

ORDINANCE

AN ORDINANCE OF WASHINGTON TOWNSHIP DEFINING AND REGULATING THE LOCATION, HEIGHT, BULK, ERECTION, CONSTRUCTION, ALTERATION, RAZING, REMOVAL AND SIZE OF STRUCTURES; THE PERCENTAGE OF LOT WHICH MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES, THE DENSITY AND DISTRIBUTION OF THE POPULATION; THE INTENSITY OF THE USE OR PROPOSED USE OF LAND OR BODIES OF WATER FOR AGRICULTURE, BUSINESS, ENVIRONMENTAL, INDUSTRY, RESIDENCE, PUBLIC SERVICES OR OTHER PURPOSES; ESTABLISHING LEGISLATIVE, ADMINISTRATIVE, ENFORCEMENT AND APPEAL PROCEDURES; AND PRESCRIBING REMEDIES FOR VIOLATIONS.

PART I

A. GENERAL PROVISIONS

SECTION 101 SHORT TITLE

This Ordinance shall be known as the Washington Township Zoning Ordinance, May 1991 as amended 1996, as amended 2000, and as amended 2007.

SECTION 102 COMMUNITY DEVELOPMENT OBJECTIVES

The purpose of this Ordinance is the implementation of the Township Comprehensive Plan and the promotion of the health, safety, morals, convenience, order and welfare of present and future inhabitants of Washington Township by:

A. Providing standards to control the amount of open space and impervious surfaces within a development and to control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts.

B. Providing methods to implement Article 1, Section 27 of the Constitution of the Commonwealth of Pennsylvania, which decrees that the people have a right to clean air, to pure water, to the preservation of the natural, scenic, historic and aesthetic values of the environment, and to protect the natural resources which are a part of the ecological system to which we are all bound and, which is, therefore, the common property of all the people, including generations yet to come, and must be protected to insure the health, safety and welfare of all the people.

C. Providing standards for all types of dwelling units so that all the people may have access to decent, sound and sanitary housing, and to meet the goals of the Federal Housing Act of 1949, providing adequate zoning to meet a fair share of the region's housing need in the year 2000.

D. Controlling and regulating the growth of Washington Township in terms of the community's facilities and utilities.

- E. Lessening the danger and congestion of traffic on the roads and highways and reducing the excessive numbers of roads.
- F. Securing safety from fire, panic, flood, and other dangers.
- G. Providing adequate air and light.
- H. Protecting the tax base.
- I. Securing economy in local government expenditures.

SECTION 103 INTERPRETATION

In interpreting and applying the provisions of this Ordinance, these provisions shall be held to be the minimum requirements, for the promotion of the public health, safety, comfort, convenience, and general welfare.

A. Whenever any regulations made under the authority of this Ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of building or a smaller number of stories, or require a greater percentage of lot to be left unoccupied, or imposes higher standards other than those which are required in or under any other statute, the provisions of the regulations made under the authority of this Ordinance shall govern.

B. Whenever the provisions of any other statute require a greater width or size of yards, courts or other open spaces, or require a lower height of building or a smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose higher standards other than those which are required by any regulations made under the authority of this Ordinance, the provisions of such statute shall govern.

C. Whenever any regulations pertaining to a specific use or activity under the authority of this Ordinance require a greater width or size of yards, court or other open spaces, or require a lower height of building or a smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose higher standards other than those which are required under this Ordinance, the greater or higher standards shall govern.

D. This Ordinance does not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically or implicitly repealed by this Ordinance, or any private restriction placed upon property by covenant, deed, or other private agreement, unless repugnant hereto.

E. Those provisions in the Greene County Subdivision and Land Development Ordinance concerned with varying design standards shall not be considered to be in conflict with the provisions of this Ordinance.

SECTION 104 SEVERABILITY

It is hereby declared to be in the intent of the Washington Township Supervisors that:

A. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

B. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building or any other structure or tract of land to be invalid or ineffective, in whole or in part, the effect of such a decision shall be limited to the person, property or situation immediately involved in the controversy; the application of any such provision to other persons, property or situations shall not be affected.

SECTION 105 REPEALER

All ordinances inconsistent herewith are hereby repealed. Specifically, the following ordinances are repealed in their entirety:

SECTION 106 EFFECTIVE DATE

This Ordinance shall become effective, as amended on March 17, 2007.

B. LEGISLATIVE PROVISIONS

SECTION 110 ENACTMENT OF THE ZONING ORDINANCE

This Ordinance is hereby enacted pursuant to the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. Sub-section 10101 et seq.

SECTION 111 AMENDMENT OF ZONING ORDINANCE

A. The Washington Township Supervisors may from time to time amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The procedure for the preparation of a proposed Zoning Ordinance as set forth in 607 of the Pennsylvania Municipalities Planning Code, 53 P.S. 10607, is hereby declared optional.

B. Before voting on the enactment of an amendment, the Washington Township Supervisors shall hold a public hearing thereon, pursuant to public notice. 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 Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

C. In the case of an amendment other than that prepared by the Township Planning Commission the Township Supervisors shall submit each such amendment to the Greene County Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Greene County Planning Commission an opportunity to submit recommendations.

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

E. At least thirty (30) days prior to the public hearing on the amendment by the Township Supervisors, the Township shall submit the proposed amendment to the Greene County Planning Commission for recommendations.

F. Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Greene County Planning Commission.

SECTION 112 PROCEDURES FOR LANDOWNER CURATIVE AMENDMENTS

A. A landowner who desired to challenge on substantive grounds the validity of this Ordinance or the Zoning Map or any provision thereof, which prohibits or restricts the use of development of land in which he has an interest may submit a curative amendment to the Township Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in 916.1 of the Pennsylvania Municipalities Planning Code, (hereinafter "MPC"), 53 P.S. sub-section 10916.1. The curative amendment and challenge shall be referred to the Township Planning Commission County Planning Commission as provided in 609 and notice of the hearing thereon shall be given as provided in 610 and 916.1 of the MPC, 53 P.S. Sub-Section 10609, 10610, and 10916.1.

B. The hearing shall be conducted in accordance with 908 of the MPC, 53 P.S. 10908, and all references therein to the Zoning Hearing Board shall, for purpose of this Section be references to the Township Supervisors. If the township does not accept a landowner's curative amendment brought in accordance with this Subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Ordinance and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

C. The Township Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendments, with or without revision, or may adopt an alternative amendment which will cure the challenge defects. The Township Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning Map.
3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetland; floodplains, aquifers, natural resources and other natural features;
4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

SECTION 113 PROCEDURES FOR TOWNSHIP CURATIVE AMENDMENTS

If the township determines that this Ordinance, or any portion thereof, is substantially invalid, it shall take the following actions:

A. The Township shall declare by formal action, this Ordinance or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days of such declaration and proposal the Township shall:

1. By resolution present specific findings setting forth the declared invalidity of this Ordinance which may include:
 - A. References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - B. References to a class of use or uses which requires revision; or,
 - C. References to this entire ordinance which requires revisions.
2. Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.

B. Within one hundred eighty (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this Ordinance pursuant to the provisions of Subsection 609 of the Pennsylvania Municipalities Planning Code, 53 P.S. Subsection 10609, in order to cure the declared invalidity of this Ordinance.

C. Upon the initiation of the procedures as set forth in Subsection (1), the Township Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Subsection 609.1 of the MPC, 53 P.S. Subsection 10609.1, nor shall the Zoning Board be required to give a report requested under Subsection 909.1 or 916.1 of the MPC, 53 P.S. Subsection 909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by Subsection (1): (A). Upon completion of the procedures set forth in Subsections (1) and (2), no rights to a cure pursuant to the provisions of Subsection 609.1 and 916.1 of the MPC, 53 P.S. Subsection 10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Ordinance for which there has been a curative amendment pursuant to this Section.

C. ENFORCEMENT PROVISIONS

SECTION 121 APPOINTMENT AND POWERS OF ZONING OFFICER

A. For the administration of this Ordinance, a Zoning Officer, who shall not hold any elective office in the township, shall be appointed.

B. The Zoning Officer shall meet the qualification established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.

C. The Zoning Officer shall administer this Ordinance 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 Ordinance.

D. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

SECTION 122 ENFORCEMENT NOTICE

A. If it appears to the Zoning Officer that a violation of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

C. An enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the Zoning Officer intends to take action.
2. The location of the property in violation.
3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of ten (10) days.
6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

SECTION 123 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 Ordinance, the Township Supervisors or, with the approval of the Township Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriated action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Township Supervisors. No such action may be maintained until such notice has been given.

SECTION 124 ENFORCEMENT REMEDIES

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding

commenced by the Township, pay judgment of not more than five hundred (\$500.00) 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 District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have only one (1) such violation until the fifth (5) 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.

B. The Court of Common Pleas, upon petition, may grant an Order of Stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

D. District Justices shall have initial jurisdiction over proceedings brought under this Section.

D. APPEAL PROVISIONS

SECTION 131 ZONING HEARING BOARD

A. There is hereby created for the Township a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. Subsection 10901 et. seq.

B. The membership of the Board shall consist of five (5) residents of the Township appointed by resolution by the Township Supervisors. The terms of office shall be five (5) years and shall be fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion. Members of the Board shall hold no other office in the Township.

The Governing Body may appoint by resolution at least one but no more than three residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of this Sub-section, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board Members, including specifically the right to cast a vote as a voting member during the proceeding, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the Township including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Subsection 6 unless designated as a voting alternate member pursuant to this Section. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or

case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

C. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Township Supervisors which appointed the member, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

D. The board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Ordinance.

E. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinance of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township and shall submit a report of its activities to the Township supervisors as requested by the Township Supervisors.

F. Within the limits of funds appropriated by the Township Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Township Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Township Supervisors.

G. The Board shall refer all applications to the Township Planning Commission to enable Commission to comment to Board prior the decision. Comment to Board from the Township Planning Commission will relate to appropriate land use.

SECTION 132 HEARINGS

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

A. Public notices shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notice shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

B. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension.

C. The hearing shall be conducted by the Board or the Board may appoint any member as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Township may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.

D. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, any other person including civic or community

organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the board for that purpose.

E. The Chairman or Acting Chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

H. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

I. The Board or the Hearing Officer shall not communicate, directly or indirectly with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

J. The Board or Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for; make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. When the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provision of this Ordinance or of any law ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there had been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Where the Board fails to render the decision within the period required by this Subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Subsection (1) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

K. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

L. The Township Supervisors shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

SECTION 133 JURISDICTION

A. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render adjudication in the following matters:

1. Substantive challenges to the validity of any land use ordinance, except those brought before the Township Supervisors pursuant to Subsection 609.1 and 916.1 (a) (2) of the Pennsylvania Municipalities Planning Code, 53 P.S. Sub-section 1609.1, 10916.1.
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 thirty (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 had not been previously established, the appeal raising procedural questions shall be taken directly to court.
3. Appeals for the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order 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 flood plan or flood hazard ordinance or such provisions within a land use ordinance.
5. Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Subsection 910.2 of the MPC, 53 P.S. Subsection 10910.2.
6. Application for special exceptions under this Ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Subsection 912.1 or the MPC, 53 P.S. Subsection 10912.1.
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 Ordinance.
8. Appeals from the Zoning Officer's determination under Subsection 916.2 of the MPC. 53 P.S. Subsection 10916.2.

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 storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. Subsections 10501 et seq., 10701 et seq.

B. The Township Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provision of Subsection 702 of the MPC, 53 P.S. Subsection 10702.
2. All applications pursuant to Subsection 508 of the MPC, 53 P.S. Subsection 10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. Subsection 10501 et seq.
3. Applications for conditional use under the Express provision of this Ordinance.
4. Applications for curative amendment to this Ordinance or pursuant to Subsections 609.1 and 916.1 (a) of the MPC, 53 P.S. Subsections 10609.1, 10916.1 (a).
5. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Subsection 609 of the MPC, 53 P.S. Subsection 10609.
6. Appeals from the determination of the Zoning Officer or the Township engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. Subsections 10501 et seq., 10701 et seq. Where such determination relates only to development not involving an Article V and VII application, the appeal from such determination of the Zoning Officer or the Township engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

SECTION 134 VARIANCES

A. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstance or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.
2. That because of such physical circumstance or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the applicant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development or adjacent property, nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, 53 P.S. Subsection 10101 et seq.

SECTION 135 SPECIAL EXCEPTIONS

Where the Township Supervisors, in this Ordinance, have stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, as set forth in Section 601, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, 53 P.S. Subsection 10101 et seq.

SECTION 136 PARTIES APPELLANT BEFORE THE BOARD

Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Township Supervisors pursuant to the Pennsylvania Municipalities Planning Code), procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order to the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Township engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provision within a land use ordinance; from the determination of any officer or agency charged with the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same related to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner

affected, any officer or agency of the Township or any person aggrieved. Requests for the variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

SECTION 137 TIME LIMITATIONS

A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Township if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision of a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

B. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

SECTION 138 STAY OF PROCEDURES

A. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the boards, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action there under, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

B. After the petition is presented, the court shall hold a hearing to determine if the filing of an appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

C. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

D. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

E. ADMINISTRATIVE PROVISIONS

SECTION 140 DUTIES OF THE ZONING OFFICER

The procedures of this Ordinance shall be administered by the Zoning Officer, who shall be appointed by the Township Supervisors. It shall be the duty of the Zoning Officer, and he/she shall have the power to:

- A. Receive, examine and process all applications for building, occupancy and zoning permits for all uses including signs.
- B. Issue permits only where there is compliance with the provisions of this Ordinance, with other Township ordinances, and with the laws of the Commonwealth and the Federal Government. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Zoning Hearing Board. Permits for conditional uses requiring approval by the Township Supervisors shall be issued only after receipt of approval from the Township Supervisors.
- C. Receive applications for conditional uses, curative amendments and zoning changes, forwarding such requests to the Township Supervisors/Planning Commission or other appropriate agencies.
- D. Receive applications for special exceptions and variances and forward these applications to the Zoning Hearing Board for action, thereupon.
- E. Following refusal of a permit, to receive applications for interpretation, appeals and variances. These applications shall then be forwarded to the Zoning Hearing Board for action, thereupon.
- F. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance.
- G. Issue stop, cease and desist orders, and order, in writing, correction of all conditions found to be in violation of the provisions of all applicable regulations. Such written orders shall be served personally or by certified mail upon persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order issued lawfully by the Zoning Officer, and any person violating any such order shall be guilty of a violation of this Ordinance.
- H. Institute civil enforcement proceeding in accordance with Subsections 121-124 above.
- I. With the approval of the Township Supervisors or when directed by them, institute in the name of the Township any appropriate actions or proceedings to: (1) Prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use of a building, structure or property. (2) Restrain, correct or abate any such violation so as to prevent the occupancy or use of any such building, structure or land, and/or (3) Prevent any illegal act, conduct, business or use in or about such premises.
- J. Revoke any order or zoning permit issued under mistake of fact, or contrary to the law, of the provisions of this Ordinance.
- K. Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans and documents shall be a public record.

L. Maintain a map or maps showing the current zoning classification of all land in the Township.

M. Register nonconforming structures, uses and lots in accordance with the provisions of Part 7, Subsection 701, Non-Conformities.

SECTION 141 ZONING PERMITS REQUIRED

Hereinafter, no use listed in the Tables of Use Controls may be established or changed, no structure shall be erected, constructed, reconstructed, altered, razed, or removed, and no building used or occupied, changed in use, or changed in nonresidential use, until a zoning permit has been secured from the zoning Officer.

Upon completion of changes in use or construction, reconstruction, alteration or moving structures, the applicant shall notify the Zoning Officer of such completion. No permit shall be considered as complete or as permanently effective until the Zoning Officer has noted on the permit that the work, occupancy, or use has been inspected and approved as being in conformity with the provisions of this Ordinance.

SECTION 142 APPLICATION REQUIREMENTS FOR ZONING PERMITS

A. All applications for zoning permits shall be made in writing by the owner, tenant, or vendee under contract of sale, or other authorized agent on a form supplied by the Township and shall then be filed with the Zoning Officer. The application shall include one (1) copy of the following information:

1. A statement as to the proposed use of the building, land or structure.
2. A site layout plan drawn to scale 1" = 100' or larger showing the location, dimensions, height or proposed buildings, structures or uses, and any existing buildings in relation to the property and street lines. If the application relates to property scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
3. The location, dimensions, and arrangements of all open spaces, yards and buffer yards, including methods to be employed for screening.
4. The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
5. The dimensions, location and methods of illumination for signs, if applicable.
6. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
7. Provisions to be made for the treatment and disposal of sewage and industrial wastes, water supply, and storm drainage. Provisions for storm water management shall be made in compliance with the Subdivision and Land Development Ordinance of the County of Greene. Verification of availability for water, sewage and electric service must be included.

8. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of the number of dwelling units per acre of land.
9. A description of any proposed industrial or commercial operations in sufficient detail to indicate the effects of those operations in producing noise, glare, air pollution, fire hazards, traffic congestion, or other safety hazards.
10. Descriptions of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards, traffic congestions, or other safety hazards.

B. No permit for any new use or construction which will involve on-site disposal of sewage or waste, and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site, shall be issued until approval has been granted by the Pennsylvania Department of Environmental Protection.

C. The Zoning Officer shall render a decision either approving or disapproving the application for a zoning permit within ninety (90) days after the application has been filed, provided that any disapproval of the application shall be issued within the said ninety (90) day period and shall contain a brief explanation setting forth the reasons for said disapproval and the manner in which the application can be corrected and/or modified to obtain the required approval. If no decision is rendered on the application within ninety (90) days, the application shall be deemed to have been granted immediately, unless the applicant has agreed in writing, to an extension of time.

SECTION 143 FEES AND ESCROW DEPOSITS

All applicants for zoning permits, special exceptions, conditional uses, variances, interpretations and other appeals shall, at the time of making application, pay to the Zoning Officer for use of the Township, a fee which shall be in accordance with a fee schedule adopted pursuant to a resolution of the Township Supervisors upon the enactment of this Ordinance or as such schedule may be amended from time to time. In addition, an escrow deposit may be required. Escrow deposit requirements shall also be set from time to time pursuant to a resolution of the Township Supervisors.

SECTION 144 LIFE OF A PERMIT

Any erection, construction, reconstruction, alteration or moving of a building or other structure, including a sign authorized by a zoning permit, shall be commenced, and any change in use of a building or land authorized by a zoning permit shall be undertaken, within 6 months after the date of issuance of the permits. If not, the permit shall be considered null and void. However, in the case of the erection or construction of a building, the right to proceed with construction may be extended annually without additional fees for an aggregate period of time not to exceed two (2) years, provided that the construction pursuant to said permit was already commenced within six (6) month period.

SECTION 145 CERTIFICATE OF OCCUPANCY

A. Hereafter, no structure erected, constructed, reconstructed, removed, extended or moved, no property sold or exchanged, and/or no land or building changed in use under a zoning permit shall be occupied or used, in whole or in part, for any use whatsoever, nor changed from non-residential occupancy status, until the owner or authorized agent has been issued a Certificate of Occupancy from the Zoning

Officer indicating that the building or use complies with the terms of zoning regulations as provided in this Ordinance.

B. No certificate shall be issued until the premises in question has been inspected and found by the Zoning Officer to be in compliance with the Zoning Ordinance.

C. The issuance of a certificate of occupancy in no way absolves the owner or authorized agent from compliance with the intent of this Ordinance.

SECTION 146 MEDIATION OPTION

A. Parties to proceedings authorized in this Ordinance and Article X-A of the Pennsylvania Municipalities Planning Code may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Ordinance and Article X-A once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police power or as modifying any principles of substantive law.

B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township Supervisors may offer the mediation option in a particular case pursuant to a resolution which shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

1. Funding mediation.
2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
3. Completing mediation, including time limits for such completion.
4. Suspending time limits otherwise authorized in this Ordinance, provided there is written consent by the mediating parties, and by an applicant or municipal decision making body if either is not a party to the mediation.
5. Identifying all parties and affording them the opportunity to participate.
6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in the other section of this Ordinance.

C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

PART II DEFINITION

SECTION 201 CONSTRUCTION

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this ordinance to have the meanings herein indicated. Words used in the present tense include the future; the singular includes the plural and the plural the singular; the word "shall" is always mandatory; the terms "occupied" or "used" as applied to any buildings shall be construed to be followed by the words 'or intended, arranged or designed to be occupied or used. the masculine shall include the feminine and the neuter:

SECTION 202 TERMINOLOGY

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

ACCESS LANE - the driveway within a parking lot designed to provide vehicular connection between parking spaces and a public street.

