WASHINGTON TOWNSHIP
JEFFERSON COUNTY
PENNSYLVANIA

ZONING ORDINANCE

ORDINANCE NO. 2005- 2

Adopted September 27, 2005

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Falls Creek, PA 15840
814-371-2073

WASHINGTON TOWNSHIP ZONING ORDINANCE

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ARTICLE I

GENERAL PROVISIONS

1.00 SHORT TITLE

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

1.01 ORDAINING CLAUSE

This Ordinance 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.*

1.02 PURPOSE

This Ordinance is designed, adopted and enacted:

(1) 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.

(2) To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

(3) To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

(4) To provide for the use of land within 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 multi-family 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.

(5) To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

1.03 INTERPRETATION

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

(1) Whenever any regulations made under authority of this Ordinance 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 Ordinance shall govern.

(2) 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 Ordinance, the provisions of such statute shall govern.

(3) Whenever any regulations pertaining to a specific use or activity under authority of this Ordinance 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 Ordinance, the greater or higher standards shall govern.

1.04 SEVERABILITY

The provisions of this Ordinance 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 Ordinance shall not be affected. It is hereby declared as the legislative intention that this Ordinance would have been adopted had such unconstitutional provisions not been included herein.

1.06 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 Ordinance 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 Ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

ARTICLE II

COMMUNITY DEVELOPMENT OBJECTIVES

2.00 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 the Ordinance 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.

(1) Encourage balanced and appropriate growth and development that maintains rural character of Township;

(2) Balancing agricultural productivity of prime soils and assure the continuance of farming as an important commercial operation and life style and other forms of appropriate development..

(3) Encourage more flexible land development which will preserve, protect, manage and enhance environmental and natural resources such as streams, floodplain, ground water, wooded areas, steeply-sloping areas of unusual attractiveness in the natural environment;

(4) 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;

(5) Provision of efficient and safe transportation system minimizing adverse impacts on the Township;

(6) Promote extension of community facilities and services whenever practicable to existing population centers to meet community needs and to areas where growth is both anticipated and recommended based on the most appropriate land use;

(7) Discourage the placement of waste facilities that could compromise the natural environment, the quality of life, and/or the health and safety of existing and future Township residents;

(8) Encourage the development and reuse of former surface mined land;

(9) Encourage the planning, design, and development of building sites in such a fashion as to provide for compatible land uses, balanced and appropriate growth and development where the infrastructure exists, and maximum safety and human enjoyment while adapting development to, and taking advantage of, the best use of the natural terrain; and

(10) Promotion of adequate active and passive recreational amenities for existing and future Township residents.

ARTICLE III

DEFINITIONS

3.00 APPLICATION AND INTERPRETATION

It is not intended that these definitions include only words used or referred to in this Ordinance. The words are included in order to aid in the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Unless otherwise expressly stated, the following shall, for the purpose of this Ordinance, 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 non-profit 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.

3.01 DEFINITION OF TERMS

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 fifteen (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 eighteen (18) years of age, would violate the criminal laws of the Commonwealth of Pennsylvania in effect the same time thereof.

Agriculture: The cultivation of soil and other uses of land including but not by way of limitation; horticulture, mushroom growing, and the breeding and raising of customary domestic animals, dairying, pasturing, floriculture, viticulture, apiculture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce provided however that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

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 County Commissioners and is pursuant to the Pennsylvania Municipalities Planning Code.

Application for Zoning Permit: An application, required to be filed and approved by the County Planning Commission 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.

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 premise 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 percent of the gross receipts.

Bed and Breakfast Inn: A house, or portion thereof, where short-term lodging rooms and meals are provided. 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 eighteen (18) inches in diameter and transmission facilities required for public safety.

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.

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 Zoning Ordinance 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: The term includes 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 the Zoning Ordinance.

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 Public Welfare and the Pennsylvania Department of Labor and Industry.

Day Care Home, Family: Any premise 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 Public Welfare 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 twelve 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 Public Welfare 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 Ordinance, shall mean the written and graphic materials referred to in this definition.

District or Zoning District: An area constituted by or pursuant to this Ordinance 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, Multi-Family: 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 (2) 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.

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.

Family: One or more persons occupying a dwelling unit and living as a single, non-profit 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.

Flood: A temporary inundation of normally dry land areas.

(1) 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 Ordinance, the Regulatory Flood.

(2) Flood, Regulatory: A flood having a one percent chance of being equaled or exceeded in any given year; the 100 year flood.

Flood Fringe: That portion of the 100 year flood plain outside the floodway.

Flood Hazard Area: A relatively flat or low land area adjoining a stream, river, or water course 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 100 year flood.

Flood Plain: For the purposes of this Ordinance, the flood plain shall be defined the same as the Flood Hazard Area.

Flood Proofing: 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 water course and the adjacent land areas required to carry and discharge a flood of a 100 year frequency without

cumulatively increasing the water surface elevation more than one foot at any point.

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 non-resident 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.

Junk Yard: A lot or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, 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.

Land Development: Any of the following activities:

(1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

A. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or

B. The division or allocation of land or space, whether initially of 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.

(2) A subdivision of land.

(3) Development in accordance with Section 503 (1.1), Article V of Act 247, as amended.

Land Owner: 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.

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 less than one (1) acre for development of building sites, or the clearing for farm 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, Corner: A lot abutting on and at the intersection of two or more streets.

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: An interior lot is a lot other than a corner lot. alley.

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

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

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.

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 (8) body feet or more in width or forty (40) body feet or more in length; or when erected on site, is three hundred twenty (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.

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 Ordinance, 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.

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:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses;
2. The business shall employ no employees other than family members residing in the dwelling;
3. The business shall not involve the display or sale retail goods and no stockpiling or inventory of a substantial nature;
4. There shall be no outside appearance of a business use, including but not limited to parking, signs or lights;
5. The business activity may not use any equipment or process that creates noise, vibration, glare, fumes, odors, electronic or electrical interference, including

interference with radio or television reception, which is detectable in the neighborhood;

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

Non-Conforming 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.

Non-Conforming 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 non-conforming structures include, but are not limited to, non-conforming signs.

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

Off-Site Sewer Service: A system of piping, tanks or other facility approved by DER 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 DER which supplies potable 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 DER 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 DER 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.

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.

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. 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.

Public Meeting: A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act".

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 thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Public Uses: Includes public and semi-public 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; non-profit recreational facilities; easements for alleys, streets, and public utility rights-of-way; and radio and television transmission facilities.

Recreational Vehicle: A vehicle less than thirty-eight (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 junk yard 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.

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 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.

Road Classification: For the purpose of this Ordinance, the following definitions are employed:

(1) 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.

(2) 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.

(3) Local: A road whose function is to provide for local traffic movement and direct access to abutting properties.

(4) Private or Non-Public: 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 right-of-ways for access.

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 thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.

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 one hundred eighty (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.

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.

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.

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.

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 ten 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. Farm ponds and/or lakes are not included, provided that swimming is not the primary purpose for their construction. Barrier requirements for above ground 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 Ordinance. All travel trailers shall display a current vehicle inspection sticker and 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.

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 Ordinance 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.

Watercourse: A channel or conveyance of surface water having a defined bed and banks, whether artificial or natural, with intermittent or perennial flow.

Water Survey: An inventory of the source, quantity, yield and use of ground water and surface-water resources within a Washington Township.

Wetlands: Land that is inundated or saturated by surface water or ground water 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.

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.

(1) 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.

(2) 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.

(3) 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 Ordinance.

Zoning Officer: The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

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 Ordinance for the District in which it is located.

ARTICLE IV

ZONING DISTRICTS

4.00 ESTABLISHMENT OF DISTRICTS

For the purpose of implementing the community development objectives of this Ordinance, 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

4.01 DESCRIPTION OF DISTRICTS

4.011 Agricultural/Residential District – A/R District

The purpose of this District is to preserve and protect the practice of farming, emphasize the economic importance of farming, to the community and the nation, and to ensure the preservation of prime soils for future generations to farm. Limited residential and agricultural-related activities are permitted in this district. Uses that would substantially interfere with the principle use are discouraged.

A. Permitted Uses

1. Agricultural Uses as defined in Article III
2. Essential Services.
3. Single-family detached dwellings including mobile homes, provided that the mobile home is placed on a permanent foundation that shall be of poured concrete or cement block and properly anchored (Article VII Section 7.23).
4. Home occupations.
5. Seasonal dwellings.
6. Kennels
7. Surface Mines
8. Gas/Oil Extraction

B. Special Exceptions

1. Educational facilities (public and private)
2. Houses of Worship and other religious facilities
3. Philanthropic facilities
4. Cemeteries.
5. Day care facilities (child and adult) subject to appropriate State regulations.
6. Mobile home parks.
7. Quarrying and other extraction industries (not included in A. 7 and 8 above).
8. Animal Hospital and Veterinary Facility
9. Group Homes
10. Trailer/Recreational Vehicle Parks

C. Conditional Uses

1. Animal Hospitals and Veterinary Facilities.
2. Bed and Breakfast/Guest Home.
3. Planing Mill and/or Sawmill.
4. Two-family attached dwellings.
5. Neighborhood/commercial uses
6. Professional Offices.
7. Retirement Community.
8. Planned residential Developments

D. Area and Bulk

The minimum lot area for all uses within the A/R District shall one acre (43,560 sq. ft.) provided the lot meets all applicable DEP on-lot sewage disposal requirements.

