

TOWNSHIP of WASHINGTON
ORDINANCE #272

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 Supervisors of the Township of Washington, 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 amendments; and

WHEREAS, the Supervisors submitted the proposed amendments to the Washington Township Planning Commission on March 8, 2010 for review and comment as required by the Washington Township Code and the MPC; and

WHEREAS, The Washington Township Planning Commission made recommendation to the Supervisors on March 16, 2010 to approve the proposed amendments; and

WHEREAS, the Supervisors submitted the proposed amendments to the Lehigh Valley Planning Commission for review and comment on March 8, 2010 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 amendments to the Zoning Ordinance on April 14, 2010 as provide by the Washington Township Code and the MPC, and the Pennsylvania Second Class Township Code; and

WHEREAS the Supervisors held a public hearing pursuant to public notice on the proposed amendments on April 14, 2010 as required by Section 609(b) of the MPC; and

WHEREAS, the Supervisors have determined that the proposed amendments are in the best interest of Washington Township and its citizens, and are consistent with the overall community objectives of the Comprehensive Plan adopted by Washington Township; and

WHEREAS, the Supervisors are required to proceed with enactment of this Ordinance in light of the Commonwealth Court decision in the case of Washington Terrace vs. Washington Township Zoning Hearing Board

notwithstanding the fact that said decision is not consistent with the intended meaning of the language written and enacted in the Washington Township Zoning Ordinance by the Board of Supervisors; the decision of the Zoning Hearing Board and the Common Pleas Court decision which agreed with the interpretation and determination made by the Zoning Officer in accordance with Section 603.1 of the MPC.

NOW, THEREFORE, inconsideration 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 amendments 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 5 days after passage.

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

1. **Amendment of Section 2.1 B. Definitions.** Amend Section 2.1 B. to change the following Definition:

"Planned Development" - An area of land under single ownership containing any combination of two (2) or more principal uses **and/or two (2) or more principal buildings, regardless of use,** permitted by right or as a special exception in the district in which the development is proposed, provided a special exception use approval must be obtained for any proposed use so listed in the regulations of the district in which the development is proposed.

2. **Amendment of Section 2.1 B. Definitions.** Amend Section 2.1 B. to add the following Definition:

"Farm" – To raise crops and/or livestock. A farm may include Agriculture, Animal Husbandry and/or Greenhouse/Nursery uses and the Farm Use may also include a single dwelling unit as an

Accessory Use on one lot . In such case the Farm Use shall be considered one principal use.

3. **Amendment of Section 2.1 B. Definitions.** Amend Section 2.1 B. to change the following Definition:

"Condominium – An individual residential unit or commercial unit in a multi-unit building or complex wherein each unit's owner also owns common areas. This includes real estate, portions of which are designed for separate ownership and the remainder of which is designed for common ownership solely by the owners of those portions, created under and in compliance with the Pennsylvania Uniform Condominium Act 68 Pa.C.S. §§3101 – 3414. Real Estate is not a condominium unless the undivided interest in the common elements are vested in the unit owners. A condominium shall be determined, by the Zoning Officer, to be the most similar use as listed in the Zoning Ordinance, whether Permitted or Special Exception. The condominium use shall comply with all of the requirements of each individual specific use as determined by the Zoning Officer.

4. **Amendment of Section 3.6 B. Uses Permitted by Right** – Amend Section 3.6 B. to add the following as a permitted use:

Farm*

* See Section 3.12 for additional requirements.

5. **Amendment of Section 3.7 B. Uses Permitted by Right** – Amend Section 3.7 B. to delete the following as a permitted use:

~~Townhouse~~

~~Two Family Dwelling~~

6. **Amendment of Section 3.7 C. Special Exception Uses**– Amend Section 3.7 C. to add the following as a special exception use:

Two Family Dwelling

7. **Amendment of Section 3.8 B. Uses Permitted by Right** – Amend Section 3.8 B. to delete the following as a permitted use:

~~Townhouse~~

8. **Amendment of Section 3.8 C. Special Exception Uses**– Amend Section 3.8 C. to add the following as a special exception use:

Townhouse

9. **Amendment of Section 3.12 B. Additional Requirements.** – Amend Section 3.12 B. to add the following:

Farm – A farm use shall comply with all of the cumulative lot area requirements and yard requirements as well as and additional requirements of Section 3.12 for an Agricultural Use, Animal

Husbandry Use, Greenhouse/Nursery Use and Single Family Dwelling Use that are located on the parcel. A Farm Use shall be considered one principal use.

10. **Amendment to Section 4.1 Limit of One Principal Use.** Amend Section 4.1 to the following:

4.1 LIMIT OF ONE PRINCIPAL USE / PRINCIPAL BUILDING

No more than one (1) principal use **and (1) one principal building** shall be permitted on a lot, unless **otherwise** specifically permitted by this Ordinance.

13. **Amendment to Section 4.2 Principal Buildings.** Amend Section 4.2 to the following:

4.2 PRINCIPAL BUILDINGS / PRINCIPAL USES

B. Two or More on a Lot

Two (2) or more principal buildings **and/or principal uses** on a lot **shall only be permitted as a Planned Development and** shall conform to:

1. The requirements of this Ordinance which would apply to **each use** or building if each were on a separate lot, and

ENACTED AND ORDAINED, by the Board of Supervisors of Washington Township, Northampton County, Pennsylvania on this 14th day of April, 2010.

WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS

By: _____

David Renaldo, Chairman

By: _____

David Hess, Vice Chairman - ABSENT

By: _____

Daniel Crafa, Supervisor

ATTEST:

Gail Putvinski
Gail Putvinski, Secretary