ACCESSORY STRUCTURE - any structure which is customarily incidental and subordinate to a principal building such as an attic, baffle, basement, bedroom, cellar, communications receiving structure, ground floor addition, porch, story, swimming pool, facing wall and window.

ACCESSORY USE – A use which:

- A. is subordinate to and serves a principal building or principal use; and
- B. is subordinate in area, extent or purpose to the principal building or principal use
Served; and
- C. is located on the same zoning lot as the principal building or use served; and
- D. is not used for dwelling purposes nor normally occupied by personnel associated with
Any use; and
- E. is not attached to the principal building by covered passageway, wall more than three (3')
Feet high, and shares no wall in common with the principal building.

ACCESSORY UTILITY STRUCTURE - any essential service structure which is customarily incidental and subordinate to a principal building, including solar or wind energy collection or conversion systems, on-site sewer or water service, mobile home sewer or water rise and service pipes and connections and energy storage facilities.

ACTIVE SOLAR ENERGY SYSTEM - a solar energy system that requires external mechanical power to move collected heat. (*see also Accessory Utility Structure*).

ADULT-ORIENTED USE - Any adult bookstore, adult cabaret, or adult mini-motion picture theater, as defined herein and which, under the Pennsylvania Obscenity Code, must exclude minors or may not knowingly disseminate to minors.

1. **ADULT STORE** - an establishment, having a substantial or significant portion of its stock in trade (*for sale or rental*), books, magazines or other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to 'specified sexual activities' or 'specified anatomical areas' as defined herein.

2. **ADULT CABARET** - a cabaret, tavern, theater, or club which features strippers, male or female impersonators, or similar entertainers who exhibit, display, or engage in nudity, sexual conduct or sadomasochistic abuse, as defined in the Pennsylvania Obscenity Code.

3. **ADULT MINI-MOTION PICTURE THEATER** - an enclosed building offering video presentations distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons within private viewing booths and/or by use of token or coin operated projectors or other video machines (*see also Recreational Use*).

4. **ADULT THEATER** - any business, indoor or outdoor, which exhibits a motion picture show or other presentation which in whole or in part, depicts nudity, sexual conduct or sadomasochistic abuse as defined in the Pennsylvania Obscenity Code.

5. **MASSAGE ESTABLISHMENT** - any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the State. This definition does not include an athletic club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

6. **ANATOMICAL AREA, SPECIFIED** - the depiction of male genitals in a discernibly turgid state, whether uncovered or completely and opaquely covered.

7. SEXUAL ACTIVITIES, SPECIFIED -

- A. Acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genital pubic area, buttocks, or if such a person be a female, breasts.
- B. The condition of human male or female genitals when in a state of sexual stimulation or arousal.
- C. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

AGENT - any person, other than the developer, who, acting for the developer, submits plans to the Building or Zoning Official, the *Planning Agency* or the *Governing Body*, for the purpose of obtaining approval of a permit of any kind.

AGRICULTURE USE - any use of land, buildings or structures for farming, dairying, pasturage, forestry, or animal husbandry including the sale of agricultural products and services. Uses accessory to an agricultural use may include barns, stables, corn cribs, silos and any other building or structure that is clearly related to an agricultural operation.

1. **AGRICULTURE FARMING** - the production of agricultural, horticultural, arboricultural, viticultural, and dairy products; and animal husbandry including the keeping of livestock, poultry, and bee-raising.

2. COMMERCIAL AGRICULTURE - the retail sale of agricultural services or products on the premises including animal hospitals, kennels and roadside stands.

3. INTENSIVE AGRICULTURE - the use of land and structures for greenhouses, mushroom houses, feedlots, confinement livestock or poultry operations taking place in structures or closed pens.

AIRPORT - an improved airstrip/landing strip, where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair, accommodations for passengers, freight, etc.

AISLE - a corridor used for access within a parking lot by motor vehicles to the parking spaces.

ALLEY - a public or private right-of-way having a right-of-way width of twenty feet (20') *or* less, which affords a secondary means of access to the rear or side of abutting property and is not intended for general traffic circulation. Regardless of whether an alley is given a street name, no main building shall have its frontage on an alley. An alley may also be known as a court, place, or lane.

ALTERATIONS, MINOR - all incidental changes or replacement in the non-structural parts of a building or other structure; changes or replacement in the structural parts of a building or other structure, limited to the following examples and other similar extent:

1. alteration of interior partitions to improve livability in residential buildings, provided no additional dwelling units are created.
2. alteration of interior partitions in all types of buildings or other structures.
3. making or enlarging windows or doors in exterior walls.
4. strengthening the load bearing capacity in not more than ten (10) percent of the total floor area to permit the accommodation of a specialized unit of machinery or equipment.

ALTERATIONS, STRUCTURAL - as applied to a building or structure, a major change or rearrangement in the structural parts of a structure including the walls, columns, beams, girders, floors, roof or ceiling; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another; but not including normal maintenance or minor repairs or improvements.

AMENDMENT - any change or revision of the text of the Zoning Ordinance or the Zoning Maps.

AMUSEMENT - a theater, stadium, arena, bowling alley, or related facility for the presentation of musical, theatrical or sporting events where the number of spectators normally is greater than the number of players and where such use is not accessory to a school or church.

AMUSEMENT ARCADE - place of indoor amusement or recreation; a place with four (4) or more or any combination of automatic, mechanical, electric, or electronic machines or devices used or designed to be operated as a game, or for entertainment or amusement, by the insertion of a coin, token, money or other article, or by the payment of money to have it activated or to be admitted, including but not limited to the following: billiard rooms, jukeboxes,

merchandise machines, pool rooms, photographic machines, pinball Machines, rides, slot car races, video machines and devices.

ANIMAL HOSPITAL - a building used by a veterinarian for the treatment, housing, and boarding small domestic animals such as dogs, cats, rabbits, birds, and fowl.

ANIMAL HUSBANDRY - the raising, breeding, keeping or care of farm animals or livestock, including fowl or insects, for meat, by-products or other utility which is intended as a business or gainful occupation.

A. INTENSIVE ANIMAL HUSBANDRY - the practice of raising, breeding, or keeping of livestock or fowl that involves large numbers of animals or birds concentrated in a small area utilizing mass feeding. This shall include feedlots, poultry houses, and other buildings, structures, corrals, pens in which animals are confined in close quarters. (*see also Intensive Agriculture*).

B. NON-INTENSIVE ANIMAL HUSBANDRY - the practice of raising, breeding or keeping livestock or fowl that involves animals or birds which obtain their principal food source by grazing or foraging from the land and receive only supplementary feed at centralized feeding stations. This shall include conventional dairy operations and similar uses satisfying the above criteria (*see also Agriculture, Farming*).

APARTMENT - a dwelling unit within a multiple dwelling. This classification includes apartments in apartment houses, bachelor apartments, studio apartments, kitchenette apartments and efficiency apartment suite of rooms in a building containing at least two (2) other dwelling units, each unit with its own cooking, food storage, bathing and toilet facilities for the exclusive use of the residents of the unit, and each with access directly or by a common hallway to the outside. (*see also Dwelling, Multi-family*).

APARTMENT COMPLEX - a group of two or more buildings occupying a lot in single ownership, with each building used by three or more families.

APPLICANT - a landowner, or developer, as hereinafter defined, including his heirs, successors and assigns who have filed an application for development. [53 P.S. Subsection 10107]

APPLICATION FOR DEVELOPMENT - every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction of development, including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan. [53 P.S. Subsection 10107]

APPOINTING AUTHORITY - the individual or body who is authorized by law, ordinance or charter to make appointments to the boards, commissions or agencies or the appointment of employees pursuant to this ordinance.

ARBORICULTURAL – the cultivation of trees and shrubs for ornamental purposes.

ATHLETIC/HEALTH SPA - an indoor facility for court games such as racquetball, handball, squash, tennis, basketball, and volleyball, as well as facilities and equipment for exercise including swimming.

ATTACHED BUILDING - a building which has a party wall in common with another building.

ATTIC - the space between the ceiling beams of the top habitable story and the roof rafters.

A. HABITABLE ATTIC - a habitable attic is an attic which has a stairway as a means of access and egress and in which the ceiling area at a height of seven and one-third (7-1/3') feet above the attic floor is no less than one hundred (100) square feet. Attic walls shall be no less than four and one half (4-1/2') feet high.

AUDITORIUM - any place of assembly for the purpose of spectator presentations such as concerts, theatrical performances, lectures, or similar cultural events.

AUTOMOBILE SALVAGING - the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AUTOMOBILE - a motor vehicle, except a motorcycle, designed for carrying ten (10) passengers or less, and primarily used for the transportation of person.

AUTOMOBILE BODY SHOP - on a lot, a building that is used for the repair and/or painting of bodies, chassis, wheels, fenders, bumpers, and/or accessories of automobiles or other vehicles for conveyance.

AUTOMOBILE OR MANUFACTURED/MOBILE HOME SALES GARAGE - a building designed and used primarily for the display or sale of new or used motor vehicles or manufactured/mobile homes where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

AUTOMOBILE OR MANUFACTURED/MOBILE HOME SALES LOT - an open lot used primarily for the outdoor display or sale of new or used motor vehicles or manufactured/mobile homes.

AUTOMOTIVE REPAIR - engine maintenance, repair or reconditioning, collision repair, including straightening and repainting, replacement of parts and incidental services.

AUTOMOBILE SERVICE STATION - A business at which state vehicle inspection, maintenance, and repair of vehicle tires, batteries, accessories, and fuel are all provided and are the principal source of revenue.

AWNING - A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted to a position against the building.

BASEMENT/CELLAR - a story partly or totally underground. A "basement/cellar" 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 (5').

BED AND BREAKFAST ESTABLISHMENT - (*see Lodging Place*).

BLOCK - a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or waterways.

BOARD - anybody granted jurisdiction under a land use ordinance or under this ordinance to render final adjudications.

BOARDING HOUSE - a dwelling in which at least two (2) rooms are offered for rent, payable in money or other consideration, where meals are generally furnished to lodgers, and in which individuals are accommodated by a common access way.

BORE HOLES - structures and appurtenant facilities to permit the introduction from the surface to underground mining operations, or in some cases the removal from underground mining operations to the surface, of electric power, water (with or without treatment facilities), rock dust for safety purposes, communicating lines, which facilitate the mining and removal of coal.

BOUNDARY – a line marking the limit, or order, of a lot or district.

BUFFER AREA - a strip of land which is planted and maintained in shrubs, bushes, trees, grass, or the landscaping material and within which no structure or building is permitted except a wall or fence. A buffer area may be a right of way. *(see also Open Space)*.

BUFFER SCREEN PLANTING – *(see Screen, (Buffer) Planting)*.

BUILDING - any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels.

BUILDING COVERAGE - that percentage of the plot or lot area covered by the building area including principal and accessory structures. *(see also Dimensional Standards)*.

BUILDING COVERAGE, MAXIMUM - the maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot *(including covered porches, carports and breezeways, but excluding open patios, parking areas, swimming pools, tennis courts, and other structures which are open to the sky)* by the total area of the lot upon which the buildings are located. *(see also Dimensional Standards)*.

BUILDING PERMIT – *(see Permit)*.

BUILDING, TEMPORARY – *(see Structure, Temporary)*.

BULK - the size and shape of building uses and the exterior relationship of their exterior walls, or their location, to lot lines and other buildings, or other walls of the same building; and all open spaces required in connection with a building. Bulk regulations include, but are not limited to, regulations dealing with lot size, lot area per dwelling unit, lot width and depth, building height, required yards, building coverage, courts, usable open space, floor area ratio, spacing between buildings on a single lot and the length of the buildings in a row. *(see also Dimensional Standards)*.

BUSINESS DEVELOPMENT, LARGE SCALE - a tract of land not less than five (5) acres for nonresidential development, and which is planned for development in units under single ownership and/or control.

BUSINESS, LOCAL RETAIL - any retail establishment which caters to and can be located in close proximity to residential districts without creating undue vehicular congestion, excessive noise or other objectionable influences. To prevent congestion, local retail uses include only those enterprises which normally employ less than ten (10) persons.

BUSINESS OFFICE - a room area or series of areas, occupied by person or persons separate from surrounding areas, normally used in the operation of or in conjunction with a business or profession. Retail and wholesale sales and inventories are not included under this classification.

BUSINESS/OFFICE PARK - a planned development of office and related uses in a park-like setting and utilizing an internal street system, and which includes improvements for landscaping, buffering, and coordinated utilities.

BUSINESS SERVICE USE - any use of land, buildings and structures providing wholesale services to business, commercial or public enterprises including advertising, credit reporting, data processing, mailing, news, personnel, reproduction, stenographic, and miscellaneous services such as equipment leasing, management, protective, photo-finishing, public relations and research and development.

BUSINESS USE - any use of land, buildings and structures by service-oriented businesses including financial, professional and retail service enterprises, as well as office buildings and office or business parks and developments.

CAFETERIA, ANCILLARY - a restaurant which is located within an office center, having a floor area of not more than three thousand (3000) square feet, and intended primarily to serve the employees or patrons of the complex within which it is located. (*see also, Retail Services Use*).

CAMPS AND CAMPING GROUNDS - the use of land and structures by campers for seasonal, recreational, and temporary living purposes in cabins, tents, or outdoor recreational vehicles but not including a mobile home park.

CARE FACILITY, DEPENDENT - a facility in which room and/or board are provided to any person having limited or diminished ability to care for themselves due to conditions of age. A dependent care facility shall include rest home, nursing home and convalescent home, personal care home, assisted living facility.

CARE FACILITY, FAMILY - a facility which provides resident service in a private residence to five (5) or fewer individuals who are not related to the resident household. These individuals are handicapped, developmentally disabled, mentally ill, mentally retarded, or otherwise in need of adult supervision and provided service in accordance with their individual needs. This category includes foster or boarding houses for children, group homes and halfway houses.

CARE FACILITY, GROUP - a facility which is licensed and inspected by an agency of the state which provides residential services to at least six (6) residents who are handicapped, developmentally disabled, mentally ill or retarded; including residents who are serving the sentence of a court of law, but not requiring or receiving skilled or intermediate nursing care or psychiatric or correctional treatment normally provided in an institutional setting, including rehabilitation homes.

CARPORT - a completely or partially open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.

CARTWAY - the portion of a street right-of-way designed or intended for vehicular use.

CAR WASH - a building designed or used primarily for the washing and polishing of automobiles.

CEMETERY - a burial place or ground; a graveyard, including mausoleums, crematories and columbariums.

CENTERLINE OF STREET (ROAD) - a line which is at an equal distance from both edges of the improved portion of the street or established right of way.

CHALLENGE - an appeal brought by a party aggrieved by any regulation on the grounds that the regulation in question prevents the reasonable use of property in which there is an interest or downgrades the value of such property.

CHILD CARE CENTER - any place, home or institution which cares for six (6) or more children under the age of sixteen (16) years (apart from their parents, guardians, or custodians) for regular periods of time for compensation; provided, however, that the term “child care center” shall not include or apply to bona fide schools, custody fixed by court, children related by blood or marriage within the third degree of the custodial person, or churches and other religious or public institutions caring for children within an institutional building.

CHURCHES AND OTHER PLACES OF WORSHIP - the use of land and structures for religious worship, education, and related activities; including chapels, cathedrals, temples, synagogues, and the like.

CIVIC CENTER - *(see Community Use)*.

CLEAR SIGHT TRIANGLE - a triangular area of unobstructed vision at street intersections, having as its sides two (2) perpendicular street lines, and a line established between a point on each street line a given distance from the intersection.

CLINIC - an individual building or cluster of buildings (*on a lot in single or common ownership*) operated by one or more licensed medical or dental practitioners for the purpose of providing medical or dental treatment to the public on an outpatient basis.

CLUB, COMMUNITY - a non-profit civic, social, recreational or cultural organization chartered under laws of the Commonwealth but not including residential accommodations except for the manager and his family.

CLUB, PRIVATE - a non-commercial facility operated by and for its members and providing recreational facilities for the use of members and their guests.

CLUSTER - a grouping together of lots with a minimum perimeter.

CLUSTER DEVELOPMENT (*RESIDENTIAL*) - the development of an area of land as a single entity, for a variety of housing types and related uses, under specified performance and dimensional requirements, which permit specified variations to standard zoning regulations which apply to the zoning district in which the cluster development is permitted.

COAL MINING, UNDERGROUND - All underground area within a continuous barrier of undisturbed coal from which such coal is extracted.

COAL MINING FACILITIES, UNDERGROUND - Structures and installations necessary to the operation of an underground coal mine which shall include slopes, shafts or portals for the primary purpose of gaining access from the surface to an underground coal mine by persons or equipment to mine and remove coal, coal preparation and cleaning plants and related equipment, ponds and treatment facilities, coal refuse disposal areas, silos for storage of coal, access roads, above ground repair, personnel areas and structures, transport facilities, railroad systems servicing the mine, concrete or batch plants, crushers, and all other equipment and facilities used in connection with underground

coal mining, coal preparation activities, coal exploration activities, and coal refuse disposal activities. Facilities used by state and federal regulatory agencies are not included in this definition.

COAL MINING ADJUNCT FACILITY - A support facility, not a coal mining facility, required for and used only in connection with an underground coal mine which is to:

- a. Supply air or power, including power line rights-of-way, to the underground coal mine;
- b. Ventilate air or gas from the underground coal mine, which shall include fans and fans buildings;
- c. Remove water from the underground coal mine; and
- d. Mine effluent treatment facilities.

COAL MINE CONVEYER - A mechanical contrivance utilizing belt, chain or chute type devices to transport products, overland or underground, from coal mining operations via owned land holdings, acquired right-of-way or easements.

COAL TIPPLE AND CLEANING PLANT - A coal mining facility utilized for bringing coal and related substances from an underground coal mine to the surface for the storing, processing, classifying, and transporting of coal.

COMMERCIAL PARKING - the business of renting or leasing space for the parking of vehicles owned by persons other than the owner of the lot in question. The storage or recurrent parking of more than five passenger vehicles, or more than two trucks or other commercial vehicles, shall be presumed to be commercial parking.

COMMERCIAL USE - any use of land, buildings or structures in an enterprise, activity or other undertaking related to or connected with wholesale or retail trade and traffic or commerce in goods.

1. COMMERCIAL, RETAIL - any enterprise, activity or other undertaking including apparel and accessory stores, adult bookstores, automotive dealers, building materials and garden supply stores, eating and drinking establishments, food stores, furniture and home furnishings stores, general merchandise stores, vehicle service stations and other miscellaneous retail stores including drug, liquor, book, stationary, jewelry, hobby gift and used merchandise stores.

2. COMMERCIAL, WHOLESALE - any enterprise, activity or other undertaking including the following:

A. DURABLE GOODS - electrical goods, furniture and home furnishings, hardware, plumbing and heating equipment, lumber and construction materials, machinery, equipment and supplies, metals and minerals, motor vehicles and automotive equipment and other miscellaneous durable goods including scrap and waste materials.

B. NONDURABLE GOODS - apparel, piece goods and notions; beer, wine and distilled beverages; chemicals and allied products; drugs, proprietaries and sundries; farm- product raw materials; groceries and related products; paper and paper products; petroleum and petroleum products and other miscellaneous nondurable goods including farm supplies, tobacco and tobacco products and paints, varnishes and supplies.

COMMON OPEN SPACE - a parcel 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. (*see also Open Space*).

COMMUNICATIONS ANTENNA - Any device used for transmission or reception of radio, television, cellular telephone, pager, commercial mobile radio service, or any other wireless communications signals, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device.

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

COMMUNICATIONS EQUIPMENT BUILDING - An unmanned building containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than two hundred fifty square feet.

COMMUNICATIONS TOWER - A structure, other than a building, including any guy wires principally intended to support facilities for receipt or transmission of broadcast for commercial or public VHF and UHF television, FM radio, two-way radio, common carriers, cellular telephone, fixed point microwave, low power television, or AM radio, including accessory equipment related to telecommunications. Not included are antennas and supportive structures for private, noncommercial and amateur purposes including but not limited to ham radios and citizen band radios.

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.

COMMUNICATIONS RECEIVING STRUCTURE - an accessory use to a principal use other than utilities including all radio and television towers and dish antennae. Satellite earth stations or dish-antennae and aerials are included in this definition provided that the installation meets the following requirements:

1. Only one antenna per lot.
2. No installation in front yards.
3. The installation shall meet all side and rear setback requirements.
4. The installation shall be suitably screened to prevent view from surrounding properties and under any conditions shall not be visible from a public right-of-way.

