



Multi-Municipal Zoning Ordinance

City of Washington and Borough of East Washington

Washington County, Pennsylvania

Enacted on April 3, 2017



Prepared by:
MACKIN ENGINEERING COMPANY

AN ORDINANCE TO ENACT A MULTI-MUNICIPAL ZONING ORDINANCE FOR THE CITY OF WASHINGTON AND BOROUGH OF EAST WASHINGTON, WASHINGTON COUNTY, PENNSYLVANIA.

WHEREAS, the Washington and East Washington Joint Planning Commission has prepared the City of Washington & Borough of East Washington Multi-Municipal Zoning Ordinance and Zoning Map in accordance with the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended), as implementation of the City of Washington and Borough of East Washington Multi-Municipal Comprehensive Plan, which was adopted in 2012; and

WHEREAS, the City Council of the City of Washington and Borough Council of the Borough of East Washington deem it necessary for the promotion of health, safety, morale and the general welfare of the City and Borough to regulate and restrict herein the height, use, size and location of buildings and other structures, the size and location of yards and other open spaces, and the use of land. The following requirements are hereby created and established to accomplish this purpose and shall hereinafter apply.

WHEREAS, the multi-municipal zoning ordinance replaces Chapter 27 Zoning of the City of Washington Code, in its entirety; and

WHEREAS, the multi-municipal zoning ordinance replaces Chapter 340 Zoning of the Borough of East Washington Code, in its entirety; and

WHEREAS, the proposed multi-municipal zoning ordinance was referred to the Washington County Planning Commission for review and comment on November 17, 2016; and

WHEREAS, City Council held a public hearing on March 9, 2017 which were advertised in accordance with the procedures established in the Pennsylvania Municipalities Planning Code, approve the enactment of said Ordinance, and

WHEREAS, Borough Council held a public hearing on February 6, 2017, which were advertised in accordance with the procedures established in the Pennsylvania Municipalities Planning Code, approve the enactment of said Ordinance.

This Ordinance shall become effective immediately upon its passage by both municipalities.

BE IT ENACTED AND ORDAINED by the **City of Washington Council** on
March 9, 2017, as part of the City of Washington Ordinance # 1890 Bill 5 of 2017

City of Washington Council



City of Washington Mayor

Attest:



City Clerk

**AN ORDINANCE TO ENACT A MULTI-MUNICIPAL ZONING ORDINANCE FOR
THE CITY OF WASHINGTON AND BOROUGH OF EAST WASHINGTON,
WASHINGTON COUNTY, PENNSYLVANIA.
ORDINANCE NO. 534 of 2017**

WHEREAS, the Washington and East Washington Joint Planning Commission has prepared the City of Washington & Borough of East Washington Multi-Municipal Zoning Ordinance and Zoning Map in accordance with the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended), as implementation of the City of Washington and Borough of East Washington Multi-Municipal Comprehensive Plan, which was adopted in 2012; and

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WHEREAS, the multi-municipal zoning ordinance replaces Chapter 27 Zoning of the City of Washington Code, in its entirety; and

WHEREAS, the multi-municipal zoning ordinance replaces Chapter 340 Zoning of the Borough of East Washington Code, in its entirety; and

WHEREAS, the proposed multi-municipal zoning ordinance was referred to the Washington County Planning Commission for review and comment on November 17, 2016; and

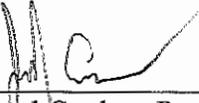
WHEREAS, City Council held a public hearing on March 9, 2017, which were advertised in accordance with the procedures established in the Pennsylvania Municipalities Planning Code, approve the enactment of said Ordinance, and

WHEREAS, Borough Council held a public hearing on February 6, 2017, which were advertised in accordance with the procedures established in the Pennsylvania Municipalities Planning Code, approve the enactment of said Ordinance.

This Ordinance shall become effective immediately upon its passage by both municipalities.

BE IT ENACTED AND ORDAINED by the Borough of East Washington Council on April 3, 2017 as part of the Borough of East Washington Ordinance No. 534 of 2017

Borough of East Washington Council



Jerad Cypher, President



Borough of East Washington Mayor

Attest:



Borough Secretary

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PART 1
GENERAL PROVISIONS

- § 101. Title. An ordinance to establish zoning regulations for the use of land, structures, area of lots, bulk of buildings and other structures, the density of population, the provision of off-street parking and loading spaces and similar accessory regulations for the City of Washington and Borough of East Washington, Pennsylvania, and for such purposes to divide the City and Borough into zoning districts; and, further, to provide for administrative enforcement and amendment thereof in accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
- § 102. Short Title. This Chapter shall be known and may be cited as the "The Zoning Ordinance of the City of Washington and Borough of East Washington." This Ordinance is also known as "the Zoning Code" or as "Chapter 27 of the Codified Ordinances of the City of Washington" or as "Chapter 340 of the Codified Ordinances of the Borough of East Washington." It is also hereafter referred to as "the Zoning Ordinance" or "this Chapter."
- § 103. Purposes. The zoning regulations and districts set forth in this Chapter are intended to achieve, among others, the following purposes:
- § 103.1. Community Development Objectives.
- A. To promote, protect and facilitate any or all of the following: the public health, safety, morals and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, national defense facilities, the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
 - B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of life or property from fire, flood, panic or other dangers.
 - C. To provide for the use of land within the City and Borough for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements; and that this Chapter shall not be deemed invalid for the failure to provide for any other specific dwelling type.
 - D. To accommodate reasonable and overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

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- E. To preserve and protect all City and Borough neighborhoods.
- F. To promote, strengthen and enhance local commercial activities and opportunities.
- G. To encourage local development that addresses social needs and social goals of the community.
- H. To promote fair, understandable and enforceable land use policies.

§ 103.2. Relationship to the Comprehensive Plan. This Chapter is adopted to promote orderly plan of development according to the adopted City of Washington and Borough of East Washington Multi-Municipal Comprehensive Plan, including data on existing conditions, statements concerning the proposed plan evaluations of implementation techniques. Such material shall be considered as legislative history and shall be utilized when necessary to establish policy in the interpretation of this Chapter.

§ 104. Interpretation. In interpreting and applying the provisions of this Zoning Ordinance, the provision shall be held to the minimum requirements adopted for the promotion of the public health, safety, and general welfare of the City and Borough. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Chapter, the provisions of such statute, ordinance or regulation shall be controlling.

§ 105. Separability. It is hereby declared to be the legislative intent that:

§ 105.1. If a court of competent jurisdiction declares any provision of this Chapter 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 Chapter shall continue to be separately and fully effective.

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

§ 106. Application to Public Utility Corporations. This Chapter shall not apply to facilities of a public utility corporation, if specifically exempted by Pennsylvania Public Utility Commission after a hearing under the provisions of Section 619 of the Pennsylvania Municipalities Planning Code, as reenacted and amended.

§ 107. Repeal of Conflicting Ordinances. All existing zoning ordinances for the City and Borough and amendment thereto, or parts of ordinances which are contrary to the provisions of this Chapter are hereby repealed to the extent necessary to give this Chapter full force and effect.

PART 2
DEFINITIONS

§ 201. Language Interpretations.

§ 201.1. For the purpose of this Chapter, certain words shall have the meaning assigned to them, as follows:

- A. Words used in the present tense shall include the future.
- B. The singular includes the plural, and the plural the singular.
- C. The word "person" includes a corporation, partnership, association and individual.
- D. The word "lot" includes the word "plot," "parcel," or "tract."
- E. The terms "shall" and "will" are always mandatory. The word "may" is permissive.
- F. The word "used" or "occupied," as applied to any land or building shall be construed to include the words "intended, arranged, maintained or designed to be used or occupied."
- G. The word "building" includes the word "structure."
- H. The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character.
- I. If a word is not defined in this Ordinance, but is defined in the Subdivision and Land Development Ordinance (SALDO) of the City of Washington or the Borough of East Washington, as amended, then the SALDO definition shall also apply to this Ordinance. If a term is not defined in this Ordinance or the SALDO, then the term shall have its plain and ordinary meaning within the context of the provision. A standard reference dictionary should be consulted.

§ 202. Definitions. The following words and phrases shall have the meaning given in this Ordinance as follows:

ACCESS LANE - the drive within a parking lot directly abutting parking spaces and designed to provide a connection between the spaces and the public street.

ACCESSORY STRUCTURE – a subordinate building, the use of which is customarily incidental to that of the principal building, located on the same lot as the principal building, including, but not limited to, garages.

ACCESSORY USE – a use conducted on the same lot as a principal use to which it is related; a use which is clearly incidental to and customarily found to be subordinate to a particular principal use.

ADULT-ORIENTED ESTABLISHMENT (OR “ADULT USE”) – the definition for this term and for all uses included under this term shall apply as are provided in Title

68, Part II, Subpart E, Chapter 55, Section 5502 of the Pennsylvania Consolidated Statutes, as amended. Such definitions in Pennsylvania Statutes are hereby included by reference, including but not limited to, the definitions for “Adult Bookstore,” “Adult Entertainment,” “Adult Mini-Motion Picture Theater,” “Adult Motion Picture Theater,” “Sexual Activities,” “Specified Anatomical Areas,” and “Specified Sexual Activities.”

ADULT DAY CARE CENTER - A premises operated for profit or not for profit in which older adult (must be 18 years of age or older) daily living services are simultaneously provided for part of a 24-hour day for four or more clients who are not relatives of the operator. Such a facility must be licensed by the Commonwealth of Pennsylvania.

AIRCRAFT - any contrivance, except an empowered hang-glider or parachute, used for manned ascent into or flight through the air. See 74 Pa.C.S.A. 5101.

AIRPORT (refers to the Washington County Airport) - any area of land or water which is used or intended to be used for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. See 74 Pa.C.S.A. 5102. As used herein the term "airport" shall not include heliports. Private and public airports are defined separately in this Section.

AIRPORT ELEVATION - the highest point of an airport's usable landing area measured in feet from sea level. Here, one thousand one hundred eighty-five (1,185) feet above mean sea level.

AIRPORT HAZARD AREA - any area of land or water upon which a hazard to air navigation (an airport hazard) might be established if not prevented as provided by these regulations and the Airport Zoning Act. 74 Pa.C.S.A. 5911 et sec.

ALTERATION - As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another, or conversion of one use to another by virtue of interior change.

AMENDMENT- a change in this Chapter, including addition of new requirements, revision of existing requirements or deletion of obsolete requirements, necessitating public hearings and other official approvals before becoming effective.

ANIMAL SHELTER - A facility used to house or contain stray, homeless, abandoned, abused or unwanted animals (dogs, cats, rabbits, hamsters) that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

APARTMENT - a room or suite of rooms, intended, designed or used as a residence by a single-family, in a building with its own cooking, food storage, bathing and toilet facilities and with access directly or via a common hall to the outside.

APPLICANT --a landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

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

APPOINTING AUTHORITY - the Mayor and Council of the City of Washington; the Council of the Borough of East Washington.

APPROACH SURFACE - a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope set forth in 1005 of this Chapter. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL ZONES - these zones are shown in the illustration, "Isometric View of Airport Zones," in Part 10 of this Chapter governing airport regulations.

ASSISTED LIVING FACILITY - any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self administration.

AUTHORITY - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."

AUTOMOBILE SERVICE STATION - any building, land or structure used for dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work, such as motor replacement, body and fender repair or spray painting, commonly known as a gasoline station.

AUTOMOTIVE SALES - the sale or rental of new or used motor vehicles or trailers.

AUTO BODY/AUTO REPAIR SHOP – a facility where repairs to the frame or other structural parts of motor vehicles, spray painting, and repair or replacement of fenders and similar external portions of motor vehicles are conducted. Auto repairs to the mechanized parts of a vehicle, including engine, motor, transmission, etc, shall also be included in this definition.

BASEMENT - the space enclosed by the foundation or ground floor walls of a building with a minimum depth of six (6) feet. A basement shall not be counted as a story for purposes of height measurement unless one-half (1/2) or more of its height is above average grade.

BED AND BREKFAST - An owner-occupied detached single-family dwelling which provides overnight lodging to temporary visitors of the area, provides meals for overnight guests only, and which does not routinely involve rental of accommodations for periods of more than 14 consecutive days.

BILLBOARDS - see “sign (billboard).” A type of “Sign, Off-Premises”

BOARD - the Zoning Hearing Board for the City of Washington or Borough of East Washington.

BOARDER - an individual or individuals, other than a family member of the family occupying the dwelling unit, or part thereof, who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

BOARDING OR ROOMING HOUSE - a dwelling in which at least two rooms are offered for rent, whether or not meals are furnished to lodgers and in which no transients are accommodated and no public restaurant is maintained. A school or college dormitory, fraternity or sorority house, membership club with residents, and other similar uses are not deemed a boarding or rooming house.

