

ORDINANCE NO. 261

WASHINGTON TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA

AN ORDINANCE OF WASHINGTON TOWNSHIP, A SECOND CLASS TOWNSHIP OF THE COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA FOR THE PURPOSE OF AMENDING THE ZONING ORDINANCE OF WASHINGTON TOWNSHIP AND PROVIDING FOR SEVERABILITY AND THE REPEAL OF PRIOR INCONSISTENT ORDINANCES.

WHEREAS, the Board of Supervisors of Washington Township, Northampton County, Pennsylvania desire to amend the Township Zoning Ordinance; and

WHEREAS, the Washington Township Planning Commission and the Board of Supervisors (the "Supervisors") have reviewed the proposed amendment; and

WHEREAS, the Supervisors submitted the proposed amendment to the Washington Township Planning Commission on November 14, 2007 for review and comment as required by the Washington Township Code and the MPC; and

WHEREAS, the Washington Township Planning Commission made a recommendation to the Supervisors on December 18, 2007 to approve the proposed amendment; and

WHEREAS, the Supervisors submitted the proposed amendment to the Lehigh Valley Planning Commission for review and comment on January 7, 2008 as required by Section 609(e) of the MPC; and

WHEREAS, the Supervisors advertised the public hearing and notice of intent to adopt the proposed amendment to the Zoning Ordinance on January 15, 2008 as provided by the Washington Township Code, the MPC, and the Pennsylvania Second Class Township Code; and

WHEREAS, the Supervisors held a public hearing pursuant to public notice on the proposed amendment on February 13, 2008 as required by Section 609(b) of the MPC; and

WHEREAS, the Supervisors have determined that the proposed amendment is in the best interests of Washington Township and its citizens, and is consistent with the overall community objectives of the Comprehensive Plan adopted by Washington Township.

NOW, THEREFORE, in consideration of the foregoing, be it ordained and enacted and it is hereby ordained and enacted by the authority of the Board of Supervisors of Washington Township:

SECTION 1. General Provisions. The Zoning Ordinance of Washington Township is hereby amended as set forth below, such amendment being adopted and incorporated in

the official ordinance books by reference with the same force and effect as if duly recorded therein.

SECTION 2. Repealer. All ordinances, code sections, or parts thereof in conflict herewith are hereby repealed to the extent of such conflicts.

SECTION 3. Severability. Should any sentence, section, clause, part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part not declared to be invalid.

SECTION 4. Effective Date. This ordinance shall become effective immediately upon its passage.

SECTION 5. The Amendments. The Washington Township Zoning Ordinance is amended in the following manner:

1. **Amendment of Section 2.1.B.** Amend Section 2.1.B to add the following definitions:

"Helicopter" - An aircraft that derives its lift from blades that rotate about an approximately vertical central axis. Helicopters shall be divided into the following types:

<u>Type</u>	<u>1</u>	<u>2</u>	<u>3</u>
Allowable payload at 59°F at sealevel	5,000 lbs.	2,500 lbs.	1,200 lbs.
Passenger seats including pilot	15 or more	9 to 14	4 to 8
Maximum gross takeoff/ landing weight (Lbs)	12,501 or more	6,000 to 12,500	Up to 6,000

Heliport - An area, either at ground level or elevated on a structure, licensed by the Federal Aviation Administration and by the Pennsylvania Bureau of Aviation and approved for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

Heliport or Helistop, Private Use - A Heliport or a Helistop classified as a private facility by the Pennsylvania Bureau of Aviation and the Federal Aviation Administration limited to serving Type 3 Helicopters.

Helistop - A heliport but without auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

Ultralight Aircraft - An aircraft that complies with the Federal Aviation Administration FAR Part 103 (Ultralight Vehicle) regulations or the FAR Part 61 (14 CFR 61) regulations for Ultralight Aircraft.”

