

Zoning Ordinance

Washington Township

Effective January 1, 2020

WASHINGTON TOWNSHIP
ORDINANCE NO. 0-04-19

CONCERNING APPROVAL, ADOPTION AND ENACTMENT OF THE WASHINGTON
TOWNSHIP ZONING ORDINANCE OF 2019 AND ZONING MAP.

Whereas, Washington Township is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania; and,

Whereas, in accordance with the Pennsylvania Municipalities Planning Code, the Washington Township Planning Commission prepared an update to the zoning ordinance and map in 2018 and 2019; and,

Whereas, the Washington Township Planning Commission advertised and held a public meeting on the zoning update on September 4, 2019; and,

Whereas, Washington Township sent the proposed zoning ordinance and map to the Fayette County Planning Commission for review and comment on September 24, 2019; and,

Whereas, Township Supervisors held a public hearing on November 18, 2019, to hear and consider public comments, and that the comments received prior to and at the public hearing were duly noted; and,

Whereas, having made no amendments to the zoning ordinance and map proposed by the Planning Commission, the Township desires to enact said proposed zoning ordinance and map.

NOW, THEREFORE, BE IT ORDAINED BY THE SUPERVISORS OF WASHINGTON TOWNSHIP THAT:

SECTION I. The Washington Township Zoning Ordinance of 2020 and accompanying map are enacted under the authority of the laws of the Commonwealth of Pennsylvania and shall take effect on January 1, 2020, and remain in effect hereafter until revised, amended or revoked by action of the Supervisors of Washington Township.

SECTION II. Township officials, appointees and employees are authorized to take all action necessary to ensure implementation of and effect the purpose thereof.

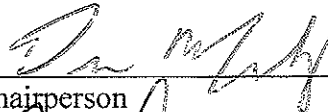
SECTION III. Any and all other zoning ordinances, amendments and/or resolutions, or parts thereof, and zoning maps conflicting herewith are repealed insofar as the matters herein are affected.

SECTION IV. The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjusted by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence,

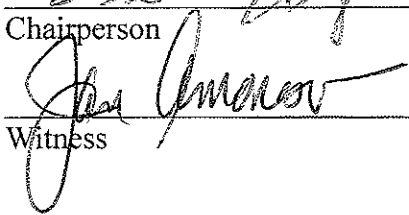
subsection or section rendered. It is hereby declared the intent of Township Supervisors that this ordinance would have been enacted if such illegal, invalid or unconstitutional clause, sentence subsection or section had not been included therein.

SECTION V. This section shall be effective on January 1, 2020.

ENACTED this 11th day of December 2019, after a motion to approve passed by the Supervisors of Washington Township at a duly called and advertised public Supervisors meeting.



Chairperson



Witness

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ARTICLE 1 - GENERAL PROVISIONS

§ 100. Short Title.

§ 100.1. This Ordinance shall be known and may be cited as the "The Washington Township Zoning Ordinance." It is also hereafter referred to as "the Zoning Ordinance."

§ 101. Purpose.

§ 101.1. This Ordinance is enacted to promote, protect and facilitate 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, national defense facilities, the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

§ 102. Community Development Objectives.

§ 102.1. This Ordinance is intended to serve the goals and objectives of the Washington Township Comprehensive Plan, as adopted in 2018. Such material shall be considered as legislative history and shall be utilized when necessary to establish policy in the interpretation of this Ordinance. This Ordinance is enacted with regard to the following community development objectives:

- A. Continue to develop the reputation of the Township as an ideal environment in which to live, work and raise a family.
- B. Build a local economic base in which a variety of commercial and service activities meet resident needs.
- C. Develop and maintain safe, efficient and cost-effective systems for the conveyance of people and resources throughout the Township with the least possible infringement on other values.
- D. Provide quality housing opportunities to meet the varied needs of current and future residents while fitting into the Township's existing character and landscape.
- E. Be a responsible steward of natural resources and sensitive environmental assets. Ensure that economic activities and land development consider long-term sustainability.

- F. Reinforce a development pattern that will preserve natural and rural areas while focusing growth in compatible areas served by existing infrastructure.

§ 103. [Interpretation.](#)

- § 103.1. In interpreting and applying the provisions of this Zoning Ordinance, the provision shall be held to the minimum requirements adopted for the promotion of the public health, safety, and general welfare of the Township. Any use permitted subject to the regulations prescribed by the provisions of this Ordinance shall conform to all regulations or the zoning district in which it is located and with all other pertinent regulations of this Ordinance. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, ordinance or regulation shall be controlling.

§ 104. [Applicability.](#)

- § 104.1. The provisions, regulations, limitations and restrictions of this Ordinance shall apply to all structures, buildings, uses, signs and land and their accessory structures, buildings, uses and signs. Nothing in this Ordinance shall require any change in plans or construction of a lawful use, the construction of which is lawfully started before the effective date of this Ordinance and which is completed within one year after the effective date of this Ordinance.
- § 104.2. Application to Public Utility Corporations. This Ordinance shall not apply to facilities of a public utility corporation, if specifically exempted by Pennsylvania Public Utility Commission after a hearing under the provisions of Section 619 of the Pennsylvania Municipalities Planning Code, as reenacted and amended.

§ 105. [Violations of Other Regulations.](#)

- § 105.1. No use shall be permitted in any district which directly violates any Township ordinance. If the Zoning Officer has reason to believe that a use would violate a federal, state, Township regulation, the Zoning Officer may delay the issuance or suspend the issuance of a permit under this ordinance until the applicant proves compliance with such regulation.

§ 106. [Severability.](#)

- § 106.1. If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
- § 106.2. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building, or other structure, or tract of land, to be invalid or ineffective,

in whole or in part, the effect of such decisions shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property or situations shall not be affected.

ARTICLE 2 – DEFINITIONS

§ 201. Language Interpretations.

All words used in this Ordinance shall carry their customary dictionary definitions as provided in the most recent edition of Webster's Collegiate Dictionary, except where specifically defined herein. Certain words shall have the meaning assigned to them as follows:

- A. Words used in the present tense shall include the future.
- B. The singular includes the plural, and the plural the singular.
- C. The word "person" includes a corporation, partnership, association and individual.
- D. The word "lot" includes the words "plot," "parcel" and "tract."
- E. The terms "shall" and "will" are always mandatory. The word "may" is permissive.
- F. The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, maintained or designed to be used or occupied."
- G. The word "building" includes the word "structure."
- H. The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character.
- I. Parenthetical words or statements are integral parts of the definitions in which they are located.

§ 202. Definitions.

The following words and phrases shall have the meaning given in this Ordinance as follows:

ABANDONMENT – To stop the use of property intentionally when the use of property has ceased and the property has been vacant for twelve (12) months. Abandonment of use will be presumed unless owner can show that a diligent effort has been made to sell, rent or use the property for a legally permissible use.

ACCESS DRIVE – an improved cartway designed and constructed to provide for vehicular movement between a public road and a lot containing any use other than a single dwelling unit or a farm.

ACCESSORY BUILDING/STRUCTURE – a subordinate structure existing on the same lot as the principal or main building devoted to a use incidental to the principal use.

ACCESSORY USE – a use conducted on the same lot as a principal use to which it is related; a use which is clearly incidental to and customarily found to be subordinate to a particular principal use.

ADAPTIVE USE (OR REUSE) – the process of converting a building to a use other than that for which it was designed.

ADULT-ORIENTED ESTABLISHMENT – the definition for this term and for all uses included under this term shall apply as are provided in Title 68, Part II, Subpart E, Chapter 55, Section 5502 of the Pennsylvania Consolidated Statutes, as amended. Such definitions in Pennsylvania Statues are hereby included by reference, including but not limited to, the definitions for “Adult Bookstore,” “Adult Entertainment,” “Adult Mini-Motion Picture Theater,” “Adult Motion Picture Theater,” “Sexual Activities,” “Specified Anatomical Areas” and “Specified Sexual Activities.”

ADULT DAY CARE CENTER (OR OLDER ADULT DAILY LIVING CENTER) –A premises in which daily living services for adults (18 years of age or older) are simultaneously provided for part of a 24-hour day for four or more clients who are not relatives of the operator. Such a facility must be licensed by the Commonwealth of Pennsylvania.

AGRICULTURE – An enterprise that is actively and continuously engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, apiculture, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AGRICULTURAL BUILDING – A structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals, a milk house and a structure used to grow mushrooms, agricultural or horticultural products. The term includes a carriage house owned and used by members of a recognized religious sect for the purposes of housing horses and storing buggies. The term shall not include habitable space or spaces in which agricultural products are processed, treated or packaged and shall not be construed to mean a place of occupancy by the general public.

AGRITOURISM – activities conducted on and accessory to a working farm and offered to the public or invited groups for the purpose of recreation, education, or active involvement in the farm operation. These activities must be directly related to agricultural or natural resources and incidental to the primary operation of the farm.

ALLEY – A minor right-of-way privately or publicly owned, primarily for service access to the back or sides of properties.

ALTERATION - As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another, or conversion of one use to another by virtue of interior change.

AMENDMENT- A change in this Ordinance, including addition of new requirements, revision of existing requirements or deletion of obsolete requirements, necessitating public hearings and other official approvals before becoming effective.

ANIMAL CLINIC - An establishment of a licensed practitioner primarily engaged in the practice of veterinary medicine, dentistry or surgery for animals. Accessory uses may include the confinement of animals for medical reasons, grooming and destruction.

ANIMAL DAYCARE - Any premises where domestic animals are dropped off and picked up daily for temporary care on site and where they may be groomed, trained, exercised and socialized, but are not kept or boarded overnight, bred, sold or let for hire.

ANTENNA – See COMMUNICATIONS ANTENNA.

APARTMENT - A room or suite of rooms, intended, designed or used as a residence by a single-family, in a building with its own cooking, food storage, bathing and toilet facilities and with access directly or via a common hall to the outside.

ASSISTED LIVING FACILITY - Any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24 hours for more than 12 adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration.

AUTHORITY - A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."

BAR OR TAVERN – A business which sells alcoholic beverages for consumption on the premises as the principal use and which may offer food for consumption on the premises as an accessory use.

BASEMENT - The space enclosed by the foundation or ground floor walls of a building with a minimum depth of six (6) feet. A basement shall not be counted as a story for purposes of height measurement unless one-half (1/2) or more of its height is above average grade.

BED AND BREAKFAST ESTABLISHMENT - An owner-occupied detached single-family dwelling which provides overnight lodging to temporary visitors of the area, provides meals for overnight guests only, and which does not routinely involve rental of accommodations for periods of more than 14 consecutive days.

BILLBOARDS - see "sign (billboard)."

BOARDER - An individual or individuals, other than a family member of the family occupying the dwelling unit, or part thereof, who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

BOARDING HOUSE (OR ROOMING HOUSE) - a dwelling in which at least two rooms are offered for rent, whether or not meals are furnished to lodgers and in which no transients are accommodated and no public restaurant is maintained. A school or college dormitory, fraternity or sorority house, membership club with residents, and other similar uses are not deemed a boarding or rooming house.

BOUNDARY - a line, usually a property or street right-of-way line or the centerline of a recognizable physical feature such as a highway, stream or railroad that demarcates the edge of a district or area.

BREWERY: An industrial use which brews ales, beers, meads and/or similar beverages and does not serve the beverages on site in a tavern or restaurant, but which may include a public tasting room. Breweries are classified as a use which manufactures more than 15,000 barrels of beverage (all beverages combined) annually. In addition, uses which manufacture 15,000 barrels of beverage or less, but which do not meet any requirement specific to brewpubs. For purposes of this ordinance, the term "brewery" shall include distilleries, cideries, meaderies and other producers of alcoholic beverages for sale and distribution. This term does not include "farm winery."

BREW PUB: A commercial use which brews a maximum combined total of 15,000 barrels per year of ales, beers, meads and/or similar alcoholic beverages and which serves the beverages in a tavern or restaurant. A brewpub may include the shipping of beverages for consumption at other sites.

BUFFER - a buffer, buffer area, and buffer yard or buffer setback is a strip of land planted with trees, shrubs and lawns and which is kept free of outdoor storage, buildings and vehicles, and which serves to separate certain uses or zoning districts. See also "screening" in this Section. A buffer cannot be used for any purpose other than fencing and landscaping.

BUSINESS, PROFESSIONAL OR SALES OFFICE - Offices of firms or organizations providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, and legal offices.

BUILDABLE ACREAGE - a gross acreage reduced by all or a portion of land with sensitive environmental attributes.

BUILDING - any structure in excess of 150 sq. ft. having a roof and enclosed sides and any unroofed platform, terrace or porch having a vertical face higher than 3 feet above the level of the ground from which the height of the building is measured. All buildings are structures, but only those structures that meet this definition shall be considered buildings.

BUILDING, ACCESSORY – A subordinate building located on the same lot as the main building, the use of which is incidental to the use of the main building.

BUILDING, MAIN OR PRINCIPAL – a building in which is conducted the principal use of the lot on which it is situated. In any residential zone, a dwelling shall be deemed a main building on the lot on which the same is located, unless otherwise provided for elsewhere in Ordinance.

BUILDING HEIGHT - see "height."

CAMPGROUND – a lot or tract of ground, which shall be a minimum of five acres in size, on which may be placed tents, campers, motor homes, travel trailers or manufactured homes which do not exceed 320 square feet in floor area, where persons or families may live on a temporary basis for a time period which shall not exceed 181 days in any one calendar year.

CARPORT – a partially enclosed accessory roofed structure used for the purpose of parking a vehicle.

CAR WASH – a structure used for the purposes of cleaning or reconditioning the exterior and interior surfaces of automotive vehicles but not including an incidental one-way washing facility in a gasoline service station where washing facilities are purely incidental to the operation of said service station. A self-operating vehicular laundering facility not requiring attendants or employees, regardless of capacity, is also considered to be an automobile laundry.

CELLAR – the space enclosed by the foundation or ground floor walls of a building with a minimum depth of six (6) feet in which more than one-half (1/2) of its height is below grade. A cellar shall not be counted as a story.

CEMETERY - Land that is reserved for the burying of the dead and that could contain mausoleums and columbaria but not crematoriums.

CENTERLINE – an imaginary line running parallel to street or easement right-of-way lines and equidistant from the lines on each side of the street or easement, or a line following the center of a physical feature such as a stream or roadway.

CHILD DAY CARE - a use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including "nursery school" or "Head Start" programs. See also definition of "adult day care center." The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives," 2) care of children within a place of worship during regularly scheduled religious services, and (3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the caregiver.

- 1) Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within the primary caregivers' dwelling unit, 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary caregiver, and 3) is registered with the applicable State agency.*
- 2) Group Child Care Home. A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not "relatives" of the primary caregiver, 2) provides care within the primary caregivers' dwelling unit, and 3) is licensed with the applicable State agency.*
- 3) Day Care Center. A type of "day care" use that: 1) provides care for 7 or more children at one time who are not "relatives" of the primary caregiver, 2) does not occur within a dwelling unit, 3) is licensed with the applicable State agency.*

*Note: As of the adoption date of this Ordinance, such agency was the PA Department of Public Welfare.

CHURCH – See PLACE OF WORSHIP.

CLEAR SIGHT TRIANGLE – A triangular area of unobstructed vision at the intersection of two streets or of a driveway and a street defined by line of sight a given distance from the intersection of the center lines of two streets or the center lines of the driveway and the street. The required clear sight triangle is illustrated in Appendix A.

CLINIC - An establishment providing therapeutic, preventative, corrective, healing and health-building treatment services on an outpatient basis by physicians, dentists and other practitioners. Typical uses include medical and dental offices and hospitals and outpatient medical laboratories.

CONTROLLED SUBSTANCE CLINIC – An establishment that administers or dispenses controlled substances according to the direction of a physician in a rehabilitative context in order to alleviate, suppress or eliminate adverse psychological or physiological symptoms of medical conditions or the continuous or sustained use of a narcotic drug. Includes dispensaries that hold a permit issued by the Pennsylvania Department of Health to dispense medical marijuana as well as clinics, institutions and other entities designed and operated to manage opioid

addiction, to administer opioid addiction treatment programs and to provide detox treatment to individuals attempting to overcome an addiction to or dependence on heroin or other opioids.

COMMERCIAL RECREATION – a recreational facility that is owned and operated by a nonpublic agency and is conducted as a business enterprise. Uses may include mini-golf courses, batting cages, golf driving ranges, pitch-and-putt golf courses, paintball courses, bowling alleys, go-kart courses, laser tag facilities, amusement arcades, indoor firing ranges and similar uses.

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

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

COMMUNICATIONS CO-LOCATION – The act of installing wireless communications equipment, from more than one provider, on a single tower, building, or structure.

COMMUNICATIONS EQUIPMENT BUILDING – An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground no greater than two hundred fifty (250') square feet.

COMMUNICATIONS TOWER – A structure, other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

COMPREHENSIVE PLAN - The adopted Washington Township Comprehensive Plan, as amended.

COMPRESSOR - A device that raises the pressure of oil and natural gas and/or by-products. Compressors are any devices that create a pressure differential to move or compress a liquid, vapor, or a gas. Any such device used alone or in series to adequately move a liquid, vapor or a gas is considered a compressor.

CONDITIONAL USE – Permission or approval granted to an applicant pursuant to this Ordinance to use land in a zoning district for a purpose so authorized in the district. Uses

permitted by conditional use are specifically stated herein and shall be permitted only under the terms, procedures and conditions prescribed in this Ordinance. Conditional uses are granted or denied by the governing body in accordance with the procedures set forth in this Ordinance and in the Municipalities Planning Code. The burden of proof in all requests for conditional uses shall be upon the applicant to establish compliance with all requirements of this Ordinance pertaining to the grant of a conditional use and all provisions applicable thereto.

CONDOMINIUM – a form of property ownership providing for individual ownership of a specific dwelling unit, or other space not necessarily on ground level, together with an undivided interest in the land or other parts of the structure in common with the others.

COVERAGE - the maximum area or percentage of a lot which may be occupied by structures.

CREMATORIUM – An establishment containing a furnace where a corpse can be burned and reduced/cremated to ashes as permitted by the Pennsylvania Department of Environmental Protection.

DETERMINATION - final action by the Zoning Officer, except for the following

- 1) Township Supervisors; or
- 2) The Zoning Hearing Board

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DERELICT VEHICLE – See INOPERABLE VEHICLE.

DEVELOPER - any landowner, agent of such landowner or tenant with written, notarized permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DOMESTIC ANIMALS - animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include, but not be limited to, domestic dogs, domestic cats, domestic tropical birds and rodents.

DRIVE-THROUGH FACILITY – Any portion of a building or structure from which business is transacted or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

DRIVEWAY – an improved cartway designed and constructed to provide vehicular movement between a public road and a tract of land serving one single-family dwelling unit or a farm.

DWELLING - Any building or portion thereof, including but not limited to those totally or partially pre-manufactured off the site to be occupied, that is designed for or used for residential purposes. Dwelling types are as follows:

- 1) SINGLE-FAMILY DETACHED DWELLING – a building occupied by only one dwelling unit and having two side yards.
- 2) SINGLE-FAMILY ATTACHED DWELLING (OR TOWNHOUSE) – a set of three or more attached dwelling units, which are completely separated from each other by one or two vertical party walls.
- 3) TWO-FAMILY DWELLING (OR DUPLEX) – A residential building which is the only principal structure on the lot, designed exclusively for occupancy by two families living independently of each other and containing two dwelling units, each with a separate entrance directly to the outside, including double houses and duplexes.
- 4) DWELLING, MULTI-FAMILY – Three (3) or more dwelling units within a building that do not meet the definition of single-family attached.
- 5) MULTI-FAMILY, CONVERSION APARTMENT - A dwelling or other building existing at the effective date of this Ordinance which is converted for residential occupancy by more than one family, provided that the exterior design of structure is not changed from the character of a single-family unit.
- 6) GROUP CARE FACILITY – A residential facility designed, operated and maintained for adults which may include skilled nursing, intermediate care or personal care facilities, as well as independent living facilities. This facility shall not include a home for persons serving on work release or probationary programs (See Transitional Dwelling).
- 7) TRANSITIONAL DWELLING – A temporary residential living arrangement for persons leaving an institutional setting and in need of a supportive living arrangement in order to readjust to living outside the institution. Transitional living facilities help residents re-enter society while housed under supervision while under the constraints of alternatives to imprisonment including, but not limited to, re-release, work release or probationary programs. Such facilities typically place a limit, measured in months, on how long a person may stay.

DWELLING UNIT - A single habitable living unit occupied by only one "family" (see definition). To be considered a dwelling unit, each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping or cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include two or more separate living areas that are completely separated by interior

walls so as to prevent interior access from one living area to another. A second kitchen shall not be newly installed in a dwelling unit unless it is for the purpose of accommodating a relative who needs special care and supervision because of age or disability.

ELECTRONIC NOTICE – A notice given by a municipality through the internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

EDUCATIONAL FACILITY - Public and private schools at the primary, elementary, junior high, or high school level that provide basic education; or Colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree.

EMERGENCY SERVICES - An area utilized for the maintenance, fueling, storage, dispatching or parking of vehicles and/or equipment providing rescue or ambulatory services, excepting rescue services offered from a fire station, and where the area may or may not include buildings utilized in connection therewith.

ESSENTIAL SERVICES (OR “ESSENTIAL PUBLIC UTILITY SERVICES”) - Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall include the following and closely similar facilities: sanitary sewage lines, water lines, electric distribution lines, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, street lights and traffic signals. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

FAMILY - One or more persons occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, club, fraternity or hotel.

FARM OR FARM PARCEL – a tract or parcel of land devoted primarily to agricultural uses, together with a farm dwelling and/or other accessory uses.

FARM-RELATED BUSINESS – a low intensity commercial activity that functions as customary accessory use to an on-site farm. Farm-related businesses are intended to provide supplemental income to farmers to encourage the continuation of farming and to provide needed services to other farmers. Such activities shall be strictly subordinate to and incidental to the primary farm activity on the lot and shall not be permitted to be developed to an intensity that will cause possible conflict with the purposes of the Agricultural District.

FARM STAY – any guest accommodations on an active farm property where not more than eight bedrooms are rented to overnight guests on a daily basis for periods not exceeding one week. Meals shall only be offered to those residents of the farm stay.

FARM WINERY – a winery owned or operated by the owner of a farm and producing table, sparkling, or sacramental wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced on-site.

FARMER'S MARKET – a retail sales use where one or more local farmers display and sell fresh produce, baked goods and/or local craft items in one location. Such items shall be made or grown on local farms. Farmer's markets shall not include any other vendor displays or sales other than those specifically referenced above and shall not include a flea market, except as such uses are permitted within the district in which the farmers market is to be located.

FENCE - A barrier constructed of materials other than shrubbery and erected for the purpose of protection, confinement, enclosure or privacy.

FINANCIAL INSTITUTION – a bank, savings and loan association, credit union, finance or loan company, etc.

FLOOR AREA - The sum of the gross area of all floors of a building measured from the face of interior walls.

FLOOR AREA, GROSS (GFA) – the sum of the horizontal area of all floors of a structure and its accessory buildings as measured between the exterior faces of walls.

FLOOR AREA, HABITABLE - The enclosed indoor "floor area" that is designed and suitable for residency by persons and which is heated. This term shall not include vehicle garages or areas with a head room of less than 7 feet.

FLOOR AREA RATIO - determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

FOOD PROCESSING/SALES - the retail sales of foodstuffs and associated merchandise packaged for consumption after preparation, off the premises where sold and not including any restaurant or take-out establishment.

FORESTRY - The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FRONT YARD - the area of any property between the front lot line and front setback line.

FRONT YARD LINE - a front yard line bounds the front yard and is parallel to the front line.

FUNERAL HOME - A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used

in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles. For purposes of this Ordinance, the term "funeral home" shall not include a "crematorium."

GAME PRESERVE - A public or private area utilized for raising, protecting, breeding and/or hunting wildlife within a natural environment.

GARAGE - A building or structure in which one or more motor vehicles are stored, but not for the repairs or maintenance thereof. A garage may take any one of the following forms and conform with all other applicable Township ordinances:

GAS STATION - an establishment servicing motor vehicles with fuel, supplies, accessories and minor repairs, but not including the storage, sale or major repair of motor vehicles such as, but not limited to, motor replacement, body and fender repair or spray painting.

GRADE - the process of changing the natural surface of the land in order to carry out a development plan.

GREENHOUSE – An establishment where flowers, shrubbery, vegetables, trees and other horticultural and floricultural products are grown both in the open and in an enclosed building.

GREENHOUSE, COMMERCIAL – An establishment where flowers, shrubbery, vegetables, trees and other horticultural and floricultural products are grown both in the open and in an enclosed building, for sale on a retail or wholesale basis.

GROSS ACREAGE - the total acreage of a tract for which an application is filed or approved.

GROUP CARE FACILITY - A group living arrangement licensed by the Commonwealth that provides room and board and specialized services to up to 12 permanent residents that fail to meet the criteria for the group living arrangement established in the definition of "family," but not including any short-term or transient residents as regulated by the definition of "transitional dwelling."

HEIGHT - The vertical distance along the wall of a building measured between the average of the highest and lowest elevation at ground level on the front or rear facade, whichever has the lower ground elevation, and the top of the parapet on a flat roof building or halfway between the eaves and highest ridge line on a sloped roof building except that chimneys, stacks, steeples, roof-mounted air handling equipment and similar projections of the building, not intended for human occupancy, shall not be considered in measuring height.

HEIGHT OF BUILDING - see "height."

HEIGHT OF SIGN - the vertical distance measured from ground level to the highest point on the sign, or its supporting structure.

HISTORIC STRUCTURE - Any structure that is:

- 1) Listed individually in the National or Pennsylvania Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

HOME OCCUPATION - An accessory business that is conducted entirely within a dwelling or one accessory building, or administered from a dwelling and which is clearly incidental and accessory to the dwelling.

HORSE BOARDING FACILITY - The keeping of horses and ponies owned by persons other than the owner of the stable, or the rental of horses owned by the owner of the stable for a fee or other form of compensation, which may include training of horses, riding lessons and riding facilities.

HOSPITAL - an institution, licensed in the Commonwealth of Pennsylvania as a hospital, which renders inpatient and outpatient medical care on a twenty-four-hour per day basis; and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital use can also include attached and detached accessory uses provided that all accessory uses are contained upon the hospital property.

HOTEL / MOTEL - Establishments offering lodging to transient patrons. These establishments may provide additional accessory services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests and the general public. This classification includes motor lodges, motels, hostels, extended-stay hotels, and tourist courts, but does not include rooming houses, boarding houses, or private residential clubs. The lengths of stays for the majority of guests at these facilities are for 30 days or less.

IMPERVIOUS SURFACE - a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

IMPOUNDMENT, FRESHWATER: A depression, excavation or facility situated in or upon the ground, whether natural or artificial, lined or unlined, used to store freshwater.

IMPOUNDMENT, WASTEWATER: A depression, excavation or facility situated in or upon the ground, whether natural or artificial, lined or unlined, used to store wastewater.

INDUSTRIAL PARK - A site under single ownership and control which is developed as a unit for two (2) or more buildings containing professional or business offices, light industrial and/or research and development establishments in a campus environment utilizing common means of access, parking and loading facilities and uniform signage and may include other shared features.

INOPERABLE VEHICLE – Any vehicle which cannot be legally operated on the street due to lack of current registration, lack of an engine, transmission, wheels, tires, windshield or any other part or equipment necessary to operate on public streets and/or highways.

JUNKYARD - any portion of any lot, whether inside or outside a building, for storage, keeping or abandonment of automobiles or other vehicles, machinery or parts thereof and any worn, cast-off or discarded article or material which is ready for destruction or which had been collected or stored for sale, resale, salvage or conversion to some other use.

KEEPING OF FARM ANIMALS, NON-COMMERICAL – Confining and caring for non-domestic animals for purposes of recreation or food production for the resident family.

KENNEL – any place, including a dwelling unit, in which six (6) or more dogs, cats, or other domesticated animals over six (6) months are housed, bred, boarded, or sold. This term shall not include the routine keeping of animals within a veterinary office/clinic while undergoing recuperation or a permitted retail pet store.

LAND DEVELOPMENT - any of the following activities:

- 1) 1) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a. A group of two (2) or more residential or nonresidential buildings, whether proposed initially cumulatively, or a single nonresidential 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 or cumulatively, between or among two (2) 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.

LIVESTOCK – generally accepted outdoor farm animals (i.e. cows, goats, horses, pigs, barnyard fowl, etc.) not to include cats, dogs and other house pets.

LOADING AREA - an area of property on which activities are of such a nature as to require continuous receiving and/or shipping of goods, such area to be used exclusively for loading and not to interfere with other vehicular or pedestrian circulation on the property.

LOADING SPACE, OFF-STREET - A space, accessible from a street or way, in a building or on a lot, for the temporary use of vehicles while loading or unloading merchandise or materials.

LOADING STALL, OFF-STREET - A portion of a loading space or building not less than 10 feet in width by 30 feet in length by 14 feet in height for the temporary use of one vehicle while loading or unloading merchandise or materials.

LONG-TERM CARE NURSING FACILITY (OR NURSING HOME) - A facility licensed by the Commonwealth that provides either skilled or intermediate nursing care or both levels of care to two or more patients, who are unrelated to the licensee, for a period exceeding 24 hours.

LOT - a designated lot of record, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

- 1) CORNER LOT - a lot abutting on and at the intersection of two (2) or more streets.
- 2) FLAG LOT - a lot with access provided to the bulk of the lot by means of a narrow corridor.
- 3) INTERIOR LOT - A lot other than a corner lot or flag lot.
- 4) THROUGH LOT – a lot having its front and rear yards each abutting on a street as herein defined.

LOT AREA - The total area within the boundary lines of a single lot. No part of a lot which is also a part of a public street, road or alley is included in determining the area of the lot.

LOT COVERAGE - The building area divided by the lot area expressed as a percent.

LOT DEPTH – the distance along a straight line drawn from the mid-point of the front line to the mid-point of the rear lot line.

LOT LINE – any boundary of a lot.

- 1) FRONT LOT LINE - The street line at the front of a lot. In the case of a corner lot, the owner may designate either street line as the front lot line (OR can require two front lot lines OR can require zoning officer to determine front)

2) REAR LOT LINE - The line generally parallel to the front lot line, which defines the rear of the lot. A lot bounded by only three (3) lot lines will not have a rear lot line.

3) SIDE LOT LINE - Any lot line which is not a front lot line or a rear lot line.

LOT OF RECORD - A lot which has been duly recorded in the Office of the Recorder of Deeds of Fayette County either individually or as part of a subdivision.

LOT WIDTH - the horizontal distance between side lot lines measured along the front lot line. For parcels with only one side lot line, the lot width shall be the average width for the entire depth of the parcel.

MACHINE SHOP - A structure containing machinery for the manufacture, modification or repair of metal goods and equipment.

MAILED NOTICE – A notice given by a municipality by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

MANUFACTURED HOME - A factory-built, single-family structure manufactured or constructed under authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. For the purpose of this title, a manufactured home shall be considered the same as any site-built, single-family detached dwelling.

MANUFACTURING, HEAVY - a use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials and/or whereby the process involves the burning of fuels, dust, fumes, harmful emissions and odors.

MANUFACTURING, LIGHT - a use engaged in the manufacturing, 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.

MANURE STORAGE FACILITY – a detached structure or other improvement built to store manure for future use or disposal. Types of storage facilities are as follows: underground storage, in ground storage, earthen bank, stacking area and above ground storage.

MARQUEE - a permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the buildings wall and generally designed and constructed to provide protection against the weather.

MEDICAL OFFICE - An office operated by, or under the supervision of, doctors, dentists, orthodontists, psychiatrists, psychologist, dermatologists, optometrists, ophthalmologists, chiropractors, podiatrists, or similar medical practitioners, and their supporting staff, where patients receive routine diagnosis and treatment by appointment and are not provided with board or room or kept overnight on the premises.

MEDICAL MARIJUANA GROWING/PROCESSING - A facility used to grow and/or convert marijuana to usable marijuana and marijuana-infused products, owned by a person (including a natural person, corporation, partnership, association, trust or other entity or combination thereof) that holds a permit from the Pennsylvania Department of Health to grow and process marijuana. The term does not include a Health Care Medical Marijuana Organization under Chapter 19 of the Medical Marijuana Act.

MEDICAL MARIJUANA DISPENSARY – See CONTROLLED SUBSTANCE CLINIC.

MINE VENTILATING SHAFT - A mining adjunct operation consisting of a structure and appurtenant facilities to permit the introduction and removal of air and other gases from underground coal mines.

MINING ACTIVITY - All or any part of the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining, and surface work incidental to an underground mine.

MIXED USE BUILDING - The use of one building for two or more purposes.

MOBILE HOME - A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit, or in two (2) units designed to be joined into one (1) 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 PARK - A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

MOTEL – shall have the same meaning as “hotel.”

MUNICIPAL ENGINEER - a professional engineer, licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

MUNICIPAL USE – any use by the Township or a municipal authority created singly or jointly by the Township and other municipalities for the public health, safety and welfare and which shall specifically include administration, police, fire, recreation and public works uses.

MUNICIPALITIES PLANNING CODE (MPC) – the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, 53 P.S. § 10101 et seq.

MUNICIPALITY - the Township of Washington.

NATURE PRESERVE AND WILDLIFE SANCTUARY - An area maintained in a natural state for the preservation of both animal and plant life.

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

- 1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- 2) The business shall employ no employees other than family members residing in the dwelling.
- 3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- 4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- 5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- 6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- 7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

8) The business may not involve any illegal activity.

NON-COMMERCIAL KEEPING OF FARM ANIMALS – See KEEPING OF FARM ANIMALS, NON-COMMERICAL.

NONCONFORMING LOT - a lot, the area or dimension of which was allowed prior to the adoption or amendment of this Ordinance, which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

NONCONFORMING STRUCTURE - a structure, or part of a structure, manifestly not designed to comply with the applicable use or extent of use provisions in this Ordinance or amendment, heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - the use, whether of land or of structure, which does not comply with the applicable use provisions in this Ordinance or amendment, heretofore or hereafter enacted, where such use was lawfully in existence prior to the application of such ordinance or amendment, or its location by reason of annexation.