BOROUGH COUNCIL – the Borough Council of the Borough of East Washington.

BOUNDARY - a line, usually a property or street right-of-way line or the centerline of a recognizable physical feature such as a highway, stream or railroad that demarcates the edge of a district or area.

BREW PUB – a restaurant-brewery that sells 25% or more of its beer on site. The beer is brewed primarily for sale in the restaurant and bar.

BUFFER - a buffer, buffer area, and buffer yard or buffer setback is a strip of land planted with trees, shrubs and lawns and which is kept free of outdoor storage, buildings and vehicles, and which serves to separate certain uses or zoning districts. See also “screening” in this Section. A buffer cannot be used for any purpose other than fencing and landscaping.

BUILDABLE ACREAGE - a gross acreage reduced by all or a portion of land with sensitive environmental attributes.

BUILDING - any structure in excess of 150 sq. ft. having a roof and enclosed sides and any unroofed platform, terrace or porch having a vertical face higher than 3 feet above the level of the ground from which the height of the building is measured. All buildings are structures, but only those structures that meet this definition shall be considered buildings.

BUILDING, ACCESSORY – A subordinate building located on the same lot as the main building, the use of which is incidental to the use of the main building.

BUILDING, MAIN OR PRINCIPAL – a building in which is conducted the principal use of the lot on which it is situated. In any residential zone, a dwelling shall be deemed

a main building on the lot on which the same is located, unless otherwise provided for elsewhere in Chapter.

BUILDING HEIGHT - see "height."

BUSINESS OFFICE – a business establishment which does not offer a product or merchandise for sale to the public. Personal services such as barber and beauty shops and repair services are not deemed a business office.

B.Y.O.B. Club. "B.Y.O.B. Club" means any business facility such as a dance hall, club or association not licensed by the Pennsylvania Liquor Control Board, wherein patrons twenty-one (21) years of age and older may, after payment of an entry fee, cover charge or membership fee, consume alcoholic beverages which said patrons have carried onto the premises; also commonly referred to as "Bring Your Own Bottle" Clubs; provided that a facility which is rented for a limited period of time, not to exceed six (6) hours, by individual(s) or an organization for the purpose of a private party in which alcoholic beverages are carried onto the premises shall not be considered a B.Y.O.B. Club under the terms of this Ordinance. B.Y.O.B. Club shall not include a restaurant as defined in this Section.

CARPORT - A partially enclosed accessory roofed structure used for the purpose of parking an automobile.

CAR WASH - a structure used for the purposes of cleaning or reconditioning the exterior and interior surfaces of automotive vehicles but not including an incidental one-way washing facility in a gasoline service station where washing facilities are purely incidental to the operation of said service station. A self-operating vehicular laundering facility not requiring attendants or employees, regardless of capacity, is also considered to be an automobile laundry.

CARETAKER HOME - an accessory structure used expressly for the provision of living quarters and addressing all required yard and bulk requirements.

CELLAR- the space enclosed by the foundation or ground floor walls of a building with a minimum depth of six (6) feet in which more than one-half (1/2) of its height is below grade. A cellar shall not be counted as a story.

CENTERLINE - an imaginary line running parallel to street or easement right-of-way lines and equidistant from the lines on each side of the street or easement, or a line following the center of a physical feature such as a stream or roadway.

CERTIFICATE OF OCCUPANCY – a certificate issued by code enforcement officials of the City or Borough upon completion of construction or alteration of a building or upon approval of a change in occupancy or use of a building.

CHECK CASHING BUSINESS – an establishment engaged in the cashing of checks by individuals or the deferred deposit of personal checks whereby the check casher refrains from depositing a personal check written by a customer until a specific date; or the offering of a loan until a paycheck would be received by the person receiving the

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loan. This term shall not include any of the following: a) a state or federally chartered bank, savings association, credit union, or industrial loan association, b) a Licensed Gaming Facility (or any hotel related thereto), or c) a retail store engaged primarily in selling or leasing items to retail customers and that cashes a check for a fee not routinely exceeding one percent of the check amount as a service to its customers incidental to the retail store principal use.

CHILD DAY CARE - a use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including "nursery school" or "Head Start" programs. See also definition of "adult day care center." The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives," 2) care of children within a place of worship during regularly scheduled religious services, and (3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the caregiver.

- (1) **Family Day Care Home.** A type of "day care" use that: 1) is accessory to and occurs within the primary caregivers' dwelling unit, 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary caregiver, and 3) is registered with the applicable State agency.*
- (2) **Group Day Care Home.** A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not "relatives" of the primary caregiver, 2) provides care within the primary caregivers' dwelling unit, and 3) is licensed with the applicable State agency.*
- (3) **Day Care Center,** A type of "day care" use that: 1) provides care for 7 or more children at one time who are not "relatives" of the primary caregiver, 2) does not occur within a dwelling unit, 3) is licensed with the applicable State agency.*

*Note: As of the adoption date of this Ordinance, such agency was the PA Department of Public Welfare.

CITY - the City of Washington, Washington County, Pennsylvania

CITY COUNCIL - the City Council of Washington, Pennsylvania.

CLEAR SIGHT TRIANGLE - a triangular area of unobstructed vision on corner lots formed by a seventy-five (75) foot sight line along the centerline of a local street, and by a line joining these two (2) sight lines at the greatest distance from their intersections.

CLINIC - An establishment providing therapeutic, preventative, corrective, healing and health-building treatment services on an outpatient basis by physicians, dentists and other practitioners. Typical uses include medical and dental offices and hospitals and outpatient medical laboratories.

CLUB, PRIVATE – a private club includes the following:

- (1) An establishment operated by an organization for fraternal, sororal, social, recreational or educational purposes, but open only to members and not the general public.
- (2) A nonprofit association of persons who are bona fide members paying periodic dues, and which association owns, hires or leases a building or lot or a portion of either or both, the use of which is restricted to either or both, and use of which is restricted to members and their guests.
- (3) A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and by-laws.

COLLEGE – a post secondary educational institution authorized by the Commonwealth of Pennsylvania to award associate, baccalaureate or higher degrees. For purposes of this Chapter, this term includes universities.

COFFEE SHOP (OR CAFÉ) - establishments that primarily serve nonalcoholic beverages, such as coffee, juices, or sodas for consumption on or near the premises, or a specialty snack, such as ice cream, frozen yogurt, cookies or popcorn.

COMMERCIAL ENTERTAINMENT - provision of spectator entertainment to the general public including live and motion picture theaters and concert halls. This category excludes cabarets, nightclubs, and similar establishments providing entertainment incidental to food or beverage sales.

COMMERCIAL RECREATION - provision of participant or spectator recreation to the general public, excluding public park and recreation facilities.

- (1) **Small-Scale.** This classification includes small, generally indoor facilities, that occupy less than 50,000 square feet of building area, such as billiard parlors, bowling centers, card rooms, dance studios, exercise studios, health clubs, yoga studios, dance halls, small tennis club facilities, poolrooms, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.
- (2) **Large-Scale.** This classification includes large, generally outdoor facilities such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, driving ranges, golf courses (daily fee), as well as indoor facilities with more than 50,000 square feet in building area, including fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; archery or indoor shooting ranges; riding stables; campgrounds; stables, etc. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

COMMON OPEN SPACE - a parcel or parcels of land or an area of water, or a combination of land and water, within a development site which is designed and

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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.

COMPREHENSIVE PLAN - The adopted City of Washington and Borough of East Washington Multi-Municipal Comprehensive Plan, as amended.

CONDITIONAL USE - a use authorized by this Ordinance that may only be granted by Council after receiving recommendations of the Planning Commission based on the express standards and criteria set forth in this Chapter.

CONDOMINIUM -- a structure where each unit in the structure is individually owned and the owner of each unit has a proportional interest in the common areas and facilities of the structure and the parcel.

CONICAL SURFACE - a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.

CONVALESCENT HOME - see "nursing (convalescent home)."

COVERAGE - the maximum area or percentage of a lot which may be occupied by structures.

CREMATORIUM – An establishment containing a furnace where a corpse can be burned and reduced/cremated to ashes as permitted by the Pennsylvania Department of Environmental Protection.

DERELICT VEHICLE - any vehicle lacking a current license and inspection sticker that is stored out of doors.

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

DEVELOPMENT PLAN - the provisions for 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 Chapter shall mean the written and graphic materials referred to in this definition.

DOG DAYCARE – a facility providing such services as canine care for all or part of a day, obedience classes, training, grooming or behavioral counseling, provided overnight boarding is not permitted.

DOMESTIC ANIMALS - animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include, but not be limited to, domestic dogs, domestic cats, domestic tropical birds and rodents.

DOMICILIARY CARE HOME - a premises certified by the Commonwealth of Pennsylvania Department of Aging for the purpose of providing a supervised living arrangement in a home-like setting for a period exceeding twenty-four (24) consecutive hours to clients placed there by Area Agency on Aging (AAA). This facility shall house up to three (3) individuals. However, any additional number of residents must meet Commonwealth of Pennsylvania Department of Aging requirements.

DORMITORY - a building that is owned and/or operated by an educational institution/facility whose primary purpose is to provide living accommodations for individuals associated with the institution/facility.

DRIVE-IN (OR DRIVE-THRU) USE - An establishment which provides for some or all customers to receive services, obtain food or other goods, or be entertained while remaining in their motor vehicles.

DRIVEWAY - a passage for vehicle egress and ingress to a garage, carport or other permissible parking area away from the front area of a lot or parcel. Driveway shall not be less than eight (8) feet in width and shall be constructed with a concrete or asphalt surface. The area of the driveway between the curb and the setback line shall not be counted as parking area for purposes of parking requirements.

DWELLING - A building used as a residence.

- (1) **SINGLE FAMILY DETACHED DWELLING** – a building occupied by only one dwelling unit, and having no party wall in common with an adjacent building.
- (2) **SINGLE FAMILY ATTACHED DWELLING (OR TOWNHOUSE OR ROW HOUSE)** – a set of three or more attached dwelling units, which are completely separated from each other by one or two vertical party walls.
- (3) **DUPLEX (OR TWIN DWELLING)** – a detached building occupied by two (2) dwelling units, whether side-by-side or one (1) above the other, with each unit having means of egress directly to the outside, at grade, or via an exterior stair to grade.
- (4) **DWELLING, MULTIFAMILY** - Three (3) or more dwelling units within a building that do not meet the definition of single-family attached.
- (5) **MULTI-FAMILY, CONVERSION APARTMENT** - A dwelling or other building existing at the effective date of this Chapter which is converted for residential occupancy by more than one family, provided that the exterior design of structure is not changed from the character of a single-family unit and further provided that each dwelling unit resulting from such conversion shall comply with supplemental regulations provided for in Part X of this Chapter.
- (6) **MULTI-FAMILY, GARDEN APARTMENT** - A multi-family residential building, not exceeding three (3) stories in height, in which units are arranged side to side, back to back or one above another, which may have either private external

entrances or common hall access and which may have a private exterior yard area for each unit.

- (7) **MULTI-FAMILY, HIGH-RISE APARTMENT** –An apartment building which is four (4) or more stories in height but not exceeding the height limitations (in feet) of this Chapter that has multiple dwelling units that share a common entrance and/or common interior corridor.
- (8) **MULTI-FAMILY, RESIDENCE OVER BUSINESS** – A building, where the bottom floors are used for commercial use while the upper floors are used for residential dwellings, including those dwellings used for some combination of residential and commercial purposes.

DWELLING UNIT - A single habitable living unit occupied by only one "family" (see definition). To be considered a dwelling unit, each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping or cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another. A second kitchen shall not be newly installed in a dwelling unit unless it is for the purpose of accommodating a relative who needs special care and supervision because of age or disability.

DEWLLING DENSITY - the maximum number of dwelling units permitted per acre per lot.

ELECTRONIC NOTICE – A notice given by a municipality through the internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

ESSENTIAL SERVICES (OR “ESSENTIAL PUBLIC UTILITY SERVICES”) - Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall include the following and closely similar facilities: sanitary sewage lines, water lines, electric distribution lines, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, street lights and traffic signals. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

EMERGENCY SERVICES STATION OR TRAINING FACILITY – A facility that is principally devoted to emergency response, training or emergency management services, including structures and facilities for fire departments, police stations, ambulance stations, emergency management operations and community response networks.

EXTERNAL FUEL BURNING DEVICE – A device constructed or manufactured to burn oil, wood, coal or other fuels for placement outdoors for the heating of a building.