2. Minimum lot width at setback is 150 linear feet.

E. Coverage

1. All buildings, including accessory buildings, shall not cover twenty-five percent (25%) of the lot.

F. Setback

1. Front Yard - Principal Building: Minimum of thirty-five (35) feet from the right-of-way line,

for residential and agricultural uses. Minimum setbacks for other uses are:

- Educational facilities, religious facilities and philanthropic facilities – 50 feet
- Bed and Breakfast/Guest Home – 35 feet
- Neighborhood Commercial uses – 35 feet
- Other permitted uses – 50 feet

Corner lots shall be construed to have two front yards.

2. Side Yard - Principal Building: Each lot shall have two (2) side yards, neither of which shall be less than fifteen (15) feet. All accessory buildings shall be a minimum of eight (8) feet from any side lot line.
3. Rear Yard - Principal Building: Minimum of twenty-five (25) feet. All accessory buildings shall be a minimum of eight (8) feet from any rear lot line.
4. Buildings housing livestock (including dog kennels) or 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.

F. Height

1. Buildings devoted to farm use shall be exempt from height regulations.
2. The maximum building height for a single-family detached dwelling shall be three stories or thirty-five (35) vertical feet, whichever is less.

4.012 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 semi-public uses such as churches and recreational facilities are permitted in this District while industrial and commercial activities, with the exception of home occupations, are discouraged.

A. Permitted Uses

1. Single-family detached dwellings including mobile homes, provided that the mobile home is placed on a permanent foundation that shall be of poured concrete or cement block and properly anchored (Article VII Section 7.23).
2. Two-family attached dwellings.
3. Public Golf Courses
4. Home Occupations.
5. Essential Services.

B. Special Exceptions

1. Educational facilities (public and private)
2. Houses of Worship and other religious facilities
3. Day care facilities (child and adult) subject to appropriate State regulations.

C. Conditional Uses

1. Bed and Breakfast/Guest Home.
2. Group Homes/Personal care
3. Professional Offices.
4. Family Care Homes.
5. Multi-family residential development

D. Area and Bulk - Minimum Lot Size.

1. The regulations uses in the RR District are as follows:
   a. 43,560 square feet with on-lot water and/or sewerage (providing the lot meets all applicable DEP on-lot sewage disposal requirements).
   b. 12,000 square feet with off-lot water and off-lot sewerage
2. Minimum Lot Width at Setback - One Hundred (100) feet.
3. Minimum Lot Depth at Setback - One Hundred twenty (120) feet.

E. Coverage

All buildings, including accessory buildings, shall cover not more than thirty-five (35) percent of the lot.

F. Setback

1. Front Yard: Minimum of twenty-five (25) feet from the right-of-way line for residential uses. Minimum setbacks for other uses are:
   a. Educational facilities and religious facilities – 50 feet
   b. Bed and Breakfast/Guest Home – 35 feet
   c. Other permitted uses – 50 feet

   Corner lots shall be construed to have two front yards.

2. Side Yards: Each lot shall have two (2) side yards, neither of which shall be less than ten (10) feet. All accessory buildings shall be a minimum of eight (8) feet from any side lot line.

3. Rear Yards: Minimum of ten (10) feet in depth. All accessory buildings shall be a minimum of eight (8) feet from any side lot line.

G. Height

The maximum building height for all buildings shall be three stories or thirty-five (35) feet, whichever is less.

4.013 Rural Commercial District – RC District

The purpose 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.

A. Permitted Uses

1. Vehicle Service Station
2. Automobile Repair or Body Work Facility
3. Automobile Sales
4. Banks and Financial Services
5. Car Wash
6. Convenience Stores
7. Essential Services
8. Hotels and Motels
9. Personal and business service establishments.
10. Professional Offices
11. Restaurants, Cafes, Fast-Food Restaurants, and other places serving food and beverages.
12. Retail stores
13. Animal Hospital and Veterinary Facility

B. Special Exceptions

1. Warehouses and storage uses
2. Truck Terminals

C. Conditional Uses

1. Retail shopping centers and malls
2. Truck Service Plazas

D. Area and Bulk

1. Minimum Lot Size
   a. 43,560 square feet with on-lot water and/or sewerage (providing the lot meets all applicable DEP on-lot sewage disposal requirements).
   b. 21,780 square feet with off-lot water and off-lot sewerage (providing the lot meets all

applicable DEP on-lot sewage disposal requirements).

c. 10 acres for any uses requiring Special Exceptions of Conditional Uses

2. Minimum Lot Width at Setback - One Hundred-twenty (120) feet for permitted uses.
3. Minimum Lot Depth – One hundred Seventy-five (175) feet for permitted uses.

E. Coverage

All buildings, including accessory buildings, shall cover not more than fifty (50) percent of the lot area.

F. Setbacks: All buildings including accessory buildings.

1. Front Yard: Minimum of fifty (50) feet from the right-of-way line. Corner lots shall be construed as having two front yards.
2. Side Yard: Fifteen (15) feet; when abutting a Residential Use the minimum side yard is increased to twenty-five (25) feet.
3. Rear Yard: Thirty-five (35) feet.

G. Height

Maximum height for all buildings shall be three stories or thirty-five (35) feet, whichever is less.

4.014 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 Ordinance, heavy industrial activities requiring an energy-intensive infrastructure (highways, railroads, water, sewer) are discouraged in this District.

A. Permitted Uses

1. Automobile and/or Truck Repair/Body Work Activity.
2. Building Supply Yards
3. Essential Services.
4. Logging and lumber processing.
5. Manufacturing industries.
6. Mini-Storage Warehouses.
7. Mining and Extractive operations and services.
8. Warehousing Facilities.
9. Uses permitted in RC District

B. Special Exceptions

1. Public Parks
2. Liquid Fuel Storage and Distribution.

C. Conditional Uses

1. Adult Entertainment.
2. Chemical Plants and Storage Facilities.
3. Offices/office Parks
4. Solid Waste Facilities, including composting, sanitary landfills, transfer stations and resource recovery operations.
5. Salvage/Junk Yards.

D. Area and Bulk

1. Minimum Lot Size five (5) acres (providing the lot meets all applicable DEP on-lot sewage disposal requirements).

2. Minimum Lot Width at Setback - Two Hundred (200) feet.
3. Minimum Lot Depth at Setback – Three Hundred 300) feet.

E. Coverage: All buildings, including accessory buildings, shall cover not more than sixty (60) percent of the lot area.

F. Setbacks for all buildings including accessory buildings.

1. Front Yard: Minimum of fifty (50) feet from right-of-way lines.
2. Side Yard: Minimum of twenty-five (25) feet on all sides.
3. Rear Yard: Minimum of thirty-five (35) feet
4. When abutting a Residential Use a fifty (50) foot setback shall be provided for each affected yard.

G. Height: The maximum building height for all buildings shall be three stories or fifty (50) feet, whichever is less.

4.015 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 DuDois-Jefferson County 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.

A. Permitted Uses

1. Air freight and cargo handling
2. Air passenger facilities.
3. Agricultural Uses.
4. Automotive rental facilities
5. Aviation Related Businesses, Offices, Sales, Services, Storage and Schools
6. Business services related to air service and facilities
7. Charter and commercial aircraft operations and facilities.
8. Heliport facilities
9. Laboratories
10. Manufacturing facilities
11. Offices and office parks.
12. Research facilities

B Special Exceptions

1. Non-aviation Liquid Fuel Storage and Distribution.

C. Conditional Uses

1. Chemical Plants and Storage Facilities.
2. Other businesses not meeting Subsection 4.015 A. that require inclusion in the Foreign Trade Zone

D. Area and Bulk

1. Minimum Lot Size five (5) acres (providing the lot meets all applicable DEP on-lot sewage disposal requirements).

2. Minimum Lot Width at Setback - Two Hundred (200) feet.
3. Minimum Lot Depth at Setback – Three Hundred 300) feet.

E. Coverage: All buildings, including accessory buildings, shall cover not more than forty (40) percent of the lot area.

F. Setbacks for all buildings including accessory buildings.

1. Front Yard: Minimum of fifty (50) feet from right-of-way lines.
2. Side Yard: Minimum of twenty-five (25) feet on all sides.
3. Rear Yard: Minimum of thirty-five (35) feet
4. When abutting a Residential Use a fifty (50) foot setback shall be provided for each affected yard

G. Height: The maximum building height for all buildings shall be three stories or fifty (50) feet, whichever is less. (Note: Fifty (50) feet is the accepted height limitation as per the Airport Hazard Zoning Ordinance.)

