

# ZONING

## Chapter 27

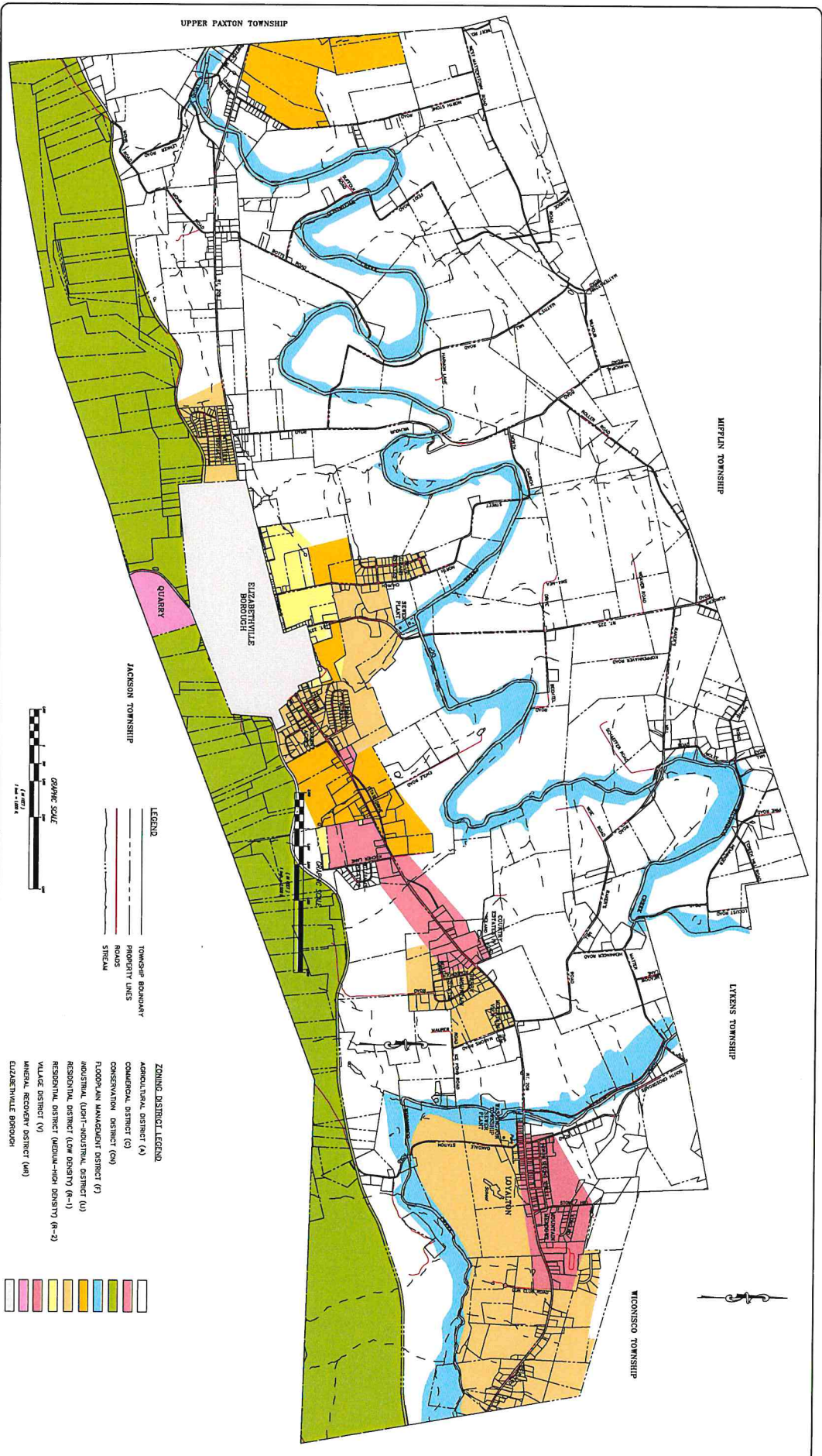


Adopted July 16, 1996

Codified October 2005

Revised Through May 3, 2022





UPPER PAXTON TOWNSHIP

MIFFLIN TOWNSHIP

LICKENS TOWNSHIP

WISCONSINO TOWNSHIP

QUARRY

ELIZABETHVILLE BOROUGH

LOD VILLAGE

- LEGEND**
- TOWNSHIP BOUNDARY
  - PROPERTY LINES
  - ROADS
  - STREAM

- ZONING DISTRICT LEGEND**
- AGRICULTURAL DISTRICT (A)
  - COMMERCIAL DISTRICT (C)
  - CONSERVATION DISTRICT (CN)
  - FLOODPLAIN MANAGEMENT DISTRICT (F)
  - INDUSTRIAL (LIGHT-INDUSTRIAL DISTRICT (I)
  - INDUSTRIAL DISTRICT (LOW DENSITY) (I-1)
  - RESIDENTIAL DISTRICT (MEDIUM-HIGH DENSITY) (R-2)
  - VALLEY DISTRICT (V)
  - MUNICIPAL RECREATION DISTRICT (MR)
  - ELIZABETHVILLE BOROUGH



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PROJECT NO  
20-116  
DATE  
DECEMBER 18, 2020  
SCALE SHEET NO  
1

ZONING MAP

SHEET NAME

WASHINGTON TOWNSHIP  
DAUPHIN COUNTY, PA

REVISIONS

DATE  
DESIGNER  
DRAWN  
CHECKED  
BY

STAFF SHEAFFER ENGINEERING

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**CHAPTER 27  
ZONING**

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## PART 1

**TITLE, AUTHORITY, PURPOSE AND COMMUNITY DEVELOPMENT  
OBJECTIVES****§ 27-101. Short Title. [Ord. 96-2, 7/-/1996, § 101; as revised by Ord. 00-01, 2/15/2000, § 101]**

This chapter shall be known as and may be cited as the "Township of Washington Zoning Ordinance."

**§ 27-102. Authority. [Ord. 96-2, 7/-/1996, § 102; as revised by Ord. 00-01, 2/15/2000, § 102]**

This chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, the "Pennsylvania Municipalities Planning Code," July 31, 1968, as amended.

**§ 27-103. Purpose. [Ord. 96-2, 7/-/1996, § 103; as revised by Ord. 00-01, 2/15/2000, § 103]**

1. This chapter is enacted for the following purposes:
  - A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, emergency preparedness, disaster evacuation, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; as well as, preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
  - B. To prevent one or more of the following: over-crowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This chapter is made in accordance with an overall program and with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular uses and structures.
  - C. To preserve prime agriculture and farmland considering topography, soil type and classification and present use.
  - D. To provide for the use of land within the Township for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that no

zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.

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

**§ 27-104. Community Development Objectives. [Ord. 96-2, 7-/1996, § 104; as revised by Ord. 00-01, 2/15/2000, § 104]**

To promote and to foster the community development goals and objectives as contained the Washington Township Comprehensive Plan, as amended.

**§ 27-105. Interpretation. [Ord. 96-2, 7-/1996, § 105; as revised by Ord. 00-01, 2/15/2000, § 105]**

In interpreting and applying this chapter, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of the Township. Any use permitted subject to the regulations prescribed by the provisions of this chapter shall conform with all regulations and is not intended to interfere with, do away with, make ineffective, supersede or cancel any reservations contained in deeds or other agreements. If this chapter imposes more stringent restrictions upon the use of buildings and land than are contained in the deeds or agreements, however, the provisions of this chapter shall control.

**§ 27-106. Application. [Ord. 96-2, 7-/1996, § 106; as revised by Ord. 00-01, 2/15/2000, § 106]**

The provisions, regulations, limitations and restrictions of this chapter shall apply, but not be limited, to all structures, buildings, uses, signs and land and their accessory structures, buildings, uses and signs.



## PART 2

## DEFINITIONS

**§ 27-201. Definition of Terms. [Ord. 96-2, 7/-/1996, § 201; as revised by Ord. 00-01, 2/15/2000, § 201]**

The following words are defined in order to facilitate the interpretation of this chapter for administrative purposes and for the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

**§ 27-202. Interpretation of Definitions. [Ord. 96-2, 7/-/1996, § 202; as revised by Ord. 00-01, 2/15/2000, § 202; as amended by Ord. 02-04, 7/16/2002, § I; by Ord. 03-02, 8/19/2003, § I; and by Ord. 2005-02, 10/4/2005]**

1. Unless otherwise expressly stated, the following words, for the purpose of this chapter, shall have the meaning indicated.
2. Words used in the present tense include the future tense.
3. The singular includes the plural.
4. The word "person" includes any individual or group of individuals, a corporation, partnership or any other similar entity.
5. The word "lot" includes the words "plot" or "parcel."
6. The term "shall" is always mandatory.
7. The word "used" or "occupied" as applied to any land or building shall be construed to include the words, arranged or designed to be used or occupied."
8. Any words not included in the following definitions shall be defined as described in the latest edition of Webster's Abridged Dictionary.

**ACCESS DRIVE** — A paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

**ACCESSORY BUILDING OR STRUCTURE** — A building or structure subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

**ACCESSORY STORAGE** — The storage of materials related or associated to the accessory use, existing or proposed.

**ACCESSORY USE** — A use for the convenience, enjoyment or necessity of the principal use or structure and shall be located on the same lot with such principal use or main building.

**ADDITION** — A structure added to the original structure at some time after the completion of the original.

**ADULT BOOK STORE** — Any establishment which has a substantial or significant portion of its stock in trade:

- A. Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- B. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

**ADULT THEATER** — A building or a room within a building open to the general public, used for presenting live entertainment, motion picture film, video tape or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

**ADVERTISEMENT** — The outdoor display of any writing, printing, picture, painting, emblem drawing or sign or similar device intended to invite or draw the attention of the public to any goods, merchandise, property, business, service, entertained endorsement or industrial activity of establishment.

**ADVERTISING STRUCTURE** — A rigid or semirigid material with or without advertisement displayed thereon situated on or attached to or which is part of real property for the purpose of furnishing a background, base surface or support upon which an advertisement may be posted or displayed outdoors.

**AGRICULTURAL OPERATION** — An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term include an enterprise that implements changes in production practices and procedures or type 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.

**AGRICULTURE** — The use of land for agricultural proposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, fish culture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

**AIR SUSPENDED SIGNS** — Hot air balloons, signs suspended by a balloon and inflated signs, used only for special events.



**ALTERATIONS, STRUCTURAL** — As applied to a building, structure or sign, any change or rearrangement in the structural parts or in the existing facilities or an enlargement, whether by extending on a side or by increasing in height or the moving from one location or position to another. Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

**AMENDMENT** — A change in use in any district which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Township Board of Supervisors.

**ANIMAL HOSPITAL** — A building where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to hospital use.

**ANTENNA, SATELLITE DISH** — A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennae.

**APARTMENT** — A dwelling unit within a multiple dwelling. This classification includes apartments in apartment houses, studio apartments and kitchenette apartments. Conversion apartments are not included in the classification.

**APARTMENT HOUSE** — A building arranged, intended or designed to be occupied by three or more families living independently of each other.

**APARTMENT, ACCESSORY** — An independent dwelling unit incorporated within an existing single-family detached dwelling without any substantial external modification.

**APARTMENT, CONVERSION** — An existing dwelling unit that is or was converted to a dwelling for more than one family, without substantially altering the exterior of the building.

**APARTMENT, GARDEN** — A two story multifamily dwelling, containing one story dwelling units.

**APPLICANT** — A landowner or developer, as hereinafter defined, who has filed an application for development including the applicant's heirs, successors and assigns.

**APPLICATION FOR DEVELOPMENT** — Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for approval of a development plan.

**AREA** — The extent of surface contained within the boundaries or extremities of water, lands or buildings.

**AREA, BUILDING** — The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

**AREA, LOT** — The area contained within the property lines of a lot or as shown on a subdivision plan excluding space within any street, but including the area of any easement.

**ARTERIAL STREET** — Arterial streets provide direct connections between residential neighborhoods and commercial, industrial, and public employment centers of the area. These roads interconnect the principal traffic generators within urban areas and important rural routes. In addition, arterial highways give access to various interchange points of regional limited access.

**AUCTION HOUSE** — A building used for the conduct of auction sales of goods by a state-licensed auctioneer or apprentice auctioneer. Three types of auction houses are defined.

- A. **AUCTION HOUSE FOR HOUSED AND OTHER GOODS** — A building used solely for the conduct of auction sales of household and other goods, specifically excluding livestock and vehicles.
- B. **LIVESTOCK AUCTION** — A building used solely for the conduct of auction sales of livestock.
- C. **VEHICLE AUCTION** — A building used solely for the conduct of auction sales of motor vehicles.

**AUTO BODY SHOP** — Any structure or any building or part thereof, that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles of conveyance.

**AUTOMOBILE AND MOBILE HOME SALES LOT** — An open lot used for the outdoor display or sales of new or used automobiles, trucks, other similar motor vehicles or mobile homes and where minor and incidental repair work, other than body and fender, may be done.

**AUTOMOBILE AND/OR MOBILE HOME SALES GARAGE** — A structure or building on a lot designed and used primarily for the display or sale of new and used automobiles, trucks, other similar motor vehicles, mobile homes and

where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

**AUTOMOBILE GARAGE** — A structure or building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing or supplying of gasoline or oil to automobiles, trucks or similar motor vehicles.

**AUTOMOBILE SERVICE STATION** — Any area of land, including any structures thereon, or any building or part thereof, that is used for the retail sale of gasoline, oil, other fuel or accessories for motor vehicles, and which may include facilities used for polishing, greasing, washing, dry cleaning or otherwise cleaning or servicing such motor vehicles.

**AUTOMOBILE WRECKING** — The dismantling or wrecking of used automobiles or trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**BANNER SIGN** — Any sign of lightweight fabric or similar material that is usually mounted to a pole or building at one or more edges, with a minimum dimension of three square feet per face; but not including any solid colored, multicolored or seasonal decoration containing no commercial message. National, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

**BASE FLOOD** — See "flood base."

**BASEMENT** — That portion of a building that is partially or wholly below ground level. This portion is not a completed structure and serves as a substructure or foundation for a building. A basement shall be counted as a story for the purpose of height measurement, if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or is used for business or dwelling purposes, other than a game or recreation room.

**BED AND BREAKFAST INN** — An owner occupied dwelling in which a room or rooms are rented on a nightly basis for periods of not more than 30 days. Meals may or may not be provided.

**BILLBOARDS** — Any structure or part thereof or any device attached to a structure for the painting, posting or otherwise displaying of information for the purpose of bringing to the attention of the public, any produce, business, service or cause not necessarily located on or related to the premises on which the sign is situated.

**BLOCK** — An area bounded by streets.

**BOARDING HOUSE** — A building arranged or used for the lodging, with or without meals, for compensation, by either transient or permanent residents. This definition includes rooming houses and lodging houses.

**BUFFER YARD** — See "yard, buffer."

**BUILDING** — Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels and including covered porches or bay windows and chimneys.

- A. **ATTACHED** — A building which has two or more party walls except for the end units of the building.
- B. **DETACHED** — A building which has no party walls.
- C. **SEMIDETACHED** — A building which has only one party wall.

**BUILDING PERMIT** — Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

**BUILDING SETBACK LINE** — The line within a property defining the required minimum distance permitted between any enclosed structure and the adjacent right-of-way.

**BUILDING, FRONT LINE OF** — The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

**BUILDING, HEIGHT OF** — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**BUILDING, PRINCIPAL** — A building in which is conducted the principal use of the lot on which it is located.

**BUSINESS** — Any enterprise occupation or trade or profession engaged in either continuously or temporarily, for profit. The term "business" shall include the occupancy or use of a building or premises or any portion thereof for the transaction of business or the rendering or receiving of professional or personal service.

**BUSINESS OFFICE BUILDING** — A building used as offices and occupied by personnel to perform business, professional, administrative or clerical functions.

**BUSINESS OFFICE COMPLEX** — A group of business office buildings or condominium units located on a single tract of land.

**CAMPING GROUND** — A parcel of land used by campers for seasonal, recreational or other similar temporary living purposes, in buildings of a movable, temporary or seasonal nature, such as cabins, tents or shelters.

**CARPORT** — A covered space, open on three sides, for the storage of one or more vehicles and accessory to a main or accessory building.

**CARTWAY** — That portion of a street or alley which is improved, designed or intended for vehicular use, excluding shoulders.

**CELLAR** — A story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the maximum number of stories.

**CHANGE OF USE** — An alternation of a building structure or land by change of use, or changing what is existing, to a new use group which imposes other special provisions of law governing building construction, equipment, exists or zoning regulations.

**COLLECTOR STREETS** — These streets collect local, residential, commercial, industrial and public traffic and direct it to arterials or expressways.

**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 and 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 the transmission or reception of radio, television, wireless, telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation, omnidirectional 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 EQUIPMENT BUILDING** — An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area of the ground not greater than 375 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.

**COMMUNICATIONS TOWER HEIGHT** — The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

**COMPREHENSIVE PLAN** — A comprehensive long-range plan adopted as an official document to guide the growth and development of the Township. The plan includes analyses, recommendations and proposals for the Township's population, economy, housing, transportation, community facilities and land uses.

**CONDITIONAL USES** — Conditional uses shall be allowed or denied by the Board of Supervisors, pursuant to express standards and criteria set forth in this chapter.

**CONDOMINIUM** — Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**CONSTRUCTION** — The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building structure, including the placement of manufactured homes.

**COURT, INNER** — An open space enclosed on all sides by exterior walls of a building.

**COURT, OUTER** — An open space enclosed on three sides by exterior walls of a building.

**COVERAGE** — That portion or percentage of the lot area covered by impervious materials.

**DAY CARE HOME** — A facility in which out-of-home care is provided for up to three children, not related to the caregiver.

**DECIBEL** — The unit of measurement for the relative loudness of sounds to each other, being approximately the smallest degree of difference detectable by the human ear.

**DECISION** — Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Dauphin County.

DEDICATION — The deliberate appropriation of land by its owner for any general and public or limited public use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been denoted.

DENSITY — The number of families, individuals, dwelling units or housing structures per unit of land, excluding street right-of-ways.

DETERMINATION — Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. The Board of Supervisors.
- B. The Zoning Hearing Board.
- C. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development or planned residential development provisions.

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

DEVELOPER — Any landowner, agent of such landowner or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT — Any change to improved or unimproved real estate including, but not limited to, buildings or other structures, filling, grading, paving, excavation, mining, dredging or drilling operations and the subdivision of land.

DEVELOPMENT PLAN — The provisions for development, including a planned residential development, a plot of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of wear, density of development, streets, ways and parking facilities, common open space and public facilities.

DISTRICT, ZONING — A district includes all buildings, lots, and surface areas within certain designated boundaries as indicated on the Washington Township Zoning Map.

DRAINAGE SYSTEM — Pipes, swales, natural features and improvements designed to carry runoff.

DRIVE-IN USE — An establishment which by design, physical facilities, service or by packaging procedures encourages or permits customers to

receive services, obtain goods or be entertained while remaining in their motor vehicles.

**DRIVEWAY** — A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

**DWELLING** — A building or structure designed for living quarters for one or more families, including manufactured homes which are supported either by a foundation or are otherwise permanently attached to the land, but not including hotels, boarding/rooming houses or other accommodations used for transient occupancy.

**DWELLING UNIT** — A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

**DWELLING, GROUP** — Any building or portion thereof which is designed or used as living quarters for five or more persons unrelated to each other or the family occupying the dwelling unit. Group dwellings shall include, but not be limited to, lodging and boarding houses, nursing homes and homes for the aged.

**DWELLING, MULTIFAMILY** — A building, including apartment houses, row houses or townhouses, used by three or more families living independently of each other and doing their own cooking.

**DWELLING, SINGLE-FAMILY, ATTACHED (TOWNHOUSE OR ROW)** — A building used for one family and having two party walls in common with other buildings (such as row house or townhouse).

**DWELLING, SINGLE-FAMILY, DETACHED** — A building used by one family, having only one dwelling unit and having two side yards.

**DWELLING, SINGLE-FAMILY, SEMIDETACHED (DOUBLE)** — A building used by one family, having one side yard, and one party wall in common with another building.

**DWELLING, TWO-FAMILY SEMIDETACHED (FOUR FAMILIES)** — A building designed and built to contain four dwelling units, consisting of two sets of dwelling units, each with one dwelling unit above another, arranged side by side and separated by a party wall.

**DWELLING, TWO-FAMILY, DETACHED (DUPLEX)** — A building used by two families, having two dwelling units, one located above the other and having two side yards.



**EASEMENT** — A grant of one or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

**ELECTRIC SUBSTATION** — An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the needs of the general public.

**ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES** — Electric public utilities' transmission and distribution facilities including substations.

**ENGINEER** — A professional engineer licensed as such in the Commonwealth of Pennsylvania.

**ENGINEER, TOWNSHIP** — A professional engineer licensed as such in the Commonwealth of Pennsylvania, and appointed as the Engineer for the Township.

**ENGINEERING SPECIFICATIONS** — The engineering specifications of the Township regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

**ENVIRONMENTAL ASSESSMENT** — An analysis of the effect of development proposals and other major actions on natural and socioeconomic features of the existing environment.

**EROSION** — The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice and gravity.

**EXCAVATION** — Any act by which earth, sand gravel, rock or any other similar materials is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting therefrom.

**FACADE** — The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

**FAMILY** — An individual or individuals related by blood, marriage or adoption (including persons receiving foster care) that maintain one common household and live within one dwelling unit. Additionally, up to three unrelated individuals who maintain a common household and live within one dwelling unit may be considered a family.

**FAMILY CARE FACILITY** — A facility providing shelter, counseling and other rehabilitative services in a family-like environment for four to eight residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical

disability, chemical or alcohol dependency or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities or home individual programs.

**FAMILY DAY CARE CENTER** — A residence offering babysitting services and child care services for four to six children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.

**FARM** — Any parcel of land containing 10 or more acres, which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. Such term includes necessary farm structures within the prescribed limits and the storage of equipment used, but excludes the raising of fur bearing animals, riding academies, livery or boarding stables and dog kennels.

**FENCE** — Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh or masonry, singly or in combination.

**FILL** — Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface.

**FLAG** — Any fabric, usually rectangular in shape, of distinctive design, that is used as the symbol of government, political subdivision or other entity. Such a flag, that is raised and lowered on a flagpole, shall not be considered a sign.

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

**FLOOD FRINGE** — That portion of the floodplain outside the floodway.

**FLOOD, BASE (ONE-HUNDRED-YEAR FLOOD)** — A flood that, on the average, is likely to occur once every 100 years (i.e., that has one-percent-chance of occurring each year, although the flood may occur in any year).

**FLOODPLAIN** —

- A. A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation.
- B. An area subject to the unusual and rapid accumulation or runoff of surface waters from any surface.

**FLOODPROOFING** — Any combination of structural and nonstructural additions, changes or adjustments to proposed or existing structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** — The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude without increasing the water surface elevation more than one foot at any point.

**FLOOR AREA** — The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living and sleeping quarters, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

**FLOOR AREA RETAIL, NET** — All that space relegated to use by the customer and the retail employee to consummate retail sales and to include display area used to indicate the variety of goods available for the customer, but not to include office space, storage space and other general administrative areas.

**FLOOR AREA, HABITABLE** — The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathrooms, closets or unheated areas such as enclosed porches or rooms without at least one window or skylight opening onto an outside yard or court. At least 1/2 of the floor area of every habitable room shall have a ceiling height of not less than seven feet and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the habitable floor area.

**GARAGE, PRIVATE** — An enclosed or covered space for the storage of one or more vehicles, provided that no business, occupation or service is conducted for profit therein.

**GARAGE, PUBLIC** — Any garage, other than a private garage, which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

**GARAGE/YARD SALE SIGNS** — A sign advertising the location and time of a garage/yard sale.

**GARAGE/YARD SALES** — A sale that is limited to personal possessions of the seller. The sale location and advertisement is only permitted upon the premises where the sale occurs. Advertisement shall be removed promptly

upon the completion of the sale. No garage/yard sale shall be conducted for a period longer than three consecutive days. In no case shall any aspect of the sale be conducted in a street right-of-way, except that parking may occur where permitted. The conduct of garage/yard sale beyond the extent described herein represents a commercial business and requires appropriate zoning authorization.

**GARDEN APARTMENT** — See "apartment, garden."

**GARDEN STRUCTURES** — Any accessory structure which may be occupied for other than sleeping or general housekeeping purposes, or which serves as a shelter primarily for human beings, except a permitted garage, porch or carport, which is located in any side or rear yard not closer than three feet to any side or rear lot line. Included in this category of structures are arbors, aviaries, pergolas, trellises, barbecue shelters, bath house, private greenhouses and freestanding screens and similar structures. No such structure may be located in any required front yard between the building setback line and the street line. Such structures may be solidly roofed and walled or open to the sky and on the sides, but if solidly roofed or solidly walled on more than two sides, they must be located within the building line of the lot and may not invade any required yard. Unscreened, unroofed, unwalled or unfenced patios, bird baths, ornamental pools and swimming pools are not considered as garden structures. Permitted structures may be attached to, or be detached from, a dwelling.

**GARDENING** — The cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock or bees.

**GOVERNING BODY** — The Board of Supervisors of Washington Township, Dauphin County, Pennsylvania.

**GOVERNMENTAL BODY** — The Board of Supervisors of Washington Township or Dauphin County or the State of Pennsylvania.

**GRADE, ESTABLISHED** — The elevation of the center line of the streets, as officially established by the Board of Supervisors.

**GRADE, FINISHED** — The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

**GREENHOUSE** — A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

**GROUND FLOOR** — The floor of a building nearest the mean grade of the front of the building.

**HAZARDOUS WASTE** — Any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities or any combination of the above. This definition does not include solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return permits under § 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. § 1342) or source, special nuclear or by-product material as defined by 42 U.S.C. § 2014, which because of its quantity, concentration or physical, chemical or infectious characteristics may:

- A. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population.
- B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed;

The term "hazardous waste" shall not include coal refuse as defined in the Act of September 24, 1968 (P.L. 1040, No. 318), known as the "Coal Refuse Disposal Control Act." "Hazardous waste" shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to the Act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law."

**HEARING** — An administrative proceeding conducted by a board pursuant to § 909.1 of the Municipalities Planning Code.

**HEIGHT OF BUILDING** — See "building, height of"

**HOME OCCUPATION** — Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, and having no more than one employee. The use must be clearly incidental and secondary to the use of the dwelling for dwelling purposes; the exterior appearance of the structure or premises must be constructed and maintained as a residential dwelling; and no goods must be publicly displayed on the premises, other than signs as provided herein.

**HOSPITALS** — An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, including, if an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

**HOTEL** — A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms and recreational facilities.

**ILLUMINATED SIGN** — A sign that provides artificial light directly or through any transparent or translucent material from a source of light connected with such sign, or a sign illuminated by a light focused upon or directed at the surface of the sign.