COMMUNITY CENTER - any building or buildings and the lot upon which they are located which is publicly owned or operated to serve the community in which it is located. Such use may include indoor and outdoor recreational facilities, public meeting rooms, libraries, and rooms for the dispensing of counseling, guidance, or clinical services, but may not include residential uses.

COMMUNITY USE - any use of land, buildings or structures for public purposes including auditoriums, civic and community centers, historical buildings and restorations, fire and police stations, marinas, lakes and ponds, museums, parks, play-fields and playgrounds, municipal buildings and garages, courthouses, and, easements for an alley, street or other public purposes.

COMPREHENSIVE PLAN - maps, charts, descriptive matter officially adopted by Washington Township showing among other things recommendations for the most appropriate use of land; for the most desirable density of population; for a system of thoroughfares, parkways, and recreation areas for the general location and extent of facilities for water, sewer, lights and power; for the general location, character and extent of community facilities.

CONDITIONAL USE - a use permitted in a particular zoning district by the governing body pursuant to the provisions of the ordinance and Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. Subsection 10601 et. seq.

CONDOMINIUM AND COOPERATIVE - (*an ownership arrangement and not a land use*) a method of ownership which, when applied to a multi-family dwelling, provides for separate ownership for each unit, title of which shall consist of ownership of the unit together with an undivided interest in the common element.

CONSTRUCTION USE - any use of land, buildings, or structures by building or heavy construction or trade contractors and customary accessory uses including offices storage facilities and garages.

CONTRACTOR'S YARD - a commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods, but not including the wrecking, salvaging, dismantling or storage of junked automobiles and similar vehicles.

CONVALESCENT HOME - a building in which accommodations are provided for the full-time care of aged disabled, infirm or invalid persons. The term "nursing home" may be used interchangeably with the term "convalescent home," and shall have the meaning set forth in this section. (*see also, Care Facility, Dependent*).

CONVENIENCE FOOD STORE - small stores, which retail food and beverages primarily to the immediately surrounding population.

CONVERSION, NON-RESIDENTIAL - the conversion of an existing residential structure to a permitted non-residential use where the character of the existing structure is maintained and where all other requirements for the particular use are met.

COUNTY PLANNING COMMISSION - The Planning Commission of Greene County, Pennsylvania.

COURT - an unoccupied open space, other than a yard, bounded on two (2) or more sides with a building, and beginning at the main floor or garden level unless otherwise permitted.

A. **COURT, ENCLOSED** - a court completely surrounded by building walls.

B. **COURT, STREET** - a court extending to a front, rear or side yard abutting a street or way.

COURTHOUSE - (*see Community Use*).

COVERAGE - (*see Building Coverage*).

CREMATORIUM - (*see Cemetery*).

CROSSWALK - a right-of-way, publicly or privately owned, intended to furnish access for pedestrians.

CUL-DE-SAC - (*see Street, Cul-de-sac*).

CURATIVE AMENDMENT, LANDOWNER - (*see Part I, Subsection 112*).

CURATIVE AMENDMENT, TOWNSHIP - (*see Part I, Subsection 113*).

CURB LEVEL - for an interior lot, the mean level of the curb in front of the building or portion thereof. for a corner lot, the mean level of the curb on the street of the greatest cart way width, where it abuts the lot. Where no curb line has been established, or where the building does not abut the street or is built upon a terrace, the average elevation of the street where it abuts the lot, or of the ground along the perimeter of the building, as applicable.

CURB RETURN - a curved curb connecting the tangents of two intersecting curbs of streets or driveways.

DAIRY - the use of land and structures for the manufacture and processing of dairy products.

DAY CAMP - a camp for minor children, conducted between 10:00 A.M. and 5:00 P.M., excluding Saturdays and Sundays.

DAY CARE CENTER - (*see Home Occupation/Family Day Care*).

DECISION - final adjudication of any board or other body granted jurisdiction under any land use ordinance or this ordinance 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 the county and judicial district wherein Washington Township lies.

DENSITY - a measure of the number of dwelling units per unit of area. It shall be expressed in dwelling units per acre. There is 43,560 sq. ft. per acre of land.

DETACHED BUILDING - a building which has no party wall.

DETERMINATION - final action by an officer, body or agency charged with the administration of any land use ordinance or application there under, except the following:

1. The Board of Supervisors of Washington Township
2. The Zoning Hearing Board; or
3. 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 ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeals.

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

DEVELOPMENT - any man-made change to improved or unimproved real estate, including but not limited to the construction or placement of buildings or other structures, manufactured/ mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, and the subdivision of land. When used with the words Business, Commercial, Industrial, Public Service and Residential, this definition shall include more than one (1) building on the same lot in common ownership.

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

DIMENSIONAL STANDARDS - any regulations of land, buildings and structures requiring measurements of coverage, density, floor area, height, impervious surface area, lot area, open space and yard setbacks as well as required off-street parking and loading space.

DIRECT RAYS - when used in regard to illumination, that form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.

DOMESTIC ANIMAL - an animal which is commonly kept within the household as a pet, including a dog, parakeet, or hamster, but not to exceed a total of five (5) in numbers. "Domestic Animal" does not include animals which can be or have been domesticated, but which are not commonly regarded as pets.

DORMITORY - a building occupied by and maintained exclusively for faculty, students, employees, staff members and other persons affiliated with a school, church, recreational or educational facility or other recognized institution.

DRAINAGE-WAY - an area of land, in its natural state or disturbed, within which storm water runoff flows. Usually long, channel-like topography, but can be a low lying flat area which collects storm water. May or may not be well defined.

DRIVE-IN ESTABLISHMENT - the use of land and structures in which goods or services are dispensed directly to the patron in a motor vehicle.

DRIVEWAY - a passageway for vehicle ingress and egress to garage, carport, or other permissible parking area. Driveways shall be not less than eight feet (8') in width and shall be paved with an all weather surface. Driveway space shall not be counted as part of the required parking area.

DWELLING - a structure or portion thereof which is used exclusively for human habitation.

1. **SINGLE-FAMILY ATTACHED DWELLING** - a dwelling designed for and occupied exclusively by one family, and having no more than two party walls in common with any other dwelling.
 - A. **ATRIUM HOUSE** - an attached dwelling unit with one (1) dwelling unit from ground to roof and having an individual outside access to a yard lot fully enclosed by a wall four (4) to six (6) feet in height and all living spaces (i.e., living rooms, dens and bedrooms) open onto a private open area or atrium.
 - B. **QUADRUPLEX** - four single-family attached dwellings in one structure in which each dwelling has (2) open space exposures and shares one or more party walls with adjoining units.
 - C. **TOWNHOUSE** - a single-family attached dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separate from any other by one or more vertical party walls.
 - i. **TOWNHOUSE, WEAK LINK** - a single family attached dwelling having individual outside access, with one dwelling unit from ground to roof, each dwelling consisting of a first-story portion and second-story portion, with the first-story portion occupying a required portion of the minimum lot frontage.

- D. **DWELLING GROUP** - one or more buildings, not more than two and one-half (2 1/2) stories in height, containing dwelling units and constituting two (2) or three (3) side of a court which opens onto a street.
2. **SINGLE-FAMILY DETACHED DWELLING** - a dwelling designed for and occupied exclusively by one family and having no party wall in common with an adjoining building including manufactured/mobile homes with wheels and axle removed and placed on a permanent foundation and modular homes.
- A. **SEASONAL DWELLING** - a single-family detached dwelling used for seasonal and temporary living purposes during any season by person engaged in recreational pursuits.
3. **MULTI-FAMILY DWELLING - (APARTMENT BUILDING)** – a dwelling designed for and occupied exclusively by more than two (2) families.
- A. **GARDEN APARTMENT** - a multi-family dwelling of three stories or less in height, excluding residential conversions.
- B. **MID-RISE APARTMENT** - a multi-family dwelling of four full stories or more in height, excluding residential conversions.
- C. **HIGH-RISE APARTMENT** - a multi-family dwelling of ten full stories or more in height excluding residential conversions.
- D. **MULTI-PLEX** - a single structure containing no fewer than five (5) nor more than (12) dwelling units per structure, whereby every dwelling unit has a separate and distinct access to the outside.
4. **TWO-FAMILY DETACHED DWELLING** - a dwelling designed for and occupied exclusively as a dwelling by two families.
- A. **TWIN** - a two-family dwelling with one dwelling unit on each side of the vertical party wall.
- B. **DUPLEX** - a two-family dwelling with one dwelling unit located over the other and separated by an unpaired ceiling and floor extending from exterior wall to exterior wall.
5. **TWO-FAMILY SEMI-DETACHED DWELLING** - a dwelling containing two units with one dwelling unit being wholly or partly above the other, which has a party wall in common with an adjacent building, and which may or may not have a common entrance.

DWELLING-IN-COMBINATION - an accessory dwelling unit that is clearly subordinate to a residential, business or institutional use. Such uses include caretakers cottage, guest house and servants quarters.

DWELLING UNIT - two or more rooms used exclusively for occupancy by one person or family, containing living, sleeping, cooking, and bath facilities for the use of and under the control of the occupants.

EASEMENT - a grant for the use of a parcel of land by the public, a corporation, or a person, for a specified purpose.

1. **UTILITY EASEMENT** - a right-of-way granted for limited use of land for public or quasi-public purpose.

ELECTRIC SUBSTATION - an assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the need of any land use.

ENCLOSED BUILDING - a building in which all exterior walls are solid except for windows and doors.

ENERGY STORAGE FACILITY - equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gases or solids), controls, and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

ENGINEERING SPECIFICATIONS - the engineering criteria of the municipality regulating the installation of any improvement or facility.

ENLARGEMENT - an addition to the floor area of an existing building, an increase in the size of another structure or an increase in that portion of a tract of land occupied by an existing use.

ENVIRONMENTAL USE - any use of land for open space including forests, lakes and ponds, sky-space and watercourses such as floodplains and wetlands.

ERECTION - construction or assembly.

EROSION - the process by which the land surface and/or sub-surface is worn away by the action of natural elements. (*see also Sedimentation*).

ESSENTIAL COMMUNICATIONS ANTENNA - Any communications antenna owned or operated exclusively by an agency or authority of the Township or Commonwealth of Pennsylvania or any police, fire, emergency medical or emergency management agency or any public utility whose rates are regulated, and are providing a service regulated by the Pennsylvania Public Utility Commission.

ESSENTIAL COMMUNICATIONS TOWER - Any communications tower used exclusively to support essential communications antennas.

ESSENTIAL SERVICES - the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety or general welfare, but not including buildings, except telephone booths, pump stations, treatment plants, and similar facilities which shall also be considered as essential service facilities hereunder. (*see also Public Utility Use*).

EXTERNAL ILLUMINATION - illumination of a sign which is affected by an artificial source of light which is not contained within the sign itself.

EXTRACTIVE OPERATIONS - Surface mining of coal, earth removal, stone removal or quarrying, oil and gas drilling, coal bed methane gas drilling, and such other operations and/or procedures that are normally conducted for profit wherein soil and/or its contents are removed as a business activity.

FAMILY - a single person occupying a dwelling unit and maintaining a household; two (2) or more persons related by blood, marriage, foster relationship or adoption occupying a dwelling unit, living together and maintaining a common household, including not more than one boarder, roomer or lodger; or not more than three (3) unrelated persons occupying a dwelling unit, living together and maintaining a common household (group quarters). Domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

FARM - any parcel of land which is gainfully used in the raising of agricultural products, livestock, poultry and dairy products, including necessary farm structures and equipment including land used in the raising of fur-bearing animals or for riding academies, livery or boarding stables, or kennels.

FENCE - any outdoor barrier of either natural living vegetation or composed of fabricated materials, as defined below, which is placed or arranged as a line of demarcation between lots, or to enclose a lot or a part of a lot. A fence is a boundary line fence when the average centerline of the fence is established on the lot within two feet (2') of a property and/or lot line. The height of any fence shall be the distance measured from the existing grade of the natural surface to the top of the fence.

1. **NATURAL LIVING FENCE** - a barrier of natural living vegetation, including shrubs, hedges, trees or other plant materials, shall only be considered a fence if fifty percent (50%) or more of the horizontal dimension of such materials or growth provides a visual screen or obstruction to vision.

2. **FABRICATED MATERIALS FENCE** - any structure or wall, regardless of composition or material, except for a natural living fence, which is constructed and installed to act as a visual or physical outdoor barrier.

FINANCIAL SERVICES USE - the use of land, buildings, or structures as a bank, savings and loan association and credit union; mortgage bank and brokers; securities/commodity brokers and services; insurance carrier, agents and brokers; real estate agency and brokers and other financial institutions including holding and investment office.

FLOOD - a temporary inundation of normally dry land areas.

FLOOR AREA - sum of the gross livable area of several floors of a building or buildings measured from the face of exterior walls, or from centerlines of walls that separate two buildings. In particular, floor area includes but is not limited to the following:

1. basement space, if floor to ceiling measures seven feet (7') or more.
2. elevator shafts, stairwells and attic space (whether or not a floor has been laid), providing structural headroom of eight feet (8') or more.
3. roofed terraces, exterior balconies, breezeways or porches, provided that at least fifty percent (50%) of the perimeter of these is enclosed.
4. any other floor space used for dwelling purposes, no matter where located within a building.
5. accessory buildings, excluding space used for accessory off-street parking or used for loading berths.
6. any other floor space not specifically excluded, excluding space used for air conditioning machinery or cooling towers and similar mechanical equipment serving the building and cellar space.

FLOOR AREA, BUILDING - the sum of the gross horizontal areas of all floors of a building or structure and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living, sleeping or business areas, but including the area of roofed porches and roofed terraces (*see also Dimensional Standards*).

FLOOR AREA, HABITABLE - the sum of the floor area of all heated, finished rooms, within a dwelling unit, used on a daily basis for habitation. Such area may include living rooms; recreation rooms; kitchens; dining rooms; bedrooms; bathrooms; hallways; closets; heated and finished basements, cellars and attics; attached garages which have been converted into an integral part of the living quarters; but does not include: garages; porches; whether roofed, unroofed or enclosed; roofed terraces; unfinished and unheated basements; attics; cellars, or garages, etc. (*see also Dimensional Standards*).

FLOOR AREA, NET USEABLE - 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 intended to be occupied or leased, stairways, fire towers, elevator shafts, public lobby area, public restrooms and mechanical rooms. For purposes of

determining off-street parking requirements, under no circumstances shall the net useable floor area be less than eighty percent (80%) of the floor area of a building. *(see also Dimensional Standards)*.

FLOOR AREA RATIO - a mathematical expression determined by dividing the total floor area of a building(s) by the area of the lot on which it is located, as floor area/lot area = Floor Area Ratio. *(see also Dimensional Standards)*

FLOOR AREA, RETAIL NET - all that space used by customers and retail employees to consummate retail sales, and to include display areas used to indicate the variety of goods available for sale, but not to include office space and other general administrative areas. *(see also Dimensional Standards)*.

FOREST - areas, groves or stands of mature or largely mature trees, greater than eight (8) inches caliper, consisting of at least ten (10) individual trees per one-quarter of an acre or more.

FOSTER HOME - a dwelling where there is a full-time custodial responsibility for children or other individuals unable to care for themselves when such individuals have been placed by court order or under the auspices of a recognized social service agency, and are maintained under regulations of the State.

FRATERNITY OR SORORITY HOUSE - any building or part thereof which is designed, intended, and/or used primarily for activities of any club or association (a) the majority of whose local members are former or present students and (b) whose activities are primarily university oriented.

FRONTAGE - the width of a lot along the street that provides the principal access to the lot. *(see also Dimensional Standards)*.

FRONTAGE, BLOCK - the number of lineal feet of land abutting a street, measured between two parallel intersection streets *(see also Dimensional Standards)*.

FUEL FACILITY - an establishment for the storage and distribution of fuel oil, coal or bottled gas.

FUNERAL HOME OR MORTUARY - an establishment for the preparation of the deceased for burial, the display of the decedent and any ceremonies connected therewith before such burial or cremation.

GARAGE - a building or part thereof used for the storage of one (1) or more vehicles.

GARAGE, MUNICIPAL - a structure of two or more stories for the short-term storage of motor vehicles, owned or operated by Washington Township or its agent.

GARAGE, PRIVATE - a building or structure which is accessory to the principal dwelling, which provides for the storage of motor vehicles of the families residing on the premises and in which no occupation, business or service for profit is conducted.

GARAGE, STORAGE - a building, not a private or repair garage, one (1) story in height, used solely for the storage of motor vehicles (other than trucks), but not for the service or repair thereof nor for the sale of fuel, accessories, or supplies.

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 two feet (2') feet to any side or rear yard not included in this category of structures are arbors, aviaries, pergolas, trellis, barbecues shelters, lathe houses, private green houses and freestanding screens or baffles and similar structures as however called. 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 on more than two (2) sides; they must be located within the building line of the lot and may not invade any required yard. Unscreened, unroofed, un-walled or unfenced patios, bird baths, ornamental pools and swimming pools are not considered garden structures. Permitted structures may be attached to or be detached from a dwelling.

GASOLINE SERVICE STATION –a structure, building, or an area of land or any portion thereof that is used solely for the sale of gasoline, or other motor vehicle fuel, lubricants, or minor accessories for travelers convenience (e.g. food, snacks, beverages, windshield wiper blades, spark plugs, fuses, bulbs, etc.). Said use shall not include the sale of automotive parts, tires services, polishing or washing. Any business or industry dispensing gasoline solely for its own use and vehicle will not be deemed a gasoline station.

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

GOVERNING BODY – the Board of Supervisors of Washington Township.

GRADE – the average elevation of the proposed finished grade line of the ground at the front of street side of the proposed building.

GRADE, BASE – the average elevation of the proposed grade line of the ground at the front of the structure as shown on the construction plans; in the case of a structure abutting the front property line, the elevation of the curb in front of the center of the structure, or if there be no curb, the elevation of the proposed grade line at the center of the front lot line; in case no grade line is established, the actual existing grade of the travel roadway shall apply.

GRADE, FINISHED – the completed surfaces of lawns, walks or streets brought to the grade shown on official plans, drawings, or designs related thereto.

GRADING – is the stripping or excavation of any material; the filling of any existing ground with natural or man-made material: and/or the relation on any lot, tract or parcel of each or other material. Except for the surface stripping of coal, topsoil, rock, and other commonly mined substances, such grading constitutes a change in use of the land.

GROSS SURFACE AREA OF SIGNS – the entire area within a single continuous perimeter composed of a single face enclosing the extreme limits of characters lettering, illustrations, ornamentation’s or other figures, together with a material, or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall be and included in gross surface area; however, if any portion of the required structural supports become enclosed for decorative or architecture purposes, that portion will be included in the total gross surface area of the sign. The gross surface area of signs having more than one (1) surface visible to the public (double-faced or multi-faced signs) shall be the sum total sign face area, whether or not such visible face contains descriptive data.

GROUND FLOOR – the floor of a building closest to the average elevation of the finished grade along the entire front of the building.

GUEST – a person occupying a room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes, and paying compensation for such occupancy either without pre-arrangement or for less than a week at a time.

HABITABLE AREAS –

1. **HABITABLE FLOOR** – any floor usable for living purposes which includes sleeping, eating, cooking, recreation, or any combination thereof. A floor used only for storage purposes is not a “habitable floor”.

2. **HABITABLE ROOM OR SPACE** – space in a structure for living, sleeping, eating or cooking. Bathroom toilet compartments, closets, foyers, halls, storage or utility space, and similar areas are not considered habitable space.
3. **HABITABLE BASEMENT** - any basement which meets the criteria for habitable space, which has a stairway as a means of ingress and egress, and in which the ceiling area at a height of seven and one-third (7-1/3) feet above the basement floor is no less than one hundred (100 square feet).

HALF-WAY HOUSE - a residential facility that provides a supervised environment to ease the transition of its residents between institution living and independent living and is conducted under regulations of the State and the auspices of a social service agency.

HEARING - an administrative proceeding conducted by a board pursuant to Section 909.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. Subsection 10101 et seq.

HEIGHT - the vertical distance of a structure measured from the average elevation of the ground surrounding the structure to its highest point.