4.02 OVERLAY DISTRICTS

4.21 Recreational Overlay District – REC District

The intent of 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.

A. 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.

B. Conditional Uses.

1. Public memorials and monuments
2. Private recreational facilities

C. Maximum Impervious Coverage.

1. All buildings, including accessory buildings, shall not cover fifteen percent (15%) of the lot.

D. Height

1. The maximum building height for any building shall be twenty-five (25) vertical feet.

4.03 ZONING MAP

The boundaries of the Zoning Districts shall be shown on the map attached to and made a part of this Ordinance 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 Ordinance as if all were fully described within the text of this Ordinance.

4.04 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists as to boundaries of any District as shown on said map, the following rules shall apply.

(1) 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 Ordinance, unless such District boundary lines are fixed by dimensions as shown on the Zoning Map.

(2) Where a District boundary is not fixed by dimensions and where it approximately follows lot lines and where it does not scale more than ten (10) feet there from, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

(3) 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.

(4) 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.

4.05 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:

(1) 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.

(2) No building or other structure shall hereafter be erected or altered:

A. To exceed height or bulk requirements.

B. To occupy a greater percentage of lot area.

C. To accommodate or house a greater number of families, except as permitted in a residential conversion.

D. 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 Ordinance.

4.06 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

5.00 INTENT

This Article lists specific controls over general aspects of land utilization that are not included elsewhere in this Ordinance. 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.

5.01 PUBLIC UTILITY CORPORATION EXEMPTION

The provisions of this Zoning Ordinance 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.

5.02 ENVIRONMENTAL PERFORMANCE STANDARDS

The Washington Township Supervisors may require safeguards to assure compliance with the 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:

(1) Air Management

A. The burning of tires, plastic, or any toxic substance is not permitted.
B. No gasses, vapors or fumes shall be emitted which are harmful to persons, property, animals, or vegetation.
C. No radioactive vapors or gasses shall be emitted.

D. No objectionable odors other than agricultural in origin shall be detectable beyond the property boundaries.

(2) Solid Waste Management

No storage of waste materials on a lot shall be permitted in excess of thirty (30) days. All waste materials awaiting transport shall be kept in enclosed containers and be screened from view.

(3) Noise and Vibration

A. The noise limit at lot lines shall be sixty-five (65) decibels.
B. No physical vibration shall be perceptible without use of an instrument at the lot boundaries.

(4) Lighting and Heat

A. All lighting shall be shielded and not cause a glare beyond the lot boundary.
B. Any operation producing heat shall prevent any effect from the heat beyond the property lines.

(5) Electromagnetic

All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission (FCC).

(6) Ground Water Supplies

No use shall endanger ground water levels and quality nor adversely affect ground water supplies of nearby properties.

5.03 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.

5.04 BUILDING SETBACK EXCEPTIONS

The required building setback for a proposed building may be decreased to the average setback of existing buildings within one hundred (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.

5.05 REQUIRED YARD EXCEPTIONS

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

(1) Overhanging eaves, gutters, cornices or solar energy collector not exceeding two (2) feet in width.

(2) 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 (8) feet in height.

(3) Unenclosed fire escapes that extend no more than six (6) feet into any required yard area.

5.06 OBSTRUCTIONS

(1) 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.

(2) 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 thirty (30) inches and below ten (10) feet, measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of fifty (50) feet from the point of intersection of the center lines of local and collector streets. Triangles shall be established from a distance of one hundred-fifty (150) feet for all intersections with arterial streets.

5.07 FLOOD PLAIN MANAGEMENT

Flood plain management is the responsibility of the individual municipality. Each municipality subject to this Ordinance has in place and administers a flood plain management ordinance. Therefore, in addition to the requirements established by this Ordinance, any activity in a designated flood prone area will be subject to the appropriate municipal ordinance.

5.09 TRAVEL TRAILER OCCUPANCY AND STORAGE REQUIREMENTS

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 thirty (30) consecutive days. 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 ten (10) consecutive days.

5.10 PLANNED RESIDENTIAL DEVELOPMENT

A Planned Residential Development as defined by Act 247, the Pennsylvania Municipalities Planning Code, may be permitted in the A/R District described in this ordinance with the as a Conditional Use, provided it meets the minimum standards provided in the Washington Township Subdivision and Land Development Ordinance.

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.

5.11 ADULT ENTERTAINMENT (COMMERCIAL STORES)

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

(1) The building or structure of such use shall be located not less than five hundred (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.

(2) No such use shall be located within two thousand (2,000) feet of a similar use.

(3) No materials sold within shall be visible from any window, door, or exterior of the building.

(4) No person under the age of eighteen (18) years of age shall be permitted within an adult commercial store or sold any pornographic material.

(5) Signage shall be limited to one attached sign no larger than twenty (20) square feet. Signage may be lighted by a covered and recessed fixture located at the top or base of the sign.

5.12 AGRICULTURE, ANIMALS AND POULTRY

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

(1) Storage of manure, odor producing and/or dust producing substances shall not be permitted within two hundred (200) feet of any lot line.

(2) A heating plant shall not be operated within one hundred (100) feet of any lot line.

(3) Buildings in which animals and/or poultry are housed shall not be permitted within two hundred (200) feet of and lot line.

(4) 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.

5.13 ANIMAL HOSPITALS AND VETERINARY FACILITIES

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

(1) All animal boarding facilities that are not wholly enclosed, any outdoor animal pens, or runways shall be located within the rear yard.

(2) Any animal boarding facility that is not wholly enclosed, any outdoor animal pens, stalls, or runways shall be a minimum of one hundred (100) feet from all property lines.

(3) 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 ten (10) feet from all property lines.

5.14 AUTOMOBILE SERVICE STATION (INCLUDING MINOR REPAIR)

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

(1) The subject property shall front on an arterial or collector road as defined in the Definition Section of this Ordinance.

(2) The subject property shall be set back at least three hundred (300) feet from any lot containing a school, day care facility, playground, library, hospital or nursing, rest or retirement home.

(3) The storage of motor vehicles (whether capable of movement or not) for more than one (1) month period is prohibited.

(4) Any parts removed from repaired vehicles shall not remain on the exterior of the building longer than forty-eight (48) hours.

(5) The outdoor storage of auto parts shall not be permitted.

(6) Access driveways shall be a minimum of thirty (30) feet wide.

(7) All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100) feet and screened from any adjoining residential properties.

5.15 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:

(1) All automobile parts, refuse, and similar articles shall be stored within a building or enclosed area.

(2) All repair and paint work shall be performed within an enclosed building.

(3) No junk vehicles may be stored in the open for a period of longer than one hundred eighty (180) days. No more than three (3) such vehicles may be stored in the open.

(4) Signage shall be limited to one attached sign no larger than twenty (20) square feet and/or one (1) perpendicular hanging sign no larger than twelve (12) square feet and one free standing sign no larger than twelve (12) square feet set back at least twenty (20) feet from the adjoining road right-of-way. In the event the financial establishment is located at an intersection, two (2) such signs shall be permitted.

(5) Minimum lot width of not less than two hundred fifty (250) feet shall be provided along each street on which the lot abuts.

(6) Access to roads shall be at least one hundred (100) feet from the intersection of any streets.

5.16 BROADCAST TRAMSMISSION TOWERS, BROADCAST ANTENNAS AND BROADCAST TRANSMISSION EQUIPMENT BUILDINGS

(1) Building mounted Broadcast Transmission antennas shall not be located on any single family or two family dwelling.

(2) 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.

(3) Omni-directional or whip antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

(4) Directional or panel Broadcast Transmission antennas shall not exceed five (5) feet in height and three (3) feet in width.

(5) 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.

(6) 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.

(7) 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.

(8) Broadcast Transmission antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(9) Broadcast Transmission antennas shall not cause radio frequency interference with other Broadcast Transmission facilities located in the Township.

(10) Broadcast Transmission antennas shall be setback two hundred (200) feet from any residence in an abutting zoning district.

(11) 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.

(12) The owner and/or operator of Broadcast Transmission antennas shall be licensed by the Federal Communications Commission to operate such antennas.

(13) 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.

14. As conditions to issuance of the permit, applicants for Broadcast transmission Facilities shall be required to supply the following:

a. Financial security in the amount of $100,000 shall be placed with the Township to assure compliance with the provisions of this Ordinance. The form of security shall be subject to the Township's approval and shall be maintained until the removal of the facility.

b. 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 30-day notice prior to policy cancellation. A copy of said policy shall be delivered to the Township upon issuance.

c. All documentation applicable to the facility including its operation and any enforcement/activities by other agencies.

5.17 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.

5.18 GROUP HOME

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

(1) The number of persons living in such a group home shall not exceed 2 persons per bedroom and shall include at least one (1) on-site support staff member who shall not be included in the maximum number.

(2) All group home structures should have the appearance of single family or other traditionally residential structures.

(3) All group homes shall meet the minimum yard, setback and lot width requirements for detached dwellings in the applicable Zoning District.

(4) 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.