NON-PROFIT RECREATION - An enterprise owned and operated by a public or not-for-profit entity, available to the general public, whether or not an admission fee is charged, including either indoor or outdoor facilities for the pursuit of sports, recreation or leisure activities, including, but not limited to, parks, playgrounds, playing fields, golf courses, golf or batting practice facilities, ice rinks, tennis courts, swimming pools and similar facilities.

OBSTRUCTION - Any opaque, transparent or semitransparent object or structure which can cause a reduction of visibility.

OCCUPANCY PERMIT – a permit issued by the building code officials upon completion of construction or alteration of a building or upon approval of a change in occupancy or use of a building.

OFFICE - A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations of a business, profession, service, industry or government. Office includes any type of office that may not be defined as administrative, professional, clerical, business, corporate, government, medical, or warehouse.

OFFICIAL ZONING MAP - the Zoning Map of the Township of Washington.

OIL AND GAS COMPRESSOR STATION - A facility or location that contains a compressor, compressors and all related components to facilitate the movement of oil and/or natural gas and/or its by-products through a pipeline.

OIL AND GAS METERING STATIONS/ABOVEGROUND GATHERING FACILITY - A system used to measure all oil and/or natural gas entering or exiting the pipeline system to provide accurate and continuous gas measurements and/or regulate gas pressure and delivery volumes.

OIL AND GAS PIPELINES - All parts of those physical facilities through which oil and/or natural gas moves in transportation, including pipe, valves, and other appurtenances attached to pipes, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.

OIL AND GAS PROCESSING FACILITY - A facility that receives oil and/or natural gas and associated hydrocarbons from a truck, railway car, or pipeline system serving one or more wells, which processes, compresses, condenses, pressurizes, deals with dew point control or gas quality related issues or otherwise treats oil and/or natural gas making it suitable for, among other things, pipeline transmission, or which removes and separates or adds other materials, products, and impurities to or from the oil or gas, and which may or may not include compressor stations, cooling facilities, storage tanks and related equipment and facilities.

OIL AND GAS RELATED IMPOUNDMENT – A natural topographic depression, manmade excavation or diked area formed primarily of earthen materials, which is designed to hold fluids or semi-fluids associated with oil and gas activities, including freshwater, wastewater, flowback and mine influenced water. A tank, situated above the surface of the ground, is not to be considered as an impoundment for purposes of this Ordinance.

OIL AND GAS WELL - The removal of oil and natural gas resources for sale or other commercial purposes, including the structures and equipment necessary to accomplish the removal.

OPEN SPACE - common greens, parks, other recreation space or generally open areas available to the public; or yards or other open areas provided in connection with residential buildings occupied by more than two families per lot which are intended for the sole use of the occupants of such building and their guests. Land covered with impermeable surface, except for recreation courts, such as basketball, is not open space. Land devoted to such uses as agriculture, parks, playgrounds, playing fields and other outdoor recreational uses, as well as all land covered by woods, lakes, ponds, rivers or streams and open lands devoted to public or community uses.

PARENT TRACT – A tract of land located within the A-1 Agricultural District on the effective date of this Ordinance, and held in single and separate ownership.

PARKING AREA – a lot or part thereof used for the storage or parking of motor vehicles with or without the payment of rent or charges in money or other consideration.

PARKING SPACE - A stall or berth used for parking motor vehicles, which meets the required length and width of this ordinance, not including areas of a street or alley.

PAWN SHOP - An establishment engaged in retail sales of secondhand merchandise and that offers personal loans secured by consumer goods, jewelry and other personal property held by the Pawn Shop.

PERFORMANCE STANDARDS - minimum requirements designed to minimize the impact of potentially blighting conditions (i.e.. noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, glare, heat, etc.) upon adjacent properties in particular, and the environment in general.

PERMITTED USE - any activity which is expressly allowed to occur on a property because of the property's location in a particular zoning district.

PERSONAL SERVICES - Provision of recurrently needed services of a personal nature, including but not limited to, barber and beauty shops, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, photocopying and photo finishing services, and travel agencies.

PET STORE – a retail establishment which sells domesticated or tamed animals, birds and fish as household pets, and related supplies. Pet shop may also offer the grooming of pets but shall not include overnight boarding.

PLACE OF WORSHIP - synagogues, churches, mosques, temples and similar buildings used primarily for religious worship for more than ten (10) persons at a time on a regular basis and that are operated for nonprofit and noncommercial purposes. A Place of Worship may include up to two (2) dwelling units for religious staff-persons and their families. If a religious use includes other residential uses, they shall meet the requirements of such uses.

PLANNING COMMISSION - The Planning Commission of the Township of Washington.

PRINCIPAL STRUCTURE - the structure containing the principal use or uses, whether conforming to the requirements of this Ordinance or not and thus making all other structures and uses on the property accessory.

PRINCIPAL USE - a single primary or predominant use to which property may be devoted and to which all other uses on the property are accessory.

PRIVATE - any facility or establishment limited to members of an organization or other persona specifically invited or permitted where no advertisement or inducement has been made to the general public.

PRIVATE CLUB – a private club includes the following:

- 1) An establishment operated by an organization for fraternal, sororal, social, recreational or educational purposes, but open only to members and not the general public.
- 2) A nonprofit association of persons who are bona fide members paying periodic dues, and which association owns, hires or leases a building or lot or a portion of either or both, the use of which is restricted to either or both, and use of which is restricted to members and their guests.
- 3) A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and by-laws.

PROFESSIONAL SERVICES - Establishments engaged in rendering services to businesses and offices on a fee or contract basis including, but not limited to, advertising; mailing; data processing; office supplies; building maintenance; equipment servicing, rental, leasing and sales; employment service; and other similar business services.

PROPERTY LINE - A line forming the front, rear or sides of lots or parcels of property as described in the recorded title.

PUBLIC BUILDING - Any building held, used or controlled exclusively for public purposes by any department or branch of government, state, county or municipal, without reference to the ownership of the building or of the realty upon which it is situated. A building belonging to or used by the public for the transaction of public or quasi-public business.

PUBLIC HEARING - a formal meeting, held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment prior to taking action in accordance with this Ordinance.

PUBLIC MEETING - a forum held pursuant to notice under 65 Pa. C.S. CH. 7, known as the "Sunshine Act."

PUBLIC NOTICE - a notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC RIGHT-OF-WAY - any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private, as designated on documents of the Township of Washington or other records of a public nature (i.e. recorded plans and deeds).

PUBLIC UTILITY FACILITY - A building or structure for a closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare. Telephone, electric, natural gas, water, and sewer companies are public utilities; however, commercial wireless communications companies are not.

RELATED OR RELATIVE – persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, cousin, sister-in-law, brother-in-law, or parent-in-law. This term specifically shall not include relationships such as second, third, or more distant cousins.

RECREATIONAL VEHICLE — A vehicle which is: a) built on a single chassis; b) not more than 400 square feet, measured at the largest horizontal projections; c) designed to be self-propelled or permanently towable by a light-duty truck; d) not designed for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

RESEARCH AND DEVELOPMENT FACILITY - Any establishment, including laboratories, which carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include supporting storage and transportation facilities.

RECYCLING CENTER – A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a junkyard.

RESTAURANT - Any establishment, however designated, at which food is prepared and sold for consumption on or off the premises. However, a concession stand at a public or a community playground, playfield, park or swimming pool, operated by the same agency operating the recreational facilities, and solely for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

RETAIL SALES – those businesses whose primary activities involve the display and sales of goods and products to the general public. This term shall not include adult related uses as defined herein.

ROADSIDE PRODUCE STAND – a temporary structure intended to sell produce that was locally grown on a farm located within the Township. The term produce shall include fruits, vegetables, flowers, baked goods and similar items.

SCHOOL - A publicly or privately funded facility that provides a curriculum of elementary and secondary academic instruction including kindergarten, elementary school, junior-high school and high school.

SELF-STORAGE FACILITY - A structure containing separate storage spaces of varying sizes leased or rented on an individual basis for the purpose of dead storage (i.e. goods not in use and not associated with office, retail, or other business use on the premises).

SEWAGE TREATMENT PLANT - A facility designed for the collection, removal, treatment and disposal of waterborne sewage generated within a given service area.

SETBACK - a distance prescribed for each zoning district established by this Ordinance measured from any property line to a parallel line within the property, describing the limit of construction on the property and defining the required front, side and rear yards. The limit of construction shall be defined as including any projections of the structure, including sun parlors, foyers, bay windows, porches, decks, projecting eaves, dormers, gutters, steps and any other solid projections and solid entrances.

SHOOTING RANGE – a privately owned club or organization that involves the shooting of projectile objects into a target and that occurs primarily outdoors. Shooting ranges shall be operated in compliance with all applicable local, State and Federal regulations. For the purposes of this Ordinance, a shooting range shall not include an indoor firing range that is operated as a commercial recreational facility and no regulations of a shooting range shall be interpreted to prohibit any resident from participating in lawful hunting activities under strict compliance with applicable State laws.

SHOPPING CENTER - five or more retail stores that are separated primarily by vertical walls and are in a complex designed as an integrated unit served by common parking and service facilities, and which has architectural and landscape unity. Such use may also include allowed offices, restaurants and personal service uses.

SIGN - a structure that is arranged, intended, designed or used as an advertisement, announcement or direction, or a sign posted, painted or placed in some fashion on a building, structure or any surface for such a purpose. The area of the sign shall include the support material from the bottom of the sign to and beyond the top of the sign.

- 1) A-FRAME SIGN - A two-faced sign with supports that are connected at the top and separated at the base, forming a "A" shape not more than four (4) feet high. These are also referred to as "sandwich board" signs. They are included in the term "portable sign."

- 2) ANIMATED SIGN - any sign that uses movement or change of lighting to depict action or create a special effect or scene.
- 3) AWNING SIGN - Sign appearing on a temporary hood or cover that projects from the wall of a building, and which can be retracted, folded or collapsed against the face of the supporting building.
- 4) BANNER SIGN - a temporary sign of flexible material affixed to a framework or flat surface.
- 5) BLADE SIGN - a lightweight, portable sign mounted along one (1) edge on a single, vertical flexible pole the physical structure of which may resemble a sail, bow or teardrop.
- 6) BILLBOARD - a structure, building wall or other outdoor surface used to display lettered, pictorial, sculptured other matter which directs attention to any product, announcement, commodity or service offered only elsewhere than on the premises.
- 7) BUILDING SIGN - any sign attached to any part of a building, as contrasted to a freestanding sign.
- 8) CANOPY SIGN - any sign that is a part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.
- 9) CHANGEABLE COPY SIGN - a sign or portion thereof with characters letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a 'time and temperature portion of a sign and not a changeable copy sign for purposes of this Ordinance.
- 10) ELECTRONIC MESSAGE SIGN - a sign with message copy or other display that is produced and periodically changed electronically or electrically that is attached to another sign, or to the support structure thereof.
- 11) FLAG - a piece of cloth or similar material, typically oblong or square, attachable by one (1) edge to a vertical pole or rope and used as a symbol or decoration; this includes pennants.
- 12) FREESTANDING SIGN - any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
- 13) ILLUMINATED SIGN - signs which are illuminated by electrical, mechanical or other means, as well as those using luminous paint or reflectorized glass to reflect light.

- 14) INCIDENTAL SIGN - a sign, generally informational, that has a purpose secondary to the use of the land use district lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the land use district lot on which the sign is located shall be considered incidental.
- 15) INTEGRAL ROOF SIGN - any sign erected or constructed as an essential part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.
- 16) MARQUEE SIGN - any sign attached to, in any manner, or made a part of a marquee.
- 17) MINOR SIGN - a wall or freestanding sign not exceeding four (4) square foot in area, not exceeding four (4) feet in height, and not illuminated.
- 18) MONUMENT SIGN - A freestanding sign with a maximum height of six (6) feet supported entirely by a base structure and not mounted on a pole or attached to any part of a building. Base to be constructed of materials used in the main structure. A monument sign shall be considered one sign though it may have two (2) faces.
- 19) NEON SIGN - a sign containing exposed tubes filled with light-emitting gas.
- 20) POLE SIGN - a sign that is mounted on one (1) or more freestanding poles.
- 21) PORTABLE SIGN - any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported including, but not limited to, signs designed to be transported by means of wheels; sign# converted to A- or T-frames; menu and sandwich board signs; ball- used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- 22) PROJECTING SIGN - any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.
- 23) RESIDENTIAL SIGN - any sign located in a district designated for residential use that contains no commercial message except advertising for good. or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of this Ordinance.
- 24) ROOF SIGN - any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically have the highest portion of the roof.

- 25) SUSPENDED SIGN - a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
- 26) TEMPORARY SIGN - any sign that is used only temporarily and is not permanently mounted.
- 27) VEHICLE OR TRAILER SIGN - any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service or activity. Any such vehicle or trailer shall, without limitation be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker or municipal registration, if the vehicle is inoperable, if evidence of paid to date local taxes cannot be made available or if the sign alters the standard design of such vehicle or trailer.
- 28) WALL SIGN - any sign attached parallel to, but within six (6) inches of, a wall or painted on the wall surface of, or erected and continued within the limits of an outside wall of any building or structures, which is supported by such wall or building, and which displays only one (1) sign surface.
- 29) WINDOW SIGN - any sign, picture, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window panes of glass and is visible from the exterior of the window.

SOLAR ENERGY SYSTEM - An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy or heating requirements of the on-site user, or which is to be sold to a utility company to be used by others, or sold directly to other users. A solar energy system may be ground-mounted (i.e., placed on top of the ground surface) or roof-mounted (i.e., placed on or as an integral part of a building).

- A. Small - Solar energy systems installed for personal use in residences, commercial properties and institutions.
- B. Large - Solar energy systems installed on large parcels of land for the purpose of generating revenue or utility-scale systems installed to benefit the community or an entire institution.

SOLID WASTE FACILITY - Land or structures where solid waste is processed, incinerated or disposed of. This shall only include the following facilities, each of which shall be required to have all permits required by the state in place prior to initiation of the use: sanitary landfill, solid waste transfer facility or solid-waste-to-energy facility.

- 1) SANITARY LANDFILL OR SOLID WASTE LANDFILL - A type of solid waste disposal area involving the depositing of solid waste on land, compacting the waste, covering the waste with soil and then compacting the soil, and which has a permit to operate as a sanitary landfill from the state.
- 2) SOLID-WASTE-TO-ENERGY FACILITY - A type of solid waste disposal facility that utilizes waste (such as trash, sludge or any other nonhazardous commercial, residential or industrial materials) as a fuel to produce usable energy (such as steam or electricity) in bulk to be marketed for reuse to offset disposal costs.
- 3) SOLID WASTE TRANSFER FACILITY - A type of solid waste disposal facility which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal, and which may or may not involve the separation of recyclables from solid waste.

SPECIAL EXCEPTION – permission or approval granted to an applicant pursuant to this Ordinance to use land in a zoning district for a purpose so authorized in the district. Uses permitted by special exception are specifically stated herein and shall be permitted only under the terms, procedures and conditions prescribed in this Ordinance. Special exceptions are granted or denied by the Zoning Hearing Board in accordance with the procedures set forth in this Ordinance and in the Municipalities Planning Code. The burden of proof in all requests for special exceptions shall be upon the applicant to establish compliance with all requirements of this Ordinance pertaining to the grant of a special exception and all provisions applicable thereto.

STREET - includes street, avenue, boulevard, road, highway, and freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

- 1) ARTERIAL STREET - A public street which serves large volumes of high speed and long distance traffic. For purposes of this Ordinance, an arterial street shall include those classified as either a principal arterial or minor arterial by the U.S. Department of Transportation Federal Highway Administration (FHWA) and as shown on the most recent Federal Functional Class Washington County map.
- 2) COLLECTOR STREET - A public street which, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial roads. A collector street shall include those classified as either an urban collector, rural major collector, or rural minor collector by the U.S. Department of Transportation Federal Highway Administration (FHWA) and as shown on the most recent Federal Functional Class Washington County map.

STREET CENTER LINE – the center of the surveyed street right-of-way or, where not surveyed, the center of the traveled cartway.

STREET RIGHT-OF-WAY LINE – the line dividing a lot from the dedicated or legal right-of-way. The street right-of-way line shall not be measured from the edge of the improved cartway.

STRIP MINING - A type of open mining in which overburden is removed from the mineral to be mined. The mineral is then dug out directly by shovels, loaders, scrapers or by other means.

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

STATE – the Commonwealth of Pennsylvania and its agencies.

SUBSTANCE ABUSE TREATMENT FACILITY - Structures and land used for the treatment of alcohol or other drug abuse where neither meals nor lodging is provided. (Inpatient treatment may classify as DWELLING, TRANSITIONAL.)

SUBSTANTIAL DAMAGE – damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage or repetitive loss regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

SUBSTATION, GAS OR ELECTRIC - an assemblage of equipment for purposes other than generation or utilization, through which electric or gas energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public, provided that an electric or gas substation permitted in a residential district shall not include rotating equipment, storage of materials, trucks or repair facilities or housing of repair crews.

SUPPLY YARD - an establishment which may or may not include administrative offices for a business that provides landscaping, construction, remodeling, home improvement, land

development and related services on a contractual basis, but which involves the outdoor storage of all or part of the materials, equipment or vehicles used in the business.

TEMPORARY USE – the temporary use of land (with or without temporary buildings or structures) for a purpose which is related to construction, sales or special events.

TEMPORARY HOUSING FOR FARM EMPLOYEES - a structure(s) or tent(s), temporary or permanent, located on farms that is used for housing temporary or seasonal farm labor.

TOWNSHIP – The Township of Washington, Fayette County, PA.

TRAILER - a vehicle designed to be pulled by another vehicle for on-street use, and that is part of a tractor-trailer combination or that is used to transport excavating equipment, boats or similar items.

TRUCK TERMINAL - Any premises used by a motor freight company as a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading and unloading goods

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

- 1) ACCESSORY USE -- A subordinate use customarily incidental to and located upon the same lot occupied by the principal use.
- 2) PRINCIPAL USE -- The primary or dominant use.

VARIANCE – the permission granted for an adjustment pursuant to the provisions and criteria of this Ordinance and the Municipalities Planning Code to some regulation which if strictly adhered to would result in unnecessary hardship, and where the permission granted would not be contrary to the public interest and would maintain the spirit and intent of this Ordinance. Variances are granted or denied by the Zoning Hearing Board following a public hearing held in accordance with this Ordinance and the Municipalities Planning Code.

VEHICLE SALES OR RENTAL FACILITY - Any building or land area devoted to the retail sales or rental of vehicles (including automobiles, pick-up trucks and passenger vans), including accessory service and repair facilities, provided that they are subordinate to the principal use and conducted within a completely enclosed building.

VEHICLE REPAIR OR SERVICE FACILITY - Any building or land area devoted to the repair, servicing, restoration, reconstruction and maintenance of vehicles, including the retail sale of motor oil, batteries and other similar vehicular accessories.

VETERINARY OFFICE (OR CLINIC OR HOSPITAL) – See ANIMAL CLINIC.

WAREHOUSE / DISTRIBUTION CENTER - A building used primarily for the storage and distribution of goods, merchandise, supplies, and equipment including wholesalers which display, sell, and distribute merchandise to business representatives for resale.

WHOLESALE BUSINESS – An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

WIND TURBINE - A device used to convert the energy in natural winds to usable electrical energy.

YARD - any open space located on the same lot with a principal building situated between the nearest roofed portion of the principal buildings and a lot line.

- 1) FRONT YARD - a yard extending across the full width of the lot abutting the front lot line.
- 2) REAR YARD - a yard extending across the full width of the lot, abutting the rear lot line.
- 3) SIDE YARD - a yard extending from the front yard to the rear yard, abutting the side lot line.

YARD WIDTH – the minimum perpendicular distance between the lot line and the nearest roofed portion of the principal building.

ZONING HEARING BOARD - the Zoning Hearing Board of the Township of Washington.

ZONING OFFICER - the duly constituted municipal official designated to administer and enforce the Zoning Ordinance of the Township of Washington.

ZONING PERMIT – a permit stating that a structure and/or the proposed use of a building and/or land is in conformity with all applicable zoning regulations, to the best knowledge of the staff. The Township may utilize a separate Zoning Permit or may have the applicable portions of a Permit serve the purposes of a Zoning Permit.

ARTICLE 3 – DISTRICT REGULATIONS

§ 301. Zoning Districts.

§ 301.1. The Township is divided into the districts set forth by this Ordinance and as shown by the district boundaries on the Official Zoning District Map. The Zoning Districts are:

R-1 Rural Agricultural District

R-2 Residential District

B-1 Mixed Use Business District

I-1 Light Industrial District

§ 302. Zoning District Map.

§ 302.1. The Official Zoning District Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Township Secretary and certified by the Township Engineer, and shall bear the seal of the Township under the following words: “This is to certify that this is the Official Zoning District Map referred to in Article III of Ordinance Number _____, as amended, of Washington Township, Fayette County, Pennsylvania,” together with the date of adoption of this Ordinance.

§ 302.2. All amendments affecting district boundaries shall be noted on the Official Zoning District Map by the Township Engineer, including the date of adoption, and shall be attested to by the Township Secretary.

§ 302.3. No changes of any nature shall be made in the Official Zoning District Map or matter shown thereof except in conformity with the procedure set forth in this Ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this Ordinance and punishable as provided under Section XV of this Ordinance.

§ 302.4. The Official Zoning District Map, which shall be located in the Township Municipal Building, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Township.

§ 303. District Boundaries.

§ 303.1. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning District Map, the following rules shall apply:

A. District boundaries indicated as appearing to follow the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

- B. District boundaries indicated as appearing to follow platted lot lines shall be construed as following such lot lines;
- C. District boundaries indicated as appearing to follow municipal boundaries shall be construed as following municipal boundaries;
- D. District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. District boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow centerlines, and in the event of change in the location of streams, rivers and other bodies of water, shall be construed as moving with the actual body of water and following the centerline;
- F. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.

§ 303.2. Where a zoning district boundary splits a lot, resulting in differing and nonuniform requirements for the lot, the following provisions shall apply:

- A. Where the lot is large enough to be subdivided into two or more lots, each within a single zoning district, no zoning approval shall be given for any authorized use which would utilize any portion of the lot other than that portion of the lot in which the principal use is located. Further development will require subdivision.
- B. Where a lot cannot be subdivided in compliance with this chapter and the Subdivision and Land Development Ordinance, the authorized use permitted on the lot is limited to those authorized uses permitted in the zoning district in which the largest part of the lot is located, and the smaller part of the lot located in another zoning district will be subject to the provisions of this chapter where the largest portion of the lot is located.
- C. If this section creates an undue hardship, the Zoning Hearing Board has jurisdiction to grant such relief as the Board deems necessary.

§ 304. [Establishment of Controls.](#)

§ 304.1. [Minimum and Uniform Regulations.](#) The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

§ 304.2. [New Uses and Structures.](#) In all districts, after the effective date of this Ordinance, any new building or other structure on any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.

§ 304.3. Existing Uses and Structures. In all districts, after the effective date of this Ordinance, any existing building or other structure, or any tract of land which is not in conformity with the regulations for the district in which it is located, shall be deemed as nonconforming and subject to the regulations of Article XIII of this Ordinance.

§ 304.4. Type of Control. The following minimum and uniform regulations shall apply in the respective districts:

- A. Use regulation, including uses permitted by right, by special exception and conditional use. Unless otherwise provided by State or Federal law or specifically stated in this Ordinance, any land or structure shall only be used or occupied for a use specifically listed in this Ordinance as being allowed in the zoning district where the land or structure is located. Such use shall only be permitted if the use complies with all other requirements of this Ordinance.
- B. Dimensional requirements, including minimum and maximum lot requirements and maximum building requirements.
- C. Off-street parking and loading requirements.
- D. Requirements for planned residential developments.
- E. Sign regulations.
- F. Special regulations dealing with landscaping, storage, access and traffic control, lighting and slope areas.

§ 304.5. Prohibited Uses.

- A. Any use, occupation, trade or process which may be dangerous, noxious or injurious to the health or safety of residents of adjoining properties or to municipality residents in general shall be prohibited.
- B. In the R-1, R-2 and B-1 Districts, any use not specifically listed as an Authorized Use in the Zoning District shall not be permitted in that Zoning District.

§ 304.6. Uses Not Specifically Regulated. In the I-1 District, any use not specifically listed in the Authorized Uses for the Zoning District shall not be permitted in that Zoning District, unless such use is authorized by the Zoning Hearing Board as a use by special exception in accordance with the following requirements:

- A. The proposed use would be no more intensive with respect to external impacts and nuisances than uses that are permitted in the District,

- B. The proposed use would be closely similar in impacts and character to uses permitted in that District,
- C. The use would meet the standards that would apply under Article XIV for a Special Exception Use, and
- D. The use is not specifically prohibited in that District.

ARTICLE 4 – R-1 RURAL AGRICULTURAL DISTRICT

§ 401. Purpose.

§ 401.1. This District designates land that is generally remote from existing municipal facilities or situated in a drainage basin where municipal utilities would be excessive in cost and difficulty to maintain. This District also intends to protect and stabilize the viable agricultural economy by protecting it against incompatible development and uses while permitting limited uses consistent and compatible with the area’s traditional rural landscape. Residential and compatible uses are permitted only on large lots capable of handling water and sewage disposal needs.

§ 402. Use Regulations.

§ 402.1. Uses Permitted by Right.

- A. Agriculture.
- B. Forestry.
- C. Game/Hunting Preserve.
- D. Single-Family Detached Dwelling.
- E. Group Care Facility.
- F. Emergency Services.
- G. Essential Services.
- H. Non-Profit Recreation.
- I. Place of Worship.
- J. Public Utility Facility.
- K. Bed and Breakfast Establishment.
- L. Campground.
- M. Horse Boarding Facilities.
- N. Accessory uses, customarily incidental to the above permitted uses including, but not limited to, the following:
 - 1. No-Impact Home-Based Business.

2. Communications Antenna.
3. Group Child Care Home.
4. Family Day Care Home.
5. Solar Energy System (small).

§ 402.2. Special Exceptions.

- A. Greenhouse (commercial).
- B. Assisted living facility.
- C. Adult or child day care center.
- D. Clinic.
- E. Cemetery.
- F. Public building.
- G. Private club/fraternal organization.
- H. Animal clinic.
- I. Communications antenna.
- J. Funeral home.
- K. Kennel.
- L. Mine ventilating shaft.
- M. Oil and gas related impoundments.
- N. School.
- O. Accessory uses, customarily incidental to the above special exceptions including, but not limited to, the following:
 1. Agritourism.
 2. Home occupation.

§ 402.3. Conditional Uses.

- A. Medical marijuana growing/processing.
- B. Manufactured/mobile home parks.

- C. Hospital.
- D. Commercial recreation.
- E. Communications tower.
- F. Restaurant.
- G. Shooting range.
- H. Solar energy system (large).
- I. Wind turbine.
- J. Mining activity.
- K. Oil and gas wells.
- L. Oil and gas compressor station.
- M. Oil and gas processing facility.
- N. Accessory uses, customarily incidental to the above special exceptions including, but not limited to, the following:
 - 1. Wind turbine (accessory).

§ 403. [District Regulations.](#)

- § 403.1. All uses must conform to the lot, yard setbacks and maximum height regulations stipulated herein, as well as other appropriate requirements of this Article; provided, that more than one permitted use shall be allowed on a lot without increasing the minimum lot size.
- § 403.2. All non-agricultural uses should be located so as to minimize the conversion of Class I and II soils to non-farm uses and to minimize the impact on adjacent farm operations. All development applications shall provide soil information at sufficient detail to accurately determine the impact to prime agricultural soils in the area.

§ 403.3. Lot area requirements.

A. Minimum lot area.

1. Single-family detached dwelling – one (1) acre.
2. Agricultural use – five (5) acres.
 - a. Provided, however, that any agricultural use that has been lawfully established as of the effective date of this Ordinance on a smaller lot shall be authorized to continue as a use permitted by right and may expand the use by right, provided such expansion will meet all other requirements of this Ordinance.
 - b. Lots containing an agricultural use may utilize any remaining subdivision rights left with the parent tract as of the effective date of this Ordinance, even if such subdivision will reduce the area of the parent tract below five acres.
3. All other uses – two (2) acres.

B. Minimum lot width.

1. Properties with on-lot sewer and water systems – 90 feet.
2. Properties with off-lot sewer and/or off-lot water – 75 feet.

C. Front yard. The minimum front yard setback shall be 35 feet.

D. Side yard. The minimum side yard setback shall be 10 feet.

§ 403.4. Maximum Building Height.

- A. The maximum height for all buildings shall be 45 feet, with exception for agricultural buildings.

§ 403.5. Maximum lot coverage.

- A. Maximum building coverage – 20%.
- B. Maximum impervious coverage – 30%.

ARTICLE 5 – R-2 RESIDENTIAL DISTRICT

§ 501. Purpose.

§ 501.1. The primary purpose of this District is to permit a range of housing types and compatible complementary uses in a medium-density village setting, maximizing the efficient use of land through residential clustering influenced by topographic and environmental conditions.

§ 502. Use Regulations.

§ 502.1. Uses Permitted by Right.

- A. Forestry.
- B. Single-family detached dwelling.
- C. Single-family attached dwelling.
- D. Two-family dwellings.
- E. Boarding/rooming house.
- F. Group care facility.
- G. Clinic.
- H. Emergency services.
- I. Essential services.
- J. Non-profit recreation.
- K. Place of worship.
- L. Public building.
- M. Public utility facility.
- N. Private club/fraternal organization.
- O. School.
- P. Bed and breakfast establishment.
- Q. Commercial recreation.
- R. Accessory uses, customarily incidental to the above permitted uses including, but not limited to, the following:

1. No Impact Home-Based Business.
2. Group child day care home.
3. Family day care home.
4. Solar energy system (small).

§ 502.2. Special Exceptions.

- A. Agriculture.
- B. Greenhouse, commercial.
- C. Assisted living facility.
- D. Cemetery.
- E. Animal clinic.
- F. Bar/tavern.
- G. Brewpub/distillery (commercial).
- H. Campground.
- I. Funeral home.
- J. Office.
- K. Personal and professional services.
- L. Retail sales: Small scale ($\leq 5,000$ sq ft).
- M. Accessory uses customarily incidental to the above special exceptions including, but not limited to, the following:
 1. Home occupation.
 2. Communications antenna.

§ 502.3. Conditional Uses.

- A. Sewage treatment plant.
- B. Animal daycare.
- C. Retail sales: Large-scale ($> 5,000$ sq ft)
- D. Oil and gas wells.

E. Accessory uses customarily incidental to the above conditional uses.

§ 503. Dimensional Requirements.

§ 503.1. In the R-2 Residential District, all uses shall be subject to the following regulations, except as they may be modified by the additional requirements for specific uses contained in Article 8.

	Single-Family Detached	Two-Family	Single-Family Attached	Multi-Family	All Other Uses
Min. Lot Area (off-lot water and sewer)	7,200 sq ft	5,000 sq ft	2,000 sq ft/du	8,000 sq ft/ bldg.; min. of 2,000 sq ft/du	7,200 sq ft
Min. Lot Area (off-lot water or sewer)	7,200 sq ft	The minimum lot size for two-family and multi-family dwellings with on-lot systems shall be 1.5 acres plus five thousand (5,000) sq ft for every dwelling unit in excess of two.			7,200 sq ft
Min. Lot Area (on-lot water and sewer)	20,000 sq ft	The minimum lot size for two-family and multi-family dwellings with on-lot systems shall be 1.5 acres plus five thousand (5,000) sq ft for every dwelling unit in excess of two.			20,000 sq ft
Min. Lot Width	For all uses: 60 ft (off-lot water and sewer), 75 ft (off-lot water or sewer), 90 ft (on-lot water and sewer),				
Min. Front Yard	30 ft	30 ft	30 ft	30 ft	30 ft
Min. Side Yard	6 ft	6 ft	6 ft	6 ft	6 ft
Max. Impervious Surface Coverage	50%	55%	60%	65%	65%
Max. Bldg Height	45 ft	45 ft	45 ft	45 ft	45 ft*
Max. Bldg Length	N/A	N/A	N/A	80 ft	N/A
Max. DU per Bldg	1	2	4	10	N/A

DU = Dwelling Unit; Bldg = Building; sq ft = square feet; ac = acre; min = minimum; max = maximum

**Height maximum excludes agricultural buildings.*

ARTICLE VI – B-1 MIXED-USE BUSINESS DISTRICT

§ 601. Purpose.

§ 601.1. The primary purpose of this District is to provide a mixture of compatible uses in an area suitable for such development in order to:

- A. Provide a range of housing types within the community.
- B. Cultivate a vibrant, active central corridor that consolidates a variety of uses in a pedestrian-friendly environment.
- C. Promote retail and service facilities that meet current and future community needs.

§ 602. Use Regulations.

§ 602.1. Uses Permitted by Right.

- A. Forestry.
- B. Greenhouse, commercial.
- C. Single-family detached dwelling.
- D. Single-family attached dwelling.
- E. Two-family dwellings.
- F. Multi-family dwelling.
- G. Boarding/rooming house.
- H. Assisted living facility.
- I. Group care facility.
- J. Adult or child day care center.
- K. Clinic.
- L. Emergency services.
- M. Essential services.
- N. Non-profit recreation.
- O. Place of worship.
- P. Public building.

- Q. Public utility facility.
- R. Private club/fraternal organization.
- S. School.
- T. Animal clinic.
- U. Animal daycare.
- V. Bar/tavern.
- W. Bed and breakfast establishment.
- X. Brewpub/distillery (commercial).
- Y. Commercial recreation.
- Z. Funeral home.
- AA. Office.
- BB. Personal and professional services.
- CC. Restaurant.
- DD. Retail sales: Small-scale ($\leq 5,000$ sq ft)
- EE. Accessory uses, customarily incidental to the above permitted uses including, but not limited to, the following:
 - 1. Home Occupations.
 - 2. No Impact Home-Based Business.
 - 3. Group child care home.
 - 4. Family day care home.
 - 5. Solar energy system (small).

§ 602.2. Special Exceptions.

- A. Agriculture.
- B. Multi-family conversion dwelling.
- C. Campground.
- D. Hotel/motel.