FAA - Federal Aviation Administration of the United States Department of Transportation.

FAMILY - One or more individuals who are “related” to each other by blood, marriage or adoption (including persons receiving formal foster care) or up to four (4) unrelated individuals who maintain a common household with common cooking facilities and certain rooms in common, and who live within one dwelling unit. A family shall also expressly include unrelated persons residing within an approved group care facility.

FARMER’S MARKET - periodic outdoor sales activities involving the display and sale of fresh produce and locally produced food and beverage items, including baked goods, jams, jellies, and similar food products. The display and sale of hand-crafted artisan items may be considered as an accessory activity, provided the principal activity remains the sale of the food- or produce-related items.

FENCE - A barrier constructed of materials other than shrubbery and erected for the purpose of protection, confinement, enclosure or privacy.

FLOOR AREA - The sum of the gross area of all floors of a building measured from the face of interior walls.

FLOOR AREA, GROSS (GFA) - the sum of the horizontal area of all floors of a structure and its accessory buildings as measured between the exterior faces of walls.

FLOOR AREA, HABITABLE - The enclosed indoor "floor area" that is designed and suitable for residency by persons and which is heated. This term shall not include vehicle garages or areas with a head room of less than 7 feet.

FLOOR AREA RATIO - determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

FRONT YARD - the area of any property between the front lot line and front setback line.

FRONT YARD LINE - a front yard line bounds the front yard and is parallel to the front line.

FUNERAL HOME - A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles. For purposes of this chapter, the term “funeral home” shall not include a “crematorium.”

GARAGE - A building or structure in which one or more motor vehicles are stored, but not for the repairs or maintenance thereof. A garage may take any one of the following forms and conform with all other applicable City or Borough ordinances:

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- (1) **COMMUNITY** - A single building or group of minor garages, arranged in a row or surrounding a common means of access, for the use of adjacent property owners or residents of multiple dwellings.
- (2) **PRIVATE** - An accessory structure which is used for the storage of one or more motor vehicles owned and used by the owner or tenants of the lot on which it is erected.
- (3) **PUBLIC** - A building or part thereof other than a community garage or private garage for the storage of motor vehicles.
- (4) **DOUBLE** -- A private garage designed for the storage of two motor vehicles.

GAS STATION - an establishment servicing motor vehicles with fuel, supplies, accessories and minor repairs, but not including the storage, sale or major repair of motor vehicles such as, but not limited to, motor replacement, body and fender repair or spray painting.

GRADE - the process of changing the natural surface of the land in order to carry out a development plan.

GRADE, FINISHED – the completed elevation of any surface

GROSS ACREAGE - the total acreage of a tract for which an application is filed or approved.

GROUP CARE FACILITY—a group living arrangement that provides room and board and specialized services to permanent residents that exceed the number authorized in the definition of family or that fail to meet the criteria for the group living arrangement established in the definition of family, but not including any short term or transient residents as regulated by the definition of temporary shelter.

HAZARD TO AIR NAVIGATION - any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport. It is otherwise hazardous as defined by 'airport hazard' in 74 Pa.C.S.A. 55102.

HEIGHT -

- (1) The vertical distance along the wall of a building measured between the average of the highest and lowest elevation at ground level on the front or rear facade, whichever has the lower ground elevation, and the top of the parapet on a flat roof building or halfway between the eaves and highest ridge line on a sloped roof building except that chimneys, stacks, steeples, roof-mounted air handling equipment and similar projections of the building, not intended for human occupancy, shall not be considered in measuring height.
- (2) For the purpose of determining the height limits in all airport approach zones set forth in this Part and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HEIGHT OF BUILDING - see "height."

HEIGHT OF SIGN - the vertical distance measured from ground level to the highest point on the sign, or its supporting structure.

HISTORIC STRUCTURE - Any structure that is:

- (1) Listed individually in the National or Pennsylvania Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

HOME OCCUPATION - An accessory business that is conducted entirely within a dwelling or one accessory building, or administered from a dwelling, and which is clearly incidental and accessory to the dwelling. No display of products shall be visible from the exterior. On-site retail sales shall not be allowed as part of a home occupation, except for routine accessory sales to customers in a barber shop or beauty shop.

- (1) MAJOR - A Home Occupation that meets the additional standards for a Major Home Occupation as provided in Article V.
- (2) MINOR - A Home Occupation that meets the additional standards for a Minor Home Occupation as provided in Article V.
- (3) NO IMPACT HOME-BASED BUSINESS - A type of Minor Home Occupation that meets the following definition as provided in the PA Municipalities Planning Code, as may be amended: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

HOOCAH PARLOR - any facility or location whose business operation, whether as its primary use or ancillary use, includes the smoking of tobacco or other substances through one or more hookah pipes (also commonly referred to as a hookah, waterpipe, shisha or narghile), including but not limited to establishments known variously as hookah bars, hookah lounges or hookah cafes. A hookah parlor shall also include any business establishment with fewer than five (5) employees.

HORIZONTAL SURFACE - A horizontal plane one hundred fifty feet (150) above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HOSPITAL - An institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and injured persons and

licensed by state law to provide facilities and services such as surgery, obstetrics and general medical practice.

HOTEL - Establishments offering lodging to transient patrons. These establishments may provide additional accessory services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests and the general public. This classification includes motor lodges, motels, hostels, extended-stay hotels, and tourist courts, but does not include rooming houses, boarding houses, or private residential clubs. The lengths of stays for the majority of guests at these facilities are for 30 days or less.

IMPERVIOUS SURFACE - a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

JOINT PLANNING COMMISSION – the City of Washington and Borough of East Washington Joint Planning Commission.

JUNKYARD - any portion of any lot, whether inside or outside a building, for storage, keeping or abandonment of automobiles or other vehicles, machinery or parts thereof and any worn, cast-off or discarded article or material which is ready for destruction or which had been collected or stored for sale, resale, salvage or conversion to some other use.

KENNEL – any place, including a dwelling unit, in which six (6) or more dogs, cats, or other domesticated animals over six (6) months are housed, bred, boarded, or sold. This term shall not include the routine keeping of animals within a veterinary office/clinic while undergoing recuperation or a permitted retail pet store.

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 cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,
 - (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 subdivision of land.

LARGER THAN UTILITY RUNWAY - a runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

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LIVESTOCK – generally accepted outdoor farm animals (i.e. cows, goats, horses, pigs, barnyard fowl, etc.) not to include cats, dogs and other house pets.

LIVE WORK UNIT - a type of Home Occupation that involves a dwelling unit which also includes working space for a resident of the dwelling to pursue such occupations as: creating art involving paintings, drawings, sculptures, ceramics, literature, music or custom crafts; dance instruction, musical instruction or dramatic art; or having an office. However, such use shall not involve more than six (6) persons present at the same time for instruction.

LOADING AREA - an area of property on which activities are of such a nature as to require continuous receiving and/or shipping of goods, such area to be used exclusively for loading and not to interfere with other vehicular or pedestrian circulation on the property.

LOADING SPACE, OFF-STREET - A space, accessible from a street or way, in a building or on a lot, for the temporary use of vehicles while loading or unloading merchandise or materials.

LOADING STALL, OFF-STREET - A portion of a loading space or building not less than 10 feet in width by 30 feet in length by 14 feet in height for the temporary use of one vehicle while loading or unloading merchandise or materials.

LOT - a designated lot of record, 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.

- (1) **LOT AREA** - The total area within the boundary lines of a single lot. No part of a lot which is also a part of a public street, road or alley is included in determining the area of the lot.
- (2) **LOT, CORNER** - a lot abutting on and at the intersection of two (2) or more streets.
- (3) **LOT COVERAGE** - The building area divided by the lot area expressed as a percent.
- (4) **LOT, DEPTH OF** – the distance along a straight line drawn from the mid-point of the front line to the mid-point of the rear lot line.
- (5) **LOT, FLAG** - a lot with access provided to the bulk of the lot by means of a narrow corridor.
- (6) **LOT, INTERIOR** - A lot other than a corner lot or flag lot.
- (7) **LOT LINE** – any boundary of a lot.
- (8) **LOT LINE, FRONT** - The street line at the front of a lot. In the case of a corner lot, the owner may designate either street line as the front lot line (OR can require two front lot lines OR can require zoning officer to determine front)

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- (9) LOT LINE, REAR - The line generally parallel to the front lot line, which defines the rear of the lot. A lot bounded by only three (3) lot lines will not have a rear lot line.
- (10) LOT LINE, SIDE - Any lot line which is not a front lot line or a rear lot line.
- (11) LOT OF RECORD - A lot which has been duly recorded in the Office of the Recorder of Deeds of Washington County either individually or as part of a subdivision.
- (12) LOT, THROUGH – a lot having its front and rear yards each abutting on a street as herein defined.
- (13) LOT WIDTH - the horizontal distance between side lot lines measured along the front lot line, unless otherwise specified, or in exceptional cases, the average lot width for the entire depth of the property.

MAILED NOTICE – A notice given by a municipality by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

MANUFACTURING – the treatment or processing of raw materials, the production of products from raw or prepared materials by giving them new forms of qualities.

MASSAGE PARLOR - An establishment that meets all of the following criteria:

- (1) Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.
- (2) The use does not involve a person licensed or certified by the State as a health care professional or a massage therapist certified by a recognized professional organization that requires a minimum of 80 hours of professional training. Massage therapy by a certified professional shall be considered "personal service."
- (3) The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- (4) The massages are conducted within private or semi-private rooms.

MEAL CENTER – a nonprofit establishment where food is offered to the hungry for free or at a reasonably low price.

MEDICAL FACILITY/CENTER/CLINIC -

- (1) A facility, including medical and dental offices and clinics, for the examination and treatment of ill and afflicted human outpatients; provided, that patients are not kept overnight except under emergency conditions.

- (2) A building used only for temporary hospital beds and facilities for the examination, diagnosing and treatment of patients and/or the maintenance of offices for members of the clinic staff and physicians, or offices for those individuals who may be duly licensed by the Commonwealth of Pennsylvania as surgeons, physicians, doctors or dentists or persons in their employ and no others.
- (3) A facility for the outpatient diagnosis and treatment of human ailments not involving twenty-four (24) hour per day operation and not involving sale of drugs or foodstuffs on the premises.
- (4) A facility used for the dispatch, education and training of personnel and/or the storage, use and maintenance of emergency medical equipment, vehicles and supplies. Such facility must adhere to the OSHA standards for health care providers. Such services provided from the facility must be licensed by the Department of Health and may include emergency or nonemergency onsite treatment, provided that the patients are not kept overnight.

MEDICAL OFFICE BUILDING – a building used exclusively by physicians and dentists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.

MINERAL EXTRACTION - the removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale, and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

MOBILEHOME – a transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILEHOME LOT – a parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.

MOBILEHOME PARK – a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

MOTEL – shall have the same meaning as “hotel.”

MIXED USE OR OCCUPANCY -- The use of one building for two or more purposes.

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MUNICIPAL ENGINEER - a professional engineer, licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

MUNICIPALITIES PLANNING CODE - the State law, adopted July 31, 1968 as Act 247, and reenacted by Act 170 of 1988 and further amended, regulating municipal land use control in Pennsylvania.

MUNICIPAL SERVICES FACILITIES - any activities of the City government, volunteer fire departments, sewage disposal and water supply systems or local electric and telephone lines.

MUNICIPALITY - the City of Washington or the Borough of East Washington.

NIGHTCLUB – an establishment that meets all of the following standards: (1) offers amplified music after 12 midnight; (2) sells alcoholic beverages primarily for on-site consumption; (3) includes hours open to patrons after 12 midnight; (4) has a building capacity of over 150 persons; and (5) has less than 20 percent of its total sales in food and non-alcoholic beverages.

NONCONFORMING LOT - a lot, the area or dimension of which was allowed prior to the adoption or amendment of this Chapter, which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

NONCONFORMING STRUCTURE - a structure, or part of a structure, manifestly not designed to comply with the applicable use or extent of use provisions in this Chapter or amendment, heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

NONPRECISION INSTRUMENT RUNWAY - a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

NURSING (OR CONVALESCENT) HOME - an institution licensed by the Commonwealth for the care of human patients requiring skilled nursing or intermediate nursing care, but not including facilities for major surgery or care and treatment of drug or alcohol addiction.

OBSTRUCTION - any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Part 10 of this Chapter governing airport regulations.

OFFICE –

- (1) Business and Professional. Offices of firms or organizations providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, and legal offices.
- (2) Medical and Dental. Offices where medical and dental services are provided by physicians, dentists, chiropractors, optometrists, and similar medical professionals. This classification also includes physical therapy, massage therapy, and counseling services related to medical conditions.

