a schedule of fees, charges and expenses, and the collection procedures for zoning permits, certificates of occupancy, special exceptions, variances, appeals and any other matters pertaining to this chapter.
- B. The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended, by resolution, by the Board of Supervisors.
- C. No action shall be taken on any application or appeal until such time as all fees, charges and expenses have been paid in full.

**§ 350-66. Nonconforming lots, uses, structures and buildings.**

- A. Statement of intent. Within the zoning districts established pursuant to this chapter or subsequent amendments thereto, there exists or will exist certain nonconformities that, if lawful before this chapter was enacted or amended, may be continued, subject to certain limitations, although such nonconformities would be prohibited, regulated or restricted under the terms of this chapter or subsequent amendments thereto. In order to avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any buildings or structures on which actual construction was lawfully begun prior to the effective date of adoption of amendment to this chapter and upon which actual building construction has been diligently carried on.
- B. Nonconforming lots of record. Lots of record existing at the date of adoption or amendment of this chapter that do not conform to the regulations of the zoning district in which they are located may be used for primary structures or dwellings and customary accessory uses as a special exception, if the buildings are erected according to the following stipulations:
  - (1) The yard requirements for the any such nonconforming lot in a block in which 60% of the land area has been developed and whereon are erected structures shall be the average of the yards for the area that has been developed in said block.



- (a) These provisions shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district.
    - (b) A block shall be defined as a tract of land bounded by streets, or by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways or any municipal boundary.
  - (2) If two or more lots, combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption of this chapter or amendment thereto, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land shall be considered to be an undivided parcel for the purpose of this chapter. No portion of said parcel shall be used or sold in a manner that diminishes compliance with lot width and/or area requirements established by this chapter, nor shall any division of any parcel be made that creates a lot with width or area below the minimum requirements established in this chapter.
- C. Nonconforming structures or buildings.
- (1) Structures or buildings that at the effective date of this chapter or subsequent amendments thereto that do not conform to the requirements contained therein by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the building or structure may be continued to be used, maintained and repaired so long as such structure or building remains otherwise lawful, subject to the following provisions:
    - (a) No such nonconforming structure or building may be enlarged or altered in any way that increases its nonconformity.
    - (b) No nonconforming structure or building shall be, for any reason, moved any distance unless it shall thereafter conform to the zoning regulations for the district in which it is located after it is moved.
    - (c) Whenever any nonconforming structure or building has been vacated and not marketed for a period of 12 consecutive months, such structure or building shall thereafter not be used except in compliance with the provisions of this chapter.
  - (2) Should a nonconforming structure or building be destroyed by fire, flood, wind or other means not of the owner's decision, it shall not be reconstructed in any manner that increases its nonconformity. If reconstruction has not commenced within 12 months of the date of such destruction, reconstruction shall be in full compliance with this chapter and all other applicable regulations.
  - (3) In cases where two or more uses or principal structures, exclusive of any accessory structures, exist on a single parcel, all such buildings or uses shall comply with all requirements of this chapter and subsequent amendments that would normally apply to each building or use if each was on a separate lot. In cases where existing multiple uses and/or primary buildings are nonconforming, any alterations or modifications shall be in accordance with Subsections C and D of this section.