- E. Manufacturing, light.
- F. Research and development facility.
- G. Accessory uses customarily incidental to the above special exceptions including, but not limited to, the following:
 - 1. Communications antenna.

§ 602.3. Conditional Uses.

- A. Transitional dwelling.
- B. Sewage treatment plant.
- C. Car wash.
- D. Retail sales: Large-scale (< 5,000 sq ft).
- E. Vehicle repair or service facility.
- F. Accessory uses customarily incidental to the above conditional uses including, but not limited to, the following:
 - 1. Drive-through.

§ 603. [Dimensional Requirements.](#)

§ 603.1. In the B-1 Mixed-Use Business District, all uses shall be subject to the following regulations, except as they may be modified by the additional requirements for specific uses contained in Article 8.

Table 6.1: Residential Uses

	Single-Family Detached	Multi-Family
Min. Lot Area	5,000 sq ft	8,000 sq ft/ bldg.; min. of 2,400 sq ft/du
Min. Lot Width	50 ft	50 ft
Min. Front Yard	20 ft	20 ft
Min. Side Yard	10 ft	10 ft
Max. Impervious Surface Coverage	50%	65%
Max. Bldg Height	45 ft	45 ft
Max. Bldg Length	N/A	80 ft
Max. DU per Bldg	1	16

DU = Dwelling Unit; Bldg = Building; sq ft = square feet; ac = acre; min = minimum; max = maximum

Table 6.2: Nonresidential Uses

All Other Uses	
Min. Lot Area	5,000 sq ft
Min. Lot Width	50 ft
Min. Front Yard	20 ft
Min. Side Yard	10 ft
Max. Impervious Surface Coverage	65%
Max. Bldg Height	45 ft

DU = Dwelling Unit; Bldg = Building; sq ft = square feet; ac = acre; min = minimum; max = maximum

ARTICLE 7 – I-1 LIGHT INDUSTRIAL DISTRICT

§ 701. Purpose.

§ 701.1. The primary purpose of this District is to designate areas best suited for industrial development due to location, topography, existing or planned facilities and relationships to other land uses.

§ 702. Use Regulations.

§ 702.1. Uses Permitted by Right.

- A. Agriculture.
- B. Forestry.
- C. Emergency services.
- D. Essential services.
- E. Non-profit recreation.
- F. Place of worship.
- G. Public building.
- H. Public utility facility.
- I. Animal clinic.
- J. Animal daycare.
- K. Car wash.
- L. Funeral home.
- M. Hotel/motel.
- N. Kennel.
- O. Manufactured home sales lot.
- P. Office.
- Q. Restaurant.
- R. Retail sales: Large-scale (> 5,000 sq ft).
- S. Retail sales: Small-scale (≤ 5,000 sq ft).

- T. Vehicle repair or service facility.
- U. Vehicle sales or rental facility.
- V. Brewery (industrial).
- W. Industrial park.
- X. Manufacturing, light.
- Y. Manufacturing, heavy.
- Z. Mine ventilating shaft.
- AA. Research and development facility.
- BB. Self-storage facility.
- CC. Solar energy system (large).
- DD. Supply yard.
- EE. Truck terminal.
- FF. Warehouse/distribution center.
- GG. Wholesale business.
- HH. Oil and gas related impoundments.
- II. Accessory uses, customarily incidental to the above permitted uses, and including but not limited to:
 - 1. No-Impact Home-Based Business.
 - 2. Agritourism.
 - 3. Communications antenna.
 - 4. Solar energy system (small).

§ 702.2. Special Exceptions.

- A. Medical marijuana growing/processing.
- B. Hospital.
- C. Campground.
- D. Gas station.

- E. Accessory uses customarily incidental to the above special exceptions, including but not limited to:
 - 1. Group child care home.
 - 2. Family day care home.
 - 3. Drive-through.

§ 702.3. Conditional Uses.

- A. Controlled substance clinic.
- B. Sewage treatment plant.
- C. Adult-oriented establishment.
- D. Crematorium.
- E. Junkyard.
- F. Solid waste facility.
- G. Recycling center.
- H. Wind turbine.
- I. Mining activity.
- J. Oil and gas wells.
- K. Oil and gas compressor station.
- L. Oil and gas processing facility.
- M. Accessory uses customarily incidental to the above conditional uses, including but not limited to:
 - 1. Wind turbine (accessory).

§ 703. Dimensional Requirements.

- § 703.1. In the I-1, Industrial District, all uses shall be subject to the following regulations, except as they may be modified by the additional requirements for specific uses contained in Article 8.

	Commercial and Public/Institutional Uses	All Other Uses
Min. Lot Area	20,000 sq ft	40,000 sq ft
Min. Lot Width	100 ft	100 ft
Min. Front Yard	40 ft	40 ft
Min. Side Yard	25 ft	25 ft
Max. Impervious Surface Coverage	75%	75%
Max. Bldg Height	None	None

DU = Dwelling Unit; Bldg = Building; sq ft = square feet; ac = acre; min = minimum; max = maximum

ARTICLE 8 – SPECIFIC USE REGULATIONS

§ 801. Applicability.

- § 801.1. This article establishes specific requirements for specific uses, in addition to the general requirements of this chapter and the requirements of each district.
- § 801.2. For uses allowed within a specific zoning district as a conditional use or special exception, see also the procedures for approval of a conditional use or special exception, contained in Article 14.

§ 802. Adult-Oriented Establishment.

- § 802.1. LOT SIZE – All adult-oriented establishments shall be a stand-alone use situated on a lot having a minimum area of one (1) acre.
- § 802.2. LOCATION - The distance between any adult-oriented establishment and a land use specified below, shall be measured in a straight line, without regard to intervening structures from the closest point on the exterior parcel line of the adult-oriented establishment to the closest point on the exterior parcel line of said specified land use.
- A. All adult-oriented establishments shall not be permitted to be located within one thousand (1,000) feet of any other adult-oriented establishment.
 - B. No permit will be issued for any adult-oriented establishment which intends to be located within eight hundred (800) feet of any place of worship; public or private elementary or secondary school; public library; child day care or nursery school; public park or playground; or other such child-oriented business.
 - C. No permit will be issued for any adult-oriented establishment which intends to be located within five hundred (500) feet of residential district or commercial recreation use.
- § 802.3. DISPLAYS – No materials or merchandise of any kind offered for sale, rent, lease, or loan or for view upon the premises of an adult-oriented establishment shall be exhibited or displayed outside of a building or structure.
- § 802.4. HOURS – An adult-oriented establishment may be open for business only Monday through Saturday from 10:00 AM to 12:00 AM prevailing time. No adult-oriented establishment shall be open at any time on Sunday or on a legal holiday as set forth in the Act of May 31, 1893, P.L. 188 § 1, as amended, 44 P.S. §11.
- § 802.5. EXPANSION – It shall be a violation of the Zoning Ordinance if a person causes or permits the operation, establishment, or maintenance of more than one adult-oriented establishment in

the same building, structure, or portion thereof, or the increase of floor areas of any adult-oriented establishment in any building, structure, or portion thereof containing another adult-oriented establishment.

§ 803. [Agritourism Enterprises.](#)

§ 803.1. Agritourism enterprises shall be permitted by special exception as accessory uses provided that the following requirements are met:

- A. APPEARANCE – All existing and new buildings shall maintain a residential or agricultural appearance, as viewed from a public street. Agritourism enterprises must be incidental to and directly supportive of the agricultural use of the property and will not have significant impacts on the agricultural viability or rural character of neighboring properties.
- A. DISPLAY – There shall be no outside display, sales, or storage permitted, unless this activity is fully screened with a combination of opaque wood fencing, and dense landscaping. This activity shall be prohibited within 100 feet along all public rights-of-way. This shall not be interpreted to prohibit that outside sales or display of products during a permitted special event, fair or festival.
- B. EMPLOYEES – An agritourism enterprise shall be conducted by a resident or owner of the property and/or his/her immediate relatives. Up to four unrelated full-time employees may be employed by the owner or immediate relatives. Additional part time employees or volunteers may be permitted for special events, fairs or festivals.
- C. EVENTS – Special events, fairs and festivals shall comply with the following regulations:
 - 1. Prior to holding a special event, applicant shall be required to obtain a special event permit under the regulations of Resolution No. 09-2011, or any subsequent amendments.
 - 2. Tents or other temporary structures shall comply with all setback regulations for structures in § 403.
 - 3. All waste, trash and rubbish, tents and temporary structures, and any other displays or exhibits that resulted from the special event shall be removed from the property within 24 hours after the special event has ended.
 - 4. Overflow parking areas may be on grass surface areas of the lot. The grass surface area which is to be used for overflow parking shall be kept in suitable grass cover and shall not be allowed to degrade to an erodible condition. In the event any portion of the overflow parking area is disturbed, the areas shall be reseeded or

planted with sod to ensure the area remains grass surface. Such planting shall occur within one week after the special event has ended. Overflow parking areas shall be enclosed by a temporary barrier fence to prevent the flow of traffic across property lines, all such fences shall be removed within one week of a special event ending. Overflow parking areas shall be set back at least 25 feet from side and rear property lines.

5. In no case, shall parking be permitted on an adjoining lot, or in a location that would require visitors to have to cross a public road.
 6. All driveway locations must be permitted under applicable state or local regulations.
- D. HOURS – The applicant shall identify the anticipated hours of operation for the agritourism enterprise. In no case shall the agritourism enterprise generate noxious odors, noise or glare beyond amounts that are typically generated by agricultural operations. Agritourism enterprises shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9:00 p.m. and 7:00 a.m.
- E. LOT SIZE – Shall be a minimum lot area of 10 acres.
- F. PARKING – The parking area shall be designed in accordance with Article 11 of this Ordinance.
- G. PERMITS – Applicant shall provide evidence that all other applicable state and federal permits for operation of an agritourism enterprise have been obtained.
- H. PERMITTED USES – The following activities, and activities that the applicant proves are closely similar, shall be permitted as an agritourism enterprise:
1. Farmers Markets, providing all vendors and sales are located in an enclosed building;
 2. U-pick operations;
 3. Dairy, ice cream and bakery retail facilities;
 4. Farm wineries, winery tours and tasting rooms;
 5. Local farm products retail operations (including crafts, food products, garden and nursery products, and clothing products made from the wool of animals raised on the farm use, etc.);
 6. Corn mazes (with educational/interpretation components);
 7. Farm-related interpretive facilities and exhibits;

8. Agriculturally related educational and learning experiences;
 9. Agriculturally related special events, fairs and festivals;
 10. On-site farm, garden, greenhouse and nursery tours;
 11. Walking and bicycle tours and trails;
 12. Farm stays;
 13. Horseback/pony rides, petting zoos and other animal exhibits;
- I. PROHIBITED USES: The following activities shall be prohibited:
1. Restaurants, taverns, brewpubs and/or breweries;
 2. Flea markets;
 3. Any other use that is not agriculturally related, or is not related to the natural resources that are present on the property, or is deemed not to be incidental to the agricultural operation on the property, or is otherwise deemed to be too intense for the R-1 District whereby the intent of the district will not be preserved.
- J. PRODUCTS – At least 50% of the products for display and sale shall be grown, prepared, or produced on the subject property. All food and/or beverages sold for consumption on site shall comply with federal, state and local regulations. Food and/or beverages should be limited to only those value-added products that are produced from or grown on the farm, unless they are secondary and incidental to the primary agricultural use on the property. In all cases the use of locally grown or produced food and/or beverages is encouraged.
- K. UTILITIES – Applicant must provide evidence that sufficient sanitary sewer facilities will be provided in accordance with all applicable DEP regulations.

§ 804. [Bed and Breakfast Establishment.](#)

§ 804.1. Bed and breakfast establishments shall be subject to the following requirements:

- A. LENGTH OF STAY – Overnight guests shall not be permitted to rent rooms for a period exceeding thirty (30) consecutive days.
- B. LOCATION
 1. All bedrooms within a bed and breakfast establishment shall be located within a single-family detached dwelling unless the applicant demonstrates that the applicant meets the following requirements:

- a. An applicant may locate one or more bed and breakfast bedrooms as an adaptive reuse of an existing accessory building that has value as an example of historic architecture within Fayette County including but not limited to a carriage house, barn, summer kitchen, or springhouse.
 - b. The applicant shall furnish expert evidence that the accessory building is of historical value and that any proposed modifications to the external appearance of the accessory building will not alter its historical character unless such modifications are expressly required by state or other local regulations and that such alterations cannot be accomplished in a manner that is consistent with the historic character of the accessory building.
- C. MEALS – Meals may be offered only to registered overnight guests.
 - D. OWNER OCCUPANCY – The owner shall reside upon the premises. Proof of residency shall be provided.
 - E. PARKING – In addition to the parking requirements for the single-family dwelling, one additional parking space shall be required for each guest room. Parking lots shall not be located between the front of the building and the street right-of-way. Parking areas shall be screened from adjoining properties in a residential zone and shall be compliant with the screen requirements in Article 11 of this Ordinance.
 - F. ROOMS – A maximum of five (5) rooms shall be rented to overnight guests on a daily basis.
 - G. UTILITIES – The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.

§ 805. [Boarding/Rooming Houses.](#)

§ 805.1. Boarding/rooming houses shall be subject to the following requirements:

- A. APPEARANCE – A building's exterior shall not be altered in a manner that reduces its residential appearance. This requirement shall not prohibit any alterations that may be required under the Uniform Construction Code relative to fire escape or other public safety requirements identified by any applicable state regulations.
- B. GUESTS – At no time shall more than six (6) individuals be permitted to be sheltered at the boardinghouse at one time.
- C. LENGTH OF STAY – Rooms shall be rented on a weekly or monthly basis.
- D. MEALS – Meals shall be offered only to registered tenants.

- E. PARKING – In addition to the parking requirements for the single-family dwelling, one additional parking space shall be required for each room boarded. Parking lots shall not be located between the front of the building and the street right-of-way. Parking areas shall be screened from adjoining properties in a residential zone and shall be compliant with the screen requirements in Article 11 of this Ordinance.
- F. STRUCTURES – Boardinghouses shall be contained within a single-family detached dwelling which shall be owner occupied.
- G. UTILITIES – The applicant shall furnish evidence that approved systems for sewage disposal and water supply are to be provided.

§ 806. [Communications Towers.](#)

§ 806.1. Communication antennas, tower and equipment shall be subject to the following requirements:

- A. APPROVAL – The application shall submit notice of approval for the proposed installation from the FAA and the FCC.
- B. CO-LOCATION – Unless co-located upon another existing structure, the applicant shall demonstrate that the proposed location is necessary for the efficient operation of the system.
- C. EQUIPMENT SHELTERS – The maximum size of an equipment shelter should be five hundred (500) square feet.
- D. FENCING – All towers and guide wire anchors shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
- E. LICENSES – The applicant must be licensed by the Federal Communication Commission (FCC).
- F. LIGHTING – No tower shall be artificially lighted except when required by the Federal Aviation Administration (FAA).
- G. LOCATION – No new site shall be located within five hundred (500) feet of:
 - 1. The nearest property line of any, adjoining property used for an existing residential use.
 - 2. The nearest property line of any approved lot which has been subdivided during the last five (5) years for residential purposes, which has not yet been constructed.

- 3. The nearest property line of any lot proposed for residential purposes which have been submitted for preliminary or final subdivision plan approval.
 - H. PARKING – If an antenna site is fully automated, two (2) off-street parking spaces shall be required. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift, but in any event, may not be less than two (2) off-street parking spaces.
 - I. REMOVAL – The applicant shall submit a plan for the removal of the communication tower and the communication antenna when they become functionally obsolete or are no longer in use. The applicant shall be responsible for the removal of the facility within three (3) months from the date the applicant ceases use of the facility or the facility becomes obsolete.
 - J. SETBACKS – For any new site adjacent to any other properties, all structures shall be set back from each property line a distance equal to its height, but in no case shall any structure be permitted to be located within any required minimum setback.
 - K. SOILS – If the site is in the R-1 zoning district, the applicant shall demonstrate that the proposed location is located on the least productive soils (Class IV-VIII).
 - L. SUPPORT – In order to reduce the number of antenna support structures needed in the Township in the future, any proposed support structure shall be designed to accommodate the maximum load of carriers and equipment.
 - M. TESTIMONY – The applicant shall submit expert testimony that the communication tower or antenna is the minimum height required to function satisfactorily.
 - N. UTILITIES – Any utilities extended to the tower site shall be placed underground.
- § 806.2. DIMENSIONAL REQUIREMENTS: The proposed use shall comply with all applicable dimensional regulations of the zoning district in which it is located.
- § 806.3. EXPRESS STANDARDS: The proposed use shall comply with any applicable express standards and criteria specified in this article for the most nearly comparable use by special exception or condition use listed in the zoning district in which the comparable use is proposed.
- § 806.4. PURPOSE: The proposed use shall be consistent with the purpose statement for the zoning district in which it is proposed and shall be consistent with the community development objectives of this chapter.

§ 807. [Controlled Substance Clinic.](#)

- § 807.1. All controlled substance clinics shall meet the following criteria:

- A. Any facility dispensing medical marijuana must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the DOH. Such a facility may only dispense medical marijuana in an indoor, enclosed, permanent and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- B. Any proposed methadone or suboxone treatment facility shall include with its submission of a zoning permit application a development narrative that accurately describes the nature of medical services to be provided and the names of the medical practitioners providing said services. A licensed physician shall be on duty at this type of facility during its hours of operation.
- C. A controlled substance clinic that dispenses medical marijuana may not operate on the same site as a facility used for growing and processing medical marijuana.
- D. Controlled substance clinics shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of controlled substance and unauthorized entrance into areas where they are stored.
- E. A controlled substance clinic that dispenses medical marijuana shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of product, and shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area.
- F. A controlled substance clinic that dispenses medical marijuana shall:
 - 1. Not have a drive-through service;
 - 2. Not have outdoor seating areas;
 - 3. Not have outdoor vending machines;
 - 4. Prohibit the administering of, or the consumption of medical marijuana on the premises; and
 - 5. Not offer direct or home delivery service.
- G. A controlled substance clinic may dispense controlled substances only to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
- H. A controlled substance clinic that dispenses medical marijuana shall not be located within 1,000 feet of the property line of a public, private or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be

conducted, to the closest property line of the protected use, regardless of municipality in which it is located.

- I. A controlled substance clinic that dispenses medical marijuana shall shall be a minimum distance of 1,000 feet from the next nearest controlled substance clinic. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of municipality in which it is located. This separation distance does not apply to the distance between the grower/processor and the specific dispensary they serve, or with which they partner.
- J. Any controlled substance clinic lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or a day care facility.
- K. A buffer planting is required where a controlled substance clinic adjoins a residential use or district.

§ 808. [Day Care Centers, Child.](#)

§ 808.1. Day care centers shall be subject to the following requirements:

- A. ACCESSORY USES: Day-care centers shall not be conducted on residential premises. A day care center, if sited on the premises of an institutional facility or place of worship shall be considered accessory to the principal use of the property concerned.
- B. ACTIVITIES: Activities shall be limited to functions normally associated with part-time tending of children and shall not include overnight or drop-in care.
- C. DROP-OFF AREAS: A minimum of one safe drop-off space shall be provided for each 20 children that the facility is licensed to accommodate.
 - 1. Whenever possible, the drop-off area shall be located immediately adjacent to the facility. The drop-off area should be designed in such a way that pedestrians do not cross vehicular traffic lanes in any parking area or driveway. The drop-off area may be designed either as a part of the on-site parking area or the required drop-off spaces may be designed as a part of driveway providing direct access to the day care facility. When the drop-off area is incorporated into the on-site parking area, the parking spaces nearest to the facility shall be designated as drop-off spaces. When the drop-off area is incorporated into a driveway, the drop-off spaces shall be located within a vehicle turnout area 12 feet in width exclusive of the driveway through traffic lane(s).

- D. LANDSCAPING: A landscape strip, as defined in Article 10 of this Chapter, shall be required when adjacent to residential uses.
- E. LICENSE: Day care centers must hold an approved and currently valid certificate of compliance from the Department of Public Welfare (DPW).
- F. LIGHTING: All pedestrian pathways shall be adequately lit for safety and security if utilized during non-daylight hours. Specific areas for lighting are entrance ways, pedestrian access to the outdoor play areas, sidewalks used in non-daylight hours, drop-off areas, merchandise delivery areas, and all parking lots.
- G. OUTDOOR AREAS: The outdoor play space shall be completely enclosed by a safe and adequate fence or wall a minimum of four (4) feet in height, unless a greater height is required by the Board of Supervisors. Any outdoor play area potentially susceptible to encountering vehicles leaving the roadway, travel lanes, or access ways shall be protected by a barrier capable of preventing the vehicle from entering the play area. No portion of the outside play areas shall be less than twenty-five (25) feet from a neighboring property line without the owner's written consent. Outdoor play shall be limited to the hours between dawn and dusk, prevailing local time.
- H. PARKING: A minimum of one on-site parking space shall be provided for each 300 square feet of floor area dedicated to child care.
- I. SETBACKS: No portion of a day care center shall be located within a 300 foot distance from any potentially hazardous land use or activity which could pose a threat to the safety and welfare of the children, staff and other occupants at the facility. Hazardous land uses or activities include, but shall not be limited to gasoline service stations, heavy industrial operations, storage of flammable or high pressure underground pipelines, truck or rail loading yards, etc.
- J. UTILITIES: For properties utilizing an on-lot sewage disposal system, the applicant shall demonstrate that the system is properly sized to accommodate sewage flows from the registered or licensed capacity of the child day care facility.

§ 809. [Day Care Homes, Family.](#)

§ 809.1. Family day care homes shall be permitted as accessory uses in occupied, detached single-family residences only and be subject to the following requirements:

- A. ACTIVITIES: Activities shall be limited to functions normally associated with the part-time tending of children and shall not include overnight lodging.

- B. APPEARANCE: Any addition or improvement to an existing residential structure or property for purposes of child day care shall preserve its residential character.
- C. DROP-OFF AREAS: One on-site drop-off space for clients shall be provided. An existing driveway or common parking lot space may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely accommodate a parked vehicle. If a driveway is used for the drop-off area and the proposed use fronts an arterial or major collector street, an on-site turn around area shall be provided so that vehicles can exit the site driving forward. In cases where the existing driveway cannot function as a drop-off area, an on-site drop-off space shall be provided. The drop-off area shall conform to the Township dimensional standards for residential parking spaces.
- D. LICENSES: Family day care homes must hold an approved and currently valid certificate of registration from the Department of Public Welfare (DPW).
- E. SETBACKS: No portion of a family day care home shall be located within a 300 foot distance from any potentially hazardous land use or activity which could pose a threat to the safety and welfare of the children, staff and other occupants at the facility. Hazardous land uses or activities include, but shall not be limited to gasoline service stations, heavy industrial operations, storage of flammable or high-pressure underground pipelines, truck or rail loading yards, etc.

§ 810. [Day Care Homes, Group.](#)

- § 810.1. Group day care homes shall be permitted as accessory uses in occupied, detached single-family residences only and be subject to the following requirements:
- A. ACTIVITIES: Activities shall be limited to functions normally associated with the part-time tending of children and shall not include overnight lodging.
 - B. APPEARANCE: Any addition or improvement to an existing residential structure or property for purposes of child day care shall preserve its residential character.
 - C. DROP-OFF AREAS: An on-site drop-off area shall be provided with sufficient area to allow for the temporary parking of two vehicles. An existing driveway or common parking lot space may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely accommodate two parked vehicles. If a driveway is used for the drop-off area and the proposed use fronts an arterial or major collector street, an on-site turn around area shall be provided so that vehicles can exit the site driving forward. In cases where the existing

driveway cannot function as a drop-off area, two new on-site drop-off space shall be provided. The drop-off area shall conform to the Township dimensional standards for residential parking spaces.

- D. LICENSES: Group day care homes must hold an approved and currently valid certificate of compliance from the Department of Public Welfare DPW.
- E. PARKING: There shall be one additional on-site parking space provided for a non-resident employee above that required for the residential use. The parking space shall conform to the Township dimensional standards for residential parking spaces.
- F. SETBACKS: No portion of a group day care home shall be located within a 300 foot distance from any potentially hazardous land use or activity which could pose a threat to the safety and welfare of the children, staff and other occupants at the facility. Hazardous land uses or activities include, but shall not be limited to gasoline service stations, heavy industrial operations, storage of flammable or high pressure underground pipelines, truck or rail loading yards, etc.

§ 811. [Drive-Through Facilities.](#)

- § 811.1. Drive-through facilities shall be permitted as an accessory use, subject to conditional use approval.
 - A. LOCATION: Drive-through windows shall be designed to be on the rear or side facing wall of a building.
 - B. NOISE: Any outdoor microphone and speaker system shall be so designed that sound shall not be transmitted to adjoining properties.
 - C. STACKING LANES: A vehicle stacking lane area shall be provided as follows:
 - 1. Vehicle stacking lanes shall have stacking room for at least six vehicles for restaurant uses and at least three vehicles for retail and financial institutions.
 - 2. Vehicle stacking lanes shall be separated from other vehicle circulation lanes and parking areas and the stacking area shall not be counted towards the required parking.
 - 3. Vehicle stacking lanes shall be set back at least 15 feet from the ultimate street right-of-way and shall not be located within a required yard setback.

§ 812. [Dwellings, Multi-Family – Conversion Apartments.](#)

- § 812.1. The conversion of a principal single-family detached dwelling into a multifamily dwelling shall be subject to the following requirements:

- A. APPEARANCE: Only interior modifications shall be made to the existing principal building. The exterior appearance shall be maintained to look like a single-family dwelling.
- B. DWELLING UNITS: No more than three (3) dwelling units shall be permitted within one structure; each dwelling unit shall be a minimum of 700 square feet.
- C. LOT AREA: The minimum lot area shall be 20,000 square feet.
- D. PARKING: Parking shall not be permitted on any grass or other unpaved surface area on the property at any time.
- E. PERMITS: No zoning permit shall be issued for the conversion until the Zoning Officer has received proof of any approvals required by any governmental agency having jurisdiction over the conversion of the building into more than one dwelling unit or in the maintenance of a multiple-family building.
- F. UTILITIES: The converted dwelling shall utilize public water and public sewer. Applicant shall submit evidence that all requirements of each Authority has been satisfied.

§ 813. [Dwellings, Multi-Family and Single-Family – Attached.](#)

- § 813.1. All multi-family dwellings and single-family attached dwellings, also known as townhouses, shall be subject to the following requirements:
- A. ACCESS: Development consisting of more than four (4) apartment or townhouse buildings shall be accessible via a minimum of two different streets.
 - B. LAYOUT: No more than five (5) consecutive apartment or townhouse buildings, blocks, or groupings shall be permitted along a street without the use of a midblock separator, which shall consist of a park, tot-lot, landscaped common parking compound, or landscaped open space, etc.
 - C. UTILITIES: Apartment and townhouse buildings shall be served by public water and public sewer facilities.

§ 814. [Schools.](#)

- § 814.1. Schools and related uses shall be subject to the following requirements:
- A. ACCESS – Any access drive that will serve for passenger dropoff and pickup shall have direct access to a collector or arterial roadway, as defined by this Ordinance.
 - B. DROP-OFF AREAS – Passenger dropoff and pick up areas shall be designed so as to prevent traffic congestion on public roads at points of ingress and egress to the school. A common

parking area or other means of pull-off shall be provided and be acceptable to the Township for the purpose of passenger dropoff or pick up.

- C. INGRESS/EGRESS – All means of ingress and/or egress shall be located and designed to accommodate traffic in a safe and efficient manner. Applicant shall provide turning exhibits or other documents to demonstrate that all vehicles intended to use the site can safely access the proposed ingress/egress points for the school.
- D. OUTDOOR PLAY AREAS – Any outdoor play and recreation areas shall be set back at least 25 feet from any adjoining land within a residential district or lot that is available for residential use. The play and recreation areas shall be appropriately fenced or otherwise screened to prevent errant objects from leaving the site onto adjoining properties or roadways. Chain link fences shall not be permitted unless they are fully screened from view by evergreen plantings of equal or greater height than the fence.
- E. PARKING – All parking lots shall be set back in accordance with the regulations of the zoning district in which the school is located, except that parking and loading areas shall be set back at least 25 feet from any land within a residential district, or lot that is available for residential use.
- F. SETBACKS – Building setbacks shall be in accordance with the zoning district in which the public or private school is proposed, except that all buildings shall be set back at least 50 feet from any adjoining land within a residential zone or lot that is available for residential use. Front yard setbacks shall comply with the zoning district in which the use is located.

§ 815. [Farm-Related Businesses.](#)

- § 815.1. Farm-related businesses shall be permitted as accessory uses provided that the following requirements are met:
 - A. ACCESSORY BUILDINGS – A farm related business shall be conducted either in a farm dwelling or in an accessory building (including a roadside stand).
 - B. BUILDING CONVERSION – Any building constructed for the use of the farm occupation shall be of the nature that it can be converted to agricultural use or removed from the property if the farm occupation is discontinued.
 - C. COMPATIBLE USES – For the purposes of this Ordinance, farm occupations may involve any one of a wide range of uses, so long as the use is not incompatible with the primary agricultural use of the land. The applicant must demonstrate that the farm occupation is compatible with the rural setting and will not create nuisances for nearby residences. Sample activities may include:

1. Farm equipment repair.
 2. Occasional repair of one motor vehicle per day that is not owned or leased by a resident of the property or his or her relative, but not including a junkyard, auto body shop or spray painting.
 3. Light welding and custom machining of parts.
 4. Sale, storage, or mixing of seeds and fertilizers.
 5. Small engine repair.
 6. Woodworking or wood finishing.
 7. Custom blacksmithing or sharpening services.
 8. Veterinary offices which primarily treat farm animals and similar livestock care services.
 9. Butcher shops.
- D. MAXIMUM LOT COVERAGE – The maximum lot coverage of a farm related business shall be two (2) acres, including all structures, buildings, parking and outdoor storage, but shall not exceed a total of five thousand (5,000) square feet of building space.
- E. MINIMUM SETBACK – Farm-related businesses shall not be located within one hundred (100) feet of any property used principally for residential purposes, any farm dwelling in separate ownership, or from any roadway.
- F. MOBILE HOMES – No mobile home may be utilized as part of the farm related business.
- G. OCCUPANCY – At least one owner or employee of the farm business shall reside on the premises.
- H. OUTSIDE EMPLOYEES – No more than five (5) persons in addition to occupants of the parcel, shall be employed in the farm business.
- I. OUTDOOR STORAGE – Outdoor storage of supplies, materials and products shall be screened from adjoining roads and properties. The display of farm equipment for sale shall be excluded from this provision.
1. No outside storage areas shall be located closer than ten (10) feet to any rear property line and no closer than twenty (20) to any side property line.

2. All such storage shall be screened from roads and residences (except from dwellings located on the parcel). Such screening shall be composed of a year round vegetative visual barrier, which shall attain a height of six (6) feet within two (2) years of planting.
- J. PARKING – Off-street parking and loading shall be provided in accordance with the provisions of Article 9.
 - K. VEHICLE ACCESS – If any portions of the farm related business are not paved, the farm related business must provide a paved apron and a gravel scraping area adequate to prevent tracking of mud and manure onto any public roadway.
 - L. VEHICLE STACKING – The length of access drive shall be of a sufficient length to accommodate the stacking of delivery and customer vehicles.

§ 816. [Game Preserve.](#)

§ 816.1. Game and hunting preserves shall be subject to the following requirements:

A. ACTIVITIES AND OPERATIONS

1. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties.
2. May not substantially damage the health, safety or welfare of the Township or its residents and property owners.
3. Must comply with all applicable state and local laws, rules and regulations regarding the discharge of a firearm.
4. Outdoor commercial hunting operations shall not undertake activities between the hours of sunset and sunrise. The Board of Supervisors may limit hours of operation for other intensive uses as a reasonable additional condition of approval.
5. The consumption of alcohol on the premises is strictly prohibited.
6. All hunters shall wear Blazed Orange.
7. Provisions for sanitary sewage disposal, water supply and other utilities shall be considered as part of the application.

- B. LOT SIZE – A game preserve or regulated hunting grounds may be permitted as either a principal use or an accessory use. A minimum of fifty (50) acres of contiguous land area shall be required to exclusively support the game preserve or regulated hunting grounds.

- C. PARKING – Off-street parking facilities shall be provided in accordance with Article 11 of this Ordinance. All proposed off-street parking areas and access drives shall be maintained as mud-free conditions.
- D. SETBACKS – No activities associated with the game preserve or hunting grounds shall be permitted within 2,000 feet from any R-2 or B-1 zoning district or within three hundred (300) feet of any property lines or street right-of-way lines.

§ 817. [Gas Stations.](#)

§ 817.1. Vehicular fueling stations shall be subject to the following requirements:

- A. ACCESS – The site must front upon and gain access from a collector or arterial road as defined by this Ordinance.
- B. ACCESSORY USES – Vehicle service facilities shall be permitted as an accessory use, subject to the requirements of Section 1232 of this Ordinance.
- C. ACTIVITIES – All activities except those to be performed at the fuel pump shall be performed in a completely enclosed building.
- D. LOT AREA – The minimum lot area shall be 1/2 acre.
- E. LOT WIDTH – A minimum lot width of 100 feet at the minimum building setback line shall be provided.
- F. PERMITS – All applicable permits shall be obtained for the underground storage of fuel.
- G. SETBACKS – Fuel pumps and canopies shall be located at least 20 feet from the street right-of-way line.
- H. UTILITIES – Vehicular fueling stations shall be connected to public water and sewer.

§ 818. [Group Care Facilities and Transitional Dwellings:](#)

§ 818.1. Group care facilities, personal care homes, and transitional dwellings shall be subject to the following requirements:

- A. ACCESS – Adequate provisions shall be made for access for emergency medical and fire-fighting vehicles.
- B. LICENSES – Where applicable, licensing or certification by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy, and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

- C. OPEN SPACE – Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs, and the area shall be secured by a fence with self-latching gate.
- D. RESIDENTS – The maximum number of residents housed in a personal care home or transitional dwelling shall be 10.
- E. SETBACKS – No group care facility, personal care boarding home or transitional dwelling shall be located within 250 feet of another existing or proposed group care facility, personal care boarding home or transitional dwelling.
- F. SUPERVISION – 24 hour supervision shall be provided by staff qualified by the sponsoring agency.