**IMPERVIOUS MATERIAL** — Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered.

**INDUSTRY** — The manufacturing, compounding, processing, assembly or treatment of materials, articles or merchandise.

**INFRASTRUCTURE** — Facilities and services needed to sustain industry, residential and commercial activities. These facilities and services may include water and sewer lines, streets and roads, communications and public facilities (e.g. firehouses, parks, etc.).

**KENNEL** — An establishment in which more than six dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold.

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

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure.
  - (2) The division or allocating of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Exclusion of certain land development as defined above only when such development involves:
  - (1) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.
  - (2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
  - (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement

park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

**LAND SURVEYOR** — A person who is licensed by the state as a land surveyor.

**LANDOWNER** — The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he/she is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land.

**LANDSCAPE PLANTING** — A planting of vegetative materials including trees, shrubs and ground cover.

**LIGHTING** —

- A. **DIFFUSED** — That form of lighting wherein the light passes from the source through a translucent cover or shade.
- B. **DIRECT or FLOOD** — That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
- C. **INDIRECT** — That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

**LOADING BERTH/SPACE** — An off-street area on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

**LOCAL/MINOR STREETS** — The principal function of local streets is to provide access to individual properties abutting the street right-of-way. These streets should be designed for operating speeds of 25 miles per hour or under.

**LOT** — A designated parcel, 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. All lots shall front a public street.

**LOT LINES** — The lines bounding a lot as defined herein.

**LOT OF RECORD** — A lot which has been recorded in the Office of the Recorder of Deeds of Dauphin County, Pennsylvania.

LOT, CORNER — A lot at the junction of, and abutting on, two or more intersecting streets or at the point of abrupt change of a single street.

LOT, DEPTH OF — The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE — An interior lot having frontage on two streets.

LOT, INTERIOR — A lot other than a corner lot.

LOT, MINIMUM WIDTH — The minimum lot width at the minimum building setback line.

LOT, NONCONFORMING — A lot of the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

LOT, REVERSE FRONTAGE — A lot extending between, and having frontage on, an arterial street and a minor street and with vehicular access solely from the latter.

MANUFACTURING — The processing and/or converting of raw unfinished or finished materials or products, or any, or either of them, into an article or substance of a different character or for use for a different purpose; industries furnishing labor for manufacturing; or the refinishing of manufactured articles.

MEDICAL CENTER — Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health care practitioners, medical and dental laboratories, out-patient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services.

MEMBERSHIP CLUB AND CAMP — Buildings for lodging, eating and sanitary facilities and lands owned, leased or/used principally by a private, fraternal or social organization for such activities as hunting, fishing, scouting, etc.

MEMORIAL SIGN/TABLET — A sign or plaque commemorating a person or event.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy



except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation.

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

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

**MOTEL** — A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, with separate entrances and designed for year-round occupancy, primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges and similar terms.

**MUNICIPALITY** — Washington Township, Dauphin County, State of Pennsylvania.

**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:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process 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.
- F. 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.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

H. The business may not involve any illegal activity.

**NON-COAL SURFACE MINING** — The extraction of minerals other than coal from the earth, from waste or stockpiles or from pits or from banks by removing the strata or material that overlies or is above or between them or otherwise exposing and retrieving them from the surface including, but not limited to, strip mining, auger mining, dredging, quarrying and leaching and all surface activity connected with surface or underground mining including, but not limited to, exploration, site preparation, entry, tunnel, drift, slope, shaft and borehole drilling and construction and activities related thereto; but it does not include those mining operations carried out beneath the surface by means of shafts, tunnels or other underground mine openings. The term does not include any of the following:

- A. The extraction of minerals by a landowner for his own noncommercial use from land owned or leased by him.
- B. The extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes of the Pennsylvania Department of Transportation or the extraction of minerals pursuant to construction contracts with the department if the work is performed under a bond, contract and specifications that substantially provide for and require reclamation of the area affected in the manner provided by the Noncoal Surface Mining Conservation and Reclamation Act. 52 P.S. § 3301 et seq.

**NONCONFORMING LOT** — A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this chapter, but which fails by reason of such adoption, revision or amendment to conform to the present requirement of the zoning district.

**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 chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

**NURSERY, HORTICULTURE** — Any lot or parcel of land used to cultivate, propagate and grow trees, shrubs, vines and other plants including the

buildings, structures and equipment customary incidental and accessory to the primary use.

**NURSING OR CONVALESCENT HOME** — A building with sleeping rooms where persons are housed or lodged and furnished with meals, nursing care for hire and which is approved for nonprofit/profit corporations licensed by the Pennsylvania Department of Public Welfare for such use.

**OCCUPANCY PERMIT** — A required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.

**OFF-PREMISES ADVERTISING SIGN** — A sign which contains a message unrelated to a business or profession conducted upon the zone lot where such sign is located or which is unrelated to a commodity, service or entertainment sold or offered upon the zone lot where such sign is located.

**OFF-STREET PARKING SPACE** — A temporary storage area for motor vehicle that is directly accessible to an access aisle and which is not located on a dedicated street right-of-way.

**OFFICE BUILDING** — A building designed or used primarily for office purposes, no part of which is used for manufacturing.

**OFFICE, PROFESSIONAL** — A room or rooms used for the carrying on of a profession including, but not limited to, physicians, dentists, architects, engineers, accountants, attorneys, real estate brokers and insurance agents entitled to practice under the laws of the Commonwealth of Pennsylvania.

**OFFICIAL MAP** — A legally adopted map that conclusively shows the location of existing public streets, watercourses and public grounds, for the whole of the municipality.

**OPEN SPACE** — The unoccupied space open to the sky on the same lot with the building.

**OWNER(S)** — The individual, partnership, company, firm, association or corporation which holds title to a business or land on which it is situated, including its agents, subcontractors or employees.

**PARKING LOT** — Any lot, municipally or privately owned, for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

**PARKING SPACE** — The space within a building, or on a lot or parking lot, for the parking or storage of one automobile.

**PARTY WALL** — A common shared wall between two separate structures, buildings or dwelling units.

**PENNANT** — Any light weight fabric, plastic or other material, usually triangular in shape, suspended from, or attached to, a rope, wire, string or pole, whether grouped in series or not and normally designed to move in the wind.

**PENTHOUSE** — A structure located on a roof of the main building for purposes of living accommodations or housing of mechanical equipment.

**PERMANENT SIGN** — Any sign which is intended to be displayed for a length of time in excess of 30 days.

**PERMITTED USE** — Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**PERSON** — Any individual or group of individuals, corporations, partnership or any similar entity.

**PERSONAL SERVICES** — Businesses primarily engaged in providing services generally to individuals, such as home laundries, portrait photographic studios and beauty and barber shops.

**PLANNED CENTER** — A group of uses planned and designed as an integrated unit with controlled ingress and egress and shared off-street parking provided on the property as an integral part of the unit. Such centers also may include "planned center signs" as regulated herein. A Shopping Center, Business Park or an Industrial Park are examples of a planned center with more than 50,000 square feet of gross leasable floor area.

**PLANNING CODE** — The Pennsylvania Municipalities Planning Code, Act 247, dated July 31, 1968, as amended.

**PLANNING COMMISSION** — The Washington Township Planning Commission, appointed by the Board of Supervisors in accordance with the Second Class Township Code of Pennsylvania and the Municipalities Planning Code, Act No. 247, otherwise, the Board of Supervisors of Washington Township, Dauphin County.

**PLAT** — The map or plan of a subdivision or land development, whether preliminary or final.

**PORCH** — A covered area at a front, side or rear door.

**PREMISES** — Any lot, parcel, or tract of land and any building constructed thereon.

**PRINCIPAL WASTE HANDLING FACILITY** — A principal use whereby waste is brought to the site for storage, processing, treatment, transfer and disposal.

**PRIVATE** — Not publicly owned, operated or controlled.

**PROFESSIONAL OCCUPATION** — The practice of a profession by any professional including, but not limited to, attorney, physician, surgeon, osteopath, chiropractor, dentist, optician, optometrist, chiroprapist, insurance agent, engineer, surveyor, architect, landscape architect, planner or similar type, entitled to practice under the laws of the Commonwealth of Pennsylvania.

**PROJECTING SIGN** — A sign which projects horizontally from and is supported by a wall of a building.

**PROPERTY LINE** — A recorded boundary of a plot.

**PUBLIC** — Owned, operated or controlled by a government agency (federal, state, or local, including a corporation and/or board created by law for the performance of certain specialized governmental functions).

**PUBLIC GROUNDS** — Includes the following:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- C. Publicly owned or operated scenic and historic sites.

**PUBLIC HEARING** — A formal meeting held pursuant to public notice by the Board of Supervisors or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.

**PUBLIC MEETING** — A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

**PUBLIC NOTICE** — Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. 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 SEWER AND/OR WATER SYSTEM** — Any system, other than an individual septic tank, tile field or individual well, that is operated by a

municipality, governmental agency or a public utility for the collection, treatment and disposal of wastes and the furnishing of potable water.

**PUBLIC SWIMMING POOL** — Any pool, other than a residential pool, which is used, or intended to be used, for swimming, bathing or wading and is operated by an owner, lessee, operator, licensee or concessionaire, regardless of whether a fee is charged for use.

**PUBLIC UTILITY FACILITY** — A structure and its equipment, where necessary, for the transmission and exchange of cable television, telephone, gas, electric, sewer or water facilities, or for the pick-up and/or discharge of passengers from a public transportation vehicle.

**PUBLIC UTILITY TRANSMISSION TOWER** — A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

**RADIOACTIVE MATERIAL** — Any natural or artificially produced substance which emits radiation spontaneously.

**RECREATION FACILITY, PRIVATE** — A recreation facility operated by a nonprofit organization and open only to bona fide members and guests of such nonprofit organization.

**RECREATION FACILITY, PUBLIC** — A recreation facility operated by a governmental agency and open to the general public.

**RECREATIONAL VEHICLE** — A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which has its own motor power or is mounted or drawn by another vehicle including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

**RECREATIONAL VEHICLE PARK OR CAMP GROUND** — A parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping or travel use or recreational vehicle or camp ground lots rented for such use, thereby constituting a "land development."

**RECYCLING FACILITY** — An establishment which provides the means for the collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed of and processed as municipal waste.

**REPORT** — Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

**RESIDENTIAL SWIMMING POOL** — Any pool, portable or permanent, which is used or intended to be used noncommercially for swimming, bathing or wading.

**RIDING ACADEMY** — An establishment where horses are kept for riding or driving, or are stabled for compensation or are incidental to the operation of any club, association, ranch or similar establishment.

**RIGHT-OF-WAY** — A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric or telephone transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses; generally, the right of one to pass over the property of another.

**RIGHT-OF-WAY, STREET** — A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley or however designated.

**ROADSIDE STAND** — A structure designed or used for the display or sale of neighborhood agricultural products or other goods produced on the premises upon which such a stand is located.

**ROOF SIGN** — Any sign or part thereof erected and maintained upon or above the roof of any building.

**RUNOFF** — The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

**SALVAGE YARD** — Any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling salvage. The term shall not include:

- A. A scrap metal processing facility.

- B. Any tract or lot adjacent to a manufacturing or processing business where salvage is stored on an interim basis pending the final disposition of the same in the normal operation of such business.
- C. Lots maintained by a dealer (as defined by the State Vehicle Code).
- D. Salvage, all of which is stored or accumulated inside a wholly self-enclosed building or other structure.
- E. Recycling facility.

**SCHOOL** — Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.

**SCHOOL, NURSERY** — A facility, not in a private residence, enrolling four or more children no more than five years of age and where tuition, fees or other forms of compensation for the instruction and care of the children is charged. Such facility shall employ licensed personnel and shall be licensed by the Commonwealth of Pennsylvania.

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

**SEARCHLIGHT** — Any light with one or more beams directed into the atmosphere or deposited by moving wind, water or gravity.

**SEDIMENTATION** — The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity.

**SHOPPING CENTER** — A group of stores planned and designed to function as a unit for the lot on which it is located, with off-street parking provided as an integral part of the unit.

**SIGHT DISTANCE** — The length of roadway visible to the driver of a vehicle at any given point on the roadway when the view is unobstructed by traffic.

**SIGN** — Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

**SIGN AREA** — That area enclosed by one continuous line, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main sign support structure, but all other ornamental attachments, inner connecting links, trim, etc., which are not part of the main supports of the sign are to be included in determining sign area.



When attached to or painted on a surface, a building, canopy, awning, wall or window, the area is that of the smallest polygon that encompasses all of the letters and/or symbols. All visible faces of a multi-faced sign shall be counted separately and then totaled in calculating sign area.

**SIGN, ADVERTISING** — A sign intended for the painting, posting or otherwise displaying of information inviting attention to any product, business, service or cause not located on, or related to, the premises on which the sign is situated.

**SIGN, BUSINESS** — A sign which directs attention to a use conducted, product or commodities sold, or service performed, upon the premises.

**SIGN, NONCONFORMING** — Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

**SIGN, REAL ESTATE** — A sign relating to the property upon which it is located, offering such property for sale or lease; announcing improvements or changes in connection therewith; and warnings, or other similar notices concerning such property.

**SIGN, SERVICE** — A sign which is incidental to a use lawfully occupying the property upon which the sign is located and the sign is necessary to provide information to the public such as direction to parking lots, location of rest rooms or other such pertinent facts.

**SIGN, TEMPORARY** — A temporary sign shall be construed to mean any sign, banner, cardboard or other material carrying an advertisement or announcement, which is displayed or intended to be displayed for a period not exceeding ordinance requirements.

**SIGN, WALL** — A sign which is attached directly to or painted upon a building wall and which does not extend horizontally more than 12 inches there from nor extend above the roof line or extend beyond the edge of the building. Any sign that is affixed to the building marquee, building awning or a building canopy shall be considered a wall sign.

**SIGN, WINDOW** — 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 on the inside or outside surface of a window and is intended to be a permanent sign.

**SITE DEVELOPMENT PLAN** — A scaled graphical depiction of the proposed development of a lot, parcel or tract of land describing all covenants, in

accordance with the Subdivision and Land Development Ordinance [Chapter 22].

**SPECIAL EXCEPTION** — The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with standards and criteria established by the Board of Supervisors and applicable law. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purpose of the Pennsylvania Municipalities Planning Code, Act 247, as amended, and this chapter.

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

**STABLE, PUBLIC** — A building in which any horse is kept for remuneration, hire, exhibition or sale.

**STORAGE FACILITY** — A structure intended for lease for the sole purpose of storing household goods, business records, inventory of products, motor vehicles or recreational equipment.

**STOREFRONT** — The front of a business or business building facing a street, driveway or parking area.

**STORY** — That portion of any building included between the surface of any floor and the surface of the next floor above it, or if there is not floor above it, then the space between such floor and the ceiling next above it.

**STORY, HALF** — A story under a gabled, hipped or gambreled roof, the wall plates of which on at least two opposite exterior walls, are not over three feet above the finished floor of such story.

**STREAMER** — A long, narrow, ribbon like strip of cloth or fabric, colored paper, etc., hanging loose at one end, suspended from, or attached to, a rope, wire, string or pole, grouped in series and normally designed to move in the wind.

**STREET** — Includes 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.

**STREET GRADE** — The officially established grade of the street upon which a lot fronts or in its absence the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

**STREET LINE** — The dividing line between the street and the lot, also known as the right-of-way line.

**STREET WIDTH** — The distance between street lines measured at right angles to the center line of the street.

**STREET, CUL-DE-SAC** — A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

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

**STRUCTURE, NONCONFORMING** — A structure or part of a structure manifestly not designed to comply with the applicable use provisions in this chapter 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 reasons of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**STRUCTURE, TEMPORARY** — A structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

**SUBDIVISION** — See "land development."

**SWIMMING POOL** — A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land or an above-surface pool, having a depth of more than 30 inches, designed, used and maintained for swimming and bathing.

**TOWNSHIP** — Washington Township, Dauphin County, Pennsylvania.

**TRANSFERABLE DEVELOPMENT RIGHTS** — The attaching of development rights to specified lands which are desired by a municipality to be kept, undeveloped, but permitting those rights to be transferred from those lands so that development potential which they represent may occur on other lands within the Township where more intensive development is deemed by the municipality to be appropriate.

**UNDEVELOPED LAND** — Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

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

USE, PRINCIPAL — The primary or predominant use of any lot.

USE, TEMPORARY — A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

VARIANCE — The permission granted by the Zoning Hearing Board for an adjustment to some regulation as specified in Part 18.

VEGETATIVE COVER — Shall consist of trees, shrubs, flowers, grass, ground or bank cover or suitable previous decorative substitute.

WATER SURVEY — An inventory of the source, quantity, yield and use of groundwater and surface water resources within a municipality.

YARD — An unoccupied space, outside the building setback lines, other than a court, open to the sky and on the same lot with a building or structure.

YARD, BUFFER — A strip of required yard space adjacent to the boundary of a property or district, as provided for in this chapter.

YARD, EXTERIOR — An open unoccupied space between the buildings of a dwelling group or its accessory building and the project boundary or street line.

YARD, FRONT — An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the building front setback line projected to the side lines of the lot. **[Amended by Ord. 2016-01, 9/6/2016]**

YARD, REAR — An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear building setback line projected to the side lines of the lot. **[Amended by Ord. 2016-01, 9/6/2016]**

YARD, SIDE — An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed to be a side line. **[Amended by Ord. 2016-01, 9/6/2016]**

ZONE LOT — A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements, or duly authorized relief therefrom, for area, coverage and use and that can provide such yards and other open spaces as required by this chapter.

ZONING — The demarcation of the Township into zones or areas, and the application of this chapter to establish regulations to govern the use of the land, including the control of location, bulk, height, shape, use and coverage of

structures within each zone in accordance with the purposes as given in § 604 of the Pennsylvania Municipalities Planning Code.

**ZONING HEARING BOARD** — A group of three Washington Township residents appointed by the Board of Supervisors as required by the Pennsylvania Municipalities Planning Code, Act No. 247.

**ZONING MAP** — The map setting forth the boundaries of the zoning districts of the Township which shall be part of this chapter.

**ZONING OFFICER** — The duly constituted municipal official designated to administer and enforce this chapter. The Zoning Officer shall administer this chapter in accordance with its literal terms.

**ZONING PERMIT** — A statement signed by the Zoning Officer indicating an application for permission to construct, alter, erect a building, structure or to use land has been approved and is in accordance with the provisions of this chapter.



## PART 3

**ESTABLISHMENT OF ZONING DISTRICTS AND MAP****§ 27-301. Zoning Districts. [Ord. 96-2, 7-/1996, § 301; as revised by Ord. 00-01, 2/15/2000, § 301]**

For the purpose of this chapter, the Township is hereby divided into districts which shall be designated as follows:

A	Agricultural District
R-1	Residential District (Low Density)
R-2	Residential District (Medium-High Density)
C	Commercial District
LI	Industrial District (Light Industrial)
CN	Conservation District
F	Floodplain Management District
V	Village District
MR	Mineral Resource Recovery District

**§ 27-302. Zoning Map. [Ord. 96-2, 7-/1996, § 302; as revised by Ord. 00-01, 2/15/2000, § 302]**

1. The boundaries of the above districts shall be as shown upon the map, attached to and made a part of this chapter, which shall be designated "Zoning Map." The map and all the notations, reference and other data shown thereon are hereby incorporated by reference into this chapter.<sup>1</sup>
2. The floodplain boundaries in the F District shall serve as an overlay to the A District as shown on the official Zoning Map, and as specifically described in the Floodway Data Table and one-hundred-year flood delineation in the Flood Insurance Study (FIS) prepared for the Township by the Flood Insurance Administration (FIA) dated December 17, 1987. The study and accompanying maps all notations, reference and other data shown thereon are hereby incorporated by reference into this chapter.

**§ 27-303. Interpretation of District Boundaries. [Ord. 96-2, 7-/1996; § 303; as revised by Ord. 00-01, 2/15/2000, § 303]**

1. When uncertainty exists as to the boundaries of the districts as shown on the Zoning Map, the following rules shall apply:
  - A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.

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1. Editor's Note: See also Part 19, Zoning Map Amendments, of this chapter.

- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
- D. Boundaries indicated as following the center lines of streams, rivers or other bodies of water shall be construed to follow such center lines.
- E. Boundaries indicated as parallel to, or extensions of, features indicated in subsections (A) through (D) above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
- F. When physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map or in circumstances not covered by Subsections (A) through (D) above, the Zoning Hearing Board shall interpret the district boundaries.
- G. When A, R-1, R-2, C, LI, CN, F and V boundary lines divide a lot held in single and separate ownership at the effective date of the Chapter, the regulations of either abutting district may be construed by the owner to be applicable to the portion of such lot in the other abutting district for a distance of not more than 100 feet beyond the district boundary line.



## PART 4

## AGRICULTURAL DISTRICT (A)

**§ 27-401. Intent. [Ord. 96-2, 7/-/196, § 401; as revised by Ord. 00-01, 2/15/2000, § 401]**

Consistent with the general purposes of this chapter, the Future Land Use Plan, and the goals and objectives of the Washington Township Comprehensive Plan, the specific intent of this Part is to preserve and maintain the Township's valuable farmland by allowing less intensive development to occur within the designated "A" boundary lines. Agricultural land is considered a non-replaceable resource within the Township which, if lost, is not reclaimable once it is developed. Agricultural activities are an integral part of the culture and economy of Washington Township and are, therefore, deserving of preservation. Provisions within this Part should protect agricultural activities and retain the Township's rural character.

**§ 27-402. Permitted Uses. [Ord. 96-2, 7/-/1996, § 402; as revised by Ord. 00-01, 2/15/2000, § 402]**

1. In this district no building, farm unit plus accessory structures or land shall be used and no building shall be erected which is arranged, intended to be, or designed to be, used for other than one or more of the following approved uses:
  - A. Agricultural, horticulture and forestry uses, including the raising, breeding and grazing of animals provided that any lot intended to raise livestock be a minimum of two acres.
  - B. Accessory agricultural-related structures.
  - C. Single-family detached dwelling units.
  - D. Farmers markets and produce stands in accordance with § 27-1207.
  - E. Churches or similar places of worship, including a parish house, manse, parsonage or convent.
  - F. Cemeteries.
  - G. Public or semi-private recreation areas when not operated for gain or profit.
  - H. Municipal buildings.
  - I. Necessary municipal and public utility structures and buildings in accordance with Part 12.
  - J. Accessory uses on the same lot with, and customarily incidental to, any of the above permitted uses in accordance with Part 12.

- K. Grange halls and buildings for agricultural oriented groups.
- L. Golf courses and country clubs.
- M. Home occupations in accordance with regulations in § 27-1208 and subject to the following conditions:
  - (1) The home occupation shall be carried on completely within the dwelling unit or accessory building and must only occupy one floor limited to 25% of the total living areas, not including basements or attics.
  - (2) No more than two persons, other than the principal operator, shall be employed.
  - (3) Articles sold or offered for sale shall be limited to those produced on the premises or to articles which are clearly incidental to the home occupation, such as hair care products by a barber or beautician.
  - (4) There shall be no exterior display or sign (except as permitted in the Sign Regulations — Part 14) no exterior storage of materials and no other exterior indication of the home occupation or variation of the residential character of the main building.
  - (5) No offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
  - (6) Off-street parking shall be provided in accordance with the provisions of Part 15.
- N. Commercial riding stables in accordance with regulations in § 27-1212.
- O. Veterinary offices and animal hospitals or clinics and shall be in accordance with Part 12.
- P. Bed and breakfast establishments in accordance with Part 12.

**§ 27-403. Conditional Uses. [Ord. 96-2, 7/-/1996, § 403; as revised by Ord. 00-01, 2/15/2000, § 404; as amended by Ord. 02-04, 7/16/2002, § I]**

- 1. Conditional uses in this district may be allowed or denied by the Board of Supervisors pursuant to public notice and hearing, after recommendations by the Planning Commission pursuant to the express standards and criteria set forth in Part 12 in this chapter, as follows:
  - A. Commercial poultry and livestock, in accordance with § 27-1218.

- B. Storage of materials and equipment, not used in connection with a permitted use. **[Amended by Ord. 2016-01, 9/6/2016]**
- C. Saw mills, in accordance with regulations in Part 12.
- D. State and county municipal use in accordance with the regulations in Part 12.
- E. Family day-care centers in accordance with § 27-1214. **[Added by Ord. 2016-01, 9/6/2016]**
- F. Heavy equipment sales and services facilities. **[Added by Ord. 2016-01, 9/6/2016]**

**§ 27-404. Special Exception Uses. [Ord. 96-2, 7/-/1996, § 403; as revised by Ord. 00-01, 2/15/2000, § 404; as amended by Ord. 02-04, 7/16/2002, § I]**

- 1. Special exception uses in this district may be allowed or denied by the Zoning Hearing Board pursuant to public notice and hearing, pursuant to the express standards and criteria set forth in Part 18 in this chapter, as follows:
  - A. Farm equipment or lawn and garden sales and service such as farm implement dealers, feed mills and similar businesses and support service in accordance with regulations in § 27-1213.
  - B. Nursery, lawn and garden equipment and supplies sales and service in accordance with regulation in Part 12.
  - C. Commercial kennels in accordance with regulations in § 27-1211.
  - D. Camps or campgrounds in accordance with regulations in § 27-1210.
  - E. Washington Township municipal use in accordance with the regulations in Part 18.

**§ 27-405. Building Height Regulations. [Ord. 96-2, 7/-/1996, § 405; as revised by Ord. 00-01, 2/15/2000, § 405]**

No building shall be erected to a height in excess of 50 feet except for silos.

**§ 27-406. Lot Area and Width Regulations. [Ord. 96-2, 7/-/1996, § 406; as revised by Ord. 00-01, 2/15/2000, § 406; as amended by Ord. 2016-01, 9/6/2016]**

- 1. A minimum lot area for on-lot septic systems and wells shall be 60,000 square feet.
- 2. Minimum lot width at the minimum building setback line shall be no less than 100 feet for sewer areas and 150 feet for nonsewered areas.

3. Where public sewer and water are available, the minimum lot area shall be determined on the basis of yard, off-street parking, loading, and unloading coverage standards, but shall be no less than 30,000 square feet.

**§ 27-407. Lot Coverage Regulations. [Ord. 96-2, 7/-/1996, § 407; as revised by Ord. 00-01, 2/15/2000, § 407]**

Principal buildings and accessory buildings or structures including building and impervious surface coverage shall not be more than 25% of the total lot area. To the greatest extent possible, soils of prime and statewide significance, as defined and delineated by the USDA Soils Conservation Service, shall not be covered by structures or impervious materials.

**§ 27-408. Yard Regulations. [Ord. 96-2, 7/-/1996, § 408; as revised by Ord. 00-01, 2/15/2000, § 408; as amended by Ord. 2016-01, 9/6/2016]**

1. Yards of the following minimum depths and widths shall be provided.
  - A. Minimum front yard depth shall be 40 feet.
  - B. Minimum side yard width shall be 15 feet.
  - C. Minimum rear yard depth shall be 30 feet.

(See Part 12, for other yard regulations.)