- D. Nonconforming uses.
- (1) Lawful uses of land, structures or buildings that at the effective date of this chapter or as a result of subsequent amendments thereto that do not conform to the requirements contained therein may be continued by the present or any subsequent owner so long as such use remains otherwise lawful, subject to the following provisions:
    - (a) Any nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may, by variance, be changed to another nonconforming use, provided that the ZHB shall find that the proposed use is equally or more appropriate in the zoning district in which the property is located than the previously existing nonconforming use.
    - (b) Whenever a nonconforming use of any land, structure or building has been discontinued and/or not marketed for a period of 12 consecutive months, such land, structure or building or any portion thereof shall be used only in a manner in full compliance with this chapter.
    - (c) Voluntary removal or destruction of the structure or building in which any nonconforming use is located shall eliminate the use of the land upon which the structure or building was erected for such nonconforming use. "Destruction" for the purpose of this subsection is defined as damage to an extent of 65% or more of the market value of said structure or building immediately prior such damage or destruction.
  - (2) A nonconforming use may be extended throughout any part of the existing land, structure or building, or a new extension or addition to a structure or building may be constructed, provided that all such structural alterations, extensions or additions shall comply with all provisions of this chapter with respect to height, area, width, yard and coverage requirements for the zoning district in which the building is located. Total extension of any nonconforming use shall not exceed 25% of the gross floor area of any building or 25% of the gross land area of any outdoor use, occupied by said nonconforming use at the time of the adoption and/or amendment of this chapter.
- E. Effect of special exception. Any use that is permitted as a special exception in any zoning district under the terms of this chapter (other than a change through ZHB action from one nonconforming use to another nonconforming use) shall not be deemed a nonconforming use in such a zoning district, but shall without further action be considered a conforming use.
- F. Registration of nonconformities. To facilitate the administration of this chapter, it shall be the duty of the Zoning Officer to prepare and maintain an accurate listing of all uses and structures in all districts.
- (1) Uses permitted by right, special exception and/or variance shall be so noted on a permanent record of the subject parcel.
  - (2) All nonconforming uses and structures shall be registered separately and an accurate listing maintained. The Zoning Officer shall submit an annual report

to the Planning Commission regarding the status of all nonconforming uses and structures.

- (3) This listing shall be a matter of public record and shall constitute sufficient notice of the nonconforming status of said uses and/or structures and shall constitute sufficient status of said use and/or structures and the limitations therein expressed and implied to any transferee acquiring any right to use or own such property.

## ARTICLE VII

**Amendments****§ 350-67. Statutory authority.**

The provisions of this chapter and the boundaries of the zoning districts as set forth on the Official Zoning Map, may from time to time be amended or changed by the Board of Supervisors, in accordance with the provisions of Section 609 of the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247, as amended.<sup>9</sup>

**§ 350-68. Amendments.**

- A. Before voting on the enactment of an amendment, the Board of Supervisors shall hold at least one public hearing thereon, pursuant to public notice, and pursuant to mailed notice and electronic notice if applicable per 53 P.S. § 10109. In addition, for rezoning excluding that associated with comprehensive rezoning, the following notifications shall occur: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (1) If the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Zoning Officer along the perimeter of the tract(s) to be affected.
  - (2) The affected tract(s) shall be posted at least seven days prior to the date of the hearing.
  - (3) Written notice shall be provided at least 30 days prior to the date of the hearing by first-class mail to the addresses to which real estate tax bills are sent for real property located within the area being rezoned, as evidenced by real estate tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing.
- B. In the case of an amendment other than that prepared by the Township Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the planning agency an opportunity to submit recommendations.
- C. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include any land not previously affected by it, the Board of Supervisors shall hold another public hearing before proceeding to vote on the amendment.
- D. All proposed amendments shall be submitted by the Board of Supervisors to the Jefferson County Planning Commission at least 30 days prior to the public hearing for recommendation.
- E. Within 30 days after enactment, a copy of the amendment shall be forwarded to the Jefferson County Planning Commission.

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4. Editor's Note: See 53 P.S. § 10609.

**§ 350-69. Procedure for landowner curative amendments.**

- A. A landowner who desires to challenge on substantive ground the validity of this chapter or map, or any provision thereof, that prohibits or restricts the use or development of land in which he/she has an interest may submit a curative amendment to the Board of Supervisors, pursuant to the provisions of Section 609.1 of the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247, as amended.<sup>10</sup>
- B. The Board of Supervisors shall commence a hearing thereon within 60 days of the request, pursuant to public notice, unless the landowner requests or consents to an extension of time. Public notice shall include notice that the validity of this chapter or map is in question and the place and time when a copy of the requests, including any plans, explanatory material or proposed amendments may be examined by the public.
- C. The landowner curative amendment shall be referred by the Board of Supervisors to the Township and County Planning Commissions for review and recommendation.
- D. The hearing shall be conducted by the Board of Supervisors in accordance with Section 907<sup>11</sup>, and all references therein to the Zoning Hearing Board shall, for the purposes of this section, be references to the Board of Supervisors; provided, however, that the provisions of Section 907(1.2) and (9) shall not apply and the provisions of Section 916.1 shall control. If a municipality does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- E. In the event the Board of Supervisors does not accept the landowner curative amendment and a court of competent jurisdiction subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire chapter, but only for those provisions that specifically relate to the landowner's curative amendment and challenge.
- F. Review and decision.
  - (1) The Board of Supervisors shall consider the curative amendment, plans and explanatory material submitted by landowner and shall also consider:
    - (a) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
    - (b) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise excluded by the challenged provisions of the ordinance