§ 819. [Heavy Manufacturing Facilities.](#)

§ 819.1. All heavy manufacturing facilities shall comply with the following requirements:

- A. ACTIVITIES – All activities shall take place indoors.
- B. SAFETY – The facility shall be so designed and so constructed that there shall be no danger to the health, safety or welfare of Township residents or persons on adjoining properties.
- C. VENTILATION – All ventilation systems shall be so designed that any smoke, fumes or odors shall not be directed towards abutting properties.

§ 820. [Home Occupations.](#)

- A. Home occupations shall comply with the following requirements:
 - 1. DELIVERIES – The use shall not require delivery by tractor-trailer trucks.
 - 2. EMPLOYEES – The use shall be conducted primarily by a permanent resident of the dwelling, and involve a maximum of two persons working on site who do not reside within the dwelling.
 - 3. EQUIPMENT – No equipment shall be permitted that produces noise, noxious odor, vibration, glare or electrical or electronic interference perceptible on another property. Only types of machinery typically found in a dwelling for domestic or hobby purposes shall be permitted. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property.

4. HOURS – A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9:00 p.m. and 7:30 a.m.
5. INTENSITY – The Zoning Hearing Board shall deny a general home occupation application if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic and the types of operations involved.
6. MAXIMUM FLOOR AREA – The use shall occupy an area that is not greater than 25% of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
7. MAXIMUM OCCUPATIONS – A maximum of one home occupation that involves persons routinely visiting the site for business purposes shall be permitted in one dwelling unit.
8. OUTDOOR STORAGE – The use shall be conducted indoors. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
9. PARKING – Parking shall be provided in accordance with Article 11 of this Ordinance.
10. PERMITS – A use and occupancy permit shall be required for any home occupation.
11. PROHIBITED USES – The following uses shall not be permitted as home occupations:
 - a. The main office of a medical doctor, chiropractor or dentist
 - b. Manufacturing, other than of custom crafts and sewing.
 - c. On-site retail sales of products, except as clearly accessory to an approved barbershop or similar on-site service. The use may include sales using telephone, mail order or electronic methods.

§ 821. [Horse Boarding Facilities.](#)

- § 821.1. Horse boarding facilities; including riding schools, academies and/or private riding clubs shall be subject to the following requirements:
- A. LOT SIZE – The minimum lot area shall be 10 acres.
 - B. NUMBER OF HORSES – No more than five horses per acre of land shall be permitted to be boarded on the property.

- C. OUTDOOR AREAS – All outdoor running areas, training, or pasture areas shall be enclosed with a minimum six-foot-tall fence to prevent the escape of any animals. The fencing details should be submitted with the special exception application. The fence shall not be permitted to be a chain-link-type fence, unless evergreen plantings equal in height to the fence or proposed to fully screen the fence from view from neighboring properties. Such areas shall be at least 25 feet from neighboring properties.
- D. SETBACKS – Any barn, stable, or corrals shall be located a minimum of 100 feet from any lot line and 200 feet from any dwelling, other than the dwelling of the owner of the animals.
- E. VETERINARY FACILITIES – Veterinary facilities limited to the care of horses on site may be permitted as long as the facilities maintain the appearance of an agricultural building.
- F. WASTE – The applicant must provide a written plan or other evidence of the methods to be used to ensure that all animal wastes shall be regularly cleaned up and properly disposed of to prevent odors and unsanitary conditions.

§ 822. [Industrial Parks.](#)

§ 822.1. Industrial parks shall be subject to the following requirements:

- A. ACCESS – All uses within the industrial park shall take access from an interior roadway. Access for the industrial park shall be from an arterial or collector street.
- B. DIMENSIONAL REQUIREMENTS – The dimensional requirements shall be as follows:
 - 1. Minimum site area: 10 acres.
 - 2. Minimum setbacks from property lines of the site: 75 feet.
 - 3. Minimum lot width at the street line for the site: 150 feet.
 - 4. Minimum building spacing: 100 feet.
 - 5. Minimum building setback from internal streets: 50 feet.
- C. LOT SIZE – The minimum lot area shall be 5 acres.
- D. OUTDOOR STORAGE – Accessory outside storage or display of materials, goods or refuse is not permitted within the industrial park.
- E. PARKING – All parking and loading facilities shall be located to the rear or side of buildings.

- F. PERMITTED USES – Individual uses may be located in detached and attached structures and shall include only those uses that are authorized within the district the industrial park is proposed.

§ 823. Junkyards.

- § 823.1. Junkyards, also known as salvage yards or dismantled car storage, shall be subject to the performance standards contained in Article 9 of this Ordinance and shall also be subject to the following requirements:
 - A. BURNING – Burning or incineration shall be prohibited.
 - B. COMBUSTIBLE MATERIALS – The storage of any combustible materials, such as gasoline, oil or related items, shall be placed in fireproof containers and stored within fireproof sheds.
 - C. DISPOSAL OF FLUIDS – Whenever any motor vehicle shall be received on such premises as junk, all gasoline, oil, antifreeze, transmission fluid, Freon and/or other toxic fluid or hazardous material shall be drained and/or removed from said vehicles and disposed of in a manner consistent with the applicable rules and regulations of the Pennsylvania Department of Environmental Protection (DEP).
 - D. FIRE LANES – Fire lanes of a minimum width of twenty (20) feet shall be provided for every forty (40) linear feet of junk, which shall be kept open and unobstructed for proper access for firefighting equipment and safety purposes.
 - E. FIREPROOF CONSTRUCTION – Every structure erected upon the premises and used in connection therewith shall be of fireproof construction.
 - F. GAS TANKS – Gasoline tanks shall be removed from all motor vehicles prior to recycling said vehicles.
 - G. HOURS – Such premise may be open for business or any work in connection with the storage, processing and transportation or removal of junk only on Monday through Saturday from 7:00AM to 7:00PM, local time.
 - H. LOT SIZE – The minimum lot area shall be 2 acres.
 - I. MAINTENANCE – Such premises shall at all times be maintained so as not to constitute a nuisance or menace to the health of the community or residents nearby or a place for the breeding of rodents and vermin.
 - J. SCREENING – All junkyards shall be completely screened from view on all sides by a bufferyard of a solid fence or stone wall with cork fitting, ten (10) feet in height with two

staggered rows of evergreen trees planted in front of the fence with the spacing distance between trees not less than eight (8) feet or greater than ten (10) feet. Said trees shall be not less than eight (8) feet in height at the time of planting. The required fence shall be not closer than ten (10) feet to any property line. The bufferyard shall not be occupied by any building, parking, outdoor storage or any use other than open space and approved vegetative plantings.

- K. SETBACKS – Junk shall not be stored within one hundred (100) feet of any adjoining property line or nearer than one hundred (100) feet to any adjoining or abutting street.
- L. STAGNANT WATER – The manner of storage and arrangement of junk and the drainage on the site shall be such as to prevent the accumulation of stagnant water upon the premises. A stormwater drainage plan shall be required.
- M. STOCKPILING – There shall be no stockpiling of motor vehicles or any junk piled higher than eight (8) feet.
- N. WASTE – No garbage, organic waste, rubbish, toxic materials and hazardous materials shall be stored for more than five (5) consecutive business days on such premises.

§ 824. [Kennels.](#)

§ 824.1. Kennels shall be subject to the following requirements:

- A. COMPLIANCE – The applicant shall present evidence that the proposed facility will comply with all applicable laws and regulations concerning the housing of animals, including but not limited to the Dog Law, 3 P.S. § 459-101 et seq. and the regulations of the Pennsylvania Department of Agriculture.
- B. LOT SIZE – The minimum lot area shall be 3 acres.
- C. NOISE – The exterior walls of the structure that house the animals shall sufficiently be soundproofed to prevent excess noise from leaving the structure. Specifications of the soundproofing materials shall be submitted at the time of application for a special exception.
- D. OUTDOOR AREAS – All outdoor running and play areas shall be enclosed with a minimum six-foot-tall fence to prevent the escape of any animals. The fencing details should be submitted with the special exception application. The fence shall not be permitted to be a chain-link-type fence, unless evergreen plantings equal in height to the fence are proposed to fully screen the fence from view from neighboring properties. All outdoor running and play areas shall be set back at least 50 feet from neighboring properties.

- E. SETBACKS – No animal shall be permitted to be permanently kept outside of an enclosed structure. The enclosed structures that house the animals shall be a minimum of 50 feet from neighboring properties.
- F. WASTE – The applicant must provide a written plan or other evidence of the methods to be used to ensure that all animal wastes shall be regularly cleaned up and properly disposed of to prevent odors and unsanitary conditions.

§ 825. [Manure Storage Facilities.](#)

- § 825.1. Manure storage facilities shall be an accessory use to a farm, subject to the following requirements:
- A. APPROVAL REQUIRED – The applicant shall provide written approval from the County Conservation District that the waste storage facility has been designed in accordance to the applicable rules and regulations and that any associated permit has been secured.
 - B. COMPLIANCE – Manure storage facilities shall be designed in compliance with the guidelines outlined in the document prepared by the DEP, entitled Manure Management for Environmental Protection, Bureau of Water Quality Management, and or its revisions, supplements, and replacements thereof.
 - C. DESIGN – The applicant shall provide written certification from a Pennsylvania registered engineer that the manure storage system design shall prevent the discharge of manure or contaminate water under all weather conditions up to the twenty-five-year, twenty-four-hour storm, and shall be in accordance with PA-313/PA-634.

§ 826. [Medical Marijuana Growing/Processing Facility.](#)

- § 826.1. Establishment of a medical marijuana growing/processing facility is subject to the following regulations:
- A. A medical marijuana grower/processor may grow medical marijuana only in an indoor, enclosed and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
 - B. The maximum floor area of a medical marijuana processing facility shall be limited to 20,000 square feet, of which sufficient space must be set aside for secure storage of marijuana seeds, related finished product, and marijuana related materials used in production or for required laboratory testing.

- C. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.
- D. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH Policy and shall not be placed within any unsecure exterior refuse containers.
- E. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.
- F. Grower/processors may not locate within 1,000 feet of the property line of a public, private, or parochial school or day care facility.
- G. A buffer planting is required where a medical marijuana grower/processor adjoins a residential use or district.

§ 827. [Mining Activity.](#)

- § 827.1. The following conditions are intended to provide for the reasonable development of minerals while providing reasonable protection to the Township and to the neighborhood in which the operation will occur. Where however, the requirements of this Article conflict with any state or for federal law or regulation, such state or federal law shall take precedence.
- A. LANDSCAPING – Mining and quarrying sites shall be located and buffered in such a manner as to minimize the noise-related impacts associated with the operation.
 - 1. The buffer requirement consists of a landscaped soil berm, including:
 - a. The required berm shall have a total height of not less than six feet.
 - b. Where there is a difference in elevation on opposite sides of the berm, the height shall be measured from the highest elevation.
 - c. To accommodate landscaping, the berm shall be constructed of earthen materials, shall be a minimum of 25 feet in width and shall be stabilized with topsoil and grass and/or other suitable vegetative groundcover.
 - d. The top of the berm shall be landscaped to provide additional noise attenuation. The landscaping shall consist of the following:
 - i. A minimum of one row of coniferous trees shall be planted. The required trees shall be spaced no less than 10 feet and no more than 15 feet apart on center. The trees shall be a minimum of six feet in height at the time of planting. Due to

varying tree spread patterns and hardiness in the local environment, the required trees shall be a variety of spruce or fir to ensure that the noise attenuation effects are maximized.

- ii. One row of evergreen shrubs shall be planted and shall be spaced at an interval of not more than five feet, though not evenly spaced across as screen width. The shrubs shall be at least three feet tall at the time of planting.
- e. The berm requirements may be modified or waived by the Township for that portion of the site which has natural geologic conditions, features and resources which would serve the same objectives as the soil berm and which, in the opinion of the Township Engineer, should not be disturbed by the berm construction.
- f. In combination with the above berming requirements, the following setback distance requirements shall apply:
 - i. Mining or quarrying activities shall not occur within 100 feet of a public road right-of-way.
 - ii. Mining or quarrying activities shall not occur within 500 feet of any residential dwelling unit unless the applicant obtains written permission of the property owner(s) consenting to the operation.
 - iii. Mining or quarrying activities shall not occur within 500 feet of any public building, public park, or other public institution unless the Board of Supervisors having jurisdiction over the site has consented to the operation.
 - iv. Mining or quarrying activities shall not occur within 500 feet of any structure listed on the National Register of Historic Places.
 - v. Mixing plants, crushers and other processing mechanisms on the site shall not be located within 1,000 feet of any residential dwelling unit unless the applicant obtains written permission of the property owner(s) consenting to operation. In order to minimize noise and traffic impacts, processing mechanisms shall, if practicable, be located on the site. All processing mechanisms shall be located at the lowest practicable site elevation.
- g. Installation and maintenance along perimeter.
 - i. At a minimum, the operator shall install and/or maintain the required buffer along the perimeter of the visible portion of the area to be operated. This portion shall be defined as any part of the site visible from any adjacent parcel or any adjacent public right-of-way. An exception to this requirement may, at

the request of the applicant, be granted by the Board of Supervisors when the following apply:

- a. The adjacent parcel is presently in use as a mining or quarrying operation.
- b. The proposed use is an expansion of the existing use.
- ii. In order to maintain the integrity of the buffer, if such a request is approved, the buffering requirements shall extend to the entirety of the existing site.
- h. In order to maximize noise attenuation, the buffer shall, to the greatest extent practicable, be located within a fifty (50) foot zone nearest to the adjacent property or public right-of-way from which the specified distance requirements have been measured.
- i. Prior to planting of any required landscaping, the applicant shall provide evidence of a soils test to determine soil suitability to sustain the required landscaping and to determine any necessary soil supplements or remedies.
- j. Alternative designs for buffering may be approved if the applicant can show, through the submission of a comprehensive noise study, that the alternative designs are at least as effective in controlling noise-related impacts.
- k. All required buffering shall be installed prior to commencement of operations.
- l. Adequacy of the buffer shall be determined by the Zoning Officer and the Township Engineer.
- m. Site specific exceptions to the buffering requirement shall be available for vehicular access, public and other infrastructure improvements (including drainage systems), maintenance requirements and safety considerations. The nature and location of such exceptions shall be approved by the Zoning Officer and the Township Engineer.
- n. The operator shall provide a bond or other acceptable security in the amount of 100 percent of the cost of improvements for approved buffering, which will be returned after the improvements have been satisfactorily installed and have been in place for one year. Acceptability shall be determined on advice of the Township Solicitor. Adequacy as to amount shall be determined by the Township Engineer.

B. RECLAMATION

1. All proposed, pending and/or approved reclamation plans required by any governing body or regulatory agency shall be submitted to the Township for review and consideration prior to issuance of a conditional use permit.
2. The operator will provide a bond or other acceptable security to ensure that land will be reclaimed in accordance with the approved reclamation plan.
3. In order to minimize additional adverse impacts to adjacent properties, when any mining or quarrying operation (including legally nonconforming operations) expands into an area governed by the provisions set forth in this chapter, efforts should be made by the operator, to the greatest extent practicable, to commence reclamation activities on the existing mined or quarried portion of the site. Completed areas should be resurfaced and restored in accordance with approved reclamation plans prior to or concurrent with the commencement of extraction activities in an undisturbed area.
4. The applicant shall provide a bond or other acceptable surety, in an amount determined to be acceptable by the Township Engineer, to cover the costs of repairs to any Township roads to be used by the applicant or by other haulers to and from the site. The amount of said bond or surety shall be reviewed annually and any unused portion shall be returned to the applicant within one year after the site is no longer in use.

C. MONITORING

1. Timing. Unless the uses and conditions prescribed in a conditional use permit are implemented within a maximum period of two years of the issuance of all permits required by any federal or state agency having regulatory authority over the conduct of such uses, the conditional use permit shall expire. Evidence of receipt of all necessary permits shall be provided to the Township. The Board of Supervisors may grant a maximum extension of one year under exceptional circumstances.
2. Discontinuation of use. Discontinuation of any nonconforming operation for a period of more than one year shall result in the loss of vested status for that operation. "Discontinuation" is defined as the cessation of excavation or processing of material.
3. Inspection. The Township shall conduct an annual inspection to ensure compliance with all approved conditions. An inspection fee may be set by the Board of Supervisors by resolution.
4. Blast notification. The applicant shall maintain a blast notification list for anyone who requests notification and who owns, resides on or has a business interest in property located within, at a minimum, a radius of one mile around the site. Notification shall

be provided at least 24 hours prior to blasting. The applicant shall provide an up-to-date blast notification list for Township review at the time of annual inspection.

5. Pre-blast survey. Prior to the issuance of a conditional use permit, the applicant shall provide documentation of the condition of buildings, structures, wells, infrastructure, protected and unique natural resources and historic sites located within 1,500 feet of the proposed site. Adequacy of the survey shall be determined by the Township Engineer. Any pre- blast surveys required by any federal or state agency subsequent to the issuance of a conditional use permit shall be provided to the Township.
6. Explosives storage. No explosive materials may be produced or stored on site in any manner that is potentially endangering to surrounding properties.
7. Landscaping. The Township shall require that the applicant submit an annual survey of the health of all required landscaping. This survey shall be required in each of the first two years after planting. The applicant shall replace any trees not surviving as of the date of each survey.
8. Modification of conditions. No approved conditional use shall be modified or expanded in ground area unless the plan is amended and approved in accordance with procedures applicable to initial approval of the conditional use permit.

D. OTHER CONDITIONS

1. Operational conditions. To further protect the health, safety and welfare of adjacent property owners, the following conditions shall also apply:
 - a. Hours of operation. The hours of operation at any site may be limited as the Board of Supervisors deems advisable.
 - b. Dust mitigation. A dust mitigation plan shall be provided. Dust and debris from any mining and quarrying operation shall not be permitted to accumulate within the right-of-way of any public road. Adequate applicable technology shall be employed on the site to prevent any dust and/or materials from being washed and/or blown from the site. Adequacy of the dust mitigation plan shall be determined by the Township Engineer.
 - c. Environmental impact analysis. The applicant shall provide an environmental impact analysis to address the following: watershed impacts, surface and/or groundwater resource impacts, air quality impacts and erosion, sedimentation and stormwater impacts. Adequacy of the analysis shall be determined by the Township Engineer. The applicant shall provide any environmental impact reports,

statements or analyses that are required by any federal, state or county governing body or regulatory agency having jurisdiction over the conduct of mining and quarrying operations. The applicant will be required to demonstrate that the proposed project will not substantially injure or detract from the lawful existing or permitted uses of neighboring properties, will not injure any water supply sources, and will not adversely affect any fragile environmental system of particular significance.

- d. Stockpiles. No material stockpiles shall be located within one hundred (100) feet of the property line. Any materials or wastes deposited on any stockpile shall be prevented from washing, blowing, or otherwise transferring off the premises. Such stockpiles shall contain extracted material from the on-site mining operation only.
2. Site-specific conditions. The Board of Supervisors may impose other conditions not listed above as are shown to be necessary and appropriate to protect the public health, safety and welfare, provided that those conditions do not preclude the reasonable development of minerals within the Township. Such conditions may include, but are not limited to:
- a. Development phasing schedule. The Board of Supervisors may impose conditions related to the phasing of mining and quarrying activities as it deems necessary to protect public health safety and welfare.
 - b. Fencing and screening. The applicant shall provide details showing any fencing and/or screening proposed to be located on the site. The Board of Supervisors may impose fencing and/or screening conditions as it deems necessary to protect public health, safety and welfare. At a minimum, the applicant shall provide a fence at least six feet in height around the perimeter of the mining operation.
 - c. Lighting. The applicant shall provide details showing the height, number, types and location of any fixtures proposed to be located on the site. All lighting shall be directed away from adjacent properties and/or adjacent streets.

§ 828. [Manufactured/Mobile Home Parks.](#)

- § 828.1. Manufactured and/or mobile home parks shall comply with all applicable requirements of the Subdivision and Land Development Ordinance governing mobile home parks and the following requirements:
- A. LOT SIZE – The minimum site required for a mobile home park shall be 5 acres. The minimum area required per mobile home lot shall be 6,000 square feet.

- B. UTILITIES – The site shall be served by public sewers.
- C. SETBACKS – The minimum yard requirements for each mobile home lot shall be 25 feet for front yards, 20 feet for rear yards, and 10 feet for side yards. Such yards shall be measured from the perimeter of the mobile home slab. Carports or parking pads may be located in the required side yard.
- D. PARKING – Each mobile home lot shall provide two off-street parking spaces.

§ 829. [Oil and Gas Compressor Stations and Processing Facilities.](#)

§ 829.1. A company desiring to operate a compressor station or a processing facility shall obtain the permits required by this section, which are in addition to, and are not in lieu of, any permit that may be required by any other governmental or regulating agency.

§ 829.2. The company must adhere to the following regulations:

- A. ACCESS – Access to any facility shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following standards apply:
 - 1. The edge and edge of flare of any newly established private easement/roadway constructed on the parcel containing the facility shall be located at least 50 feet from any property line;
 - 2. The access road to the facility, beginning with its intersection with a municipal road, shall be constructed consistent with or better than the composition of the adjacent municipal road for the first 50 feet and be constructed with an additional 150 feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or accessway is less than 200 feet in length, the entire access road or accessway shall meet these conditions. This shall be in place prior to the commencement of any facility operations;
 - 3. All roads and accessways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather, consistent with the Pennsylvania Dirt and Gravel Roads Program. Under no circumstances shall brine water be used for dust abatement.
- B. EMERGENCY RESPONSE PLAN – Prior to development, the developer/operator, at its expense, shall meet with municipal safety control individuals, including but not specifically limited to the fire chief, police chief and county emergency management appointee, to discuss or provide information, and training if necessary regarding any

proposed emergency response to the Preparedness, Prevention and Contingency Plan and any emergency response plan. Further, the owner/operator, shall continue to update its Preparedness, Prevention and Contingency plan, as well as any Emergency Response Plan, and provide said update and communications to the Township offices.

- C. ENGINES –All electrical installations and equipment shall conform to Uniform Construction Code and any other applicable Township or national codes. In addition, the following is required:
 - 1. Engines shall be electric-powered.
 - 2. All engines shall be housed in structures with sound-proof insulation and with ventilation designs that are not based on opening doors.
 - 3. All compressor engines shall be bolted to a concrete floor to address vibration concerns.
 - 4. Flare stacks on compressor stations shall be shrouded and vapor recovery units shall be fitted to tanks to prevent the escape of fugitive emissions.
- D. ENVIRONMENTAL IMPACT ANALYSIS. The applicant shall provide an environmental impact analysis to address the following: watershed impacts, surface and/or groundwater resource impacts, air quality impacts and erosion, sedimentation and stormwater impacts. Adequacy of the analysis shall be determined by the Township Engineer. The applicant shall provide any environmental impact reports, statements or analyses that are required by any federal, state or county governing body or regulatory agency having jurisdiction over the conduct of oil and gas operations. The applicant will be required to demonstrate that the proposed project will not substantially injure or detract from the lawful existing or permitted uses of neighboring properties, will not injure any water supply sources, and will not adversely affect any fragile environmental system of particular significance.
- E. FEE REIMBURSEMENT – For the period during which construction is taking place, the applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including, but not limited to, the Township Engineer and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit.
- F. FENCING – A secured entrance gate on the access road shall be required and all gates are to be kept locked when the operator or its employees are not on the premises. All storage tanks, separation facilities, or other mechanical or production equipment on the

operation site shall be completely enclosed by a permanent chain-link fence. Standards for the chain-link fence and secured gate are as follows:

1. The chain-link fence shall be at least eight feet in height;
 2. Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence;
 3. The chain-link shall be dark green or black steel wire;
 4. The chain-link fence shall have, at a minimum, eleven-gauge thickness;
 5. Posts and rails shall be black or dark green standard socket construction or similar design;
 6. Tension rods shall be three-eighths-inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six-inch minimum take-up. Tension bars shall have minimum thickness of 1/4 inch by 3/4 inch;
 7. All chain-link fences shall be equipped with at least two gates. At least one of the gates shall meet the following specifications:
 - a. The gates shall be of black or dark green chain-link construction that meets the applicable specifications or of other approved material that, for safety reasons, shall be at least as secure as the chain-link fence;
 - b. Fence screening. Fencing shall be equipped with interlocking opaque slats, mesh, or other screening material approved by the Township.
- G. LIGHTING – No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on a public road, protected use, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.
- H. PERMITS – Building permits and zoning permits shall be obtained from the Zoning Officer, and applications must include:
1. A description of proposed site or modification to an existing site with identification whether the site is located in a wetland or floodplain;
 2. Anticipated construction start and completion date;

3. A plot plan of the site showing a clearly marked scale, all property lines, all buildings, waterwells, water sources and rights-of-way;
 4. The applicant shall apply for a Township-assigned address at the time of building permit application;
 5. Any and all additional requirements that may be modified or added by subsequent ordinance or required by Pennsylvania law.
 6. A grading permit, if applicable, must be obtained per the Subdivision and Land Development Ordinance prior to any grading or earth moving and must include evidence of an approved soil erosion and sedimentation control plan.
- I. ROAD USE MAINTENANCE AGREEMENT – The applicant shall apply for a road use maintenance agreement, pay the prescribed fee, and adhere to all conditions set forth in the agreement.
- J. SETBACKS – The following minimum setback distances must be adhered to:
1. The minimum distance from a compressor station building or processing plant building (including all aboveground equipment, compressor engines and enclosed structure) to any property line shall be 250 feet;
 2. The minimum distance from a compressor station building or processing plant building to any protected building shall be 750 feet;
 3. The minimum distance from a compressor station building or processing plant building to any school building licensed by the Commonwealth of Pennsylvania and occupied by students shall be 1,500 feet;
- K. SIGNAGE – The facility signage shall be provided in accordance with Pennsylvania Act 9 of 2012 and applicable regulations of the PA DEP.
- L. STATE AND FEDERAL COMPLIANCE – The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Township-issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.

- M. TRUCK ROUTES – The applicant shall submit a road use plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis. In conjunction with the Township, the applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided. The applicant shall provide evidence that both the truck drivers and subcontractors are aware of and understand the sections of this Ordinance related to truck routes.

§ 830. [Oil and Gas Metering Stations/Above Ground Gathering Facilities.](#)

§ 830.1. A company desiring to operate a metering station and/or an aboveground gathering facility shall obtain the permits required by this section, which are in addition to, and are not in lieu of, any permit that may be required by any other governmental or regulating agency.

§ 830.2. The company must adhere to the following regulations:

- A. ACCESS – Access to any facility shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following standards apply:
1. The edge and edge of flare of any newly established private easement/roadway constructed on the parcel containing the facility shall be located at least 50 feet from any property line;
 2. The access road to the facility, beginning with its intersection with a municipal road, shall be constructed consistent with or better than the composition of the adjacent municipal road for the first 50 feet and be constructed with an additional 150 feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or accessway is less than 200 feet in length, the entire access road or accessway shall meet these conditions. This shall be in place prior to the commencement of any facility operations;
 3. All roads and accessways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather, consistent with the Pennsylvania Dirt and Gravel Roads Program. Under no circumstances shall brine water be used for dust abatement.
- B. EMERGENCY RESPONSE PLAN – Prior to development, the developer/operator, at its expense, shall meet with municipal safety control individuals, including but not

specifically limited to the fire chief, police chief and county emergency management appointee, to discuss or provide information, and training if necessary regarding any proposed emergency response to the Preparedness, Prevention and Contingency Plan and any emergency response plan. Further, the owner/operator, shall continue to update its Preparedness, Prevention and Contingency plan, as well as any Emergency Response Plan, and provide said update and communications to the Township offices.

- C. ENGINES –All electrical installations and equipment shall conform to Uniform Construction Code and any other applicable Township or national codes. In addition, the following is required:
 - 1. Engines shall be electric-powered.
 - 2. All engines shall be housed in structures with sound-proof insulation and with ventilation designs that are not based on opening doors.
 - 3. All compressor engines shall be bolted to a concrete floor to address vibration concerns.
 - 4. Flare stacks shall be shrouded and vapor recovery units shall be fitted to tanks to prevent the escape of fugitive emissions.

- D. ENVIRONMENTAL IMPACT ANALYSIS. The applicant shall provide an environmental impact analysis to address the following: watershed impacts, surface and/or groundwater resource impacts, air quality impacts and erosion, sedimentation and stormwater impacts. Adequacy of the analysis shall be determined by the Township Engineer. The applicant shall provide any environmental impact reports, statements or analyses that are required by any federal, state or county governing body or regulatory agency having jurisdiction over the conduct of oil and gas operations. The applicant will be required to demonstrate that the proposed project will not substantially injure or detract from the lawful existing or permitted uses of neighboring properties, will not injure any water supply sources, and will not adversely affect any fragile environmental system of particular significance.

- E. FEE REIMBURSEMENT – For the period during which construction is taking place, the applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including, but not limited to, the Township Engineer and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit.

- F. FENCING – A secured entrance gate on the access road shall be required and all gates are to be kept locked when the operator or its employees are not on the premises. All storage tanks, separation facilities, or other mechanical or production equipment on the operation site shall be completely enclosed by a permanent chain-link fence. Standards for the chain-link fence and secured gate are as follows:
1. The chain-link fence shall be at least eight feet in height;
 2. Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence;
 3. The chain-link shall be dark green or black steel wire;
 4. The chain-link fence shall have, at a minimum, eleven-gauge thickness;
 5. Posts and rails shall be black or dark green standard socket construction or similar design;
 6. Tension rods shall be three-eighths-inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six-inch minimum take-up. Tension bars shall have minimum thickness of 1/4 inch by 3/4 inch;
 7. All chain-link fences shall be equipped with at least two gates. At least one of the gates shall meet the following specifications:
 - a. The gates shall be of black or dark green chain-link construction that meets the applicable specifications or of other approved material that, for safety reasons, shall be at least as secure as the chain-link fence;
 - b. Fence screening. Fencing shall be equipped with interlocking opaque slats, mesh, or other screening material approved by the Township.
- G. LIGHTING – No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on a public road, protected use, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.
- H. PERMITS – Building permits and zoning permits shall be obtained from the Zoning Officer, and applications must include:

1. A description of proposed site or modification to an existing site with identification whether the site is located in a wetland or floodplain;
 2. Anticipated construction start and completion date;
 3. A plot plan of the site showing a clearly marked scale, all property lines, all buildings, waterwells, water sources and rights-of-way;
 4. The applicant shall apply for a Township-assigned address at the time of building permit application;
 5. Any and all additional requirements that may be modified or added by subsequent ordinance or required by Pennsylvania law.
 6. A grading permit, if applicable, must be obtained per the Subdivision and Land Development Ordinance prior to any grading or earth moving and must include evidence of an approved soil erosion and sedimentation control plan.
- I. ROAD USE MAINTENANCE AGREEMENT – The applicant shall apply for a road use maintenance agreement, pay the prescribed fee, and adhere to all conditions set forth in the agreement.
 - J. SETBACKS – The following minimum setback distances must be adhered to:
 1. The minimum distance from any metering station or above ground gathering facility to any property line shall be 250 feet;
 2. The minimum distance from any metering station or above ground gathering facility to any protected building shall be 750 feet;
 3. The minimum distance from a compressor station building or processing plant building to any school building licensed by the Commonwealth of Pennsylvania and occupied by students shall be 1,500 feet;
 - K. SIGNAGE – The facility signage shall be provided in accordance with Pennsylvania Act 9 of 2012 and applicable regulations of the PA DEP.
 - L. STATE AND FEDERAL COMPLIANCE – The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Township-issued

permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.

§ 831. [Oil and Gas Pipelines.](#)

§ 831.1. A company desiring to construct oil and gas transmission pipelines shall furnish to the Township copies showing evidence that it has obtained and maintains in good standing all required state and/or federal permits, including proof of bonding to operate pipelines, when such bonding is required. Any suspension or revocation of any required state or federal approvals or permits shall be reported to the Township immediately. Retail service lines from the main line to the residential or commercial structure are exempt from this section.

§ 831.2. The company must adhere to the following regulations:

- A. GRADING PERMIT – A grading permit, if applicable, must be obtained per the Subdivision and Land Development Ordinance, prior to any grading or earth moving and must include evidence of an approved soil erosion and sedimentation control plan.
- B. PIPELINE INFORMATION – The company shall submit to the Township, prior to construction, on a form provided by the Township, the following:
 - 1. The origin point and the destination of the segment of the pipeline to be constructed;
 - 2. A description of the substance to be transported through the pipeline and a copy of the material safety data sheet (MSDS);
 - 3. A copy of the Erosion and Sedimentation Control General Permit (ESCGP) application submitted to the Pennsylvania Department of Environmental Protection (PA DEP);
 - 4. The owner-operator must participate in PA One-Call to the extent required by law;
 - 5. The company shall maintain setbacks as indicated in this subsection. Setback requirements from the pipeline for general residential, commercial, and industrial buildings shall be a minimum of 50 feet. The setback distance shall be measured from the nearest edge of the right-of-way.
- C. STATE AND FEDERAL COMPLIANCE – The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Township-issued

permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.

§ 832. Oil and Gas Related Water Impoundments.

- § 832.1. A company desiring to operate a water impoundment associated with oil or gas drilling operations shall obtain the permits required by this section, which are in addition to, and not in lieu of, any permit that may be required by any other governmental or regulating agency.
- § 832.2. Impoundments shall be permitted as an accessory use only to an oil and gas well. They shall not be permitted as a principal use in any district.
- § 832.3. Impoundments shall comply with all applicable requirements of the Commonwealth of Pennsylvania and the Pennsylvania Department of Environmental Protection (PA DEP). The applicant shall register any freshwater or wastewater impoundment with the Township prior to its construction. A copy of all applicable PA DEP and other state permits shall be provided at the time of application.
- § 832.4. The company must adhere to the following:
- A. ACCESS – Access to any facility shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following standards apply:
1. The edge and edge of flare of any newly established private easement/roadway constructed on the parcel containing the facility shall be located at least 50 feet from any property line;
 2. The access road to the facility, beginning with its intersection with a municipal road, shall be constructed consistent with or better than the composition of the adjacent municipal road for the first 50 feet and be constructed with an additional 150 feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or accessway is less than 200 feet in length, the entire access road or accessway shall meet these conditions. This shall be in place prior to the commencement of any facility operations;
 3. All roads and accessways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather, consistent with the Pennsylvania Dirt and Gravel Roads Program. Under no circumstances shall brine water be used for dust abatement.