2. **Amendment of Section 3.6.B.** Amend Section 3.6.B to add the following as a permitted use:

“B. Uses Permitted by Right

Each of the following principal uses and their accessory uses are permitted by right in the Agricultural District by the Zoning Officer, provided that the use type, dimensional, and all other applicable requirements of this Ordinance are satisfied:

1. Agriculture
2. Animal Hospital*,**
3. Animal Husbandry*
4. Commercial Forestry*,**
5. Forest
6. Golf Course*,**
7. Kennel*,**
8. Mobile Home on Permanent Foundation**
9. Nursery/Greenhouse**
10. Park
11. Picnic Grove*,**
12. Riding Stable*,**
13. Single Family Detached Dwelling
14. Swimming Club*,**
15. Tennis Club*,**
16. Wildlife Sanctuary*
17. Private Use Heliport or Helistop for Type 3 Helicopters*
18. Private use airport or airstrip solely for ultralight aircraft*

*See Section 3.12 for additional requirements.
**Site Plan Review required (see Section 4.8)."

3. **Amendment of Section 3.6.C.** Amend Section 3.6.C to read as follows:

"C. Special Exception Uses

Each of the following principal uses and their accessory uses may be permitted in the Agricultural District by the Zoning Hearing Board in accordance with the standards contained in Section 3.13 of this Ordinance:

1. Agricultural Industry
2. Campground
3. Cemetery
4. Church
5. Fire Station
6. Gun Club/Target Range
7. Incinerator or landfill operated by a municipal authority or a municipality processing less than 750 tons of solid waste per day
8. Library
9. Membership Club
10. Mineral Extraction
11. Commercial Airport or Airstrip
12. Private Use Airport or Airstrip
13. Commercial Heliport or Helistop
14. Private Use Heliport or Helistop for Type 1 and Type 2 Helicopters
15. Public Utility Building or Substation
16. Sawmill
17. School
18. Recycling, Stump Grinding - Minimum land area for this land use shall be 60 acres."

a. **Amendment of Section 3.10.D.2.e.** Amend Section 3.10.D.2.e to read as follows:

"e. Heliport or Helistop, Private Use"

- b. **Amendment of Section 3.11.D.2.c.** Amend Section 3.11.D.2.c to read as follows:

“c. Heliport or Helistop, Private Use”

- c. **Amendment of Section 3.12.B.** Amend Section 3.12.B to add new Sections 16 and 17 to read as follows:

“16. **Heliport or Helistop, Private Use**

- a. The minimum lot size shall be the greater of 2 acres or the minimum lot size required by the Federal Aviation Administration and Pennsylvania Bureau of Aviation and any other governmental agency regulating the operation of Type 3 Helicopters.
- b. The use shall be permitted by the Federal Aviation Administration and the Pennsylvania Bureau of Aviation and any other governmental agency regulating the operation of aircraft. The use shall comply with all applicable Federal and State regulations and requirements pertaining to the use and operation of Type 3 Helicopters.
- c. In the event the area used for landings, takeoffs, and ground operations of the Type 3 Helicopter is located less than 1,000 feet from any residence not owned by the applicant for a Private Use Heliport or Helistop, the applicant shall provide a written consent from the owner of each residence which is less than 1,000 feet away from the areas used for landings, takeoffs, and ground circulation of Type 3 Helicopters provided, however, in the event the applicant is unable to produce such written consent(s), then, and in such event, the use shall be reclassified as a Special Exception in accordance with the provisions of Section 3.13.E.22.e of this Ordinance.
- d. The landing pad area for a Private Use Heliport or Helistop shall be suitable in size and other characteristics for use by medivac helicopters.

- e. The landing pad, taxiway, and any structures for the Private Use Heliport or Helistop shall comply with all setbacks applicable to buildings and structures in the applicable zoning district.