(5) Sewer and water services shall be provided in accordance with the Subdivision and Land Development Ordinance and other relevant Township Ordinances.

(6) No group home shall be constructed within a one-half (0.5) mile radius of any other group home.

5.19 HOME OCCUPATION

Home Occupations, not meeting the definition of *a No Impact Home Business*, are permitted as accessory uses in the AR and RR Districts,

subject to the following requirements:

(1) The home occupation shall be carried on only by a member of the immediate family with a maximum of two (2) non-resident employees.

(2) The character or external appearance of the dwelling unit or accessory structure must be consistent with the Zoning District. No display of products may be shown so as to be visible from outside.

(3) A nameplate not larger than six (6) square feet in area shall be permitted. It cannot be animated or illuminated by direct light.

(4) Not more than forty-five (45) percent of the habitable floor area of a dwelling unit may be devoted to a home occupation.

(5) The premises must at all times be kept neat and orderly.

(6) The use will not result in substantial increase in traffic. A twenty (20) percent increase in traffic shall be regarded as substantial.

(7) The use will not involve any waste product other than domestic sewerage or municipal waste.

(8) The use will not involve the sale of any item except as incidental to the home occupation.

(9) 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 fifty (50) percent of the floor area of the principal building.

(10) The use will not be one that creates dust, heat, glare, smoke, vibration, audible noise, or odors outside the building.

(11) 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.

5.20 JUNK YARDS

Within the RI District, salvage/junk yards shall be permitted as a special exception, subject to the following requirements:

(1) The deposit or storage for more than one hundred twenty (120) days of two (2) or more motor vehicles not having valid inspection stickers issued by the Pennsylvania Department of Transportation, excluding farm vehicles, or of two (2) or more wrecked or broken vehicles, or the major parts of two (2) or more such vehicles, shall be deemed to make the lot a junk yard.

(2) No material shall be placed in any junk yard in such a manner that is capable of being transferred out of the junk yard by wind, water, or other natural causes.

(3) The boundaries of any junk yard shall at all times be clearly delineated by a fence.

(4) All paper, rags, cloth and other fibers, and activities involving the same, other than loading and unloading, shall be kept within fully enclosed buildings.

(5) The land area used for junk yard 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.

(6) Screening of the junk yard from neighboring land uses shall, as a minimum, require the following:

A. the junk yard shall be entirely enclosed by a fence at least eight (8) feet by no more than ten (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.

B. The contents of such a junk yard shall not be placed or deposited to a height greater than the height of the fence or wall herein prescribed.

C. The fence or wall shall be situated no closer to

any street or property line than fifty (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.

(7) 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.

(8) No burning shall be carried on in any junk yard. 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 fifteen (15) feet for escape and firefighting, and by other necessary measures.

5.21 KENNELS

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

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

(2) All animal boarding buildings that are not wholly-enclosed and any outdoor animal pens, stalls, or runways shall be a minimum of one hundred (100) feet away from all property lines.

(3) All outdoor running areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be a minimum of ten (10) feet from all property lines.

(4) All animal wastes shall be regularly and properly disposed.

(5) The applicant shall demonstrate a working plan to prevent or alleviate any noise problems emanating from animals boarded on the site.

5.22 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.

5.23 MOBILE HOME PARKS

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

(1) General Standards

A. 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.

B. 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 4.

C. 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.

D. An all-weather patio of a minimum area of 200 square feet shall be provided on each mobile home lot.

E. 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.

(2) Set Backs, Buffer Strips, and Screening Requirements

a. 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 of fencing is provided and approved by the Zoning Hearing Board.

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

(3) Design Standards

A. A mobile home park shall have a gross area of a least five contiguous acres of land suitable for development.

B. The developer shall provide a minimum of 10 percent of the gross area of the mobile home park for recreational/open space.

C. Access to mobile home lots within the development shall be provided via an internal street designed and constructed in accordance with the standards Subdivision and Land Development ordinance.

i. The State Highway System includes all public streets and highways maintained by the Pennsylvania Department of Transportation.

ii. 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.

iii. 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:

a. A survey of the centerline 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.

b. The subdivider shall provide a right-of-way Use & 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.

c. 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 & 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 Ordinance and set forth arrangements for maintenance of the private right-of-way.

D. 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.

i. 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).

ii. 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.

iii. 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.

iv. 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.

v. 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).

vi. 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.

E. All sanitary sewers shall be constructed and installed according to the standards of the authority or municipal department operating such sewers. Storm water shall not be permitted to enter sanitary

sewers.

F. All phases of construction, including excavation, trench, pipe size, grade, back-fill 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.

G. 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.

H. All phases of construction, including minimum size line, excavation, trench, type pipe, back-fill 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.

5.24 MOTELS

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

(1) The minimum lot area shall be one (1) acre;

(2) 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;

(3) The perimeter of the lot shall be landscaped;

(4) If constructed as free-standing cabins/units, the minimum space between cabins/units shall be twenty (20) feet and the minimum space between the fronts and rears of cabins/units shall be sixty (60) feet.

(5) Parking shall be provided in accordance with Section 5.31;

(6) A plan shall be submitted showing the boundary of the property; access/egress points, sidewalks, and internal roads; plot plan; and utility plan.

5.25 MUNICIPAL BUILDINGS AND USES

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

5.26 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:

(1) All activities must be in compliance with all applicable federal, state and local regulations.

(2) All activities must be entirely fenced with an opaque material at least ten (10) feet in height. A living fence shall not be substituted.

(3) Setbacks on all sides must be at least three hundred (300) feet.

(4) All access roads must be constructed to meet the requirements of the Pennsylvania Department of Transportation Form 408.

5.27 SIGN REGULATIONS

(1) General Requirements. The following regulations shall apply to all Zoning Districts:

A. 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.

B. Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and all other Ordinances and Regulations relating to the erection, alteration, or maintenance of signs.

C. Signs shall not contain moving mechanical parts or use flashing or intermittent illumination. The source of light shall be steady and stationary.

D. No sign shall be placed in a position, or have illumination that it will cause any danger or distraction to pedestrians or vehicular traffic.

E. 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.

F. No sign other than official traffic signs shall be erected within the right-of-way lines of any street.

G. 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 sixty (60) days of receiving notice of violation.

H. No sign shall be erected or located as to prevent free ingress to or egress from any window, door, fire escape, sidewalk or driveway.

I. No sign shall be erected which emits smoke, visible vapors or particles, sound or odor.

J. No sign shall be erected which uses an artificial light source, or reflecting device, which may be mistaken for a traffic signal.

K. 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 Ordinance.

L. 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 (5) days after the cessation of the posted event.

M. The distance from ground level to the highest part of any free-standing sign shall not exceed eight (8) feet in residential districts.

N. No free-standing sign shall be located within the

public right-of-way.

O. Signs shall not project above the maximum building height permitted in any District in which they are located.

P. 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.

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

(2) Signs in the AR and RR Districts. Signs in the AR and RR Districts are subject to the following requirements:

A. Official traffic signs.

B. 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:

i. No more than two such signs shall be erected on any frontage to any one property.
ii. The area on one side of any such sign shall not exceed twelve (12) square feet in the AR District and six (6) square feet in the RR District..

B. Professional, home occupation, or name sign indicating the name, profession, or activity of the occupant of a dwelling, provided:

i. The area of any one side of any such sign shall not exceed two (2) square feet.
ii. One such sign shall be permitted for each permitted use or dwelling.
iii. A sign indicating a permitted non-residential use shall be erected on the property where that use exists.
iv. The sign shall not be illuminated or animated.

C. Real estate signs, including signs advertising the rental or sale of premises, provided that:

i. The area on any one side of any such sign shall not exceed six (6) square feet.
ii. A sign shall be located on the property to which it refers.
iii. Such signs shall be removed within fourteen (14) days upon the sale of the premises.
iv. Not more than one such sign shall be placed on any one street frontage.

D. Temporary signs of contractors, architects, special events, and the like, provided that:

i. Such signs shall be removed within fourteen (14) days upon completion of the work or special event.
ii. The area of such signs shall not exceed six (6) feet.
iii. Such signs shall be located on the applicable property.

E. Signs advertising an existing non-conforming use, provided that:

i. The area on one side of such sign shall not exceed six (6) square feet.
ii. The sign shall be erected only on the applicable premises.
iii. No more than one such sign shall be erected on any one street frontage.

F. 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 (4) square feet.

G. 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 (2) square feet.

H. Trespassing signs and signs indicating the private nature of the premises. The area of any one side of such signs shall not exceed two (2) square feet and the signs shall be placed at intervals of not less than one hundred (100) feet along any street frontage.

I. Sign denoting the name of a subdivision or development,

provided that:

i. The area on one side of such sign shall not exceed twenty-four (24) square feet.
ii. The sign shall be erected only on the premises on which the subdivision or development is located.
iii. No more than one such sign shall be erected on any one street frontage.

J. Free-standing signs, provided that no more than one (1) free-standing sign, exclusive of all directional signs, shall be allowed on any one property.