- B. EMERGENCY RESPONSE PLAN – Prior to well spud, the developer/operator, at its expense, shall meet with municipal safety control individuals, including but not specifically limited to the fire chief, police chief and county emergency management appointee, to discuss or provide information, and training if necessary regarding any proposed emergency response to the Preparedness, Prevention and Contingency Plan and any emergency response plan. Further, the owner/operator, shall continue to update its Preparedness, Prevention and Contingency plan, as well as any Emergency Response Plan, and provide said update and communications to the Township offices.
- C. ENVIRONMENTAL IMPACT ANALYSIS. The applicant shall provide an environmental impact analysis to address the following: watershed impacts, surface and/or groundwater resource impacts, air quality impacts and erosion, sedimentation and stormwater impacts. Adequacy of the analysis shall be determined by the Township Engineer. The applicant shall provide any environmental impact reports, statements or analyses that are required by any federal, state or county governing body or regulatory agency having jurisdiction over the conduct of oil and gas operations. The applicant will be required to demonstrate that the proposed project will not substantially injure or detract from the lawful existing or permitted uses of neighboring properties, will not injure any water supply sources, and will not adversely affect any fragile environmental system of particular significance.
- D. FEE REIMBURSEMENT – For the period during which construction is taking place, the applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including, but not limited to, the Township Engineer and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit.
- E. LIGHTING – No applicant shall permit any lights located on any facility to be directed in such a manner so that they shine directly on public road, protected use, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.
- F. NOTICE. Thirty-day advance notice must be provided when transitioning from a freshwater to a wastewater impoundment and the applicant must provide a copy of the revised PA DEP permit. Any spills, leaks, malfunctions or similar incidents from the

impoundments shall be reported to the PA DEP as required and shall also be reported to the Township.

- G. PERMITS – Zoning permits must be obtained from the Zoning Officer prior to commencement of development and applications must include:
 - 1. The name and address of the applicant, including the name and telephone number of a local representative;
 - 2. A description of the proposed site or modification to an existing site with identification whether the site is located in a wetland or floodplain;
 - 3. Anticipated construction start and completion date;
 - 4. A plot plan of the site showing a clearly marked scale, all property lines and all known buildings, waterwells, water sources and rights-of-way.
 - 5. The applicant shall apply for a Township-assigned address at the time of building permit application;
 - 6. Any and all additional requirements that may be modified or added by subsequent ordinance or required by Pennsylvania law.
 - 7. A grading permit, if applicable, must be obtained per the Subdivision and Land Development Ordinance prior to any grading or earth moving and must include evidence of an approved soil erosion and sedimentation control plan.
- H. ROAD USE MAINTENANCE AGREEMENTS – The applicant shall apply for a road use maintenance agreement, pay the prescribed fee, and adhere to all conditions set forth.
- I. SCREENING – When sites are being developed care should be taken to maintain as much natural screening as possible. Existing trees and respective root systems should not be disturbed whenever possible.
- J. SETBACKS – The following minimum setback distances must be adhered to:
 - 1. The minimum distance from any impoundment to any property line shall be 250 feet;
 - 2. The minimum distance from any impoundment to any protected building shall be 750 feet;
 - 3. The minimum distance from any impoundment to any school building licensed by the Commonwealth of Pennsylvania and occupied by students shall be 1,500 feet;

4. No impoundment may be located within 500 feet of any existing water well, surface water intake, reservoir or other water supply extraction point, public or private.
 5. No impoundment may be located upslope and within 2,000 feet of any existing water well, surface water intake, reservoir or other water supply extraction point, public or private.
- K. SIGNAGE – The impoundment signage shall be provided in accordance with Pennsylvania Act 9 of 2012 and applicable regulations of the PA DEP. In addition, signs must be installed around all wastewater impoundments identifying the water as hazardous.
- L. STATE AND FEDERAL COMPLIANCE – The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Township-issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.
- M. TRUCK ROUTES – The applicant shall submit a road use plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis. In conjunction with the Township, the applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided. The applicant shall provide evidence that both the truck drivers and subcontractors are aware of and understand the sections of this Ordinance related to truck routes.

§ 833. Oil and Gas Wells.

- § 833.1. A company desiring to engage in any oil and/or natural gas well site construction, drilling, hydraulic fracturing, and/or site restoration associated with a gas well of any depth; and transportation used for such activities shall obtain the permits required by this section, which are in addition to, and are not in lieu of, any permit that may be required by any other governmental or regulating agency.
- § 833.2. Impoundments are not permitted for the storage of liquids on the well site. All liquids must be stored in tank(s) located above the surface of the earth and provided with a leak proof membrane and a containment dike.

§ 833.3. The company must adhere to the following regulations:

- A. ACCESS – Access to any facility shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following standards apply:
 - 1. The edge and edge of flare of any newly established private easement/roadway constructed on the parcel containing the facility shall be located at least 50 feet from any property line;
 - 2. The access road to the facility, beginning with its intersection with a municipal road, shall be constructed consistent with or better than the composition of the adjacent municipal road for the first 50 feet and be constructed with an additional 150 feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or accessway is less than 200 feet in length, the entire access road or accessway shall meet these conditions. This shall be in place prior to the commencement of any facility operations;
 - 3. All roads and accessways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather, consistent with the Pennsylvania Dirt and Gravel Roads Program. Under no circumstances shall brine water be used for dust abatement.
- B. EMERGENCY RESPONSE PLAN – Prior to well spud, the developer/operator, at its expense, shall meet with municipal safety control individuals, including but not specifically limited to the fire chief, police chief and county emergency management appointee, to discuss or provide information, and training if necessary regarding any proposed emergency response to the Preparedness, Prevention and Contingency Plan and any emergency response plan. Further, the owner/operator, shall continue to update its Preparedness, Prevention and Contingency plan, as well as any Emergency Response Plan, and provide said update and communications to the Township offices.
- C. ENVIRONMENTAL IMPACT ANALYSIS. The applicant shall provide an environmental impact analysis to address the following: watershed impacts, surface and/or groundwater resource impacts, air quality impacts and erosion, sedimentation and stormwater impacts. Adequacy of the analysis shall be determined by the Township Engineer. The applicant shall provide any environmental impact reports, statements or analyses that are required by any federal, state or county governing body or regulatory agency having jurisdiction over the conduct of oil and gas operations. The applicant will be required to demonstrate that the proposed project will not substantially injure or detract from the lawful existing or permitted uses of neighboring properties, will not injure any water

supply sources, and will not adversely affect any fragile environmental system of particular significance.

- D. FEE REIMBURSEMENT – For the period during which construction is taking place, the applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including, but not limited to, the Township Engineer and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit.
- E. HOURS – Except when necessary for safety considerations, emergencies, winterization and weather, all site preparation and preproduction activities on the site, as well as access road maintenance, site reclamation activity and other ongoing ancillary activities shall be permissible Mondays through Saturdays (with the exception of federal and/or state holidays) between the hours of 7:00 a.m. and 9:00 p.m. Upon request by the Operator, the Township may consent to activities at other times. The active drilling phase, including completions, is exempt from this subsection.
- F. LIGHTING – No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on public road, protected use, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.
- G. PERMITS – Zoning permits must be obtained from the Zoning Officer prior to commencement of drilling and applications must include:
 - 1. The name and address of the mineral and royalty owner(s), a copy of the oil and gas lease associated with the surface parcel or surface use agreement and any drilling permits issued by the Commonwealth of Pennsylvania, or the application, if a state permit has not yet been issued, shall be attached;
 - 2. The name and address of the applicant, including the name and telephone number of a local representative;
 - 3. The exact description of the location of the proposed well and verification that the site is not located in a wetland or floodplain, unless otherwise approved by the Pennsylvania Department of Environmental Protection (PA DEP);

4. The name and address of each current owner of all property within 1,000 feet of the proposed well, and verification that all above-referenced property owners have been notified in writing of the drilling activity;
 5. Anticipated construction start and completion date;
 6. A plot plan of the site showing a clearly marked scale, all property lines and all known buildings, waterwells, water sources and rights-of-way.
- H. ROAD USE MAINTENANCE AGREEMENTS – The applicant shall apply for a road use maintenance agreement, pay the prescribed fee, and adhere to all conditions set forth.
- I. SCREENING – When site pads are being constructed care should be taken to maintain as much natural screening as possible. Existing trees and respective root systems should not be disturbed whenever possible..
- J. SETBACKS – The following minimum setback distances must be adhered to:
1. The minimum distance from any oil or gas well to property line shall be 250 feet.
 2. The minimum distance from any oil or gas well to any protected building shall be 750 feet;
 3. The minimum distance from any oil or gas well to any school building licensed by the Commonwealth of Pennsylvania and occupied by students shall be 1,500 feet.
- K. SIGNAGE – The well site signage shall be provided in accordance with Pennsylvania Act 9 of 2012 and applicable regulations of the PA DEP.
- L. STATE AND FEDERAL COMPLIANCE – The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Township-issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.
- M. TRUCK ROUTES – The applicant shall submit a road use plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis. In conjunction with the Township, the applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time

shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided. The applicant shall provide evidence that both the truck drivers and subcontractors are aware of and understand the sections of this Ordinance related to truck routes.

N. ESSENTIAL PERSONNEL – The following essential personnel are permitted, due to safety and security considerations, to live on the well pad during active drilling operations and completions when they are not working on their shift:

1. Consultant (company man)
2. Rig manager
3. Rig hands (driller, derrick hand, motor man and floor hand)
4. Directional driller
5. Mud logger
6. Mud engineer
7. Solids control
8. MWD hand

Additional essential personnel may be permitted to live on site, subject to approval by the Township. No personnel shall be permitted to reside on site during their off days.

§ 834. [Places of Worship.](#)

§ 834.1. Places of worship shall be subject to the following requirements:

- A. CEMETERIES – shall comply with the following:
 1. All gravesites shall be set back a minimum of 10 feet from any property line and a minimum of 20 feet from any street right-of-way line.
 2. In no case shall any use relating to a cemetery be located within the 100 year floodplain of an adjacent watercourse.
 3. The cemetery facilities shall be owned and maintained in a manner to insure its preservation. The developer shall provide for and establish an organization for the ownership and maintenance of the cemetery, in a form acceptable to the Township Solicitor.
- B. RECTORIES, CONVENTS, MANSES, AND PARSONAGES – shall comply with the following:

1. All residential uses shall be accessory to the place of worship, and located upon the same lot or directly adjacent lot containing the place of worship.
 2. All residential uses shall comply with the location, height and bulk standards imposed upon other residences within the lot's zoning district.
- C. RELIGIOUS-RELATED SCHOOLS OR DAY CARE FACILITIES – shall comply with the following:
1. Schools and day care facilities may be permitted as accessory uses, provided that the requirements for such use are also met.
 2. All schools and day care facilities shall be accessory to, and located upon the same lot or directly adjacent lot containing the place of worship.
- D. RELIGIOUS-RELATED RECREATIONAL FACILITIES – including, but not limited to, social halls, community centers, pavilions and other buildings commonly used for assembly shall comply with the following:
1. Shall be permitted as accessory uses, provided that the requirements for such use are also met.
 2. All recreational facilities shall be accessory to, and located upon the same lot or directly adjacent lot as the place of worship.
 3. Shall be set back at least 50 feet from any adjoining land within a residential zone or lot available for residential use.

§ 835. [Retail Services > 5,000 sq ft \(including Shopping Centers\).](#)

- § 835.1. Retail stores and shopping centers containing a gross floor area in excess of 5,000 square feet shall be subject to the following regulations:
- A. ACCESS – Shall only be located on an arterial or collector road, as defined by this Ordinance.
 - B. BUFFERS – A minimum of 60 feet wide buffer yard and a 100 feet minimum building setback shall be maintained adjacent to a lot line of an existing dwelling and any residential zoning district.
 - C. TRASH STORAGE – A trash storage area shall be provided which is screened from the street and adjacent properties by an enclosed solid fence and/or opaque vegetated buffer at least six (6) feet in height to prevent trash from blowing from the area and to serve as a visual screen.

§ 836. [Roadside Produce Stands.](#)

§ 836.1. Roadside produce stands shall be permitted as accessory uses and subject to the following requirements:

- A. LENGTH OF OPERATION – The business may be annual, but shall be restricted to a maximum duration of six consecutive months, which correspond to normal harvesting seasons.
- B. MAXIMUM HEIGHT – The building or structure shall not exceed one story in height and 500 square feet in area and shall be temporary in nature.
- C. PARKING – Off-street parking shall be provided in accordance with in Article 11 of this Ordinance.
- D. SETBACKS – The building or structure shall be located no closer than 10 feet from the right-of-way and no closer than 50 feet from any property line.
- E. SIGHT DISTANCE – The Zoning Officer may require the operator and/or owner of the roadside produce stand to provide written evidence that there is sufficient required and available safe stopping sight distance for any existing or proposed access or driveway that is to be used.
- F. TEMPORARY STRUCTURES – All buildings or structures shall be dismantled and removed from the property at the end of growing season.

§ 837. [Shooting Ranges.](#)

§ 837.1. Outdoor shooting ranges shall be subject to the following requirements:

- A. ACTIVITIES AND OPERATIONS
 - 1. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties.
 - 2. May not substantially damage the health, safety or welfare of the Township or its residents and property owners.
 - 3. Must comply with all applicable state and local laws, rules and regulations regarding the discharge of a firearm.
 - 4. Shall limit the storage of ammunition to only that utilized for each day's activity, and in no event shall ammunition remain on the property for greater than 24 hours. The storage of live ammunition may only occur indoors in an area secured from general access.

5. Shall limit the number of shooters to the number of firing points or stations identified on the development plan.
 6. Shall require all shooters to satisfactorily complete an orientation safety program given in accordance with the National Rifle Association before they are allowed to discharge firearms.
 7. Shall limit the consumption of alcoholic beverages to days when no shooting activities are permitted, or when the shooting activities are completed for that day. Furthermore, alcoholic beverages may only be consumed in designated areas away from the firing points or stations.
 8. Shall limit firing to the hours between one hour after dawn and one hour preceding dusk.
- B. FACILITIES – All shooting range facilities, including buildings, parking, firing range and safety fan shall be set back a minimum of 100 feet from the property line and street right-of-way.
 - C. FENCING – The firing range, including the entire safety fan, shall be enclosed with a six-foot-high non-climbable fence to prevent unauthorized entry into the area. Range caution signs with eight-inch tall, red letters on a white background shall be posted at a maximum of one-hundred-foot intervals around the range perimeter. Signs shall read "SHOOTING RANGE AREA. KEEP OUT!"
 - D. NOISE – Sound abatement shields or barriers shall be installed on shooting ranges located within 2,000 feet of a residential district, unless significant natural barriers exist. The applicant shall present credible evidence that the sounds of shooting in the residential zone do not exceed the ambient noise level.
 - E. PARKING – Off-street parking facilities shall be provided in accordance with Article 11 of this Ordinance.
 - F. RANGE FLAGS – Range flags shall be displayed during all shooting activities. Range flags shall be located in a manner visible from entrance drives, target areas, range floor and the perimeter of the safety fan.
 - G. SAFETY – A development plan shall identify the safety fan for each firing range in accordance with state and/or federal regulations. The safety fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The safety fan configuration shall be based upon qualified expert testimony regarding the trajectory of

the bullet and the design effectiveness of berms, overhead baffles or other safety barriers to contain projectiles to the safety fan.

- H. SETBACKS – No part of a shooting range property shall be located within 2,000 feet of any land within a Residential District.
- I. SURFACES – All surfaces located within the safety fan, including the backstop, overhead baffles, berms and range floor, shall be free of hardened surfaces, such as rocks or other ricochet producing materials.

§ 838. Self-Storage Facilities.

§ 838.1. Self-storage facilities shall be subject to the following requirements:

- A. DIMENSIONAL REQUIREMENTS – The dimensional requirements shall be as follows:
 - 1. Minimum lot area: one acre.
 - 2. Minimum lot width at the building setback line: 150 feet.
 - 3. Maximum height for storage unit buildings: 20 feet.
 - 4. Maximum height for buildings other than storage units: 35 feet.
 - 5. The minimum separation distance between buildings shall be 26 feet.
- B. FENCING & BUFFERS – The storage facilities complex shall be surrounded by a fence at least eight feet in height and by a buffer strip at least fifteen feet in width. The buffer strip shall be planted outside of the fence or other barrier and shall consist of plants which will hide the fence from view from the street or other properties. The buffer strip shall be maintained at all times so that dead or diseased plants are replaced. The standards for buffer yards as stated in Article 10 shall apply to the maintenance and guarantee for the buffer strip.
- C. SCREENING – Any outdoor trash dumpster shall be screened from view from a dwelling or street.
- D. PARKING – one space for each employee, plus one space per 25 rental units, plus spaces for storage of vehicles and boats.
- E. LIGHTING – Outdoor lighting during hours when the facility is not open to customers shall be limited to lighting necessary for security.
- F. ACTIVITIES – No business activity other than leasing of storage units shall be permitted.

- G. MATERIALS – There shall be no storage of explosive, toxic, radioactive or flammable materials.

§ 839. [Solar Energy System: Small](#)

§ 839.1. A small solar energy system shall be permitted as an accessory use in specified areas subject to the following minimum standards:

- A. All solar energy equipment shall be located on the parcel or plot of land of record in which the principal use is located, with the exception that power lines or any related equipment to the solar energy system may be located on an adjoining parcel or plot of land of record provided it will comply with all applicable virtual net metering laws of the public utility provider.
- B. Power generated by the solar energy system shall provide power only for the principal use it services; any excess power generated by the solar energy system shall only be sold or acquired by a public utility in accordance with law or other governmental regulations.
- C. All mechanical equipment associated with and necessary for the operation of the solar energy system, which is ground-mounted, including any structure for batteries or storage cells, shall be enclosed within a six-foot-high fence or evergreen plantings of equal height. Evergreen plantings shall be of a type that is to be approved by the Township. The fence shall be made of wood, masonry, durable plastic or other decorative material approved by the municipality. Chain link fences shall not be permitted unless they are fully screened from view by evergreen plantings.
- D. Solar Access Easements: A Solar Energy System shall be located to ensure solar access without reliance on adjacent properties. Where any applicant desires to ensure that solar access to a Solar Energy System shall not be obstructed over time by permissible uses or activities on any adjacent property (i.e. by planting or growth of vegetation, new construction, etc.), it shall be the responsibility of the owner of the Solar Energy System to obtain appropriate solar access easement(s) from neighboring property owner(s). All solar access easements shall be recorded in the office of the Fayette County Recorder of Deeds.
- E. Solar collectors shall be installed to prevent glare or concentrated solar radiation as may otherwise be directed onto other properties or onto roadways such that a nuisance situation is created. Antireflective surface materials or coatings shall be used to preclude glare to the extent feasible. Should any glare or concentrated solar radiation prove to be visible beyond the property line at any time subsequent to the installation of the system such that, in the opinion of the Zoning Officer, a nuisance situation or safety hazard arises for another property owner or the traveling public, the Township may at its discretion require mitigating action or the removal of the system or portion thereof generating the glare or reflected solar radiation. Should any mitigation or removal deemed necessary by the Township fail to be dealt with in accordance with the

Township's determination within six months of notification of the landowner, the Township may implement such mitigation or removal as it deems necessary, cost therefore to be reimbursed within 90 days and, if not, a commensurate lien shall be placed upon the property.

- F. The solar energy system shall be kept in good repair and sound condition. Upon abandonment of the use, the solar panels and any related structures and equipment shall be dismantled and removed from the lot within 60 days.

G. Ground-Mounted Systems:

- 1. No part of a ground-mounted solar energy system shall be located any closer than 15 feet from any side or rear property lines. No part of a ground-mounted solar energy system shall be located between the principal structure on the property and the public street right-of-way; notwithstanding the aforesaid requirement.
- 2. Ground-mounted solar energy systems shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
- 3. Ground-mounted solar energy systems shall not be placed in a manner that would cause a violation of any other section of the zoning ordinance, such as minimum parking requirements, required buffer yards or other landscaping requirements, maximum impervious coverage limitations or any other applicable standards.
- 4. Ground-mounted panels of a solar energy system shall be counted toward a given property maximum impervious coverage requirements unless the applicant can demonstrate that storm water will infiltrate into the ground beneath the solar panels at a rate equal to that of the infiltration rate prior to placement of the panels.
 - a. Ground-mounted solar energy systems shall not exceed a height of 20 feet.

H. Roof-Mounted Systems:

- 1. Roof-mounted solar energy systems shall not extend beyond the peak elevation of the top of the roof on which the panels are to be constructed.
- 2. If the solar panels are to be constructed on a flat roof, no part of the solar energy system shall exceed beyond the maximum height requirements for the zoning district in which the building is located.
- 3. Roof-mounted solar energy systems shall not be counted as adding to any impervious coverage calculation.

§ 840. [Solar Energy System: Large](#)

- § 840.1. A large solar energy system shall be in specified areas subject to the following minimum standards:

- A. The minimum lot size for any large solar energy system shall be five acres.
- B. Large solar energy systems shall be set back a minimum of 100 feet from any public right-of-way, any lot line, and/or any residential use.
- C. Notwithstanding lot coverage limitations set forth in the base zoning district(s), the maximum impervious coverage for a large solar energy system and any accessory or appurtenant structures shall be 20% of the lot area.
- D. All mechanical equipment associated with and necessary for the operation of the large solar energy system that is not mounted on a building wall, including any structure for batteries or storage cells, shall be enclosed within a six-foot-high fence or evergreen plantings of equal height. Evergreen plantings shall be of a type that is to be approved by the Township. The fence shall be made of wood, masonry, durable plastic or other decorative material approved by the municipality. Chain link fences shall not be permitted unless they are fully screened from view by evergreen plantings.
- E. Solar Energy Systems shall not be artificially lighted except to the extent required for safety or by any applicable federal, state or local authority.
- F. Solar Energy Systems and appurtenant or accessory structures shall not display any advertising, except for reasonable identification of the panel or other equipment manufacturer, and the facility owner.
- G. Solar Energy Systems shall be located where there is a means of vehicular access from a public or private street.
- H. A Solar Energy System shall be located to ensure solar access without reliance on adjacent properties. Where any applicant desires to ensure that solar access to a Solar Energy System shall not be obstructed over time by permissible uses or activities on any adjacent property (i.e. by planting or growth of vegetation, new construction, etc.), it shall be the responsibility of the owner of the Solar Energy System to obtain appropriate solar access easement(s) from neighboring property owner(s) and to notify the Township upon the recording of any such easement(s). All solar access easements shall be recorded in the office of the Fayette County Recorder of Deeds.
- I. Solar collectors shall be installed so as to prevent glare or concentrated solar radiation as may otherwise be directed onto other properties or onto roadways such that a nuisance situation is created. Antireflective surface materials or coatings shall be used to preclude glare to the extent feasible. The Applicant or

the installer or manufacturer of the Solar Energy System shall submit with the application for permit, as applicable, a signed statement including the following:

1. Certification that the proposed system shall not produce glare or reflect concentrated solar radiation visible beyond the property lines of the property upon which the Solar Energy System shall be located such that a nuisance situation is created;
 2. Acknowledgement that, should any glare or concentrated solar radiation produced prove to be visible beyond the property lines of the property upon which the Solar Energy System shall be located, at any time subsequent to the installation of the system, such that, in the opinion of the Zoning Officer, a nuisance situation or safety hazard arises for another property owner or the travelling public, the Township may at its discretion require mitigated action or may require the removal of the system or portion thereof generating the glare or reflected solar radiation;
 3. Acknowledgement that, should any mitigation or system removal deemed necessary by the Township fail to be dealt with in accordance with the Township's determination within six months of notification of the landowner and/or system owner, or immediately in any case determined to be a safety hazard, the Township may implement such mitigation or remove such systems as it deems necessary, costs therefore to be reimbursed within 90 days and, if not, a commensurate lien shall be placed upon the property;
 4. Acknowledgement that the obligations set forth herein shall continue so long as the subject Solar Energy System remains in operation and that any subsequent property owner shall be so notified.
 5. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- J. If the Solar Energy System is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the Solar Energy System within six months from the date the system enters such a state or immediately in any case determined to be a safety hazard.

- K. If a ground-mounted Solar Energy System is ever removed, any earth disturbance as a result of the removal of the ground-mounted Solar Energy System shall be graded and reseeded to the satisfaction of the Township.
- L. Any large solar energy system, shall comply with all applicable standards for a land development in the Township's Subdivision and Land Development Ordinance.

§ 841. [Solid Waste Facilities and Recycling Centers.](#)

- § 841.1. The following standards shall apply to solid waste facilities and recycling centers. The specific dimensional criteria hereunder shall control where the same are inconsistent with the dimensional criteria found in the specific zoning district regulations.
- A. ACCESS – The operator of the use shall limit access to the site to those posted times when an attendant is on duty. In order to protect the public health and welfare, the use shall be protected by fences, gates or other means to deny access at unauthorized times or locations.
 - B. BUFFER – There shall be a buffer of at least 100 feet from the property line and any pit, ditch, quarry, area of waste disposal or junk storage.
 - C. COMPLIANCE – The operator of the use shall comply with all applications regulations of the Environmental Protection Agency and the Pennsylvania Department of Environmental Protection and any other applicable agency and with all federal, state, county and Township laws in the operation of the use.
 - D. DISCHARGE
 1. No use shall discharge any untreated effluent or leachate constituting a health risk or a risk of pollution of ground- or surface waters by virtue of its composition and/or concentration.
 2. No use shall discharge any effluent which will raise the temperature of any stream or creek more than 5° F. above normal at a point 10 feet downstream of the discharge.
 - E. EXPLOSIVES – The production or storage of any material designed for use as an explosive which has the potential to endanger surrounding properties is prohibited.
 - F. HAZARDS – No use shall emit fumes or gases that constitute a health hazard as defined by the United States Environmental Protection Agency or other appropriate regulatory agency.

- G. HEAT AND GLARE – No use shall produce heat or offensive glare perceptible at or beyond the property line.
- H. MONITORING – The operator of the use shall permit the Township to monitor all emissions, effluents, odors and noise on site at all stages of operation on a twenty-four-hour basis.
- I. NOISE – No use shall cause the sound level beyond its property lines to exceed the background level prior to commencement of operations by more than 5%.
- J. PERMITS – The operator of the use shall maintain and make available to the public at its offices all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.
- K. SCREENING – There shall be screening as a barrier to visibility, which shall be composed entirely of trees, shrubs or other plant materials. Plant materials used in the screen planting shall be at least four feet in height when planted and of such species as will produce, within two years, a complete visual screen of at least eight feet in height. The screen planting shall be permanently maintained, and any plant material which does not live shall be replaced within one year. The screen planting shall be so placed that, at maturity, it will not be closer than three feet to any street or property line. A clear sight triangle shall be maintained at all private access ways and all private and public street intersections. The screen plantings shall be broken only at points of vehicular or pedestrian access.
- L. SETBACKS – No structures, parking or storage area shall be located closer than 100 feet to any property line.
- M. VIBRATIONS – No use shall produce any physical vibrations perceptible at or beyond the property line.
- N. WATER SUPPLY – No use shall unduly disturb bodies of water, watercourses or wetlands or jeopardize the water supply of adjacent landowners.

§ 842. [Supply Yards.](#)

§ 842.1. Supply yards shall be subject to the following requirements:

- A. ACCESS: The site shall have frontage on and direct vehicular access to an arterial or collector street as defined by this Ordinance.

- B. HOURS: Engines shall not be started or kept running before 5:30 a.m. or after 8:00 p.m. if the site is located within 500 feet of an existing dwelling.
- C. LANDSCAPING: Planting and landscaping shall be installed in compliance with Article 10.
- D. LIGHTING: All lighting shall be shielded and reflected away from streets and any adjoining residential properties.
- E. REPAIR OF VEHICLES/EQUIPMENT: No repair of vehicles or equipment shall be permitted outside a completely enclosed structure.
- F. PERFORMANCE STANDARDS: All operations shall comply with the performance standards of Article 9 of this chapter.

§ 843. [Vehicle Sales or Rental Facilities.](#)

§ 843.1. Vehicle sales or rental facilities, shall be subject to the following requirements:

- A. DIMENSIONAL REQUIREMENTS – The dimensional requirements shall be as follows:
 - 1. The minimum lot area shall be 1/2 acre.
 - 2. The minimum lot width shall be 100 feet at the minimum building setback line.
- B. SCREENING – No parking of motor vehicles offered for sale or rent, or of vehicles of customers or employees shall be permitted within ten (10) feet from any street right-of-way. Such areas shall be utilized as a landscaping strip, however, deciduous shade and ornamental shade tree requirements may be waived for up to one of the front yards of the lot if the applicant can demonstrate that such trees will be planted in another area of the lot, either in the side or rear yards, within the interior of the parking areas, or immediately surrounding the proposed sales building.
- C. STORAGE
 - 1. All vehicle parts, equipment, lubricants, fuel and similar articles shall be stored within a completely enclosed building.
 - 2. All refuse shall be stored within a building or enclosed area.
 - 3. The storage or parking of junked, abandoned or dismantled vehicles shall not be permitted.
- D. UTILITIES – Vehicular sales or rental establishments shall be connected to public water and sewer.

§ 844. [Vehicle Repair or Service Facilities.](#)

§ 844.1. Vehicle service or repair facilities shall be subject to the following requirements:

- A. ACTIVITIES – All activities shall be performed in a completely enclosed building.
- B. STORAGE
 - 1. All vehicle parts, equipment, lubricants, fuel and similar articles shall be stored within a completely enclosed building. All refuse and junk shall be stored within a completely enclosed building or area.
 - 2. All discarded vehicle tires shall be stored in a completely enclosed area in such a manner so as to prevent the accumulation of stagnant water and the breeding of insects. Such storage area shall be so designed as to permit the flow of air, but shall prevent the tires from being visible to passersby.
 - 3. Motor vehicles shall not be stored outdoors while awaiting repairs for more than seven (7) days.
 - 4. The storage or parking of junked, abandoned or dismantled vehicles or vehicles that do not have current license and inspection stickers shall not be permitted.
- C. UTILITIES – Vehicular service or repair establishments shall be connected to public water and sewer.

§ 845. [Wind Turbines.](#)

§ 845.1. One wind turbine shall be permitted as an accessory use shall be subject to the following requirements:

- A. AUTOMATIC DEVICES - The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and over-speed controls.
- B. LOCATION – Wind turbines shall be prohibited in the R-2 and B-1 districts.
- C. MAXIMUM HEIGHT - The maximum total height above the ground level to the tip of the extended blade shall be 150 feet.
- D. REMOVAL OF STRUCTURES - The owner of the facility shall completely remove all above ground structures within 12 months after the windmill is no longer used to generate electricity.
- E. SETBACKS - Wind turbines shall be set back from any lot line or street right-of-way line a minimum distance equal to the total height to the top of the maximum sweep of the

turbine blade, as measured from the ground level under the turbine base. Such setback shall not apply from a lot if a written signed and notarized waiver is provided to the Zoning Officer by the principal owner of adjacent lot. Two or more abutting lot owners may use the setback waiver process to share use of a wind turbine.

§ 845.2. Two or more wind turbines or a wind turbine as a principal use shall be subject to the following requirements:

- A. ACCESSORY FACILITIES - Accessory electrical facilities are allowed, such as a transformer.
- B. AUTOMATIC DEVICES - The turbine shall include automatic devices to address high speed winds.
- C. DESIGN - Wind turbines shall be designed so that they are not climbable for at least the first 12 feet above the ground level.
- D. GUY WIRES - If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
- E. LAND DEVELOPMENT APPROVAL - If two or more wind turbines are on a lot, they shall need approval as a Land Development under the Subdivision and Land Development Ordinance.
- F. REMOVAL OF STRUCTURES - The owner of the facility shall completely remove all above ground structures within twelve (12) months after the wind turbine(s) are no longer used to generate electricity.
- G. SETBACKS
 - 1. The wind turbine shall be setback from the nearest existing occupied dwelling on another lot a distance not less than three (3) times the maximum height to the top of the maximum sweep of the blade of the turbine, unless a written waiver is provided by the owner of such building. The turbine height shall be the distance from the ground level. The setback shall be measured from the base of the turbine to the nearest part of such building. This provision shall apply to buildings that existed prior to the application for a zoning permit.
 - 2. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the total height to the top of the turbine hub, as measured from the center of the wind turbine base.
 - 3. In situations other than "a.", all wind turbines shall be set back from each lot line or street right-of-way a minimum distance equal to the total height to the top of the

turbine hub, as measured from the center of the Wind turbine base, unless a written waiver is provided by the owner of such lot.

- H. SITE PLAN - The site plan shall show proposed driveways, turbines and areas of woods proposed to be cleared.
- I. TEMPORARY TEST TOWER - Wherever a wind turbine is allowed, a temporary test tower shall also be allowed.

ARTICLE 9 – SUPPLEMENTAL REGULATIONS

§ 901. [Applicability.](#)

§ 901.1. The supplemental regulations in this Article supplement the requirements of Articles 4 through 7 governing each Zoning District and shall apply to all uses in all Zoning Districts, unless otherwise specified.

§ 902. [Accessory Uses and Structures.](#)

§ 902.1. All accessory uses and structures shall meet the following criteria:

- A. Such use is on the same lot as the principal use or structure and is customarily incidental and subordinate to the principal use or structure, except:
 - 1. Where Article 8 of this Ordinance specifies otherwise.
 - 2. Accessory off-street parking, loading and garage facilities may be located on a lot contiguous to the lot where the principal use or structure they serve is located, subject to the provisions of Article 11 and the applicable requirements of the district in which such facility is located.
- B. Such use is not intended to expand a use otherwise limited in that area.
- C. Such use is consistent with the normal requirements of the principal use and is not excessive for such use or for that district.
- D. Such use is not detrimental to the surrounding area or properties.
- E. Adequate area is available without reducing the area requirements set forth for the use in the district in which it lies.
- F. Unless otherwise specified in this Ordinance, all accessory uses shall be located in the side or rear yard and shall be located a minimum of ten (10) feet from the property line.