OFFICIAL ZONING MAP - the Zoning Map of the City of Washington containing the signatures of the Mayor and Council.

OPEN SPACE - common greens, parks, other recreation space or generally open areas available to the public; or yards or other open areas provided in connection with residential buildings occupied by more than two families per lot which are intended for the sole use of the occupants of such building and their guests. Land covered with impermeable surface, except for recreation courts, such as basketball, is not open space. Land devoted to such uses as agriculture, parks, playgrounds, playing fields and other outdoor recreational uses, as well as all land covered by woods, lakes, ponds, rivers or streams and open lands devoted to public or community uses.

PARAPET - a low wall projecting above the roof of a flat-roofed building usually as an extension of the side walls.

PARKING LOT – a lot or part thereof used for the storage or parking of motor vehicles with or without the payment of rent or charges in money or other consideration.

PARKING SPACE - A stall or berth used for parking motor vehicles, which meets the required length and width of this ordinance, not including areas of a street or alley.

PARKING STRUCTURE – a facility that has at least one level of vehicle parking above another level of vehicle parking.

PAWN SHOP - An establishment engaged in retail sales of secondhand merchandise and that offers personal loans secured by consumer goods, jewelry and other personal property held by the Pawn Shop.

PERFORMANCE GUARANTEE - any security which may be in lieu of a requirement that certain improvements be made before Council approves a development, including performance bonds, escrow agreements and other similar collateral or surety agreements.

PERFORMANCE STANDARDS - minimum requirements designed to minimize the impact of potentially blighting conditions (i.e.. noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards. glare, heat, etc.) upon adjacent properties in particular, and the environment in general.

PERMITTED USE BY RIGHT - any activity which is expressly allowed to occur on a property because of the property's location in a particular zoning district.

PERSONAL SERVICES -Provision of recurrently needed services of a personal nature, including but not limited to, barber and beauty shops, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, photocopying and photo finishing services, and travel agencies.

PERSONAL CARE BOARDING HOME—a dwelling licensed by the Commonwealth where room and board is provided to more than three, permanent residents, who are not relatives of the operator, and who are mobile or semi mobile and require specialized services for a period exceeding 24 consecutive hours in such matters as bathing, dressing, diet and medication prescribed for self-administration, but who are not in need of hospitalization or skilled nursing or intermediate nursing care.

PET STORE – a retail establishment which sells domesticated or tamed animals, birds and fish as household pets, and related supplies. Pet shop may also offer the grooming of pets but shall not include overnight boarding.

PLACE OF WORSHIP - synagogues, churches, mosques, temples and similar buildings used primarily for religious worship for more than ten (10) persons at a time on a regular basis and that are operated for nonprofit and noncommercial purposes. A Place of Worship may include up to two (2) dwelling units for religious staff-persons and their families. If a religious use includes other residential uses, they shall meet the requirements of such uses.

PLAN, FINAL - a complete and exact rendition of land development, prepared for official recording as required by statute to define property rights or to set forth improvements and/or development.

PLAN, PRELIMINARY - a land development plan in lesser detail than a final plan showing approximate proposed development.

PLANNED RESIDENTIAL DEVELOPMENT - An area of land controlled by a single landowner (or group of landowners acting jointly) and developed as a single entity for a number of dwellings, the plan for which does not necessarily correspond in lot size, bulk, type of dwelling unit, density, lot coverage or required open space to any other residential district in the community.

PLANNING COMMISSION - Planning Commission of the City of Washington or Borough of East Washington.

PRECISION INSTRUMENT RUNWAY - a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE - a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in 1004 of this Chapter. The elevation of any point of the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRINCIPLE STRUCTURE - the structure containing the principal use or uses, whether conforming to the requirements of this Chapter or not and thus making all other structures and uses on the property accessory.

PRINCIPAL USE - a single primary or predominant use to which property may be devoted and to which all other uses on the property are accessory.

PRISON OR CORRECTIONAL FACILITY - publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

PRIVATE - any facility or establishment limited to members of an organization or other persona specifically invited or permitted where no advertisement or inducement has been made to the general public.

PRIVATE AIRPORT - an airport which is privately owned and which is not open or intended to be open to the public as defined in 74 Pa.C.S.A. 5102.

PRIVATE POWER GENERATION FACILITY – a facility owned and operated by an entity, other than a governmental body or public utility, which generates, transmits and/or distributes electrical energy for sale.

PROFESSIONAL OFFICE - the office of a recognized profession maintained for the conduct of said profession. Such professions shall be limited to those of medicine, law, architecture, engineering, art, religion, music, insurance, real estate, psychology and accounting.

PROPERTY LINE - A line forming the front, rear or sides of lots or parcels of property as described in the recorded title.

PUBLIC AIRPORT - an airport which is either publicly or privately owned and which is open to the public as defined in 74 Pa.C.S.A. 5102.

PUBLIC GROUNDS - includes:

- (1) Parks, playgrounds, trails, paths, other recreational areas and other public areas;
- (2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and,
- (3) Publicly-owned or operated scenic or historic sites.

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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 Chapter.

PUBLIC MEETING - a forum held pursuant to notice under 65 Pa. C.S. CH. 7, known as the "Sunshine Act."

PUBLIC NOTICE - a 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 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC RIGHT-OF-WAY - any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private, as designated on documents of the City of Washington or other records of a public nature (i .e. recorded plans and deeds).

PUBLIC UTILITY FACILITY - A building or structure for a closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare. Telephone, electric, natural gas, water, and sewer companies are public utilities; however, commercial wireless communications companies are not.

RELATED OR RELATIVE – persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, cousin, sister-in-law, brother-in-law, or parent-in-law. This term specifically shall not include relationships such as second, third, or more distant cousins. See definition of "Dwelling Unit."

RECYCLING DROP-OFF CENTER – a facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil. Processing of materials is limited to glass breaking and separation. Recycling materials are not sold to a recycling drop-off center. A recycling drop-off center is intended for household or consumer use. Use by commercial or industrial establishments is not included. Unattended drop-off stations for single materials, such as newsprint, are also not included.

RESTAURANT - Any establishment, however designated, at which food is prepared and sold for consumption on or off the premises. However, a concession stand at a public or a community playground, playfield, 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.

RETAIL SALES - the retail sale or rental of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, furniture stores, small hardware stores, and businesses retailing the following

goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs. This classification includes secondhand and wholesale stores.

RUNWAY - a defined area on an airport prepared for landing and takeoff of aircraft along its length.

SCHOOL, VOCATIONAL OR TRADE – a secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade meeting the state requirements as a vocational facility.

SETBACK - a distance prescribed for each zoning district established by this Chapter measured from any property line to a parallel line within the property, describing the limit of construction on the property and defining the required front, side and rear yards. The limit of construction shall be defined as including any projections of the structure, including sun parlors, foyers, bay windows, porches, decks, projecting eaves, dormers, gutters, steps and any other solid projections and solid entrances.

SHOPPING CENTER - five or more retail stores that are separated primarily by vertical walls and are in a complex designed as an integrated unit served by common parking and service facilities, and which has architectural and landscape unity. Such use may also include allowed offices, restaurants and personal service uses.

SIGN - a structure that is arranged, intended, designed or used as an advertisement, announcement or direction, or a sign posted, painted or placed in some fashion on a building, structure or any surface for such a purpose.

SITE PLAN -- The site plan for the purposes of this chapter shall be defined as an accurate drawing submitted by a registered engineer, architect, landscape architect or surveyor showing the proposed buildings and/or structures to be constructed, altered or enlarged; the property upon which the improvements will be made; the ownership of the property, the abutting owners and property lines; the exact size, shape and dimensions of the lot to be built upon; all adjacent streets or alleys, proposed parking arrangements; proposed facilities for lighting, public and private utilities; existing and proposed landscape elements; existing and proposed access to the property; and all customary incidentals such as North arrow, scale and any appropriate notations required to fully explain the plan.

SPECIAL EXCEPTION - a use of a building or land that may be granted by the Zoning Hearing board based on the expressed standards and criteria set forth in this Chapter.

STORY (of a building) - that portion of a building, other than the basement (as defined), included between 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 the ceiling next above it.

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

STRUCTURE - any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

STATE – the Commonwealth of Pennsylvania and its agencies.

STREET – any road, highway, avenue, street, parkway, lane or other way, public or private, set aside and commonly used to serve three (3) or more lots primarily for vehicular traffic purposes. An alley shall not be deemed a street.

- (1) **STREET CURB LINE** – the official line with grade of an existing or proposed curb on any street as approved by the Department of Public Works.
- (2) **STREET LINE** – the dividing line between a lot and the outside boundary of a public street or street right—of-way, or between a lot and a private street which serves two (2) or more separately owned homes or buildings.
- (3) **STREET WIDTH** – the perpendicular distance between street lines.

SUBDIVISION - the division or redivision 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 any residential dwelling, shall be exempted.

SUBSTANTIAL IMPROVEMENT - any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of the 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 dimension 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 alteration of a “historic structure” provided that the alteration will not preclude the structure’s designation as an “historic structure”.

SUBSTANTIALLY COMPLETE - when referring to subdivision and land development, in the judgment of the City or Borough Engineer, at least ninety (90) percent, (based on the cost of the required improvements for which financial security

was posted pursuant to the Pennsylvania Municipalities Planning Code) 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.

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

SWIMMING POOL, PRIVATE - any receptacle or artificially constructed container for water, whether erected above or below ground level, having a wall depth of two (2) feet or more at any point within its perimeter, intended or adapted for the purposes of immersion or partial immersion of humans 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 the City of Washington or Borough of East Washington.

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, motels, hotels, and other similar uses.

TAVERN – a commercial use that involves sale of food and beverages to the public, and which involves alcoholic beverages making up more than 50 percent of the total volume of sales, and which does not meet the definition of a “Nightclub.” A commercial use that involves a lower percentage shall be considered a Restaurant.

TEMPORARY COMMERCIAL USE - a retail sales use which primarily operates in the open air or under a tent and which is open to the public for retail sales less than 90 days per calendar year.

TEMPORARY SHELTER - a facility operated by a non-profit agency providing temporary lodging, with or without meals, for persons of limited income with no ordinary or regular residence or to persons who need such shelter to avoid an abusive situation or because of a sudden event, such as fire, flood, domestic violence, condemnation, or court-ordered conviction.

THEME HOUSE - A university/college sanctioned structure of a residential nature, housing students with a common academic or social interest.

TRAILER - a vehicle designed to be pulled by another vehicle for on-street use, and that is part of a tractor-trailer combination or that is used to transport excavating equipment, boats or similar items.

TRANSITIONAL SURFACES - these surfaces extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extends at a slope of seven

(7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for the portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety (90) degree angles to the extended runway centerline.

TREATMENT CENTER - a use involving any one or a combination of the following:

- (1) A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:
 - (a) Criminal rehabilitation, such as a criminal halfway house, or a facility for the housing of persons judged to be juvenile delinquents, or a criminal work release or pre-release facility.
 - (b) Current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
 - (c) A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.
- (2) A residential or non-residential Methadone Treatment Facility, which shall be defined as a facility licensed by the Pennsylvania Department of Health, other than a Hospital, to use the drug methadone in the treatment, maintenance or detoxification of persons.

USE - Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on in a building or other structure on a tract of land.

- (1) **MAIN USE** -- The principal or dominant use.
- (2) **ACCESSORY USE** -- A subordinate use customarily incidental to and located upon the same lot occupied by the main use.

VARIANCE - a grant of permission by the Zoning Hearing Board which relaxes applicable provisions of this Chapter where literal enforcement would create an unusual and unnecessary hardship, depriving the recipient of reasonable use of the property, but specifying what modifications to strict conformance are permitted.

VETERINARY CLINIC (OR HOSPITAL) – an establishment of a licensed practitioner primarily engaged in the practice of veterinary medicine, dentistry or surgery for animals. Accessory uses may include the confinement of animals for medical reasons, grooming and destruction.

VISUAL RUNWAY - a runway intended solely for the operation of aircraft using visual approach procedures.

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YARD - Any open space located on the same lot with a principal building situated between the nearest roofed portion of the principal buildings and a lot line.

- (1) YARD, FRONT - A yard extending across the full width of the lot abutting the front lot line.
- (2) YARD, REAR - A yard extending across the full width of the lot, abutting the rear lot line.
- (3) YARD, SIDE - A yard extending from the front yard to the rear yard, abutting the side lot line.
- (4) Yard, Width – The minimum perpendicular distance between the lot line and the nearest roofed portion of the principal building.