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5. Editor's Note: See 53 P.S. § 10609.1

6. Editor's Note: See 53 P.S. § 10907.

or map.

- (c) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.
  - (d) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
  - (e) The impact of the proposal on the preservation of agricultural and other uses that are essential to public health and welfare.
- (2) The Board of Supervisors shall render its decision within 45 days after the conclusion of the last hearing. If the Board of Supervisors fails to act on the landowner's request within this time period, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.

**§ 350-70. Procedure for municipal curative amendments.**

Should the Board of Supervisors determine that this chapter or any portion thereof is substantially invalid, it shall take the actions outlined in this subsection.

- A. The Board of Supervisors shall declare this chapter or portions thereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days following such declaration and proposal the Board of Supervisors shall:
  - (1) By resolution, make specific findings setting forth the invalidity of this chapter that may include:
    - (a) References to those specific uses that are either not permitted or not permitted in sufficient quantity.
    - (b) Reference to a class of use or uses that require revision.
    - (c) Reference to the entire ordinance that requires revision.
  - (2) Begin to prepare and consider a curative amendment to this chapter to correct the declared invalidity.
- B. Within 180 days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to cure the declared invalidity.
- C. Upon initiation of the procedures, as set forth above, the Board of Supervisors shall not be required to consider or entertain any landowner's curative amendment, nor shall the Zoning Hearing Board be required to provide the report required in Section 916.1 of Act 247, as amended by Acts 66 and 67 of 2000 (the Pennsylvania Municipalities Planning Code).<sup>12</sup> Upon completion of the procedures set forth above, no rights to a cure pursuant to the provisions of this section shall, from the

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7. Editor's Note: See 53 P.S. § 10916.1.

date of declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended ordinance.

- D. A municipal curative amendment may not be utilized for a period of 36 months following the date of enactment of a municipal curative amendment; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of an Appellate Court decision, the Township may utilize the provisions of this section to prepare a curative amendment to fulfill said duty or obligation.

**§ 350-71. Advertising requirements.**

The Board of Supervisors shall publish public notice of any proposed amendment not more than 30 days nor less than seven days prior to public notice in a newspaper of general circulation. Such notice shall be posted for a minimum of once a week, for two consecutive weeks. Such notice shall contain, at a minimum:

- A. The time and place of the meeting.
- B. A reference to where copies of the proposed amendment may be examined without charge, or obtained for a charge not greater than the cost thereof.
- C. A brief summary of the amendment, including the title, prepared by the Township Solicitor. An attested copy of the full text of the amendment shall be filed in the County Law Library and in the Office of the Jefferson County Planning Commission. The attested copies may be distributed to the public, and a fee for such copies may be imposed that is not greater than the actual cost of preparing the copies.
- D. In the event that substantial amendments are made to the ordinance (substantial being defined as amending more than 10% of the ordinance), before voting upon any enactment, the Board of Supervisors shall, at least 10 days prior to scheduled enactment, readvertise, readvertisement shall be in one newspaper of general circulation and shall summarize in reasonable detail all the amendment provisions.

**§ 350-72. Incorporation.**

Amendments shall be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

ARTICLE VIII  
**Miscellaneous Provisions**

**§ 350-73. Reviews and appeals.**

Proceedings for securing review and/or appeal of any ordinance, decision, determination or order of the Board of Supervisors, its agencies or officers adopted pursuant to this chapter shall be in strict accordance with the provisions of the Pennsylvania Municipal Planning Code Act of 1968, P.L. 805, No. 247, as amended.