§ 902.2. A zoning permit shall be required for every accessory use or structure.

§ 902.3. Additional requirements for specific accessory uses can be found in Article 8 of this Ordinance. These requirements shall be adhered to in addition to the requirements contained herein.

§ 902.4. If the principal use or structure is one which would require land development approval through the Subdivision and Land Development Ordinance, such accessory use or structure shall require such approval.

§ 902.5. There must be a principal structure on the lot prior to the issuance of a Zoning Permit for an accessory structure, except that accessory structures customarily associated with parks and playgrounds shall be allowed on site without a principal structure. Such structures may include, but are not limited to picnic pavilions, gazebos, and equipment storage sheds.

§ 903. [Establishment of more than one principal use on a lot.](#)

§ 903.1. No more than one principal building devoted to residential uses shall be located on a lot except as part of a planned multi-family development and other planned projects, such as manufactured/mobile home parks, nursing homes, etc., approved in accordance with these regulations.

§ 903.2. More than one principal building devoted to non-residential use may be established on a lot in the B-1 and I-1 zoning districts in accordance with the following requirements:

- A. The minimum lot area required for lots which have more than one principal use shall be calculated by adding the minimum lot areas required for each use as though each use were located on a separate lot.
- B. Each proposed principal use shall meet all requirements of this Ordinance, except as such requirements may be modified by this section.
- C. When a second or subsequent principal building is constructed upon on a lot, such building shall be located in such a manner so that the lot may be subdivided in the future without such principal buildings being in conflict with the requirements of this Ordinance. The applicant shall obtain land development approval prior to obtaining a zoning permit for the erection of such second or subsequent principal building.
- D. An applicant may, by special exception, establish a second or subsequent principal use in buildings existing on a lot on the effective date of this section where the location of the existing buildings will not comply with Subsections A through C above if the applicant demonstrates compliance with all of the following requirements:
 - 1. The size or configuration of the existing structures makes a single use of the structures impractical.
 - 2. The principal uses proposed for the lot are compatible with each other and are permitted in the district in which the lot is located.
 - 3. The establishment of the proposed uses will not be detrimental to the surrounding neighborhood.

4. The establishment of the proposed uses will not prevent future subdivision or reuse of the lot.

§ 904. [Fences and Walls.](#)

- § 904.1. Fences and walls shall be permitted as accessory uses by right in all zoning districts and shall comply with the following requirements:
- A. All fences and walls shall be located outside of the ultimate street or other legal right-of-way and/or easement. Any fence or wall that was lawfully located within a legal right-of-way prior to enactment of this Ordinance shall be placed outside of the right-of-way if reconstructed or replaced.
 - B. Fences are not subject to the minimum yard setback requirements and may be located up to the property line, except in areas where they are adjacent to public streets, in which case fences shall be required to be located a minimum of two (2) feet from the back of curb or edge of pavement. The finished side of the fence shall face the adjoining property or public street, where applicable.
 - C. Fences and walls in the R-1, R-2 and B-1 districts shall not exceed four (4) feet in height in the front yard and no more than eight (8) feet in height in a side or rear yard. In the I-1 district, fences and walls shall not exceed a height of ten (10) feet. The Zoning Officer may approve a higher height of any fence or wall if the applicant proves to the satisfaction of the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard. Any fence or wall that is constructed shall be subject to the applicable regulations of the Uniform Construction Code.
 - D. All fences and walls shall be constructed of durable material and shall not be permitted to become dilapidated or in a state of disrepair that presents a safety hazard to neighboring properties.
 - E. All permitted swimming pools shall comply with the permanent fence requirements specified in the Uniform Construction Code.

§ 905. [Height limit exceptions.](#)

- § 905.1. Structures permitted above the height limit are roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, radio and television antennas, utility poles, water tanks or similar structures not intended for human occupation. No penthouse nor roof structure nor any space above the height limit shall be allowed for the purpose of providing additional floor space for residential or commercial use.

§ 906. [Interconnection of non-public water and sewage systems.](#)

- § 906.1. If a community water system and/or community sewage system is utilized to serve five or more dwelling units, and such system will not be part of a municipally owned water and/or sewage system at the time of initial occupancy, then the applicant shall comply with, and commit in writing to comply with, the following:
- A. Such community collection and distribution system(s) shall be designed and constructed to meet all of the same specifications as would apply as if the system(s) would be connected into the municipally owned system at the present time;
 - B. Such community water and sewage system(s) shall be engineered and include appropriate easements and/or rights-of-way to allow the systems to efficiently interconnect into the municipally owned systems in the future; and
 - C. The owner of the community water and sewage systems shall be bound to connect such systems to the appropriate authority, within 12 months after the Board of Supervisors provides written notice that it has determined that such interconnection with the municipally owned system(s) to be practical and feasible.
- § 906.2. If a community water system and/or community sewage system is utilized to serve five or more dwelling units, and such system will not be part of a municipally owned water and/or sewage system at the time of initial occupancy, then the applicant is strongly encouraged to enter into an agreement providing that within 12 months after the Board of Supervisors provides written notice that it has determined that such interconnection with the municipally owned system(s) to be practical and feasible:
- A. The piping, rights-of-way and easements shall be made available for acquisition by the municipality or a municipality designated authority with no purchase cost by the municipality or authority; and
 - B. Wells, storage capacity and sewage treatment facilities shall be made available to the municipality or authority at a cost no greater than their current fair market value. The right to use or sell any uncommitted water supply or sewage treatment capacity may be retained by the developer or his or her designee, unless they are otherwise compensated.

§ 907. [Manufactured/Mobile Homes.](#)

- § 907.1. Permanent installation of a manufactured or mobile home shall be subject to the following regulations:

- A. Manufactured/Mobile homes shall be placed on permanent footers (concrete runners) at a depth no less than 18". These permanent footers (concrete runners) must be the same width as the manufactured/mobile home with a top surface of 16" to 24" wide.
- B. All new manufactured/mobile homes shall be installed according to the Manufactured Installation Manual provided by the Manufactured/Mobile Home Dealer.
- C. When obtaining a Building Permit, applicants shall provide the year, make, model and proof that the manufactured/mobile home meets the Federal & National Manufactured Home Construction and Safety Standards (HUD). If HUD approval cannot be proven, the home may be inspected by the Zoning/Code Enforcement Officer and be required to meet the requirements of the current B.O.C.A. Building Codes.

§ 908. [Non-commercial Keeping of Farm Animals.](#)

- § 908.1. The non-commercial keeping of farm animals may be maintained as an accessory use to a single-family dwelling in any zoning district, provided that the following criteria are met:
- A. Pigs shall not be maintained as an accessory to a residential use.
 - B. Any outdoor feed or composting bins shall be kept clean, secure and free of rodents.
 - C. In any zoning district other than R-1, any barn or stable shall be located at least 100 feet from any lot line and 200 feet from any dwelling other than the dwelling of the owner. In the R-1 District, the accessory use requirements shall apply.
 - D. The slaughter and processing of farm animals shall be permitted only in the R-1 Zoning District, and it shall comply with all applicable federal and state regulation, such as the PA Agriculture Code.
 - E. All outdoor pastures shall be enclosed with fencing to prevent the escape of the animals; such fencing must be set back at least 20 feet from all property lines.
 - F. All animal wastes shall be properly stored and disposed of so as not to be objectionable at the site's property line. All animals, their housing and their outdoor pastures shall be properly maintained so as not to become a nuisance to adjoining properties.
 - G. The outdoor keeping of chickens is permitted, in compliance with the following:
 - 1. All structures shall be at least six (6) square feet in size and a minimum of two (2) square feet per each additional chicken.
 - 2. All related structures, including fences, shall be a minimum of ten (10) feet from any property line.

§ 908.2. The non-commercial keeping of cattle shall be only permitted in the R-1 District.

§ 908.3. Beekeeping shall be permitted by right in any zoning district as an accessory use to a single-family dwelling, subject to the following regulations:

- A. Minimum lot area shall be five (5) acres.
- B. It shall be the duty of the applicant to maintain each colony so as to not create a public nuisance.
- C. Colonies shall be maintained in movable frame hives.
- D. Hives shall be located only within the rear yard and shall be situated to maximize sunshine exposure and/or natural wind protection.
- E. In no case shall hives be located within 25 feet of any property line.
- F. All hives shall have access to an on-site water supply. Unless a natural water supply exists on the subject property, the applicant shall furnish a water-filled tank with a board or crushed rock for the bees to land on.
- G. Hives shall not be oriented to children's play areas or neighboring properties.
- H. Adequate techniques in handling bees, such as requeening and adequate hive space, shall be maintained to prevent unprovoked stinging 75 feet or more from the hive.

§ 909. [Performance Standards for All Non-Residential Uses.](#)

§ 909.1. All nonresidential uses, with the exception of agricultural uses shall comply with the regulations of this Section. Where more rigorous use-specific standards are included in Article 8, the more rigorous standards shall apply.

- A. Glare. No direct or sky-reflected glare, whether from floodlights or from high-temperature processes, such as combustion or welding, which is detectable from any point on the lot line is permitted. This restriction shall not apply to signs or floodlights otherwise permitted by this Ordinance.
- B. Electrical Disturbance. No electrical disturbances adversely affecting the operation of any equipment other than that of the creator of such disturbance shall be permitted.
- C. Flammable and Explosive Material. All activities and all storage of flammable and explosive materials at any point shall be prohibited unless adequate safety devices against the hazards of fire and explosion are provided.
- D. Lighting.

1. All lighting devices shall be designed with shields, reflectors or refractor panels which direct and cut off light at a cut-off angle that is less than sixty degrees (60°)
2. No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines. In general, lighting fixtures that shield the reflector or lens or any high brightness surface from viewing angles above sixty degrees (60°) from horizontal shall be utilized.
3. All outside lighting, including sign lighting, shall be directed in such a way as not to create a nuisance to any adjacent use and roadway. All luminaries and fixtures shall be equipped with a glare shielding device, cutoff downward cast in the case of freestanding area lighting, approved by the Municipal Engineer. The height of all luminaries must also be approved by the Municipal Engineer. Intensity of outdoor lighting shall be limited within usable areas of a site (i.e., parking, walkways, etc.) to an average intensity at the ground of one (1) footcandles with a maximum intensity at any given point on the ground of five (5) footcandles, unless otherwise approved by the Board of Supervisors.
4. The height of a luminary shall be limited as follows:
 - a. In the R-2 and B-1 districts, the maximum height permitted shall be twenty (20) feet.
 - b. In any other district, the maximum height shall be twenty-five (25) feet, except where otherwise specified.
 - c. Ball diamonds, playing fields and tennis courts having a unique requirement for nighttime visibility may be exempted from Subsections b and c if, in the judgment of the Board of Supervisors, their limited hours of operation and the location of the luminaries will adequately protect neighboring residential uses.
 - d. The Board of Supervisors may further limit the height of luminaries when it is determined that proposed lighting may have a detrimental impact upon nearby properties.

E. Noise.

1. Intent. To require and set standards for noise levels caused by various land uses in places where public health, safety and welfare are potential concerns. The Noise Ordinance shall protect the public from undue discomfort and hardship caused by loud noises emanating from land uses within Washington Township. The

enforcement of this section is intended to be primarily, but not solely, on a complaint basis.

2. Applicability. Except where specifically exempted by other jurisdictions, the requirements herein apply to the control of all sound originating within the limits of Washington Township.
3. Definitions. All terminology used in this Ordinance and not defined below shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. As used in this Ordinance, the following terms shall have the meanings indicated herein:
 - a. AMBIENT SOUND LEVEL - The composite or normal or existing sound from all sources measured at a given location for a specific time of the day or night.
 - b. CYCLICALLY VARYING NOISE - Steady, fluctuating or impulsive noise which may or may not contain a pure tone and which varies in sound pressure level such that the same level is obtained repetitively at reasonably uniform intervals of time.
 - c. DECIBEL - The logarithmic and dimensionless unit of measurement often used in describing the loudness of sound. Decibel is denoted as dB.
 - d. DEVICE - Any mechanism which is intended to produce, or which actually produces, noise when operated or handled.
 - e. EMERGENCY VEHICLE - A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.
 - f. EMERGENCY WORK - Work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.
 - g. IMPULSIVE NOISE - A noise characterized by brief excursions of sound pressure whose peak levels exceed the ambience by 10dB. The duration of a single impulse is usually less than one second and requires the use of a sound level meter specially adapted for its measurement. Examples of impulsive sound include but are not limited to gun shots, blasting and hammering.
 - h. MOTOR VEHICLE - Any vehicle which is self-propelled by mechanical power, or propelled by human power or electric power from overhead wires or electrified rails, including, but not limited to, passenger cars, trucks, truck-trailers, trains,

semitrailers, campers, motorcycles, minibikes, go-carts, snowmobiles and racing vehicles.

- i. NOISE - Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans or which endangers personal or real property.
- j. PLAINLY AUDIBLE NOISE - Any noise for which the information content of that noise is unambiguously transferred to the listener, such as, but not limited to, understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.
- k. PURE TONE - Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of this Ordinance, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dB for center frequencies of 500 Hz and above, by eight dB for center frequencies between 160 Hz and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.
- l. SOUND - A temporal and spatial oscillation in pressure, or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- m. SOUND LEVEL - The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971), or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.
- n. SOUND LEVEL METER - An instrument, including a microphone, amplifier, RMS detector and integrator, time averager, output meter and/or visual display and weighting networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level when properly calibrated. The sound level meter used for testing purposes in accordance with this Ordinance shall meet the current American National Standard Institute specifications.
- o. SOUND PRESSURE - The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space due to sound.

p. STATIONARY NOISE SOURCE - Any device, fixed or movable, which is located or is being used on geographically defined real property other than a public right-of-way.

4. Performance noise standards.

a. It shall be unlawful for any person to operate or permit to be operated any stationary noise source in such a manner as to create a sound pressure level which exceeds the limits set forth for the receiving land use in the following table when measured at the property boundary. All measurements shall be made with a sound level meter which is in conformance with the American National Standards Institute (ANSI) specifications. The minimum time period for measuring the stationary source of noise shall be five minutes, and where practicable, the microphone of the sound level meter shall be positioned 5 1/2 feet above the ground level and pointing in the direction of the noise source.

Table 9.1: Maximum Continuous Sound Levels by Receiving Zoning District

<u>Receiving Zoning District Category</u>	Time	Maximum dBA
R-1 Rural Agriculture and R-2 Residential*	7:00am – 9:00pm	60
	9:00pm – 7:00am plus Sundays and legal holidays	50
B-1 Mixed-Use Business	7:00am – 9:00pm	72
	9:00pm – 7:00am plus Sundays and legal holidays	62
I-1 Industrial	All times	72

* The maximum for these districts does not apply to “normal agricultural operations” as defined by the Pennsylvania Right to Farm Act (3 PA. STAT . §951-957).

5. Correction for character of sound. For any stationary source of sound which emits a pure tone, a cyclically varying noise or repetitive impulse noise, the maximum sound-level limits set forth in the above table shall be reduced by five dBA. For any source of sound which emits an impulsive sound, the excursions of sound pressure level shall not exceed 20 dBA over the ambient sound pressure level, regardless of the time of day or night or receiving land use, using the fast meter characteristic of a Type II meter, meeting ANSI Specification SI.4-1971.

6. Exemptions. The following uses and activities shall be exempt from the noise regulations of this section:
 - a. Noise of safety signals, warning devices, emergency pressure relief valves, or other sound needed to alert people about an emergency;
 - b. Noise resulting from any authorized emergency vehicle when responding to an emergency call or from any source acting in time of emergency.
 - c. Noise resulting from emergency work.
 - d. Noise resulting from public festivals, celebrations, lawful fireworks, and noisemakers, when permitted by the Township or used for celebration of an official holiday authorized by the Township, commonwealth, or federal government.
 - e. Unamplified human voices between the hours of 7:00 a.m. and 9:00 p.m.
 - f. Routine and customary ringing of bells and chimes by a place of worship.
 - g. Noise resulting from any official Township, school district, or private school athletic, recreational or other such outdoor activity.
 - h. A snowplow in operation.
 - i. Blasting, only if performed in accordance with a permit issued by the Pennsylvania Department of Environmental Protection, the Township or any other governmental agency having jurisdiction. Such blasting may occur only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, unless specifically authorized at different times by the DEP permit.
 - j. Any train or aircraft operating pursuant to commonwealth or federal regulations.
7. Administration and enforcement. When enforcing the terms of this section, the Zoning Officer may engage consultants and engineers with experience in measuring sound levels with the use of sound level meters with the consent of the Board of Supervisors.
8. Permits.
 - a. The Board of Supervisors, upon application from any person, shall have the authority to grant permits for the operation or causation of sound in excess of

the maximum permissible sound levels by receiving land use established in Table 9.1 if the following conditions are met to the satisfaction of the Board:

- i. The operation or causation of such sound, under the circumstances, will not severely jeopardize the health, welfare or safety of the citizens of the Township.
 - ii. The denial of such a permit will impose excess hardship on the applicant, the community or other persons.
 - iii. The operation will not have an adverse effect on a contiguous land use.
- b. The Board of Supervisors shall have the right and authority to impose reasonable conditions and restrictions upon any applicant for a permit in order that the policy of this Ordinance be implemented.
- F. Odors. No emission of odorous gasses or other odorous matter in such quantities as to be detectable to the human sense of smell when measured at the lot line shall be permitted.
- G. Outdoor Storage. All materials and equipment shall be stored in a completely enclosed structure or shall be otherwise screened by a six-foot fence or hedge.
- H. Radioactivity. No activities which emit radioactivity at any point are permitted that exceed state or federal standards.
- I. Smoke, Ash, Dust, Fumes, Vapors and Gases. No fly ash, dust, fumes, vapors, gasses or other forms of air pollution emissions which can cause any excessive soiling upon another property shall be permitted.
- J. Vibration. Vibrations detectable without instruments on neighboring property in any Zoning District shall be prohibited.

§ 910. [Persons with Disabilities.](#)

§ 910.1. After the Zoning Officer has received a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance if the applicant proves both of the following to the satisfaction of the Zoning Hearing Board:

- A. The approval is needed to provide a reasonable accommodation under the Americans With Disabilities Act, the Federal Fair Housing Act and/or related applicable state law, as amended; and

- B. The facility will serve persons who the applicant proves have handicaps or disabilities, as defined in and protected by such laws.

§ 911. [Projections into Yards.](#)

- § 911.1. No structure, whether attached to the principal structure or not and whether open or enclosed, including porches, carports, balconies and platforms above basic grade level, shall project into any required front, side or rear yard, except as provided below:
- A. Shall not apply to terraces, steps, wheelchair ramps, uncovered porches, or other similar features not over three (3) feet high above grade level.
 - B. Minor utility fixtures may be located in any required yard.
 - C. Typical architectural features, including, but not limited to, bay windows, window sills, chimneys, cornices and eaves shall be permitted to project into required yards no more than two (2) feet.
 - D. Decks and their stairs, stoops and unenclosed porches without enclosed habitable foundation and without a roof shall be permitted to project into required yards. Porches that have a roof or that are enclosed or have enclosed habitable foundations shall be subject to the yard requirements for the principal structure.
 - E. Steps attached to the principal building and open fire escapes shall be permitted to project into required yards no more than three (3) feet.
 - F. The Zoning Officer may authorize the projection of a principal structure into a required front yard on a lot located between two (2) structures which may be nonconforming with respect to the front yard, provided that the resulting front yard shall not be less than the median front yard of the two (2) adjacent structures.

§ 912. [Satellite Dish Antennas](#)

- § 912.1. Satellite Dish Antennas for personal use by private citizens, not including communications antennas as defined by this Ordinance, shall be permitted as an accessory use subject to the following requirements:
- A. Satellite dish antennas that have a diameter of twenty-four inches or less shall be exempt from these regulations.
 - B. Only one (1) satellite dish antenna shall be permitted on a residential lot. In the R-2 and B-1 Districts, the maximum diameter of any satellite dish antenna installed on any lot or on any roof or above any building shall be twelve (12) feet.

- C. In all other Zoning Districts, the maximum height of any freestanding satellite dish antenna shall be twenty (20) feet.
- D. In all Zoning Districts, no part of any satellite dish antenna shall be located closer than ten (10) feet to any property line.

§ 913. [Special Lot Requirements.](#)

§ 913.1. Corner Lots.

- A. Corner lots shall provide front yards on each street frontage. The remaining two (2) yards shall constitute side yards.

§ 914. [Swimming Pools.](#)

§ 914.1. Private swimming pools shall be permitted in any zone as accessory uses to a dwelling, subject to the following conditions and requirements:

- A. Shall be fenced and secured in accordance with the requirements of the Uniform Construction Code (UCC).

§ 915. [Outdoor Storage.](#)

§ 915.1. Except for agricultural uses, nurseries, garden supply, building supply, custom crafting and similar businesses which require outside storage of products offered for sale, storage and display of materials outside a completely enclosed structure shall not be permitted.

§ 915.2. Inoperable vehicles may be stored only in a vented garage, in a carport or in a side or rear yard in compliance with setback requirements, provided that:

- A. An inoperable vehicle stored in an open-sided carport must be screened from abutting property and the public right of way as specified in 915.2.C.
- B. An inoperable vehicle stored in a side or rear yard must be screened from abutting property and the public right of way as specified in 915.2.C.
- C. Inoperable motor vehicles stored outdoors or in an open-sided carport must be screened from abutting property and the public right of way by a legally permitted solid structure or fence, or by dense landscaping at least six feet in height.
- D. Parking or storage of inoperable vehicles for compensation is not permitted outside of the I-1 district.

§ 915.3. In the case of nurseries, garden supply, building supply, custom crafting and similar businesses, outside display and storage areas shall be completely enclosed by a security fence and shall be screened by an opaque fence or hedge which is at least six (6) feet in height.

§ 916. [Storage of Recreational Vehicles](#)

§ 916.1. The parking and storage of recreational vehicles with a current license or registration and a valid inspection sticker may be parked or stored in the rear or front yard, provided they do not encroach on the right-of-way of any public street. At no time shall such parked or stored vehicle be occupied or used as a dwelling.

§ 917. [Temporary Construction Trailers and Dwellings.](#)

§ 917.1. Temporary Construction Trailers, Model Homes or Sales Offices shall be permitted in any Zoning District subject to the following conditions:

- A. Temporary construction trailers shall be permitted only during the period that the construction work is in progress under a valid building permit or under Municipal approval to install public improvements. The temporary construction trailer shall be removed upon completion of the construction authorized under a building permit or upon completion of the installation of the public improvements in a plan of subdivision. In the event that construction is phased, the temporary construction trailer shall be moved from the completed phase to the next phase when ninety percent (90%) of the required improvements in the completed phase have been installed as determined by the Municipal Engineer.
- B. Model homes or sales offices shall be permitted only until ninety percent (90%) of the lots or dwelling units in the development are sold. In the case of a phased development, the use of a model home or sales office shall be permitted to continue only if the subsequent phase is initiated within six (6) months of the completion of ninety percent (90%) of the lots or dwelling units in the prior phase.
- C. A temporary use permit for the temporary structure or use shall be obtained from the Zoning Officer in accordance with the requirements of Article 14 prior to the commencement of construction and shall be renewed every six (6) months, if necessary, until the project is completed.
- D. Temporary construction trailers shall be located on the lot on which the construction is progressing and shall not be located within twenty-five (25) feet of any property line adjoining residential use.
- E. Temporary construction trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use, whatsoever.

- F. No signs or other advertising materials for the project shall be attached to the temporary construction trailer; however, the name of the construction company may appear on the trailer.
- G. "Class 3" materials as classified by the National Fire Protection Association (NFPA) shall not be stored in temporary construction trailers.
- H. Model homes shall be located on a separate lot and shall meet all the requirements for permanent dwellings in the Zoning District in which they are located. Sales offices may be located in a model home or may be located in a trailer located on a vacant lot in the plan or on the site of construction. If the sales office is located in a trailer, the trailer shall not be located within twenty-five (25) feet of any property line adjoining residential use. No signs or other advertising information shall be located on the outside of the trailer or sales office.
- I. Model homes or sales offices located in a trailer shall not be utilized for any dwelling use, whatsoever, during the time they are approved as a temporary use or structure in accordance with the provisions of this Section.
- J. Model homes or sales offices shall be used primarily for sales associated with the development in which they are located and shall not be used as the only place of business for the listing realtor.

§ 917.2. Manufactured homes that are intended to be used as temporary dwellings for residential use may be utilized on certain lots in accordance with the requirements below.

- A. Manufactured homes or trailers shall be permitted in any residential or agricultural district as temporary living quarters during the construction of single-family detached dwellings on the same lot by the occupants thereof.
- B. The permit for such a manufactured home or trailer shall expire six months from the date of issuance or upon completion of the single-family detached dwelling, whichever event shall occur earlier.
- C. Such manufactured home or trailer shall be completely removed from the lot upon expiration of the permit without cost to the municipality.
- D. Any manufactured home or trailer erected on a lot pursuant to this section shall conform to all lot and yard requirements for single-family detached dwellings of the zoning district in which it is located.
- E. Only one manufactured home or trailer shall be permitted on each lot.

- F. Each manufactured home or trailer shall be provided with a potable water supply and an approved means of sanitary sewage disposal.

§ 917.3. Manufactured homes or trailers that are intended to be used as temporary housing for employees shall be subject to the following requirements:

1. At least one resident of the proposed manufactured home or trailer shall be employed on the same premises on which the manufactured home or trailer will be placed.
2. The manufactured home or trailer shall be set back a minimum distance of 60 feet from any street right-of-way and shall be set as close to the worksite as possible.
3. The manufactured home or trailer shall be occupied at least 90 days a year by at least one person who is employed on the premises on which the manufactured home or trailer is located. If this is not complied with, the manufactured home or trailer shall be removed from the premises.
4. The manufactured home or trailer shall be provided with a piped water supply and an approved means of sanitary sewage disposal.
5. The manufactured home or trailer shall not count towards the maximum number of dwellings permissible on a lot located in the zoning district.

§ 918. [Visibility at Intersections.](#)

§ 918.1. On corner lots or at any point of entry onto a public street, no object, including, without limitation, fences, landscaping rocks, hedges, trees and other plantings, buildings, structures, walls, signs and motor vehicles, shall be parked, erected, installed, planted or allowed to grow, either temporarily or permanently, in a manner that will obscure vision in the area between 2 1/2 feet and 10 feet above the ground, measured from the center line grade of the intersecting streets or street and driveway, within the clear sight triangle, as defined herein. The required clear sight triangle is illustrated in Appendix A.

ARTICLE 10 – LANDSCAPING AND SCREENING

§ 1001. Applicability.

§ 1001.1. Any part of a commercial, industrial, institutional or multifamily dwelling lot that is not used for structures, loading areas, parking areas, driveways, access drives, storage areas and walkways shall be planted or landscaped in accordance with an overall landscaping plan to be approved by the Township.

§ 1002. Landscaping Requirements.

- A. All non-residential and multi-family dwelling uses, with the exception of agricultural uses, shall contain a landscape strip in all yards. All landscape strips shall be a minimum of 10 feet wide unless a greater width is required by another section of this Ordinance.
- B. Any required landscaping (landscape strips and interior landscaping) shall include a combination of any of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than 80% of the required landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas.

§ 1002.2. Buffer/screening requirements.

- A. All non-residential and multi-family dwelling uses, with the exception of agricultural uses, shall contain a landscape screen, in addition to the required landscape strip, when such use is adjacent to a residential zone or to a property that is available for residential use. The landscape screen may overlap with a required setback or residential buffer strip and shall be a minimum of 10 feet in width, unless a greater width is required by another section of this Ordinance. The landscape screen must be at least ten (10) feet from the property line with the residential use or zone.
- B. The following materials may be used within a landscape screen: evergreens (trees, hedges, or shrubs), decorative masonry walls or decorative fencing, earth berms, or other approved similar materials. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screening shall be arranged so as to block the ground level views between grade, and a height of six feet (6), unless a more stringent regulation exists for a particular use. Landscape screens must achieve this visual blockage within three (3) years of installation.

§ 1002.3. Parking Area Landscaping.

- A. Landscaped strip. When a parking lot with 16 or more spaces is located in a yard which abuts a street, a landscaped strip shall be provided on the property along the entire street line. Unless a greater width is required by this Ordinance for a specific use, the landscape strip shall be a minimum of 15 feet wide. The width of the strip shall be measured from the ultimate street right-of-way line. The strip may be located within any other landscaped strip required to be located along a street. If there is no building or other structure on the property, the parking lot shall still be separated from the street by the landscaped strip.
- B. Interior landscaping.
 - 1. In any parking area containing 16 or more parking spaces (except a parking garage), 5% of the total area of the parking lot shall be devoted to interior landscaping. Such interior landscaping may be used, for example, at the end of parking space rows and to break up rows of parking spaces at least every 10 parking spaces, and to help visually define travel lanes through or next to the parking lot. Landscaped areas situated outside the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping.
 - 2. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands and curbed areas. Ground cover alone is not sufficient to meet this requirement. Trees, shrubs or other approved material shall be provided.
 - 3. Parked vehicles may not overhang interior landscaped areas more than 2 ½ feet. Where necessary, wheel stops or curbing shall be provided to insure no greater overhang.
 - 4. If a parking lot of fewer than 16 spaces is built without interior landscaping, and later additional spaces are added so that the total is 16 or more, the interior landscaping shall be provided for the entire parking lot, in accordance with this section.
- C. Screening. Unless otherwise indicated, when a parking lot is located on property that adjoins land in a residential zone or land that is available for residential use, the parking lot shall be screened from the adjoining residential property, in accordance with 1102.2.

§ 1002.4. General landscaping requirements.

- A. To the extent practically feasible, required trees and shrubs shall be of a variety native to the area.

- B. Any tree or shrub that dies within one (1) year of planting shall be replaced by the current owner of the property where it is planted. All landscaping and screening treatments shall be properly maintained.
- C. All plantings shall be placed so that, at maturity, they will not prevent passage on a sidewalk, trail or other pedestrian way. A clear sight triangle shall be maintained at all private access ways and all private and public street intersections. (See Appendix.)
- D. All landscaping shall be resistant to disease, healthy and planted in accordance with good nursery practice.
- E. Healthy existing trees that will be preserved and protected may be substituted for the planting of new trees within any required landscape strip or screen.

ARTICLE 11 – PARKING REGULATIONS

§ 1101. [Applicability.](#)

§ 1101.1. The requirements of this article shall apply to all uses within all zoning districts. It is the intent of this Article that adequate off-street parking and loading facilities shall be provided for each use of land. These requirements are intended to be based upon the demand created by each use, and where multiple uses occur upon a single lot, the off-street parking and loading requirements for each use shall be provided.

§ 1101.2. All parking areas established prior to the effective date of this Ordinance that are not in conformance with all provisions of this Article shall be allowed to continue as previously laid out. Any change or alteration to these existing nonconforming parking areas shall require that portions to be altered to be complete in accordance with all provisions of this Article.

§ 1101.3. In the event a change in use of a building and/or a building expansion or alteration creates additional parking or loading demand for the use, additional off-street parking and loading areas shall be provided.

§ 1102. [Off-Street Parking Design.](#)

§ 1102.1. Size. Parking areas in all zoning districts shall comply with the following standards:

- A. Parking spaces shall meet the minimum dimensions provided in Table 11.1.

Table 11.1: Minimum Dimensions for Parking Spaces

Type of Parking Space	Width	Length
Angle or 90 degree	10 feet	20 feet
Parallel	10 feet	22 feet
Handicapped	13 feet	18 feet
Van accessible	17 feet	18 feet

§ 1102.2. Design.

- A. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto the cartway of any public street.
- B. The minimum width of aisles providing access to stalls, varying with angle of the parking, shall be as provided in Table 11.2.

Table 11.2: Minimum Width of Aisles

Angle of Parking	Minimum Aisle Width
Parallel	12 feet
30 degree	11 feet
45 degree	12 feet
60 degree	19 feet
90 degree	28 feet

- C. The required parking area shall be measured exclusive of interior drives or maneuvering areas.
- D. Minimum width of aisles providing two-way travel shall be twenty-four (24) feet.
- E. One-way aisles shall not be dead-ended. A functional exit or turnaround shall be provided.
- F. Parking spaces shall be clearly delineated by suitable markings. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings or signage.

§ 1103. [Accessible Parking.](#)

§ 1103.1. Parking spaces for use by persons with disabilities shall meet the 2010 Americans with Disabilities Act (ADA), as amended, Standards for Accessible Design.

§ 1103.2. Such parking spaces shall be located as close as possible to ramps, walkways, entrances and elevators. Where feasible, these parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to reach the ramps and other facilities. The spaces shall be situated in those areas of the parking lots located nearest to each primary building entrance.

§ 1103.3. Table 11.3 provides the minimum number of accessible parking spaces that must be provided.

Table 11.3: Required Accessible Parking

Total Parking Spaces Required	Required Number of Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1,000

§ 1103.4. For every six (6) handicapped parking spaces required, at least one must be van accessible.

[§ 1104. Alternative Parking Requirements.](#)

§ 1104.1. If the number of off-street parking spaces required by this section cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then parking spaces may be located on a lot other than that containing the principal use as a conditional use pursuant to the provisions below. These off-site spaces are referred to in this section as satellite parking spaces.

- A. All such satellite parking spaces (except spaces intended for employee use) must be located within two hundred and fifty (250) feet of the lot on which the principal use associated with such parking is located.

- B. Walking paths shall be provided between the principal use and the parking lot. Such paths shall not cross streets except at designated crosswalks.
- C. All such parking spaces must be located in a zoning district that permits the principal use.
- D. A shared parking plan shall be enforced through written agreement. An attested copy of the agreement between the owners of record shall be submitted to the municipality who shall forward a copy to the Municipal Solicitor for review and approval. Proof of recordation of the agreement shall be presented to the municipality prior to issuance of a certificate of occupancy. The agreement shall:
 - 1. List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
 - 2. Provide a legal description of the land;
 - 3. Include a site plan showing the area of the parking parcel;
 - 4. Describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;
 - 5. Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
 - 6. Assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating uses; and
 - 7. Describe the method by which the covenant shall, if necessary, be revised.
- E. If the agreement expires, each owner shall provide the required parking spaces for their principal use.