ZONING HEARING BOARD -- The Zoning Hearing Board of the City of Washington or the Borough of East Washington.

ZONING OFFICER - the duly constituted municipal official designated to administer and enforce the Zoning Ordinance of the City of Washington and Borough of East Washington.

ZONING PERMIT – a permit stating that a structure and/or the proposed use of a building and/or land is in conformity with all applicable city zoning regulations, to the best knowledge of the City/Borough Staff. The City/Borough may utilize a separate Zoning Permit or may have the applicable portions of a Permit serve the purposes of a Zoning Permit.

PART 3
ZONING DISTRICTS

§301. Establishment of Controls.

§301.1. Minimum and Uniform Regulations. The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

§301.2. New Uses and Structures. In all districts, after the effective date of this Chapter, any new building or other structure on any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.

§301.3. Existing Uses and Structures. In all districts, after the effective date of this Chapter, any existing building or other structure, or any tract of land which is not in conformity with the regulations for the district in which it is located, shall be deemed as nonconforming and subject to the regulations of Part 9 of this Chapter.

§301.4. Type of Control. The following minimum and uniform regulations shall apply in the respective districts:

- A. Use regulation, including uses by right, uses by special exception and conditional uses; area and bulk regulations, including required front, side and rear yards.
- B. Minimum lot size, minimum lot width and maximum lot coverage, and maximum permitted height and floor area ratio requirements in those districts in which they apply.
- C. Off-street parking and loading regulations, general provisions.
- D. Regulations for planned residential developments.
- E. Sign regulations and special regulations dealing with landscaping, storage, access and traffic control, lighting and slope areas.

§302. Establishment of Districts.

§302.1. For the purpose of this Chapter, the entire City of Washington and Borough of East Washington are hereby divided into the following districts:

- A. Residential Districts
 - C Conservation District
 - R-1 Low Density Residential
 - R-1A Low Density Residential
 - R-2 Medium Density Residential

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R-2A Medium Density Residential

R-3 High Density Residential

B. Mixed Use/Institutional Districts

T-1 Transitional District

ED Educational District

MD Medical District

C. Commercial and Industrial Districts

CBD Central Business District

GB General Business

D Development

§303. The Zoning District Map.

§303.1. The City and Borough are hereby divided into zoning districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter.

§303.2. The Official Zoning District Map shall be identified by the signature of the City and Borough Mayor and City and Borough Council President, attested by the City Clerk and Borough Secretary and certified by the City and Borough Engineers, and shall bear the seal of the City and Borough under the following words: “This is to certify that this is the Official Zoning District Map referred to in Article III of Ordinance Number 1890, Bill 5 of 2017 of the City of Washington and Ordinance Number 534 of 2017 of the Borough of East Washington” together with the date of adoption of this Chapter.

§303.3. All amendments affecting district boundaries shall be noted on the Official Zoning District Map by the City and/or Borough Engineer, including the date of adoption, and shall be attested by the City Clerk and Borough Secretary

§303.4. No change of any nature shall be made in the Official Zoning District Map or matter shown thereof except in conformity with the procedures set forth in this Chapter. Any unauthorized change of any kind by any person shall be considered a violation of this Chapter and punishable as provided under Part 12 of this Chapter.

§303.5. The Official Zoning District Map, which shall be located in the City and Borough Municipal Buildings, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the City and Borough.

- §303.6. District Boundaries. Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning District Map accompanying and made a part of this chapter, said district boundary line shall be determined as follows:
- A. Boundaries indicated as appearing to follow the centerline of streets, highways or alleys shall be construed to follow such centerlines.
 - B. Boundaries indicated as appearing to be parallel to the centerlines or street lines of streets, the centerlines or alley lines of alleys or the centerline, or right-of-way lines of highways, shall be constructed to be parallel to such centerlines.
 - C. Boundaries indicated as appearing to follow platted lot lines shall be construed as following such lot lines.
 - D. Boundaries indicated as appearing to follow municipal boundaries shall be construed as following municipal boundaries.
 - E. Boundaries indicated and following railroad lines shall be construed to be midway between the main tracks.
 - F. Boundaries indicated as approximately following the centerlines of streams or other bodies of water, shall be construed as moving with the actual body of water and following the centerlines.
 - G. Where one symbol is used on the Zoning District Map to indicate the district classification of an area divided by a way or alley, said symbol shall establish the classification of the whole of such tract.
 - H. In the event that a street, way or alley shown on the Zoning District Map is vacated, the property formerly in said street or way shall be included within the district of the adjoining property on either side of said vacated street, alley or way. In the event said street, alley or way was a boundary of one or more districts, said new district boundary or boundaries shall be the former center line of said vacated street.
 - I. Distances not specifically indicated on the Official Zoning District Map shall be determined by use of the scale on the Zoning District Map.
 - J. Conflict Arising From Interpretation. When there is a disagreement on the location of district boundaries, a decision shall be rendered by the Zoning Hearing Board in accordance with Part 13 of this Chapter.

§304. Propose of Districts.

§304.1. Each of the zoning districts has been established to protect the character of existing neighborhoods while encouraging new development and redevelopment that will implement the vision of the joint comprehensive plan. Specifically, each of the zoning districts was established as follows:

- A. Conservation (C) District. It is the intent and purpose of the Conservation District to preserve areas designated for public parks, recreation and open space while allowing for future planned residential developments.
- B. Low Density Residential (R-1 & R-1-A) Districts. It is the intent and purpose of the Low Density Residential Districts to provide for and protect single-family residential development in established neighborhoods.
- C. Medium Density Residential (R-2 & R-2-A) Districts. It is the intent and purpose of the Medium Density Residential Districts to provide for single-family and two-family residential development in neighborhoods that can accommodate a higher density than found in the R-1 Districts.
- D. High Density Residential (R-3) District. It is the intent and purpose of the High Density Residential District to provide for higher density, multi-family residential development in neighborhoods near the downtown and major institutions.
- E. Transitional (T-1) District. It is the intent and purpose of the Transitional District to provide for a mixture of office retail, commercial, and residential uses to serve as a transition area between established residential neighborhoods and more intense commercial/industrial areas.
- F. Educational (ED) District. It is the intent and purpose of the Educational District to provide for a mixture of institutional, residential, and limited commercial uses to establish a lively atmosphere surrounding the college that serves as a buffer between the downtown and established residential neighborhoods.
- G. Medical (MD) District. It is the intent and purpose of the Medical District to provide for a mixture of institutional, residential, and limited commercial uses to encourage compatible development in the neighborhood surrounding the hospital.
- H. Central Business District (CBD). It is the intent and purpose of the Central Business District to provide for a mixture of uses that are compatible with the cultural, commercial, historical and governmental significance of the downtown; promote the downtown area as a vital commercial retail area; and create inviting public spaces and pedestrian amenities.

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- I. General Business (GB) District. It is the intent and purpose of the General Business District to provide for commercial uses that serve neighborhood and community needs along major corridors, while still allowing for residential development to reduce the prevalence of nonconforming uses.
- J. Development (D) District. It is the intent and purpose of the Development District to provide for light and heavy industrial uses in areas that have traditionally provided these types of uses and limit the impacts to established residential neighborhoods.

§305. Authorized Uses.

§305.1. Table 301 contains the list of principal uses that are authorized within each of the zoning districts; Table 302 contains the list of authorized accessory uses.

§305.2. For the purposes of this Article, the following abbreviations shall have the following meanings:

P = Permitted use by right (zoning determination by the Zoning Officer)

SE = Special exception use (zoning decision by the Zoning Hearing Board)

C = Conditional use (zoning decision by Council)

N = Use is not permitted

(Subject to §802) = Subject to additional requirements specified in §802 of this Chapter.

§305.3. Unless otherwise provided by State or Federal law or specifically stated in this Ordinance, any land or structure shall only be used or occupied for a use specifically listed in this Section as being allowed in the zoning district where the land or structure is located. Such use shall only be permitted if the use complies with all other requirements of this Chapter.

§306. Prohibited Uses.

§306.1. Uses not specifically listed in any district as permitted by right, special exception or conditional shall be prohibited in that district.

§307. Uses Not Specifically Regulated.

§307.1. Whenever, a use is not specifically permitted in any district established under this chapter, and an individual makes an application to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board, who may authorize the use by special exception in accordance with the applicable express standards and conditions for “Uses Not Specifically Regulated” specified in §803 of this Chapter.

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Table 301: Authorized Principal Uses.

	C	R1	R1A	R2	R2A	R-3	T-1	MD	ED	CBD	GB	D
<u>RESIDENTIAL USES</u>												
Household Living												
Single-family detached	N	P	P	P	P	P	P	P	P	N	P	N
Single-family attached, Subject to §802.23	N	N	N	C	C	C	P	P	P	N	SE	N
Duplex	N	N	N	P	P	P	P	P	P	N	P	N
Multi-family - Conversion apartment, Subject to §802.17	N	N	N	C	C	C	P	C	N	N	C	N
Multi-family - Garden apartment (up to 3 stories), Subject to §802.24	N	N	N	N	N	C	P	C	C	C	C	N
Multi-family - High-rise apartment (4 stories and over)	N	N	N	N	N	N	C	N	N	C	C	N
Residence over business	N	N	N	N	N	N	P	P	P	P	P	N
Boarding House (includes Rooming House), Subject to §802.8	N	N	N	C	N	N	P	N	C	N	C	N
Live/Work Unit, Subject to §802.33	N	N	N	N	N	N	P	SE	P	P	P	N
Manufactured Home Park	N	C	N	C	N	N	P	N	N	N	N	N
Planned Residential Development	C	N	N	N	N	N	N	N	N	N	N	N
Group Living												
Assisted Living, Subject to §802.4	N	N	N	N	N	N	SE	P	N	C	C	N
Dormitories, Subject to §802.21	N	N	N	N	N	N	N	P	P	N	C	N
Group Care Facility, Subject to §802.27	N	N	N	N	N	N	C	C	N	N	C	C
Personal Care Home	N	N	N	N	N	N	SE	SE	N	N	SE	N
Nursing Home, Subject to §802.39	N	N	N	N	N	N	C	C	N	N	N	N
Temporary Shelter	N	N	N	N	N	N	N	N	N	N	N	C

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	C	R1	RIA	R2	R2 A	R3	T-1	MD	ED	CBD	GB	D
<u>INSTITUTIONAL / SEMI-PUBLIC USES</u>												
Cemetery, Subject to §802.11	C	N	N	N	N	N	N	N	N	N	N	N
Cultural Exhibits, Galleries, and Museums	P	N	N	N	N	N	P	N	P	P	P	P
Day Care Center, Adult or Child, Subject to §802.19 or §802.20	N	N	N	N	N	N	P	P	P	P	P	P
Government Uses												
Administrative Offices (including public utilities)	P	N	C	N	C	C	P	P	P	P	P	P
Community Center, Subject to §802.16	P	C	N	C	N	N	P	N	P	P	P	P
Emergency Services Station or Training Facility	P	P	P	P	P	P	P	P	P	P	P	P
Library	N	N	N	N	N	N	N	P	P	P	P	N
Post Office	N	N	N	N	N	N	N	N	N	P	P	P
Funeral Home & Crematoriums												
Funeral Home without Crematorium, Subject to §802.25	N	N	N	C	N	N	P	P	N	N	P	P
Funeral Homes with Crematorium as accessory use, Subject to §802.25	N	N	N	N	N	N	N	N	N	N	N	P
Crematorium (principal use), Subject to §802.18	N	N	N	N	N	N	N	N	N	N	N	C
Meal Center, Subject to §802.35	N	N	N	N	N	N	N	N	N	P	P	N
Medical Facilities												
Hospital or Surgery Center, Subject §802.30	N	N	N	N	N	N	N	P	N	N	N	N
Labs/Testing Facilities	N	N	N	N	N	N	N	P	P	P	P	P
Offices/Clinics	N	N	N	N	N	N	N	P	P	P	P	P
Treatment Center, Subject to §802.51	N	N	N	N	N	N	N	C	N	N	N	N

