

**TOWNSHIP of WASHINGTON
ORDINANCE NO. 280**

**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, the Lehigh Valley Planning Commission and the Board of Supervisors (the "Supervisors") have reviewed the proposed amendments; and

WHEREAS, the Supervisors advertised the public hearing and notice of intent to adopt the proposed amendments to the Zoning Ordinance 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 amendments on October 10, 2012 as required by Section 609(b) of the MPC; and

WHEREAS, the Supervisors have determined that the proposed amendments are in the best interests of Washington Township and its citizens, and are 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 All ordinances, code sections, or parts thereof in conflict herewith are hereby repealed to the extent of such conflicts.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. Definitions.** Amend Section 2.1.B to add the following definitions:

6. **Flea Market** - A temporary market place that offers diverse items for sale, including new and used items in other than normal retail outlets; the same being within a building, tent, or out in the open. For purposes of this Ordinance, Flea Markets are divided into two categories:

- a. **Commercial Flea Markets** - An operation in which a landowner offers space to any individual, whether for a fee or not, at which the individual may offer items for sale.
- b. **Private Flea Market** - An operation in which a service, non-profit or charitable organization solicits items from individuals and offers the same for sale with proceeds benefiting the organization.
- c. **Lawn, Yard, Garage, and Tag Sales** - These land use activities are not included in the Flea Market definition. *See Garage Sale definition.*

93. **Garage Sales** - Shall mean a sale open to the public, of new, used or previously owned personal property, including but not limited to goods, wares, merchandise and clothing, held on vacant property, or on the lawn, yard, porch, patio, or in the garage, residence or other outbuilding.

Garage Sales shall be:

Limited to a maximum of three (3) consecutive days in duration.

Limited to a maximum of four (4) times per calendar year at any property.

Items being sold shall not have been purchased and brought to the property specifically for the garage sale.

Any garage sale not in full compliance with the definition of Garage Sale shall be considered a Commercial Flea Market.

Religious, Charitable and Service Organizations shall be exempt from the Garage

Sale regulations and are to be considered a Private Flea Market.

2. Amendment of Section 3.9E RURAL CENTER DISTRICT (RC)

Amend Section 3.9E read as

E. Lot Area, Building Coverage, and Height Regulations

Each of the following dimensional requirements shall apply to each use in the Rural Center District, except as specifically provide for in this Ordinance:

Principal Use	Minimum Lot Area* (sq. ft.)	Minimum Lot Width** (feet)	Maximum Land Coverage (%)		Maximum Structure Height (feet)
Agriculture, Animal Husbandry, Orchard	217,800	400	5	10	70
Two Family Dwelling with On-Lot Sewer & On-Lot Water	43,560	130	20	30	35
with On-Lot Sewer & Centralized Water	35,000	120	25	35	35
with Centralized Sewer & Centralized Water	22,000	90	30	40	35
Townhouse with Centralized Sewer & Centralized Water	5,445	102***	30	40	35
Garden Apartments, Low Rise Apartments with Centralized Sewer & Centralized Water	5,445	100	30	40	42
Any Other Use with On-Lot Sewer & On-Lot Water	43,560	130	15	25	42
with On-Lot Sewer & Centralized Water	35,000	100	20	30	42
with Centralized Sewer & Centralized Water	22,000	90	20	30	42

* Per dwelling unit for single family detached and two family dwellings or average area per each

low-rise multiple family unit.

**Measured at the building setback line or in accordance with Section 4.4 B.

*** For Townhouses, the minimum lot width is one hundred two (102') ft. for each Townhouse.

For Townhouses with over three (3) dwelling units, an additional Twenty-five (25') shall be required for each additional dwelling unit up to four (4) additional dwelling units. Each individual townhouse dwelling unit – whether a single lot or part of a larger

lot including multiple townhouse dwelling units – shall have a minimum width of at least twenty-four (24') feet.

3. **Amendment of Section 3.12B.** Amend Section 2.1 B.13 to read as follows:

B. Additional Requirements

3. Animal Husbandry

- a. The use shall be conducted on a lot at least five (5) acres in size.
- b. Every barn, animal shelter, stable, feed yard, or manure storage area shall be at least one-hundred (100') feet from all lot lines.

4. Auto/Boat/Recreational Vehicle Sales

- a. No vehicle on display shall occupy any part of the street right-of-way, required yard areas, or required parking area.
- b. Any outside lights shall be directed or shielded so as not to shine directly onto other properties, streets, or public sidewalks.
- c. Provisions shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.