**§ 27-409. Off-Street Parking Regulations. [Ord. 96-2, 7/-/1996, § 409; as revised by Ord. 00-01, 2/15/2000, § 409]**

Off-street parking shall be provided in accordance with the provisions of Part 15.

**§ 27-410. Highway Access Regulations. [Ord. 96-2, 7/-/1996, § 410; as revised by Ord. 00-01, 2/15/2000, § 410]**

Regulations limiting access driveways for permitted uses shall be provided in accordance with provisions of Part 12.

## PART 5

**RESIDENTIAL DISTRICT LOW DENSITY (R-1)****§ 27-501. Intent. [Ord. 96-2, 7/-/1996, § 501; as revised by Ord. 00-01, 2/15/2000, § 501]**

Consistent with the general purposes of this chapter, the Future Land Use Plan, and the goals and objectives of the Washington Township Comprehensive Plan, the specific intent of this Part is to permit the establishment of a low-density residential area served or to be served by public water and sewer services. This district shall provide protection of these residential communities from commercial and industrial intrusion. The predominant type of residential unit shall be single-family detached dwelling units.

**§ 27-502. Permitted Uses. [Ord. 96-2, 7/-/1996, § 502; as revised by Ord. 00-01, 2/15/2000, § 502; as amended by Ord. 2005-02, 10/4/2005]**

1. In the district no building or land shall be used, and no building shall be erected which is arranged, intended to be or designed to be, used for other than one or more of the following approved uses.
  - A. Single-family detached dwelling units.
  - B. Churches or similar places of worship, including a parish house, manse, parsonage or convent.
  - C. Public and private schools for the educational needs of the community when not conducted for profit, including accessory residential units.
  - D. Private or semi-private recreation areas when not operated for gain or profit.
  - E. Accessory uses on the same lot with, and customarily incidental to, any of the above permitted uses in accordance with Part 12.
  - F. No-impact home-based business.

**§ 27-503. Conditional Uses. [Ord. 96-2, 7/-/1996, § 503; as revised by Ord. 00-01, 2/15/2000, § 503; as amended by Ord. 02-04, 7/16/2002, § I]**

1. Conditional uses in this district may be allowed or denied by the Board of Supervisors pursuant to public notice and hearing, after recommendations by the Planning Commission, pursuant to the express standards and criteria set forth in Part 12 in this chapter, as follows:
  - A. Bed and breakfast in accordance with Part 12.
  - B. Home occupation in accordance with Part 12.

- C. Necessary municipal and public utility structures and buildings in accordance with Part 12.
- D. State and county municipal use in accordance with the regulations in Part 12.
- E. Multifamily dwellings. **[Added by Ord. 2016-01, 9/6/2016]**
- F. Single-family and multiple-dwelling units. **[Added by Ord. 2016-01, 9/6/2016]**

**§ 27-504. Special Exception Uses. [Ord. 96-2, 7/-/1996; as revised by Ord. 00-01, 2/15/2000; as amended by Ord. 02-04, 7/16/2002, § I]**

- 1. Special exception uses in this district may be allowed or denied by the Zoning Hearing Board pursuant to public notice and hearing, pursuant to the express standards and criteria set forth in Part 18 of this chapter, as follows:
  - A. Washington Township municipal use in accordance with the regulations in Part 18.

**§ 27-505. Building Height Regulations. [Ord. 96-2, 7/-/1996, § 504; as revised by Ord. 00-01, 2/15/2000, § 505]**

No building shall be erected to a height in excess of 35 feet unless otherwise specified.

**§ 27-506. Lot Area and Width Regulations. [Ord. 96-2, 7/-/1996, § 505; as revised by Ord. 00-01, 2/15/2000, § 506]**

- 1. Minimum lot area shall be no less than 60,000 square feet without public sewer and water services and 15,000 square feet with these services.
- 2. Minimum lot width at the building line shall be no less than 100 feet for sewer areas and 150 feet for lots containing on lot disposal systems.

**§ 27-507. Lot Coverage Regulations. [Ord. 96-2, 7/-/1996, § 506; as revised by Ord. 00-01, 2/15/2000, § 507]**

Residential, nonresidential and accessory buildings, including building coverage and impervious surfaces, shall not cover more than 30% of the total lot area for non-sewered areas and 40% for sewer areas.

**§ 27-508. Yard Regulations. [Ord. 96-2, 7/-/1996, § 507; as revised by Ord. 00-01, 2/15/2000, § 508]**

- 1. Yards of the following minimum depths and widths shall be provided.
  - A. Minimum front yard depth shall be 40 feet.

- B. Minimum side yard width shall be 15 feet.
  - C. Minimum rear yard depth shall be 30 feet.
2. (See Part 12 for other yard regulations.)

**§ 27-509. Off-Street Parking Regulations. [Ord. 96-2, 7/-/1996, § 508; as revised by Ord. 00-01, 2/15/2000, § 509]**

Off-street parking shall be provided in accordance with the provisions of Part 15.

**§ 27-510. Highway Access Regulations. [Ord. 96-2, 7/-/1996, § 509; as revised by Ord. 00-01, 2/15/2000, § 510]**

Regulations limiting access driveways for permitted uses shall be provided in accordance with provisions of Part 12.





## PART 6

**RESIDENTIAL DISTRICT (MEDIUM TO HIGH DENSITY) (R-2)****§ 27-601. Intent. [Ord. 96-2, 7/-/1996, § 601; as revised by Ord. 00-01, 2/15/2000, § 601]**

Consistent with the general purposes of this chapter, the Future Land Use Plan and the goals and objectives of the Washington Township Comprehensive Plan, the specific intent of this Part is to permit the establishment of medium to higher density residential areas served or to be served by public water and sewer services. This district is planned to provide the Township with a diversity of housing types and values. The R-2 District, with established design standards, will avoid undue traffic congestion on the streets, provide for public convenience and create harmony with adjoining residential uses.

**§ 27-602. Permitted Uses. [Ord. 96-2, 7/-/1996, § 602; as revised by Ord. 00-01, 2/15/2000, § 602; as amended by Ord. 2005-02, 10/4/2005]**

1. In the district no building or land shall be used and no building shall be erected which is arranged, intended to be or designed to be, used for other than one or more of the following approved uses:
  - A. Single-family detached and semidetached dwellings (See Exhibit I<sup>2</sup> for description).
  - B. Single-family attached dwellings (townhouses) (See Exhibit I<sup>3</sup> for description).
  - C. Two-family detached dwellings (See Exhibit I<sup>4</sup> for description).
  - D. Multifamily dwellings, conversion apartment dwellings, apartment units and accessory apartment dwellings.
  - E. Churches or similar places of worship, including a parish house, manse, parsonage or convent.
  - F. Public and private schools for the educational needs of the community when not conducted for gain or profit and including accessory residential uses.
  - G. Elderly housing and care facilities, assisted or shared living residences, convalescent homes, accessory apartments, elderly cottages, personal care facilities and group homes.

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2. Editor's Note: Exhibit I is on file at the Township office.

3. Editor's Note: Exhibit I is on file at the Township office.

4. Editor's Note: Exhibit I is on file at the Township office.

- H. Municipal parks, playgrounds and recreation areas including municipal and private pools, ballfields with accessory structures and utilities, pavilions for public or private uses.
- I. Public utility facilities in accordance with Part 12.
- J. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses in accordance with Part 12.
- K. No-impact home-based business.

**§ 27-603. Conditional Uses. [Ord. 96-2, 7/-/1996, § 603; as revised by Ord. 00-01, 2/15/2000, § 603; as amended by Ord. 02-04, 7/16/2002, § I]**

- 1. Conditional uses in this district may be allowed or denied by the Board of Supervisors pursuant to public notice and hearing, pursuant to the express standards and criteria set forth in Part 12 in this ordinance, as follows:
  - A. Home occupations shall be in accordance with Part 12.
  - B. Family day care centers in accordance with Part 12.
  - C. State and county municipal use in accordance with the regulations in Part 12.

**§ 27-604. Special Exception Uses. [Ord. 96-2, 7/-/1996; as revised by Ord. 00-01, 2/15/2000, § 604; as amended by Ord. 02-04, 7/16/2002, § I]**

- 1. Special exception uses in this district may be allowed or denied by the Zoning Hearing Board pursuant to public notice and hearing, pursuant to the express standards and criteria set forth in Part 18 in this chapter; as follows:
  - A. Washington Township municipal use in accordance with the regulations in Part 18.

**§ 27-605. Building Height Limit. [Ord. 96-2, 7/-/1996, § 604; as revised by Ord. 00-01, 2/15/2000, § 605]**

No building shall be erected to a height in excess of 35 feet and the height may not be increased unless otherwise specified.

**§ 27-606. Lot Area, Width, Coverage and Yard Regulations. [Ord. 96-2, 7/-/1996, § 605; as revised by Ord. 00-01, 2/15/2000, § 606]**

- 1. Residential Uses.
  - A. The minimum lot area per dwelling unit, minimum lot width at the building setback line, maximum lot coverage and yard requirements shall be not less than indicated on the table below.

- B. Development of 10 residential lots or more on existing open or vacant lots must comply with landscaping and screen planting regulations in Part 11.
2. All multifamily, apartment conversion and cluster developments are subject to parking regulations in Part 15.
3. A minimum tract size of five acres is required for townhouse developments and a minimum of three and maximum of six townhouse units shall be permitted in a group of townhouses.
4. A minimum of four and maximum of 12 garden apartment units shall be permitted in a group of garden apartments.
5. Spacing between multifamily dwelling unit structures shall be no less than 60 feet and must comply with the landscaping and screen planting regulations in Part 11.
6. Nonresidential Uses.
  - A. Minimum lot area shall be 25,000 square feet for sewerred areas and 60,000 square feet for nonsewerred areas.
  - B. Minimum lot width measured at building line shall be 100 feet for sewerred areas and 150 feet for nonsewerred areas.
  - C. Lot coverage including building coverage and impervious surface coverage shall not exceed 50%.
  - D. Vegetative coverage must comply with landscaping regulations in Part 11.
7. Where the R-2 district abuts a neighboring district a buffer yard shall be required in addition to the yards specified in the following tables. The buffer yard shall be no less than 20 feet for the R-1 District and 40 feet for the A, I and CF Districts and 30 feet for the C and V Districts. Buffer yards shall be subject to the landscaping and screen planting regulations in Part 11. The width of any street, road or service drive shall not be considered in determining the width of the required yard. Off-street parking is prohibited in the buffer. See Part 12, for other yard and buffer yard regulations.

**§ 27-607. Screen Planting. [Ord. 96-2, 7/-/1996, § 606; as revised by Ord. 00-01, 2/15/2000, § 607]**

A screen planting strip (area(s)) shall be required (refer to Part 11) along front, side and rear property lines for two-family detached, multifamily dwellings, apartment conversions of four or more dwellings and all nonresidential uses.

**§ 27-608. Off-Street Parking. [Ord. 96-1, 7/-1996, § 607; as revised by Ord. 00-01, 2/15/2000, § 607]**

Off-street parking shall be provided in accordance with the provisions of Part 15.

**§ 27-609. Highway Access Regulations. [Ord. 96-2, 7/-1996, § 608; as revised by Ord. 00-01, 2/15/2000, § 609]**

Regulations limiting access driveways for permitted uses shall be provided in accordance with provisions of Part 12.

SEWERED						
Dwelling Unit Type	Lot Area/DU Square Feet or Acre	Lot Width (feet)	Max. Imp. Cover (%)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Single Family Detached	12,000 Square Feet	90	50	30	10	30
Single Family Semi-Detached (Double)	12,000 Square Feet	90	50	30	10	30
Two Family Detached (Duplex)	12,000 Square Feet	90	50	30	10	30
Single Family Attached (Townhouse)	5 du/Ac.	90	50	30	10	30
Two Family Semi-Detached	8 du/Ac.	90	50	30	10	30
Multifamily Duplex Garden Apartments	8 du/Ac.	90	50	30	10	30

NONSEWERED						
Dwelling Unit Type	Lot Area/DU Square Feet or Acre	Lot Width (feet)	Max. Imp. Cover (%)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Single Family Detached	60,000 Square Feet	150	30	50	20	50
Single Family Semi-Detached (Double)	60,000 Square Feet	150	30	50	20	50
Two Family Detached (Duplex)	60,000 Square Feet	150	30	50	20	50
Single Family Attached (Townhouse)	N/A	N/A	N/A	N/A	N/A	N/A
Two Family Semi-Detached	N/A	N/A	N/A	N/A	N/A	N/A

<b>NONSEWERED</b>						
<b>Dwelling Unit Type</b>	<b>Lot Area/DU Square Feet or Acre</b>	<b>Lot Width (feet)</b>	<b>Max. Imp. Cover (%)</b>	<b>Front Yard (feet)</b>	<b>Side Yard (feet)</b>	<b>Rear Yard (feet)</b>
Multifamily Duplex Garden Apartments	N/A	N/A	N/A	N/A	N/A	N/A

N/A means not allowed in the R-2 District



## PART 7

## COMMERCIAL DISTRICT (C)

**§ 27-701. Intent. [Ord. 96-2, 7/-/1996, § 701; as revised by Ord. 00-01, 2/15/2000, § 701]**

Consistent with the general purposes of this chapter, the Future Land Use Plan and the goals and objectives of the Washington Township Comprehensive Plan. The specific intent of this Part is to provide reasonable standards for the development of a variety of commercially-oriented uses in areas considered most suitable. Due to the character of the undeveloped land, this district will provide standards designed to minimize traffic congestion on the local street system and improve the general landscape through screening and open space regulations while providing for public conveniences and business opportunity. The Township hopes to create an active business center compatible with adjacent land uses or districts.

**§ 27-702. Permitted Uses. [Ord. 00-01, 2/15/2000, § 702]**

1. In this district no building or land shall be used and no building shall be erected which is arranged, intended to be, or designed to be, used for other than one or more of the following approved uses:
  - A. Churches or similar places of worship, including a parish house, parsonage or convent.
  - B. Public and private schools for the educational needs of the community when not conducted for gain or profit and including accessory residential uses.
  - C. Elderly housing and care facilities, assisted or shared living residences, convalescent homes, accessory apartments, elderly cottages and personal care facilities.
  - D. Municipal parks, playgrounds and recreation areas including municipal and private pools, ballfields with accessory structures and utilities, pavilions for public or private uses.
  - E. Public utility facilities and communications buildings and structures in accordance with Part 12.
  - F. Family day care centers in accordance with Part 12.
  - G. Amusement enterprises including theaters, bowling alleys, skating rinks, miniature golf courses or similar uses.
  - H. Department, variety stores and stores for retailing of beverages, drugs, gas, hardware, bakery products, clothing, household appliances, furniture, sporting goods, hobbies, toys and gasoline.

Shopping centers are also included, provided access is to a collector or arterial street.

- I. Personal service establishments including barber and beauty shops, tailors, dry cleaning, self-service laundries.
- J. Banks, other financial institutional businesses and professional offices.
- K. Manufacturing of pottery and other ceramics products.
- L. Printing and newspaper publishing.
- M. Laboratories.
- N. Hotels and motels.
- O. Restaurants or food selling establishments.
- P. Car sales and service.
- Q. Medical and dental clinics and laboratories.
- R. Construction and farming equipment and heavy equipment sales and service. **[Amended by Ord. 2016-01, 9/6/2016]**
- S. Dance or music or art studios.
- T. Commercial recreation facilities (public or private).
- U. Public libraries and museums.
- V. Nursery, greenhouses, lawn and garden equipment, supplies and service in accordance with Part 12.
- W. Accessory buildings and customarily incidental permitted uses in accordance with Part 12.

**§ 27-703. Conditional Uses. [Ord. 00-01, 2/15/2000, § 703; as amended by Ord. 02-04, 7/16/2002, § I]**

- 1. Conditional uses in this district may be allowed or denied by the Board of Supervisors pursuant to public notice and hearing, after recommendations by the Planning Commission, pursuant to the express standards and criteria set forth in Part 12 in this chapter, as follows:
  - A. Home occupations shall be in accordance with Part 12.
  - B. Storage of materials and equipment and/or recreational vehicles. **[Amended by Ord. 2016-01, 9/6/2016]**



- C. Shopping centers, in accordance with Part 12.
- D. Adult book stores, in accordance with Part 12.
- E. State and county use in accordance with the regulations in Part 12.
- F. Single-family and multiple-dwelling units. [Added by Ord. 2016-01, 9/6/2016]

**§ 27-704. Special Exception Uses. [Ord. 96-2, 7/-/1996; as revised by Ord. 00-01, 2/15/2000, § 704; as amended by Ord. 02-04, 7/16/2002, § I]**

- 1. Special exception uses in this district may be allowed or denied by the Zoning Hearing Board pursuant to public notice and hearing, pursuant to the express standards and criteria set forth in Part 18 in this chapter, as follows:
  - A. Washington Township municipal use in accordance with the regulations in Part 18.

**§ 27-705. Building Height Regulations. [Ord. 96-2, 7/-/1996, § 704; as revised by Ord. 00-01, 2/15/2000, § 705]**

No building shall be erected to a height in excess of 40 feet unless otherwise specified.

**§ 27-706. Lot Area and Width Regulations. [Ord. 96-2, 7/-/1996, § 705; as revised by Ord. 00-01, 2/15/2000, § 706; as amended by Ord. 2016-01, 9/6/2016]**

- 1. Washington Township Act 537 Plan Update and PA DEP Sewage Planning Module process.
- 2. Minimum lot width measured at the building setback line shall be no less than 100 feet for sewered areas and nonsewered areas.

**§ 27-707. Lot Coverage Regulations. [Ord. 96-2, 7/-/1996, § 706; as revised by Ord. 00-01, 2/15/2000, § 707]**

- 1. Lot coverage including building and impervious surface coverage shall not exceed 70%.
- 2. Minimum vegetative coverage shall comply with the landscaping and screen planting regulations in Part 11.

**§ 27-708. Yard Regulations. [Ord. 96-2, 7/-/1996, § 707; as revised by Ord. 00-01, 2/15/2000, § 708]**

- 1. Yards of the following minimum depths and widths shall be provided.

- A. Minimum front yard depth shall be 40 feet.
- B. Minimum side yard width shall be 15 feet.
- C. Minimum rear yard depth shall be 30 feet.
- D. Where this district abuts a residential district or a residential use, buffer yard shall be required in addition to the yards specified in the above § 27-707. See Part 12, for other yard and buffer yard regulations.
- E. See Part 12 for other yard regulations.

**§ 27-709. Screen Planting. [Ord. 96-2, 7-/1996, § 708; as revised by Ord. 00-01, 2/15/2000, § 709; and by Ord. 03-02, 8/19/2003, § I]**

A screen planting strip shall be required along the property line or lines of multifamily dwelling units and all nonresidential land uses if the property line or lines border a residential house or property. See Part 11 for requirements.

**§ 27-710. Off-Street Parking. [Ord. 96-2, 7-/1996, § 709; as revised by Ord. 00-01, 2/15/2000, § 710]**

Off-street parking shall be provided in accordance with the provisions of Part 15.

**§ 27-711. Highway Access Regulations. [Ord. 96-2, 7-/1996, § 710; as revised by Ord. 00-01, 2/15/2000, § 711]**

Regulations limiting access driveways for permitted uses shall be provided in accordance with provisions of Part 12.

## PART 8

**INDUSTRIAL (LIGHT-INDUSTRIAL) DISTRICT (LI)****§ 27-801. Intent. [Ord. 96-2, 7-/1996, § 801; as revised by Ord. 00-01, 2/15/2000, § 801]**

Consistent with the general purposes of this chapter, the Future Land Use Plan and the goals and objectives of the Washington Township Comprehensive Plan, the specific intent of this Part is to expand the Township's economic base through permitted industrial development and provide for a range of limited-industrial uses. A primary goal of this district is to provide new employment opportunities, while preserving the integrity of adjacent land uses.

**§ 27-802. Permitted Uses. [Ord. 96-2, 7-/1996, § 802; as revised by Ord. 00-01, 2/15/2000, § 802]**

1. In the district no building or land shall be used and no building shall be erected which is arranged, intended to be, or designed to be, used for other than one or more of the following approved uses:
  - A. Agricultural and horticultural activities including the raising, breeding and grazing of animals, when part of a farming operation.
  - B. A single-family dwelling only when accessory and incidental to one or more of the permitted uses.
  - C. Recycling facility.
  - D. Vehicle salvage yard, body shops, painting, tire retreading and or recapping.
  - E. Bottling works.
  - F. Bookbinding.
  - G. Machine shops.
  - H. Metal fabrication and forging.
  - I. Manufacture of metal dies.
  - J. Distribution plants and other service industries.
  - K. Wholesale business, warehousing and other storage plants.
  - L. Carpenter, cabinet making, furniture repair and upholstery, electrician, tinsmith, plumbing and metal working shops.
  - M. The manufacturing, compounding, processing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs,

pharmaceutical and food products, yeast and the rendering of fat and oils.

- N. The manufacturing of wood products.
- O. Printing and newspaper publishing.
- P. Laboratories.
- Q. Public utility and communications buildings and structures in accordance with Part 12.
- R. Customary accessory uses and buildings incidental to any permitted use in accordance with Part 12.

**§ 27-803. Conditional Uses. [Ord. 96-2, 7/-/1996, § 803; as revised by Ord. 00-01, 2/15/2000, § 803; as amended by Ord. 02-04, 7/16/2002, § I]**

- 1. Conditional uses in this district may be allowed or denied by the Board of Supervisors pursuant to public notice and hearing, pursuant to the express standards and criteria set forth in Part 12 in this chapter, as follows:
  - A. Public utility in accordance with Part 12.
  - B. Commercial landfill in accordance with Part 12.
  - C. Waste handling and disposal, in accordance with Part 12.
  - D. Truck terminals, in accordance with Part 12.
  - E. Heavy equipment sales and service facilities. **[Amended by Ord. 2016-01, 9/6/2016]**
  - F. State and county municipal use in accordance with the regulations in Part 12.

**§ 27-804. Special Exception Uses. [Ord. 96-2, 7/-/1996; as revised by Ord. 00-01, 2/15/2000, § 804; as amended by Ord. 02-04, 7/16/2002, § I]**

- 1. Special exception uses in this district may be allowed or denied by the Zoning Hearing Board pursuant to public notice and hearing, pursuant to the express standards and criteria set forth in Part 18 in this chapter, as follows:
  - A. Washington Township municipal use in accordance with the regulations in Part 18.

**§ 27-805. Building Height Regulations. [Ord. 96-2, 7/-/1996, § 804; as revised by Ord. 00-01, 2/15/2000, § 805]**

No building shall be erected to a height in excess of 40 feet unless otherwise specified.

**§ 27-806. Lot Area and Width Regulations. [Ord. 96-2, 7/-/1996, § 805; as revised by Ord. 00-01, 2/15/2000, § 806]**

1. Minimum lot area shall be no less than 60,000 square feet.
2. Minimum lot width at the minimum building setback line shall be no less than 200 feet for nonresidential uses and 150 feet for an accessory single-family dwelling use.

**§ 27-807. Lot Coverage Regulations. [Ord. 96-2, 7/-/1996, § 806; as revised by Ord. 00-01, 2/15/2000, § 807]**

1. Principal buildings and accessory buildings or structures including building and impervious surface coverage shall not be more than 80% of the total lot area.
2. At least 20% of the total lot area shall be maintained with vegetative coverage and must comply with the landscaping and screen planting regulations in Part 11.

**§ 27-808. Yard Regulations. [Ord. 96-2, 7/-/1996, § 807; as revised by Ord. 00-01, 2/15/2000, § 808]**

1. Each lot in sewered or unsewered areas shall have front, side and rear yards of not less than the depth and width indicated below:
  - A. Minimum front yard depth shall be 50 feet, as measured from the street right-of-way upon which it abuts.
  - B. Minimum side yard(s) width shall be 40 feet.
  - C. Minimum rear yard depth shall be 60 feet.
  - D. Where the I District abuts a residential district, or residential use, a buffer yard shall be required in addition to the yards specified in the above section. See Part 12 for other yard and buffer yard regulations.

**§ 27-809. Screen Planting. [Ord. 96-2, 7/-/1996, § 808; as revised by Ord. 00-01, 2/15/2000, § 809; as amended by Ord. 03-02, 8/19/2003, § I]**

A screen planting strip shall be required along the property line or lines of multifamily dwelling units and all nonresidential land uses if the property line or lines border a residential house or property. See Part 11 for requirements.

**§ 27-810. Off-Street Parking Regulations. [Ord. 96-2, 7-/1996, § 809; as revised by Ord. 00-01, 2/15/2000, § 810]**

Off-street parking shall be provided in accordance with the provisions of Part 15.

**§ 27-811. Highway Access Regulations. [Ord. 96-2, 7-/1996, § 810; as revised by Ord. 00-01, 2/15/2000, § 811]**

Regulations limiting access driveways for permitted uses shall be provided in accordance with provisions of Part 12.

## PART 9

## CONSERVATION DISTRICT (CN)

**§ 27-901. Intent. [Ord. 96-2, 7/-/1996, § 901; as revised by Ord. 00-01, 2/15/2000, § 901]**

Consistent with the general purposes of this chapter, the Future Land Use Plan and the goals and objectives of the Washington Township Comprehensive Plan, the specific intent of this district is to achieve the preservation of environmentally sensitive areas such as water supply sources, wildlife, scenic areas, and natural resource areas. The provisions of this Zone have been specifically formulated to satisfy § 604.(1) of the Pennsylvania Municipalities Planning Code, which requires local zoning ordinances to "promote, protect and facilitate the preservation of the natural, scenic and historic values in the environment and preservation of forests."

**§ 27-902. Permitted Uses. [Ord. 96-2, 7/-/1996, § 902; as revised by Ord. 00-01, 2/15/2000, § 902]**

1. In the district no building or land shall be used, and no building shall be erected which is arranged, intended to be or designed to be, used for other than one or more of the following approved uses:
  - A. Forest reserves and tree farming.
  - B. Horticulture and forestry-related uses.
  - C. Natural areas of wildlife refuges.
  - D. Public and nonprofit parks and playgrounds.
  - E. Accessory uses customarily incidental to the above permitted uses and existing single-family homes.

**§ 27-903. Conditional Uses. [Ord. 96-2, 7/-/1996, § 903; as revised by Ord. 00-01, 2/15/2000, § 903; as amended by Ord. 02-04, 7/16/2002, § I]**

1. Conditional uses in this district may be allowed or denied by the Board of Supervisors pursuant to public notice and hearing, after recommendations by the Planning Commission, pursuant to the express standards and criteria set forth in Part 12 in this chapter, as follows:
  - A. Campground areas in accordance with regulations in Part 12.
  - B. Bed and breakfast establishments in accordance with Part 12.
  - C. Shooting ranges.
  - D. Campgrounds.

- E. Sawmills.
- F. Historic structures conversions.
- G. State and county municipal use in accordance with the regulations in Part 12.