HEIGHT OF BUILDING - the vertical distance measured from the average elevation of the proposed finished grades at the front of the building to the highest point on 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; provided that chimneys, spires, towers, mechanical penthouses, tanks and similar projections of the building not intended for human occupancy, shall not be included in calculating the height. If there are two (2) or more separate roofs on a single building, the height of such building shall be calculated from the highest roof.

HIGHWAY ACCESS (POINTS) - the distance between highway access points (vehicular entrances or exits) shall be determined by measuring the distance from the termination of one curb-cut to the beginning of the adjacent curb-cut. (*see also Transportation Structure*).

HISTORIC BUILDING OR SITE - any building or site which is included in the National Register of Historic Places or catalogued by the State as an historic building or site.

HOME GARDENING - the cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining the dwelling.

HOME OCCUPATION, ACCESSORY - a customary home occupation for gain which shall be clearly subordinate to the existing residential use of the property.

1. **FAMILY DAY CARE** - a facility in which care is provided for one (1) or more children, but no more than five (5) children at any one time, who are not relatives of the care giver, and where the child care areas are being used as a family residence.

2. **HOME CRAFTS** - business activities whereby the commodity for sale is completely manufactured and may be sold on the site by the resident craftsman. "Home crafts" may include, but are not limited to the following: artists, sculptors, dressmakers, seamstresses and tailors, and may include such activities as model-making, rug weaving, lapidary work, and furniture-making.

3. **INSTRUCTIONAL SERVICES** - a home occupation in which the practitioner provides the client with special instruction in a specific area of study. The establishment of this home occupation shall not require a room or series of rooms specifically designed for that purpose.

4. **PERSONAL SERVICES** - a service-oriented business, including, but not limited to, barbers, beauticians or photographers.

5. PROFESSIONAL SERVICES - a service-oriented business use conducted within an enclosed area specifically designed for functional needs of the use, and wherein the professional services of the practitioner is the saleable commodity offered to the client. Professional offices limited to the office facilities of the following: a salesman, sales representative, manufacturer's representative, architect, engineer, broker, dentist, doctor, psychiatrist, insurance agent, land surveyor, lawyer, musician, real estate agent, or accountant. Also included are the office facilities of a minister, rabbi, or priest, providing that the office is open to the public or congregation.

6. REPAIR SERVICES AND OTHER HOME OCCUPATIONS - a repair shop for appliances, lawn mowers, watches, guns, bicycles, locks, small business machines and other goods, as well as other home occupations not specified in Uses 1 through 6 above. This use does not include automobile, truck, and motorcycle repairs.

HOMEOWNERS' ASSOCIATION - an organization of all the property owners in a planned residential development with responsibility to maintain all those areas of, and facilities with the plan held in common by the property owners.

HORTICULTURE - any use of a lot or parcel of land to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the principle use.

HOSPITAL - any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. This shall include general hospitals and institutions in which service is limited to special fields such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin and cancer, mental, tuberculosis, chronic, disease and obstetrics. The term "hospital" shall also include sanitariums and sanitariums including those wherein feeble minded and mental health patients, epileptics, alcoholics, senile psychotics or drug addicts are treated or cared for

HOTEL - a building designed for occupancy primarily as the transient abiding place for individuals who are lodged with or without meals but do not have provisions for cooking in any individual room or suite, in which building:

1. There are more than ten (10) sleeping rooms;
2. Fifty percent (50%) or more of the gross floor area shall be devoted to residential use;
3. Business may be conducted when accessory and incidental;
4. There may be club rooms, ballrooms and common dining facilities;
5. Such hotel services as maid, telephone and postal services are provided.

HOTEL, RESIDENTIAL - a building designed for occupancy primarily as the permanent abiding place of families who are lodged with or without meals, in which building:

1. More than fifty percent (50%) of the gross floor area devoted to residential use is in dwelling units;
2. Such hotel services as common dining facilities, maid telephone and postal services are provided.

HOUSE BOAT - a device so conceived for human habitation and designed for either sleeping, cooking or eating facilities and accessible pleasures of relaxation that can be motivated on water by motor power and transported over land by a subordinate method of wheel arrangements.

IMPERVIOUS COVERAGE - that portion or percentage of the plot or lot area covered by buildings, paved areas, or other hard surfaced areas which do not absorb rainfall.

IMPERVIOUS SURFACE - those surfaces which do not absorb rain. All buildings, parking areas, driveways, roads and sidewalks, whether paved or not, and any areas in concrete and asphalt shall be considered impervious surfaces within this definition.

IMPERVIOUS SURFACE RATIO - a measure of the intensity of use of a tract of land. It is measured by dividing the total area of all impervious surfaces within the site by the site area.

INDUSTRIAL PARK - a tract of land laid out in accordance with an overall plan for a group of industries, having separate building sites designed and arranged on streets, utility services, setbacks, side yards, landscaped yards and covenants controlling or restricting uses and the architecture or design of buildings and structures.

INDUSTRIAL USE - any use of land, buildings, or structures for construction, manufacturing, mining and transportation uses as well as junk and salvage yards and any customary accessory buildings or structures appurtenant thereto.

INDUSTRY - the manufacture, compounding, processing, assembly or treatment of materials, articles or merchandise.

INSTITUTIONAL USE - any use of land, buildings, and structures for educational, religious, social or health care facilities including dependent, family and group care facilities, clinics and hospitals, schools for basic and higher education, churches and other places of worship, child care centers including day camps, cemeteries and any philanthropic use.

INTERIOR ISLAND PLANTING - a durable landscaped planting area located within a vehicular use area or parking lot. Design and location shall provide shade and visual separation of parking and pedestrian areas, improve air quality, and control storm water runoff from large paved areas. An island or strip shall be a minimum of fifty (50) square feet in area, at least five feet (5') in width and contain at least (1) shade tree, per forty (40) lineal feet of island or fraction thereof. Islands of forty feet (40') or less in length shall contain at least one (1) shade tree. The remaining area within the island or strip shall be appropriately landscaped with grass, mulch, stones, plants, or other materials not exceeding three feet (3') in height.

INTERNAL ILLUMINATION - Illumination of a sign which is affected by an artificial source of light, which is contained within the sign itself.

JUNK - any discarded material or article and shall include, but not be limited to, scrap metal, abandoned or junked motor vehicles or vehicles parts, machinery or machinery parts, papers, glass and related items, containers, or partially dismantled structures or parts thereof. It shall also include a partially dismantled motor vehicle not bearing current registration plates and which is not in the process of on-going and immediate repair. It shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal.

JUNK YARD - junk yards shall consist of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile salvaging yards, and house wrecking material yards.

KENNEL - an establishment, structure, lot or portion of a lot on or in which more than five (5) dogs, cats or other domestic pets are housed, bred, boarded, trained or sold, but not in which laboratory animals or animals for furs and skins are raised.

LABORATORY - a place devoted to experimental study in any science or to the testing and analysis of drugs and chemicals.

LAKES AND PONDS - Natural or artificial bodies of water which retain water year-round. Artificial ponds and lakes may be created by dams or may result from excavation. The short line of such water bodies shall be measured from the maximum condition rather than from the permanent pool if there is any difference. A lake shall be any such

water body two and one-half (2.5) acres or larger and a pond shall be all other bodies of water. This definition shall not include industrial waste lagoons.

LAND DEVELOPMENT - any of the following activities:

1. The improvement of one (1) lot, or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - A. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
 - B. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
2. A sub-division of land.
3. "Land development" does not include development which involves:
 - A. The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
 - B. The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building.
 - C. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent 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 the proper authorities.

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

LANDSCAPED AREA - may include, but is not limited to, lawns, decorative plantings, sidewalks, active and passive recreational areas including children's playgrounds and tot-lots. Sidewalk furniture such as, but not limited to, benches, fountains, lights, statues and signs are also included.

LAND USE ORDINANCE - any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the Pennsylvania Municipalities Planning Code, 53 P.S. Subsection 10101 et seq.

LAUNDROMAT - a business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in a multi-family housing development or residential hotel.

LIBRARY - (*see Community Center*).

LINE COURT - a court extending to a rear or side yard abutting interior lot lines of adjoining lots.

LIVESTOCK - any member of the bovine, equine, porcine, or ovine species, including but not limited to cows, steers, horses, ponies, pigs, sheep and goats.

LOADING SPACE - an off-street space 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.

LODGES AND FRATERNAL ORGANIZATIONS - the non-profit use of land and structures for social activities among group members and their guests.

LODGING HOUSE - a building or a portion thereof which contains not more than one dwelling unit where lodging without meals is provided for two or more persons in addition to the family living in the dwelling unit.

LODGING PLACE - a use of land, buildings and structures for the short term quarters of the traveling public including hotels and motels, and Bed and Breakfast establishments.

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.

A. **LOT, CORNER** - a lot which has an interior angle of less than one hundred and thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersects at an angle of less than one hundred and thirty-five (135) degrees.

B. **LOT, FLAG** - a lot which has less than the minimum required lot width at the public street frontage, but which provides the minimum required lot width at a distance from the lot frontage, usually in excess of the minimum required setback, and which lot includes a strip of land in fee simple ownership for access to the public street to the build able area of the lot which lies behind another property which fronts on the public street. Flag lots shall have a minimum frontage on a public street of fifty (50') feet.

C. **LOT OF RECORD** - a lot which has been recorded in the Office of the Recorder of Deeds.

D. **LOT, INTERIOR** - a lot, the side lot lines of which do not abut on a street.

E. **LOT, NONCONFORMING** - the lot area of dimension of which amendment of this ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment [53 p.s. subsection 10107]

F. **LOT, REVERSE FRONTAGE** - a lot which abuts upon both a street and either an arterial or a collector street, with vehicular access solely from the former.

G. **LOT, THROUGH** - an interior lot having frontage on two (2) parallel or approximately parallel streets.

H. **LOT, TRIANGULAR** - a lot having three (3) lot lines, but which does not qualify as a corner lot.

LOT LINES -

A. **LOT LINE** - any boundary line of a lot.

B. **LOT LINE, FRONT** - the dividing line between the street and the lot. The street lot line shall be the same as the legal right-of-way provided where a future right-of-way width for a road or street has been established, that width shall determine the location of the street lot line.

C. **LOT LINE, SIDE** - any lot line which is not a street lot line or a rear lot line. In the case of a triangular lot those lot lines other than the street lot line shall be considered side lot lines.

D. **LOT LINE, REAR** - any lot line which is parallel to or within forty-five (45) degrees of being parallel to a street lot line, except for a lot line that is itself a street lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not street lot lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line farthest from any street shall be considered a rear lot line. Where there is only one lot line other than street lot lines, it shall be considered the rear lot line.

LOT MEASUREMENTS -

A. **LOT DEPTH** - the mean distance from the right-of-way line of the lot to its opposite rear line measured in a direction parallel to the side lines of the lot. Lot depth for triangular lots shall be the mean distance from the street line to the point of intersection of the side yards.

B. **LOT, MINIMUM WIDTH** - the minimum lot width at the building setback line.

C. **LOT WIDTH** - the distance measured between side lot lines, at the required building setback line. In a case where there is only one side lot line, lot width shall be measured between such side lot line and the opposite rear lot lines or street line.

LUMBER YARD - a lumber yard where lumber products are sold and/or processed. This principal use may be combined with a planning mill.

MANUFACTURED/MOBILE HOME – A transportable structure, single-family dwelling, contained in one (1) unit or in two (2) or more units, which is built on a permanent metal chassis and is designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation. A Manufactured/Mobile Home is a home that meets the 1976 Federal & National Manufactured Home Construction and Safety Standards (HUD).

MANUFACTURED/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 manufactured/mobile home. (*see also Lot*).

MANUFACTURED/MOBILE HOME PARK - a parcel of contiguous parcels of land which has been so designated and improved that it contains three (3) or more manufactured/mobile home lots for the placement thereon of manufactured/mobile homes. (*see also Residential Use*).

MANUFACTURED/MOBILE HOME PARK SERVICE BUILDING - means a structure which contains operational office, recreational, sanitary, maintenance, or other facilities built for the use of the manufactured/mobile home park residents or owner.

MANUFACTURED/MOBILE HOME SEWER CONNECTION - consists of all pipes, fittings and appurtenances from the drain outlet of the manufactured/mobile home to the inlet of the corresponding sewer riser pipe. (*see also Accessory Utility Structure*).

MANUFACTURED/MOBILE HOME SEWER RISER PIPE - is that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each manufactured/mobile home space. (*see also Accessory Utility Structure*).

MANUFACTURED/MOBILE HOME SITE - an area within a manufactured/mobile home park or mobile home subdivision designated to contain one manufactured/mobile home and the necessary utility connections and appurtenances. The area may be rented to an occupant as in a manufactured/mobile home park, or sold to an occupant, as in a manufactured/mobile home sub-division. (*see also Site*).

MANUFACTURED/MOBILE HOME WATER CONNECTION - consists of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the manufactured/mobile home. (*see also Accessory Utility Structure*).

MANUFACTURED/MOBILE HOME WATER RISER PIPE - is that portion of the water service pipe which extends vertically to the ground elevation and terminates at a designated point at each manufactured/mobile home lot. (*see also Accessory Utility Structure*).

MANUFACTURED/MOBILE HOME WATER SERVICE PIPE - consists of all pipes, fittings, valves and appurtenances from the water main of the park distribution system to the water outlet of the distribution system within the manufactured/mobile home. (*see also Accessory Utility Structure*).

MANUFACTURING USE - the processing and/or converting of raw unfinished materials or finished materials or products, or any combination of them, into an article or substance of different character, or for use for a different purpose. In addition to the foregoing, the term "manufacturing" shall include industries furnishing labor in manufacturing or in the refinishing of manufactured articles. This classification includes apparel and textile products, chemicals and allied products, electric and electronic equipment, fabricated metal products, food and kindred products furniture and fixtures, instruments and related products, leather and leather products, lumber and wood products, machinery, paper and allied products, petroleum and coal products, primary metal industries, printing and publishing, rubber and plastic products, stone, clay and glass products, textile mill products, tobacco products, transportation equipment and miscellaneous industries including the manufacture of jewelry, silverware, musical instruments, toys and sporting goods, office and art supplies, costume jewelry, notions, etc.

MARINA OR BOAT BASIN - any premises containing one (1) or more piers, docks, moorings, bulkheads, buildings, slips, basins, or land under water designed, used, or intended to be used primarily for the docking or mooring of boats for compensation.

MARQUEE - a permanent roof-like structure extending from part of the wall of a building, but not supported by the ground, and constructed of durable material such as metal or glass.

MINE DISPOSAL AREA - Areas used for the deposit of mine waste and located not less than three hundred (300) feet from any occupied dwelling, unless waived by the owner thereof; provided however, under no circumstances shall the deposit of mine waste be closer than fifty (50) feet from the property line.

MINERALS - includes, but is not limited to, anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, earth, slag, ore, vermiculite, clay and other mineral resources.

MINING ACCESSORY STRUCTURE - any accessory structure to a mining use which is incidental and subordinate thereto, including coal tipples, disposal areas, and ventilating shafts.

MINING, OPEN PIT - includes all activity which removes from the surface or beneath the surface of the land some material, mineral resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired materials from an undesirable one, or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of sand, gravel, rock, topsoil limestone, sandstone, coal, clay, shale and iron ore for commercial or industrial consumption.

MINING PORTAL - structures and appurtenances facilities utilized for the access and egress of men and materials in deep mine operations.

MIXED OCCUPANCY - occupancy of a building or land for more than one use.

MODULAR HOME - a sectional, single family dwelling, intended for permanent occupancy, contained in two (2) or more units which is built on a wooden frame and is designed to be permanently joined into one (1) integral unit

which is built on a wooden frame and is which arrives at a site complete and ready for occupancy except for assembly operations and construction of the necessary permanent foundation. For the purposes of these regulations, modular homes shall be treated the same as conventional stick-built single family dwellings. (*see also Dwelling, Single Family Detached*).

MOTEL - a building or group of buildings, whether detached or in connected units used as individual sleeping or lodging units, designed with separate entrances and designed for occupancy, primarily for transient automotive travelers, and provided with accessory off-street parking facilities. The classification "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, automobile courts, and similar terms but shall not be construed to include mobile or immobile trailers or homes.

MUNICIPAL AUTHORITY - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.S. 382, No. 164), known as the "Municipalities Authority Act of 1945".

MUNICIPAL ENGINEER - the duly appointed and licensed engineer of the municipality.

MUSEUM - a use or a building which contains objects of art or history for public education where admission is generally charged.

MUNICIPAL BUILDING - local governmental administration and service buildings. (*see also Community Use*).

MUNICIPAL WASTE LANDFILL - Any facility that is designed, operated or maintained for the disposal of municipal waste, whether or not such facility possesses a permit from the department under the Solid Waste Management Act. The term does not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

MUNICIPALITY - the municipal corporation known as the Washington Township, Greene County, Pennsylvania

NATURAL VEGETATION - plant life indigenous to and existing in a particular location or on a particular lot by involuntary or natural growth.

NEON OR OTHER GAS ILLUMINATION - Illumination affected by a light source consisting of a neon or other gas tube which is bent to form letters, symbols, or other shapes.

NET PROJECT, DENSITY - the net project density of a proposed residential subdivision or land development measured in residential units per acre shall be equal to the total number of residential dwelling units divided by the total net residential land in acres. The total net residential land is equal to the total project area minus the land in the project which is not used for residential purposes or related residential yard areas (such as street right-of-way, open space and other non-residential uses). (*See also Dimensional Standards*)

NOISE - the sound level generated by any operation, land use, or human activity.

A. **CONTINUOUS** - any noise which is steady state, fluctuating, or intermittent with a recurrence greater than one time in any one hour interval.

B. **IMPULSIVE** - any noise of short duration with an abrupt onset and rapid decay and an occurrence of not more than one time in any one hour interval.

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

NON-CONFORMITIES - any non-conforming lot, structure, or use of land.

OBSCENITY CODE, PENNSYLVANIA - Subsection 5903, Title 18, Pennsylvania consolidated Statutes, as amended.

OFFICE BUILDING - a building designed or primarily used for office purposes, no part of which is used for manufacturing or a dwelling, other than living quarters for a watchman or custodian.

OPEN SPACE - land used for recreation, resource, protection, amenities, or buffers, and is protected by the provisions of this ordinance and the Subdivision and Land Development Ordinance to ensure that it remains in such uses.

OPEN SPACE RATIO - a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the site area. (*see also Dimensional Standards*).

OPEN SPACE, USABLE - a portion of a lot or tract used for residential purposes exclusive of required front and side yard areas, which is not covered by buildings or parking areas and is suitable for use as outdoor open space for the residents thereon. (*see also Dimensional Standards*).

OWNERSHIP, SINGLE AND SEPARATE - the ownership of a lot by one (1) or more persons, partnerships or corporations, which ownership is separate and distinct from that of any adjoining lot. Ownership of two (2) or more contiguous lots by one (1) or more persons, partnerships, or corporations shall be construed to comprise one (1) lot.

PARK - a parcel of land designated for outdoor enjoyment that is open and may include such facilities as play area, bike trails, hiking paths and family picnic areas. (*see also Community Use*).

PARKING AREA - an area other than a street used for the temporary parking of more than (4) automobiles. (*see also Transportation Structure*).

PARKING BAY - a row of parking spaces abutting one another along the length of each space. (*see also Transportation Structure*).

PARKING LOT - an off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space appurtenant thereto (*see also Transportation Structure*).

PARKING LOT, PUBLIC - any lot municipally or privately owned and used for off-street parking or for the transient storage of motor vehicles, whether or not such parking is provided as a free service or for a fee. (*see also Transportation Structure*).

PARKING, REQUIRED - the minimum number of off-street parking spaces needed to serve a specific use. (*see also Dimensional Standards*).

PARKING SPACES -

A. **General** - a reasonably level space, available for the parking of one motor vehicle, not less than ten feet (10') wide and having an area of not less than two hundred (200) square feet exclusive of passageways or other means of circulation or access.

B. **All-Weather** - a parking space surfaced to whatever extent necessary to permit reasonable use under all conditions of weather.

PASSIVE SOLAR ENERGY SYSTEM - a solar energy system that uses natural and architectural components to collect and stored energy without using any external mechanical power.

PATIO - a surfaced area or courtyard or a deck less than one foot (1') above ground elevation designed for outdoor living purposes as an accessory use to a structure, which shall be completely unenclosed except for any side which may adjoin a structure or for any fences or walls four feet (4') or less in height, or shrubs or hedges. Outdoor areas which are screened or enclosed by a roof or awning shall be considered to be a structure.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE - Act of July 31, 1968, P.I. 805, No. 247, as amended.