5. Auto Repair Garage

- a. All repair and paint work shall be performed within an enclosed building.
- b. Provisions shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.
- c. Outdoor storage of auto and other vehicles;
shall not exceed three (3) times the indoor repair area (10' by 20' area per vehicle), shall not be located in the required front yard requirement, and shall be no closer than twenty (20') feet from the side or rear lot lines.
- d. Any vehicle on the premises longer than 48 hours shall be deemed a stored vehicle. No vehicle shall be stored in excess of forty-five (45) days.
- e. Any outside lights shall be directed or shielded so as not to shine directly onto other properties, streets, or public sidewalks.

9. Fast Food Restaurant/Restaurant

- a. All trash containers shall be screened from view of adjacent properties and the public roadway.
- b. Shall provide landscaping on all areas not covered by buildings, structures, parking areas or access drives.
- c. May provide an outdoor menu board (which shall not be considered a sign) if drive-up service is provided from within the building to customers in their vehicles.
- d. Provisions shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.
- e. Any outside lights shall be directed or shielded so as not to shine directly onto other properties, streets, or public sidewalks.

15. **Riding Stable**

- a. A minimum lot size of five (5) acres plus one-half (1/2) acre for each additional horse over ten (10) shall be required.
- b. Every barn, animal shelter, stable, feed yard, or manure storage area shall be at least one hundred (100') feet from all lot lines.

4. **Amendment of Section 3.13 B.** Amend Section 3.6 B, as follow:

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- b. Every barn, animal shelter, stable, feed yard, or manure storage area shall be at least one hundred (100') feet from all lot lines.

5. Amendment of Section 3.13 E. Amend and restate Section 3.6 E to read
3.13 Special Exception Uses

E. Specific Standards

5. Animal Husbandry

- a. The use shall be conducted on a lot at least ten (10) acres in size.
- b. Every barn, animal shelter, stable, feed yard, or manure storage area shall be at least one hundred (100') feet from all property lines.

6. Auto Service Station

- a. No entrance or exit shall be located within two hundred (200') feet of the entrance or exit of a school, library, theater, church, hospital, park, or fire station.
- b. No fuel pump shall be within any required yard area.
- c. Provisions shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.
- d. Any outside lights shall be directed or shielded so as not to shine directly onto other properties, streets, or public sidewalks.

10. Car Wash

No entrance or exit shall be located within two hundred (200') feet of the entrance or exit of a school, library, theater, church, hospital, park, or fire station.

- a. Provisions shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.
- b. Any outside lights shall be directed or shielded so as not to shine directly onto other properties, streets, or public sidewalks.

18. Flea Market, Commercial

- a. Minimum lot area, width, building coverage, and height regulations for these uses are as follows:

Minimum Lot Area= Seven (7) Acres

Minimum Lot Width = 400 feet

Maximum Building Coverage including tents = 30%

Maximum Impervious Cover = 40%

Maximum Height of Structures (stationary and/or temporary) = 25 feet

Yard setbacks:

Front = 50 feet

Side (each) = 50 feet

Rear = 50 feet

- b. Sign area shall not exceed 36 square feet for all On-Premises signs visible from a public road; up to two freestanding signs are permitted to face the public roads. Flea market booth signs and other internal signs that do not face the public roads are not limited by this regulation.

c. Landscaping- A Buffer Yard and Screen Planting in accordance with Section 4.4 D. shall be required within front, side and rear yards. A fence or wall may be submitted as a substitute for part of the screening and shall be at least twenty (20') feet from all lot lines. The fence and/or wall substitution shall be accepted and approved by the Zoning Hearing Board.

d. A Land Development Plan is required. This Land Development Plan shall meet Township requirements of the Subdivision and Land Development Ordinance.

e. A Performance and Traffic Impact Study is required as per the General Regulations section of this Ordinance. In addition, final approval of the proposed Flea Market shall be subject to the Applicant securing a PennDOT highway occupancy permit or Township highway occupancy permit, as applicable.

f. If a separate Township Flea Market Ordinance is adopted, then compliance with all requirements of this Ordinance shall be applicable in license renewal.

g. Two parking spaces shall be required for each available booth.

h. Adequate sanitation facilities shall be provided, as determined by the Township Sewage Enforcement Officer and DEP.

28. Riding Stable

a. A minimum lot size of five (5) acres plus one-half (1/2) acre for each additional horse over ten (10) shall be required.

b. Every barn, animal shelter, stable, feed yard, or manure storage area shall be at least one hundred (100') feet from all lot lines.