**§ 350-74. Remedies.**

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, repaired, converted, maintained or used in violation of this chapter, the Board of Supervisors, or, with their approval the Zoning Officer, in addition to other remedies, may institute in the name of the Township any appropriate action or proceedings to prevent, restrain, correct or abate such building, structure or use in or about such premises, any act, conduct, or business constituting a violation.








**§ 350-75. Official Zoning Map.**

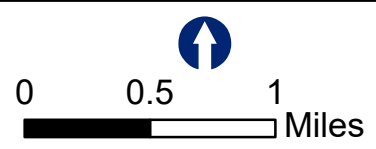
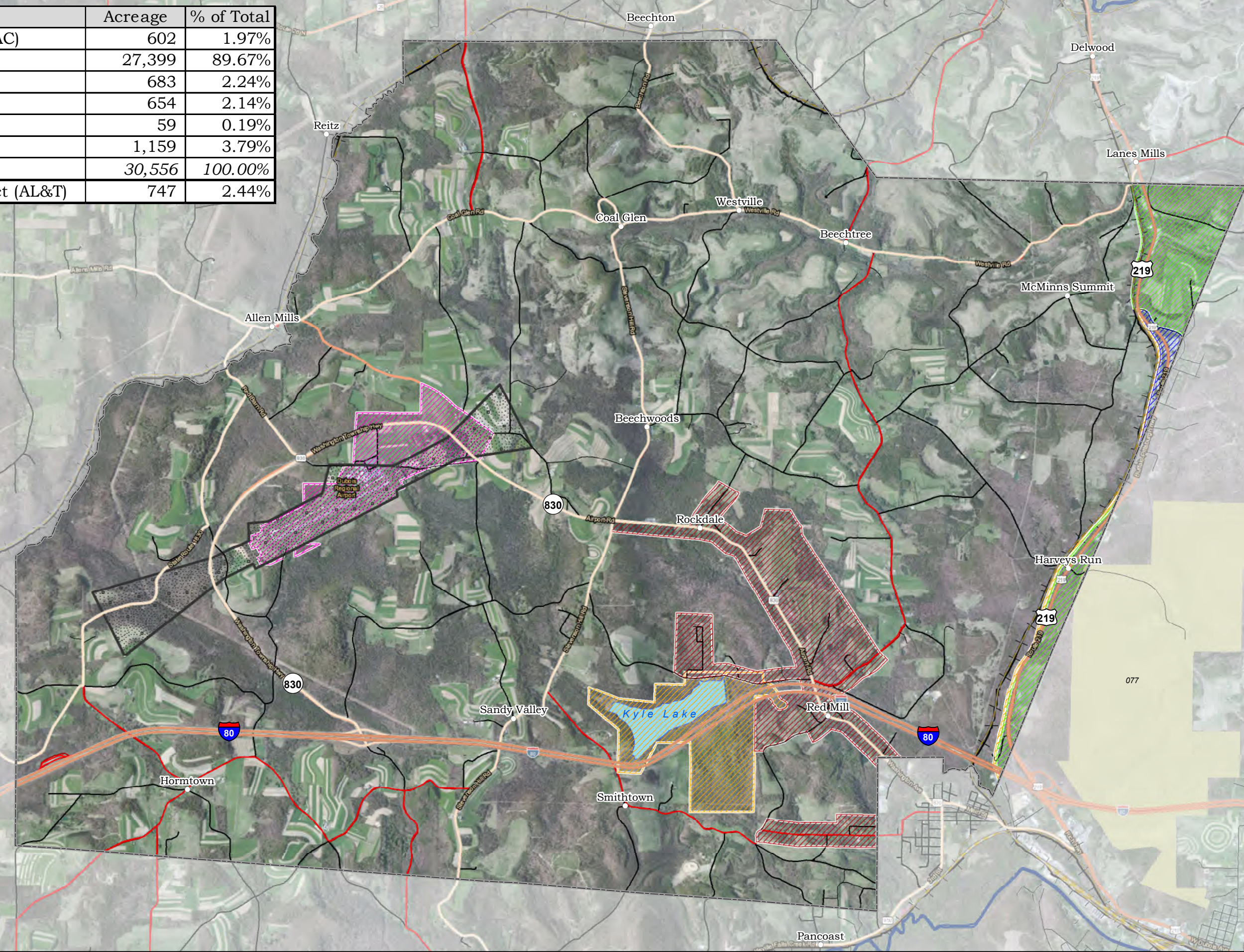
The Official Zoning Map, for purposes of district identification, shall be the Official Zoning Map adopted as part of this chapter and posted in the offices of the Township and Township Zoning Officer. Any reproductions, reductions or copies of said map shall be for information purposes only. Amendments to the Official Zoning Map shall be made by ordinance, and a new Official Zoning Map prepared within 30 days of said amendment.