**§ 27-904. Special Exception Uses. [Ord. 96-2, 7/-/1996; as added by Ord. 00-01, 2/15/2002, § 904]**

1. Special exception uses in this district may be allowed or denied by the Zoning Hearing Board pursuant to public notice and hearing, pursuant to the express standards and criteria set forth in Part 18 in this chapter, as follows:
  - A. Washington Township municipal use in accordance with the regulations in Part 18.

**§ 27-905. Building Height Regulations. [Ord. 96-2, 7/-/1996, § 904; as revised by Ord. 00-01, 2/15/2000, § 905]**

No building shall be erected to a height in excess of 35 feet.

**§ 27-906. Lot Area and Width Regulations. [Ord. 96-2, 7/-/1996, § 905; as revised by Ord. 00-01, 2/15/2000, § 906]**

1. Minimum lot area shall be no less than three acres.
2. Minimum lot width shall be no less than 300 feet.

**§ 27-907. Lot Coverage Regulations. [Ord. 96-2, 7/-/1996, § 906; as revised by Ord. 00-01, 2/15/2000, § 907]**

Principal buildings and accessory buildings or structures, including building and impervious surface coverage shall not be more than 10% of the total lot area. To the greatest extent possible, soils of prime and statewide significance, as defined and delineated by the USDA Soils Conservation Service, shall not be covered by structures or impervious materials.

**§ 27-908. Yard Regulations. [Ord. 96-2, 7/-/1996, § 907; as revised by Ord. 00-01, 2/15/2000, § 908]**

1. Yards of the following minimum depths and widths shall be provided.
  - A. Minimum front yard depth shall be 50 feet.
  - B. Minimum side yards width shall be 50 feet.
  - C. Minimum rear yard depth shall be 100 feet.



- D. Adjacent to residential uses, buffer yards are required in accordance with Part 12.
- 2. See Part 12 for other yard regulations.

**§ 27-909. Off-Street Parking Regulations. [Ord. 96-2, 7-/1996, § 908; as revised by Ord. 00-01, 2/15/2000, § 909]**

Off-street parking shall be provided in accordance with the provisions of Part 15.



## PART 9A

**FLOODPLAIN MANAGEMENT DISTRICT (F)****§ 27-901A. Intent. [Ord. 96-2, 7/-/1996; as revised by Ord. 00-01, 2/15/2000, § 901A]**

1. This district will help prevent the loss of property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief and the impairment of the tax base by:
  - A. Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies.
  - B. Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding.
  - C. Requiring all those uses, activities and developments that do occur in floodprone areas to be protected and/or floodproofed against flooding and flood damage.
  - D. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

**§ 27-902A. Applicability. [Ord. 96-2, 7/-/1996, § 901A; as revised by Ord. 00-01, 2/15/2000, § 902A]**

The provisions of this Part shall apply to all lands and land developments with Washington Township which are floodprone or located within the boundary of a floodplain area delineated on the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency in conjunction with the United States Department of Housing and Urban Development and the Federal Insurance Agency, dated December 17, 1987, which map is incorporated herein by reference.

**§ 27-903A. Abrogation and Greater Restrictions. [Ord. 96-2, 7/-/1996, § 902A; as revised by Ord. 00-01, 2/15/2000, § 903A]**

This Part supplements other Parts of this chapter. To the extent that this imposes greater requirements or more complete disclosures in any respect, or to the extent that the provisions of this Part are more restrictive, it shall be deemed and interpreted to control other provisions of this chapter and the Township Subdivision and Land Development Ordinance [Chapter 22].

**§ 27-904A. Compliance. [Ord. 96-1, 7-/1996, § 903A; as revised by Ord. 00-01, 2/15/2000, § 903A]**

No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this Part, and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this chapter.

**§ 27-905A. Warning and Disclaimer of Liability. [Ord. 96-2, 7-/1996, § 904A; as revised by Ord. 00-01, 2/15/2000, § 904A]**

The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that land outside the floodplain areas, or that land uses permitted within such areas, will be free from flooding or flood damages. This chapter shall not create liability on the part of Washington Township, or any officer or employee thereof, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

**§ 27-906A. Establishment of Flood Hazard Areas. [Ord. 96-2, 7-/1996, § 905A; as revised by Ord. 00-01, 2/15/2000, § 906A]**

1. Basis of Flood Hazard Areas. All land subject to inundation shall be considered a flood hazard area subject to this Part including both floodprone land and land located within the boundary of a delineated floodplain. The basis for the delineated floodplain areas shall be the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency's Federal Insurance Administration, dated December 17, 1987 which map is incorporated herein by reference.
  - A. The Floodway Area (FW) is delineated for purposes of this chapter using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one-hundred-year flood without increasing the water surface elevation of that flood more than one foot at any point. The floodway area is shown on the Flood Boundary and Floodway Map.
  - B. The Flood-Fringe Area (FF) shall be that land located within the delineated one-hundred-year floodplain not included in the floodway area. The boundaries of this area shall be as depicted in the Flood Boundary and Floodway Map.
  - C. The General Floodplain Area (FA) shall be that floodplain area for which no detailed flood profiles or elevations have been provided. They are shown on the maps accompanying the FIA. Where the specific one-hundred-year flood boundary cannot be determined for this area by the Zoning Officer, using other sources of data such as the U.S. Army

Corps of Engineers, Floodplain Information Reports or U.S Geological Survey-Flood Prone Quadrangles, then the Zoning Officer may require that the applicant for the proposed use, development or activity determine this boundary in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses or computations shall be submitted in sufficient detail to allow a thorough technical review by the Township.

- D. The Flood Prone Area shall be that land shown by substantial competent evidence to be subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual or rapid accumulation of surface waters from any source, whether or not depicted upon the flood boundary and Floodway Map. All such floodprone areas shall be subject to the provisions and requirements of this Part.
2. Overlay Concept.
    - A. The flood hazard areas described above shall be shown as an overlay to the existing underlying districts, shown as the green hatched area on the official Washington Township Zoning Map, and, as such, the provisions of the flood hazard areas shall serve as a supplement to the underlying district provisions.
    - B. In the event of any conflict between the provisions or requirements of any of the flood hazard areas and those of any underlying zoning district, the more restrictive provisions shall apply.
    - C. In the event any provision concerning a flood hazard area is declared inapplicable or illegal as a result of any legislative or administrative actions or judicial decision, the regulations of the underlying district shall remain applicable.
  3. Floodplain Boundary Map. The boundaries of the floodway, flood fringe and general floodplain areas shall be as depicted on the Flood Boundary and Floodway Map dated December 17, 1987. The Flood Boundary and Floodway Map shall be presumed to be accurate and controlling as to the location of the boundaries delineated therein; provided however, that said map shall be subject to amendment in accordance with the procedures hereinafter set forth.
  4. Interpretation of Flood Hazard Area Boundaries. Initial interpretations of the boundaries of the floodplain areas shall be made by the Township Engineer by reference to the Flood Boundary and Floodway Map. Should an applicant dispute the boundaries of any of the areas, or the interpretation of the Zoning Officer, the landowner or other interested party shall file a

written appeal to the Federal Emergency Management Agency setting forth the grounds for relief in detail.

5. **Boundary Changes.** The delineation of any of the floodplain areas may be revised by the Board of Supervisors where natural or man-made changes have occurred, or more detailed studies are conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission, or other qualified agency or individual, and such studies provide the basis for such change. Prior to any such change, however, the landowner or any other person seeking such change must obtain approval from the Federal Insurance Administration (FIA).

**§ 27-907A. Flood Hazard Area Regulations. [Ord. 96-2, 7/-/1996, § 906A; as revised by Ord. 00-01, 2/15/2000, § 907A; as amended by Ord. 2005-02, 10/4/2005]**

1. **General.** All uses, activities and development occurring within any flood hazard area shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances such as the Washington Township Subdivision and Land Development Ordinance of 1969 [Chapter 22]. In addition, all such uses, activities and development shall be undertaken only in compliance with federal or state law, including § 404 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. § 1334), the Pennsylvania Water Obstructions Act of 1913, and the Pennsylvania Floodplain Management Act of 1978. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other facility or system. No permits shall be issued until this determination has been made. Prior to any proposed alteration or relocation of any stream or watercourse within the Township, any required permit shall be obtained from the Pennsylvania Department of Environmental Protection, Dams and Encroachment Division. Further, documentation shall be submitted substantiating that notification of the proposal has been given to all affected adjacent municipalities. The Federal Insurance Administration and the Pennsylvania Department of Community and Economic Development shall also be notified in advance of any such alteration or relocation.
2. **Floodway Area (FW).** In the Floodway Area (FW) no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and state authorities, as required above.
  - A. **Permitted Uses.** In the floodway area, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance, and provided that they do not require structures, fill or storage of materials and equipment:

- (1) Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, forestry, sod farming and crop harvesting.
  - (2) Public and private recreational uses and activities such as parks, day camps, picnic grounds, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges and hunting and fishing areas.
  - (3) Accessory residential uses such as yard areas, gardens, play areas and porous paving areas.
- B. Conditional Uses. Conditional uses in this district may be allowed or denied by the Board of Supervisors pursuant to public notice and hearing, after recommendations by the Planning Commission, pursuant to the express standards and criteria set forth in Part 12 in this chapter, as follows:
- (1) Structures, except manufactured homes, accessory to the uses and activities mentioned in Subsection A above and shall be in accordance with Part 12.
  - (2) Public utilities and public facilities and improvements and shall be in accordance with Part 12.
  - (3) Storage of materials and equipment provided that they are not buoyant, contaminating or polluting, flammable or explosive and are not subject to major damage by flooding, or firmly anchored to prevent flotation or movement or can be readily removed from the area within the time available after flood warning.
  - (4) Other similar uses and activities provided they cause no increase in flood heights or velocities. All uses, activities and structural developments shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable codes and ordinances.
3. Flood-Fringe Area (FF). In the Flood-Fringe Area (FF), the development and use of land shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in all other applicable codes and ordinances, and further provided that manufactured homes shall not be permitted in Flood-Fringe Areas.
4. General Floodplain Area (FA). In the General Floodplain Area (FA) development or use of land shall be permitted in accordance with the regulations of the underlying zoning district, provided that all such uses,

activities or development shall be undertaken in strict compliance with floodproofing and related provisions contained in all other applicable codes and ordinances.

5. Flood Prone Area. In the Flood Prone Area development or use of land shall be permitted in accordance with the regulations of the underlying zoning district, provided that all such uses, activities or development shall be undertaken in strict compliance with floodproofing and related provisions contained in all other applicable codes and ordinances.

**§ 27-908A. Permitted Uses. [Ord. 96-2, 7/-/1996; as added by Ord. 00-01, 2/15/2000, § 908A]**

1. In the Floodway Area (FW) the following uses and activities are permitted; provided, that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and; provided, that they do not require structures, fill or storage of materials and equipment:
  - A. Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, forestry, sod farming and crop harvesting.
  - B. Public and private recreational uses and activities such as parks, day camps, picnic grounds, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges and hunting and fishing areas.
  - C. Accessory residential uses such as yard areas, gardens, play areas and porous paving areas.

**§ 27-909A. Conditional Uses. [Ord. 96-2, 7/-/1996; as added by Ord. 00-01, 2/15/2000, § 909A; as amended by Ord. 02-04, 7/16/2002, § I]**

1. Conditional uses in this district may be allowed or denied by the Board of Supervisors pursuant to public notice and hearing, after recommendations by the Planning Commission, pursuant to the express standards and criteria set forth in Part 12 in this chapter, as follows:
  - A. Structures, except manufactured homes, accessory to the uses and activities mentioned in § 27-91(2)(B) above and shall be in accordance with Part 12.
  - B. Public utilities and public facilities and improvements and shall be in accordance with Part 12.
  - C. Storage of materials and equipment provided that they are not buoyant, contaminating or polluting, flammable or explosive and are not subject to major damage by flooding, or firmly anchored to prevent



flotation or movement, or can be readily removed from the area within the time available after flood warning.

- D. Other similar uses and activities provided they cause no increase in flood heights or velocities. All uses, activities and structural developments shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable codes and ordinances.
- E. State and county municipal use in accordance with the regulations in Part 12.

**§ 27-910A. Special Exception Uses. [Ord. 96-2, 7/-/1996; as added by Ord. 00-01, 2/15/2000; as amended by Ord. 02-04, 7/16/2002, § I]**

- 1. Special exception uses in this district may be allowed or denied by the Zoning Hearing Board pursuant to public notice and hearing, pursuant to the express standards and criteria set forth in Part 18 in this chapter, as follows:
  - A. Washington Township municipal use in accordance with the regulations in Part 18.

**§ 27-911A. Conditional Uses, Special Exceptions and Variances; Additional Factors to Be Considered. [Ord. 96-2, 7/-/1996, § 908A; as revised by Ord. 00-01, 2/15/2000, § 911A]**

- 1. In passing upon applications for conditional uses, special exceptions and variances, all relevant factors and procedures specified in other sections of this chapter and the following shall be considered:
  - A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No conditional uses or variance shall be granted in any floodway for any proposed use, development or activity that will cause any increase in flood levels during the one-hundred-year flood.
  - B. The danger that materials may be swept onto other lands or downstream to the injury of others.
  - C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  - D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
  - E. The importance of the services provided by the proposed facility to the community.

- F. The requirements of the facility for a waterfront location.
  - G. The availability of alternative locations not subject to flooding for the proposed use.
  - H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
  - J. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - K. The expected heights, velocities, duration, rate of rise and sediment transport of the floodwaters expected at the site.
  - L. The effect upon the Township Flood Insurance Program.
  - M. Such other factors which are relevant to the purposes of this chapter.
2. The Board of Supervisors may refer any application and accompanying documentation pertaining to any request for a conditional uses or variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities and the adequacy for the plans for protection and other related matters.
3. Conditional uses permitted by the Board of Supervisors and/or variances which shall only be issued after the Zoning Hearing Board have determined that the granting of such will not result in:
- A. Unacceptable or prohibited increased flood heights.
  - B. Additional threats to public safety.
  - C. Extraordinary public expense.
  - D. Nuisances.
  - E. Fraud or victimization of the public.
  - F. Jeopardy to the Township Flood Insurance Program.
  - G. Conflict with local laws or ordinances.

**§ 27-912A. Existing Structures in Floodplain Areas. [Ord. 96-2, 7/-/1996, § 909A; as revised by Ord. 00-01, 2/15/2000, § 912A]**

1. A section or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- A. Existing structures or uses located in any floodway area shall not be expanded or enlarged unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.
- B. Any modification, alteration, repair, reconstruction or improvement of any kind to a structure or use located in any floodplain area to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible regardless of its location in the floodplain area.
- C. The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area, to an extent or amount of 50% or more of its market value, shall be undertaken only in full compliance with the provisions of this chapter and any other applicable ordinances.

**§ 27-913A. Prohibited Uses. [Ord. 96-2, 7/-/1996, § 910A; as revised by Ord. 00-01, 2/15/2000, § 913A]**

1. The following uses shall be prohibited in the Floodway Area (FW), the Flood-Fringe Area (FF) and the general Floodplain Area (FA):
  - A. Hospitals (public or private).
  - B. Nursing homes (public or private).
  - C. Jails or prisons.
  - D. New manufactured home parks and manufactured home subdivisions and substantial improvements to existing manufactured home parks.
  - E. Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply of more than 550 gallons or other comparable volume or any amount of radioactive substances or any of the following dangerous materials or substances.
    - (1) Acetone.
    - (2) Ammonia.
    - (3) Benzene.
    - (4) Calcium carbide.
    - (5) Carbon disulfide.
    - (6) Celluloid.

- (7) Chlorine.
- (8) Hydrochloric acid.
- (9) Hydrocyanic acid.
- (10) Magnesium.
- (11) Nitric acid and oxides of nitrogen.
- (12) Petroleum Products (gasoline, fuel oil, etc.).
- (13) Phosphorus.
- (14) Potassium.
- (15) Sodium.
- (16) Sulphur and sulphur products.
- (17) Pesticides (including insecticides, fungicides and rodenticides).
- (18) Radioactive substances, insofar as such substances are not otherwise regulated.

**§ 27-914A. Highway Access Regulations. [Ord. 96-2, 7/-/1996, § 911A; as revised by Ord. 00-01, 2/15/2000, § 914A]**

Regulations limiting, access driveways for permitted uses shall be provided in accordance with provisions of Part 12.

## PART 10

## VILLAGE DISTRICT (V)

**§ 27-1001. Intent.** [Ord. 96-2, 7/-/1996, § 1001; as revised by Ord. 00-01, 2/15/2000, § 1001; as amended by Ord. 2016-01, 9/6/2016]

Consistent with the general purposes of this chapter, the Future Land Use Plan and the goals and objectives of the Washington Comprehensive Plan, the specific intent of this district is to preserve and maintain the quality of living in village areas; maintain the Township's rural character surrounding the village areas.

**§ 27-1002. Permitted Uses.** [Ord. 96-2, 7/-/1996, § 1002; as revised by Ord. 00-01, 2/15/2000, § 1002; as amended by Ord. 2016-01, 9/6/2016]

1. In this district no building or land shall be used and no building shall be erected which is arranged, intended to be or designed to be, used for other than one or more of the following approved uses:
  - A. Single-family dwelling units.
  - B. Two-family dwelling units.
  - C. Churches or similar places of worship, including parish houses.
  - D. Community parks.
  - E. Post office.
  - F. Municipal buildings.
  - G. Public and private libraries.
  - H. Professional services.
  - I. Family day care centers in accordance with Part 12.
  - J. Produce stands.
  - K. No-impact home businesses.
  - L. Home occupations.
  - M. Bed-and-breakfast.
  - N. Personal care facility (group home).
  - O. Personal service establishment.

**§ 27-1003. Conditional Uses. [Ord. 76-2, 7/-1996, § 1003; as revised by Ord. 00-01, 2/15/2000, § 1003; as amended by Ord. 02-04, 7/16/2002, § I]**

- 1. Conditional uses in this district may be allowed or denied by the Board of Supervisors pursuant to public notice and hearing, after recommendations by the Planning Commission, pursuant to the express standards and criteria set forth in Part 12 in this chapter as follows:
  - A. Mobile home parks in accordance with Part 12.
  - B. State and county municipal use in accordance with the regulations in Part 12.
  - C. Vehicle sales/repairs. **[Added by Ord. 2016-01, 9/6/2016]**

**§ 27-1004. Special Exception Uses. [Ord. 76-2, 7/-1996; as revised by Ord. 00-01, 2/15/2000, § 1004; as amended by Ord. 02-04, 7/16/2002, § I]**

- 1. Special exception uses in this district may be allowed or denied by the Zoning Hearing Board pursuant to public notice and hearing, pursuant to the express standards and criteria set forth in Part 18 in this chapter; as follows:
  - A. Washington Township municipal use in accordance with the regulations in Part 18.

**§ 27-1005. (Reserved)<sup>5</sup>**

**§ 27-1006. Lot Area, Coverage and Width Regulations. [Ord. 96-2, 7/-1996, § 1005; as revised by Ord. 00-01, 2/15/2000, § 1006; as amended by Ord. 02-04, 7/16/2002, § I]**

- 1. Lot sizes shall generally reflect existing conditions as closely as possible.
  - A. Residential Uses. The minimum lot area per dwelling unit, minimum lot width measured at the street right-of-way line and maximum lot coverage shall not be more than that indicated below:

Dwelling Type	Lot Area (Square Feet)	Lot Width (feet)	Maximum Lot Coverage
Single-Family DU	7,500	50	50%
Single-Family Semidetached	5,000 per unit	50	50%

5. Editor's Note: Former § 27-1005, Building Height Regulations (Ord. 76-2, 7/-1996, § 1004, as revised), was repealed by Ord. 2016-01, 9/6/2016.

Dwelling Type	Lot Area (Square Feet)	Lot Width (feet)	Maximum Lot Coverage
Single-Family Attached	2,000 per unit	20	50%
Two Family DU	7,500	50	50%
Apartment Conversion DU	5,000	50	50%

B. Nonresidential Uses. For a nonresidential use, the minimum lot standards shall be as follows:

- (1) Lot area shall be based upon existing trends in the Village Area; but, in no instance shall be less than 5,000 square feet.
- (2) The maximum lot coverage shall not exceed 60% with at least 40% of the lot area maintained with vegetative cover in accordance with Part 11.
- (3) The minimum lot width shall be 50 feet.

**§ 27-1007. Yard Regulations. [Ord. 96-2, 7/-/1996, § 1006; as revised by Ord. 00-01, 2/15/2000, § 1007]**

- 1. Yards of the following minimum depths and widths shall be provided:
  - A. Minimum front yard depth shall be determined by establishing the average setback distance of buildings constructed adjacent to each side of the lot to be developed.
  - B. Minimum side yard shall be five feet for an interior lot and not less than 15 feet for a corner lot.
  - C. Minimum rear yard depth shall be no less than 15 feet.
  - D. Where the Village District abuts a residential district or residential use, a buffer yard shall be required in addition to the yards specified in the above section. Buffer yards shall be provided in accordance with Part 11 and Part 12.

See Part 12 for other yard requirements.

**§ 27-1008. Signs. [Ord. 96-2, 7/-/1996, § 1007; as revised by Ord. 00-01, 2/15/2000, § 1008]**

See Part 14.

**§ 27-1009. Parking Regulations. [Ord. 96-2, 7/-/1996, § 1008; as revised by Ord. 00-01, 2/15/2000, § 1009]**

1. On-street parking shall be included in the calculation of parking spaces for non-residential land uses.
2. Common Parking Lots. Two or more adjacent uses may share a common rear parking lot if the total space provided is proven to be adequate to the Board of Supervisors.
3. Off-street parking shall be on the same lot or premises or common lot directly adjacent to the principal use and in accordance with Part 15.

**§ 27-1010. Highway Access Regulations. [Ord. 96-2, 7/-/1996, § 1009; as revised by Ord. 00-01, 2/15/2000, § 1010]**

Regulations limiting access driveways for permitted uses shall be provided in accordance with provisions of Part 12.



## PART 10A

**MINERAL RESOURCE RECOVERY DISTRICT ("MR")****§ 27-1001A. Intent. [Ord. 96-2, 7/-/1996, § 1001A; as revised by Ord. 00-01, 2/15/2000, § 1001A]**

Consistent with the general purposes of this chapter, the future land use plan and the goals and objectives of the Washington Township Comprehensive Plan, the specific intent of this district is to provide for the recovery, processing and shipping of valuable mineral resources in areas of the Township most suitable for such activities. A primary goal of this district is to provide for the orderly removal of minerals, the processing of such minerals and the manufacture of mineral products, while preserving the integrity of adjacent land uses.

**§ 27-1002A. Permitted Uses. [Ord. 96-2, 7/-/1996; as added by Ord. 00-01, 2/15/2000, § 1002A; as amended by Ord. 02-04, 7/16/2002, § I]**

1. In this district no building or land shall be used and no building shall be erected which is arranged, intended to be, or designed to be, used for other than the following approved uses:
  - A. All of the permitted uses in the Conservation and Floodplain Management (CF) District, as set forth in § 27-902 of this chapter.
  - B. Noncoal surface mining operations, subject to the following conditions and restrictions:
    - (1) Minimum lot area shall be 50 acres.
    - (2) Where the MR zoning district is adjacent to an R-1, R-2, C, LI or V district, open excavations having high walls shall be enclosed by a fence either hard or living. All fences whether hard or living shall be a minimum of four feet in height. Hard fences shall have no openings larger than six inches and shall have all gates equipped with locks.
    - (3) All noncoal surface mining activities and operations shall be conducted in compliance with the provisions of the Pennsylvania Noncoal Surface Mining Conservation and Reclamation Act, 52 P.S. § 3301 et seq. and the noncoal surface mining conservation and reclamation regulations of the Pennsylvania Department of Environmental Protection, 25 Pa. Code, Chapter 77.
    - (4) The noncoal surface mining operator shall have obtained all permits and licenses from the Pennsylvania Department of Environmental Protection which may be required for the conduct of surface mining activities on the site. Copies of such permits and licenses together with copies of the reclamation

plan and sedimentation control plan and any required bonds securing the reclamation obligations of the operator shall have been filed with the Township prior to the commencement of any mining activities.

- (5) Excavation, stripping or quarrying Operations planned to be carried out in a total land area not exceeding two acres shall be exempt from subsections (1) through (4) above, provided the owner of such land area submits the following for approval by the Board of Supervisors:
- (a) An erosion and sedimentation control plan in accordance with the Dauphin County Conservation Service Erosion and Sedimentation Control Handbook.
  - (b) A plan for reclamation setting forth the proposed final contours, surface runoff controls, applicable seeding and related stabilization methods and time schedule for implementation.
  - (c) Suitable assurance to the Board of Supervisors either in the form of a performance bond or other security acceptable to the Board covering the cost of implementing subparagraph (a) and (b) above.

- C. Stone crushing and processing plants.
- D. Ready mix and precast concrete plants.
- E. Concrete block plants.
- F. Bituminous concrete plants.
- G. Stockpiling and shipping of mineral products.
- H. Accessory buildings, structures and uses customarily incidental to permitted uses in accordance with Part 12.

**§ 27-1003A. Conditional Uses. [Ord. 96-2, 7/-/1996; as added by Ord. 00-01, 2/15/2000, § 1003A; as amended by Ord. 02-04, 7/16/2002, § I]**

1. Conditional uses in this district may be allowed or denied by the Board of Supervisors pursuant to public notice and hearing, after recommendations by the Planning Commission, pursuant to the express standards and criteria set forth in Part 12 in this chapter, as follows:
  - A. State and county municipal use in accordance with regulations in Part 12.

**§ 27-1004A. Special Exception Uses. [Ord. 96-2, 7/-/1996; as added by Ord. 02-04, 7/16/2002, § 1]**

1. Special exception uses in this district may be allowed or denied by the Zoning Hearing Board pursuant to public notice and hearing, pursuant to the express standards and criteria set forth in Part 18 of this chapter, as follows:
  - A. Washington Township municipal use in accordance with the regulations in Part 18.



## PART 11

## LANDSCAPING AND SCREEN PLANTING REGULATIONS

**§ 27-1101. Intent.** [Ord. 96-2, 7/-/1996, § 1101; as revised by Ord. 00-01, 2/15/2000, § 1101]

The regulations contained in this Part are included in this chapter to provide guidelines for land development plans and to include landscaping provisions. A Township goal to maintain and improve the view shed and scenic value of future development will depend upon Township encouragement and compliance with the regulations.