PERIMETER PLANTING - a landscaped planting consisting of trees and shrubs established at less than three feet (3') or greater than six feet (6') in height, so as not to interfere with any clear sight triangle.

PERMANENT FOUNDATION - a full perimeter substructure designed to support a building, constructed with footer, block walls of mortar points, concrete or other masonry materials.

PERMIT - a document issued by the proper authority of Washington Township authorizing an applicant to undertake certain activities, as further defined below:

A. **BUILDING PERMIT** - a permit indicating that a proposed construction, alteration or reconstruction of a structure is in accordance with the construction provisions of any Building Code which may be adopted by Washington Township and authorizing an applicant to commence with said construction, alteration or reconstruction. Such a permit shall not be confused with zoning permit or with an occupancy certificate as may be required under the terms of the ordinance.

B. **OCCUPANCY CERTIFICATE** - a certificate issued upon completion of the construction of a structure, or changes in use of structure or parcel of land indicating that the premises comply with the provisions of the ordinance and may be used for the purposes set forth in the Occupancy Certificate.

C. **ZONING PERMIT** - a permit issued indicating that a proposed use, building or structure is in accordance with the provisions of the zoning ordinance or with an order of the Zoning Hearing Board and authorizing an applicant to proceed with said use, building or structure.

PERSON - an individual, partnership, corporation, or other legally recognized entity.

PERSONAL SERVICES USE - any use of land, buildings and structures which provides services pertaining to the individual, his apparel or personal effects, including, beauty and barber shops; photographic services; laundry and garment services including cleaning and dyeing; massage establishment; shoe and apparel repair including, alteration and cleaning pickup services; and funeral and crematory services.

PHILANTHROPIC USE - limited to public and semi-public activities which involve and relate exclusively to charitable, benevolent and public-oriented service functions, such as provided by the American Red Cross, Salvation Army, social centers sponsored by public or semi-public organizations or similar groups. (*see also Institutional Use*).

PLANNED RESIDENTIAL DEVELOPMENT - an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk or type of dwelling, or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this ordinance.

[53 P.S. Subsection 10107]

PLANNING COMMISSION - the Planning Commission of the Washington Township, Greene County, Pennsylvania.

PLAT - the map or plan of a subdivision or land development whether tentative, preliminary or final.

PLAY-FIELD - a parcel of land developed with recreational facilities limited to field sports including baseball, football, softball, etc.

PLAYGROUND - a parcel of land used for recreational activities and containing recreational facilities such as play apparatus and courts such as basketball, tennis, etc.

PORCH - a roofed, open structure projecting from the side, front or rear wall of a building, other than a carport.

PORTAL, COAL MINING - A coal mine facility utilized for the access and egress of men and materials in underground coal mine operations.

PREMISES - any lot and any structure constructed thereon. (*see also Lot*).

PRINCIPLE BUILDING - a non accessory structure in which a principal use of the lot on which it is located is conducted.

PRINTING - printing, publishing, and binding

PRIVATE - no publicly owned, operated, or controlled.

PRIVATE ROAD - an easement of right-of-way not dedicated for public use which provides access to a lot in private ownership.

PROFESSIONAL SERVICES USE - any use of land, buildings, or structures for those licensed to practice a profession by the Commonwealth of Pennsylvania, including medical or dental laboratories. This classification includes, but is not limited to, any practicing physician, surgeon, osteopath, chiropractor, dentist, engineer, surveyor, optician, optometrist, architect, landscape architect, attorney, city planner and accountant.

PROPERTY LINE – (1) a line forming the front, rear or sides or lots or parcels of property as described in the recorded title. (2) Property line shall mean the perimeter of the contiguous land surface area under the coal operator's control, whether such control is in the nature of a deed in fee simple, leasehold, easement, license, or other legal interest.

PUBLIC - owned, operated, or controlled by a government or quasi-government agency.

PUBLIC BUILDING - a structure owned or leased and operated by a governmental agency.

PUBLIC GROUNDS - includes:

- 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; and
- C. publicly owned or operated scenic and historic sites.

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

PUBLIC MEETING - a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. Subsection 271 et seq.

PUBLIC NOTICE - notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Municipality. Such notice shall state the time and place of the hearing and the particular nature of

the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the seconded publication shall not be less than seven (7) days from the date of the hearing [53 P.S. Subsection 10107].

PUBLIC SERVICE USE - any use of land, buildings and structures for public or quasi-public purposes including community, institutional and public utility uses and their customary accessory uses.

PUBLIC UTILITY USE - the use of land, buildings or structures and their accessory equipment for the transmission, distribution or exchange of telephone, radio, telephone, gas, power, sewer, steam and water service by a publicly regulated utility.

QUARRY, SAND PIT, GRAVEL PIT, BORROW PIT - land or part thereof from which stone, sand, clay, gravel or topsoil is or are extracted primarily for sale, but not including a lot which is graded in preparation for the construction of a building for which application for a building permit has been made.

RACE TRACK - a commercial establishment for the racing of animals or motor vehicles.

RECREATION - for purposes of this ordinance, recreation shall be defined as follows:

A. **MUNICIPAL RECREATION** - developed or undeveloped open spaces and/or structures and facilities which are provided by a governmental body for public use for the purposes of play, amusement or relaxation. Such uses may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities. (see also Recreational Use).

B. **PRIVATE RECREATION** - developed or undeveloped open spaces and/or structures and facilities which are provided by individuals or private organizations for the use of specified individuals or private organizations sharing common relationships or associations for the purposes of play, amusement or relaxation.

RECREATIONAL USE - the use of land, buildings and structures for leisure-time activities, including but not limited to amusements. Amusement arcades, athletic health spas, clubs, country clubs, dancing or music studios, golf courses, race tracks, riding academies, swimming clubs, and ski resorts. such facilities may be opened to anyone without restriction, except for rules, fees, and standards of conduct and use may be privately operated for profit, or they may be private and limited as to users.

RECREATIONAL VEHICLE - a vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles or units include but are not limited to, the following: travel trailers, truck-mounted campers, motor homes, folding tent campers, auto, buses or trucks adapted for vacation use, snowmobiles, mini-bikes, all terrain vehicles, go-carts, boats, boat trailers, and utility trailers.

RECYCLING FACILITY - a facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for a supplement to virgin raw materials. The term "recycling facility" shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities.

REHABILITATION HOME - a dwelling unit or units for the purpose of rehabilitating persons suffering from mental emotional, or physical disorders but not requiring nursing or continual medical treatment.

REPORT - any letter, review, memorandum, compilation or similar writing made by anybody, 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 there from. 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 ACCESSORY BUILDING - a residential use located on the same lot as the principal structure which is clearly incidental and subordinate thereto. This classification includes a private garage, garden shed, guest house, accessory dwelling unit or dwelling-in-combination and manufactured/mobile home park service building. Where any part of the all of an accessory building is part of the wall of the main building, or where the accessory building is attached to the main building by a roof, including carports however covered, such accessory building shall be deemed part of the main building.

RESIDENTIAL ACCESSORY STRUCTURE - a residential use located on the same lot as the principal structure which is clearly incidental and subordinate thereto. This classification includes a carport, fence, garden structure, patio and swimming pool. (*see also Residential Use*).

RESIDENTIAL ACCESSORY USE - a residential use of land on the same lot as the principal structure which is clearly incidental and subordinate thereto. This classification includes domestic animals, home gardening, home occupations and yard sales.

RESIDENTIAL CONVERSION - a multiple dwelling formed by the conversion of an existing single-family detached or semi-detached dwelling.

RESIDENTIAL USE - any dwelling or residential development including customary accessory buildings, structures and uses. This classification includes single family attached and detached dwellings; two family detached and semi-detached dwellings; multi-family dwellings; and seasonal, temporary and transient dwellings. Also included are cluster and planned residential developments, mobile home park, apartment complexes and dwelling groups. Ownership arrangements such as condominiums and co-operatives are included in this classification but are not subject to zoning regulations.

RESOURCE RECOVERY FACILITY - a processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated off-site, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into a fuel products. The term also includes any facility for the combustion of municipal waste that is generated off-site, whether or not the facility is operated to recover energy. The term does not include:

- A. Any composting facility.
- B. Methane gas extraction from a municipal waste landfill.
- C. Any separation and collection center, drop-off or collection center from recycling or any source separation or collection center for composting leaf waste.
- D. Any facility, including all units in the facility, with a total processing capacity of less than 50 tons per day.

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

A. **RESTAURANT, DRIVE-IN** - a commercial establishment where food or beverage is sold for consumption on the premises either in a customer's vehicle or in an outside area, but not within a building.

B. **RESTAURANT, FAST FOOD** - a commercial establishment where a limited selection of food or beverage is sold either for consumption on the premises or as a "take out" service. Food preparation is designed for immediate service to customers and food is normally prepared in advance to facilitate this type of "fast" services.

RETAIL SERVICE USE - any use of land, buildings, or structures in an enterprise, activity or other undertaking related to or connected with the retail sale of services including personal and business services; lodging places and miscellaneous repair services including electrical, mechanical, furniture, and personal items.

RIDING ACADEMY - an establishment where horses are boarded and cared for, and/or where instruction in riding, jumping and showing is offered, and/or the general public may, for a fee, hire horses for riding.

RIGHT-OF-WAY - a corridor of land set aside for use, in whole or in part by a street.

ROADSIDE STAND - a temporary structure for the seasonal vending of agriculture products grown on the premises where said stand is maintained.

ROOMING HOUSE - a dwelling in which at least two (2) rooms are offered for rent, payable in money or other consideration, where meals are generally not furnished to lodgers, and in which individuals are accommodated, one to a room.

SCHOOL:

A. **SCHOOL, COLLEGE** - an educational institution either public or private, having regular sessions with employed instructors, and providing general education above the level of the secondary school. The term "college" includes the terms "junior college" and "university".

B. **SCHOOL, ELEMENTARY** - a school having regular sessions with employed instructors who teach subjects that are fundamental and essential in general for elementary grades.

C. **SCHOOL, NURSERY** - a building operated to provide regular instruction and daytime care for two or more children under elementary school age.

D. **SCHOOL, SECONDARY** - the same as elementary school except that general education is provided for secondary grades.

E. **SCHOOL, TRADE OR PROFESSIONAL** - a privately operated enterprise for vocational training in a specific field or fields.

F. **SCHOOL, VOCATIONAL** - the same as secondary school except that the primary course of study is in trades or vocations.

SCREEN (BUFFER) PLANTING - an arrangement of all season vegetative material of sufficient height and density to conceal from view of property owners in adjoining residential districts the structures and uses on the premises on which the screen or buffer planting is located.

SCREENING - a fence, evergreen hedge or wall at least six feet (6') high, provided in such a way that it will block a line of sight. The screening may consist either of one or several rows of bush or trees or a constructed fence or wall.

SCREEN PLANTING, DENSE - a landscaped barrier consisting of predominantly (80% or more) coniferous trees and shrubs, hedges, earth mounding, walls, or a combination thereof established at a minimum height of six feet (6'). Such environmental buffer shall provide a solid visual, noise and pollutant barrier between potentially incompatible uses. Dense screen plantings shall be at least five feet (5') in width with irregularly spaced double or triple rows of plants and shrubs to obtain a dense, solid mass.

SEDIMENTATION - the process by which mineral or organic matter is accumulated or deposited by the movement of wind and water, or by gravity (*see also Erosion*).

SELF-SERVICE STORAGE FACILITY - any structure designed and used leasing storage space to occupants who are to have an access to such for the purpose of storing and removing said property.

SEMI-DETACHED BUILDING - a building which has only one (1) party wall in common.

SETBACK - the minimum distance that a building must be held back from an adjacent lot line, depending on the zoning district in which the lot is located. *(see also Dimensional Standards).*

SETBACK LINE - a line within a lot parallel to an adjacent property line and distance from it the setback depth required in the zoning district containing the lot. The front setback line is parallel to the front lot line and distance from it the depth of the front yard. The side and rear setback lines are similarly situated.

SEWER, COMMUNITY - a system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots, and for the treatment or disposal of the sewage or industrial waste on one or more of the lots or at any other site. *(see also Public Utility Use).*

SEWER, INDIVIDUAL - a system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or by means of conveyance to another site for final disposal. *(see also Accessory Utility Structure).*

SHOPPING CENTER - a group of retail stores planned and designed to function as a unit, and having off-street parking as an integral part of the unit, also known as shopping mall or mini-mall.

SIGHT DISTANCE - the unimpeded view a vehicle operator has along the street he is traveling or the street he is entering or crossing, such distance related to driver reaction time and posted speed limits and assuming the operator's eye level is between two feet six inches (2'6") and eight feet (8') above the pavement.

SIGN - any identification, description, illustration advertisement, or device illuminated or non-illuminated which is visible to the general public and directs attention to a product.

TYPES OF SIGNS

- A. **BANNER** - A sign intended to be hung either with or without a frame possessing characters, letters, illustrations, or ornamentation's applied to paper, plastic or fabric of any kind.
- B. **BILLBOARD AND OFF-PREMISES SIGNS** - a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than upon the same lot where such sign is displayed. The term off-premise sign shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or non-commercial message.
- C. **BUSINESS SIGNS** - a sign which directs attention to a business, profession, activity, commodity, service, product price, or entertainment conducted, sold, or offered upon the premises where such sign is located, or within the building to which such sign is affixed.
- D. **CONSTRUCTION SIGNS** - a sign identifying individuals or companies involved in design, construction, wrecking, financing, or development when placed upon the premises where work is under construction, but only for the duration of construction or wrecking.
- E. **DIRECTIONAL/INSTRUCTIONAL SIGNS** - a sign providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public; including, but not specifically limited to, those signs identifying rooms, public telephones, public walkways, parking areas, and other similar facilities.

- F. **DIRECTORY SIGNS** - a sign which indicates the name and/or address of the occupant, the address of the premises, and/or identification of any legal business or occupation which may exist at the premises.
- G. **FLASHING SIGNS** - An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this ordinance any moving illuminated sign affected by intermittent lighting shall be deemed to be a flashing sign.
- H. **GROUND SIGNS** - a sign supported by structures or supports or upon the ground and not attached or dependent for support from any building.
- I. **ILLUMINATED SIGNS** - a sign in which an artificial source of light is used in connection with the display of such sign.
- J. **MOVING SIGNS** - a sign which resolves, rotates, swings, undulates, or otherwise attracts attention through the movement of parts or through the impression of movement, including automatic, electrically controlled copy changes, but not including flags, banners, or pennants.
- K. **NON-CONFORMING SIGNS** - a sign which does not adhere to one (1) or more of the provisions contained in this ordinance.
- L. **OPEN SIGNS** - a sign in which the area exposed to wind is less than fifty (50%) percent of such sign's aggregate gross surface area.
- M. **PERMANENT SIGNS** - a permanent sign displayed in Washington Township on and after the effective date of this ordinance.
- N. **POLITICAL SIGNS** - a temporary sign identifying a political candidate, issues, or part.
- O. **PORTABLE SIGNS** - a sign not permanently affixed to the ground, a building, or other structure, which may be moved from place to place.
- P. **PROJECTING SIGNS** - a sign which is affixed to a building or wall and extends beyond the line of such building or wall or beyond the surface of that portion of the building or wall to which it is affixed by more than sixteen (160 inches).
- Q. **REAL ESTATE SIGNS** - Sign which is used to offer for sale, lease, or rent that premises upon which such sign is placed.
- R. **ROOF SIGNS** - a sign erected or maintained in whole or in part upon, against, or directly above the parapet line or roof of the building.
- S. **SOLID SIGNS** - a sign in which the area exposed to wind is fifty (50%) percent or more of such sign's aggregate gross surface area.
- T. **TEMPORARY SIGNS** - a non-permanent sign erected, affixed, or maintained on a premises for a short, usually fixed, period of time.
- U. **WALL SIGNS** - a sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in a place substantially parallel to such exterior building wall to which the sign is attached or supported.

- V. **WARNING SIGNS** - a sign containing no advertising material, warning the public of the existence of danger.
- W. **WINDOW SIGNS** - a sign attached to, placed upon, or painted on the interior of a window or door of a building which is intended for viewing from the exterior of such building.

SITE - a parcel or parcels of land intended to have one or more buildings or intended to be subdivided into one or more lots.

SITE AREA - the site area is determined by subtracting from the total site area the land area of existing and future road and utility rights-of-way, land area which is not contiguous or cut from the parcel by road or railroad, or land area shown in previous subdivisions or land development plans as reserved from development for natural resources reasons such as flood plain lands.

SITE PLAN - a plan of a lot or subdivision on which is shown topography; location of all buildings, roads, rights-of-way and boundaries; all essential dimensions and bearings; and any other information deemed necessary by Washington Township in unusual or special cases.

SKY-SPACE - the open space between a solar or wind collector and the sun or prevailing wind which must be free of obstructions that may shade or impede the collector to an extent that would reduce its cost-effective operation.

SOLAR COLLECTOR - a free standing or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy that contributes significantly to a structure's energy supply

SOLAR ENERGY - radiant energy (direct, diffuse and reflected) received from the sun.

SOLAR ENERGY SYSTEM - a complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

SOLID WASTE LANDFILL - any facility that is designed, operated or maintained for the disposal of municipal waste, whether or not such facility possesses a permit from the department under the Solid Waste Management Act. The term does not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

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

STABLE, PUBLIC - a building in which horses are kept for remuneration, hire or sale.

STORM WATER MANAGEMENT STRUCTURE - a designed device, constructed or manufactured, used in a soil or water conservation or management system to retain, regulate, or control the flow of water.

STORY - that portion of a building included in the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.

A. **HALF-STORY** - a partial story situated under roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four feet (4') above the floor of such story.

B. **FIRST-STORY** - the lowest story or the ground story of a building, the floor of which is not more than one foot (1') below the average ground level contact at the exterior building walls. The basement or cellar shall not be considered the first story.

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

A. **STREET, COLLECTOR** - a street which gives minimal emphasis to travel mobility, which is characterized by low travel speeds, full land access, neighborhood penetration, and which serves minor traffic generators such as local elementary schools, small individual industrial plants, offices, commercial facilities and warehouses not served by principal or minor arterials.

B. **STREET, CUL-DE-SAC** - a minor street intersecting another street at one end and terminated at the other by a vehicular turnaround.

C. **STREET, FREEWAY** - a limited access street designed for large volumes of traffic between communities of 50,000 residents or more and major regional traffic generators (such as central business districts, suburban shopping centers and industrial area).

D. **STREET, INTERSTATE HIGHWAY** - limited access streets designed for traffic between major regional areas or urban communities of 50,000 residents or more; which extend beyond state boundaries, and with respect to which access and egress are limited to interchanges located and designated by the U.S. Department of Transportation.

E. **STREET, MINOR ARTERIAL** - a street which gives greater emphasis to land access, and which has a lower level of through traffic mobility than a principal arterial, and which serves larger schools, industries, hospitals and small commercial areas not incidentally served by a principal arterial.

F. **STREET, PRINCIPAL ARTERIAL** - a street which provides minimal land access but which retains a high degree of through traffic mobility, and which serves major centers of urban activity and traffic generation.

G. **STREET, PUBLIC** - an improved vehicular right-of-way open to the public as part of Washington Township wide circulation system and accepted for maintenance by Washington Township or Penn Dot.

STREET GRADE - the officially established grade of the street upon which a lot fronts, or if the lot abuts upon a street on a side or in the rear, the officially established grade of such street at the midpoint of the portion of the lot abutting thereon, if there is no officially established grade then "street grade" shall mean the existing grade of the street at the midpoint of the portion of the lot abutting thereon.

STREET LINE - the legal right-of-way line of a street or road.

STREET WIDTH - the shortest distance between street lines at a given point.

STRUCTURE - any man-made 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 use or extent of use provisions of this ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this ordinance or amendment or prior to the applicant of this ordinance or amendment to its location by reason of annexation. Such non-conforming structures including but not limited to, nonconforming signs.

STRUCTURE, TEMPORARY - any building which by the type, and materials or method of its construction is intended to be used for not more than one (1) year. Such structures shall include tents, portable band stands, bleachers not erected in conjunction with athletic fields, reviewing stands, or other buildings of similar character, also, temporary buildings in conjunction with construction work only, may be permitted in any district during the period that the construction work is in progress. Such temporary buildings shall be removed upon completion of the construction work.