[§ 1105. Surface Requirements.](#)

§ 1105.1. Off-street parking areas in the R-1 and R-2 districts may be a compacted stone base, so long as the stone materials used do not create dust or are permitted to wash out or otherwise accumulate on public roadways. Access drives and driveways in these districts shall be provided in accordance with the Municipal Subdivision and Land Development Ordinance. Handicap parking spaces shall be paved in accordance with Federal and/or State accessibility regulations.

§ 1105.2. Off-street parking areas in all other zoning districts shall be paved with an all-weather surface which may include stone, concrete, bituminous material, paving blocks or similar dust-free

surface. Access drives and driveways in these districts shall be provided in accordance with the Subdivision and Land Development Ordinance.

§ 1105.3. Temporary parking or overflow parking areas for special events, such as fairs, sporting activities, private gatherings or similar events shall be permitted on grass surface areas of a property so long as the grass surface area does not become deteriorated to an erodible state and so long as mud and other debris are not tracked out onto public roadways.

§ 1106. [Parking Lot Landscaping.](#)

§ 1106.1. All parking areas shall be landscaped in accordance with Section 1002.3 of this Ordinance.

§ 1107. [Lighting.](#)

§ 1107.1. Any lighting used to illuminate off street parking areas shall be designed in conformance with the requirements provided in Article 9 of this Ordinance.

§ 1108. [Stormwater Management.](#)

§ 1108.1. All paved areas shall be designed so that stormwater runoff shall not adversely affect adjacent properties. The method of stormwater management and the design of the proposed facilities shall be subject to the requirements of the Township's Stormwater Management Ordinance and to review and recommendation by the Municipal Engineer.

§ 1109. [Off Street Parking Requirements.](#)

§ 1109.1. Any new use or change of use in any Zoning District shall comply with the following minimum requirements for the provision of off-street parking spaces:

- A. When the calculation of required parking spaces results in a requirement of a fractional parking space, any fraction shall be counted as one (1) parking space.
- B. Where more than one (1) use exists on a lot, parking requirements for each use shall be provided.
- C. In no case shall the public right-of-way be used for meeting a required parking requirement.
- D. Off-street parking spaces shall be located on the same lot as the principal use or on an adjacent lot in the same zoning district, unless otherwise specified in this Ordinance.
- E. Table 11.4 provides the minimum number of off-street parking spaces required to be provided for the uses indicated.

Table 11.4: Minimum Off-Street Parking Requirements

Use	Required Number of Spaces
<i>Class I: Residential</i>	
Single-family	Two (2) spaces
Duplex	Four (4) spaces
Multi-family	Two (2) spaces per dwelling unit, plus two (2) spaces for manager's unit, if provided
Group Living Facilities	One (1) space for every three (3) rooms, plus one (1) space per employee on largest shift
<i>Class II: Moderate Intensity Nonresidential</i>	
Offices	One (1) space for every 400 sf of GFA
Clinics and Medical Offices	One (1) space for every 200 sf of GFA
Funeral Home	One (1) space per 4 seats
Hospitals and Nursing Homes	One (1) space per three (3) beds and one (1) space for each employee on the peak working shift
Personal and Professional Services	One (1) space for every 250 sf of GFA
Note: sf = square footage; GFA = Gross Floor Area	

<i>Class III: Institutional</i>	
Day Care Center	One (1) space for every employee on duty during largest shift plus one (1) space for every six (6) children in attendance when the facility is operating at maximum capacity
Public Building	One (1) space for each 500 sf of GFA
Place of Worship	One (1) space for every five (5) fixed seats or one hundred (100) lineal feet of pew, or if no seats or pews, one (1) space for every forty (40) sf of GFA used for assembly
School	One (1) space for each employee or faculty member or one (1) space for each three (3) seats in the principal place of assembly, whichever is greater

Class IV: Commercial

Greenhouse, Commercial	One (1) space for every employee on largest shift plus one (1) space for every 400 sf of growing and display area accessible to the public
Hotel / Motel	One (1) space per employee on peak shift plus one (1) space per sleeping unit
Restaurants with Drive Through	One (1) space per 250 sf of GFA
Restaurant, Bar/Tavern, Brewpub/Distillery	One (1) space for every seventy-five (75) sf of GFA plus one (1) space for each employee on peak working shift
Retail Store	One (1) space for every 300 sf of GFA

Class V: Industrial

Car Wash	2.5 spaces for each bay or stall for stacking space
Gas Station	One (1) space for each employee on duty during largest shift plus two (2) for each service bay plus one (1) space per 250 sf of GFA of convenience store, if applicable
Heavy Manufacturing	One (1) space for every 400 sf of GFA of office space, plus one (1) space per 2,000 sf of GFA of warehouse, assembly, or storage space

Note: sf = square footage; GFA = Gross Floor Area

Light Manufacturing	One (1) space for every 400 sf of GFA of office space, plus one (1) space per 1,500 sf of GFA of warehouse, assembly, or storage space
Research and Development and / or Laboratory	One (1) space for each 2,000 sf plus one (1) space for every three (3) employees
Self-Storage Facility	One (1) space for every 40 storage units or bays
Truck terminal	One (1) space for 1,000 sf of GFA plus one (1) space for every three (3) employees
Vehicle Repair or Service Facility	Two (2) spaces for each service bay
Vehicle Sales or Rental Facility	One (1) space for every 180 sf of GFA
Warehouse and/or Distribution Facility	One (1) space for every 400 sf of GFA of office space, plus one (1) space per 1,700 sf of GFA of wholesale / warehouse space
Wholesale Establishment	One (1) space for each 3,500 sf of GFA plus one (1) space for every three (3) employees

<i>Class VI: Recreation</i>	
Ball Fields and/or Courts	Two (2) parking spaces for each team member on the field or court during regulation play plus one (1) space for each three (3) seats in bleachers or viewing stands
Driving Range (golf) or Miniature Golf	One (1) space for each tee/hole
Golf course	Four (4) spaces for every green
Movie theater or Auditorium or Gymnasium	One (1) space for every four (4) seats
Recreation, Outdoor (5-10 acres)	One (1) space for the first two (2) acres and one (1) space for each additional acre plus any additional parking for any other facilities or land uses constructed within the park as provided herein
Recreation, Outdoor (over 10 acres)	Five (5) spaces for the first acre and one (1) space for each additional 10 acres plus any additional parking for any other facilities or land uses constructed within the park as provided herein
Recreation, Indoor	One (1) space for every 300 sf of GFA
<i>Uses Not Specified</i>	
All Other Uses	One (1) space for each three (3) occupants at maximum permitted occupancy or one (1) space for each three hundred (300) sq. ft. of gross floor area whichever is greater
Note: sf = square footage; GFA = Gross Floor Area	

§ 1110. Off-Street Loading Requirements.

- § 1110.1. In all Zoning Districts, whenever a new use is established or an existing use in structurally altered, converted or enlarged, off-street loading spaces shall be provided in accordance with the requirements of this Section.
- § 1110.2. Off Street Loading Design.
 - A. Size. Each loading berth shall be at least sixty-five (65) feet in length and twelve (12) feet in width with an overhead clearance of fourteen (14) feet. The area used for loading berths shall not be used to satisfy parking area requirements and shall not block any driveway used for circulation through the site.
 - B. Access. Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the Township Engineer. Loading berths shall have direct access to a driveway and shall be maintained free from obstruction.

- C. Location. All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least fifty (50) feet from the nearest point of intersection of any two (2) streets.
- D. Screening. Loading berths shall be screened by a six (6) foot hedge, wall or opaque fence on all sides which face residential use or Zoning District classification.
- E. Surfacing. All loading berths shall have a paved, concrete or bituminous surface, with adequate thickness to support the weight of a fully loaded vehicle and graded with positive drainage to dispose of surface water.
- F. Lighting. Any lighting used to illuminate loading berths shall be designed to reflect from any adjoining residential use or zoning classification and away from any street or highway.

§ 1110.3. Off-Street Loading Requirements.

- A. In all Zoning Districts, every use which requires the receipt or distribution, by tractor-trailer, of material or merchandise, shall provide off-street loading berths in accordance with Table 11.5.
- B. In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored on or block access to a public right-of-way.

Table 11.5: Off-Street Loading Berths

Gross Floor Area (square feet)	Number of Berths Required
Under 20,000	None
20,000 – 59,999	1
60,000 – 99,999	2
For each additional 60,000	1 additional

ARTICLE 12 – SIGN REGULATIONS

§ 1201. Applicability.

§ 1201.1. All signs, billboards and/or advertising structures that are viewable from the road right-of-way on any other exterior portion of a property are subject to the regulations of this article, and all other applicable regulations of this Ordinance.

§ 1201.2. Nothing contained herein shall be constructed to abrogate or affect the provisions of any lawful state or federal statute or regulation controlling outdoor advertising which are more restrictive than the provisions of this Ordinance.

§ 1202. General Sign Regulations. The following regulations shall apply to all permitted sign uses:

§ 1202.1. Permit Required.

- A. Except as otherwise provided in this chapter, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this Ordinance and in accordance with a sign permit issued by the Zoning Officer. Repainting or changing the message of a sign shall not, in and of itself, be considered a substantial alteration.
- B. Sign permit applications and sign permits shall be governed by the same provisions of this Ordinance applicable to zoning permits.
- C. Any permit issued by the Zoning Officer for the erection, alteration, replacement or relocation of any sign shall expire automatically within six (6) months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.

§ 1202.2. Exempt Signs.

- A. A sign permit is not required for:
 - 1. Signs erected by a government body or required by law;
 - 2. Temporary signs as follows:
 - a. One (1) sign for more than sixteen (16) square feet in area, located on property where a building permit is active.
 - b. On any property for sale or rent in the R-1 Rural Agricultural, R-2 Residential or B-1 Mixed-Use Business District: Not more than one (1) sign with a total area of up to twelve (12) square feet and a maximum height of six (6) feet.

- c. On any property for sale or rent in the I-1 Light Industrial District: Not more than one (1) sign with a total area of up to thirty-two (32) square feet and a maximum height of six (8) feet.
 - d. Signs or notices placed or displayed by or under the direction of any public or court officer in the performance of his or her official or directed duties, provided that all such signs be removed no more than 10 days after their purpose has been accomplished.
 - e. Temporary signs associated with an event, provided that they are removed within seven (7) days after the event ceases.
3. Window signs not exceeding fifty (50) percent of the total area of the window or door they occupy.
4. Minor signs not visible from the public right of way and/or adjoining property.

§ 1202.3. Prohibited Signs.

- A. No sign shall be placed in such a position that it will cause danger to vehicular or pedestrian traffic on a street by obscuring the view.
- B. No sign shall be permitted that looks similar to traffic control devices.
- C. No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a traffic signal or other traffic control device. No sign, other than official traffic signs and off-premises directional signs, shall hang over or be erected within the right-of-way of any street. No sign shall be located within the clear sight triangle defined by §918.1 of this Ordinance.
- D. No sign shall contain or use flashing, intermittent or rotating illumination, except official traffic control signs and as permitted on electronic message center signs and on digital signs.
- E. No sign shall feature an animated display generated by a series of moving images such as an LED, digital display or other video technology, whether mounted on a building, vehicle or mobile unit.
- F. No objectionable glare should result from any illuminated signs. Such signs shall comply with all lighting regulations set forth in § 909.D of this Ordinance.
- G. No freestanding sign shall be higher than 25 feet unless otherwise permitted by this article, and no sign which is attached to a building shall be higher than the height limit of the permitted principal uses in the district in which the sign is located; provided,

however, that if other provisions of this article establish lower height restrictions for certain types of signs, the lower height limit shall control.

- H. No sign shall be erected or located so as to prevent ingress or egress from any window, door or fire escape.
- I. No sign shall be permitted which is pasted, stapled or otherwise attached to public utility poles, except any posted by a government body or required by law.
- J. No signs shall be pasted, stapled or otherwise attached to any trees within the public right-of-way.
- K. No sign shall be permitted that is determined to be obscene as defined by Pennsylvania Code Title 18 §5903.
- L. No sign shall be placed on an automobile, truck or other vehicle if that vehicle is used primarily for displaying such sign.
- M. No sign shall emit smoke, visible vapors, particles, sound or odor.
- N. Temporary signs shall not be displayed more than thirty (30) days except as otherwise permitted in this chapter.

§ 1202.4. Area of a Sign.

- A. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed but shall not include any supporting framework or bracing incidental to the display itself.
- B. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all of the letters and symbols.
- C. If a sign includes two attached sides of the same size, then only one side shall be considered for the purposes of determining compliance with the maximum sign area. However, if the interior angle of two attached sides of a sign is greater than 45°, or if a sign includes three or more sides, then the maximum sign area limit shall apply to the aggregate total of all of the sign faces.

§ 1202.5. Maintenance and Inspection.

- A. All signs shall be constructed of durable materials and shall be kept in good condition and repair. No sign shall be allowed to become dilapidated and in such a state of disrepair as

to have the appearance of complete neglect, which is rotting or falling down, which is illegible or has loose parts separated from original fastenings.

- B. Whenever a sign becomes structurally unsafe or endangers the safety of the building or premises, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign be made safe or removed within five days. Upon failure of the owner to comply, the Zoning Officer shall remove the sign at the owner's expense.

§ 1202.6. Removal of Signs.

- A. In the event that a business or enterprise has ceased operations for a period of one hundred eighty (180) days or more, signage pertaining to that establishment that will not be reused by the next owner, tenant or lessee shall be removed, or the faces of such signs to be reused by the next owner, tenant or lessee shall be rendered blank, until such time as the new owner, tenant or lessee commences operation. Blanking of the sign may be accomplished by installing new blank sign faces or temporary coverings, as long as such coverings are maintained in good condition and are free from holes, tears, shredding, etc.
- B. The owner of the sign, the property on which the sign is located and the proprietor of the business to which the sign refers shall be jointly and severally responsible for compliance with the requirements of this subsection. The municipality may lien the property for the cost of removing the sign and all legal fees and costs incurred with filing and enforcing the lien.

§ 1202.7. Other General Requirements.

- A. Placement. Except as otherwise permitted, all freestanding signs shall be set back ten (10) feet from any property line.
- B. Illumination. All permitted signs may be backlit, internally lighted or indirectly lighted unless such lighting is specifically prohibited in this section.
 - 1. In the case of indirect lighting, the source shall be so shielded that it illuminates only the face of the sign. Indirect lighting shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the sign to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the sign.
 - 2. Internal illumination shall be limited to illumination standards for parking lot lighting in §909.1.D. No sign shall be permitted to have an illumination spread of more than

0.05 foot candle at the lot line, shine into on-coming traffic, affect highway safety or shine directly into a residence.

3. In no event shall the illumination of any sign resulting from any internal or external artificial light source adversely affect surrounding properties, cause offensive glare or create a traffic hazard.
- C. Each message or image on an electronic message sign shall remain fixed and unchanged for a minimum period of five (5) seconds. There shall be no appearance of flashing, blinking, movement, scrolling, dissolving or fading in which images or messages "move" or in which part of one (1) message or image appears simultaneously with any part of a second or subsequent one. The illumination intensity, contrast or coloration of the message text or image shall remain constant for each display period. The intensity/brightness of such sign, as measured by the difference between the off and solid-message measurements, shall not exceed the industry standard recommended 0.3 foot candles above ambient light. Such signs shall be equipped with technology that automatically dims the electronic message illumination intensity commensurate with ambient light conditions (i.e. illumination intensity lower in low-light and nighttime conditions than in daylight).
- D. Substitution. Whenever this section permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height and construction.
- E. Off-site Signs. With a permit, a non-commercial organization may erect up to two (2) off-premises signs on properties with the consent of the persons in charge of such properties. Each sign shall be no more than sixteen (16) square feet in area and eight (8) feet in height. The area of the sign counts against the maximum sign area permitted on that lot. No more than one (1) off-premises sign may be displayed per lot.

§ 1203. Billboards.

§ 1203.1. Billboards shall be permitted by conditional use only in the R-1 Zoning District, subject to the following conditions as well as other applicable requirements:

- A. The panel shall not exceed 100 square feet in area on one side.
- B. No more than one panel (two sides) shall be permitted at one location.
- C. A minimum of 1,000 feet distance shall be maintained between a proposed billboard and any other proposed or existing billboard. This minimum distance shall be measured radially from the furthest extension of any proposed or existing billboard sign.

- D. No billboard sign shall be located closer than 300 feet from the nearest property line.
- E. All billboards shall be set a minimum distance of 30 feet back from the street right-of-way line.
- F. No sign shall be more than 25 feet high above the grade of the existing road cartway.
- G. If lighted, a nonglare lighting fixture designed for outdoor use shall be used.
- H. If a billboard or any portion thereof is a digital sign or electronically changing message sign, the sign shall be set back a minimum of 1,000 feet from any other off-premises digital sign or electronically changing message sign.

§ 1204. Sign Regulations by Use and District.

§ 1204.1. For purposes of this chapter, signs are classified as follows:

Table 12.1: General Sign Type Classification

Type	Signs included as defined per this section
Permanent	Freestanding, Monument, Wall, Projecting, Awning, Electronic Message Sign, Marquee, Minor, Pole Sign, Roof Sign, Window Sign, Neon Sign
Temporary	A-frame, Banner, Blade Sign, Portable, Vehicle or Trailer Sign, Window Sign
Flag	Flag (Flagpole ≤ 8" diameter)

§ 1204.2. Signs in Agricultural and Residential Districts.

- A. This section shall be applicable to land in the R-1 and R-2 Zoning Districts.
- B. Except as otherwise prohibited in this section, the following signs are permitted as accessory to *residential* uses in the R-1 and R-2 districts. Electronic message signs are prohibited on residential properties in the R-1 and R-2 districts.

Table 12.2: Permitted Signs for Residential Uses in R-1 and R-2 Districts

TYPE	FLAGS	TEMPORARY	PERMANENT
Size (each/total)	16 s.f./no limit	16 s.f./32 s.f.	16 s.f./16 s.f.
Max Number	Unlimited	Unlimited	Unlimited
Illumination	As required by law	None	Indirect
Setback	Equal to Height	10 ft.	None
Max. Height	25 ft.	4 ft.	4 ft.

- C. Residential community entrance. A maximum of two (2) monument signs shall be permitted at each principal road entrance into a major residential subdivision. The total square footage of signage at each principal entrance shall not exceed thirty-two (32) square feet.
- D. Except as provided otherwise in this section, the following signs are permitted as accessory to *non-residential* uses in the R-1 and R-2 districts.

Table 12.3: Permitted Signs for Non-Residential Uses in R-1 and R-2 Districts

TYPE	FLAGS	TEMPORARY	PERMANENT
Size (each/total)	24 s.f./no limit	16 s.f./32 s.f.	50 s.f./50 s.f.
Max Number	Unlimited	Unlimited	Unlimited, with exception: only 1 free-standing or monument sign
Illumination	As required by law	None	Internal/Indirect
Setback	Equal to Height	10 ft.	10 ft.
Max. Height	25 ft.	4 ft.	12 ft.

§ 1204.3. Signs in the Mixed-Use Business District.

- A. This section shall be applicable to land in the B-1 Zoning District.
- B. Except as provided otherwise in this section, the following signs are permitted as accessory uses in the B-1 Zoning District.

Table 12.4: Permitted Signs in the B-1 District

TYPE	FLAGS	TEMPORARY	PERMANENT
Size (each/total)	32 s.f./no limit.	32 s.f./32 s.f.	60 s.f./150 s.f.
Max Number	Unlimited	Unlimited	Unlimited, with exception: only 1 free-standing or monument sign
Illumination	As required by law	None	Internal/Indirect
Setback	Equal to Height	10 ft.	10 ft.
Max. Height	25 ft.	6 ft.	12 ft.

- C. Off-site signs for commercial use of limited duration. Up to three (3) off-site signs, each not to exceed six (6) square feet and six (6) feet in height, shall be permitted for a commercial use lasting for three (3) or fewer days. No more than one (1) permitted temporary sign shall be displayed per lot. Display of signs shall not be located in the public right of way and shall be limited to forty-eight (48) hours prior to commencement and forty-eight (48) hours after cessation of the use or activity advertised.
- D. Mixed-use developments and business parks. Properties or establishments located within mixed use development or business park shall be permitted the following additional square footage allowance:
 - 1. One (1) monument sign not exceeding thirty-two (32) square feet per each principal entrance identifying the occupants.

§ 1204.4. Signs in the Light Industrial District.

- A. This section shall be applicable to land in the I-1 Zoning District.
- B. Except as provided otherwise in this section, the following signs are permitted as accessory uses in industrial districts. In addition, up to one (1) minor sign per business is permitted as a wall sign.

Table 12.5: Permitted Signs in the I-1 District

TYPE	FLAGS	TEMPORARY	PERMANENT
Size (each/total)	32 s.f./no limit	32 s.f./32 s.f.	60 s.f./150 s.f.
Max Number	Unlimited	Unlimited	Unlimited, with exception: only 1 free-standing or monument sign
Illumination	As required by law	None	Backlit/Internal/Indirect
Setback	Equal to Height	10 ft.	10 ft.
Max. Height	25 ft.	6 ft.	12 ft.

- C. Mixed-use developments and industrial parks. Properties or establishments located within mixed use development or business park shall be permitted the following additional square footage allowance:

1. One (1) monument sign not exceeding thirty-two (32) square feet per each principal entrance.

§ 1205. Nonconforming Signs.

§ 1205.1. Signs lawfully existing on the effective date of this section or prior ordinances that do not conform to the provisions of this section, and signs which are accessory to a nonconforming use, shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the Zoning Officer, a property owner shall submit verification that sign(s) were lawfully

existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.

- § 1205.2. No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.
- § 1205.3. Nothing in this section shall be deemed to prevent keeping a nonconforming sign in good repair. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
- § 1205.4. No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this section.
- § 1205.5. A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage, but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this section.
- § 1205.6. A nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two (2) years or more. Such structure sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the Zoning Officer shall give the owner fifteen (15) days written notice to remove it. Upon failure to comply with this notice, the Zoning Officer may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

ARTICLE 13 – NONCONFORMING REGULATIONS

§ 1301. Applicability.

§ 1301.1. This Article shall apply to all nonconforming uses, structures and lots, as defined by this Ordinance. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and permits, if required, have been granted prior to the effective date of this Ordinance or any amendment thereto.

§ 1302. Nonconforming Uses.

Continuation and Sale. Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful in accordance with the provisions of this Article.

§ 1302.1. Enlargement or Expansion. The enlargement or expansion of a nonconforming use may be permitted as a special exception in accordance with the following criteria and limitations:

- A. Expansion of the nonconforming use shall be limited to a distance of 250 feet in any direction from the existing area of the nonconforming use or to an area equal to 50% of the total usable floor area (or land area if not enclosed within a building) of the existing nonconforming use, whichever is the lesser amount.
- B. Expansion of the nonconforming use shall be limited to the lot upon which the nonconforming use was located at the time it became nonconforming.
- C. The limits set forth herein constitute the total permitted expansion of a nonconforming use. For example, if an applicant receives permission to expand to an area equal to 40% of the total usable floor area when the use became nonconforming, in the future the use will only be able to expand to an area equal to 10% of the total usable floor area when the use became nonconforming.

§ 1302.2. Change of Use.

- A. A nonconforming use shall be permitted to change without additional approval if it continues as the same listed permitted use.
- B. A nonconforming use shall not be changed to any use other than a conforming use, except as permitted by special exception in accordance with the following standards:

1. The new use will more closely correspond to the uses authorized in the Zoning District.
2. The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing nonconforming use.
3. When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use. Any change from one nonconforming use to another shall comply with the parking requirements of Article XI for the new use and shall be subject to the area, bulk and buffer area regulations for such use in the Zoning District where such use is authorized as a permitted use, conditional use or use by special exception.
4. Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.

§ 1302.3. Abandonment.

- A. When a nonconforming use of a structure and/or lot is discontinued or abandoned for twelve (12) consecutive months, the structure and/or lot shall not thereafter be used, except in conformance with the regulations of the Zoning District in which it is located.
- B. Abandonment does not apply to properties wherein the owner can provide proof on a quarterly basis to the Zoning Officer that a new tenant or owner is actively being sought.

§ 1302.4. Damage or Destruction. In the event that a nonconforming use in any district is destroyed or partially destroyed by fire, flood, explosion or other casualty, such nonconforming use shall be permitted to be rebuilt or restored, provided it meets the following requirements:

- A. The structure shall be properly secured after the damage or destruction,
- B. A building permit shall be obtained within six (6) months of the date of casualty, unless the Zoning Hearing Board by special exception grants a time extension for good cause,
- C. Work is completed within twelve (12) months from when the building permit is granted, and
- D. No new nonconformity is created and no existing nonconformity is increased except in accordance with § 1302.2.

§ 1303. [Nonconforming Structures.](#)

§ 1303.1. Structural Alteration. A nonconforming structure may be enlarged or structurally altered, provided the enlargement or alteration does not encroach any further into a required yard than the existing nonconforming structure does and, further provided that no new nonconformities are created.

§ 1303.2. Damage or Destruction. A nonconforming structure which is partially damaged or entirely destroyed may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the zoning district in which the structure is located, provided that a building permit is obtained within six (6) months of the date of casualty and work is completed within twelve (12) months from when the building permit is granted.

§ 1303.3. Moving. Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the Zoning District to which it is relocated.

§ 1303.4. Signs.

- A. Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, nonconforming signs which are damaged or destroyed to an extent of more than fifty percent (50%) of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance.
- B. Nonconforming signs shall not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of poster panels shall be permitted.

§ 1303.5. Repair or Maintenance. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public, provided all other requirements of this Section are met.

§ 1304. [Nonconforming Lots.](#)

§ 1304.1. Any lot of record existing at the effective date of this Ordinance and held in separate ownership different from that of the adjacent lots may be developed in accordance with the requirements of the zoning district of the lot of record.

§ 1304.2. Where two or more adjacent lots of record with continuous frontage have less than the required area and width and are held by one owner, the lots shall be considered to be an undivided lot for the purpose of complying with this Article. No division of any lot shall be

made which does not comply with the requirements of this Article. Any change in lot lines necessary to meet the minimum requirements of this Article shall constitute a revision to the recorded plan and shall meet all applicable requirements of the Subdivision and Land Development Ordinance.

§ 1304.3. Where structures exist on adjacent nonconforming lots of record which have front yards less than the minimum depth required, the minimum front yard shall be the average depth of the front yards on the adjacent nonconforming lots.

ARTICLE 14 – ADMINISTRATION & ENFORCEMENT

§ 1401. Purpose

§ 1401.1. The purpose of this Article is to describe the procedures for administration and enforcement of this Ordinance and the duties and responsibilities of the Zoning Officer and Zoning Hearing Board as they pertain to this Ordinance.

§ 1402. Zoning Officer.

§ 1402.1. A 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 in the Township and shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning.

§ 1402.2. Official Record. An official record shall be kept of all business of the Zoning Officer and shall be open to the public at official business hours.

§ 1402.3. Compensation. The compensation of the Zoning Officer shall be the responsibility of the Township.

§ 1402.4. Powers and Duties. It shall be the duty of the Zoning Officer to administer this Zoning Ordinance within Washington Township, in accordance with its literal terms and to enforce the provisions of this Ordinance and the amendments thereto. The Zoning Officer shall not have the power to permit any construction or any use or any change of use which does not conform to the Zoning Ordinance. He or she shall have such duties and powers as are conferred on him or her by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include, but are not limited to, the following:

- A. The Zoning Officer shall literally interpret and enforce all the provisions of the Zoning Ordinance and shall have such duties and powers as are conferred on him or her by the Zoning Ordinance and are reasonably implied for that purpose.
- B. Receive and act upon applications for zoning permits to authorize the erection, reconstruction, alteration or repair of and additions to buildings and structures or changes of use and other matters addressed in this ordinance; and enforce compliance with the provisions of this Ordinance. The Zoning Officer shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance.
- C. Examine, or cause to be examined, all structures and/or land for which and application has been filed for a zoning permit and conduct inspections and surveys to determine

compliance or noncompliance with the terms of this Ordinance. In carrying out such surveys, the Zoning Officer or his or her representative may enter upon any land or building and shall carry proper identification.

- D. The Zoning Officer shall annually submit a report of all permits, notices, and orders issued to The Township Board of Supervisors.
- E. Receive and refer to the Zoning Hearing Board all applications for variance and special exception.
- F. Participate in all proceedings before the Zoning Hearing Board, presenting facts and information to assist the Board in reaching a decision that shall be compatible with this Ordinance.
- G. Receive and refer to the Township Board of Supervisors all applications for conditional use.
- H. Receive and refer to the Planning Commission and the Township Board of Supervisors all petitions requesting rezoning of properties.
- I. Post written notice of public hearings on affected tract of land at least one (1) week prior to hearing.
- J. Receive and refer to the Township Solicitor applications for subdivision waiver approval and assist in review of such applications.
- K. Approve and issue a permit only when all requirements for its issuance have been met.
- L. Where all requirements for a permit have not been met, deny such application, in writing, stating the reason(s) for such denial.
- M. Where a permit has been issued in reliance upon information submitted by the applicant, which is later found to be materially untrue, or has been issued improvidently, revoke such issued permit. Such revocation shall be in writing and state the reason(s) for revocation, and shall be sent to the person to whom the permit was issued via U.S. certified mail.
- N. Issue all stop work orders which may be necessary in event of violations of this Ordinance or of any issued permit.
- O. Issue all notices and prosecute all actions necessary to enforce this Ordinance and permits as issued.

- P. Receive and process all requests for reasonable accommodation under the Fair Housing Act Amendments and the Americans with Disabilities Act (ADA).

§ 1403. Zoning Hearing Board.

§ 1403.1. Appointment and Membership.

- A. The membership of the Zoning Hearing Board shall consist of at least three residents of the Township appointed by the Board of Supervisors. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer.

§ 1403.2. Alternate Members.

- A. The Township Board of Supervisors may appoint by Resolution at least one (1), but no more than three (3), residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of §1403.2.B, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to §1403.2. of this Ordinance.
- B. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Subsection shall be made on a case by case basis in rotation according to declining seniority among all alternates.

§ 1403.3. Removal of Members.

- A. A member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for just cause by a majority vote of the Board of Supervisors. Such member shall be given 15 days' advance notice of the Board of Supervisors' intent to take such a vote. A Hearing shall be held in connection with the vote if the member shall request it in writing.

§ 1403.4. Organization of the Board.

- A. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.
- B. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board except when member(s) of the Zoning Hearing Board are disqualified to act in a particular matter, alternate members shall be appointed to provide a quorum.
- C. The Zoning Hearing Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board and accept the findings or decision of the Hearing Officer as final.
- D. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth of Pennsylvania.
- E. The Zoning Hearing Board shall keep full public records of its business and shall submit a report of its activities to the Township Board of Supervisors once a year.

§ 1403.5. Powers and Duties.

- A. The Zoning Hearing Board shall hear and decide appeals pursuant to the provisions of Section 909.1 (a) of the PA Municipalities Planning Code, as amended, and shall have the following powers.

B. To Hear and Decide Appeals.

1. The Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer administering this Ordinance, 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, or the registration or refusal to register any nonconforming use, structure or lot.
2. The Board shall hear and decide appeals from a determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving the provisions regulating subdivision or Planned Residential Development contained in Articles V and VI1 of the PA Municipalities Planning Code, as amended.
3. The Board shall hear and decide appeals from a determination by the Zoning Officer or Township Engineer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
4. The Board shall hear and decide upon appeals from a determination of the Zoning Officer, any questions involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary where there is uncertainty with respect thereto.
5. The Board shall hear and decide upon appeals from a determination of the Zoning Officer with respect to requests for reasonable accommodation under the Fair Housing Act Amendments or the Americans with Disabilities Act. In hearing such an appeal, the Board shall apply the criteria set forth in §1407.2 of this Article. In granting a request for reasonable accommodation, the Board may attach such reasonable safeguards and/or limitations as it may deem necessary to properly implement this Ordinance and protect the public health, safety and welfare in a manner consistent with the requirements of the Fair Housing Amendments Act or the Americans with Disabilities Act. In handling a request for reasonable accommodation, the Board shall be governed by the provisions of this Article to the fullest extent as may be consistent with the Fair Housing Act Amendments and the Americans with Disabilities Act.

C. To Hear and Decide Challenges to the Validity of any Land Use Ordinance.

1. The Board shall hear and decide substantive challenges to the validity of any land use ordinance, except those for Landowner Curative Amendments, which shall be

brought before the Township pursuant to Sections 609.1 and 916.1(a)(2) of the PA Municipalities Planning Code, as amended.

D. To Hear and Decide Requests for Variances.

1. The Zoning Hearing Board shall hear requests for variances and may vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The sole purpose of any variance shall be to prevent discrimination and no granting a special privilege not shared by other property owners in the same vicinity and district and under the same conditions.
2. The Board's decision to approve a variance request shall be made only after public notice and hearing. No variance in the strict application of any provisions of this Ordinance shall be granted by the Zoning Hearing Board unless it finds:
 - a. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or 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 Zoning 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 appellant;
 - d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and,
 - 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.

3. In granting any variance, the Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
- E. To Hear and Decide Requests for Special Exceptions. The Zoning Hearing Board shall hear and decide requests for uses by special exception. The Zoning Hearing Board shall not approve an application for a use by special exception unless and until:
1. A written application for approval of a use by special exception is submitted to the Zoning Officer. The application shall indicate the Section of this Ordinance under which approval of the use by special exception is sought and shall state the grounds upon which it is requested. The application shall include the following:
 - a. A current property survey indicating all existing and proposed structures and all proposed construction, additions, or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Ordinance.
 - b. A written statement showing compliance with the applicable express standards and criteria of Article 8 for the proposed use.
 - c. The application fee required by §1413 of this Article.
 2. A written recommendation is received from the Planning Commission or 45 days has passed from the date of the Planning Commission meeting at which the application is first considered as complete and properly filed for approval.
 3. A public hearing pursuant to public notice is conducted by the Zoning Hearing Board within 60 days of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by §1403.6 of this Ordinance.
 4. In proceedings involving a request for a use by special exception, both the duty of initially presenting evidence and the burden of persuading the Zoning Hearing Board that the proposed use is available by special exception and satisfies the specific or objective requirements for the grant of a use by special exception as set forth in this Ordinance rest upon the applicant. The burden of persuading the Zoning Hearing Board that the proposed use will not offend general public interest such as the health, safety and welfare of the neighborhood rests upon the applicant.