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	C	R1	R1A	R2	R2A	R-3	T1	MD	ED	CBD	GB	D
<u>INSTITUTIONAL / SEMI-PUBLIC USES CONTD.</u>												
Parking Facilities												
Parking Garages, Subject to §802.40	N	N	N	N	N	N	N	P	N	C	N	N
City-owned Surface Lots	N	N	N	N	N	N	N	P	P	C	N	N
Privately-owned Surface Lots	N	N	N	N	N	N	N	P	P	N	N	N
Public park, plaza, square, courtyard, urban garden, and public recreation areas	P	P	P	P	P	P	P	P	P	P	P	P
Private Club/Fraternal Organization	N	N	N	N	N	N	N	SE	SE	P	P	P
Recycling Drop Off Center	C	N	N	N	N	N	N	N	N	N	N	P
Religious Institution (and ancillary uses), Subject to §802.42	SE	SE	C	SE	C	C	SE	P	P	P	P	P
Schools												
K-12 (public/private), Subject to §802.44	C	C	C	C	C	C	C	C	P	C	C	C
Colleges and Universities	N	N	N	N	N	N	N	C	P	C	C	C
Trade School	N	N	N	N	N	N	N	C	P	C	C	C
Transit Facilities	N	N	N	N	N	N	N	C	C	P	P	P
Utility Structures (including substations), Subject to §802.52	N	N	N	N	N	N	N	C	N	C	C	C

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	T1	MD	ED	CBD	GB	D
<u>COMMERCIAL USES</u>						
Adult Oriented Establishment, Subject to §802.1	N	N	N	N	N	C
Animal Services						
Animal Daycare, Subject to §802.3	N	N	N	N	C	C
Shelter/Boarding Kennel	N	N	N	N	N	C
Sales, Salon and Grooming	N	N	N	N	P	P
Veterinary Offices/Clinics/Hospitals, Subject to §802.54	C	C	N	N	C	P
Bed and Breakfast Inn, Subject to §802.7	P	N	N	P	P	N
Eating and Drinking Establishments (including walk-up windows)						
Bakery, Ice Cream, etc.	P	P	P	P	P	P
Distillery / Microbrewery	N	N	N	P	P	P
Restaurant / Tavern	N	N	N	P	P	P
Entertainment & Recreation						
Auditorium/Concert Hall/Performing Arts Center	N	N	P	P	P	P
Commercial Recreation (indoor or outdoor), Subject to §802.15	N	N	P	C	P	P
Stadium (outdoor)	N	N	C	N	C	P
Theatre (live and films)	N	N	P	P	P	P
Farmer's Market	P	N	N	P	N	N
Forestry	P	P	P	P	P	P
Financial Institutions	P	P	P	P	P	P
Gun Shop, Subject to §802.28	N	N	N	N	N	C
Hookah Lounge	N	N	N	N	N	C
Hotel/Motel, Subject to §802.31	N	N	N	P	P	P
Business or Professional Office	P	P	P	P	P	P
Pawn Shop, Subject to §802.41	N	N	N	N	N	C
Personal Services	P	P	P	P	P	P

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	T1	MD	ED	CBD	GB	D
<u>COMMERCIAL USES (continued)</u>						
Retail Sales						
Small scale (≤7,000 sq. ft.)	P	P	P	P	P	P
Large scale (>7,000 sq. ft.), Subject to §802.43	N	N	N	C	C	P
Self-Storage Facilities, Subject to §802.45	N	N	N	N	N	P
Street / Mobile Vendors, Subject to §802.38	N	C	C	P	P	P
Studio						
Artisan Manufacturing, Subject to §802.48	P	C	C	P	P	P
Dance, music, fitness, art, photography	P	N	P	P	P	P
Broadcasting (television, radio)	N	N	P	P	P	P
Tattoo Parlor, Subject to §802.50	N	N	N	N	N	C
Vehicle, Manufactured Home, Boat Sales and Service						
Car Wash, Subject to §802.10	N	N	N	N	P	P
Commercial Fuel Depot, Subject to §802.14	N	N	N	N	SE	P
Gas Station, Subject to §802.26	N	N	N	N	P	P
Manufactured Home Sales Lot, Subject to §802.5	N	N	N	N	P	P
Vehicle and/or Boat Sales or Rental (including outdoor display of vehicles), Subject to §802.5	N	N	N	N	P	P
Vehicle and/or Boat Repair and Service Station §802.6	N	N	N	N	P	P
Vehicle Towing Station, Subject to §802.49	N	N	N	N	SE	P

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	T1	MD	ED	CBD	GB	D
<u>INDUSTRIAL USES</u>						
Bottling Plant	N	N	N	N	N	P
Distribution Center	N	N	N	N	N	P
General Manufacturing	N	N	N	N	N	P
Industrial Park	N	N	N	N	N	CU
Junkyards/Dismantled Car Storage, Subject to §802.32	N	N	N	N	N	SE
Laundry and Dry Cleaning Plant	N	N	N	N	N	P
Machine Shop	N	N	N	N	N	P
Outdoor Storage Yard	N	N	N	N	N	P
Railroad Freight Station	N	N	N	N	N	P
Research and Development	N	N	N	N	N	P
Solid Waste Transfer Facility, Landfill or Solid Waste to Energy Facility, Subject to §802.47	N	N	N	N	N	SE
Wholesale and Warehouse Businesses	N	N	N	N	N	P

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Table 302: Authorized Accessory Uses, subject to §309

	C	R1	R1A	R2	R2A	R-3	T1	MD	ED	CBD	GB	D
Backyard Chickens, Subject to §309.5	P	P	P	P	P	P	N	N	N	N	N	N
Beekeeping, Subject to §309.6	P	P	P	P	P	P	N	N	N	N	N	N
Detached Garage, Private	P	P	P	P	P	P	P	P	P	N	P	N
Drive-Through Facility (as an accessory use), Subject to §802.22	N	N	N	N	N	N	N	N	C	C	P	P
Family Day Care Home, Subject to §309.7	N	SE	N	SE	N	N	P	P	P	N	N	N
Fences, Subject to §309.8	P	P	P	P	P	P	P	P	P	P	P	P
Group Day Care Home, Subject to §309.7	N	SE	N	SE	N	N	P	SE	SE	N	N	N
Major Home Occupation, Subject to §309.9.C	N	N	N	N	N	SE	SE	SE	N	N	SE	N
Minor Home Occupation, Subject to §309.9.B	P	P	P	P	P	P	P	P	P	N	P	N
No Impact Home Based Business, Subject to §309.9.A	P	P	P	P	P	P	P	P	P	P	P	P
Outdoor Storage, Subject to §710 of this Chapter	N	N	N	N	N	N	N	N	N	N	N	P
Residential Accessory Buildings (sheds, playhouses, etc.), Subject to §309.10	P	P	P	P	P	P	P	P	P	N	P	N
Signs, Subject to Part 6 of this Chapter	P	P	P	P	P	P	P	P	P	P	P	P
Swimming Pool, Subject to §309.11	P	P	P	P	P	P	P	P	P	N	P	N
Uses customarily associated with PERMITTED USES	P	P	P	P	P	P	P	P	P	P	P	P
Uses customarily associated with permitted CONDITIONAL USES	C	C	C	C	C	C	C	C	C	C	C	C
Uses customarily associated with permitted SPECIAL EXCEPTION USES	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE

§308. Dimensional Requirements.

§308.1. Table 303 contains the dimensional requirements for the specified zoning district, unless a more restrictive requirement for a specific use is required by another section of this Chapter.

§308.2. Exception to height limitations. The height limitations of this chapter shall not apply to church spires, belfries, domes, monuments, observation towers, radio and television towers, chimneys, smokestacks, flagpoles, masts and aerials, elevators, equipment towers, tanks and other projections neither intended nor used for human occupancy.

§308.3. Lot and yard requirements.

A. Lots which abut on more than one (1) street shall provide the required front yard along every street.

B. One (1) and only one (1) principal structure, together with permitted accessory structures, may be located on any lot, except that two (2) or more principal structures may be permitted as a planned residential development after approval and recording of the development plan as required by this chapter.

§308.4. Projections into yards. No structure, whether attached to the principal structure or not and whether open or enclosed, including porches, carports, balconies and platforms above basic grade level, shall project into any required front, side or rear yard, except as provided below:

A. Shall not apply to terraces, steps, wheelchair ramps, uncovered porches, or other similar features not over three (3) feet high above grade level.

B. Minor utility fixtures, unenclosed patios and articles of decoration around a main building may be located in any required yard.

C. A buttress, chimney, cornice, pier or pilaster extending no more than two (2) feet from the wall of the principal structure may be located in any required yard.

D. As noted in Table 303, the Zoning Officer may authorize the projection of a principal residential structure into a required front yard on a lot located between two (2) structures which may be nonconforming with respect to the front yard, provided that the resulting front yard shall not be less than the average front yard of the two (2) adjacent structures.

§308.5. Parking and storage of vehicles in all residential districts. In any residential district, the following restrictions shall apply. The parking of any vehicle other than an automotive passenger vehicle, station wagon, pickup truck, panel truck or recreational vehicle in

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required front yards shall be prohibited. Parking of any other type of truck, except for temporary loading or unloading, shall be prohibited.

Table 303: Dimensional Requirements

	Minimum Lot Size	Minimum Lot Width	Maximum Impervious Surface	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Building Height
<u>C - CONSERVATION</u>							
Planned Residential Development	5 acres	100 ft	60%	25 ft	10 ft	20 ft	35 ft
All others	1 acre	100 ft	25%	35 ft	35 ft	35 ft	35 ft
Accessory uses					10 ft	10 ft	15 ft
<u>R1 LOW DENSITY RESIDENTIAL</u>							
Dwelling, Single-family Detached	7,500 sq ft	50 ft	60%	Avg./25 ft*	10 ft	20 ft	35 ft
All others	10,000 sq ft	50 ft	60%	25 ft	25 ft	25 ft	35 ft
Accessory Uses					5 ft	5 ft	15 ft
<u>R-1A LOW DENSITY RESIDENTIAL</u>							
Dwelling, Single-family Detached	6,000 sq ft	50 ft	40% ft	25 ft	12 ft	25 ft	35 ft
All others	10,000 sq ft	100 ft	30% ft	25 ft	20 ft	25 ft	25 ft
Accessory Uses					5 ft	5 ft	15 ft
<u>R-2 MEDIUM DENSITY RESIDENTIAL</u>							
Dwelling, Single-family Detached	6,000 sq ft	40	60%	Avg./25 ft*	8 ft	20 ft	35 ft
Dwelling, Single-family Attached	2,000 sq ft per du	22 ft	50%	Avg./25 ft*	15 ft	25 ft	35 ft
Dwelling, Multi-family, Duplex	7,500 sq ft	50 ft	60%	Avg./25 ft*	10 ft	20 ft	35 ft
All other principal uses	7,500 sq ft	50 ft	60%	25 ft	15 ft	25 ft	35 ft
Accessory Uses					5 ft	5 ft	15 ft

* See Section 308.4.D.

Table 303: Dimensional Requirements (continued)

	Minimum Lot Size	Minimum Lot Width	Maximum Impervious Surface	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Building Height
<u>R-2A MEDIUM DENSITY RESIDENTIAL</u>							
Dwelling, Single-family Detached	5,000 sq ft	40 ft	50%	25 ft	7 ft	25 ft	35 ft
Dwelling, Single-family Attached	3,000 sq ft per du	22 ft	50%	25 ft	15 ft	25 ft	35 ft
Dwelling, Multi-family, Duplex	6,000 sq ft	25 ft	50%	25 ft	7 ft	ft 25 ft	35 ft
All others	8,000 sq ft	80	35%	25 ft	20 ft	25 ft	25 ft
Accessory Uses					5 ft	5 ft	15 ft
<u>R-3 HIGH DENSITY RESIDENTIAL</u>							
Dwelling, Single-family Detached	5,000 sq ft	40 ft	50%	20 ft	5 ft	25 ft	35 ft
Dwelling, Single-family Attached	2,000 sq ft per du	22 ft	50%	20 ft	15 ft	25 ft	35 ft
Dwelling, Multi-family, Duplex	6,000 sq ft	25 ft	50%	20 ft	5 ft	25 ft	35 ft
Dwelling, Multi-family Garden Apt	1,800 sq ft per du	80 ft	50%	20 ft	25 ft	25 ft	36 ft
All others	8,000	80 ft	35%	25 ft	20 ft	25 ft	25 ft
Accessory Uses					5 ft	5 ft	15 ft

* See Section 308.4.D.