STUDIO, DANCING OR MUSIC - the use of premises by a teacher of music dance where students are taught these arts for a fee and where more than one (1) student may be taught in a class at one time. This term is synonymous with "Dancing School" and "Music School" and the similar terms (*see also Recreational Use*)

SUBDIVISION - the division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwelling, shall be exempted.

SUBSTANTIALLY COMPLETED - where in a judgment of the Washington Township engineer, at least ninety (90%) percent (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this ordinance) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SUBSTANTIAL IMPROVEMENT - any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either,

- A. before the improvement of repair is started, or
- B. if the structure has been damaged and is being restored, before the damage occurred.

For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- A. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- B. any alterations of a structure listed on a National Register of Historic Places, or a State Inventory of Historic Places.

SURFACE MINING - The extraction of minerals from the earth, from waste or stock piles, or from pits or banks by activities conducted upon the surface of the land that require the removal of the overburden, strata or material overlying, above or between the minerals, or by otherwise exposing and retrieving the minerals from the surface. These activities include, but are not limited to, strip, drift, auger and open pit mining, dredging, quarrying, leaching, slope top removal, box cutting, and activities related thereto. Mining activities carried out beneath the surface by means of shafts, tunnels or other underground mine openings are not included in this definition.

SWIMMING POOL - any body of water or receptacle for water having a depth at any point greater than two feet (2') use, or intended to be used, for swimming or bathing and constructed, installed, or maintained in or above the ground, outside any building.

- A. **SWIMMING POOL, PRIVATE** - any receptacle or artificially constructed container for water, whether erected above or below ground level, having a wall depth of two feet (2') or more at any point within its perimeter, intended or adapted for the purposes of immersion or partial immersion of human beings therein, used in connection with dwelling units, available only to the family of the dwelling unit holder and his private guests, not open to the public, and not otherwise regulated by any statutes or by rules and regulations other than those of Washington Township.

B. SWIMMING POOL, PUBLIC OR SEMI-PUBLIC - any swimming pool other than a private swimming pool, including publicly and privately owned pools open to the general public and pools owned and operated in conjunction with membership organizations, motel, hotels, and other similar uses.

TAVERN - a business selling alcoholic beverages for consumption on the premises.

TELEPHONE EXCHANGE BUILDING - a building and equipment therein, used or to be used for the purpose of facilitating transmission and exchange of telephone messages between subscribers, but in a residential district not including public business facilities, storage of outside plant materials, trucks or repair facilities, or housing for outside repair crews (*see also Public Utility Use*).

TERRACE - a natural or artificial embankment between a building and its lot lines, the height of which shall be difference in elevation between the curb and the highest point of embankment.

THEATER - a building or part of a building devoted to the showing of movies, musical performances, dance or theatrical productions, usually on a paid admission basis.

THEATER, DRIVE-IN - an open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of movies or to theatrical productions, usually on a paid admission basis, to patrons seated in motor vehicles or on outdoor seats.

TIPPLES, COAL - A coal mine facility utilized for the processing, loading and storing of coal.

TOURIST CABINS - a group of buildings or separate cabins that contain living and sleeping accommodations for transient occupancy that have individual entrances, and sufficient off-street parking is provided adjacent to, or convenient to, each cabin.

TOURIST HOME - a building containing one dwelling unit or room for the rooming and/or boarding of persons for compensation. Occupants would normally stay for less than three (3) months of the year.

TRAILER CAMP - a parcel of land under single ownership which has been planned and improved for the placement of two (2) or more trailers for temporary dwelling for travel, recreation and vacation use, on travel trailer lots rented for such use.

TRAILER HOME - a transportable structure, single-family dwelling, contained in one (1) unit or in two (2) or more units, which is built on a permanent metal chassis and is designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation. A trailer home is a home that was constructed prior to 1976 and does not meet the 1976 Federal and National Manufactured Home Construction and Safety Standards. (HUD).

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

TRANSPORTATION STRUCTURE - any use of land for the conveyance of pedestrians and vehicles including alleys, driveways and streets; parking areas, bays and lots; crosswalks and sidewalks; access drives and lanes; and loading spaces.

TRANSPORTATION USE - the use of land, buildings or structures for airports and flying fields, local and interurban passenger transit, pipelines, postal facilities, railroad yards, trucking, warehousing, wharfs and water facilities and other transportation services including their customary accessory uses.

TRAVEL TRAILER - a vehicular portable structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation, and other short-term uses having a body width and length not exceeding Pennsylvania State requirements.

TRUCK TERMINAL – a use of land or structures for the storage of trucks and/or the transfer of freight from one truck to another.

UNDEVELOPED LAND - any lot, tract or parcel of land which has not been graded or in any other manner improved.

UNIFORM CONDOMINIUM ACT - 1980, July 2, P.L. 286, No. 82; 68 Pa. Consol. Stats Sec. 3101 et. seq. (*see Also Condominium and Co-operative*).

USE - any purpose for which a lot or structure may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on in a structure on a lot.

USE, PERMITTED BY RIGHT - any use within a given zoning district that is specifically allowed as a matter of "right".

USE, PRINCIPAL - the primary use or purpose of which a building, structure, and/or land or major portion thereof, is designed, arranged or intended, or for which it may be occupied or maintained under the Zoning Ordinance.

USE, PROHIBITED - a use of land or structures which is not permitted within a particular zoning district.

USE, SPECIAL EXCEPTION - a use permitted in a particular zoning district pursuant to the provisions of this ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53P.S. Subsections 10601 et seq., 10901 et seq. (see also Part 1, Subsection 136).

USE, TEMPORARY OR SEASONAL - the use of any premises or structure for living and/or sleeping purposes for one hundred (100) or less days in any calendar year.

UTILITY BUILDINGS - an accessory structure to the principal use in a Residential Zone for the storing of lawn, garden, or miscellaneous equipment.

VARIANCE - relief granted pursuant to the provisions of this ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. Subsection 10101 et seq. (see also Part 1, Subsection 135).

VEGETATIVE MATERIAL - unless otherwise specified, plant life of a type consistent with or commonly associated with the principal use of the lot, established by voluntary act in the manner required in the zoning ordinance.

VEHICLE - every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks.

VENTILATING SHAFTS - A coal mine adjunct operation consisting of a structure and appurtenant facilities to permit the introduction and removal of air and other gases from underground coal mines, including degasification bore holes and related facilities and equipment.

VITICULTURE - the cultivation of grapes.

WADING POOL - a portable or permanent structure designed to hold water for wading purposes less than two feet (2') in height and area governed by its location and located above or recessed at ground level.

WATERCOURSE - as stream of water, river, brook; a channel or ditch for water whether natural or man-made.

WATER, PRIVATE - an on-lot water generation system which serves only the lot upon which it is located.

WATER, PUBLIC - any municipally or privately owned water generation, collection and distribution system or facility which serves more than one building or lot.

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

WETLANDS - those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland areas designated by a river basin commission.

WHARF - a structure designed and placed at water's edge alongside which boats and other water craft may be brought to be docked, landed, moored, loaded or unloaded of its contents.

WIND ENERGY CONVERSION SYSTEM - a device which converts wind energy to mechanical or electrical supply; commonly referred to as windmills.

WINDOW - an opening to the outside other than a door which provides all or part of the required natural light, natural ventilation or both, to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window in regard to provision of a natural light.

WIND ROTOR - the blades, plus hub to which the blades are attached, that are used to capture wind for the purpose of energy conversion. The wind rotor is used on a pole or tower along with other generating and electrical storage equipment and forms a wind energy conversion system.

WINTER SPORTS AREA - an establishment providing outdoor recreation during the winter, such as skiing, sledding, and skating (*see also Recreational Use*).

YARD - an unoccupied space, open to the sky, extending from the lot line to a structure. The size of a required yard shall be measured as the shortest distance between the structure and lot line.

A. **YARD, EXTERIOR** - an open, unoccupied space between the buildings of a dwelling group or its accessory buildings and the projected boundary or street line.

B. **YARD, FRONT** - the yard extending the full length of the front lot line.

C. **YARD, INTERIOR** - an open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not a front, side or rear yard.

D. **YARD, REAR** - the yard extending the full length of the rear lot line. (see also Dimensional Standards).

E. **YARD, SIDE** - a yard extending along the side lot line from the required front yard to the required rear yard setback area.

YARD SALE - a sale of limited duration conducted from the yard, porch or garage of a single family or two-family dwelling but including no sales in a public right-of-way. Such sale shall be of clothing and household items belonging to the residents only and not purchased for the purpose of resale on the premises. Yard, porch or garage sales shall be considered an accessory use and not a home occupation, and shall be limited to not more than twelve (12) days or any part of a day in any calendar year.

YARD SETBACK AREA - an area bounded by a lot line and a line drawn parallel to the lot line at a distance specified in the ordinance for front, side, or rear yard setbacks.

ZONING DISTRICT - a contiguous area of land on all parts of which the same uniform zoning regulations apply.

ZONING DISTRICT BOUNDARY - the perimeter line completely enclosing a zoning district.

ZONING HEARING BOARD - a body appointed by the governing body to examine and decide appeals for relief from strict conformance to the zoning ordinance or relief from a decision of the Zoning Officer and to hear testimony regarding the validity of any regulations upon development in Washington Township. (see also Part 1, Subsection 131).

ZONING MAP - the official plan of zoning districts in Washington Township showing precisely the boundaries and titles of each zoning district, which map is a part of this ordinance.

ZONING OFFICER - a person retained by Washington Township to enforce the regulations of the zoning ordinance, with power to issue permits, to halt illegal construction, and to interpret literally the meaning of the various sections of the zoning ordinance subject to appeal of the Zoning Hearing Board (see also Part 1, Subsection 121).

PART III

ESTABLISHMENT AND DESIGNATION OF DISTRICTS

SECTION 301 ESTABLISHMENTS OF DISTRICTS

For the purposes of promoting the public health, safety, morals and general welfare of the township, the Township is hereby divided into the following types of districts:

- A-1 Rural Agricultural District
- R-1 Suburban Residential District
- C-1 Commercial District
- I-1 Industrial District

SECTION 302 ZONING MAP

Said districts are bounded as shown on the map entitled "Washington Township Zoning Map", adopted March 12, 2007 and accompanies, and which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

SECTION 303 INTERPRETATION OF BOUNDARIES. DESIGNATION OF DISTRICT BOUNDARIES.

The district boundary lines are intended generally to follow the centerlines of streets, the center lines of railroad rights-of-way, existing lot lines, the mean water level of streams, and other waterways, or municipal boundary lines, all as shown on the Zoning Map; but where a district boundary line does not follow such a

line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a feet center line or other boundary line as indicated.

SECTION 304 DETERMINATION OF LOCATIONS OF BOUNDARIES

In case of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with respect thereto. Provided no boundary shall be changed by the Zoning Hearing Board.

Part IV

DISTRICT REGULATIONS

SECTION 401 SCHEDULES OF REGULATIONS

The restrictions and controls intended to regulate development in each district are forth in the attached Schedules which are supplemented by other sections of this Ordinance.

SECTION 402 APPLICATION OF REGULATIONS

Except as hereinafter otherwise provided:

A. No building shall be erected and no existing building shall be moved, removed, altered, added to or enlarged, nor shall any land or building be designed, used, or intended to be used for any purpose or in any manner other than as permitted in the district in which such building or land is located.

B. No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

C. No building shall be erected, no existing buildings be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, and building location regulations hereinafter designated for the district in which such building or open space is located.

D. No yard or other open space provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, and no yard or other space on one lot shall be considered as providing a yard or open space for a building or any other lot.

Part V

SUPPLEMENTARY LOT REGULATIONS

SECTION 501 LOT REGULATIONS

501.1 EXISTING LOTS OF RECORD

A single-family structure may be constructed on any lot in any R-District if said lot is less than the minimum area required for building lots in the R-District in which it is located, providing the following conditions exist or are met:

A. Availability of Adjacent Vacant Land. No structure shall be erected on any nonconforming lot if the owner of said lot owns any adjoining vacant land where combined with the lot deficient in area could create a lot meeting minimum lot requirements in an R-District.

B. Side Yards. No structure shall be constructed on a non-conforming lot unless it meets Schedule II – Bulks and Coverage Controls or has a minimum side yard of ten (10') feet where adjacent to any street.

C. Front and Rear Yards. No structure shall be constructed on a nonconforming lot unless it shall have front and rear yards conforming to the minimums required for the R-District in which said lot is located.

501.2 LOT WIDTH

The minimum lot width of any lot shall be measured along the minimum building setback line as required for the district in which it is located.

SECTION 502 HEIGHT REGULATIONS

502.1 GENERAL APPLICATION

No building or structure shall have a greater number of stories, nor have an aggregate height of a greater number of feet than is permitted in the district in which such building or structure is located, except as noted in Subsection 502.2, of this Ordinance.

502.2 PERMITTED EXCEPTIONS TO HEIGHT REGULATIONS

Chimneys, cooling towers, elevators, bulkheads, fire towers, gas tanks, grain elevators, steeples, water towers, ornamental towers, or spires, communications, radio or television towers or necessary mechanical appurtenances, may be erected as to their height in accordance with existing or hereafter adopted ordinances of the Township, provided no tower other than a church spire or tower of a public building shall exceed the height regulations by more than forty (40%) percent.

No tower shall be used as a place of habitation or for tenant purposes.

No sign, nameplate, display or advertising device of any kind whatsoever shall be inscribed upon or attached to any chimney, tower, tank or other structure which extends above the height limitations.

SECTION 503 YARD REGULATIONS

Every part of a required yard must be open to the sky unobstructed except for accessory buildings in a rear or side yard, and except for the ordinary projection of open porches, balconies, steps, sills, belt courses, cornices and for ornamental features projecting not to exceed four (4") inches.

503.1 SIDE YARDS

A. Side Yard Width May be Varied. Where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular, the side yard may be varied. In such case, the width of the side yard shall not be less than the otherwise required minimum width.

B. Side Yard of Corner Lot. Any corner lot shall have a side yard equal in width to the minimum front yard setback of any adjoining lot fronting on the side street. The minimum side yard setback shall be ten (10') feet.

503.2 SETBACKS FROM WATER COURSES

No structure shall be located within fifty (50') feet of the high water line of a water course in any district without obtaining the proper permits from the local, state and federal agencies.

SECTION 504 MAXIMUM COVERAGE

Land coverage by principal and accessory building or structures on each zone lot shall not be greater than is permitted in the district where such principal and accessory buildings are located.

SECTION 505 MINIMUM YARD REGULATIONS IN ACCESSORY STRUCTURES

505.1 UNATTACHED ACCESSORY STRUCTURES IN R-DISTRICTS

Accessory structures, which are not attached to a principal structure or mobile home, may be erected in accordance with the following requirements:

- A. An accessory structure one (1) story, not exceeding twenty (20') feet in height. Any accessory structure exceeding one (1) story or twenty (20') feet in height must obtain a Special Use Permit.
- B. All accessory structure shall adhere to Schedule II - Bulk and Coverage Controls.
- C. No accessory structure shall be located closer to the street than the front yard setback required for a principal structure in the district in which such accessory structure may be located.
- D. For corner lots the setback from the side street shall be the same for accessory buildings as for principal buildings.
- E. A fence, not exceeding eight (8') feet in height may be built on each lot. A fence is not an accessory structure. A fence can be built within six (6) inches of the property line.
- F. Any fence built in the Township will be in harmony with the District that it is in.

505.2 ATTACHED ACCESSORY STRUCTURES IN R-DISTRICTS:

When an accessory structure is attached to the principal structure or manufactured/mobile home, it shall comply in all respects with the yard requirements of this Ordinance applicable to the principal building.

505.3 ACCESSORY STRUCTURES IN OTHER THAN R-DISTRICTS.

Accessory structures shall comply with front, side and rear yard requirements for the principal structure, or manufactured/mobile home to which they are accessory and shall adhere to Schedule II – Bulks and Coverage Controls.

Part VI

SUPPLEMENTARY REGULATIONS GOVERNING SELECTED USES

SECTION 601 SPECIAL EXCEPTIONS

Special Exceptions, as enumerated in Schedule I, shall be permitted only upon authorization by the Zoning Hearing Board subsequent to review by the Planning commission, provided that such uses shall be found by the Zoning Hearing Board to comply with the following requirements and other applicable requirements as set forth in this Ordinance.

- A. That the use is a permitted special exception as set forth in Schedule I hereof.
- B. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.
- C. That the use will be compatible with adjoining development and the proposed character of the zone district where it is to be located.
- D. That adequate landscaping and screening is provided as required herein.
- E. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
- F. That the use conforms to all applicable regulations governing the district where located, except as may otherwise be determined for large-scale planned developments.
- G. That the use will have a minimal effect on township facilities.

SECTION 602 OFF-STREET PARKING REQUIREMENTS

602.1 Off-Street Parking

In all districts, in connection with every commercial, industrial, institutional, recreational, residential or any other use, there shall be provided at the time any new building or structure is erected, off-street parking spaces for automobiles in accordance with the requirements set forth herein.

A. **Size and Access.** Each off-street parking space shall have an area of not less than 10 x 20 feet exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be established for less than three (3) spaces.

B. **Number of Parking Spaces Required.** The number of off-street parking spaces required shall be as set forth in the Off-Street Parking Schedule on the next page.

In the case of any building, structure or premises, the user of which is not specifically mentioned herein, the provisions for the use which is so mentioned and to which said use is similar, in the opinion of the Planning Commission, shall apply.

OFF- STREET PARKING SCHEDULE

- | | |
|---|--|
| 1. Church, Fire Station,
Social Hall | - one (1) per four (4) seats or 80 lineal inches of pew, or if there are no pews or seats, one (1) per 15 sq. ft. of floor area used for assembly. |
| 2. Dwellings | - two (2) for each family per dwelling unit. |
| 3. Child Care Centers/Nursery
Schools | - one (1) for each teacher and/or employee on the largest shift plus one (1) space
Per each six (6) students. |
| 4. Public Utility Buildings | - one (1) per employee on a peak shift plus one (1) for each service vehicle stored on the lot. |
| 5. Schools, Elementary and Junior
High | - one (1) for each employee or faculty member. |
| 6. Schools, Secondary and Post
Secondary | - one (1) for each employee or faculty member plus one (1) for each ten (10) Students. |
| 7. Theater, Auditorium or
Gymnasium | - one (1) per four (4) seats. |
| 8. Hospitals and Nursing
Homes | - one (1) per three (3) beds and one (1) for each employee on the peak working shift. |
| 9. Hotel/Motel | - one (1) per employee on a peak shift plus one (1) per sleeping unit. |
| 10. Professional & Business
Offices | - one (1) for every 300 sq. ft. of gross floor area of the building. |
| 11. Banks and Financial
Institutions | - one (1) per 300 sq. ft. of gross floor area of building plus five (5) off-street |

- waiting spaces per drive-in window.
12. **Clinics** - one (1) for each staff plus three (3) for each examining or treatment room or other patient service position.
 13. **Group Care Facility, Personal Care, Boarding Home or Transitional Dwelling** - one (1) for each employee on a peak shift plus one (1) for each resident authorized to drive plus one (1) for each six (6) beds.
 14. **Retail Business, Personal Service Establishments** - one (1) for each 200 sq. ft. of gross floor area of a building.
 15. **Garden Centers** - one (1) parking space for each 300 sq. ft. of gross floor area of the building plus one (1) space for each 600 sq. ft. of outdoor sales area.
 16. **Eating and Drinking Establishments** - one (1) for each 75 sq. ft. of floor area devoted to patron use plus one (1) for each Employee on a peak working shift.
 17. **Take-Out Restaurants (No Indoor Seating)** - one (1) for each 50 sq. ft. of floor area located between the service counter and the entrance plus one(1) for each employee on a peak shift.
 18. **Bowling Alleys** - five (5) spaces for each alley.
 19. **Tennis, Racquetball and Handball Courts** - one (1) per employee plus four (4) for each court.
 20. **Golf Courses** - eight (8) for each hole plus one (1) for each employee.
 21. **Miniature Golf Courses** - two (2) for each hole plus one (1) for each employee.
 22. **Swimming Pools, Public or Commercial** - one (1) for each 50 sq. ft. of surface water area.
 23. **Funeral Homes** - twenty-five (25) for the first parlor plus ten (10) for each additional parlor.
 24. **Indoor Places of Assembly** - one (1) for each 75 sq. ft. of floor area devoted to seating.
 25. **Libraries/Museums** - one (1) for each 250 sq. ft. of gross floor area of a building.
 26. **Vehicle Sales** - one (1) per each 1,000 sq. ft. of indoor and outdoor display area plus the requirements for a service station for the area devoted to vehicle servicing and repair.