Zones	Acreage	% of Total
Airport/Airport Commercial Park District (AC)	602	1.97%
Agricultural - Residential (AR)	27,399	89.67%
Rural Commercial District (RC)	683	2.24%
Recreation Overlay District (REC)	654	2.14%
Rural Industrial District (RI)	59	0.19%
Rural Residential District (RR)	1,159	3.79%
<b>TOTAL</b>	<b>30,556</b>	<b>100.00%</b>
Airport Landing and Takeoff Overlay District (AL&T)	747	2.44%

**Zoning Districts**

-  Airport/Airport Commerce Park District (AC)
-  Agricultural - Residential District (AR)
-  Rural Commercial District (RC)
-  Recreation Overlay District (REC)
-  Rural Industrial District (RI)
-  Rural Residential District (RR)
-  Airport Landing and Takeoff Overlay District (AL&T)



**Chapter 351**  
**ZONING, AIRPORT**

**[HISTORY: Adopted by the Board of Supervisors of the Township of Washington 10-24-2011 by Ord. No. 2011-03. Revised by the Board of Supervisors of the Township of Washington 8-13-2024 by Ord. No. 2024-01]**

**§ 351-1. Purpose.**

The purpose of this chapter is to create an Airport District Overlay that considers safety issues around the DuBois Regional Airport, regulates and restricts the heights of constructed structures and objects of natural growth, creates appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones, creates the permitting process for use within said zones, and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.

**§ 351-2. Relation to other zone districts.**

The Airport District Overlay shall not modify the boundaries of any underlying zoning district. Where identified, the Airport District Overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

**§ 351-3. Definitions.**

The following words and phrases, when used in this chapter, shall have the meaning given to them in this section unless the context clearly indicates otherwise.

**AIRPORT ELEVATION** — The highest point of an airport's usable landing area measured in feet above sea level. The airport elevation of the DuBois Regional Airport is 1,817 feet.

**AIRPORT HAZARD** — Any structure or object, natural or man-made, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa.C.S.A. § 5102.

**AIRPORT HAZARD AREA** — Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this chapter and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).<sup>13</sup>

**APPROACH SURFACE (ZONE)** — An imaginary surface longitudinally centered on the extended runway center line and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 1, is derived from the approach surface.

**CONICAL SURFACE (ZONE)** — An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally to one foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown on Figure 1,<sup>14</sup> is based on the conical surface.

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Editor's Note: See 74 Pa.C.S.A. § 5101 et seq.

DEPARTMENT — Pennsylvania Department of Transportation.

FAA — Federal Aviation Administration of the United States Department of Transportation.

HEIGHT — For the purpose of determining the height limits in all zones set forth in this chapter and shown on the Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

HORIZONTAL SURFACE (ZONE) — An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1,<sup>15</sup> is derived from the horizontal surface.

LARGER THAN UTILITY RUNWAY — A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

NON-PRECISION INSTRUMENT RUNWAY — A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

NONCONFORMING USE — Any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.

OBSTRUCTION — Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this chapter.

PRECISION INSTRUMENT RUNWAY — A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE (ZONE) — An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line. The primary surface zone, as shown on Figure 1,<sup>16</sup> is derived from the primary surface.