**§ 27-1102. Landscaping and Screening.** [Ord. 96-2, 7/-/1996; as revised by Ord. 00-01, 2/15/2000, § 1102; as amended by Ord. 02-03, 5/23/2002, § I]

1. Landscaping and screening required by this Part shall meet the following regulations:
  - A. Landscaping and Screening. All land development plans, including multi-family, commercial and industrial, shall be accompanied by a landscaping and screening plan. All landscaping plans shall include:
    - (1) Proposed contours at five foot intervals.
    - (2) Existing natural features such as trees, grass areas, floodplains, vegetative materials and other flora and fauna located on the site with designation as to those which are to be removed and those which are to remain.
    - (3) Location, size, spacing and species of all proposed vegetative materials.
    - (4) Outline of all proposed structures, sidewalks, streets and other paved areas.
    - (5) Maintenance provisions for existing and proposed landscaping.
  - B. The applicant shall be required to notify the Township when all required landscaping and screening is in place.
  - C. Landscaping and screening shall be in place upon project completion.
  - D. Screening for the purpose of providing a visual barrier shall be composed of plants and trees arranged to reasonably form a complete visual screen within four years of installation.
  - E. A required screen shall be composed of evergreen trees with the exception of Columnare Arborvitae. Such trees shall be at least four feet in height and should be planted in two staggered rows with a ten

foot minimum distance between trunks of each of the plants measured in one continuous direction.

- F. Any area not used for buildings, other structures or paved areas, screening shall be planted with all season ground cover such as grass, bushes, shrubbery, annual and perennial flowers and other landscaping materials. Existing desirable vegetative materials such as trees shall be preserved wherever possible.
- G. If any portion of the landscaped screening shall die or fail to provide the screening intended under the aforementioned criteria, it shall be replaced or maintained by the appropriate party as identified on the building permit application or by the present owner.
- H. Screen planting shall be placed so that, at maturity, it will be not closer than three feet from any street, intersection or property line.
- I. The screen planting shall be broken only at points of vehicular or pedestrian access or utility easements prohibiting such planting.
- J. All parking areas shall include one tree for every 10 parking spaces.
- K. Masonry walls may be used in parking areas as barriers.
- L. Berms are permitted and must be planted in grass.
- M. Communication Antenna, Equipment and Tower Site. The following landscaping shall be required to screen as much of the structure and any other ground-level features (such as a building) and in general soften the appearance of the communication antenna, equipment and tower site. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure and other equipment is housed inside an existing structure, landscaping may not be required.
- N. All landscaping and/or screen planting plans and are subject to approval by the Board of Supervisors.

## PART 12

## GENERAL REGULATIONS

The following regulations shall qualify or supplement the district regulations appearing elsewhere in this chapter.

**§ 27-1201. Accessory Use Regulations. [Ord. 96-2, 7/-/1996, § 1202; as revised by Ord. 00-01, 2/15/2000, § 1201; as amended by Ord. 2016-01, 9/6/2016]**

1. All accessory uses for each district are subject to the following:
  - A. An accessory building must be a minimum of four feet from any lot line.
  - B. Accessory structures shall not exceed an area of 1,000 square feet.
  - C. Accessory buildings are authorized as long as they conform to state requirements for building offsets.
  - D. No accessory building may be placed on any established right-of-way.
  - E. No zoning permit shall be required for an accessory building 1,000 square feet or less.

**§ 27-1202. Yard Regulations. [Ord. 96-2, 7/-/1996, § 1202; as revised by Ord. 00-01, 2/15/2000, § 1202]**

1. Yards shall be provided in accordance with the provisions of this chapter and shall be planted with grass, sod or other vegetative cover, except in cases where walks, access drives, off-street parking lots, patios or other types of surfaces are permitted. All yards shall be maintained and kept free of all debris and rubbish.
2. A front, side or rear yard shall be measured from a line parallel to the property line of that particular lot.
3. (Reserved)<sup>6</sup>
4. Side Yards. [Amended by Ord. 2016-01, 9/6/2016]
  - A. On corner lots, the side yard abutting the street shall have a width equal to the depth of the front yard required in the district and shall be subject to all front yard requirements of this chapter.
  - B. On a lot in a district where residential structures are permitted and held in single and separate ownership from adjacent land at the effective date of this chapter with a width less than required for the

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6. Editor's Note: Former Subsection 3, Front Yards, was repealed by Ord. 2016-01, 9/6/2016.

zoning district, only one single-family detached dwelling may be erected. Side yards shall be provided in accordance with their appropriate district.

C. Any accessory building may be erected within one of the side yards or within the rear yard provided that:

- (1) An accessory building must be a minimum of four feet from any lot line.
- (2) The area is less than 1,000 square feet.

5. A property that abuts agricultural land shall not inhibit the agricultural use of a property in this district. **[Added by Ord. 2016-01, 9/6/2016]**

**§ 27-1203. Buffer Yards. [Ord. 96-2, 7/-/1996, § 1203; as revised by Ord. 00-01, 2/15/2000, § 1203]**

1. The buffer yard may coincide with the front yard.
2. All buffer yard areas shall be planted and maintained with a vegetative material, and where required for multifamily, commercial and manufacturing uses, a screen planting in accordance with Part 11 shall be planted and maintained to the full length of side and rear lot lines which do not abut streets.
3. Buffer yards shall be planted and kept free of all debris and rubbish.
4. Access roads, service drives and utility easements not more than 40 feet in width are permitted to cross a buffer yard. **[Amended by Ord. 2016-01, 9/6/2016]**
5. No parking or storage of equipment shall be permitted in buffer yards.
6. Prior to the issuance of a building permit, plans for buffer yards shall be submitted to the Zoning Officer. Said plans shall show the arrangements of all of the buffer yards and the placement, species and size of all plant materials to be placed in such buffer yard. Said plan will be reviewed by the Zoning Officer and approved by the Board of Supervisors before a building permit may be issued.

**§ 27-1204. Highway Access Regulations. [Ord. 96-2, 7/-/1996, § 1204; as revised by Ord. 00-01, 2/15/2000, § 1204]**

1. The purpose of this section is to limit the number of driveways or accessways onto arterial and major collector roadways.
  - A. All subdivision and/or land development plans are encouraged to create or utilize existing roadways classified as local or minor streets.



The following table lists a classification scheme for roads in the Township.

Arterial	Collector	Local
SR 0225	SR0448	All other roads within the Township
SR 0209	SR 1006	
SR 1009	SR 1021	
	SR 1021	

- B. If new local or minor roadways are proposed, the owner, developer or lessee must provide a street plan which will tie into other local/minor, collector or arterial roadways. All plans must be in accordance with the Washington Township Subdivision and Land Development Ordinance [Chapter 22].
- C. Where a residential subdivision is proposed along an arterial, the lots abutting the arterial shall be reverse frontage lots.

**§ 27-1205. Conditional Use Regulations. [Ord. 96-2, 7/-/1996, § 1205; as revised by Ord. 00-01, 2/15/2000, § 1205]**

1. It is the intent of this section to provide special controls and regulations for particular uses which may, under certain conditions, be conducted within the various zoning districts established in Part 3 of this chapter. Each subsection of this section has particular controls and/or requirements which must be satisfied before the use by right or by conditional use is permitted. It is the intent of this section that these particular controls and requirements are in addition to those imposed by the district use regulations and the general regulations, Part 12 of this chapter.

A. Applicability; Limitations; Compliance.

- (1) Applicability. The controls imposed by Parts 11, 12, 13, 14 and 15 are applicable where cited specifically as a conditional use and where cited for permitted uses in Parts 4 through 9 of this chapter.
- (2) Limitations. Conditional uses shall be permitted only where specifically cited in the district use regulations in Parts 4 through 9 of this chapter.
- (3) Compliance. Nothing in this section shall relieve the owner, agent, developer or applicant for approval of a conditional use from obtaining subdivision and/or land development approval in accordance with the Washington Township Subdivision and Land Development Ordinance [Chapter 22].

**B. Procedure for Conditional Use.**

- (1) **Application.** Each application for a conditional use shall be accompanied by a proposed plan showing the size and location of the lot, the location of all buildings and proposed facilities, including access drives, parking areas and all streets within 200 feet of the lot. The plan shall indicate each adjacent use and land owner. Each application is subject to a fee, as established by resolution by the Board of Supervisors and is payable to Washington Township.
- (2) **Review by Township Supervisors. [Amended by Ord. 2016-01, 9/6/2016]**
  - (a) All proposed structures, equipment or material shall be readily accessible for fire and police protection.
- (3) **Board of Supervisors.**
  - (a) Within 45 days from receipt of a complete conditional use application and payment of the required fee, the Board of Supervisors shall hold a duly advertised public hearing on the matter of the conditional use application.
  - (b) Within 30 days from the date of the final public hearing on the conditional use application, the Board of Supervisors will render its decision. Written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
  - (c) Each decision shall be accompanied by findings of fact and conclusions. The conclusions shall contain a reference to the provisions relied upon and the reasons why the conclusion is deemed appropriate.

- C. Effect of Conditional Use.** Any use for which a conditional use approval may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that such permit shall be deemed to affect only the lot or portion thereof for which such approval shall have been granted.

**§ 27-1206. Bed-and-Breakfast Establishments. [Ord. 96-2, 7/-/1996, § 1206; as revised by Ord. 00-01, 2/15/2000, § 1206; as amended by Ord. 2016-01, 9/6/2016]**

1. Bed-and-breakfast establishments are subject to parking regulations (Part 15) and landscaping regulations (Part 11). Bed-and-breakfast establishments must also follow district regulations for which they are permitted, including the following:

- A. Bed-and-breakfast establishments shall be authorized and conform to state requirements.

**§ 27-1207. Farmers Market Regulations. [Ord. 96-2, 7/-/1996, § 1207; as revised by Ord. 00-01, 2/15/2000, § 1207]**

1. Local farmers may sell vegetables, fruit and other goods produced from their own farmstead, as well as any baked or canned goods.
2. Farmers markets (or stands) must adhere to the following regulations: **[Amended by Ord. 2016-01, 9/6/2016]**
  - A. The stand or the sign cannot be located in the right-of-way (ROW) of any road.
  - B. The farmers market operator and/or owner must make sure there is available space of customer parking. This parking area must be located outside of the public right-of-way.
  - C. Farmers markets shall conform to state requirements, if applicable.

**§ 27-1208. Home Occupation Regulations. [Ord. 96-2, 7/-/1996, § 1208; as revised by Ord. 00-01, 2/15/2000, § 1208; as amended by Ord. 2016-01, 9/6/2016]**

1. A home occupation may include but not be limited to craft shops, art studios, dressmaking or other sewing crafts, barbershop or beauty parlor, teaching music or dance instruction, real estate or insurance office, the professional office of a dentist, physician, lawyer, engineer, planner, accountant, architect, home telephone sales or other activities of a similar nature.
2. A home occupation shall, under no circumstances, be interpreted to include a commercial stable or a dog kennel, automobile sales, small engine repair shop, donut shop or any occupation where the principal activity involves sales offered across the counter.
3. Where permitted, home occupations may be established subject to the following conditions:
  - A. No offensive noise, vibration, smoke or other particulate matter, and heat in regards to home occupations.
  - B. Off-street parking shall be provided in accordance with the provisions of Part 15.

**§ 27-1209. Public Utility Regulations. [Ord. 96-2, 7-/1996, § 1209; as revised by Ord. 00-01, 2/15/2000, § 1209]**

1. Public utility facilities shall be permitted in any district; provided, however, all buildings and/or structures for these utilities shall be subject to the following regulations:
  - A. Front, side and rear yards, as well as height regulations, shall be consistent with the regulations of the district in which the facility is located.
  - B. Unhoused equipment shall be enclosed within a wooden or chain-link fence of at least six feet in height.
  - C. Housed Equipment. When the equipment is totally enclosed within a building, landscaping and screen planting in accordance with Part 11 shall be required, and the yards shall be maintained with the district in which the facility is located. Fencing may also be required.
  - D. Screen planting in residential and commercial districts shall be in accordance with Part 11.
  - E. The external design of the building shall be, to the greatest extent possible, in conformity with the design of buildings in the district.

**§ 27-1210. Camps or Campgrounds. [Ord. 96-2, 7-/1996, § 1210; as revised by Ord. 00-01, 2/15/2000, § 1210]**

1. The purpose of this section is to provide regulations for camp or recreational resort establishments which may include an office and accessory uses such as food or drink establishments, amusement and recreation facilities such as a swimming pool, children's playground, tennis or other game sports and game or recreation rooms.
  - A. Area and Bulk Regulations.
    - (1) The minimum lot area shall be a minimum of not less than 10 acres and the minimum campsite area is 3,000 square feet.
    - (2) The minimum front, side and rear yards shall be 50 feet, except when adjacent to a residential zone, in which case front, side and rear yards shall be 100 feet.
    - (3) All principal and accessory buildings and structures shall cover a total of not more than 35% of the site. A food and/or drink establishment shall not cover more than 10% of the site. There shall be no more than one resort- or camp-related dwelling unit.

- (4) An internal road system shall be provided, in accordance with § 22-703A of the Subdivision and Land Development Ordinance [Chapter 22].
- (5) All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the PA DEP.
- (6) Occupancy in each dwelling or structure shall be limited to six months out of any twelve-month period, and it shall be incumbent upon the owner or camp operator to maintain a guest register containing the name, date of entry and date of departure of each tenant. Said register shall be subject to inspection by a duly appointed representative of the Board of Supervisors. The owner/operator may reside on the campground year round.
- (7) Only those commercial uses which are designed to expressly serve the tenants of a proposed development during their stay shall be permitted.

- B. Parking Regulations. Points of vehicular ingress or egress shall be limited to a total of two on any street. Off-street parking regulations shall apply and should be in accordance with Part 15, and § 22-703(B)(2) of the Subdivision and Land Development Ordinance [Chapter 22].

**§ 27-1211. Commercial Kennels. [Ord. 96-2, 7/-/1996, § 1211; as revised by Ord. 00-01, 2/15/2000, § 1211; as amended by Ord. 2016-01, 9/6/2016]**

1. Kennels shall be permitted as a conditional use in the Agricultural District and are subject to the following:
  - A. Minimum lot size to conform to state regulations.
  - B. Parking requirements shall be in accordance with Part 15.
  - C. All areas used for exercise shall be securely fenced and located at least 200 feet from any property line.
  - D. All animals shall be kept within a completely enclosed building which shall be a minimum of 100 feet from any property line.

**§ 27-1212. Commercial Riding Stables. [Ord. 96-2, 7/-/1996, § 1212; as revised by Ord. 00-01, 2/15/2000, § 1212; as amended by Ord. 2016-01, 9/6/2016]**

1. Commercial riding stables shall be permitted in the Agricultural District by conditional use, subject to the following:

- A. Minimum lot size to conform to state regulations.
- B. Off-street parking regulations shall apply in accordance with Part 15.
- C. All areas used for exercise and pasturing shall be securely fenced.
- D. All animals, except while exercising or pasturing, shall be kept within a completely enclosed building erected or maintained for that purpose which shall be a minimum of 200 feet from any property line.
- E. The accumulation and storage of manure or other odor producing substances shall not be permitted.

**§ 27-1213. Farm Equipment or Lawn and Garden Sales and Service. [Ord. 96-2, 7/-/1996, § 1213; as revised by Ord. 00-01, 2/15/2000, § 1213; as amended by Ord. 2016-01, 9/6/2016]**

- 1. Farm equipment or lawn and garden sales and service shall be permitted in the Agricultural District as an accessory use to the principal agricultural use of the lot.
- 2. Acceptable Uses.
  - A. Distribution, sales and/or servicing of equipment and machinery commonly used for agricultural purposes.
  - B. Distribution, sales and/or servicing of nursery, lawn and garden equipment and supplies and service.
- 3. Parking Requirements. Parking requirements shall be in accordance with Part 15.

**§ 27-1214. Family Day-Care Centers. [Ord. 96-2, 7/-/1996, § 1214; as revised by Ord. 00-01, 2/15/2000, § 1214; as amended by Ord. 2016-01, 9/6/2016]**

- 1. Family day-care centers shall be permitted as a conditional use in the Medium to High Density Residential District and the Commercial Districts and subject to the following:
  - A. Family day-care centers providing care for more than three children not related to the caregiver must secure a license from the Commonwealth of Pennsylvania, Department of Public Welfare. Evidence of such state licensing must be provided prior to the issuance of a use and occupancy permit by the Zoning Officer.

**§ 27-1215. Swimming Pools. [Ord. 96-2, 7/-/1996, § 1215; as revised by Ord. 00-01, 2/15/2000, § 1215]**

See Ord. 95-2, adopted October 17, 1995 [Chapter 23, Part 1].

**§ 27-1216. Excavating, Stripping, Quarrying and Mining Operations. [Ord. 96-2, 7/-/1996, § 1216; as revised by Ord. 00-01, 2/15/2000, § 1216]**

1. Excavation, stripping, quarrying and mining operations, where permitted as conditional uses in a district other than the Mineral Recovery (MR) District, are subject to the following conditions:
  - A. Minimum lot area is 50 acres, except as outlined in Subsection F.
  - B. An open excavation within 500 feet of a highway or occupied property shall be enclosed by a fence or wall that completely encloses the portion of the property in which the excavation is located; said fence or wall shall be so constructed as to have openings no larger than six inches, and if pickets are used, the openings shall not exceed six inches; and all fences and walls shall be a minimum of eight feet in height with a locked gate.
  - C. No quarry wall shall be nearer than 150 feet to any property line or street line.
  - D. An agreement in writing has to be executed which shall comprise a plan for reclamation of the tract which clearly sets forth the following information:
    - (1) An engineering drawing showing ownership, topography, streams, existing roads, buildings, boundaries and legal description of the tract and the names of adjoining property owners.
    - (2) A description of the location, type, extent, methods, hours of operation and time schedule for the operations proposed.
    - (3) A drawing showing the location and/or proposed relocations of land, trees, buildings, structures, public roads, streams, drainage facilities and utility lines on the tract or adjacent tracts as may require protection, repairs, clearance, demolition or restoration either during or following completion of the operation proposed.
    - (4) A statement describing methods for the handling of drainage, air pollution, soil erosion or other environmental problems created during the operations including production, transportation, processing, stockpiling, storage and disposal of by-products and wastes. As a minimum, address the following:
      - (a) Noise — vehicular and equipment.
      - (b) Use of explosives — impact to adjacent properties.
      - (c) Lighting.

- (d) Impact to streams, lakes, public and private water supplies from dewatering and washing operations.
    - (e) Traffic.
  - (5) A plan for reuse of the land after completion of the operations which shall permit the carrying out of the purposes of this chapter and appropriately provide for any restoration, reclamation, reforestation or other correction work deemed necessary. Such plan shall be prepared by a registered landscape architect or other qualified person and shall bear the recommendations of the Township Engineer.
- E. Excavation, stripping or quarrying operations planned to be carried out in a total land area not exceeding two acres shall be exempt from Subsections A through D above, provided the owner of such land area submits the following for approval by the Board of Supervisors.
- (1) An erosion and sedimentation control plan in accordance with the Dauphin County Conservation Service Erosion and Sedimentation Control Handbook.
  - (2) A plan for reclamation setting forth the proposed final contours, surface runoff controls, applicable seeding and related stabilization methods and time schedule for implementation.
  - (3) Suitable assurance to the Board of Supervisors either in the form of a performance bond or other security acceptable to the Board covering the cost of implementing Subsection E(1) and (2) above.
- F. Approval of a conditional use application does not release the applicant from obtaining other state and local permits. It may be necessary to obtain some or all of the following:
- (1) Highway occupancy permit, state or local for proposed access drives.
  - (2) Sewage permit.
  - (3) Land development plan approval. The plan submitted for the conditional use application is conceptual. More detailed site plans may be required.
  - (4) State mining permits must be obtained and on file with the Township, including all required bonding for reclamation before any earthmoving can begin.



**§ 27-1217. Principal Waste Handling Facilities; Landfills. [Ord. 96-2, 7-/1996, § 1217; as revised by Ord. 00-01, 2/15/2000, § 1217]**

1. Principal waste handling facilities are permitted by conditional use, subject to the following criteria:
  - A. Minimum lot area: 150 acres.
  - B. No waste shall be deposited, stored or disposed of and no building or structure shall be located within 500 feet of any property line and 800 feet of any land within a residential zone.
  - C. Any external area used for the unloading, storage or deposition of waste must be completely screened from view at the property line. (The use of an earthen berm is encouraged where practicable.) In addition, such areas must also be completely enclosed by an eight-foot-high fence, with no openings greater than two inches in any direction.
  - D. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable state and federal standards and regulations.
  - E. The maximum height of any material shall be 200 feet above the historic ground contour.
  - F. Conditional use application shall include a plan for the development of the tract showing:
    - (1) Ownership, boundaries and legal description, existing topographic and natural physical features, existing utilities, easements and adjacent property owners.
    - (2) Proposed areas of development, buildings, access drives, treatment facilities, stormwater management and erosion control facilities and other operational facilities. This may be conceptual in nature pending final design - deviation from the approved conditional use plan will be subject to approval by the Board of Supervisors at the land development stage.
    - (3) A description of the location, type, extent, methods and time schedule for the operations proposed.
    - (4) A drawing showing the location and/or proposed relocations of land, trees, buildings, structures, public roads, streams, drainage facilities and utility lines on the tract or adjacent tracts as may require protection, repairs, clearance, demolition or restoration either during or following completion of the operation proposed.
    - (5) A statement describing methods for handling of any drainage, air pollution, soil erosion or other environmental problems

created during the operations including production, transportation, processing, stockpiling, storage and disposal or by-products and wastes. As a minimum, address in narrative form, the following:

- (a) Leachate treatment.
- (b) Litter control.
- (c) Access. Impact on local roads, controlled to limit unauthorized access.
- (d) Raw water needs. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed. In addition, if the facility is to rely upon nonpublic sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the Municipal Engineer. A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge considering the water withdrawn by the proposed development shall not be approved by the municipality. A water feasibility study shall include the following information:
  - 1) Calculations of the projected water needs.
  - 2) A geologic map of the area with a radius of at least one mile from the site.
  - 3) The location of all existing and proposed wells within 1,000 feet of the site with a notation of the capacity of all high-yield wells.
  - 4) The location of all existing on lot sewage disposal systems within 1,000 feet of the site.
  - 5) The location of all streams within 1,000 feet of the site and all known point sources of pollution.

- 6) Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
  - 7) A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table.
  - 8) A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- (e) Traffic.
  - (f) Preparedness, prevention and contingency plan.

**§ 27-1218. Commercial Poultry and Livestock Operation. [Ord. 96-2, 7/-/1996, § 1218; as revised by Ord. 00-01, 2/15/2000, § 1218]**

1. Commercial poultry and livestock operations are permitted in the Agricultural District, subject to the following:
  - A. Minimum lot area greater than two acres.
  - B. Application for conditional use shall include a plan showing tract boundaries, existing topographic and physical features, adjacent property owners and the proposed animal housing facilities.
  - C. The application shall include a narrative description of the project with the type and number of animals to be housed, a manure management plan and a statement how impact to adjoining properties (residential in particular) is minimized (i.e. prevailing winds are to the southeast, away from any existing nearby uses).
  - D. Applicant must demonstrate that sufficient land is available to sustain the proposed use (feed and manure handling).
  - E. The Township may require buildings to be setback further than the minimum in granting a conditional use.

**§ 27-1219. Mobile Home Parks. [Ord. 96-2, 7/-/1996, § 1219; as revised by Ord. 00-01, 2/15/2000, § 1219]**

1. Mobile home parks are permitted in the Agricultural District and the Village District as a conditional use subject to the following:
  - A. Minimum project area: five acres.
  - B. Applicant must submit a plan showing the boundary of the property, existing topography and physical features, adjacent property owners and the proposed park layout meeting the requirements of Part 6 of

the Washington Township Subdivision and Land Development Ordinance [Chapter 22] for mobile home parks.

- C. Applicant must submit a narrative description of the project with an outline addressing the following:
- (1) Traffic impact.
  - (2) Handling of stormwater: general description.
  - (3) Water supply and sewage disposal: impact to nearby private and public uses. Connection to public facilities is strongly recommended.
  - (4) Number of units, schedule for completion of improvements and completion date for buildout.
  - (5) Impact to adjacent uses.

**§ 27-1220. Shopping Centers. [Ord. 96-2, 7/-/1996, § 1220; as revised by Ord. 00-01, 2/15/2000, § 1220]**

1. Shopping centers are permitted by conditional use in the Commercial District, subject to the following criteria:
  - A. Lot area: five acres minimum.
  - B. Lot width: 300 feet minimum.
  - C. All buildings must be set back at least 50 feet from any property line and 100 feet from a street line.
  - D. Screening and buffer zones shall be in accordance with Part 11 of this chapter.
  - E. Access must be via an arterial street or collector street.
  - F. The conditional use application shall include a plan for development of the tract showing:
    - (1) Ownership boundaries and legal descriptions, existing topographic and natural physical features, existing utilities, easements and adjacent property owners.
    - (2) Proposed areas of development including buildings, parking areas and access drives, stormwater management facilities, lighting, trash handling and utilities (water and sewer).
    - (3) Applicant must submit a narrative description of the project addressing the following:

- (a) Traffic impact.
- (b) Handling of stormwater.
- (c) Water supply and sewerage disposal: impact to public or private uses. Connection to public facilities is strongly recommended.
- (d) Short- and long-term development of the site, including any out parcels.
- (e) Impact to adjacent uses.

**§ 27-1221. Truck Terminals.<sup>7</sup> [Ord. 96-2, 7/-/1996, § 1222; as revised by Ord. 00-01, 2/15/2000, § 1222]**

1. Truck terminals are permitted by conditional use in the Industrial District, subject to the following conditions:
  - A. Principal access shall be onto Route 209 unless the applicant can demonstrate that the local roadway is constructed in a manner to handle the anticipated traffic and weight from the proposed use.
  - B. The applicant shall provide with the conditional use application a general site plan showing the property, the proposed terminal with parking and access driveways and a traffic report. The traffic report shall be prepared by a professional engineer. Parking and driveway areas shall be stabilized surfaces.
  - C. No outside storage of materials shall be allowed. Areas immediately adjacent to residential uses/zones shall be screened.
  - D. Applicant shall submit a lighting plan which demonstrates that lighting will not be directed onto adjacent properties.
  - E. The applicant shall submit a land development plan and comply with other applicable state and local regulations.

**§ 27-1222. Adult Bookstores. [Ord. 96-2, 7/-/1996, § 1223; as revised by Ord. 00-01, 2/15/2000, § 1223]**

1. Adult bookstores or adult theaters shall be permitted by conditional use in the Commercial District subject to the following:

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7. Editor's Note: Former § 27-1221, Heavy Equipment Sales and Service Facilities (Ord. 96-2, 7/-/1996, § 1221, as revised), was repealed by Ord. 2016-01, 9/6/2016, which ordinance also renumbered former §§ 27-1222 through 27-1225 as §§ 27-1221 through 27-1224, respectively.

- A. An adult bookstore shall not be permitted to be located within 500 feet of any other adult bookstore.
- B. An adult bookstore shall not be permitted to be located within 1,000 feet of any public or private school, child-care facility, public park or playground or any church or other house of worship.
- C. No materials, merchandise or film offered for sale, rent, lease, loan or for view upon the premises shall be exhibited or displayed outside of a building or structure.
- D. Any building or structure used and occupied as an adult bookstore or adult theater shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise or film shall be visible from outside of the building or structure.