27. **Service Station/Vehicle Repair Garages** - four (4) for each bay plus one (1) for each employee on a peak shift plus one (1) for each business vehicle.
28. **Manufacturing** - one (1) for each 1,500 sq. ft. of gross floor area of building or one (1) for each employee on the peak working shift, whichever is greater.
29. **Warehousing, Freight Terminals, Wholesaling** - one (1) for each two (2) employees on a peak working shift.
30. **Mini-Warehouses, Self-Storage Buildings** - two (2) spaces for the manager's living quarters, if any, plus one (1) space for each 25 rental units located near the rental office and reserved for prospective customers. In addition, a 30 foot wide aisle between rental units shall be paved to provide traffic circulation and parking areas for loading and unloading adjacent to each rental unit.
31. **All Other Uses** - one (1) for each three (3) occupants at maximum permitted occupancy or one (1) for each 300 sq. ft. of gross floor area or lot area devoted to the use, whichever is greater.

602.2 OFF-STREET PARKING/LOADING

In any district, in connection with every building, or building group or part thereof thereafter erected and having a gross floor area of 4,000 square feet or more, which is to be occupied by manufacturing, or commercial uses or other uses similarly requiring the receipt or distribution by vehicles or material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading berths or unloading berths as follows:

4,000 - 50,000 square feet - 1 space, for each additional 100,000 square feet. -1 space.

The loading berth required in each instance shall be not less than twelve (12') in width, twenty-five (25') feet in length, and fourteen (14') feet in height, and may occupy all or any part of any required yard.

SECTION 603 MISCELLANEOUS USES:

603.1 GASOLINE SERVICE STATIONS

- A. Location of Exits and Entrances – No gasoline service station, automobile repair shop shall have an entrance or exit for vehicles within three (300') feet as measured along the public street in which there exists a school, public playground, church, chapel, convent, hospital, public library or any residential district. Such access shall be not closer to any intersection than thirty (30') feet.

- B. Location of Oil Drainage Pits and Hydraulic Lifts. - All oil drainage pits and hydraulic lifts shall be located within an enclosed structure and shall be located no closer than fifty (50') feet from any road right-of-way or property line.
- C. Gasoline Pumps. - Gasoline service stations shall have their gasoline pumps, including other service facilities, set back at least thirty (30') feet from any road right-of-way.

603.2 HOME OCCUPATIONS

- A. Home occupations, as defined when permitted shall be subject to the following conditions:

A home occupation which involves an activity or operation that is construed as being capable of adversely affecting surrounding residential uses through any of the following conditions SHALL NOT be permitted.

1. Changes the external appearance of the dwelling.
 2. Is visible from surrounding properties of the adjacent street.
 3. Generates traffic, parking or utility is in excess of normal levels in the neighborhood.
 4. Involves outside storage, display or operations.
 5. Utilizes accessory buildings;
 6. Utilizes more than twenty-five percent (25%) of the dwelling in the conduct of the home occupation.
 7. Creates hazards to persons or property.
 8. Creates interference or a nuisance.
- B. Signs shall be limited to the provisions of this Ordinance for the district in which the home occupation is located.
 - C. Only family members residing on the premises shall be engaged in such operations and one (1) additional person.
 - D. Off street parking requirements for home occupations shall be provided on the immediate site.
 - E. Personal Services and Instructional Services (as defined in the definitions section of the Ordinance) shall be limited to one client at any one time.

603.3 SIGNS

- A. Billboard and off-premises are subject to the following regulations:
 1. Area of Signs. In no case shall any sign structure exceed 300 square feet in gross surface area. However, double-faced, back to back, V-type or side-by-side (abutting) but not exceeding 600 square feet gross surface area per sign structure.
 2. Height of Signs. Top of sign structure shall be no higher than 35 feet above the ground at its highest point.

3. Location. The main supporting structure of all freestanding advertising signs shall not be located closer than ten (10') feet or shall be at least the same distance from a property line or road as they are high.

B. Illuminated Signs. Illuminated signs shall not cause any excessive glare or electrical or other disturbances which shall be incompatible with the nature of the adjoining neighborhood in which it is located, as determined by the Zoning Hearing Board. All signs shall be so designed, located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property.

C. Attachment - All signs shall be constructed and securely fastened in a manner which will prevent their displacement by the element.

D. Traffic or Visual Obstruction. No sign or overhead lights of any kind, including Christmas decorations, shall be erected at the intersection of streets so as to obstruct free and clear vision, and if located within the direct line of vision of any traffic control sign or signal, shall not have red, green or amber illumination.

E. Maintenance of Signs. All signs permitted under this Ordinance as well as those in existence prior to the adoption of the Ordinance, shall be adequately maintained to avoid their deterioration, decay or other conditions which might endanger the public health, welfare or safety.

603.4 JUNK OR SALVAGE YARD

A. License Required. No person shall use any building or premises for the buying, selling, gathering, delivery, shipping, storing or salvaging of old iron, bottles, paper, rags, farm machinery, vehicles or other material commonly included in the term "junk", structural or steel material and equipment, without obtaining a license for the operation of a junk, salvage contractor's yard. Outside storage of not more than one (1) unlicensed vehicle (except farm machinery) on the same premises shall be prima facia evidence of operation of a junk or salvage yard. An unlicensed vehicle is a vehicle not bearing all of the following (a) valid registration plate; (b) certificate of inspection; and (c) an ascertainable vehicle identification number.

B. Application. Application for a license hereunder shall be made in writing to the Zoning Officer stating:

1. The location and description of the premises to be license.
2. The nature of the business to be conducted on the premises.
3. The type of construction of any building to be used in connection with the business.
4. The applicant's name and address, and if a firm or corporation, the names and addresses of all officers.

C. Fee, Term. There shall be no fee for a license issued hereunder. Licenses shall expire on January 1st but may be renewed if the zoning Officer is satisfied that the license and the premises comply with this section.

D. Location. No junk or salvage yard shall be located within one thousand (1,000') feet of any residence other than the owner of the premises or any residential or business district or one thousand (1,000')

feet from a lake, three hundred (300') feet from a river or stream unless otherwise out of the view of the public.

E. **Screening Requirements.** A junk or salvage yard shall be contained within an opaque fence or wall eight (8') feet high, or a visual screen consisting of evergreen or evergreen type hedges or shrubs, spaced at intervals of not more than (6') feet, located and maintained in good condition in accordance with the minimum yard dimensions of Schedule II - Bulk and Coverage Controls, or in any way out of view of the public.

F. **Time Limit For Existing Establishments To Obtain License.** Junk or salvage yards existing in the township on the effective date of this Ordinance shall be required to obtain a license under this ordinance within thirty (30) days from the effective date. Failure to obtain a license shall be prima facie evidence of the non-existence of a junk or salvage yard.

G. **Nuisances Prohibited.** Any junk or salvage yard no matter when established, shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies, or other vectors.

603.5 MOTELS, AND TOURIST CABINS

Tourist cabins and motels, where allowable under this Ordinance, shall conform to the following specifications: (1) no cabin or motel or part thereof to be placed any closer to any street or road line than one hundred (100') feet or closer than fifty (50') feet to any other property line; (2) the space between cabins, at the side, to be not less than twenty (20') feet, and the space between rows of cabins, at the front or rear, to be not less than sixty (60') feet; (3) automobile parking space sufficient to accommodate the cars of all guests, to be provided on the premises and back of the established building line or lines; (4) every individual cabin rental space to be supplied with its individual running water and toilet facilities; and (5) satisfactory sewage disposal facilities including, in appropriate cases a properly constructed cesspool or septic tank with tile field, no part of which is placed closer than one hundred (100') feet to a well used for potable water supply or closer to any property line than fifty (50') feet.

SECTION 604 INDUSTRIAL PERFORMANCE STANDARDS:

A. **General Application.** Permitted principals and Special Exceptions (except those covered in Section 605) enumerated in the industrial zones and accessory uses thereto shall be subject to the following performance standards and procedures:

B. **Performance Standards Procedure.**

1. Any application for a building permit for a use which is subject to performance standards shall be accompanied by a sworn statement filed by the owner of subject property, or the operator of the proposed use, that such use will be operated in accordance with the performance standards set forth herein.
2. Continued compliance with performance standards is required and shall be enforced by the Zoning Officer.
3. All violations shall be terminated within thirty (30) days or shall be deemed a separate violation for each day following and subject to fines as set forth herein.

4. Glare. No direct or sky-reflecting glare, whether from floodlights or from high-temperature processes such as combustion or welding, shall be visible at the points of measurements specified herein.
5. Smoke, Dust and Fly Ash. The permitted levels of air pollution shall be the same as those contained in the Air Pollution Regulations of the State of Pennsylvania.

C. Regulations of Nuisance Elements. The determination of the existence of the nuisance elements of noise, vibration, glare and dust shall be made at the property lines of the use creating same. The determination of the existence of the nuisance elements of radioactivity, smoke and other forms of air pollution shall be made anywhere within the Township. The determination of the existence of the nuisance element of odor shall be made at the zone district boundary line within which the use crating such elements is located.

D. Standard to be enforced

1. Radioactivity. No activities shall be permitted which use radioactivity in violation of Title 10, for Protection Against Radiation", dated May, 1975, or title 25, Rules and Regulations for Radiological Health, Department of Environmental Protection, Commonwealth of Pennsylvania, or any subsequent revision of amendment thereof.
2. Noise. At the points of measurement specified herein, the maximum sound pressure level radiated in each standard octave band by any use of facility other than transportation facilities or temporary construction work, shall not exceed the values for octave bands lying within the several limits given in Table 4 after applying the corrections shown in Table 5. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association. American Standards Sound Level Meters for Measurement of Noise and Other Sounds Z24.3-1944, American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z24-.10-1953, or latest approved revision thereof, American Standards Association, Inc., New York, New York, shall be used. (see Table 4 and Table 5)

TABLE 4

Frequency Ranges Containing Standard Octave Bands in Cycles Per Second	Octave Band Sound Pressure Level in Decibels re* 0.0002 dyne/cm ²
20 - 300	60
300 - 2,400	40
above - 2,400	30

TABLE 5

Type or Location or Operation or Character of Noise	Correction in Decibels
1. Daytime operation only	5

- 2. Noise source operated less than*
 - A. 20% of any 1 hour period 5
 - B. 5% of any 1 hour period 10
- 3. Noise of impulsive character, hammering, etc. -5
- 4. Noise of periodic character, hum, screech, etc. -5
- 5. Property is within 500 feet measured horizontally or vertically or any residential zone. 10

*Apply one of these correction only.

3. Vibration. No vibration which is detectable without instruments at the points of measurement specified herein shall be permitted.

4. Odor. No emission of odorous gas or other odorous matter in such quantity as to be readily detectable at any point along lot lines without use of instruments shall be permitted.

5. Toxic or Noxious Matter. No discharge beyond lot lines of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health safety, comfort or welfare or cause injury or damage to property or business, shall be permitted.

SECTION 605 REGULATIONS OF COAL MINING, EXTRACTIVE OPERATIONS, AND EXTRACTIVE INDUSTRY

605.1 GENERAL

In addition to complying with all the requirements of Section 601 Special Exceptions of the “Washington Township Land Use Ordinance” relating to the application for and approval of special exceptions, no activities or operations relating to underground coal mining facilities, coal mining adjunct facility, coal mine conveyor, extractive operations, or extractive industry, shall be permitted within the Township except upon application made and subject to the following requirements and conditions:

A. All special exception uses granted hereunder will be subject to such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as the Zoning Hearing Board may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code. Such conditions may be related to such things as lot sizes, set backs, maximum building height and any other conditions which the Zoning Hearing Board may consider reasonable and appropriate for the proposed special exception use.

B. Plugging operations for existing oil and gas wells and exploration or core test borings shall not require special exception approval and are permitted uses in any zoning district, provided that the coal operator complies with all applicable state and federal regulations.

C. UNDERGROUND COAL MINING FACILITIES AND COAL MINING ADJUNCT FACILITIES.

(1) As a condition to the continued validity of any special exception use permit issued through the Zoning Hearing Board, by the Township, the owner or operator will certify to the Zoning Hearing Board and Township that it is obtaining or has obtained all permits and approvals required by state and federal laws, regulations, rules, enforcement orders and conditions for the proposed use. The owner or operator shall file with the Township Secretary, upon request, a copy of each state or federal application with supporting documentation, or permit, for the proposed use.

(2) The application shall include a development and operation plan. The following information and all other data deemed appropriate and necessary to demonstrate that the intent and purposes of this Ordinance will be achieved, shall be included.

(A) A description of the character, timing and duration of the proposed operation, including maps and plans showing the location of the site, all access routes from public roads, and area and extent of the proposed activity.

(B) The location and identity of ownership of all structures and land uses that will or may be adversely affected by the proposed operation, and measures that will be taken to protect all structures, inhabitants and land uses from adverse impacts from the proposed use.

(C) Plans for restoring and reclaiming all involved areas following discontinuance of the underground mining.

(D) A description of plans for: transportation of materials and equipment to construct the facility; measures that will be taken to maintain all roads within the Township that are used to transport materials and equipment; and procedures for repairing any damages to the roads which may occur as a result of this activity. Owners, operators, and other persons engaged in underground coal mining activities or coal mining adjunct activities shall comply with all Ordinances of the Township of Washington concerning weight limitations for vehicles, permits for transport of overweight vehicles, and for posting of bond for transport of overweight vehicles.

(E) A description of how the proposed use and facility will meet all applicable regulations concerning construction standards, sewage disposal, water supply and fire protection.

(F) A site plan of the proposed facility showing all structures, facilities access ways, fencing and screening provisions.

(3) Every bore hole shall be constructed and landscaped in a manner appropriate to the district in which it is located. Open areas shall be covered with an appropriate vegetative material and properly maintained.

(4) Every ventilating shaft, including all structures intended to supply air or power to underground coal mines, shall be constructed and landscaped in a manner appropriate to the district in which it is located. The lot for a ventilating shaft (except for degasification bore holes which are not subject to this limitation) shall not be less than one (1) acre, and each such ventilating shaft shall not be located less than three hundred (300) feet from any occupied dwelling, unless waived by the owner thereof. Open areas shall be covered with an appropriate vegetative material and properly maintained. The adjacent properties shall be protected from the noise of exhaust fans consistent with the following requirements:

(A) The maximum noise level of 65 dBA as measured at the property line;

(B) The use of reasonable noise reduction technology available at the time of the application, if required after a consideration of all relevant factors, including but not

limited to topography, elevation, fan orientation, surrounding vegetation, population density, and population distance in order to meet the standards set forth in Subparagraph (A) above.

(5) All operational structures and other facilities which may present a hazard or danger of injury to the public or animals shall be completely enclosed by a metal fence not less than six (6) feet high, with the top portion above the height of six (6) feet (above ground level) to be constructed of barbed wire or other security material with the entire fence being constructed in such a manner so as to prevent the entry onto that portion of the premises where the hazard or danger exists by unauthorized persons, domestic animals or livestock. The governing body may require such other fencing as may be necessary to protect the safety and welfare of the public.

(6) For all ventilating shafts, fans, degasification bore holes, and any other coal mining facilities or structures which the Zoning Hearing Board deems screening necessary for the safety, health and welfare of the public that are visible from any structure used for residential, cultural, social, educational, recreational, religious or similar purposes in any zoning area of the Township, there shall be a buffer strip of land planted and maintained for screening purposes. The required screen shall have a height adequate to achieve its purpose. Plant materials used for screening shall consist of dense evergreen plants. The plants shall be of a kind, or used in a manner to provide proper and adequate screening within twelve (12) months after commencement of operations in the area to be screened. The Zoning Hearing Board may permit the screening requirement to be fulfilled by natural or topographical features as determined upon a case-by-case review of the Special Exception Application. The Zoning Hearing Board shall require that either new planting or alternative screening be provided if after twelve (12) months, the plant materials do not provide a suitable screen.

(7) The applicant shall have acquired sufficient level or equitable interest in the real property in which the site of the Adjunct Coal Mining Facility is located to provide a basis for seeking the use permits.

(8) As a condition to the continued validity of any special exception use permit issued by the Zoning Hearing Board, the applicant shall have applied for or obtained from each appropriate state and federal regulatory agency or authority a permit issued in accordance with all applicable state and federal laws and regulations for the proposed use. The applicant, upon request of the Zoning Hearing Board and/or Township, shall certify to the Zoning Hearing Board and Township that all state and federal permits have been obtained for the proposed use, and upon request of the Zoning Hearing Board and/or Township furnish copies of such federal and state applications and permits as may be requested.

(9) All uses in conjunction with a Special Exception Use Permit issued by the Zoning Hearing Board pursuant to this Section shall comply with the following additional performance standards:

(A) Compliance with all of the plans submitted to the Zoning Hearing Board as part of the application for the Special Exception Use Permit.

(B) Compliance with all state and federal laws and regulations relating to the approval, development and operation of the underground coal mine and the related Coal Mining Adjunct Operations.

(C) The correction within a reasonable time after final determination of any violation by the mine owner or operator of any local, state or federal law, regulation, rule or enforcement order or any condition to any permit, license, or authorization of authority issued in connection with the underground mine or the conditional use.

D. COAL MINE CONVEYOR.

(1) The Special Exception Application shall include a site plan, drawn to scale, of the entire proposed conveyor system. The following information, and all other data deemed appropriate and necessary to demonstrate that the intent and purposes of this Ordinance will be achieved shall be included.

(A) The physical location of the proposed facility showing all structures, facilities, fencing, screening and related features from the beginning point of the system to the termination point.

(B) Contours at a minimum interval of twenty feet.

(C) A delineation of the conveyor right-of-way routing which identifies parcels by ownership, easement or other instruments or agreements by which access and use will be achieved.

(D) The location of all public and private rights-of-way which traverse the conveyor corridor.

(E) The location and identity of ownership of all structures and land uses that will or could be adversely affected by the proposed facility.

(F) A listing of provisions and measures that will be utilized to protect persons, properties and activities from adverse impacts resulting from the proposed construction and use of the conveyor facility. Fencing or other security measures may be specified by the Zoning Hearing Board if they determine that there is a reasonable possibility that dangerous conditions will be created with respect to persons or property as a result of the construction or operation of the facility.

(2) Documentation shall be submitted to verify ownership, easements or other instruments or agreements for corridor access and use.

(3) A coal mine conveyor shall not be constructed within three hundred (300) feet of any occupied dwelling, unless waived by the owner thereof.

(4) All surface areas of the corridor shall be covered with an appropriate vegetative material and properly maintained at all times.

(5) All uses in conjunction with a Special Exception Permit issued by the Zoning Hearing Board pursuant to this Section shall comply with the following additional performance standards:

(A) Compliance with all of the plans submitted to the Zoning Hearing Board as part of the application for the Special Exception Use Permit.

(B) Compliance with any and all state and federal laws and regulations relating to the approval, development and operation of the facility.

(C) The correction within a reasonable time after final determination of any violation of the mine owner or operator of any local, state or federal law, regulation, rule or enforcement order or any condition to any permit, license, or authorization of authority issued in connection with the underground mine or the conditional use for the conveyor.

(6) As a condition to the continued validity of any Special Exception Use Permit issued by the Zoning Hearing Board, the applicant shall obtain or shall have obtained from each appropriate state and federal regulatory agency or authority, a permit for the proposed use in accordance with all applicable state and federal laws and regulations. Upon request of the Zoning Hearing Board and/or Township, the applicant shall furnish to the Zoning Hearing Board and Township copies of any such federal and state applications and permits as may be requested.

E. EXTRACTIVE OPERATIONS AND EXTRACTIVE INDUSTRY.

(1) A Special Exception Use Approval shall be obtained for extractive operations and extractive industry. All applications submitted for consideration of the Township Planning Commission and Zoning Hearing Board shall include, at a minimum, the following documentation, and all other pertinent data deemed necessary to process the application. Extractive operations and extractive industry are not intended to include above-ground or below-ground activities associated with an underground coal mining operation except coal bed methane gas extraction.