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Table 303: Dimensional Requirements (continued)

	Minimum Lot Size	Minimum Lot Width	Maximum Impervious Surface	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Building Height
<u>T-1 - TRANSITIONAL DISTRICT</u>							
Dwelling, Single-family Detached	4,000 sq ft	30 ft	60%	Avg./20 ft*	5 ft	20 ft	35 ft
Dwelling, Single-family Attached	2,000 sq ft per du	25 ft	60%	Avg./20 ft*	5 ft	20 ft	35 ft
Dwelling, Multi-family, Duplex	6,000 sq ft	30 ft	60%	Avg./20 ft*	5 ft	20 ft	35 ft
Dwelling, Multi-family, All others	10,000 sq ft	30 ft	60%	Avg./20 ft*	5 ft	20 ft	40 ft
All other principal uses	5,000 sq ft	40 ft	65%	20 ft	10 ft	20 ft	35 ft
Accessory Uses					5 ft	5 ft	15 ft
<u>MD – MEDICAL DISTRICT</u>							
Dwelling, Single-family Detached	4,000 sq ft	30 ft	60%	Avg./20 ft*	5 ft	20 ft	35 ft
Dwelling, Single-family Attached	2,000 sq ft per du	25 ft	60%	Avg./20 ft*	5 ft	20 ft	35 ft
Dwelling, Multi-family, Duplex	6,000 sq ft	30 ft	60%	Avg./20 ft*	5 ft	20 ft	35 ft
Dwelling, Multi-family, Garden Apartment	10,000 sq ft	30 ft	60%	20 ft	5 ft	20 ft	36 ft
Hospital	2 ac	50 ft	65%	20 ft	20 ft	50 ft	100 ft
All other principal uses	7,500 sq ft	50 ft	65%	20 ft	10 ft	30 ft	50 ft
Accessory Uses					5 ft	5 ft	15 ft

* See Section 308.4.D.

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Table 303: Dimensional Requirements (continued)

	Minimum Lot Size	Minimum Lot Width	Maximum Impervious Surface	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Building Height
<u>ED – EDUCATIONAL DISTRICT</u>							
Dwelling, Single-family Detached	4,000 sq ft	30 ft	60%	Avg./20 ft*	5 ft	20 ft	35 ft
Dwelling, Single-family Attached	2,000 sq ft per du	25 ft	60%	Avg./20 ft*	5 ft	20 ft	35 ft
Dwelling, Multi-family, Duplex	6,000 sq ft	30 ft	60%	Avg./20 ft*	5 ft	20 ft	35 ft
Dwelling, Multi-family, Garden Apartment	10,000 sq ft	30 ft	60%	20 ft	5 ft	20 ft	36 ft
Dormitories	7,500 sq ft	50 ft	65%	20 ft	20 ft	50 ft	36 ft
All other principal uses	7,500 sq ft	50 ft	65%	20 ft	10 ft	30 ft	35 ft
Accessory Uses					5 ft	5 ft	15 ft
<u>CBD - CENTRAL BUSINESS DISTRICT</u>							
All uses	2,500 sq ft	25 ft	100%	Build-to-Line: Buildings shall be built to the sidewalk; or avg. of adj. w/max of 20'; or 10-20' w/plaza/courtyard/outdoor dining	0' if share party wall; 10' if not	5 ft	100 ft
<u>GB - GENERAL BUSINESS DISTRICT</u>							
Residential uses	5,000 sq ft	50 ft	60%	Avg./25 ft*	5 ft	20 ft	35 ft
All other uses	5,000 sq ft	50 ft	70%	25 ft	5 ft	20 ft	40 ft
<u>D – DEVELOPMENT DISTRICT</u>							
All uses	10,000 sq ft	100 ft	80%	25 ft	10 ft	20 ft	50 ft

* See Section 308.4.D.

§309. Standards for Accessory Uses and Structures.

§309.1. All accessory uses and structures shall meet the following criteria:

- A. Such use is on the same lot as the principal use or structure and is customarily incidental and subordinate to the principal use or structure.
- B. Such use is not intended to expand a use otherwise limited in that area.
- C. Such use is consistent with the normal requirements of the principal use and is not excessive for such use or for that district.
- D. Such use is not detrimental to the surrounding area or properties.
- E. Adequate area is available without reducing the area requirements set forth for the use in the district in which it lies.

§309.2. A zoning permit shall be required for every accessory use or structure.

§309.3. If the principal use or structure is one which would require land development approval through the Subdivision and Land Development Ordinance, such accessory use or structure shall require such approval.

§309.4. There must be a principal structure on the lot prior to the issuance of a Zoning Permit for an accessory structure, except that accessory structures customarily associated with parks and playgrounds shall be allowed on site without a principal structure. Such structures may include, but are not limited to picnic pavilions, gazebos, and equipment storage sheds.

§309.5. Backyard Chickens.

- A. The outdoor keeping of chickens shall be permitted as an accessory use to single-family homes in any conservation or residential zoning district, provided the following requirements are met:
 - 1. A minimum lot size of 2,000 square feet is required. For property with a minimum of two-thousand (2,000) square feet in size, the property owner is permitted to keep three (3) chickens. For every additional one thousand (1,000) square feet of property, the owner is permitted one (1) additional chicken.
 - 2. The maximum number of chickens permitted on any lot shall be six (6).
 - 3. No mature roosters shall be permitted.
 - 4. All structures related to the housing of chickens shall be at least six (6) square feet in size and a minimum of two (2) square feet per additional chicken.

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5. All structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odor.
6. Outdoor roaming areas for chickens shall be sufficiently enclosed and screened from the street and neighboring properties to protect them from vehicular traffic, and to minimize external impacts of the outdoor roaming areas.
7. All structures, including fences, necessary for and related to the keeping of chickens shall be subject to any required setbacks of the underlying zoning district, but shall in all cases be a minimum of ten (10) feet from any property line.
8. The killing or dressing of animals raised on the premises shall be prohibited.

§309.6. Beekeeping.

- A. Beekeeping shall be permitted as an accessory use to single-family homes in any conservation or residential zoning district, provided the following requirements are met:
 1. A minimum lot size of 2,000 square feet is required. For property with a minimum of two-thousand (2,000) square feet in size, the property owner is permitted to keep two (2) beehives. For every additional two thousand (2,000) square feet of property, the owner is permitted two (2) additional beehives.
 2. All structures necessary for and related to the housing of honeybees shall be subject to any required setbacks of the underlying zoning district, but shall in all cases be a minimum of ten (10) feet from any property line.
 3. Ground mounted beehives shall be located no higher than six (6) feet from grade.
 4. Ground mounted beehives shall be permitted in side and rear yards, and shall be provided an enclosed barrier along the property line six (6) feet in height consisting of a solid fence, dense vegetation or combination thereof, and in cases where there is ample yard-area, a flyway may be substituted for perimeter barriers, consisting of six (6) foot high barriers on both sides of the bee colony, creating a channel extending twenty (20) feet in each direction beyond each bee colony entrance.

§309.7. Family and Group Day Care Homes.

- B. All child day care facilities shall comply with all current Pennsylvania Department of Public Welfare (DPW) regulations including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local building and fire safety codes.
- C. Group Day Care Homes must provide proof an approved and currently valid DPW license at the time of application and must provide proof of annual license renewal to the Zoning Officer.
- D. Family Day Care Homes must provide proof of an approved DPW registration certificate at the time of application and must show proof of the registration renewal every two years to the Zoning Officer.
- E. All activities shall be conducted in an occupied, detached single-family residence.
- F. Activities shall be limited to functions normally associated with the part-time tending of children and shall not include overnight lodging.
- G. No portion of a child day care facility shall be located within a 300 foot distance from any potentially hazardous land use or activity which could pose a threat to the safety and welfare of the children, staff and other occupants at the facility. Hazardous land uses or activities include, but shall not be limited to gasoline service stations, heavy industrial operations, storage of flammable or high pressure underground pipelines, truck or rail loading yards, etc.
- H. The outdoor play space shall be completely enclosed by a safe and adequate fence or wall a minimum of four (4) feet in height, unless a greater height is required by the governing body. Any outdoor play area potentially susceptible to encountering vehicles leaving the roadway, travel lanes, or access ways shall be protected by a barrier capable of preventing the vehicle from entering the play area. Whenever possible, the on-site outdoor play area shall not be located in the front yard. Outdoor play shall be limited to the hours between 8:00AM and sunset, as defined by the National Weather Service.
- I. Any addition or improvement to an existing residential structure or property for purposes of child day care shall preserve its residential character. The scale, bulk, height and roof pitch of any addition and the building materials used shall be compatible with the existing structure. Any improvements to the structure shall be in compliance with all other applicable City or Borough regulations relating to building and/or zoning permits.
- J. Family Day Care Homes shall provide one (1) on-site drop-off space.

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1. An existing driveway or common parking lot space may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely accommodate a parked vehicle.
 2. In cases where the drop-off area cannot be accompanied on the site, the applicant shall demonstrate that there is on-street parking.
 3. The required drop-off area may be waived by the City or Borough if the applicant can demonstrate that the clients will walk to the facility, thereby eliminating the need for the additional parking space.
- K. In addition to the off-street parking requirements required under Part VII, Group Day Care Homes shall provide two additional on-site parking spaces for non-resident employee. The parking space shall conform to the required dimensional standards for residential parking spaces.
- L. Group Day Care Homes shall provide an on-site drop-off area with sufficient area to allow for the temporary parking of two (2) vehicles.
1. An existing driveway or common parking lot space may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely accommodate two (2) parked vehicles.
 2. In cases where the existing driveway cannot function as a drop-off area, two (2) new on-site drop-off spaces shall be provided. The drop-off area shall conform to the required dimensional standards for residential parking spaces.
- M. Signs shall comply with standards governing signs for home occupations.

§309.8. Fences.

- A. Fences shall be permitted as an accessory use for all residential and nonresidential uses. For residential uses, their height shall be limited to four (4) feet in the front yard and six (6) feet in side and rear yards.
- B. All fences shall be constructed of customary fencing materials, but shall exclude chain link fencing in front yards. In no areas of any yard shall fencing ordinarily used for construction activity, such as silt fences or temporary construction fences be permitted, except during the time when such construction activity is being performed.
- C. A chain-link-type fence not more than ten (10) feet in height may be erected in any required yard for schools, playgrounds or parks.

- D. A chain-link-type fence not more than ten (10) feet in height may be erected in any required yard for industrial uses or commercial uses. A solid fence no more than ten (10) feet high may be erected in any required commercial or industrial yard with the approval of the Zoning Officer.

§309.9. Home Occupations.

- A. No Impact Home Based Businesses shall satisfy the following requirements:

- 1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- 2. The business shall employ no employees other than family members residing in the dwelling.
- 3. There shall be no display or sale of retail goods and no stock piling or inventory of a substantial nature.
- 4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- 5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- 6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- 7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- 8. The business may not involve any illegal activity.

- B. Minor Home Occupations shall meet all of the same regulations as No Impact Home Based Businesses, except that the following standards are modified:

- 1. The nature of the services rendered shall be of that type which are primarily and customarily provided to clients on an individual basis and by appointment only, or off-site; however, medical/dental offices are not permitted.
- 2. Any tutoring or instruction shall be limited to a maximum of three (3) students at a time.

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3. If the use will involve customers regularly visiting the property, then another additional off-street parking space shall be provided.
 4. The use shall not require delivery by tractor-trailer trucks.
 5. The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
 6. Parties for the purpose of selling merchandise or taking orders shall not be held more than four (4) times each month.
 7. Notwithstanding any provision contained herein to the contrary, garage, basement, yard or other similar sales shall not be allowed more than twice each year, and each sale shall not last more than seventy-two (72) consecutive hours.
- C. Major Home Occupations shall meet all of the same regulations as Minor Home Occupations, except that the following standards are modified:
1. The business activity shall be conducted in the dwelling and/or one accessory building on the lot and may not occupy more than 50% of the gross floor area.
 2. No more than one person who does not reside within the dwelling may be employed on the premises, or use the property as a meeting place for the purpose of traveling to a work site.
 3. If the use will include a non-resident employee, then an additional off-street parking space shall be provided, in addition to the parking for the dwelling. If the use will involve customers regularly visiting the property, then another additional off-street parking space shall be provided.
 4. There shall be no signs present on the property except for one (1) wall sign, not to exceed one (1) square foot, indicating the address and the occupant's name; for example, Joe Doe - Accountant.
 5. Only minimum storage of supplies shall be allowed. No outside storage of supplies shall be allowed on the property nor of any highly explosive or combustible material. There shall be no parking of equipment or storage trailers, construction or landscaping equipment, cement mixers or other similar equipment on the property. No activity shall be allowed which would interfere with radio or television transmission in the area; nor shall there be any offensive noise, vibration, rob, dust, odors, heat or glare noticeable at or beyond the property line.

6. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products; provided, that incidental retail sales may be made in connection with other permitted home occupations.
7. Deliverables from commercial suppliers may not be made more than once each week, and the deliveries shall not restrict traffic circulation.
8. The Zoning Hearing Board shall deny a Major Home Occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board may review such things as the likely amounts of traffic, the types of deliveries needed, the types of operations involved and related nuisances, the amount of off-street and on street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.