5. In reviewing request for Special Exceptions, the Zoning Hearing Board shall take into account the comments received from the Planning Commission and the following requirements:
 - a. That the use is so designed, located, and proposed to be operated that the public health, safety, welfare and convenience will be protected;
 - b. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located;
 - c. That the use will be compatible with adjoining development and the proposed character of the zoning district where it is to be located;
 - d. That adequate landscaping and screening will be provided as required by this Ordinance;
 - e. That adequate off-street parking and loading areas will be provided and ingress and egress will be designed to cause minimum interference with traffic on abutting streets; and,
 - f. That the use conforms with all applicable regulations governing the district where it is to be located, except as may otherwise be determined for large-scale developments.
6. In approving a Special Exception request, the Board may attach whatever reasonable conditions and safeguards it deems necessary in order to ensure that the proposed development is consistent with the purposes of this Ordinance.
7. Approval of a use by special exception shall expire automatically without written notice to the applicant, if no application for a land development plan, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is submitted within 12 months of said approval, unless the Zoning Hearing Board, in its sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one 12-month extension.

§ 1403.6. Hearing Procedures

- A. Parties Appellant before Zoning Hearing Board. Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the Ordinance may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the

Township. Requests for a variance or special exception must be filed with the Board by any landowner or an authorized agent of such landowner by any person aggrieved.

- B. Time Limitations. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, whether preliminary or final, has been approved by an 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 had no notice, knowledge, or reason to believe that such approval had been given.
- C. Applications Required. All requests and appeals made to the Zoning Hearing Board shall be in writing and in such form as may be prescribed by the Zoning Officer. Every appeal or request shall refer to a specific provision of this Ordinance and shall exactly set forth the interpretation that is claimed or shall include the plans or the details of the variance or special exception that is applied for, in addition to the following information:
1. the name and address of the applicant or appellant;
 2. the name and address of the owner or the parcel to be affected by such proposed change or appeal;
 3. a brief description and location of the parcel to be affected by such proposed change or appeal;
 4. a statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof; and,
 5. a reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the property to be affected, indicating the location and size of the lot and size of improvements thereon and those proposed to be erected thereon.
- D. Procedure for Zoning Officer.
1. The notice of appeal in any case where a Zoning Permit has been granted or denied by the Zoning Officer shall be prescribed by the Zoning Hearing Board under general rule after notice of such action granting or denying the Permit has been mailed to the applicant. The Zoning Officer shall then immediately transmit to the Board all papers constituting the record from which the appealed action was taken or in lieu thereof, certified copies of said papers.

2. It shall be acceptable for the Zoning Officer to recommend to the Board a modification or reversal of his action where he believes substantial justice requires the same but where he does not have sufficient authority to grant the relief sought.

E. Hearings Required and Notice of Hearings. The Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, special exception, challenge or other matter requiring the Board's decision or other official action. Upon the filing of any appeal or application request with the Board, the Board shall, within 60 days of receipt of the application, fix a reasonable time and place for and hold a public hearing thereon, giving notice as follows:

1. Give public notice in accordance with the definition of "public notice" in Article 2 of this Ordinance.
2. Post in a conspicuous place on the property involved a written notice of the pending hearing; such notice shall take place at least seven (7) days prior to the public hearing;
3. Give written notice to the applicant, the Zoning Officer, the applicable Township Secretary, Chairman of the Planning Commission, and to any person who has made a timely request for the same, at least seven (7) days prior to the hearing, and,
4. In the case of an appeal, a request for a variance or a special exception, all adjacent property owners, including those located across the street or within 250 feet of the nearest line of the property for which the variance or special exception is sought shall be given written notice at least seven (7) days prior to the hearing.

F. Decisions. The Zoning Hearing Board shall render a written decision or, when no decision is called for; make written findings on any application brought before them within 45 days after the date of the last hearing on said application. Every decision of the Board shall be based on stated findings of fact and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a variance shall be construed as limitations of the power of the Board to act. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact and shall not be deemed compliance with this Ordinance. In exercising their powers, the Board may, in conformity with the provisions of this Article, reverse or affirm, wholly or partly, or may modify the order; requirement, decision or determination appealed h m and may make such order, requirement, decision or determination as it feels appropriate. 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 not later than the day following its date. All other persons interested in the result, who

filed their name and address with the Board not later than the last day of the hearing, shall be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

- G. Expiration of Appeal Decision. Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request shall expire if the applicant fails to obtain any necessary Building/Zoning Permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.
- H. Required Interval for Hearings on Applications and Appeals after Denial. Whenever the Zoning Hearing Board, after hearing all the evidence presented upon an application or appeal under the provisions of this Ordinance, denies the same, the Board shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his successor or assign for a period of one (1) year, except and unless the Board shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Board and adopted by the unanimous vote of the members present, but not less than a majority of all members.
- I. Failure to Hold Required Hearing or Render Decision. If the Zoning Hearing Board fails to hold the required hearing or fails to render a decision within the prescribed time period, a decision shall be automatically rendered in favor of the applicant. However, the applicant may agree in writing or on the record to an extension of time. When a decision is rendered in favor of the applicant due to a violation of the established time requirements, the Board must give public notice of this decision within ten (10) days from the last day it could have met to render a timely decision. If the Board shall fail to provide such notice, the applicant may do so.
- J. Stay of Proceedings. An appeal to the Zoning Hearing Board shall automatically stop all affected land development. However, if the Zoning Officer or other appropriate agency certifies to the Board that such a halt could cause an imminent danger to life or property, then development may only be stopped by a restraining order granted by the Board or by the court having jurisdiction, on petition, after notice to the Zoning Officer and any other appropriate agency.
- K. Appeals. Any person aggrieved by any decision of the Zoning Hearing Board may appeal therefrom within 30 days to the Court of Common Pleas of Fayette County, or as may

otherwise be set forth in Article XA of the PA Municipalities Planning Code, or as may hereafter be amended.

§ 1404. Zoning Permit.

§ 1404.1. Requirements for a Zoning Permit. No use shall be established or changed, no structure shall be erected, constructed, reconstructed, or altered, and no building or property used or occupied, changed in use, or changed in occupancy or tenant, until a zoning permit has been secured from the Zoning Officer. In addition, a zoning permit shall be required prior to any of the following:

- A. Use of any building or other structure, or portion thereof, hereinafter erected, reconstructed, changed, improved, enlarged, or otherwise altered regardless of requirements for issuance of a building permit, including placement of a mobile home on a property.
- B. Change in use or occupancy of any building or structure, or portion thereof.
- C. Use of land or change in the use thereof, except the placing of vacant land under cultivation shall not require a permit.
- D. Change in use or expansion of a nonconforming structure, or portion thereof.
- E. Change in intensity of use, or extending or displacing the use of any building, structure, and/or land.

§ 1404.2. Application Requirements. All applications for zoning permits shall be made to the Zoning Officer in writing on forms furnished by the Township and shall include all information necessary to enable the Zoning Officer to ascertain compliance with this Ordinance along with such plans, documents and fees as may be required.

- A. Whenever the use involves a new building or structure or alterations to an existing building or structure, an application for a zoning permit shall be made prior to application for a building permit.
- B. When no construction is involved, application for a zoning permit and an Occupancy Permit, pursuant to the Pennsylvania Uniform Construction Code, as amended, may be made simultaneously at any time prior to the use or occupancy of the land, building or structure.

§ 1404.3. Exemptions. No permit shall be required for an accessory structure that has up to and including two hundred (200) square feet of floor area.

§ 1404.4. Action on Zoning Permit Application. A zoning permit shall be acted on within 90 days of submission except when the application involved a subdivision or land development, in which case the time limit for action on an application for a zoning permit shall be the same as that provided for plan review by the MPC.

§ 1404.5. Zoning Permit Expiration. Zoning permits issued for the purpose of permitting construction, reconstruction, alterations, repairs, use, or the like shall automatically expire six (6) months from the date of issue.

- A. Prior to the continuance of the activity, use or change for which the original permit was used, a new zoning permit must be obtained.
- B. If, however, the construction, alteration, reconstruction, repairing, use or the like has been proceeding in a constant and regular manner and that, due to the extent and size of the subject project, it is impossible for the applicant to complete said process prior to the expiration of six (6) months or because of an act of nature, no new permit must be obtained.
- C. However, the applicant must advise the Zoning Officer of said expiration and provide the reason for the failure to complete within the specified time period. In the event that said applicant fails to notify the Zoning Officer of said failure to complete, then said permit shall immediately expire and no further activity may take place unless a new permit is obtained.
- D. A copy of the zoning permit shall be posted on the premises for public inspection during the prosecution of the work and until completion of the same.

§ 1404.6. Permit for a Temporary Structure.

- A. Permits for temporary structures related to construction work authorized under a valid building permit may be issued by the Zoning Officer only for the time that construction work is in progress and for a period not to exceed six months.
- B. The permit may be renewed for an additional six (6) month period upon demonstration of continued need for the structures; however, all temporary structures shall be removed upon completion of construction.

§ 1404.7. Building Permits. No building permit shall be issued until a zoning permit has been issued.

§ 1405. Occupancy permit.

§ 1405.1. Requirements for an Occupancy Permit. It shall be unlawful for any person to occupy any building, structure or land, or portion thereof, under any of the conditions listed below until the Code Official, pursuant to the Pennsylvania Uniform Construction Code, as amended, has issued an Occupancy Permit. An Occupancy Permit shall be required under the following circumstances:

- A. Initial occupancy of any building or structure, or portion thereof, intended for occupancy hereinafter erected, altered, or enlarged for which a building permit is required.
- B. Change in use, ownership or occupancy of any building or structure, or portion thereof. The commencement of a home occupation also constitutes a change in use.
- C. Change in occupant or tenant of any building or structure in any commercial or industrial building or structure, or portion thereof.
- D. Change in use or expansion of a non-conforming use or structure, or portion thereof.
- E. Use of land or change in use thereof, except that the placing of vacant land under cultivation shall not require an Occupancy Permit.
- F. An Occupancy Permit for a new use within an existing structure or for a use not specified on the building permit application requires the signature of the Zoning Officer.

§ 1405.2. Application Requirements.

- A. All applications for Occupancy Permits shall be made to the Code Official in writing on forms furnished by the Township and shall include all information necessary to enable the Code Official to ascertain compliance with the Pennsylvania Uniform Construction Code, as amended.
- B. Written request to the Zoning Officer shall be processed within one (1) week of receipt of the request of the proposed use, provided that the use is in conformity with the provisions of this Ordinance and other effective and applicable ordinances.
- C. The Zoning Permit and Occupancy Permit may be combined for the administrated convenience of the Township as a Zoning and Occupancy Permit.
- D. The Zoning Officer's refusal to issue an occupancy permit shall include a written statement to the applicant containing reasons for such denial.

§ 1405.3. Occupancy permits shall state that the building or the proposed use of a building or land complies with all provisions of this Ordinance and are deemed to authorize, and are required

for, both initial and continued occupancy and use of the building and land so long as such building and use are in full conformity with the provisions of this Ordinance.

§ 1405.4. No occupancy permit shall be issued until such time as the applicant has applied for the same and has paid the application fee, which shall be included as part of the zoning permit fee, and the premises have been inspected by the Zoning Officer or his delegate and, thereafter, a determination has been made that the premises is in compliance with this Ordinance.

§ 1405.5. No occupancy permit shall be granted until the subject project has been completed or the Zoning Officer has determined the same to be fit for the use intended by the applicant. If the applicant desires to make use of the premises or project prior to its completion, the same is strictly prohibited until such time as an application has been made for an occupancy permit and all rules and regulations pertaining thereto and as contained herein have been determined by the Zoning Officer to have been met.

§ 1405.6. No premises, structure, swimming pool or the like shall be used until such time as an occupancy permit has been granted.

§ 1405.7. If the project has not been completed and a partial use or occupation of the premises is desired by the applicant, the applicant must first make application to the Zoning Officer, pay a fee equal to the amount of the original cost of the permit, and thereafter, once the same has been examined by the Zoning Officer and has been determined by him to be fit for the limited or partial use intended, said applicant may use and/or occupy the premises; however, nothing contained in this subsection shall be interpreted or used as an excuse or viewed as a waiver of any of the other terms contained hereinabove pertaining to the expiration of any and all permits for purposes of completion of the original project.

§ 1406. [Conditional Uses.](#)

§ 1406.1. Procedure for Approval. The Township Board of Supervisors shall hear and decide requests for conditional uses; however, the Board of Supervisors shall not approve a conditional use unless and until:

A. A written application for conditional use approval is submitted to the Zoning Officer no less than ten (10) working days prior to the regular meeting of the Planning Commission. The application shall indicate the Section of this Ordinance under which conditional use approval is sought and shall state the grounds upon which it is requested. The application shall include the following:

1. A preliminary land development plan, if required by the Subdivision and Land Development Ordinance, or if a land development plan is not required, a

current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Ordinance.

2. A written statement showing compliance with the applicable express standards and criteria of Article 8 of this Ordinance for the proposed use.
 3. The application fee required by this Ordinance.
- B. A written recommendation is received from the Planning Commission or 45 days has passed from the date of the Planning Commission meeting at which the application is first considered as complete and properly filed for approval.
- C. A public hearing is conducted by the Board of Supervisors pursuant to public notice and said hearing is scheduled no more than 60 days following the date of submission of a complete and properly filed application.
- D. The Board of Supervisors shall render a written decision within 45 days after the last public hearing. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon. Conclusions based on any provision of this Ordinance or any other applicable rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.
- E. Standards and Criteria for Approval. In deciding all applications for conditional uses, the Board of Supervisors shall be guided by the following standards and criteria:
1. The proposed use conforms to the applicable regulations of the district.
 2. The proposed use should not cause undue noise, glare or pollution of the surrounding areas, upon recommendation by the Township Engineer and Planning Commission.
 3. Anticipated levels of traffic congestion, noise, glare, and pollution created by the proposed use will be similar to the levels created by the uses permitted in that district.
 4. Any visual or functional conflicts between the proposed use and surrounding existing uses shall be kept to a minimum. Increased setbacks, planted buffers, wooden fences or other measures may be required by the Township to minimize potential conflicts, or to reduce anticipated levels of noise. Visual and functional conflicts include, but are not limited to, loading docks, parking lots, service

driveways, or large nonresidential buildings adjacent to residential neighborhoods or open space areas, without adequate buffering.

5. In granting a conditional use, the Township may attach such reasonable conditions and safeguards, which conditions may include, but are not limited to, harmonious design of buildings, plantings and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, adequate standards of parking, and sanitation, as it may deem necessary to implement the purpose of this Ordinance.
- F. Conditional use approval shall expire automatically without written notice to the applicant, if no application for a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within 12 months of said approval, unless the Board of Supervisors, in its sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one 12-month extension.
- G. Any affected party or any person having a legal interest in the property may, within thirty (30) days following such order having been issued, appeal the same to the Fayette County Court of Common Pleas, in accord with the Municipal Planning Code, Act 247 of 1968, as reenacted and amended.

§ 1407. [Coordination with Other Township Requirements and Permits, State and Federal Requirements and Permits.](#)

§ 1407.1. Applications for Permits. In all cases, any application for a permit of any of the types described in this Ordinance shall be decided not only on the basis of compliance with this Ordinance, but also on the basis of compliance with all other applicable Township ordinances and all other applicable rules and regulations of the various Township authorities and agencies which might be concerned, as well as State and Federal requirements and permits.

§ 1407.2. [Reasonable Accommodation Procedure and Criteria.](#)

- A. Persons with a claim for a reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act shall submit their request in writing to the Zoning Officer on an application form which shall require that the following information, and such other information as may be reasonably needed to process the request, be provided:

1. Specific citation of the provision of this Ordinance from which reasonable accommodation is requested.
 2. The name and address of the applicants.
 3. The specific description of the reasonable accommodation sought and the particulars, including exact dimensions of any proposed structural or locational accommodation.
 4. The condition of the applicants for which reasonable accommodation is sought.
 5. A description of the hardship, if any, that the applicants will incur absent provision of the reasonable accommodation requested.
 6. A description of any alternative methods of relieving the claimed hardship that have been considered and the reason, if any, why applicants have rejected such alternatives.
 7. A statement describing why the requested accommodation is necessary to afford the applicants an opportunity equal to a nonhandicapped or nondisabled person to use and enjoy the dwelling in question.
 8. A description of the manner in which the accommodation, if granted, will be terminated or removed if no longer required to afford equal housing opportunity to handicapped or disabled persons.
 9. A statement of any facts indicating whether or not nonhandicapped or nondisabled persons would be permitted to utilize the property in question in a manner similar sought by applicants.
- B. The Zoning Officer may hold any meetings and/or hearings necessary in his discretion to elicit information or argument pertinent to the request for accommodation.
- C. The Zoning Officer's decision shall be in writing and shall state the reasons for the decision.
- D. The Zoning Officer shall issue his written decision to the applicants and the Township within 30 days of filing of the request for accommodation.
- E. A request for reasonable accommodation should be directed in the first instance, to the Zoning Officer. In considering a request for reasonable accommodation, the Zoning Officer shall, with the advice and counsel of the Township Solicitor, apply the following criteria:

1. Whether the applicants are handicapped or disabled within the meaning of the Federal Fair Housing Act Amendments or the Americans with Disabilities Act.
2. The degree to which the accommodation sought is related to the handicap or disability of the applicants.
3. A description of the hardship, if any, that the applicants will incur absent provision of the reasonable accommodation requested.
4. The extent to which the requested accommodation is necessary to afford the applicants an opportunity equal to a nonhandicapped or nondisabled person to use and enjoy the dwelling in question.
5. The extent to which the proposed accommodation may impact other property owners in immediate vicinity.
6. The extent to which the requested accommodation may be consistent with or contrary to the zoning purposes promoted by this Ordinance, the Comprehensive Plan and the community development objectives set forth in this Ordinance.
7. The extent to which the requested accommodation would impose financial and administrative burdens upon the Township.
8. The extent to which the requested accommodation would impose an undue hardship upon the Township.
9. The extent to which the requested accommodation would require a fundamental alteration in the nature of the Township's regulatory policies, objectives and regulations.
10. The extent to which the requested accommodation would result in a subsidy, privilege or benefit not available to nonhandicapped or disabled persons.
11. The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated, or discontinued when no longer needed to provide handicapped or disabled persons with equal opportunity to use and enjoy the dwelling in question.
12. The extent to which the requested accommodation will increase the value of the property during and after its occupancy by applicants.

§ 1408. Amendments.

§ 1408.1. The Township Board of Supervisors may introduce and/or consider amendments to this Ordinance and to the Zoning District Map, as proposed by the Township Board of Supervisors or by the Planning Commission or by a petition of landowners of property within the Township.

§ 1408.2. Petitions for amendments shall be filed with the Planning Commission at least 15 calendar days prior to the meeting at which the petition is to be heard. In the case of a petition for reclassification of property, the petitioners, upon such filing, shall submit a legal description of the property proposed to be rezoned. All petitions shall include a statement justifying the request and documenting consistency with the Comprehensive Plan and a filing fee, in accordance with the fee schedule fixed by resolution of The Township Board of Supervisors. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Township Board of Supervisors.

§ 1408.3. Any proposed amendment presented to the Township Board of Supervisors without written findings and recommendations from the Planning Commission and the Fayette County Planning Commission shall be referred to these agencies for review at least 30 days prior to the public hearing of The Township Board of Supervisors. The Township Board of Supervisors shall not hold a public hearing upon such amendments until the required reviews are received or the expiration of 30 days from the date of referral, whichever comes first.

§ 1408.4. If the proposed amendment involves a change to the Zoning District Map, notice of the public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens at least seven (7) days prior to the date of the public hearing.

§ 1408.5. Before acting on a proposed amendment, the Township Board of Supervisors shall hold a public hearing thereon. Public notice, as defined by this Ordinance, shall be given containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined.

§ 1408.6. If after any public hearing is held upon a proposed amendment, the amendment is substantially changed or revised to include land not previously affected by the amendment, the Township Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

§ 1408.7. Proposed amendments shall not be enacted unless the Township Board of Supervisors gives notice of the proposed enactment, including the time and place of the meeting at which passage will be considered and a reference to the place in the Township where copies of the

proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

§ 1408.8. The Township Board of Supervisors shall publish the proposed amendment once in a newspaper of general circulation in the Township not more than 60 nor less than 7 days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the Township Solicitor setting forth all the provisions in reasonable detail. If the full text is not included:

- A. A copy thereof shall be provided to the newspaper at the time public notice is published.
- B. An attested copy of the proposed ordinance shall be filed in the County Law Library.

§ 1408.9. Within 90 days of the date when the public hearing on the proposed amendment is officially closed, The Township Board of Supervisors shall vote on the proposed amendment. In the event substantial amendments are made in the proposed amendment, The Township Board of Supervisors shall re-advertise in one newspaper of general circulation in the Township a brief summary of the amendments at least 10 days prior to enactment.

§ 1408.10. Within 30 days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Fayette County Planning Commission.

§ 1409. [Procedure for curative amendment.](#)

§ 1409.1. The Board of Supervisors shall vote, within thirty (30) days following such declaration by the Township, by formal action whether or not to declare this Ordinance or portions thereof substantially invalid. In the event of the failure of a majority of the Board of Supervisors to declare this Ordinance or portions thereof substantially invalid within the thirty (30) days following such declaration, the declaration shall be deemed null and void.

§ 1409.2. Upon the declaration that this Ordinance is invalid by the Board of Supervisors, the Township shall begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.

§ 1409.3. Within nine (9) months from the date of the declaration, pursuant to Subsection (A), above, the Township shall enact a curative amendment to or reaffirm the validity of this Ordinance pursuant to the provisions required by the Pennsylvania Municipalities Planning Code, to cure the declared invalidity of this Ordinance.

§ 1409.4. Upon the initiation of the procedures by the Township as set forth in subsection (a), the Township shall not be required to entertain or consider any landowner's curative amendment as provided for within the Pennsylvania Municipalities Planning Code, nor shall

the local Zoning Hearing Board be required to give a report subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by Subsection (A)

§ 1409.5. Upon completion of the procedures as set forth in Subsections (A) and (B), no rights to a cure pursuant to the provisions of the Pennsylvania Municipalities Planning Code, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Ordinance for which there has been a curative amendment pursuant to this section.

§ 1409.6. The Township, having utilized the procedures as set forth in Subsections (A) and (B), may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment or reaffirmation of the validity of this Ordinance pursuant to subsection (b); 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 a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this section to prepare a curative amendment to this Ordinance to fulfill said duty or obligation; provided, however, that the Township shall not be deemed to have utilized the procedures set forth in Subsections (A) and (B) either if the Township takes formal action to not declare this Ordinance invalid in accordance with Subsection (A) or if they fail to act in accordance with Subsection (A).

§ 1410. [Landowner-proposed curative amendments.](#)

§ 1410.1. Any landowner in the Township may submit a written proposal, on the form provided by the Township, requesting an amendment of this Ordinance or Zoning Map as they relate to the landowner's property, and shall pay the fee fixed by the Township for such a submission.

§ 1410.2. Applications for amendment of this Ordinance shall be presented or postmarked to Township on the same day and shall contain the materials specified below, unless the applicant is proceeding for curative amendment or appeal within this Ordinance. In the latter cases, the applicant shall be bound by the requirements contained therein.

- A. The applicant's name and address and his representative and the interest of every person represented in the application;
- B. A fee as specified by the participating municipal fee schedule charged to any person or persons desiring to amend this Ordinance;

- C. A plan showing the extent of the area to be rezoned; streets bounding and intersecting the area; the land use and zone classifications of abutting districts, and photographs of the area to be rezoned and abutting areas;
- D. A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning;
- E. The approximate time schedule for the beginning and completion of development in the area;
- F. A site plan to scale, indicating the location of structures, uses, and areas for off-street parking and loading.

§ 1410.3. The Township shall commence a hearing thereon within 60 days of the request.

§ 1410.4. The curative amendment and challenge shall be referred to the Planning Commission and the Fayette County Planning Commission for review and commentary. The Township shall also advertise the proposed amendment as required by the Municipalities Planning Code and, if the proposal involves any change to the Zoning Map, any affected property shall be posted.

§ 1410.5. If the Township determines that a validity challenge has merit, the Township may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that will cure the challenged defects. The Township shall consider the curative amendments, plans, and explanatory material submitted by the 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 unlawfully excluded by the challenged provisions of this 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 proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources, and natural features; the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

§ 1410.6. If the Township 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.

§ 1411. [Interpretation; conflict with other provisions.](#)

§ 1411.1. The interpretation and application of the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare.

§ 1411.2. This Ordinance is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Township, provided that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of a building or requires larger open spaces than are imposed by other such rules, regulations or ordinances, the provisions of this Ordinance shall prevail.

§ 1412. [Violations and penalties.](#)

§ 1412.1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500), plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof.

§ 1412.2. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

§ 1412.3. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that violation continues shall constitute a separate violation.

§ 1412.4. All judgment costs and reasonable attorney's fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.

§ 1412.5. When written notice of the violation of any of the provisions of this Ordinance shall have been served, by registered mail or otherwise, by the Zoning Officer on the owner, agent or occupant, contractor or builder involved, such violation shall be discontinued within thirty (30) days. However, if in the opinion of the Zoning Officer the violation creates an imminent danger to life and property or is willful and deliberate, the violator shall be ordered to discontinue such violation immediately. The giving of notice of a violation as herein provided shall not be interpreted to supersede or deny the Zoning Officer and the Township the right and duty to prosecute a violator for a violation of each respective provision of this Ordinance.

§ 1412.6. Written notice of a violation shall be given to the owner of record of the parcel on which the violation has occurred, any person who has filed a written request to receive enforcement notices regarding that parcel and any other person requested, in writing, by the owner of record. The enforcement notice shall state at least the following:

- A. The name of the owner of record and any other person against whom the Township intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of requirements that have not been met, citing in each instance the applicable provisions of this Ordinance.
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
- F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

§ 1412.7. In case any building, structure, landscaping or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Township, or with the approval of the Township, an officer of the Township or an aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping or land or to prevent, in or about such premises, any act, conduct,

business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Township. No such action may be maintained until such notice has been given.

§ 1413. Fees and compensation.

§ 1413.1. Fees.

- A. The Township shall determine a schedule of fees, to be adopted by resolution, as well as a collection procedure for permits and applications for variances, special exceptions, amendments and other matters pertaining to this Ordinance.
- B. The Township shall re-evaluate the fee schedule from time to time and make the necessary changes. These changes shall not be considered an amendment to this Ordinance and may be adopted at a public meeting by resolution.
- C. All fees shall be paid to the Township. Conditional uses, special exceptions, variances and amendments shall be acted upon only after the required fees have been paid in full and the Zoning Hearing Board shall not take any action on appeals until the necessary charges have been paid in full.
- D. The Township may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- E. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

§ 1413.2. Compensation.

- A. Members of the Zoning Hearing Board may receive compensation for the performance of their duties as may be fixed by the Township, but in no case shall it exceed the rate of

compensation authorized to be paid to the members of the Township. Alternate members may receive similar compensation when designated to participate in hearings.

- B. The Zoning Hearing Board may employ or contract for and fix the compensation of legal counsel as the need arises. The legal counsel shall be an attorney other than the municipal solicitor.
- C. The Board may also employ or contract for and fix the compensation of experts and other staff and may contract for services as it shall deem necessary.
- D. The compensation of legal counsel, experts, and staff and the sums expended for services shall not exceed the amount appropriated by the Township for this use.

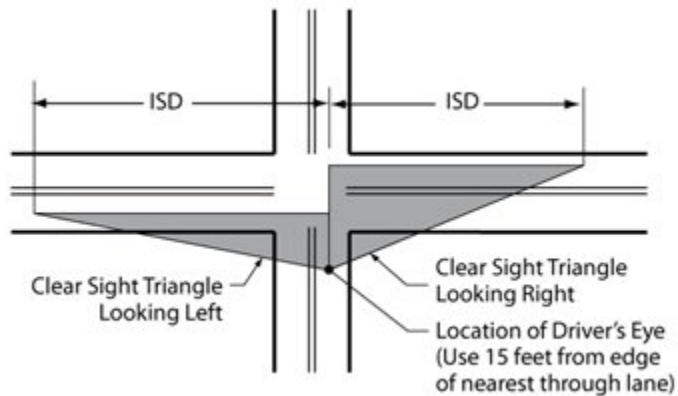
Visibility at Intersections

Adapted from “Intersection Safety: A Manual for Local Rural Road Owners.” Federal Highway Administration, January 2011. More information at https://safety.fhwa.dot.gov/local_rural/training/.

In order to reduce the risk of collisions, the driver of a vehicle approaching or departing from a stopped position at an intersection should have an unobstructed view of the intersection, including any traffic control devices, and sufficient lengths along the intersecting roadway to permit the driver to anticipate and avoid potential collisions. Obstructions could include signs, crops, hedges, trees, parked vehicles, utility poles or structures. In addition, the horizontal and vertical alignment of the roadway approaching the intersection can reduce the sight triangle of vehicles navigating the intersection.

It is important for motorists approaching the intersection to see all other vehicles approaching the intersection. The area needed for provision of this unobstructed view is called the Clear Sight Triangle (see below).

Clear Sight Triangle for 4-Leg Stop-controlled Intersection



The Intersection Sight Distance (ISD) is measured along the major road beginning at a point that coincides with the location of the minor road vehicle. The table on the following page provides the recommended values for ISD, based on the following assumptions:

- Stop control of the minor road approaches;
- Using driver eye and object heights associated with passenger cars;
- Both minor and major roads are considered at level grade;
- Considers a left-turn from the minor road as the worst-case scenario (i.e., requiring the most sight distance); and
- The major road is an undivided, two-way, two-lane roadway with no turn lanes.

If conditions at the intersection being evaluated differ from these assumptions, an experienced traffic engineer or highway designer should be consulted to determine whether different ISD values should be used.

Sight Distance at Intersections		
Speed (mph) *	Stopping Sight Distance (ft.)	Design Intersection Sight Distance (ft.)
25	155	280
30	200	335
35	250	390
40	305	445
45	360	500
50	425	555
55	495	610
60	570	665
65	645	720

Source : *A Policy on Geometric Design of Highway and Streets*, 5th Edition, American Association of State Highway and Transportation Officials (AASHTO), 2004.

	R-1	R-2	B-1	I-1
AGRICULTURAL USES				
Agriculture	P	SE	SE	P
Agritourism (accessory)	SE			
Forestry	P	P	P	P
Game/Hunting Preserve	P			
Greenhouse, Commercial	SE	SE	P	
Medical Marijuana Growing/Processing	CU			SE
RESIDENTIAL USES				
Household Living				
Single-family detached dwelling	P	P	P	
Single-family attached dwelling		P	P	
Two-family dwellings		P	P	
Multi-family dwelling			P	
Multi-family conversion dwelling			SE	
Transitional dwelling			CU	
Manufactured/mobile home parks	CU			
Boarding/rooming house		P	P	
Group Living				
Assisted living facility	SE	SE	P	
Group care facility	P	P	P	
Home Occupations (accessory)				
No-impact home-based business	P	P	P	P
Home occupation	SE	SE	P	
PUBLIC / INSTITUTIONAL USES				
Day Care				
Adult or child day care center	SE	P	P	
Group child care home (accessory)	P	P	P	SE
Family day care home (accessory)	P	P	P	SE
Medical Uses				
Clinic	SE	P	P	
Controlled substance clinic				CU
Emergency services	P	P	P	P
Hospital	CU			SE
Cemetery	SE	SE		
Essential services	P	P	P	P
Non-profit recreation	P	P	P	P
Place of worship	P	P	P	P
Public building	SE	P	P	P
Public utility facility	P	P	P	P
Private club/fraternal organization	SE	P	P	
School	SE	P	P	
Sewage treatment plant		CU	CU	CU

P - Permitted by right

SE - Special Exception

CU - Conditional Use

	R-1	R-2	B-1	I-1
COMMERCIAL USES				
Adult-oriented establishment				CU
Animal clinic	SE	SE	P	P
Animal daycare		CU	P	P
Bar/tavern		SE	P	
Bed and breakfast establishment	P	P	P	
Brewpub/distillery (commercial)		SE	P	
Campground	P	SE	SE	SE
Commercial recreation	CU	P	P	
Communications antenna (accessory)	SE	SE	SE	P
Communications tower	CU			
Car wash			CU	P
Crematorium				CU
Drive-through (accessory)			CU	SE
Funeral home	SE	SE	P	P
Gas station				SE
Horse boarding facilities	P			
Hotel/Motel			SE	P
Kennel	SE			P
Manufactured home sales lot				P
Office		SE	P	P
Personal and professional services		SE	P	
Restaurant	CU	SE	P	P
Retail sales: Large-scale (> 5,000 sq ft)		CU	CU	P
Retail sales: Small-scale (≤ 5,000 sq ft)		SE	P	P
Shooting range	CU			
Vehicle repair or service facility			CU	P
Vehicle sales or rental facility				P
INDUSTRIAL USES				
Brewery (industrial)				P
Industrial park				P
Junkyard				CU
Manufacturing, Light			SE	P
Manufacturing, Heavy				P
Mine ventilating shaft	SE			P
Research and development facility			SE	P
Self-storage facility				P
Solar energy system: small (accessory)	P	P	P	P
Solar energy system: large	CU			P
Solid waste facility/Recycling center				CU
Supply yard				P
Truck terminal				P
Warehouse/distribution center				P
Wholesale business				P
Wind turbine	CU			CU

P - Permitted by right

SE - Special Exception

CU - Conditional Use

	R-1	R-2	B-1	I-1
Mineral extraction/processing				
Mining activity	CU			CU
Oil and gas wells	CU	CU		CU
Oil and gas compressor station				CU
Oil and gas processing facility	CU			CU
Oil and gas related impoundments	SE			P

P - Permitted by right

SE - Special Exception

CU - Conditional Use

Zoning Map Washington Township

- Monongahela River
- Township Border

Zoning District

- R-1 Rural Agricultural
- R-2 Residential
- B-1 Mixed-Use Business
- I-1 Light Industrial