(3) Signs in the RC, AC and RI Districts. Signs in the RC, AC and RI Districts are subject to the following requirements:

A. Any sign permitted under Section 5.27 (2) of this Article.

B. Commercial signs, provided that:

i. The total area on one side of all signs placed on or facing any one street frontage of any one premises shall not exceed twenty (20) square feet, except in the case of a tract or building housing more than one commercial use.

ii. 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 forty (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 twelve (12) square feet, and may be attached to that portion of the building housing in use.

iii. 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.

C. Directional signs, provided that the area on one side of a directional sign shall not exceed two (2) square feet.

D. Free-standing signs, provided that:

i. No more than one (1) free-standing sign exclusive of all directional signs shall be allowed on any one property.

ii. The area on one side of a free-standing sign shall not exceed sixteen (16) square feet, exclusive of all directional signs.

E. Billboards, provided that:

i. Billboards shall be located no closer than within one thousand (1000) feet of another billboard.
ii. Billboards shall be a minimum of fifty (50) feet from all side and rear property lines.
iii. All billboards shall be set back at least fifty (50) feet from any road right-of-way lines.
iv. All billboards shall be set back at least one hundred (100) feet from any land within a Residential District.
v. 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.
vi. Billboards shall not exceed an overall size of three hundred (300) square feet, nor exceed twenty-five (25) feet in height.

(4) 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:

A. Official traffic signs.

B. Identification signs for permitted uses not exceeding two (2) square feet.

C. Real estate signs, including signs advertising the rental or sale of premises, provided that:

i. The area on any one side of any such sign shall not exceed two (2) square feet.
ii. A sign shall be located on the property to which it refers.
iii. Such signs shall be removed within fourteen (14) days upon the sale of the premises.
iv. Not more than one such sign shall be placed on any one street frontage.

D. Signs advertising an existing non-conforming use, provided that:

i. The area on one side of such sign shall not exceed two (2) square feet.
ii. The sign shall be erected only on the applicable premises.
iii. No more than one such sign shall be erected on any one street frontage.

E. 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 (2) square feet.

F. Trespassing signs and signs indicating the private nature of the premises. The area of any one side of such signs shall not exceed two (2) square feet and the signs shall be placed at intervals of not less than one hundred (100) feet along any street or trail frontage.

G. Mile markers for trails not exceeding one (1) square foot.

(5) Existing Signs. Existing signs at the time of the passage of this Ordinance are subject to the following:

A. Existing signs may be continued provided that all such signs shall conform to the General Requirements as set forth in Section 5.27 (1) of this Article.

B. Any sign existing at the time of the passage of this Ordinance 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 Ordinance.

5.28 SCHOOLS, HOSPITALS AND OTHER PUBLIC BUILDINGS

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

(1) The maximum lot coverage of all buildings shall not exceed thirty percent (30%);

(2) Minimum setbacks shall be as follows:

Front - 35 feet
Side - 2 provided at 10 feet
Rear - 25 feet

(3) Parking requirements in accordance with Section 5.31

(4) Access drives and internal roads in accordance with Section 5.32

5.29 SCREENING REQUIREMENTS

(1) 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.

(2) Screening requirements shall be applicable under the following circumstances:

A. Where a proposed non-agricultural use abuts an Agriculture use.

B. Where a proposed non-residential use abuts an existing residential use.

C. 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;

D. For Mobile home parks shall be screened along their entire perimeter, as specified in Section 5.23 and in accordance with the Subdivision and Land Development Ordinance.

E. Any other instance where screening is required by this Ordinance, or deemed necessary by the Township Supervisors or, if applicable, the Zoning Hearing Board.

F. Screening is not required if the features to be screened are set back four hundred (400) feet or more from the lot line along which screening would otherwise be required.

(3) 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:

A. Loading and unloading areas;

B. Parking lots for seven (7) or more vehicles;

C. Storage of products or raw materials;

D. Refuse storage and transfer facilities;

(5) Mechanical equipment, vents, fans, and similar appurtenances.

(4) Site and district requirements

A. For screening of features, screening may be located anywhere on the lot provided it effectively shields the features to be screened.

B. For a Zoning District buffer, screening shall be located at the lot perimeter representing the Zoning District boundary.

C. Screening may be interrupted for necessary driveways to the street, provided a gap in the screening is thirty (30) feet maximum.

(5) Effective screening may be accomplished through the use of one or more of the following methods:

A. Placement of features to be screened behind an existing or proposed landform or berm.

B. Use of existing or proposed ninety percent (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.

C. Use of existing woody vegetation masses such as hedges, woodlands and hedgerows, provided they are preserved intact during construction on the site.

D. Proposed woody vegetation plantings such as trees and shrubs.

(6) Buffer/Screen width located between divergent land uses shall be in response to the degree of land use conflict. The width shall be as follows:

A. A minimum buffer of seventy-five (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 twenty-five (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 5.23).

C. A planted buffer of twenty-five (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 section 5.29 (5) 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:

i. Commercial and/or industrial uses abutting the AR, REC or RR Districts – 25 feet
ii. Residential use abuts the REC District – 10 feet.
iii. 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

To meet the above screening requirements in part or in whole, existing wood lots and hedgerows should be utilized, if they exist.

(7) The following design standards shall guide the design of the buffer:

A. For areas requiring a screen width of fifty (50) feet or more, a tree plantation or a combination of trees and shrubs is required.

B. Where trees are proposed for screening, at least one (1) tree that normally achieves a height greater than thirty (30) feet shall be planted for every twenty (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.

C. Where proposed shrubs are used, the maximum distance between plant centers shall be eight (8) feet.

D. 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 (6) feet within a period of three (3) years of planting.

E. Proposed trees and shrubs shall be healthy, typical of their species, have normal growth habits with well developed branches and vigorous root systems.

(8) The following Performance Standards affect the design and requirement of screening:

A. 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:

i. Situating development in or behind existing vegetation such as woodlots or hedgerows.

ii. Consolidating or clustering development in the smallest possible land area.

iii. Situating development far from the lot line.

iv. Situating development behind landform crests.

B. 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. The screening plan may include any one of the following:

i. plot plan with view analysis,

ii. landscaping and grading plan,

iii. topographic profiles and cross-sections, or

iv. photographic evidence.

The screening plan shall be drawn to scale and proposed plants shall be indicated, including type, quantity, size at planting time, and spacing.

(9) The following maintenance requirements apply to all screening/buffering:

A. Any proposed tree or shrub planted for screening purposes that dies shall be replaced.

B. 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.

C. Any landform or existing vegetation mass approved for screening shall not be altered or otherwise developed, except for usual maintenance.

D. 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.

5.30 SWIMMING POOLS (Private)

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

(1) 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.

(2) The pool shall be located in either the rear or side yard of the property.

(3) All in-ground pool areas shall be fenced or otherwise protected so as to prevent uncontrolled access by children from the street or adjacent properties. The barrier shall be not less than four (4) feet in and shall be maintained in good condition.

(4) For above ground pools, the pool shall be fenced as described above or it shall contain a fence and locked gate around its deck or a retractable ladder when not in use.

5.31 TRAFFIC CONTROL, INTERNAL CIRCULATION, LOADING AND OFF-ROAD PARKING

(1) To minimize traffic congestion and hazard, control road access and encourage orderly development of street frontage, the following regulations shall apply:

A. 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.

B. 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.

C. Each use with less than one hundred (100) feet of road frontage shall not have more than one ingress and egress lane to such road. No use with one

hundred (100) feet or more of road frontage shall have more than two (2) access ways to any one road for each three hundred (300) feet of road frontage. A common access point for two (2) or more uses is encouraged, where practical, to minimize vehicular access points along roads classified other than local roads.

D. All driveways to any public road shall be located a minimum of forty (40) feet from any intersection of road centerlines.

E. 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.

F. 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 fourteen (14) feet for one-way driveways and twenty-eight (28) feet for two-way driveways. The radius of the edge of the driveway apron shall not exceed twenty-five (25) feet.

(2) The following internal circulation regulations shall apply to multiple family residential, commercial and industrial uses, unless otherwise specified:

A. Design of Access Aisles and Drives

i. 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. Egress to the road shall be in a forward direction.

ii. Access ways, 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.

iii. All interior drives and access ways 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 eight (8) percent.

iv. Minimum interior drive cartway widths (with no abutting parking):

Use	Two Lane Two-Way Drives	One Lane One-Way Drive
Multi-family Residential	20 feet	12 feet
Commercial/office	22 feet	12 feet
Industrial	26 feet	15 feet

v. Common or shared access driveways to parking and loading areas are permitted and encouraged provided landowners submit an agreement of maintenance responsibility.

B. Fire Lane Easements

Any use or building located more than six hundred (600) feet from a road shall provide a dedicated fire lane easement consisting of an unobstructed right-of-way width of thirty (30) feet.

(3) 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:

A. 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 section 5.29.

B. Space Allowed

i. 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.

ii. Loading and unloading space shall be at least twelve (12) feet wide with fourteen (14) feet of vertical clearance, and shall have an adequate maneuvering area.