RUNWAY — A defined area of an airport prepared for landing and takeoff of aircraft along its length.

STRUCTURE — An object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

TRANSITIONAL SURFACE (ZONE) — An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of

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8. Editor's Note: Figure 1 is included as an attachment to this chapter.

9. Editor's Note: Figure 1 is included as an attachment to this chapter.

10. Editor's Note: Figure 1 is included as an attachment to this chapter.

seven feet horizontally to one foot vertically. The transitional surface zone, as shown on Figure 1,<sup>17</sup> is derived from the transitional surface.

TREE — Any object of natural growth.

UTILITY RUNWAY — A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

VISUAL RUNWAY — A runway intended solely for the operation of aircraft using visual approach procedures.

#### **§ 351-4. Establishment of airport zones.**

There are hereby created and established certain zones within this chapter, defined in § 351-3 and depicted on Figure 1<sup>18</sup> and illustrated on DuBois Regional Airport Hazard Area Map, hereby adopted as part of this chapter, which include:

- A. Approach Surface Zone.
- B. Conical Surface Zone.
- C. Horizontal Surface Zone.
- D. Primary Surface Zone.
- E. Transitional Surface Zone.

#### **§ 351-5. Permit applications.**

- A. As regulated by Act 164 and defined by 14 CFR Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or man-made) in any of the airport zones as defined in § 351-4 of this chapter, which said structure or object has a height greater than Chapter 350, Zoning, of the Code of the Township of Washington height limitation for that site, shall first notify the Department's Bureau of Aviation (BOA) by submitting PennDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to the commencement thereof. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this chapter. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in § 351-6.
- B. No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure. Also, no permit is required for temporary structures located in the Conical Surface Zone, the Horizontal Surface Zone or the Transitional Surface Zone.

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11. Editor's Note: Figure 1 is included as an attachment to this chapter.

12. Editor's Note: Figure 1 is included as an attachment to this chapter.

**§ 351-6. Variance.**

- A. Any request for a variance shall include documentation in compliance with 14 CFR Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:
- (1) No objection. The subject construction is determined not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
  - (2) Conditional determination. The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in § 351-9, Obstruction marking and lighting.
  - (3) Objectionable. The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.
- B. Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this chapter.
- C. Applications for variances shall be submitted to the Washington Township Zoning Hearing Board.

**§ 351-7. Use restrictions.**

Notwithstanding any other provisions of this chapter, no use shall be made of land or water within the Airport District Overlay in such a manner as to create bird strike hazards that endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the DuBois Regional Airport.

**§ 351-8. Preexisting nonconforming uses.**

The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of a nonconforming use. No nonconforming use shall be structurally altered or permitted to grow higher, so as to increase the nonconformity, and a nonconforming use, once substantially abated (subject to the underlying zoning ordinance) may only be reestablished consistent with the provisions herein.

**§ 351-9. Obstruction marking and lighting.**

Any permit or variance granted pursuant to the provisions of this chapter may be conditioned according to the process described in § 351-6 requiring the owner of the structure or object of natural growth in question to require that the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

**§ 351-10. Violations and penalties.**

- A. Any person, partnership or corporation who or which has violated or permitted the violation of this chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not less than \$500.00 nor more than \$1,000.00. Any person, partnership or corporation found liable shall also be responsible for all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this chapter 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 Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Township.
- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

**§ 351-11. Appeals.**

Any person aggrieved, or tax payer affected by any decision of the municipality, may appeal to the Washington Township Zoning Hearing Board as provided by law.

**§ 351-12. Conflicting regulations.**

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

**§ 351-13. Severability.**

If any of the provisions of this chapter or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and, to this end, the provisions of this chapter are declared to be severable.

Washington Township Ordinance 2024- 01 was adopted and enacted by the Board of Supervisors of Washington Township, Jefferson County, at a regular meeting, duly enacted, and held August 13, 2024.

ATTEST:

BOARD OF SUPERVISORS

*Sarah Anderson*  
Secretary

By: *Bob A. H.*

By: *J. H. H.*

By: *Paul H. H.*

By: *J. H. H.*

By: *James H. H.*