**§ 27-1223. Sawmills. [Ord. 96-2, 7/-/1996, § 1224; as revised by Ord. 00-01, 2/15/2000, § 1224]**

- 1. Sawmills shall be permitted by conditional use in the Agricultural District (A) subject to the following:
  - A. Principal access shall be onto Route 209 unless the applicant can demonstrate that the local roadway is constructed in a manner that can handle the traffic volume and weight from the proposed use.
  - B. The minimum lot area is five acres.
  - C. Yard regulations shall conform to those in the Agricultural District.
  - D. Screening and buffer zones shall be in accordance with Part 11 of this chapter when the sawmill is adjacent to a residential use.
  - E. The hours of operation shall be restricted to 7:30 a.m. to 7:30 p.m.
  - F. The area where the material is stored or sawed shall be fenced. The fence shall be a minimum of eight feet in height and have no openings larger than six inches with a locked gate.

**§ 27-1224. Veterinary Offices and Animal Hospitals. [Ord. 96-2, 7/-/1996, § 1225; as revised by Ord. 00-01, 2/15/2000, § 1225]**

- 1. Veterinary offices and animal hospitals shall be permitted by conditional use in the Agricultural District subject to the following:
  - A. The minimum lot area shall be five acres.
  - B. Yard regulations shall conform to those in the Agricultural District.
  - C. Parking requirements shall be in accordance with Part 15.

- D. One sign shall be permitted which shall be in accordance with Part 14.
- E. Areas used for exercise shall be securely fenced and located at least 200 feet from any property line.
- F. All animals, except while exercising or pasturing, shall be kept within a completely enclosed building erected or maintained for that purpose which shall be kept a minimum of 200 feet from any property line.
- G. The accumulation and storage of manure or other odor-producing substance shall not be permitted.

**§ 27-1225. No-Impact Home-Based Business. [Ord. 2005-02, 10/4/2005; as amended by Ord. 2016-01, 9/6/2016<sup>8</sup>]**

- 1. 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:
  - A. 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.
  - B. Any no-impact home-based business must comply with the MPC.

**§ 27-1226. Wind Energy Facilities. [Ord. 2010-01, 2/16/2010]**

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

**APPLICANT** — The landowner or developer, as hereinafter described, who has filed an application for development, including his heirs, successors, and assigns.

**DECOMMISSIONING** — With regard to a wind energy facility, removing the system or facility from service or electrical generation permanently or for a period in excess of six months.

**FACILITY OWNER** — The entity or entities having an equity interest in the energy facility, including their respective successors and assigns.

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8. Editor's Note: Ordinance No. 2016-01 also renumbered former § 27-1225, Veterinary Offices and Animal Hospitals, as § 27-1224; repealed former § 27-1226, Storage of Equipment and Materials (Ord. 96-2, 7-/1996, § 122, as revised); and renumbered former §§ 27-1227 through 27-1229 as §§ 27-1225 through 27-1227, respectively.

**HUB HEIGHT** — The distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade is attached.

**NON-PARTICIPATING LANDOWNER** — Any landowner except those on whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

**OCCUPIED BUILDING** — A residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

**OPERATOR** — The entity responsible for the day-to-day operation and maintenance of the wind energy facility.

**SHADOW FLICKER** — Alternating changes in light intensity caused by the moving blade casting shadows on the ground and stationary objects, such as a window at a dwelling.

**TURBINE HEIGHT** — The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

**WIND ENERGY FACILITY** — An electric-generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

**WIND TURBINE** — A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformers, if any.

2. Applicability.
  - A. This section applies to all wind energy facilities proposed to be constructed after the effective date of this section.
  - B. Wind energy facilities constructed prior to the effective date of this section shall not be required to meet the requirements of this section, provided that any physical modification to an existing wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall require a permit under this section.
3. Permitted Use.
  - A. A wind energy facility shall be considered a conditional use in all zones except the Residential Districts (R-1) and (R-2) and the Village District, where such facilities shall be expressly prohibited.



- B. Such conditional use shall be determined in accordance with the provisions of Part 18, § 27-1806 et seq., of this chapter, governing conditional uses, and such additional conditions as the Board of Supervisors may reasonably impose as a condition of approval.
4. Conditional Use Permit Requirement.
- A. No wind energy facility, or addition of a wind turbine to an existing wind energy facility, shall be constructed or located within Washington Township unless a conditional use permit has been issued to the facility owner or operator approving construction of the facility under this section.
  - B. The conditional use permit application or amended permit application shall be accompanied by a fee as established by separate resolution of the Board of Supervisors, plus the actual costs incurred by the Township.
  - C. Any physical modification to an existing and permitted wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall require a conditional use permit modification under this section. Like-kind replacements shall not require a conditional use permit modification.
5. Conditional Use Permit Application.
- A. A conditional use permit application shall be filed and processed in accordance with § 27-1806 et seq. of this chapter.
  - B. The conditional use permit application shall demonstrate that the proposed wind energy facility will comply with this section.
  - C. Among other things, the application shall contain the following:
    - (1) A narrative describing the proposed wind energy facility, including an overview of the project; the project location; the approximate generating capacity of the wind energy facility; the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
    - (2) An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the wind energy facility. Include the applicant's and property owner's names, addresses and phone numbers.

- (3) Identification of the properties on which the proposed wind energy facility will be located and the properties adjacent to where the wind energy facility will be located.
  - (4) A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, buildings and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback, proposed landscape plan for screening, and existing buildings on site and adjacent properties to delineate required setbacks in accordance with Subsection 7, Setbacks.
  - (5) Documents related to decommissioning.
  - (6) Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Township to ensure compliance with this section.
- D. Within 30 days after receipt of a conditional use permit application, the Township will determine whether the application is complete and advise the applicant accordingly.
  - E. Within 60 days after a completeness determination, the Township will, pursuant to public notice, schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.
  - F. Within 120 days after a completeness determination, or within 45 days after the close of any public hearing, whichever is later, the Township shall make a decision whether to issue or deny the conditional use permit application and notify the applicant in writing.
  - G. Throughout the permit process, the applicant shall promptly notify Washington Township of any changes to the information contained in the conditional use permit application.
  - H. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.
6. Design and Installation.
    - A. Design Safety Certification. The design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit

certificates of design compliance obtained by the equipment manufacturers from Underwriters' Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.

- B. Uniform Construction Code. To the extent applicable, the wind energy facility shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§ 403.1 — 403.142.
- C. Controls and Brakes. All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- D. Electrical Components. All electrical components of the wind energy facility shall conform to relevant and applicable local, state and national codes and relevant and applicable international standards.
- E. Visual Appearance; Power Lines.
  - (1) Wind turbines shall be a nonobtrusive color such as white, off-white or gray.
  - (2) Towers shall have prominent markings on the rotor blade tips of an international orange color where the total height of the tower exceeds 175 feet.
  - (3) The design of buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend the facility into the natural setting and existing environment.
  - (4) Appropriate landscaping shall be provided to screen structures from roads and adjacent residents.
  - (5) Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
  - (6) Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner or operator.
  - (7) On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.

- F. Height and Placement. The maximum hub height shall not exceed 55 feet. Wind turbines may not be placed in front yards.
- G. Warnings.
  - (1) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
  - (2) Visible, reflective, colored objects, such as flags, reflectors, or tape, shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.
- H. Safety.
  - (1) Wind turbines shall not be climbable up to 15 feet above the ground surface.
  - (2) All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by nonauthorized persons.
  - (3) The minimum distance between the ground and any part of the rotor blade system shall be 30 feet.
  - (4) To limit climbing access, a six-foot-high fence with a locking gate shall be placed around the facility's tower base or the tower's climbing apparatus shall be limited to no lower than 15 feet from the ground.
- 7. Setbacks.
  - A. Occupied Buildings.
    - (1) Wind turbines shall be set back from the nearest occupied building a distance not less than the greatest normal boundary setback requirements for that zoning classification or 1.1 times the turbine height, whichever is greater. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
    - (2) Wind turbines shall be set back from the nearest occupied building located on a nonparticipating landowner's property a distance of not less than two times the turbine height, as measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
  - B. Property Lines. All wind turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning classification or 1.1 times the turbine

height, whichever is greater. The setback distance shall be measured to the center of the wind turbine base.

- C. Public Roads. All wind turbines shall be set back from the nearest public road a distance of not less than 1.1 times the turbine height, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.
8. Variances.
- A. Alterations of any portion of this section shall be accomplished only by a variance granted by the Township Zoning Hearing Board in accordance with this chapter.
  - B. Any record of any such variance shall be recorded in the office of the Recorder of Deeds for Dauphin County. The recorded action shall identify the properties adjacent to and affected by such action.
9. Use of Public Roads.
- A. The applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the wind energy facility.
  - B. The Township's Engineer, Roadmaster, or a qualified third-party engineer hired by the Township and paid for by the applicant shall document road conditions prior to construction. The Engineer or Roadmaster shall document road conditions again 30 days after construction is complete or as weather permits.
  - C. The Township may require the applicant to bond to the Township the road in compliance with state regulations.
  - D. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.
  - E. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.
10. Local Emergency Services.
- A. The applicant of a commercial facility shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer fire department(s) and the Dauphin County Emergency Management Agency.
  - B. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the wind energy facility.
11. Noise and Shadow Flicker.

- A. Audible sound from the wind energy facility shall not exceed 55 dBA, as measured at the exterior of any occupied building on a nonparticipating landowner's property. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1-1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems, Volume I, First Tier."
  - B. The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a nonparticipating landowner's property.
12. Signal Interference. The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals and shall mitigate any harm caused by the wind energy facility.
  13. Decommissioning.
    - A. The facility owner and operator shall, at their expense, complete decommissioning of the wind energy facility, or individual wind turbines, within 12 months after the end of the useful life of the facility or individual wind turbines. The wind turbines' facility or individual wind turbines will be presumed to be at the end of their useful life if no electricity is generated for a continuous period of 12 months.
    - B. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
    - C. Disturbed earth shall be graded and reseeded, unless the landowner requests, in writing, that the access roads or other land surface areas not be restored.
    - D. An independent and certified professional engineer shall be retained by the facility owner at his expense to estimate the total cost of decommissioning ("decommissioning costs"), without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("net decommissioning costs"). Said estimates shall be submitted to the Township after the first year of operating and every fifth year thereafter.
    - E. The facility owner or operator shall post and maintain decommissioning funds in an amount equal to the net decommissioning costs, provided that at no point shall decommissioning funds be less than 100% of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or federal or commonwealth chartered lending institution chosen by the facility owner or operator and participating

landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the commonwealth and is approved by the Township.

- F. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guaranty or other form of financial assurance as may be acceptable to the Township.
  - G. If the facility owner or operator fails to complete decommissioning within the period, prescribed by Subsection 13A, then the landowner shall have six months to complete decommissioning.
  - H. If neither the facility owner or operator nor the landowner completes decommissioning within the periods prescribed by Subsection 13A and G, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns, that the Township may take such action as necessary to implement the decommissioning plan.
  - I. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily complete, or upon written approval of the municipality in order to implement the decommissioning plan.
14. Public Inquiries and Complaints.
- A. The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
  - B. The facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.
  - C. The facility owner and/or operator shall keep a record of all such inquiries and complaints and shall submit a report thereof to the Township not less than quarterly.
15. Remedies.
- A. It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of this section, or any permit issued under the section, or to cause another to violate or fail to comply, or to take any action which is contrary to the terms of this section or any permit issued under this section.

- B. If the Township determines that a violation of this section or the permit has occurred, the Township shall provide written notice to any person, firm or corporation alleged to be in violation of this section or the permit. If the alleged violation does not pose an immediate threat to public health or safety, the Township and the parties shall engage in good-faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within 30 days of the notice of violation.
- C. If, after 30 days from the date of the notice of violation, the Township determines, in its discretion, that the parties have not resolved the alleged violation, the Township may institute civil enforcement proceedings or any other remedy at law to ensure compliance with this section or the permit.

**§ 27-1227. Small Personal Wind Energy Facilities. [Ord. 2010-02, 6/15/2010, as amended by Ord. 2016-01, 9/6/2016]**

Small personal wind energy facilities shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§ 403.1 through 403.142.



## PART 13

## NONCONFORMING BUILDINGS AND USES

**§ 27-1301. Continuation. [Ord. 96-2, 7/-/1996, § 1301; as amended by Ord. 00-01, 2/15/2000, § 1301; and by Ord. 2008-02, 7/15/2008]**

1. All lawful uses of land or of a lot, building, sign or other structure existing on the effective date of this chapter may be continued, altered, restored, reconstructed, changed, sold or maintained even though such use may not conform to the use, height, area, yard and other regulations of the district in which it is located, provided that such nonconforming conditions shall comply with the provisions of this Part.
2. The Zoning Officer shall be responsible for the proper registration of premises occupied by a lawful nonconforming use, lot, building and/or structure existing after the effective date of this chapter (July 16, 1996) and issuance of a certificate of nonconformance, which shall be for the purpose of ensuring to the owner the right to continue such nonconformity in accordance with the provisions of this Part. It is the property owners' responsibility to assist the Zoning Officer in the identification and registration of nonconforming uses, lots, buildings and structures for which they are accountable. Periodic notice of this requirement shall be published and/or circulated by the Township for the purpose of making property owners aware of such.
3. Any property, land, or lot designated and subdivided as an approved single residential building lot (for a single residential dwelling unit) prior to the date of the adoption of zoning (July 1996) is permitted to continue to be used as an approved single residential building lot. **[Added by Ord. 2016-01, 9/6/2016]**

**§ 27-1302. Alterations. [Ord. 96-2, 7/-/1996, § 1302; as amended by Ord. 00-01, 2/15/2000, § 1302; and by Ord. 2008-02, 7/15/2008]**

Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use, provided that such alterations are in conformance with the regulations set forth in this chapter and other applicable codes and ordinances adopted by the Township.

**§ 27-1303. Construction, Extensions or Enlargements. [Ord. 96-2, 7/-/1996, § 1303; as amended by Ord. 00-01, 2/15/2000, § 1303; and by Ord. 2008-02, 7/15/2008]**

1. The types of extensions and enlargements listed below are permitted for nonconforming uses, buildings and structures existing on the effective date of this chapter:

- A. The extension of a nonconforming use of land upon a lot occupied by such use.
  - B. The construction, extension or enlargement of a conforming building occupied by a nonconforming use.
  - C. The construction, extension or enlargement of a nonconforming building occupied by a conforming or nonconforming use.
2. The foregoing construction, extensions or enlargements of such nonconforming buildings or uses shall be subject to the following conditions:
- A. The construction, extension or enlargement shall conform to the height, area, yard and coverage regulations of the district in which it is located. Where a building or structure is nonconforming as to required front, side or rear yard setback, the established nonconforming setback may be continued, so long as the proposed construction, extension or enlargement does not project further into any yard, whether front, side or rear yard, than the original building line extended.
  - B. In multifamily commercial and or industrial areas, an entire building or use shall be provided with off-street parking and loading spaces, if applicable, as required by Part 15.
  - C. The construction, extension or enlargement does not replace a conforming use.
  - D. The extension or enlargement of a building used for a nonconforming use shall not be permitted to extend into vacant parcels of land adjacent to the initial parcel of land existing and occupied on the effective date of this chapter, where such vacant parcels have been recorded separately or acquired following the effective date of this chapter.

**§ 27-1304. Changes in Nonconforming Uses. [Ord. 96-2, 7/-/1996, § 1304; as amended by Ord. 00-01, 2/15/2000, § 1304; and by Ord. 2008-02, 7/15/2008]**

A nonconforming use may not be changed to any other nonconforming use, but the nonconforming use may only be altered in use to a conforming use.

**§ 27-1305. Reconstruction/Restoration. [Ord. 96-2, 7/-/1996, § 1305; as amended by Ord. 00-01, 2/15/2000, § 1305; and by Ord. 2008-02, 7/15/2008; and by Ord. 2016-01, 9/6/2016]**

1. A nonconforming structure, building or use which is damaged by fire, explosion, windstorm or other natural or criminal acts may be reconstructed and used for the same purposes, provided that:

- A. The remains of any such buildings, structures or other improvements so destroyed shall be removed from the premises within two years so that the same shall not remain as a nuisance or safety hazard.

**§ 27-1306. Nonconforming Signs.<sup>9</sup> [Ord. 96-2, 7/-/1996, § 1307; as amended by Ord. 00-01, 2/15/2000, § 1307; and by Ord. 2008-02, 7/15/2008]**

Signs in existence at the effective date of this chapter or amendments thereto may be continued subject to the regulations contained in § 27-1305 above and in Part 14.

**§ 27-1307. District Changes. [Ord. 96-2, 7/-/1996, § 1308; as amended by Ord. 00-01, 2/15/2000, § 1308; and by Ord. 2008-02, 7/15/2008]**

Whenever the boundaries or uses of a district shall be changed, the foregoing provisions shall also apply to any nonconforming lots, uses or buildings existing therein or created thereby.

**§ 27-1308. Unsafe Structures. [Ord. 96-2, 7/-/1996, § 1309; as revised by Ord. 00-01, 2/15/2000, § 1309; and by Ord. 2008-02, 7/15/2008]**

Nothing in this Part shall prevent the strengthening or restoring to a safe condition of any portion of a structure or building declared unsafe by proper authority.

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9. Editor's Note: Former § 27-1306, Discontinuance (Ord. 96-2, 7/-/1996, § 1306, as amended), was repealed by Ord. 2016-01, 9/6/2016, which ordinance also renumbered former §§ 27-1307 through 27-1309 as §§ 27-1306 through 27-1308, respectively.



## PART 13A

**COMMUNICATION ANTENNAS, EQUIPMENT AND TOWERS****§ 27-1301A. Intent. [Ord. 96-2, 7/-/1996; as added by Ord. 02-03, 5/23/2002, § 1]**

1. In recognition of the quasi-public nature of communication antennas, equipment and towers, the purpose of this Part is as follows:
  - A. To accommodate the need for communication antennas, equipment and towers while regulating their location and number in the Township.
  - B. To minimize adverse visual impact and effects of communication antennas, equipment and towers and support structures through proper design, siting and vegetative screening.
  - C. To avoid potential damage to adjacent properties from antenna support structure failure and falling ice or debris, through engineering and proper siting of antenna support structures.
  - D. To encourage the co-location of any new and existing antenna support structures to reduce the number of such structures needed in the future.
  - E. To ensure that the location and number of communication antennas, equipment and towers are in the best interest of the health, safety, welfare and morals of the residents of the Township.
  - F. To minimize any adverse effects of location and design of communication antennas, equipment and towers on residential property values.
  - G. To ensure antennas and communication towers and supporting structures will be removed in the event such structures are abandoned or become obsolete and are no longer necessary.

**§ 27-1302A. Use Regulations. [Ord. 96-2, 7/-/1996; as added by Ord. 02-03, 5/23/2002, § 1]**

1. Communication antennas, equipment and towers shall comply with the following provisions in addition to any and all other provisions of this Part or provisions of other ordinances of Washington Township which may pertain to communication antennas, equipment and towers. In such case where the provisions of this Part impose different restrictions than those of any other Township statute, ordinance, restriction or regulation, the provision of the statute, ordinance, restriction or regulation which imposes the greater restriction shall be controlling.

- A. The following sites shall be considered, as a conditional use, by applicants as the preferred order of location of proposed communication antennas, equipment and towers. As determined feasible, and in order of preference, the sites are:
- (1) Existing communication antennas, equipment and towers, smoke stacks, water towers or any other tall structure.
  - (2) LI — Light Industrial District.
  - (3) MR — Mineral Recovery District.
  - (4) C — Commercial District.
  - (5) A — Agricultural District, CN — Conservation District, F — Floodplain Management District, R-1 Residential District, R-2 Residential District and V — Village District.
- B. Communication antennas, equipment or towers attached to a pre-existing communication antenna, equipment or tower, smoke stack, water tower or any other tall structure is a conditional use in all zoning districts. If the antenna is to be mounted on any such existing structure, a full site plan shall not be required. However, a certification by a professional engineer licensed in the Commonwealth of Pennsylvania to perform such analysis shall be required, indicating the mounting of the antenna to the structure will not present itself as a safety hazard and is within industry standards. In addition, the applicant shall be required to submit a written agreement with the owner of the tower or structure allowing the shared use.
- C. Communication antennas, equipment and towers is a conditional use on publicly owned structures. Applicant shall be required to submit a written agreement allowing such use.
- D. Communication antennas, equipment and towers that are not to be mounted on a pre-existing communication antenna, equipment and tower, smoke stack, water or any other tall structure in selected zones (A-Agricultural, C-Commercial, CN-Conservation, F-Floodplain, LI-Light Industrial, MR-Mineral Recovery, R-1-Residential, R-2-Residential and V-Village Districts) are permitted in such zones as a conditional use. The Township Supervisors may grant a conditional use after review of the Planning Commission and a public hearing before the Township Supervisors. The applicant must provide and establish the following criteria:
- (1) That there is no suitable space on an existing communication antenna, equipment and tower or any other communication antenna, equipment and tower sites or on any other sufficiently tall structure where the intended communication antenna, equipment and tower can be accommodated and function as

required by its construction permit or license without unreasonable modification.

- (2) That technological evidence establishes that the communication antenna, equipment and tower must go where it is proposed in order to satisfy its function in the grid system and the providing of the quality of service required by law.
- (3) A full site plan which shall include:
  - (a) Written authorization from the property owner of the proposed tower site, as well as, the adjoining property owners.
  - (b) A site plan drawn to scale of not smaller than 50 feet to one inch, which shall depict or provide for the following information:
    - 1) The property boundaries.
    - 2) Any leased area for the facility use.
    - 3) Any tower guy wire anchors and other apparatus.
    - 4) Existing and proposed structures.
    - 5) Scaled elevation view of proposed structures.
    - 6) Access road(s), location and design standard set forth in the Washington Township Subdivision and Land Development Ordinance [Chapter 22].
    - 7) Parking area in accordance with Part 15.
    - 8) Fences in accordance with § 27-1303A(5).
    - 9) Location and content of any informational, warning or other signs.
    - 10) Exterior lighting specifications in accordance with § 27-1303A(7).
    - 11) Landscaping plan in accordance with Part 11.
    - 12) Land elevation contours not greater than intervals of two feet.
    - 13) Existing land uses surrounding the site, including the property owners' names.
    - 14) Proposed transmission building and/or other accessory uses.

- 15) Proposed use.
- (c) A written report including:
- 1) Information describing the tower height and design.
  - 2) A cross-section of the structure.
  - 3) Engineering specifications detailing construction of tower, base and guy wire anchorage.
  - 4) Information describing the proposed painting and lighting schemes.
  - 5) Information describing the tower's capacity, including the number and type of antennas it can accommodate.
  - 6) Radio frequency coverage.
  - 7) All tower structure information is to be certified by a professional engineer licensed in the Commonwealth of Pennsylvania.
  - 8) Communication antenna, equipment and tower data is to be certified by an engineer learned in communication antenna, equipment and tower facilities.
  - 9) Inventory of existing antenna support structures within a two mile radius of the proposed site and information discussing unavailability of such site for one or more of the following reasons:
    - [a] Refusal by current tower owner.
    - [b] Topographic limitations.
    - [c] Adjacent impediments blocking transmission.
    - [d] Site limitations to tower construction.
    - [e] Technical limitations of the system.
    - [f] Equipment exceeds structural capacity of facility or tower.
    - [g] No space on existing facility or tower.
    - [h] Other limiting factors rendering existing facilities or towers unusable.
    - [i] An update of capacity on an existing tower.



- E. If the applicant proposes to build an antenna support structure (as opposed to mounting the antenna on an existing structure), it is required to provide written correspondence verifying it contacted the owners of all tall structures within a two mile radius of the site proposed to be located in zoning districts set forth in subsection (D) and a 1/2 mile radius of the site proposed in any other zoning districts. This would include smokestacks, water towers, tall buildings, antenna support structures of other communication antenna, equipment and tower companies, other communications towers (fire, police, etc.) and other tall structures. The Township Supervisors or Zoning Officer may deny any application to construct a new antenna support structure if the applicant has not made a good faith effort to mount the antenna on an existing structure. A good faith effort shall require that all owners of potentially suitable structures within the radius hereinbefore set forth of the proposed antenna support structure be contacted and one or more of the following reasons for not selecting such structure must apply:
- (1) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
  - (2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment on that existing structure and the interference cannot be prevented at a reasonable cost.
  - (3) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its function.
  - (4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
  - (5) A commercially reasonable agreement could not be reached with the owners of such structures.
  - (6) Any refusal to erect antennas on existing structures shall be set forth in writing by the owner of the existing structure.
- F. All other uses ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the communication antenna, equipment and tower site unless otherwise permitted in the zoning district in which the communication antenna, equipment and tower site is located.

**§ 27-1303A. Standards for Approval of All Communication Antennas, Equipment and Towers. [Ord. 96-2, 7/-/1996; as added by Ord. 03-02, 5/19/2002, § I]**

1. Height Restrictions.
  - A. The applicant shall demonstrate the antenna support structure and antenna are the lowest height required to function satisfactorily. No antenna support structure and antenna that is taller than this minimum height shall be approved. In no case shall any communications tower exceed a maximum height of 200 feet.
  - B. Communication equipment buildings shall comply with building height requirements in the zoning district in which they are located.
2. Setbacks from Base of Antenna Support Structure. If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure) the minimum distance between the base of the support structure or any guy wire anchors and any property line or right-of-way line shall be equal to the height of the communication tower plus 50 feet.
3. Antenna Support Structures. Except as hereinafter provided, a monopole antenna support shall be required in all cases. The Township Supervisors may grant use of guy wire, free standing or any other type of antenna support structure as a conditional use after review by the Planning Commission and a public hearing before the Township Supervisors. The applicant must establish the following for approval of conditional use:
  - A. Cost of erecting a monopole would preclude the provision of adequate service to the public, or erection of a safe antenna support structure.
  - B. The proposed antenna structure would have the least practical adverse visual impact on the environment and closely resembles a monopole.
  - C. The proposed antenna support structure is architecturally compatible with surrounding buildings and land use through location and design and blends in with the existing characteristics of the site to the extent practical.
4. Antenna Support Structure Safety. The applicant shall demonstrate the proposed antenna and support structure are safe and the most recent BOCA standards for tower construction can be met so as the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris. The applicant shall also demonstrate compliance with guidelines recommended by the American National Standards Institute (ANSI) (ANSI/EEEC95-1-1992) with respect to radio frequency emissions. All support structures shall be fitted with anticlimbing devices, as approved by the manufacturers.