C. Surface: Loading and unloading areas shall have an all-

weather cohesive and dust-free surface.

(4) Off-Street Parking Requirements are subject to the following:

A. Off-street parking facilities shall be provided whenever:
   i. A building is constructed or a new use is established.
   ii. An existing building or its use is changed.

B. Off-street parking facilities existing at the effective date of this Ordinance shall not be reduced to an amount less than that required under this Ordinance for a similar new building or use.

C. Land Use issues:
   i. Off-street parking shall be an accessory use solely for the parking of patrons, occupants and/or employees.
   ii. No motor vehicle repair work of any kind except emergency service shall be permitted within parking lots.

D. Location
   i. 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.
   ii. 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 three hundred (300) feet of an entrance, regularly used by patrons.
   iii. For all residential dwellings, the parking spaces shall be within one hundred (100) feet of the dwelling unit they serve.
   iv. No parking or paved area shall directly abut a street.

E. Size and Design of Parking Lot
   i. In the layout of parking lots, standard parking dimensions shall be utilized.
   ii. Up to one-third (1/3) of the total parking spaces may be designed for compact vehicles.
   iii. Parking lots shall be landscaped in accordance with section 5.29.
   iv. Parking lots for commercial and residential uses

shall be illuminated at night.

v. Parking lots shall have an all-weather cohesive dust-free surface.

vi. Parking lots shall have a minimum slope of one (1) percent and a maximum slope of five (5) percent. Stormwater run-off shall not be directed across pedestrian walkways or other lots.

F. Handicapped Parking

The following shall apply to commercial, industrial, office, institutional, and educational uses:

i. If the total number of required parking spaces exceeds twenty (20), a minimum of two (2) percent of the total number of parking spaces, but not less than two (2) parking spaces, shall be designed for physically handicapped persons.

ii. Said spaces shall be most accessible and approximate to the building or buildings that the parking spaces shall serve.

iii. Each space or group of spaces shall be identified with a clearly visible marking displaying the international symbol or access.

iv. Each space shall be twelve (12) feet wide and shall abut a level, paved surface.

(5) Specific Parking Requirements for various uses in each District shall be as follows:

A. Parking for Residential Uses

i. Townhouses and multi-family low-rise apartments: two (2) parking spaces per dwelling unit.

ii. Residential conversion units: two (2) spaces per dwelling unit.

iii. Mobile homes: two (2) spaces per dwelling unit.

B. Parking for Public and Semi-Public Uses

i. Places of worship or other public auditorium: one (1) parking space for every three (3) seats provided for assembly.

ii. Nursing and convalescent homes: one (1) parking space for every three (3) beds plus one (1) space for each employee on the largest shift.

iii. Clinic and medical: five (5) patient spaces per doctor

and one (1) space for each staff member.

iv. Family care centers: one (1) space for each employee and an off-street loading and unloading area to accommodate one (1) space for each six (6) children cared for in the center.

v. Parks/playgrounds that include spectator seating: one (1) parking space for every three (3) seats.

vi. Schools: one (1) space per 600 square feet of gross floor area.

vii. Hospitals: three (3) spaces per bed.

viii. Assembly halls: one (1) space per 4 seats.

C. Parking for Commercial Uses

i. Retail stores and commercial uses: one (1) parking space for every three hundred (300) square feet of floor space used for sales purposes and one (1) space for each employee.

ii. Supermarkets and dairy stores: one (1) parking space for every two hundred (200) square feet of floor space used for sales purposes and one (1) space for each employee.

iii. Eating and drinking establishments: one (1) parking space for every two and one-half (2 1/2) seats for patron use and one (1) space for each employee.

iv. Drive-in and fast-food restaurants: one (1) space for every ten (10) square feet of floor area and one (1) space for each employee.

v. Bowling alleys: five (5) parking spaces for each pair of lanes and one (1) space for each employee.

vi. Skating rinks: one (1) space for every one hundred (100) square feet of skating area and one (1) space for each employee.

vii. Billiard and pool rooms: two (2) spaces per billiard or pool table and one (1) space for each employee.

viii. Miniature golf and driving ranges: one (1) space per hole and one (1) space for each employee.

ix. Golf courses: four (4) spaces per hole and one (1) space for each employee.

x. Animal kennels: one (1) parking space for every three (3) kennel runs and one (1) space for each employee.

xi. Office buildings and professional offices: one (1) parking space for each two hundred (200) square feet of floor area or fraction thereof.

xii. Motels, hotels and tourist homes: one (1) parking space for each unit and one (1) space for each employee on the largest shifts.

xiii. Barber and beauty shops: two (2) parking spaces per shop plus one and one-half (1 1/2) spaces per chair.
xiv. Shopping centers: one (1) parking space for each three hundred fifty (350) square feet of gross floor area or fraction thereof.
xv. Home occupations: two (2) parking spaces for each dwelling unit, one (1) space for each non-resident employee.
xvi. Gasoline service stations and car washes: one (1) parking space for each employee on the largest shift.

D. Parking for Industrial Uses

The total parking area shall be twenty-five (25) percent of the building's gross floor area. Space shall also be provided for visitors and handicapped.

5.33 TRAILER/RECREATIONAL VEHICLE PARKS

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

(1) Access/egress points, internal roads and walkways shall be stabilized, lighted and maintained in good condition;

(2) The minimum size of a campsite shall be two thousand (2,000) square feet;

(3) The minimum length of a campsite shall be forty (40) feet;

(4) The minimum spacing between each trailer/RV shall be twenty (20) feet;

(5) Each campsite shall have space for the parking of one vehicle, and each trailer/RV site shall have space for one additional vehicle; and

(6) The above site issues shall be depicted on a scale plan submitted at the time of application.

ARTICLE VI

ADMINISTRATION, ENFORCEMENT AND PROCEDURES

Section 6.00 – Zoning Officer

6.001- Appointment - The Zoning Officer shall be appointed by the Board of Supervisors to administer and enforce this Zoning Ordinance. 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.

6.002 - Legal Framework – The Zoning Officer shall have all the duties and powers conferred by the Zoning Ordinance 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 Zoning Ordinance, with all other ordinances of the Township, and with the laws of the Commonwealth of Pennsylvania.

6.003 - Duties and Powers of the Zoning Officer - It shall be the duty of the Zoning Officer to enforce literally the provisions of this Ordinance and amendments. He/she shall have such other duties and powers as are conferred upon him/her by this Ordinance 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:

A. Receive applications for and issue zoning permits and sign permits as permitted by the terms of this Ordinance.

B. Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance 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.

C. 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.

D. 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.

E. Maintain responsibility for keeping this Ordinance and the Official Zoning Map up to date so as to include all amendments thereto.

F. Issue certificates of Zoning Compliance in accordance with the provisions of this Ordinance.

G. Investigate alleged violations and address violations to this Ordinance.

H. Prepare and submit annual reports, as required in this Ordinance, to the Planning Commission and Board of Supervisors.

I. Identify and register nonconforming uses and structures created as a result of the adoption of this Ordinance or created as a result of amendments thereto.

J. Any other such duties as directed by Board of Supervisors.

Section 6.01 – Administration and Administrative Procedures

6.011- No permit shall be issued except in conformity with the provisions of this Ordinance, 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 Ordinance, any applicable laws or any Court of competent jurisdiction.

6.012 - 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 Ordinance. All applications shall be made in writing and shall be accompanied by all applicable fees and two (2) sets of plans showing,

at a minimum, the following information to be considered as a complete application, if applicable:

A. Actual dimensions and shape of the lot to be used.

B. The exact size and location on the lot of buildings, structures, or signs existing and/or proposed, including any extensions thereto.

C. The number of dwelling units.

D. 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).

E. Statement indicating any existing or proposed use(s).

F. Height of any structure, building or sign existing or proposed.

G. Statement indicating the provider of essential services such as water supply, sewage disposal, electrical service, natural gas service, etc.

H. 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.

I. Any other information deemed necessary by the Zoning Officer in order to determine compliance with this and any other applicable Ordinances.

6.013 - One (1) 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 Ordinance and other applicable Ordinances.

A. Said plans shall be either marked approved or disapproved, and shall be attested to it by the signature of the Zoning Officer.

B. Plans that are marked approved shall be returned with a Permit, and shall note any conditions of approval.

C. Plans that are marked disapproved shall be accompanied by a written statement of the deficiencies of said plans.

6.014 - All applications shall be reviewed and marked for approval or disapproval within thirty (30) days from the date of submission of a complete application.

6.015 - 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.

6.016 - Applications for a permit shall be submitted in such form as the Zoning Officer may prescribe.

6.017 - Zoning permit(s) shall be valid for a period of one hundred and eighty (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 one hundred and eighty-(180) day period said permit shall expire after two (2) years from the date of issuance thereof.

A. If work is not initiated and/or completed within the timeframes noted in 601.7, continuation of work approved in the original application may only occur after payment of additional application costs as per Section 606.