(A) A description of the character of the proposed operation, its timing and proposed duration, together with duplicates of maps and plans to be submitted to state and federal regulatory agencies or authorities for the issuance of necessary permits;

(B) Identification of seams of coal, rock, ore, beds of sand and gravel, strata of soil, oil and gas, coal bed methane gas, or other material to be removed in connection with the proposed extractive operation;

(C) An analysis of the possible impact of extractive operations upon ground water supplies in all affected areas of the Township and the measures that will be taken to guarantee that any loss, diminution or pollution of water supply will be corrected;

(D) The location and identity of ownership of all structures and land uses that may be affected by the proposed operation, and the measures that will be taken to protect all structures and land uses from adverse impacts from the proposed extractive operation;

(E) Plans for the restoration or reclamation of all land affected by the extractive operation;

(F) Receipt of a certification from each state or federal agency or authority having enforcement jurisdiction for the issuance of all necessary permits, licenses or grants of authority for the installation and operation of the proposed extractive operation, that the owner or operator seeking the Special Exception Use has fully complied with all requirements for the issuance of such permits, licenses or grants of authority and that such will be granted, together with an undertaking to promptly advise the Zoning Hearing Board within thirty (30) days of any event which would constitute a violation of any requirement for the issuance or continued validity of any such permit, license or grant of authority or any condition thereto;

(G) A description of plans for the transportation of materials, products and equipment to be used, removed from, or marketed in connection with the proposed extractive operation including routes of travel, number and weight of vehicles to be used and procedures which will be made to maintain and repair roads that are targeted for use.

(2) No top-of-slope or quarry wall shall be located closer than 100 feet to any property or street line. The perimeter surrounding the area of operation shall be fenced with a fence of minimum height of eight (8) feet to prevent access by both animals and children.

(3) No rock crusher, cement plant or other crushing, grinding, polishing or cutting machinery or other physical or chemical process for treating such products shall be permitted in the A-1 Agricultural District or other areas of the Township.

(4) The removal designated in the permit shall be begun within a sixty (60) day period from the date of issuance of a permit, or the permit shall be revoked at the expiration of said period.

(5) The designated operator shall complete operation within a period of time as designated in the permit. Upon expiration of the period of time as set forth therein, the operator must cease operations and commence backfilling and scar removal as hereinafter provided. The operator may present to Zoning Hearing Board a request for an extension of time, which may be granted if the operator was held back in his operation through unforeseen circumstances deemed to be no fault of his own. However, should an extension of time be refused by the Zoning Hearing Board, the operator must cease operations as previously stated. Failure of the operator to cease operations shall constitute a violation of this Ordinance and shall be subject to penalties provided herein.

(6) Prior to beginning operation, the designated operator shall deposit a bond issued by a reputable bonding company in the amount specified by the Zoning Hearing Board for each and every mile of Township road or portion thereof proposed to be traversed for removing material from the site. The period designated for the bond shall start with the issuance date of the permit. Said bond shall be returned to the operator upon completion of the operation and reconstruction of any damaged roadway due to excess weight. Any failure to complete the reconstruction as required by this Ordinance shall result in the forfeiture of the required bond. Those portions of Townships roads which have been damaged shall be as determined by the Township Engineer, and be reconstructed to Township specifications.

(7) The backfilling operation, after all surface excavation is completed, shall re-establish a satisfactory vegetative ground cover that will deter soil erosion and eventually rebuilt the soil. Legumes such as Crown vetch and rye grass and/or plantings or evergreens or deciduous trees, shall be planted in accordance with Soil Conservation, U.S. Department of Agriculture recommendations.

(8) The stripping and selling of topsoil and/or sod shall be permitted only under the following conditions:

- (A) When it is part of the construction or alteration of a building or the grading incidental to such building activity;
- (B) When it is in conjunction with normal lawn preparation and maintenance;
- (C) When it is in conjunction with the construction or alteration of a street or utility improvement;
- (D) In commercial sod farms or farming operations where such use is permitted, provided that sound soil practices are observed.

605.2 PERFORMANCE STANDARDS FOR COAL MINING, MINING RELATED ACTIVITES, EXTRACTIVE OPERATIONS, AND EXTRACTIVE INDUSTRY

a. Special Standards for Steady-State Noise Emanated from Stationary Equipment - Steady-state noise emanated from stationary equipment or sources, which will persist during indefinite or periodic intervals of time over a period of more than seven (7) consecutive days onto adjacent real properties or to a receiving property within any district within the Township, shall not exceed the maximum noise levels prescribed in this Section.

(1) Definitions. Any terms used in this Section, which are not otherwise defined in this Ordinance or as hereafter prescribed, shall be interpreted in conformity with the applicable publication of the American National Standards Institute or its successor body.

(A) “Noise” means any sound that annoys or disturbs humans or tends to cause an adverse psychological or physiological effect on humans.

(B) “Steady-State Sound” means any sound from which the output of the source remains constant throughout the period of measurement.

(C) “A-weighted Sound Level” means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dBA.

(D) “Person” means any individual, public or private corporation, governmental agency, bureau or department of the State, municipal industry, co-partnership or association.

(E) “Source Property” means any real property, the activities upon which are contributing to the ambient noise level around the boundary of the property.

(F) “Receiving Property” means real property within which the maximum noise specified shall not be exceeded from sources outside such property.

(G) “Receiving Building” means any building used primarily for human habitation, sleeping, cultural, social, educational, recreational, religious or similar activities at which the maximum noise specified shall not be exceeded from sources outside the property upon which the building is located.

(2) No person shall cause or permit any steady-state sound to emanate from a source property which exceeds the levels set forth in paragraph (3) of this Section when measured at the following locations:

(A) Within 25 feet of any Receiving Building located in any district;

(B) At any point along the boundary line between the Source Property and the Receiving Property in any District.

(3) Maximum permissible noise levels are 65 dBA.

(4) Sound measurements made to determine compliance with the conditions and standards of this Section shall be made using a sound level meter which conforms to Type 1 or Type 2 as specified in ANSI Specifications S1, 4-1971.

(5) All noise measurement procedures used to determine compliance with the conditions and standards of this Section shall be conducted so as to accurately and validly describe the noise levels which are the object of the measurement, taking into consideration and to exclude to the degree practicable unrelated contributions from the overall ambient noise environment.

(6) The performance standards set forth in this Section relating to steady-state noise emanated from stationary equipment or sources may be waived by the Township during the construction phase of any above-ground facility or installation associated with underground coal mining.

b. Vibrations - Vibrations detectable without instruments on neighboring property in any district shall be prohibited. This subparagraph concerning vibrations shall not be applicable to blasting when the coal mine owner or operator, or other persons or entities has obtained a valid Department of Environmental Resources permit for blasting.

c. Odor - No malodorous gas or matter that is discernable on any adjoining lot or property shall be permitted.

d. Air Pollution - Except in the event of the use as an underground Coal Mine or a Coal Mine Adjunct Operation, which shall comply with applicable state and federal laws, regulations and requirements with respect to air pollution, no pollution of air by fly ash, dust, smoke, vapors, or any substance that is harmful to health, animals, vegetation or other property shall be permitted.

e. Glare - Lighting devices that produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

f. Erosion - No erosion by wind or water that will carry objectionable substances onto neighboring properties shall be permitted.

g. Water Pollution - Water pollution in violation of any standards established by the Pennsylvania Department of Environmental Resources shall not be permitted.

SECTION 606 PRIVATE SWIMMING POOLS

606.1 INGROUND POOLS

A private swimming pool, but not including farm ponds, shall be any pool, or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 1/2) feet. No such swimming pool shall be allowed in any district except as an accessory use and unless it complies with the following conditions and requirements:

A. The pool is intended and is to be used solely for the enjoyment of the occupants and their guests of the principal use of the property on which it is located.

B. It shall conform, including any walks, paved areas or accessory structures adjacent thereto, to the yard requirements of Section 505.1(B).

C. The swimming pool shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall to be not less than six (6) feet in height and maintained in good condition.

606.2 PORTABLE POOLS

A. Above ground pools are not subject to the fee schedule nor the design and requirements as set herein. However, all such pools having walls less than four (4) feet shall be enclosed in accordance with the provisions of this Ordinance.

B. Portable above ground pools having walls four (4) feet or greater in height may be excluded from the fencing requirements provided such pools are equipped with access ladders which may be raised and locked in a near vertical position when the pool is unattended. An above ground pool as described in this paragraph which is served by a ladder or steps which cannot be raised and locked so as to prevent access by small children shall be enclosed in accordance with Section 606.1(C).

SECTION 607 MANUFACTURED/MOBILE HOME REQUIREMENTS

Any installation of a mobile home shall be subject to the following requirements.

A. Manufactured/Mobile homes shall be placed on permanent footers (concrete runners) at a depth no less than 18". These permanent footers (concrete runners)

must be the same width as the manufactured/mobile home with a top surface of 16” to 24” wide.

- B. Manufactured/Mobile homes shall have double concrete block piers, 8” X 8” X 16” (block size) under the frame at a distance no less than eight (8’) feet and no more than twelve (12’) feet apart. The concrete block piers must coincide with the permanent footers (concrete runners) as listed above. These concrete block piers shall not be less than twelve (12”) inches or more than forty-eight (48”) inches in height.
- C. Manufactured/Mobile homes shall be secured to the permanent footer (concrete runner) with at least four (4) tie downs such as concrete “dead-men”, screw augers, arrowhead anchors or other devices suitable to withstand a tension of at least 2,800 pounds to prevent rocking and wind overturning. The tie downs consist of galvanized or rust resistant steel strapping (1 ¼” wide X 0.035” thick) or cable (1/4” thick), which anchors the framing to the ground.
- D. Manufactured/Mobile homes shall be skirted with skirting that has been approved by the Manufactured/Mobile home Industry. This Manufactured/Mobile home skirting must be installed prior to occupancy.
- E. Manufactured/Mobile homes shall be separated from each other by at least thirty (30’) feet. Manufactured/Mobile homes shall be separated from all other buildings and structures by at least ten (10’) feet.
- F. Manufactured/Mobile homes shall adhere to the requirements as outlined in Schedule II – Bulks and Coverage Controls.
- G. Two (2) off-street parking spaces shall be provided for each manufactured/mobile home. Each parking space shall be at least 10’ X 20’ or 200 square feet.
- H. Manufactured/Mobile homes may as an option be placed on a permanent foundation. When manufactured/mobile homes are placed on a permanent foundation, the tires, axils and tongue must be removed. This manufactured/mobile home will be considered a single-family dwelling.
- I. The following inspection schedule shall be required for all manufactured/mobile homes:
 - a. **INSPECTION #1** – Digging of the permanent footer (concrete runner) prior to pouring.
 - b. **INSPECTION #2** – Pouring of the concrete for the permanent footer (concrete runner), the tie downs should be anchored within the permanent footer (concrete runner).
**** INSPECTION #1 & 2 MUST BE COMPLETED PRIOR TO THE MANUFACTURED/MOBILE HOME BEING BROUGHT ONTO THE PROPERTY.**
 - c. **INSPECTION #3** – The placement of the concrete block piers along with the securing of the tie downs.
 - d. **INSPECTION #4** – The installation of the approved manufactured/mobile home skirting.
 - e. **INSPECTION #5** – When porches and decks are completed. These must meet the B.O.C.A. Building Codes or HUD Codes.
 - f. **INSPECTION #6** – The final electrical inspection by a certified electrician. Proof of this inspection must be given to the township.
**** INSPECTIONS #1-5 SHALL BE CONDUCTED BY THE TOWNSHIP’S ZONING/CODES ENFORCEMENT OFFICER.**

- J. All new manufactured/mobile homes shall be installed according to the Manufactured Installation Manual, which is provided by the Manufactured/Mobile Home Dealer.
- K. When obtaining a Building Permit, provide the year, make, model and proof that the manufactured/mobile home meets the Federal & National Manufactured Home Construction and Safety Standards (HUD). If HUD approval cannot be proven, the home may be inspected by the Zoning/Codes Enforcement Officer and be required to meet the requirements of the current B.O.C.A. Building Codes.

SECTION 608 TRAILER HOME REQUIREMENTS

Any Trailer Home shall be subject to the following requirements:

- A. Trailer Homes are no longer permitted to be established anywhere in the Township.

PART VII

NON-CONFORMING LOTS, USES OF LAND, STRUCTURES AND PREMISES

SECTION 701 NON-CONFORMITIES

The Zoning Officer shall upon adoption of this Ordinance or amendment thereof, identify and register all non-conforming uses, lots and structures. Upon identifying the non-conformity, the Zoning Officer shall mail registration forms to the owner of record.

SECTION 702 INTENT OF REGULATIONS

If, within the districts established by this Zoning Ordinance or amendments that may later be adopted, there exists lots, structures and uses of land and structures which were lawful before this Zoning Ordinance was passed or amended, but which would be prohibited under the terms of this Zoning Ordinance or future amendment. It is the intent of the Zoning Ordinance to permit these nonconformities to continue until they are removed. Such uses are declared by this Zoning Ordinance to be incompatible with permitted used in the districts involved.

SECTION 703 NON-CONFORMING LOTS OF RECORD

In any district in which residential dwellings are permitted, notwithstanding limitations imposed by other provisions of this Zoning Ordinance, a single-family dwelling, mobile home and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot

is located. Variance of yard requirements shall be obtained only through action of the Zoning Hearing Board. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of amendment to this Zoning Ordinance and if all or part of the lots do not meet the requirements for lot width and area as established by this Zoning Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Ordinance, not shall any division of the parcel by made which leaves remaining any lot with an area below the requirements stated in this Zoning Ordinance.

SECTION 704 NON-CONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Zoning Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Zoning Ordinance, as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. Such nonconforming use may as a special exception be enlarged or increased within the existing area at the effective date or amendment of this Zoning Ordinance. However, said use may not be extended on adjoining land area other than the original tract at the time of the legal enactment of this ordinance. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safe guards in accordance with the provisions of this Zoning Ordinance.

B. Such nonconforming use may as a special exception be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date or amendment of this Zoning Ordinance.

C. If any such nonconforming use of land is ceased for any reason, any subsequent use of such land shall conform to the regulations specified by this Zoning Ordinance for the district in which such land is located.

SECTION 705 NON-CONFORMING STRUCTURES INCLUDING SIGNS, AS TO BULK AND COVERAGE CONTROLS

Where a lawful structure exists at the effective date or amendment to this Zoning Ordinance that could not be built under the terms of this Zoning Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such structures may be enlarged or altered in a way which increased its nonconformity.

B. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 706 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION

If lawful uses involving individual structures, or of structures including signs and premises in combination, exists at the effective date of adoption or amendment of this Zoning Ordinance that would not be allowed in

the district under the terms of this Zoning Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

A. No existing structure devoted to a use not permitted by this Zoning Ordinance in the district in which it is located shall be enlarged extended, constructed, reconstructed, moved or structurally altered except as provided in Section 704 or in changing the use of the structure to a use permitted in the district in which it is located.

B. Any nonconforming use may be extended through any part of a building which was intended for such use at the time of adoption or amendment of this Zoning Ordinance, but no such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, finds the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accordance with provisions of this Zoning Ordinance.

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for one year, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

F. Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure by use of any nonconforming building or structure by fire, collapse, explosion or Act of God, subsequent to the date of legal acceptance of this Ordinance wherein the expense of such work does not exceed the fair replacement value of the building or structure at the time such damage occurred and reconstruction of the destroyed or damaged building is initiated within one (1) year of the date of damage, unless extension is granted by the Zoning Board.

SECTION 707 REPAIRS AND MAINTENANCE

A nonconforming structure may be maintained, repaired or altered, but shall not be enlarged in any way which increases its nonconformity. Nothing in this Zoning Ordinance shall prevent the restoration to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.

SECTION 708 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NON-CONFORMING USES

Any use for which a special Exception is permitted as provided in this Zoning Ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

PART - 8 ENACTMENT

This Ordinance was enacted and ordained the 12th day of March, 2007, by the Board of Supervisors of Washington Township, Greene County, Pennsylvania.

Washington Township
Board of Supervisors

/Wayne Miller
Wayne Miller

/Leonard Dulaney
Leonard Dulaney

Attest:

/Becky McCullough
Becky McCullough, Secretary

/Bryant K. Dean
Bryant K. Dean

SCHEDULE I - USE CONTROLS

DISTRICT: A-1, RURAL AGRICULTURAL

POLICY/OBJECTIVES:

To delineate areas to be protected for continued agricultural use.

PERMITTED PRINCIPAL:

AGRICULTURAL USES INCLUDING, BUT NOT LIMITED TO THE FOLLOWING:

Agricultural Use, Animal Hospital, Animal Husbandry, Arboricultural, Bed and Breakfast Establishments, Boarding House, Churches & Other Places of Worship, Dairy, Single-Family Detached Dwelling, Single-Family Attached Dwelling, Multi-Family Dwelling, Two-Family Detached Dwelling, Two-Family Semi-Detached Dwelling, Dwelling Group, Farm, Home Occupation, Lodging Place, Manufactured/Mobile Home, Modular Home, Park, Parking Area, Parking Lot, Play-Field, Playground, Municipal Recreation, Private Recreation, Riding Academy, Rooming House, College School, Elementary School, Nursery School, Secondary School, Trade or Professional School, Vocational School, Self-Service Storage Facility, Shopping Center, Billboard and Off-Premise Signs, Business Signs, Ground Signs, Private Stable, Public Stable, Dancing or Music Studio, Public or Semi-Public Swimming Pool, Tavern, Theater, Drive-In Theater, Tourist Cabins, Tourist Home, Winter Sports Area, Underground coal mining facilities, coal mining adjunct facility, coal mine conveyer, and extractive operations

PERMITTED ACCESSORY:

Accessory uses customarily incidental to the principal use, such as private garage, utility buildings, roadside stands.

SPECIAL EXCEPTIONS:

Airport, Amusement, Amusement Arcade, Apartments, Athletic/Health Spa, Auditorium, Automobile Salvaging, Automobile Body Shop, Automobile or Manufactured/Mobile Home Sales Garage, Automobile or Manufactured/Mobile Home Sales Lot, Automobile Repair, Automobile Service Station, Large-Scale Business Development, Business/Office Park, Business Service Use, Business Use, Ancillary Cafeteria, Camps and Camp Grounds, Dependent Care Facility, Family Care Facility, Group Care Facility, Car Wash, Cemetery, Child Care Facility, Civic Center, Community Clubs, Private Clubs, Cluster Development, Coal Tipples & Cleaning Plants, Mining Activities, Commercial Parking, Communications Receiving Structures, Community Center, Contractor's Yard, Convenience Food Store, Day Camps, Day Care Center, Dormitory, Drive-in Establishments, Extractive Industry, Financial Service Use, Storage Garage, Gasoline/Service Station, Hotel, Residential Hotel, Kennel, Laundromat, Library, Lodges and Fraternal Organizations, Lumber Yard, Manufacturing Use, Mine Disposal Areas, Mining Accessory Structures, Open-Pit Mining, Mining Portal, Manufactured/Mobile Home Park, Motel, Office Buildings, Public Parking Lot, Personal Services Use, Philanthropic Use, Professional Services Use, Public Buildings, Public Services Use, Quarry, Sand Pit, Gravel Pit, Borrow Pit, Race Track, Recycling Facility, Rehabilitation Home, Residential Conversion, Restaurant, Drive-in Restaurant, Fast Food Restaurant, Trailer Camp, Truck Terminal

**** TRAILER HOMES ARE NOT PERMITTED IN ANY DISTRICT IN THE SCHEDULE I – USE CONTROLS ****

SCHEDULE I - USE CONTROLS

DISTRICT: R-1, URBAN RESIDENTIAL

POLICY/OBJECTIVES:

To delineate areas of land to be protected for existing and encouraged for future low density residential development. To maximize the efficient use of land through residential clustering influenced by topographic conditions.

PERMITTED PRINCIPAL:

Low density Residential Development including Single-Family Detached Dwelling Units.

PERMITTED ACCESSORY:

Accessory uses customarily incidental to the principal use, such as private garages, utility buildings.

SPECIAL EXCEPTIONS:

Amusement, Apartments, Auditorium, Bed and Breakfast Establishments, Churches & Other Places of Worship, Cluster Development, Communication Receiving Structures, Condominium & Cooperative, Day Camps, Day Care Center, Single-Family Attached Dwelling, Multi-Family Dwelling, Two-Family Detached Dwelling, Two-Family Semi-Detached Dwelling, Dwelling Group, Home Occupation, Lodging Place, Park, Parking Area, Parking Lot, Play-Field, Playground, Municipal Recreation, Private Recreation, Residential Conversion, Public or Semi-Public Swimming pool, Winter Sports Area, Underground coal mining facilities, coal mining adjunct facility, coal mine conveyer, and extractive operations

**** TRAILER HOMES ARE NOT PERMITTED IN ANY DISTRICT IN THE SCHEDULE I
– USE CONTROLS ****