17. **Airport or Airstrip, Private Use Limited Solely to Ultralight Aircraft**

- a. The minimum lot size shall be the greater of 2 acres or the minimum lot size required by the Federal Aviation Administration and Pennsylvania Bureau of Aviation and any other governmental agency regulating the operation of ultralight aircraft.
- b. The use shall be permitted by the Federal Aviation Administration and the Pennsylvania Bureau of Aviation and any other governmental agency regulating the operation of ultralight aircraft. The use shall comply with all applicable Federal and State regulations and requirements pertaining to the use and operation of ultralight aircraft.
- c. In the event the area used for landings, takeoffs, and ground operations of ultralight aircraft is located less than 1,000 feet from any residence not owned by the applicant for a Private Use Airport or Airstrip restricted solely for use by ultralight aircraft, the applicant shall provide a written consent from the owner of each residence in question which is less than 1,000 feet away from the areas used for landings, takeoffs, and ground circulation of ultralight aircraft provided, however, in the event the applicant is unable to produce such written consent(s), then, and in such event, the use shall be reclassified as a Special Exception in accordance with the provisions of Section 313.E.22.e of this Ordinance.
- d. The landing area used by ultralight aircraft shall be suitable in size and other characteristics for use by medivac helicopters.

- e. The runway or landing area, taxiway, and any structures for the Private Use Airport or Airstrip used solely by ultralight aircraft shall comply with all setbacks applicable to buildings and structures in the applicable zoning district.
 - f. The design of a private use airport or airstrip restricted to ultralight aircraft shall be such that all ultralight aircraft shall be not less than 50 feet in altitude at the property line following takeoff or during landing approach or such greater altitude as may be necessary to safely clear any obstructions, whichever is greater.”
- d. **Amendment of Section 3.13.E.22.** Amend and completely restate Section 3.13.E.22 to read as follows:

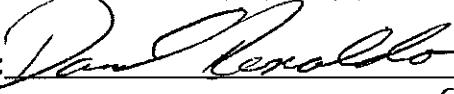
“22. Commercial and Private Use Airports or Airstrips, and Commercial Heliports, Helistops, and Private Use Heliports and Helistops for Type 1 and Type 2 Helicopters. The following provisions shall apply to: (i) all Commercial and Private Use Airports or Airstrips; (ii) all Commercial Heliports and Helistops; (iii) all Private Use Heliports and Helistops for Type 1 and Type 2 Helicopters; (iv) all Private Use Heliports and Helistops for Type 3 Helicopters that have not received the consents required by Section 3.12.B.16; and (v) all Private Use Airports and Airstrips restricted solely for use by ultralight aircraft that have not received the consents required by Section 3.12.B.17:

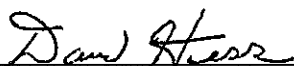
- a. The Pennsylvania Bureau of Aviation within the Pennsylvania Department of Transportation shall find the landing area safe and acceptable for licensing for a private airstrip, private airport, heliport, or helistop.
- b. The Federal Aviation Administration shall have granted approval for the use of the air space.
- c. The use shall comply with any other applicable Federal and State regulations and requirements.

- d. Areas used for landings, take-offs, and ground circulation shall be located at least 1,500 feet away from adjacent property lines.
- e. With the exception of subparagraph d above, subsections a, b, and c above-set forth shall apply to all Private Use Heliports and Helistops for Type 3 Helicopters and to all Private Use Airports and Airstrips restricted solely to ultralight aircraft where the applicant has been unable to obtain the written consent(s) required by the provisions of Section 3.12.B.16 and Section 3.12.B.17, respectively, of this Ordinance."

ENACTED AND ORDAINED by the Board of Supervisors of Washington Township, Northampton County, Pennsylvania on this 13th day of February, 2008.

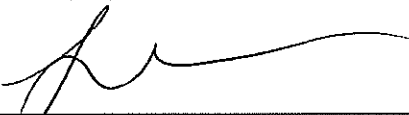
WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS

By: 
Chairman

By: 
Vice Chairman

By: absent
Supervisor

ATTEST:


Lori A. Dobson, Secretary