B. Work initiated prior to the issuance of a zoning permit will be subject to fees double those outlined in Section 606.

6.018 - A Certificate of Zoning Compliance shall be required upon the completion of any work permitted under this Ordinance. 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 issue.

A. 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.

B. 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 Ordinance.

C. Upon determination of compliance with the provisions of this Ordinance and with any conditions listed in the Zoning Permit, he/she shall issue a Certificate of Zoning Compliance.

D. Certificate of Zoning Compliance shall be granted or refused in writing within ten (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.

6.019 - 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 thirty (30) days after the use is fully operating and upon re-inspection by the Zoning Officer to determine compliance with all Performance Standards.

A. *The applicant shall submit documentation of compliance with all relevant Performance Standards as requested by the Zoning Officer.*

B. Upon completion of said re-inspection 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.

C. In the event that the required Performance Standards are not met within ninety (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.

6.0110-Exemptions - This Ordinance 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.

Section 6.02 - Enforcement.

6.021 - The Zoning Officer shall serve written notice of violation upon any person, firm, corporation or partnership deemed responsible for violating any of the provisions of this Ordinance, 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:

A. The party deemed responsible for the violation, and the name of the owner of record of the property in question.

B. The date and location of the violation,

C. The specific section of this Ordinance that has been violated.

D. The specific action required to correct such violation.

E. The time period within which such violation shall be corrected.

F. The penalties that could be assessed for such violation.

G. The right of the party to appeal the decision of the Zoning Officer, and the procedures to be followed to file such appeal.

H. The signature of the Zoning Officer.

6.022 - 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 of Sections 601.4 and 601.5 of this Ordinance.

A. Causes of Action - In case any building, structure, landscaping or land is erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, 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.

B. 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.

C. 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.

6.023 - Any person, partnership or corporation who or that has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding, pay a judgment of not more than FIVE HUNDRED (500) DOLLARS plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.

A. Each day that a violation continues shall constitute a separate violation, unless the District Magistrate 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 District Magistrate and thereafter each day that a violation continues shall constitute a separate violation.

B. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township.

C. 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.

Section 6.03 – Zoning Hearing Board

6.031 - The Board of Supervisors hereby creates a Zoning Hearing Board, herein referred to as the ZHB, consisting of three (3) members, and two (2) alternate members, pursuant to Article IX of the Pennsylvania Municipalities Planning Code Act of 1967, P.L. 705, No.246, as amended, who shall perform all the duties and have all the powers prescribed by said statute and as herein provided.

6.032 - 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 Ordinance; one member until the first day of January of the second year following the adoption of this Ordinance; and one member until the first day of January of the third year following the adoption of this Ordinance.

A. 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 Section 603.1 above.

1. Alternate members, when seated pursuant to the provisions of Section 906, of Act 246 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 Ordinance.
2. 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 1967, P.L. 705, No.246, as amended

B. Members of the ZHB and alternate members of the ZHB shall hold no other office of the Municipality.

C. 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.

1. A member or alternate member shall receive a minimum of fifteen (15) days advance notice of the intent to take such a vote.

2. A public hearing shall be held, if the member or alternate member requests one in writing.

D. Vacancies shall be filled by appointment by the Board of Supervisors for the unexpired portion of the vacated term.

6.033 - 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.

6.034 - 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.

6.035 - 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.

A. The ZHB shall keep full public records of its business.

B. The records of the ZHB shall be the property of the Township.

C. 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.

D. 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.

E. The ZHB shall elect, from its own membership, its officers, who shall serve annual terms as such, and may succeed themselves.

F. 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.

6.036– Hearings: The ZHB shall conduct hearings and make decisions in accordance with the following requirements.

A. 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.

B. 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.

1. Public notice shall consist of publication of an advertisement in a newspaper of general circulation in the Township, not more than thirty (30) or less than seven (7) days prior to the hearing.
2. Written notice shall consist of letter signed by the chairman of the Board. Written notice shall be provided a minimum of fifteen (15) days prior to the hearing.

C. Hearings shall be conducted by the ZHB.

1. The hearing shall be commenced within sixty (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 6 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.
2. Fees for hearings shall be established by the Board of Supervisors.
   a. Fees may include compensation for the members and secretary (or court stenographer), notice, advertising costs and administrative costs.
   b. Fees shall not include legal expenses, consultant expenses or expert witness costs.
3. The findings shall be made by the ZHB.
4. The ZHB shall not appoint a member to serve as a hearing officer.

5. 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.
6. 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.
7. 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.
8. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
9. The ZHB shall keep a stenographic record of the proceedings.
    a. The appearance fee for a stenographer shall be shared equally by the ZHB and the applicant.
    b. The cost of the original transcript shall be paid by the ZHB if the transcript is ordered by the ZHB.
    c. The cost of the transcript shall be paid by any person or party who might appeal from the decision of the ZHB.
    d. Additional copies of the transcript shall be paid by the person requesting such copy.
10. 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.
    a. 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.
    b. 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.
11. The ZHB shall render a written decision, or when no decision is called for, a written finding on the application within forty-five (45) days after the last hearing before the ZHB.
    a. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore.
    b. Conclusions based on the provisions of Pennsylvania Municipalities Planning Code Act of 1967, P.L. 705, No.

246, as amended), this Ordinance 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.

c. Where the ZHB fails to render the decision within the required forty-five (45) day period, or fails to hold a hearing within the required sixty (60) 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.

d. 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 ten (10) days from the last day it could have met to render such decision as provided in this Ordinance. If the ZHB should fail to provide such notice, the applicant may do so.

e. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

12. 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.

6.037 - Functions of the Zoning Hearing Board: The ZHB shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of this Ordinance or the Township Subdivision and Land Development Ordinance, except that the ZHB shall have no jurisdiction regarding any landowner curative amendments.

B. Challenges to the validity of this Ordinance or the Township Subdivision and Land Development Ordinance raising procedural questions or alleged defects in the process of enactment or adoption.

1. Such challenges shall be raised on appeal within thirty (30) days after the effective date of said Ordinance.
2. The ZHB shall immediately notify the Board of Supervisors of such Challenges.

C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the

application therefore, the issuance of any cease and desist order, the registration or refusal to register any nonconforming use, structure or lot, the interpretation of any district boundary line or any other official map.

1. 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.
2. 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.

D. Appeals from the decision by the Professional Engineer retained by the Township or the Zoning Officer with reference to the administration of the Township's Floodplain Management Ordinance or Stormwater Management Ordinance.

E. Applications for variances from the terms of this Ordinance, the Township's Floodplain Management Ordinance or the Stormwater Management Ordinance, pursuant to Section 704 of this Ordinance.

F. Applications for special exceptions under this Ordinance pursuant to any special exception criteria established under this Ordinance.

G. Appeals from the determination of the Zoning Officer regarding any performance or density provisions of this Ordinance.

H. Appeals from the determination of the Professional Engineer or Consultant retained by the Township with reference to sedimentation and erosion control plans.

6.038 - Standards for Variances: The ZHB shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the 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:

A. 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 Ordinance in the district in which the property is located.

B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the

provisions of the Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. That such unnecessary hardship has not been created by the applicant.

D. 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.

E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

6.039 - 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:

A. That no nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or non-conforming use of land, structure or buildings in other districts shall be considered grounds for the granting of any variance.

B. 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.

C. In granting any variance, the ZHB may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of the Ordinance.

6.0310-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 Ordinance. All Special Exceptions shall meet the following criteria:

A. Special Exception Uses shall be specifically authorized in the Zoning District, and shall meet the Special Exception Criteria established in Article IV.

B. Special Exception Uses shall be found to be consistent with the Community Development Goals and Objectives; the general purposes and intent of the Ordinance.

C. 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.

D. Special Exception Uses shall be in substantial compliance with all portions of the Township Comprehensive Plan.

E. Special Exception Uses shall comply with the Supplemental Regulations contained in Article V of this Ordinance.

F. 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.

G. 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.

H. 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.

Section 6.04 - Functions of the Board of Supervisors:

6.041 - The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

A. All applications for approval of subdivisions or land developments, pursuant to the Township's Subdivision and Land Development Ordinance, demonstrating compliance with this Ordinance.

B. Applications for conditional use.

C. Applications for curative amendment to this Ordinance.

D. All petitions for amendments to this Ordinance, the Township's Subdivision and Land Development Ordinance, the Floodplain Management Ordinance and the Stormwater Management Ordinance.

E. Petitions for waivers from the requirements of the Township's Subdivision and Land Development Ordinance.

F. Appeal from the any determination by the Zoning Officer or municipal engineer in the administration or enforcement of the provisions of the Township Subdivision and Land Development Ordinance, where final administrative action is vested in said Ordinance.