5. Fencing. A fence shall be required around the antenna support structure, accessory building(s) and other equipment. The fence shall be a minimum of eight feet in height, shall completely enclose the antenna, support structure and related facilities, shall not contain openings greater than six square inches and shall contain, at all entrances, gates which shall be locked except during times as the site is manned by authorized operations or maintenance personnel. Any wire on top of the fence shall not be included in the measurement of the height of the fence.
6. FCC Licensing. The applicant company must demonstrate it is licensed by the Federal Communications Commission.
7. Painting and Artificial Lighting. Antenna support structures shall be painted in a color that best allows it to blend into the surroundings unless otherwise required by the Federal Aviation Administration (FAA) regulations. The use of grays, blues and greens may be appropriate; however, each case should be evaluated individually. No antenna support structure may be artificially lighted except when required by the FAA.
8. Access. Access shall be provided to the lot or leased parcel on which the communication tower or communications equipment building is located by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and the access shall be paved to a width of at least 10 feet for its entire length.
9. Communication antennas, equipment and towers shall result in a minimal visual impact for those residents in the immediate area and for those in the large community who view these facilities from a distance. Minimal visual impact shall include the following:
  - A. It is acknowledged that large, multi-use towers located within major use transmission areas cannot be effectively screened. In order to minimize the visual impact, such new facilities should be located in close proximity to other comparable structures. Accompanying buildings, ground-mounted antennas and other equipment and structures shall be subject to screening recommendations.
  - B. FAA requirements for coloring and lighting of towers supersedes Township requirements for visual minimum impact.
  - C. If an antenna is installed on a structure other than a tower, the antenna and support electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobstrusive as possible.
  - D. There shall be no signage allowed on the communication antenna, equipment and tower, including buildings or its leased or licensed area with the exception of a required emergency notification sign complete with appropriate company name and contact number.

10. In order to reduce the number of communication towers needed in the Township in the future, any proposed support structure shall be designed to accommodate other users including, but not limited to, police, fire and emergency services.
11. **As-Built Plans.** Within 30 days of completion of the initial construction and any additional construction, applicant shall furnish two complete sets of plans, drawn to scale and certified to the Township as accurately depicting the location of a communication antenna, equipment and tower facility constructed pursuant to the building permit.
12. **Removal.** Any antenna support structure that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the Township with a copy of the notice to the FCC of intent to cease operations and shall be given 60 days from the date of ceasing operations to remove the obsolete antenna support structure and accessory structures. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations. The equipment on the ground is not to be removed, however, until the antenna support structure has first been dismantled and removed.
13. **Inspection.** Beginning in April of 2002, and by April of each numbered year thereafter, the antenna support structure shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of antenna structures. At a minimum, this inspection shall be conducted in accordance with the tower class checklist provided in the Electronics Industries Association (EIA) Standard 222 "Structural Standards for Steel Antenna Towers and Antenna Support Structures." A copy of said inspection report shall be provided to the Township. At the time said report is provided to the Township, applicant shall pay a fee in the amount of \$100 or such other amount as the Township shall, from time to time, set forth in resolution with respect to this section. In addition, the applicant shall also be responsible for the payment of any engineering review fees as required for completion of the applicant process.
14. **Site Plan.** A full site plan and written report containing the information required in subsection (D)(3) shall be submitted by the applicant in every instance except as provided in subsection (B).
15. **Hold Harmless Clause.** A signed statement indicating a hold harmless agreement with the Township shall be required. Any such language shall be approved by the Township Solicitor prior to adoption or approval of the application. The form of the Hold Harmless Clause is as follows: (Name of contractor of individual) agrees to indemnify and hold harmless Washington Township, its Supervisors, employees, agents or any other person against loss or expense including attorneys fees, by reason of the liability imposed by law upon Washington Township except in cases of the Township's sole negligence, for damage because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons, or an account of

damage to property arising out of or in consequence of this agreement, whether such injuries to persons or damage to property are due or claim to be due to any passive negligence of Washington Township, its employees, agents or any other person. It is further understood and agreed that the contractor shall (at the option of the Township) defend Washington Township with appropriate counsel and shall further bear all costs and expenses, including the expense of counsel, in the defense of any suit arising hereunder.

**§ 27-1304A. Amateur Radio. [Ord. 96-2, 7/-/1996; as added by Ord. 02-03, 5/23/2002, § I]**

This Part shall not govern any tower, or the installation of any antenna, that is under 50 feet in height and is owned and operated by a federally licensed amateur status radio operator.



## PART 14

## SIGN REGULATIONS

**§ 27-1401. General Regulations.<sup>10</sup> [Ord. 96-2, 7-/1996; as added by 03-02, 8/19/2003, § I; as amended by Ord. 2016-01, 9/6/2016]**

1. Signs must be constructed of durable materials and maintained in good condition until removal.
2. When a sign is no longer needed, it shall be removed within 90 days of its end of use by the business using it or the landowner. The sign or frame, at the time of construction, shall contain the name and contact information of the entity responsible for removal.
3. Lighted signs must not disturb residential neighbors within 300 feet after 11:00 p.m. until daybreak unless written permission is acquired from that neighbor.
4. No electronic sign shall be permitted that shall be determined to be a distraction to traffic. All electronic signs shall be approved by a vote of the Supervisors prior to construction. Failure to secure approval could result in a constructed sign being deemed a violation. A record of approval shall be given to the business or person by the Township office.
5. No sign may obstruct the vision of or effect the ability of a driver to safely operate his or her vehicle.
6. No permanent sign may be placed in any road right-of-way.
7. Temporary signs must be removed within 48 hours of their purpose.
8. Signs larger than 50 square feet on one side, not counting the frame or support, may be erected with a vote of approval by the Supervisors. The area of a letter or number sign shall be determined by a rectangle within which the sign could exist. A record of approval shall be given to the business or person by the Township office.
9. Any sign constructed after passage of these regulations shall be constructed to conform to these regulations.
10. Any sign not conforming to any regulation at the time of passage shall be governed by those regulations to which it does or can conform.
11. Signs may not be permanently attached to utility poles or trees.

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<sup>10</sup> Editor's Note: Former § 27-1401, General Intent (Ord. 96-2, 7-/1996, as added by Ord. 03-02, 8/19/2003, § I), was repealed by Ord. 2016-01, 9/6/2016, which ordinance renumbered former § 27-1402 as § 27-1401.

12. Anyone erecting a sign after the passage of these regulations that is not in compliance will be given 60 days to bring the sign into compliance. After 60 days a monthly fine set (adopted by resolution) by the Supervisors will apply until sign is brought into compliance.
13. A sign may not be located in such a way that it blocks the view of an already existing sign.
14. A sign attached to a wall of a building, advertising the business within, cannot project from the building more than 12 inches, must be at least 10 feet above the sidewalk, may not extend more than three feet above the roofline, and must be contained within 20% of the square foot area of the wall to which it is attached.
15. Any suspected violation of a sign regulation will be brought before the Board of Supervisors for resolution.
16. All signs along a state highway must conform to Township and state regulations.<sup>11</sup>

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11. Editor's Note: Former §§ 27-1403, Signs in the Agricultural, Residential and Village Districts (A, R-1, R-2 and V); 27-1404, Signs in the Commercial C District; 27-1405, Signs in the Industrial and Mineral Resource Recovery Districts (LI and MR); 27-1406, Signs in the Conservation and Floodplain Districts (CN and F); 27-1407, Permit Application and Fees; 27-1408, Exemptions from Permits and/or Fees (all adopted by Ord. 96-2, 7/-/1996; as added by Ord. 03-02, 8/19/2003, § I); 27-1409, Legal Nonconforming Signs; and 27-1410, Prohibited Signs (both adopted by Ord. 2011-03, 9/6/2011), which followed this section, were repealed by Ord. 2016-01, 9/6/2016.



PART 15

**OFF-STREET PARKING REGULATIONS**

**§ 27-1501. General Parking Regulations. [Ord. 96-2, 7/-1996, § 1501; as revised by Ord. 00-01, 2/15/2000, § 1501]**

1. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.
2. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls.

**§ 27-1502. Number of Spaces Required Per Type of Building or Use. [Ord. 96-2, 7/-1996, § 1502; as revised by Ord. 00-01, 2/15/2000, § 1502; as amended by Ord. 02-03, 5/23/2002]**

Any of the following buildings hereafter erected and any building hereafter converted into one of the following buildings, and any open area hereafter used for commercial purposes, shall be provided with not less than the minimum parking spaces as set forth below. These spaces shall be readily accessible to, and within a reasonable distance from, the buildings served. Whenever an alternative for the number of parking spaces required is given, the less restrictive requirement shall apply. Parking spaces shall be on the same lot as the principal building or open area and shall conform to the following regulations:

Use	Standards
1. Single-family detached DU, mobile home	Two spaces per dwelling unit (DU)
2. Two-family detached (duplex), single-family semidetached (double)	Two spaces per DU
3. Two-family semidetached, single-family attached (townhouse)	Two spaces per DU
4. Multifamily and/or garden apartments	Two spaces per DU
5. Churches	One space for each 5 seats in the main assembly area, plus 1 space per full-time employee
6. Cemeteries	One space per full-time employee

Use		Standards
7.	Public and/or semipublic recreation facility	One space for each 3 area (park)/ commercial users at maximum utilization of the facility
8.	Municipal buildings	One space for each employee
9.	Club/lodge/hall	One space per 50 square feet or assembly area; or 1 space for every three persons allowed within the maximum occupancy load, whichever is greater
10.	Golf course	Six spaces for each golf hole and 1 for each employee on the largest shift
11.	Golf driving range	One space for each driving tee plus 1 space per employee on the largest shift
12.	Nursery/greenhouse, lawn and garden equipment and supplies sales and service	One space per 1,000 square feet of total sales and display area plus 1 space per every full-time employee
13.	Kennels	One space for every employee
14.	Camps	One space per employee on the largest shift, plus 1 space per camp vehicle normally parked on the premises, plus five or more visitor space, 1 for every 10 boarders
15.	Bed and breakfast establishments	One space per guest room plus 2 per permanent residents
16.	Veterinary office/animal hospital/clinic	Four spaces for every doctor, plus 1 space for every additional employee
17.	Public and/or private school, elementary and junior high school	One space per teacher, employee or administrator, plus 5 or more additional visitors parking spaces, plus 1 space for each vehicle owned or operated by the school
18.	Public and/or private school, high school (grades 10 through 12)	One space per employee plus 1 space per 10 students
19.	Elderly housing	One space per 2 bedrooms and/or one space per DU, plus 1 space per employee with the largest unit
20.	Day care centers	One space for each teacher, plus spaces or each employee on the largest shift and administrators and one space for off-street passenger loading space for every 8 pupils
21.	Theaters, movie or cultural	One space per 5 seats

Use		Standards
22.	Bowling alley	Six spaces for each alley or lane, plus 1 additional space for each employee
23.	Skating rinks	One space per each 200 square feet of floor area
24.	Restaurant	One space per each 3 seating accommodations, plus 1 space for each 2 employees on the largest shift
25.	Restaurant, fast food	One space for every 2 seats plus 2 spaces for every 3 employees on the largest shift. For restaurants with drive-in facilities, in addition to the parking regulations above, 11 stacking spaces for the drive-in window, with a minimum of 5 such spaces designated for the ordering station
26.	Art studio	For spaces per 1,000 square feet
27.	Dance studio	One space for every four students per two classes
28.	Banks, financial institutions	Four spaces per 1,000 square feet
29.	Professional office, insurance agency, real estate	One space for each 300 square feet or more or 1 space per 300 square feet of leasable area
30.	Office (dental/medical)	One space for each employee plus 1 space per examining/treatment room
31.	Retail	If less than 5,000 square feet, 1 space per every 250 square feet of floor area. If over 5,000 square feet of floor area, 20 spaces, plus 1 space per every 400 square feet in excess of 5,000 square feet of floor area
32.	Retail/outdoor (selling of farm equipment, gardening equipment, care sales)	One space per each 1,000 square feet of lot or floor area used for display purposes
33.	Library	One space for each 2 adult seats
34.	Motel/hotel	One space per guest room, plus parking figured separately for banquet rooms, meeting rooms and restaurant (See (9) — club/lodge/hall requirement)
35.	Personal service establishments (beauty and barber shops, tailor, dry cleaning, self-service laundry)	Two parking places per beauty or barber chair
36.	Printing and publishing	One space per employee, plus at least 2 spaces or customer parking

Use		Standards
37.	Laboratory/research and development facility	One space for every employee or the largest shift, plus at least 2 visitor's spaces
38.	Warehousing, wholesale business and other storage facilities	One space for each 2 employees on the largest shift, plus sufficient space to accommodate the largest number of visitors that may be expected at any one time
39.	Manufacturing/industrial distribution plants and other service industries	One space per employee on the largest shift
40.	Recycling center	One space per employee
41.	Communication antennas, equipment and towers	If site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, two parking spaces shall be required

**§ 27-1503. Design Standards. [Ord. 96-2, 7/-/1996, § 1503; as revised by Ord. 00-01, 2/15/2000, § 1503; as amended by Ord. 02-04, 7/16/2002, § 1]**

1. All off-street parking areas shall be designed to meet the following standards:
  - A. Parking lot where more than two parking spaces are required under § 27-1501, such spaces shall be provided in a parking lot.
  - B. Surfacing. All off-street parking areas shall be surface stabilized so as to provide a durable and dust free surface. All entrance and exit drives serving a parking area shall be paved in accordance with Pennsylvania Department of Transportation or Township specifications, whichever is appropriate.
  - C. Drainage. All drainage shall be controlled so as not to create water runoff to any adjacent properties or other undesirable conditions. Parking areas, when determined necessary by the Township Engineer, shall have stormwater drainage facilities and discharge to an adequate storm drainage system. All storm drainage facilities and plans are subject to approval by the Township Engineer.
  - D. Entrance and Exit Drives. Ingress and egress for a parking lot shall be a minimum of 16 feet in width for one-way access use and a minimum of 24 feet in width for two-way access use.
  - E. Circulation. Circulation control shall be designed for one-way directional travel whenever possible. No parking shall be provided or permitted along any circulation drives or entrance and exit drives. Drives shall be uniform in width and provide for 90° intersections

wherever possible. Circulation traffic lanes shall have a minimum width of 16 feet for one-way traffic and a minimum width of 24 feet for two-way traffic in all areas, not controlled by entrance or exit drives and parking access drive standards.

- F. Traffic Control. Entrance and exit arrangements, acceleration and deceleration lanes and traffic signals may be required depending on the amount of anticipated traffic and the condition of the public street and upon Pennsylvania Department of Transportation approval.
- G. Service Traffic. Customer and service traffic shall be separated whenever possible. Loading and unloading areas shall be located so as not to interfere with customer parking areas.
- H. Landscape Strips. Parking areas with more than 50 spaces shall provide landscaping strips to separate the parking spaces from the entrance, exit and circulatory drives. The landscaping strip shall have a minimum width of eight feet and a depth of, or length equal to, the parking stalls and shall have perimeter curbing. A landscaping plan shall be submitted for the landscape strip areas, which shall show types of trees, shrubs, etc., and the location of each. Vegetation shall not interfere with required site distances. All parking areas shall include one tree for every 10 parking spaces.
- I. Parking Lot Area. Parking lots shall be divided into separate parking areas. Each area shall not exceed 300 feet in length and 256 feet in width or a width capable of providing four parking lanes and four parking access drives. These areas shall have their entire perimeter defined by curbs, walks, landscaping strips or other devices to control traffic. Parking lot areas are subject to regulations required in Part 11, § 27-1102(J).
- J. Parking Lanes. Parking lanes shall be no longer than 300 feet in length without providing a circulatory drive. The outside perimeter of a parking lot providing the required parking spaces shall be located not more than 600 feet from the use requiring the parking. Parking spaces located more than 300 feet from the use requiring the parking shall provide pedestrian access sidewalks from the parking area to the specific use. Said sidewalks shall be not less than four feet in width. The location of parking spaces and sidewalks shall be designed to prevent intrusion of vehicles onto sidewalks.
- K. Dead End Drives. All parking lots with dead end drives shall be designed to provide sufficient backup or turnaround area for the end parking spaces, an area of 10 feet minimum.
- L. Parking Space Requirements. All parking spaces shall be not less than nine feet wide by 18 feet long.

- M. **Handicapped Parking.** Handicapped parking spaces shall be provided in accordance with the following schedule. They shall be located as close as possible to pedestrian elevators, ramps, walkways and building entrances.

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

**§ 27-1504. Off-Street Loading Regulations.** [Ord. 96-2, 7/-/1996, § 1504; as revised by Ord. 00-01, 2/15/2000, § 1504]

- 1. Standards.
  - A. Off-street loading and unloading space(s) with proper and safe access from street or alley shall be provided on each lot where it is deemed that such facilities are necessary to adequately serve the uses within the district. All such loading and unloading spaces shall be located in the rear of the building. Each loading and unloading space:
    - (1) Shall be designed in accordance with the loading berth/space definition and each berth must have an area not less than 600 square feet and it shall have a minimum clear height, including access to it from the street, of 14 feet.
    - (2) Shall have a sixty-foot maneuvering area.
    - (3) Shall have an all-weather surface to provide safe and convenient access during all seasons.

- (4) Shall not be constructed between the street right-of-way line and the building setback line.
  - B. Required off-street parking space (including aisles) shall not be used for loading and unloading purposes except during hours when business operations are suspended.
  - C. Loading and unloading facilities shall be designed so that trucks need not back in or out, or park in, any public right-of-way.
  - D. No truck shall be allowed to park or stand in any right-of-way, another automobile parking area (including aisles) or block the effective flow of persons or vehicles.
2. Requirements. At least one off-street loading space shall be provided for commercial and industrial concerns in excess of 3,500 square feet of floor area. The number of loading and unloading spaces shall be left to the discretion of the developer; however, the standards of this section shall be maintained and the number of proposed spaces reviewed by the Zoning Officer.





## PART 16

**CLUSTER DEVELOPMENT REGULATIONS****§ 27-1601. Intent. [Ord. 96-2, 7/-/1996, § 1602; as revised by Ord. 00-01, 2/15/2000, § 1601]**

The purpose of the cluster development option is to provide permissive, voluntary and alternative zoning provisions and thereby provide for desirable and proper open space, tree cover, recreation areas or scenic vistas; all with the intent of preserving the natural beauty, while at the same time maintaining the necessary maximum dwelling unit density limitations of the R-2 Residential District. Simply, clustering allows more usable open space and can preserve significant natural features without increasing the development's overall density.

**§ 27-1602. Transfer of Density. [Ord. 96-2, 7/-/1996, § 1602; as revised by Ord. 00-01, 2/15/2000, § 1602]**

1. The R-2 district minimum lot size may be reduced to 60% of the current R-2 minimum lot size regulations for cluster development. All such lot reductions shall be compensated for by requiring a percentage of land in cluster open space to be preserved and maintained for its scenic value, recreation or conservation purposes.
2. In the approval of a cluster subdivision, in no case shall the minimum density for the R-2 district be increased, nor shall the other applicable regulations or use limitations for the district be modified or changed.

**§ 27-1603. Review Criteria. [Ord. 96-2, 7/-/1996, § 1603; as revised by Ord. 00-01, 2/15/2000, § 1603]**

1. A permit for a cluster development shall be granted only if evidence is presented which establishes:
  - A. That the proposed development will be in harmony with the general purpose, goals, objectives and standards of the Comprehensive Plan, this Part and the Subdivision and Land Development Ordinance [Chapter 22].
  - B. That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare.
  - C. That the proposed cluster development will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property, in accordance with the applicable district regulations.

- D. That the proposed cluster development will be served by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewer service and schools; or that the persons or agencies responsible for the establishment of the proposed use will adequately provide for such services.
- E. That the proposed cluster development will minimize the destruction, loss or damage of any natural, scenic or historic feature of significant importance.
- F. Individual lots, buildings, streets and parking areas shall be designed and situated to minimize alteration of the natural site features to be preserved.
- G. The usability of cluster open space intended for a recreation or public use shall be determined by the size, shape, topographic and location requirements of the particular purpose proposed for the site.
- H. Cluster open space shall preserve irreplaceable natural features located in the tract (such as, but not limited to, stream beds, significant strands of trees, individual trees of significant size and rock outcroppings).
- I. Cluster open space intended for a recreation or public use shall be easily accessible to pedestrians, which accessibility shall meet the needs of the handicapped and elderly.
- J. The suitability of cluster open space intended for scenic value and purposes shall be determined by its visibility from a significant number of units or buildings or length of public or private streets.
- K. Diversity and originality in lot layout and individual building design is encouraged to achieve the best possible relationship between development and the land.
- L. Plan submissions must include a site plan, utilities plan, including roadway extensions or additions and a landscaping plan. The landscaping plan shall include existing preconstruction conditions as well as a proposed plan.

**§ 27-1604. Lot Requirements. [Ord. 96-2, 7/-/1996, § 1604; as revised by Ord. 00-01, 2/15/2000, § 1604]**

Any cluster development plan must include a minimum of 25 acres and each lot must have a minimum area of 5,000 square feet.

Housing Type	DU/AC	Width	Front	Side	Rear
Single Family Detached	2.75	60'	25'	10'	25'

Housing Type	DU/AC	Width	Front	Side	Rear
Single Family Semidetached	4.0	60'	25'	10'	25'
Two-Family Detached	5.0	70'	25'	10'	25'
Two-Family Semidetached	8.0	70'	25'	10'	25'
Single Family Attached	6.0	90'	25'	10'	25'

**§ 27-1605. Open Space Requirements. [Ord. 96-2, 7/-/1996, § 1605; as revised by Ord. 00-01, 2/15/2000, § 1605]**

Open space conservation is required for each cluster development. Forty percent must remain in open space preservation. The designated open space must be clustered in the area most suitable for conservation purposes. The open space area(s) shall be reviewed and approved by the Board of Supervisors.

**§ 27-1606. Special Features. [Ord. 96-2, 7/-/1996, § 1606; as revised by Ord. 00-01, 2/15/2000, § 1606]**

Open space may be located in the floodplain.

**§ 27-1607. Use and Access. [Ord. 96-2, 7/-/1996, § 1607; as revised by Ord. 00-01, 2/15/2000, § 1607]**

1. The land set aside for open space shall be provided in such a manner that it is usable for recreation or other activities and is accessible to all residents of the subdivision or, where the land has been deeded to the township, for the public.
2. Permitted uses for open space or recreational use:
  - A. Private recreational facilities such as playground facilities, ball fields and pavilion facilities.
  - B. Walkway paths, biking trails and pond areas for scenic view.

**§ 27-1608. Ownership and Maintenance of Open Space. [Ord. 96-2, 7/-/1996, § 1608; as revised by Ord. 00-01, 2/15/2000, § 1608]**

If cluster open space is not dedicated to public use to the Township, it shall be protected by legal arrangements, satisfactory to the Board of Supervisors and the Township Solicitor, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the cluster open space, method of maintenance, maintenance taxes and insurance, compulsory membership and assessment provisions, guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Board of Supervisors and any specifications deemed necessary by the Board of Supervisors.

**§ 27-1609. Buffer Yard Requirements. [Ord. 96-2, 7-/1996, § 1609; as revised by Ord. 00-01, 2/15/2000, § 1609]**

Where a Cluster Development abuts another land use, a neighboring district or municipality, a buffer yard shall be required in addition to the yards specified in this section. The buffer yard shall be no less than 30 feet for the agricultural and industrial uses and 20 feet for residential land commercial uses and shall be subject to Landscaping and Screen Planting Regulations in Part 11. The width of any street, road or service drive shall not be considered in determining the width of the required yard. Off-street parking is prohibited in the buffer. See Part 12 for other yard regulations.

**§ 27-1610. Parking Regulations. [Ord. 96-2, 7-/1996, § 1610; as revised by Ord. 00-01, 2/15/2000, § 1610]**

On-street parking is permitted and should be calculated into the total parking necessary for each land use proposed. Off-street parking shall be provided in accordance with the provisions of Part 15.

## PART 17

## AMENDMENTS

**§ 27-1701. Procedure. [Ord. 96-2, 7/-1996, § 1701; as revised by Ord. 00-01, 2/15/2000, § 1701]**

The Washington Township Board of Supervisors may, from time to time, on its own motion, amend, supplement or repeal any of the regulations and provisions of this chapter after public notice and hearing. Before the public hearing, each proposed amendment must be referred to the County Planning Commission for its recommendations at least 30 days prior to the hearing on such amendment. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the municipality along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

**§ 27-1702. Procedure Upon Curative Amendments. [Ord. 96-2, 7/-1996, § 1702; as revised by Ord. 00-01, 2/15/2000, § 1702]**

The procedure upon curative amendments shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as amended, §§ 609.1 and 609.2.

**§ 27-1703. Content of Public Notice. [Ord. 96-2, 7/-1996, § 1703; as revised by Ord. 00-01, 2/15/2000, § 1703]**

Public notices of proposed zoning ordinances and amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference noting that the Township Building is where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing. Public notices shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as amended, § 610.

**§ 27-1704. Publications After Enactment. [Ord. 96-2, 7/-1996, § 1704; as revised by Ord. 00-01, 2/15/2000, § 1704]**

After enactment, if the advertisement of a zoning ordinance or amendment is required by other laws respecting the advertisement of ordinances, such advertisement may consist solely of a reference to the Township Building as the place within the Township where such copies of such ordinance or amendment shall be obtainable for a charge not greater than the cost thereof and available for examination without charge. Zoning ordinance and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.



## PART 18

## ADMINISTRATION AND ENFORCEMENT

**§ 27-1801. Appointment and Powers of Zoning Officer. [Ord. 96-2, 7/-/1996, § 1801; as revised by Ord. 00-01, 2/15/2000, § 1801]**

For the administration of this chapter, a Zoning Officer, who may not hold any elective office in the Township, shall be appointed. The Zoning Officer shall administer this chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this chapter.

**§ 27-1802. Enforcement. [Ord. 96-2, 7/-/1996, § 1802; as revised by Ord. 00-01, 2/15/2000, § 1802]**

It shall be the duty of the Zoning Officer to enforce the provisions of this chapter and such power and authority as is necessary for enforcement is hereby conferred upon the Zoning Officer. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this chapter, record and file all applications for permits with accompanying plans and documents and make such reports as the Board of Supervisors may require. Permits for construction and uses which are a variance to requirements of this chapter shall be issued only upon written order of the Zoning Hearing Board. Permits for construction and uses which are a conditional use shall be issued only upon approval of such conditional use by the Board of Supervisors.