33. Wildlife Sanctuary

a. The use shall be conducted on a lot at least five (5) acres in size.

b. No animal which is dangerous or capable of causing harm to persons or damage to property shall be permitted to roam free.

c. Every barn, animal shelter, stable, cage, feed yard, or manure storage area shall be at least one hundred (100') feet from all lot lines.

6. **Amendment of Section 3.14C.** Amend Section 3.14C to read as follows:

3.14 Accessory Uses

C. Special Standards

1. Bus Shelter

a. Shall not be located within any road right-of-way, shall be at least fifty (50') feet from a street intersection, and shall be at least ten (10') feet from the cartway.

b. Shall comply with all sign regulations of this Ordinance.

8. Keeping of Animals and Fowl

a. The maximum number of animals permitted for residential uses on a lot shall be as follows:

	Watershed & Agriculture	R-1, R-2, RC, C & I
Customary Household Pets and Domestic Animals*	5 of each animal	5 of each animal
Fowl**	12 per ½ acre of lot area to a maximum of 48 in all districts	
Large Animals***	1 per ¾ acre	Minimum Lot size of 2 Acres shall be required. The density shall not exceed 1 animal per acre

* Such as dogs, cats, etc.

** Such as chickens, turkeys, ducks, etc.

*** Such as cattle, horses, goats, pigs, etc.

b. Six (6) or more adult dogs or cats shall constitute a kennel.

c. Commercial Use. Commercial breeding or use of animals shall not be permitted under this use.

d. Large animals (such as cattle, horses, goats and pigs) and fowl (such as chickens and turkeys) shall be kept on the lot in a confined area which shall be at least fifty (50') feet from any lot line. Every barn, animal shelter, stable, feed yard, or manure storage area shall be at least fifty (50') feet from all lot lines.

17. Nonresidential Accessory Building, Structure or Use - Permitted nonresidential accessory buildings, structures or uses include:

a. Parking Spaces and Garages. Shall comply with Article 7.

b. Fences and Walls.

(1) Fences and walls in the required side and rear yard areas shall not exceed ten (10') feet in height, and may be located on a lot line, but not within any designated easement or within any ultimate right-of-way.

(2) Fences or walls placed in the required front yard shall not exceed ten (10')

feet in height and may be located on a lot line, but not within any designated easement or within any ultimate right-of-way.

c. Structures. Structures (such as garages, bathhouses, greenhouses, and storage sheds) shall not exceed fifty (50%) percent of the floor area of the principal building, shall not exceed thirty (30') feet in height, and shall not be located in front of nor within ten (10') feet of the principal building not within ten (10') feet from a side lot line, nor within ten (10') feet of a rear lot line.

d. Any accessory building with a floor area of 1,000 square feet or more shall also comply with the Township Subdivision and Land Development Ordinance for plan preparation, review and approval, and requires submission of a Grading Plan and Act 167 Stormwater Runoff compliance

7. **Amendment of Section 4.10 B.** Amend Section 4.10B to read as follows:

4.10 PERFORMANCE AND TRAFFIC IMPACT REQUIREMENTS

B. Traffic Impact Requirements - All development projects involving the uses listed below will be evaluated by the Township Engineer to determine the level of traffic impact on the Township. This will apply to all new projects or uses proposed or to any expansion of an existing development which is proposed after the effective date of this Ordinance.

Residential	25 or more dwelling units
Commercial	10,000 square feet or more of total floor area.
Office	20,000 square feet or more of total floor area
Industrial	30,000 square feet or more of total floor area, or any truck terminal, or any sanitary landfill, recycling facility, material separation facility, composting facility, refuse derived fuel facility or any solid waste transfer stations
Institutional	30,000 square feet or more of total floor area
Any use or combination of uses that would generally result in greater than 600 trips per day	


9. **Amendment of Section 5.5** Amend Section 5.5 to read as follows:

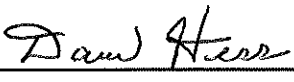
5.5 DEVELOPMENT ALONG WATERBODIES AND/OR WETLANDS

All areas within fifty (50') feet of the banks of any stream, lake, pond, wetlands or vernal pools shall be in open space.

ORDAINED AND ENACTED by the Supervisors of the Township of Washington, County of Northampton and Commonwealth of Pennsylvania, into an Ordinance, this 10th day of October, 2012.


**WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS**

By: 
David Renaldo, Chairman

By: 
David Hess

By: _____
Daniel Crafa — ABSENT

ATTEST:

By: 
Gail Putvinski, Secretary