6.042 - Standards for Conditional Use: The Board of Supervisors shall hold a Public Hearing for all Conditional Uses listed in this Ordinance. In granting any conditional uses, the below listed criteria shall be applied:

A. The presence of nearby similar uses.

B. An adjoining district in which the use is permitted.

C. Compatibility of the Use with the provisions of the Township and/or County Comprehensive Plan.

D. Sufficient lot area to provide effective screening from adjacent residential uses.

E. That the use will not detract from permitted uses in the district.

F. Compliance with relevant requirements in Article V of this Ordinance.

G. Notification of adjoining property owners.

H. Compliance with the provisions of the Township Subdivision and Land Development Ordinance.

6.043 - Additional Procedural Matters: The following apply to Conditional Use applications before Board of Supervisors:

A. 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.

B. 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.

C. Should the work authorized under a conditional use permit fail to commence within one hundred eighty (170) 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.

D. 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.

E. 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 907 (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 ten (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.

Section 6.05 - 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.

6.051 - All hearings shall be held in strict accordance with the procedures contained in Article IX of Act 246 as amended by Acts 66 and 67 of 2000 (the Pennsylvania Municipalities Planning Code).

6.052 - All appeals and applications shall be in writing, in a form prescribed by the Board. Such applications shall contain, at a minimum:

A. The specific Ordinance and provision of said Ordinance involved.

B. The interpretation that is claimed for any challenges to the validity of said Ordinance, or

C. The use for which special exception or conditional use is sought, or

D. The details of the variance that is applied for, and the grounds on which it is claimed that the variance shall be granted.

E. All required filing fees as may be established by the Board of Supervisors.

6.053 - No person shall be allowed to file any proceeding with the Board later than thirty (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.

A. 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.

B. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to Article VI of this Ordinance 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 1967, P.L. 705, No. 246, 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.

6.054 - All appeals from determinations adverse to landowners shall be filed by the landowner within thirty (30) days after the determination is issued.

6.055 - 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.

6.056 - 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.

6.057 - 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.

Section 6.06 - Schedule of Fees, Charges and Expenses.

6.061 - 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 Ordinance.

6.062 - 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.

6.063 - No action shall be taken on any application or appeal until such time as all fees, charges and expenses have been paid in full.

Section 6.07 - Nonconforming Lots, Uses, Structures and Buildings.

6.071 - Statement of Intent - Within the zoning districts established pursuant to this Ordinance or subsequent amendments thereto, there exists or will exist certain nonconformities that, if lawful before this Ordinance 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 Ordinance or subsequent amendments thereto. In order to avoid undue hardship, nothing in this Ordinance 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 Ordinance and upon which actual building construction has been diligently carried on.

6.072 - Nonconforming Lots of Record - Lots of record existing at the date of adoption or amendment of this Ordinance 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, an if the buildings are erected according to the following stipulations:

A. The yard requirements for the any such nonconforming lot in a block in which sixty percent (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.

1. 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.
2. 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.

B. 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 Ordinance 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 Ordinance. 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 Ordinance, nor shall any division of any parcel be made that creates a lot with width or area below the minimum requirements established in this Ordinance.

6.073 - Nonconforming Structures or Buildings

A. Structures or buildings that at the effective date of this Ordinance 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:

1. No such nonconforming structure or building may be enlarged or altered in any way that increases its nonconformity.
2. 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.
3. Whenever any nonconforming structure or building has been vacated and not marketed for a period of twelve (12) consecutive months, such structure or building shall thereafter not be used except in compliance with the provisions of this Ordinance.

B. 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 twelve (12) months of the date of such destruction, reconstruction shall be in full compliance with this Ordinance and all other applicable regulations.

C. 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 Ordinance 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 non-conforming, any alterations or modifications shall be in accordance with Sections 606.3 and 606.4 of this Ordinance.

6.074 - Nonconforming Uses

A. Lawful uses of land, structures or buildings that at the effective date of this Ordinance 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:

1. Any nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any non-conforming 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.

2. Whenever a nonconforming use of any land, structure or building has been discontinued and/or not marketed for a period of twelve (12) consecutive months such land, structure or building or any portion thereof shall be used only in a manner in full compliance with this Ordinance.

3. 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 seventy-five percent (65%) or more of the market value of said structure or building immediately prior such damage or destruction.

B. 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 Ordinance with respect to height, area, width, yard and coverage requirements for the Zoning District in which the building is located. Total extension of any non conforming use shall not exceed twenty-five (25) percent of the gross floor area of any building or twenty five (25) percent 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 Ordinance.

6.075 - Effect of Special Exception - Any use that is permitted as a Special Exception in any Zoning District under the terms of this Ordinance (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.

6.076 - Registration of Nonconformities - To facilitate the administration of this Ordinance, it shall be the duty of the Zoning Officer to prepare and maintain an accurate listing of all uses and structures in all districts.

A. Uses permitted by right, special exception and/or variance shall be so noted on a permanent record of the subject parcel.

B. All non-conforming 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.

C. 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

The provisions of this Ordinance 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 1967, P.L. 705, No.246, as amended.

Section 7.00 Amendments

7.001 - Before voting on the enactment of an amendment, the Board of Supervisors shall hold at least one (1) public hearing thereon, pursuant to adequate public notice in a newspaper of general circulation. In addition, for rezoning excluding that associated with comprehensive rezoning, the following notifications shall occur:

A. 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.

B. The affected tract(s) shall be posted at least seven (6) days prior to the date of the hearing.

C. Written notice shall be provided at least thirty (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.

7.002 - 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 thirty (30) days prior to the hearing on such proposed amendment to provide the planning agency an opportunity to submit recommendations.

7.003 - 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.

7.004 - All proposed amendments shall be submitted by the Board of Supervisors to the Jefferson County Planning Commission at least thirty (30) days prior to the public hearing, for recommendation.

7.005 - Within thirty (30) days after enactment, a copy of the amendment shall be forwarded to the Jefferson County Planning Commission.

Section 7.01 - Procedure for Landowner Curative Amendments.

7.011 –A land owner who desires to challenge on substantive ground the validity of the Ordinance 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 1967, P.L. 705, No.246, as amended.

7.012 - 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 the Ordinance 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.

7.013 - The landowner curative amendment shall be referred by the Board of Supervisors to the Township and County Planning Commission's for review and recommendation.

7.014 - The hearing shall be conducted by the Board of Supervisors in accordance with Section 907 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.

7.015 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 Ordinance, but only for those provisions that specifically relate to the landowner's curative amendment and challenge.

7.016 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 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 propose 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.

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.

Section 7.02 - Procedure for Municipal Curative Amendments: Should the Board of Supervisors determine that this Ordinance or any portion thereof is substantially invalid, it shall take the actions outlined in this subsection.

7.021 - The Board of Supervisors shall declare this Ordinance or portions thereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal the Board of Supervisors shall:

A. By resolution make specific findings setting forth the invalidity of this Ordinance that may include:

1. References to those specific uses that are either not permitted or not permitted in sufficient quantity.
2. Reference to a class of use or uses that require revision.
3. Reference to the entire Ordinance that requires revision.

B. Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.

7.022 - Within one hundred eighty (170) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to cure the declared invalidity.

7.023 - 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 246, as amended by Acts 66 and 67 of 2000 (The Pennsylvania Municipalities Planning Code). Upon completion of the procedures set forth above no rights to a cure pursuant to the provisions of this section shall, from the date of declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Ordinance.

7.024 - A municipal curative amendment may not be utilized for a period of thirty-six (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.

Section 7.03 – Advertising requirements: The Board of Supervisors shall publish public notice of any proposed amendment not more than thirty (30) nor less than seven (7) 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 (2) 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 charged, 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 ten percent (10%) of the Ordinance) before voting upon any enactment, the Board of Supervisors shall, at least ten (10) days prior to scheduled enactment re-advertise, re-advertisement shall be in one newspaper of general circulation and shall summarize, in reasonable detail all the amendment provisions.

Section 7.04 – 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

Section 8.00 - 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 Ordinance shall be in strict accordance with the provisions of the Pennsylvania Municipal Planning Code Act of 1967, P.L. 705, No. 246, as amended.

Section 8.01 - 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 Ordinance, 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.

Section 8.02 - Severability
Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 8.03 - Repeal of Conflicting Ordinances
Ordinance No. 71-13, enacted June 16, 1971, as amended, is hereby expressly repealed and all other existing Ordinances or parts of Ordinances inconsistent herewith are hereby expressly repealed to the extent necessary to give this Ordinance full force and effect.

Section 8.04 - Effective Date
This Ordinance shall become effective immediately upon enactment.

Section 8.05 - Official Zoning Map
The Official Zoning Map, for purposes of district identification, shall be the Official Zoning Map adopted as part of this Ordinance 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 thirty days of said amendment.

ORDAINED AND ENACTED by the Board of Supervisors of Washington Township on this 27th day of September, 2005, at a special meeting, duly advertised, of the Washington Township Board of Supervisors.

ATTEST:

Nancy Holmes

Nancy Holmes, Secretary

TOWNSHIP OF WASHINGTON:

By: Harold K Hannah

Harold K. Hannah, Chairman
Board of Supervisors

By: Dallas Smith

Dallas Smith, Supervisor

By: Bernard C. Groves

Bernard Groves, Supervisor

By: William J Kessler

William Kessler, Supervisor

By:

Edward Black, Supervisor