**§ 27-1803. Zoning Appeals. [Ord. 96-2, 7/-/1996, § 1803; as revised by Ord. 00-01, 2/15/2000, § 1803]**

1. The Board of Supervisors shall appoint a Zoning Hearing Board which shall be composed of three members, organized, empowered and conducted in accordance with Article IX of The Pennsylvania Municipalities Planning Code existing or hereafter as amended and supplemented (the "Code"). The duly established Zoning Hearing Board shall have the following functions:
  - A. Hearings. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with § 908 of the Code. Written notice shall be given to the public, the applicant, the County Planning Commission, the Zoning Officer, such other persons as the Zoning Hearing Board shall designate and any person who has made timely request for the same. Notices shall be given at such time and in such manner prescribed by adopted Rules of the Zoning Hearing Board. The Board of Supervisors may establish reasonable fees, based on cost, to be paid by the applicant and persons requesting any notice or materials not required by ordinance.
  - B. Jurisdiction. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- (1) Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to §§ 609.1 and 916.1(a)(2) in Act 247.
  - (2) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Township and a Zoning Hearing Board has not been previously established the appeal raising procedural questions shall be taken directly to court.
  - (3) Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
  - (4) Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
  - (5) Applications for variances from the terms of this chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to § 910.2 in Act 247.
  - (6) Applications for special exceptions under this chapter or flood hazard ordinance or such provisions within a land use ordinance, pursuant to § 912.1 in Act 247.
  - (7) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this chapter.
  - (8) Appeals from the Zoning Officer's determination under § 916.2 in Act 247.
  - (9) Appeals from the 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 Article V or VII applications in Act 247.
- C. Variances. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Zoning Hearing Board



shall prescribe the form of application and require application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided the following findings are made where relevant in a given case: **[Amended by Ord. 2016-01, 9/6/2016]**

- (1) That there are unique physical circumstances or conditions, including but not limited to 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.
  - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - (3) That such unnecessary hardship has not been created by the appellant.
  - (4) The variance, if not authorized, will create an unnecessary hardship for the applicant.
  - (5) Appeals must comply to the MPC Sections 910.2 and 912.1.<sup>12</sup>
- D. Special Exceptions. Special exceptions shall be permitted only upon authorization by the Zoning Hearing Board in accordance with this chapter. The Board shall hear and decide requests for special exceptions in accordance with the standards and criteria set forth herein and as further set forth in other Parts of this chapter. Approval of special exception shall be authorized only if they are found to comply with the following requirements and other applicable requirements as set forth in this chapter. **[Amended by Ord. 2016-01, 9/6/2016]**
- (1) The use is permitted by special exception in the District.
  - (2) The use is so designed, located and proposed to be operated that the public health, safety and welfare and convenience will be protected.
  - (3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
  - (4) There is adequate provisions for utilities including, but not limited to, water, sewage and electric to serve the proposed use.

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12. Editor's Note: See 53 P.S. §§ 10910.2 and 10912.1.

- (5) The use is compatible with adjoining development and the character of the zoning district where it is proposed to be located.
- (6) Adequate off-street parking is provided and ingress and egress is so designed as to cause minimal interference with traffic on abutting streets.
- (7) The use conforms with all applicable regulations governing the district where located.
- (8) Appeals must comply to the MPC Sections 910.2 and 912.1.<sup>13</sup>

**§ 27-1804. Permits. [Ord. 96-2, 7/-/1996, § 1804; as revised by Ord. 00-01, 2/15/2000, § 1804]**

1. Requirements of Permits. A building and/or zoning permit shall be required prior to the erection or addition of any building. No such building permit or zoning permit shall be required in case of normal maintenance activities, minor repairs and alterations which do not structurally change a building or structure. No zoning permit shall be required prior to the use or change in use of a building or land in which the use will not conflict with the zoning district's current use. **[Amended by Ord. 2016-01, 9/6/2016]**
2. Application for Permits. All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this chapter and all other ordinances. One copy of such plans shall be returned to the owner when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.
3. Issuance of Permits.
  - A. No permit shall be issued until the Zoning Officer has certified that the proposed building, addition or alteration, complies with all the provisions of this chapter, as well as the provisions of all other applicable ordinances.
  - B. Zoning Officer shall act upon request within 30 days following application.

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13. Editor's Note: See 53 P.S. §§ 10910.2 and 10912.1.

- C. A permit issued hereunder shall become void 12 months after issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least 30 days prior to the permit expiration date.
4. Temporary Permits. A temporary permit may be authorized by the Zoning Officer for a structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Township. Such permits shall be issued for a specified period of time not to exceed one year and may be renewed annually for an aggregate period not exceeding two years.

**§ 27-1805. Certificate of Nonconformance. [Ord. 00-01, 2/15/2000, § 1805]**

1. Certificate of nonconformance shall be issued by the Zoning Officer to the owner of any property which, at the time of the effective date of this chapter, is identified as containing a nonconforming use or structure. The owner's property and the issuance date of such certificate shall be registered in the records of the Township as follows:
  - A. Such certificate of nonconformance shall be issued within 180 days after the effective date of this chapter.
  - B. The certificate of nonconformance shall set forth in detail all of the nonconforming conditions of said property.
  - C. A copy of the certificate of nonconformance shall be retained and filed by the Zoning Officer.
  - D. The Certificate shall be for the purposes of insuring the owner the right to continue a nonconforming use in accordance with the regulations of this chapter.

**§ 27-1806. Conditional Uses. [Ord. 96-2, 7/-/1996, § 1806; as revised by Ord. 00-01, 2/15/2000, § 1806; as amended by Ord. 02-04, 7/16/2002, § I]**

Applications for any conditional use permitted by this chapter shall be made to the Board of Supervisors through the Zoning Officer. Pursuant to public notice and a public hearing, the Board of Supervisors shall approve or deny the Conditional Use.

**§ 27-1807. Fees. [Ord. 96-2, 7/-/1996, § 1807; as revised by Ord. 00-01, 2/15/2000, § 1807]**

1. The Township Board of Supervisors shall establish a schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, certificates of occupancy, appeals, variances, special exceptions, amendments, bonds and other matters pertaining to this chapter. The schedule of fees shall be posted in the Township Building.

2. Such fees shall be payable to the Township and until all applicable fees, charges and expenses have been paid in full, the application shall be considered incomplete.

**§ 27-1808. Inspection. [Ord. 96-2, 7/-/1996, § 1808; as revised by Ord. 00-01, 2/15/2000, § 1808; as amended by Ord. 02-04, 7/16/2002, § I]**

1. Inspection by the Zoning Officer. It shall be the duty of the Zoning Officer, or his duly appointed representative, to make the following minimum number of inspections of property for which a permit has been issued:
  - A. At the beginning of construction (except accessory buildings built on skids and delivered to site under 450 square feet).
    - (1) A record shall be made indicating the time and date of inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the approved permit application.
    - (2) If the actual construction does not conform to the application, a written notice of violation shall be issued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.
  - B. At the completion of construction (including accessory buildings built on skids and delivered to site under 450 square feet). A record shall be made indicating the time and date of the inspection, the findings of the Zoning Officer in regard to conformance to this chapter and the opinion of the Zoning Officer in regard to the issuance of a certificate of use permit.

**§ 27-1809. Certificate of Use. [Ord. 96-2, 7/-/1996, § 1809; as revised by Ord. 00-01, 2/15/2000, § 1809]**

1. A certificate of use shall be a statement issued by the Zoning Officer setting forth that a building, structure, parcel or use of land complies with the provisions of this chapter.
2. No vacant land shall be occupied or used and no structure or part of a structure hereafter erected, substantially altered or changed in use shall be occupied or used until a certificate of use shall have been issued by the Zoning Officer.
3. A certificate of use for the use or occupancy of vacant land or for a change in the use of land or for a change in the use of an existing building, either for whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the application for a building or zoning permit and shall be issued or denied within 15 days after a final inspection by the Zoning Officer.

4. A certificate of use for changing or extending a nonconforming use, existing at the time of the passage of this chapter or of an amendment thereto, shall be applied for and issued before any such nonconforming use shall be changed or extended. Such certificate shall be issued within 15 days after a final inspection and approval by the Zoning Officer.
5. A record of all certificates of use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

**§ 27-1810. Violations. [Ord. 96-2, 7/-/1996, § 1810; as revised by Ord. 00-01, 2/15/2000, § 1810; as amended by Ord. 2005-02, 10/4/2005]**

1. Failure to comply with any provision of this chapter, failure to secure a building permit or Zoning Hearing Board certificate, when required, prior to the erection, construction, extension or addition to a building or failure to secure a certificate of use, shall be violations of this chapter.
  - A. Notice of Violation. When written notice of a violation of any of the provisions of this chapter has been served by the Zoning Officer on the owner, agent or occupant, contractor or builder, such violation shall be discontinued immediately.
  - B. Causes of Action. 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 chapter, the proper officer of the Township or any aggrieved owner or tenant of real property who shows that his or her 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, on 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 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors of the Township. No such action may be maintained until such notice has been given.
  - C. Enforcement Remedies. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by Washington Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules

of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determines that there has been a good faith basis for the person, partnership or corporation violating the Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this chapter shall be paid over to the Township. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

**§ 27-1811. Appeals and Applications. [Ord. 96-2, 7/-/1996, § 1811; as revised by Ord. 00-01, 2/15/2000, § 1811]**

1. An appeal, or application for an amendment or variance from the terms of this chapter shall be filed with the Zoning Officer, and shall contain:
  - A. The name and address of the applicant.
  - B. The name and address of the owner of the real estate to be affected by such proposal.
  - C. A brief description and location of the real estate to be affected by such proposal.
  - D. A statement of the present zoning classification of the real estate in question, the improvements thereon and the present use thereof.
  - E. A statement of the section of this chapter under which the appeal or application requested may be allowed, and reasons why it should be granted; or a statement of the section of this chapter governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal.
  - F. An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and location of improvements now erected and proposed to be erected thereon.

- G. Any other pertinent data required by the Zoning Hearing Board, Township Board of Supervisors and/or Zoning Officer, as appropriate to their individual authorities set forth in this Part.
- H. All appeals from determinations by the Zoning Officer under this section shall be made to the Zoning Hearing Board within 30 days of the date of the determination.

**§ 27-1812. Interpretation, Purpose and Conflict. [Ord. 96-2, 7/-/1996, § 1813; as revised by Ord. 00-01, 2/15/2000, § 1813; as amended by Ord. 2016-01, 9/6/2016]**

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances.





## PART 19

## ZONING MAP AMENDMENTS

**§ 27-1901. Zoning Map Amendments. [Ord. 04-06, 9/7/2004, § 1; Ord. 2006-01, 11/21/2006, § 1]**

1. Rezoning that portion of Parcel No. 66-012-131 from R-2 Medium High Density Residential to C - Commercial.
2. Rezoning of Parcel Nos. 66-012-129, 66-012-024, 66-012-044 and 66-012-042 from R-1 Low Density Residential/Industrial District (Light Industrial) to C-Commercial.
3. Rezoning Tax Parcel No. 66-012-161-000-000 from R-2 Residential District (Medium-High Density) to LI Industrial District (Light Industrial). **[Added by Ord. No. 2020-01, 11/17/2020]**



## PART 20

## OIL AND GAS EXPLORATION

**§ 27-2001. Purpose. [Ord. 2011-02, 9/6/2011]**

The purpose of this Part 20 is to provide for the health, safety and welfare of the residents of Washington Township through zoning and floodplain management provisions for the reasonable development of land for oil and gas drilling while providing adequate health, safety and general welfare protections of the Township's residents. Oil and gas exploration, drilling and extraction operations involve activities that are economically important and will impact the Township. Accordingly, it is necessary and appropriate to adopt reasonable requirements for oil and gas resource development so that these resources can be obtained in a manner that is economically remunerative and that minimizes the potential impact on the residents of the Township.

**§ 27-2002. Definitions. [Ord. 2011-02, 9/6/2011]**

As used in this Part 20, the following terms shall have the meanings indicated:

**APPLICANT** — Any person, owner, operator, partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, or transporting oil or gas.

**BUILDING** — An occupied structure, with walls and a roof, within which persons live or customarily work. The term shall not include a barn, shed or other storage building.

**COLLECTOR STREET** — A public street or road which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

**DEPARTMENT** — The Department of Environmental Protection of the commonwealth.

**DERRICK** — Any portable framework, tower mast and/or structure which is required or used in connection with drilling or reworking a well for the production of oil or gas.

**DRILLING PAD** — The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

**FRACKING** — The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

**LOCAL STREET** — A public street or road designed to provide access to abutting lots and to discourage through traffic.

**NATURAL GAS COMPRESSOR STATION** — A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

**NATURAL GAS PROCESSING PLANT** — A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

**OIL AND GAS** — Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an oil or gas well.

**OIL AND GAS DEVELOPMENT or DEVELOPMENT** — The well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures, whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

**OIL OR GAS WELL** — A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

**OIL OR GAS WELL SITE** — The location of facilities, structures, materials and equipment whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

**OPERATOR** — The person designated as the well operator on the permit application or well registration.

**OWNER** — A person, who owns, manages, leases, controls or possesses an oil or gas well.

**STORAGE WELL** — A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

**§ 27-2003. Zoning Classifications. [Ord. 2011-02, 9/6/2011]**

1. Subject to the provisions of this Part 20:
  - A. An oil or gas well site, or natural gas compressor station, or a natural gas processing plant, or any similar facilities performing the equivalent functions shall be considered a principal use by right only within Industrial, Agricultural and Conservation Zoning Districts.
  - B. An oil or gas well site which would be placed more than 500 feet from any preexisting building which is located off the property where the oil or gas well is sited may be permitted within a residential or commercial zoning district as a conditional use. Otherwise, such siting and/or use shall be prohibited in residential and commercial zones.
  - C. A natural gas compressor station or a natural gas processing plant or any similar facilities performing the equivalent functions which would be located more than 1,000 feet from any preexisting building which is located off the property where the natural gas compressor station or the natural gas processing plant or similar facility is located may be permitted in the residential or commercial zoning districts as a conditional use. Otherwise, such siting and/or use shall be prohibited in residential and commercial zones.
  - D. In considering a conditional use under this Part, the Board of Supervisors shall consider § 27-1809 of the Washington Township Codified Ordinances and, after a public hearing, and considering any detrimental effect to the health, safety and general welfare of Washington Township, if the applicant has met all the standards set forth herein and on the condition that the Board is convinced of no adverse impacts to the neighborhood in which the conditional use is requested, the same shall be granted.

**§ 27-2004. Applicability. [Ord. 2011-02, 9/6/2011]**

1. This Part 20 applies to all oil and gas well sites, natural gas compressor stations, and natural gas processing plants that will be permitted or constructed after the effective date of this Part.
2. Oil and gas well sites, natural gas compressor stations, and natural gas processing plants that were permitted or constructed prior to the adoption of this Part 20 shall not be required to meet the requirements of this Part; provided that any modification to an existing or permitted oil or gas well site that occurs after the effective date of this Part and materially alters the size,

type, location, number of wells and other accessory equipment or structures, or any physical modifications to an existing natural gas compressor station or natural gas processing plant, shall require compliance with and a permit under this Part.

3. Federal or state law or regulation preempts ordinance requirements that conflict with federal or state statute or regulation. The Township acknowledges that it is preempted from regulating the operational methods of the oil and gas industry and may only regulate land uses.

**§ 27-2005. Permit Requirements. [Ord. 2011-02, 9/6/2011]**

1. No oil or gas well site, natural gas compressor station, or natural gas processing plant nor an addition to an existing oil or gas well site, natural gas compressor station, or natural gas processing plant shall be constructed or located with Washington Township unless a permit has been issued by the Township to the owner or operator approving the construction or preparation of the site for oil or gas development or construction of natural gas compressor stations or natural gas processing plants.
2. The permit application, or amended permit application, shall be accompanied by a fee as established in the Township's schedule of fees.
3. Any modification to an existing and permitted oil or gas well site that materially alters the size, location, number of wells or accessory equipment or structures, or any modification to an existing natural gas compressor station or natural gas processing plant, shall require a modification of the permit under this Part. Like-kind replacements shall not require a permit modification.

**§ 27-2006. Preapplication Conferences. [Ord. 2011-02, 9/6/2011]**

1. Purpose.
  - A. Before submitting an application, the applicant is strongly encouraged to meet with the Township staff to determine the requirements of and the procedural steps and timing of the application. The intent of this process is for the applicant to obtain necessary information and guidance from the Township staff before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation.
2. Process.
  - A. A preapplication conference is voluntary on the part of the applicant and shall not be deemed the beginning of the time period for review as prescribed by law. The preapplication conferences are intended for the benefit of the applicant in order to address the required permit submittals and are advisory only and shall not bind the Township to

approve any application for a permit or to act within any time limit relative to the date of such conference.

**§ 27-2007. Permit Application. [Ord. 2011-02, 9/6/2011]**

1. The applicant shall provide to the Township at the time of permit application:
  - A. A narrative describing an overview of the project, including the number of acres to be involved, the number of wells to be drilled, and the location and number and description of equipment and structures, to the extent known.
  - B. A narrative describing an overview of the project as it relates to natural gas compressor stations or natural gas processing plants.
  - C. The address of the oil or gas well site, natural gas compressor station or natural gas processing plant as determined by the Township or county for information of emergency responders.
  - D. The contact information of the individual or individuals responsible for the operation and activities of the oil or gas well site shall be provided to the Township and all emergency responders. Such information shall include a phone number where such individual or individuals can be contacted 24 hours per day, 365 days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Township and all emergency providers.
  - E. A location map of the oil or gas well site, showing the approximate location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any postconstruction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site. Such location shall be configured to allow that the normal flow of traffic on public streets shall be undisturbed.
  - F. A location map of the natural gas compressor station or natural gas processing plant, including any equipment and structures and all permanent improvements to the site.
  - G. A narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the oil or gas well site.
  - H. A certification or evidence satisfactory to the Township that, prior to the commencement of any activity at the oil or gas well site, the

applicant shall have accepted and complied with any applicable bonding and permitting requirements with regard to roadway maintenance and repair and shall have entered into a Township roadway maintenance and repair agreement with the Township, in a form acceptable to the Township Solicitor, regarding the maintenance and repair of the Township streets that are to be used by vehicles for site construction, drilling activities and site operations. Amounts for bonding shall be reasonably set by the Township Engineer.

- I. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that Township streets utilized by the applicant shall remain free of dirt, mud and debris resulting from site development activities and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of the applicant's usage.
  - J. Verification that a copy of the operation's preparedness, prevention and contingency plan has been provided to the Township and all emergency responders.
  - K. A statement that the applicant, upon changes occurring to the operation's preparedness, prevention and contingency plan, will provide to the Township and all emergency responders the dated revised copy of the preparedness, prevention and contingency plan while drilling activities are taking place at the oil or gas well site.
  - L. Assurance that, at least 30 days prior to drilling, the applicant shall provide an appropriate site orientation and training course of the preparedness, prevention and contingency plan for all emergency responders. The cost and expense of the orientation and training shall be the sole responsibility of the applicant. The applicant shall not be required to hold more than one site orientation and training course annually under this section.
  - M. A copy of the documents submitted to the Department, or if no document has been submitted to the Department, a narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts.
  - N. A copy of all permits and plans from appropriate regulatory agencies or authorities issued in accordance to environmental requirements.
  - O. A copy of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.
2. Within 15 business days after receipt of a permit application and the required fee, the Township will determine whether the application is complete and adequate and advise the applicant accordingly.



3. If the application is complete and fulfills the requirements of this Part, the Township shall issue or deny a permit within 30 days following the date the complete application was submitted.
4. If the application is incomplete and/or inadequate, the municipality will notify the applicant of the missing or inadequate material and, upon receiving said material, issue or deny the permit within 30 days following receipt.

**§ 27-2008. Design and Installation. [Ord. 2011-02, 9/6/2011]**

1. Access.
  - A. No oil or gas well site shall have access solely through a local street. Whenever possible, access to the oil or gas well site should be from a collector street.
  - B. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.
2. Structure Height.
  - A. Permanent structures associated with an oil and gas site, both principal and accessory, shall comply with the height regulations for the zoning district in which the oil or gas well site is located.
  - B. Permanent structures associated with natural gas compressor stations or natural gas processing plants shall comply with the height regulations for the zoning district in which the natural gas compressor station or natural gas processing plant is located.
    - (1) The duration of such exemption shall not exceed the actual time period of drilling or redrilling of an oil or gas well.
    - (2) The time period of such drilling and exemption shall not exceed six months.
    - (3) The operator shall give the Township prior written notice of the beginning date for its exercise of the exemption.
3. Setbacks.
  - A. Drilling rigs shall be located a minimum setback distance of 1.5 times their height from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.
  - B. The drilling pad for the oil or gas well site shall comply with all setback and buffer requirements of the zoning district in which the oil or gas well site is located.

- C. Natural gas compressor stations or natural gas processing plants shall comply with all setback and buffer requirements of the zoning district in which the natural gas compressor station or natural gas processing plant is located.
  - D. Exemption from the standards established in this subsection may be granted by the Township upon a showing by the operator that it is not feasible to meet the setback requirements from surface tract property lines and that adequate safeguards have or will be provided to justify the exemption.
  - E. Drilling pads, natural gas compressor stations or natural gas processing plants shall be set back 200 feet from buildings or sites registered or eligible for registration on the National Register of Historic Places or the Pennsylvania Register of Historic Places.
4. Screening and Fencing.
- A. Security fencing shall not be required at oil or gas well sites during the initial drilling or redrilling operations, as long as manned twenty-four-hour on-site supervision and security are provided.
  - B. Upon completion of drilling or redrilling, security fencing consisting of a permanent chain-link fence shall be promptly installed at the oil or gas well site to secure wellheads, storage tanks, separation facilities, water- or liquid-impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site.
  - C. Security fencing shall be at least six feet in height, equipped with lockable gates at every access point and having openings no less than 12 feet wide.
  - D. Emergency responders shall be given means to access the oil or gas well site in case of an emergency.
  - E. Warning signs shall be placed on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency.
  - F. In construction of oil or gas well sites, the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation.
5. Lighting.
- A. Lighting at the oil or gas well site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings within 100 feet of the oil or gas well development.

- B. Lighting at a natural gas compressor station or a natural gas processing plant shall, when practicable, be limited to security lighting.
6. Noise.
- A. The applicant shall take the following steps to minimize, to the extent possible, noise resulting from the oil or gas well development.
  - B. Prior to drilling of an oil or gas well or the operation of a natural gas compressor station or a natural gas processing plant, the applicant shall establish, by generally accepted testing procedures, the continuous seventy-two-hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public facility, or 100 feet from the nearest residence or public building, medical, emergency or other public facilities, whichever point is closer to the affected residence or public building, school, medical, emergency or other public facility. In lieu of the establishment of the ambient noise level established by the continuous seventy-two-hour test the applicant may assume and use, for the purpose of compliance with this Part 20, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standards Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
  - C. The applicant shall provide the Township documentation of the established ambient noise level prior to starting oil or gas drilling and/or production operations.
  - D. The noise generated during the oil and gas operations or the natural gas compressor station or the natural gas processing plant shall not exceed the average ambient noise level established in Subsection 6B by more than:
    - (1) Five decibels during drilling activities.
    - (2) Ten decibels during hydraulic fracturing operations.
    - (3) Five decibels for a gas compressor station or a natural gas processing plant.
    - (4) An allowable increase in Subsection 6D(3) shall not exceed the average ambient noise level for more than 10 minutes within any one-hour period.
  - E. Effective sound-mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the

noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.

- F. Exemption from the standards established in this subsection may be granted by the Township during the drilling stage or at the oil or gas well site, or the gas compressor station, or at the natural gas processing plant for good cause shown and upon written agreement between the applicant and the Township.
- G. Complaints received by the Township shall be addressed by the applicant, within 24 hours following receipt of notification, by continuously monitoring for a period of 48 hours at the nearest property line to the complainant's residential or public building or 100 feet from the complainant's residential or public building, school, medical, emergency or other public facilities, whichever is closer. The applicant shall report the findings to the Township and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.
- H. Natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels, that would otherwise exceed the ambient noise level standards at residential or public buildings, medical, emergency or other public facilities.

7. Prohibitions.

- A. No drilling shall be allowed in the floodway designated as such in the Flood Insurance Study (FIS) and shown on the Federal Emergency Management Agency (FEMA) maps.
- B. Oil and gas drilling in the one-hundred-year floodplain is discouraged but may be permitted by the Township in its discretion if the following provisions are met:
  - (1) If no other area provides access to the oil or gas deposit, then oil and gas drilling may be permitted in the floodplain. The applicant must provide conclusive documentation that no other location allows access to the oil or gas deposit other than a location within the floodplain.
  - (2) An adequate emergency evacuation plan shall have been produced by the applicant and filed with the Township.
  - (3) No storage of chemicals shall be permitted within the floodplain. An exemption from this requirement may be granted by the Township if the applicant can show that such storage will not potentially cause any harm to property, persons or the environment to the case of a one-hundred-year flood and

further provides security to the Township assuring the applicant's ability to remedy any damage or injury that may occur.

- (4) Only necessary and needed structures will be permitted within the floodplain.
  - (5) All structures within the flood zone shall be designated to withstand a one-hundred-year storm event.
  - (6) An engineer registered in Pennsylvania and qualified to present such documentation that structures will not cause additional flooding on adjacent, upstream and/or downstream properties shall provide such documentation to the Township.
- C. Oil or gas wells may not be drilled within 1,000 feet, measured horizontally, from any publicly owned water well or source or any privately owned water well or source of drinking water.
- D. The owner shall, prior to any drilling or fracking, provide to Washington Township a predrilling and prefracking water analysis and flow rate for any water well within 2,000 feet of a derrick, drilling pad or oil or gas well site. Such water analysis shall conform to the following test requirements:
- (1) Water samples must be collected and analyzed utilizing proper sampling and laboratory protocol from the United States Environmental Protection Agency.
  - (2) Well samples shall be analyzed prior to any drilling activity to document baseline water quality data of the well.
  - (3) Parameters to be tested for include but are not limited to: methane, chloride, sodium, barium and strontium.
- E. One year during operation or within 30 days of ceasing operation of an oil and/or gas well site, the operator shall provide Washington Township with postdrilling water analysis and flow rate for any water well within 1,000 feet thereof. The water tests shall conform to the same requirements as a predrilling water analysis and flow rate.
- F. If the owner of a water well objects or will not allow access to his or her or its well for the predrilling or postdrilling water analysis, the same may be waived by Washington Township on application of the applicant or owner, which application must give a detailed reason that the test cannot be performed and must document notice to the owner of the water well and evidence his or her or its refusal of a water analysis and flow rate test.

**§ 27-2009. Severability. [Ord. 2011-02, 9/6/2011]**

If any section, subsection, sentence, clause or phrase or portion of this Part 20 is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

**§ 27-2010. Violations and Penalties. [Ord. 2011-02, 9/6/2011]**

Any owner, operator, or other person who violates or permits a violation of this Part 20, upon being found liable therefor in a civil enforcement proceeding before a Magisterial District Judge, shall pay to the Township a fine of not more than \$500, plus all court costs, including but not limited to reasonable attorneys' fees incurred by the Township on account of such violation. No penalty or cost shall be imposed until the date the determination of the violation by the Magisterial District Judge becomes final. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment as provided by law. Each day a violation exists after final judgment shall constitute a separate offense. The amount of the fine imposed shall be multiplied by the number of such days and may be charged and collected as a judgment by the Township without further judicial proceedings. Further, the appropriate officers or agents of the Township are hereby authorized to issue a cease-and-desist notice and/or to seek equitable relief, including injunction, to enforce compliance herewith. No bond shall be required of the Township if the Township seeks injunctive relief.

**§ 27-2011. When Effective. [Ord. 2011-02, 9/6/2011]**

This Part 20 shall take effect immediately.