§309.10. Residential accessory building and structures. Residential accessory buildings shall meet the following requirements and conform to the following performance standards:

- A. Accessory buildings shall not exceed 150 square feet in area and one story in height. Such accessory structures shall not be used for garage purposes.
- B. Impermanent structures or structures which are to be comprised of makeshift materials or structures which are subject to extreme weathering and unsightly conditions shall not be permitted.

§309.11. Swimming pools. Swimming pools shall meet the following requirements and conform to the following performance standards:

- A. Private swimming pools are intended and are to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- B. Community or club swimming pools are intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- C. The pool, including any deck areas and/or accessory structures shall not be located closer than ten (10) feet of any property line.
- D. The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by persons from the street or from adjacent properties. The swimming pool shall be constructed in accordance with the provisions of the Uniform Construction Code.

PART 4
OFF STREET PARKING & LOADING

§401. Purpose.

§401.1. Off-street parking, loading and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided.

§402. Parking Spaces. Parking spaces shall meet the following minimum dimensions:

Table 401: Parking Space Standards

Type of Parking Space	Width (feet)	Length (feet)
Angle or 90 degree	9	18
Parallel	8	22
Handicapped	14	19
Van accessible	17	19

§403. Parking Areas.

- A. Off-street parking areas shall be oriented to and within a reasonable walking distance of the buildings they are designed to serve.
- B. Parking lots shall be designed so that vehicles are not required to back onto the street right-of-way.
- C. When possible, parking lots should be located to the rear or side of all structures.
- D. Access to parking areas shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress to and egress from all parking spaces to ensure ease of mobility, ample clearance and safety of vehicles and pedestrians.
- E. The width of aisles providing direct access to individual parking stalls shall be in accordance with the requirements specified below. Only one (1) way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety (90) degrees.

F. Table 402: Minimum Required Width of Aisles

Parking Angle	Access Lane
30 degrees	12 feet
45 degrees	13 feet
60 degrees	18 feet
90 degrees	24 feet

G. Where sidewalks occur in parking areas, parked vehicles shall not overhang the sidewalk unless an additional one (1) foot is provided in order to accommodate such overhang.

H. Markings.

1. In all paved parking areas which contain five (5) or more spaces, all parking spaces shall be clearly delineated by painted lines marked with durable white or yellow paint in stripes a minimum of four inches (4”) wide extending the length of the parking space. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings.

I. Lighting.

1. Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from the adjoining premises of any residential zoning district or residential use and away from any streets or highways. Light standards shall not exceed fifteen (15) feet in height. The lighting system shall furnish an average minimum of 1.0 footcandle during hours of operation and shall be designed with a full cut-off luminaries with a cutoff angle of ninety (90) degrees.

J. Stormwater Management.

1. All paved areas shall be designed so that stormwater runoff shall not adversely affect adjacent properties. The method of stormwater management and the design of the proposed facilities shall be subject to the requirements of the Stormwater Management Ordinance and to review and recommendation by the Municipal Engineer.

§404. Parking Spaces Required.

- §404.1. An adequate number of off-street parking spaces shall be required in all developments to accommodate residents and visitors. Off-street parking spaces shall be provided as listed in Table 403.
- §404.2. For any use not specified in Table 403, Council, after recommendation by the Planning Commission, shall determine the appropriate parking space requirements based on a parking needs study.
- §404.3. The Central Business District (CBD) shall be exempt from the parking requirements found in Table 403.
- §404.4. When determination of off-street parking results in a requirement of a fractional space, any fraction will be counted as one (1) parking space.
- §404.5. Where more than one (1) use occupies a given lot, building or structure, off-street parking equal to the sum of that required for each use shall be required.
- §404.6. Where more than one (1) use occupies a given lot, building or structure, off-street parking equal to the sum of that required for each use shall be required.
- §404.7. In no case shall the public right-of-way be used for meeting a required parking requirement.
- §404.8. A one (1) car garage and driveway shall count as two (2) off-street parking spaces, provided the driveway measures a minimum of eighteen (18) feet in length between the face of the garage door and the sidewalk, or twenty-five (25) feet to the curbline. A two (2) car garage and driveway combination shall count as four (4) off-street parking spaces, provided the minimum width of the driveway is twenty (20) feet and its minimum length is as specified above for a one (1) car garage.

Table 403: Minimum Number of Required Off-Street Parking Spaces

Use	Required Off-Street Parking Spaces per Indicated Area
<i>Class I: Residential</i>	
Single-family, Attached and Detached	Two (2) spaces
Two-family / duplex	Two (2) spaces
Multi-family	One bedroom – 1.25 spaces per dwelling unit Two bedrooms – 1.5 spaces per dwelling unit Three bedrooms or more – 2 spaces per dwelling unit
Assisted Living and Nursing Facilities	One (1) space per three (3) beds and one (1) for each employee on the peak shift
Bed and Breakfasts	One (1) space for each guest room, plus two (2) spaces for the owner/operator
Dormitories and theme housing	One (1) space for every two (2) beds, provided that the college/university certify in writing that the student-to-automobile ratio for residents does not exceed one (1) vehicle for every two (2) beds; or the college/university shall provide one (1) additional space for each additional vehicle and agree to monitoring
Group residential living facilities	One (1) space for every three (3) rooms, plus one (1) space per employee on the peak shift
<i>Class II: Moderate Intensity Nonresidential</i>	
Clinic	One (1) space for every 350 sf of GFA
Funeral home	One (1) space for every 50 sf of GFA in the parlors plus 1 per 300 sf of remaining GFA
Hospital	2.2 spaces for each bed proposed to be constructed
Offices	One (1) space for every 400 sf of GFA
Personal and business services	One (1) space for every 250 sf of GFA
Veterinary clinic	One (1) space for every 300 sf of GFA
<i>Class III: Educational and Religious</i>	
Art gallery / museum	One (1) space for every 325 sf of GFA in exhibit area or gallery space
Day care center	One (1) space for every employee on duty during largest shift plus 1 for every 5 children in attendance when the facility is operating at maximum capacity
Library	1.2 spaces for every 1,000 sf of GFA
School, elementary	1.5 spaces per 30-person classroom
School, middle/high	3.5 spaces per 30-person classroom
School, college, university, or trade	One (1) space for every three (3) employees plus one (1) space for every ten (10) students residing on campus and/or one (1) space for every five (5) students not residing on campus
Religious Institution	One (1) space for every five (5) fixed seats in auditorium / sanctuary; if no fixed seats, one (1) space for every 40 sf of GFA in main auditorium or sanctuary

<i>Class IV: Commercial</i>	
Bank	One (1) space for every 350 sf of GFA plus three (3) spaces for each ATM not located in a drive-thru
Club or Lounge (including outdoor seating areas)	One (1) space for every 100 sf of GFA
Food and grocery store and/or convenience store	One (1) space for every 300 sf of GFA
Greenhouse, commercial and/or Garden center and/or Nursery	One (1) space for every employee on largest shift plus one (1) space for every 400 sf of growing and display area accessible to the public
Hotel / motel	One (1) space for each guest room, plus one (1) space for each ten (10) rooms, plus one (1) space for every three (3) employees
Restaurant / tavern (including outdoor seating areas)	One (1) space for every 125 sf of GFA
Retail store	One (1) space for every 300 sf of GFA
<i>Class V: Industrial</i>	
Gasoline service station	One (1) space for each employee on duty during largest shift plus two (2) for each service bay plus one (1) space per 250 sf of GFA of convenience store, if applicable
Heavy manufacturing	One (1) space for every 400 sf of GFA of office space, plus one (1) space per 2,000 sf of GFA of warehouse, assembly, or storage space
Light manufacturing	One (1) space for every 400 sf of GFA of office space, plus one (1) space per 1,500 sf of GFA of warehouse, assembly, or storage space
Research and development and / or Laboratory	One (1) space for each 2,000 sf plus one (1) space for every three (3) employees
Self-storage facility	One (1) space for every 40 storage units or bays
Transportation depot	One (1) space for every 150 sf of waiting area
Truck terminal	One (1) space for 1,000 sf of GFA plus one (1) space for every three (3) employees
Vehicle / car wash	2.5 spaces for each bay or stall for stacking space
Vehicle repair	Two (2) spaces for each service bay
Vehicle sales, rental, and service	One (1) space for every 180 sf of GFA
Warehouse and / or Distribution facility	One (1) space for every 400 sf of GFA of office space, plus one (1) space per 1,700 sf of GFA of wholesale / warehouse space
Wholesale establishment	One (1) space for each 3,500 sf of GFA plus one (1) space for every three (3) employees

Class VI: Recreation

Community or club swimming pool	One (1) space for every 1.5 members
Driving range (golf)	One (1) space for each tee
Golf course	Four (4) spaces for every green
Health club	One (1) space for every 200 sf of GFA
Miniature golf	One (1) space for each hole
Movie theater	One (1) space for every 3 seats
Park pavilion	One (1) space for each picnic table
Recreation, municipal or private (5-10 acres)	One (1) space for the first two (2) acres and one (1) space for each additional acre plus any additional parking for any other facilities or land uses constructed within the park as provided herein
Recreation, municipal or private (over 10 acres)	Five (5) spaces for the first acre and one (1) space for each additional 10 acres plus any additional parking for any other facilities or land uses constructed within the park as provided herein
Recreation, indoor	One (1) space for every 300 sf of GFA
Theater or Auditorium	One (1) space for every three (3) seats

Note: sf = square footage; GFA = gross floor area

§405. Staged Parking Plan.

§405.1. Where the total number of off-street parking spaces required are not immediately required for a particular use, a staged development plan may be permitted requiring that only a portion of the parking area, but not less than sixty-five (65) percent of the required spaces, be completed initially, subject to the following requirements:

- A. The site plan shall clearly indicate both the portion of the parking area to be paved initially and the total parking needed to provide the number of spaces required. The part of the parking area to be paved shall be paved with a solid, dustless and impervious material normally used for the paving of parking areas e, macadam, asphalt or concrete).
- B. The site plan shall provide for adequate drainage of both the partial and total parking areas.
- C. The portion of the parking area not to be paved initially shall be landscaped with a ground cover to prevent erosion. The ground cover shall be appropriate for soil conditions, water availability and the environment.
- D. The applicant shall post separate performance guarantees, in addition to the performance guarantees required by this Chapter, which shall reflect the cost of installing the additional parking facilities necessary to provide the total number of parking spaces required.
- E. In lieu of a permanent certificate of occupancy, a temporary certificate of occupancy shall be issued for a period of two (2) years. Prior to the expiration of the two (2) year period, the applicant may either install the additional parking

shown on the site plan and apply for issuance of a permanent certificate of occupancy, or apply to the Planning Commission after the use has been in operation a minimum of eighteen (18) months for a determination as to whether or not the initial parking area provided is adequate. If the Planning Commission determines that the parking facility is adequate as originally constructed, the performance guarantees shall be released and a permanent certificate of occupancy issued. If, however, the Planning Commission determines that partial off-street parking area is not adequate, the applicant shall be required to install the additional parking facilities in accordance with the terms of the performance guarantees prior to issuance of a permanent certificate of occupancy.

- F. Any change of use on a site for which the Planning Commission may have approved a partial paving of off-street parking areas to a use which require more parking spaces than are provided on the site shall require submission of a new site plan.

§406. Special Parking Provisions.

§406.1. If the number of off-street parking spaces required by this section cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then parking spaces may be located on a lot other than that containing the principal use as a conditional use pursuant to the provisions below. These off-site spaces are referred to in this section as satellite parking spaces.

- A. All such satellite parking spaces (except spaces intended for employee use) must be located within five hundred (500) feet of the lot on which the principal use associated with such parking is located.
- B. Walking paths shall be provided between the principal use and the parking lot. Such paths shall not cross streets except at designated crosswalks.
- C. All such parking spaces must be located in a zoning district that permits the principal use.
- D. Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement, shall be filed with the application for a zoning certificate.
- E. A shared parking plan shall be enforced through written agreement. An attested copy of the agreement between the owners of record shall be submitted to the Municipality who shall forward a copy to the Municipal Solicitor for review and approval. Proof of recordation of the agreement shall be presented to the municipality prior to issuance of a certificate of occupancy. The agreement shall:
 - 1. List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
 - 2. Provide a legal description of the land;
 - 3. Include a site plan showing the area of the parking parcel;

4. Describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;
 5. Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
 6. Assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating uses; and
 7. Describe the method by which the covenant shall, if necessary, be revised.
- F. If the agreement expires, each owner shall provide the required parking spaces for their principal use.

§407. Accessible Parking.

- §407.1. Parking spaces for use by persons with disabilities shall meet the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design, as updated or amended.
- §407.2. Such parking spaces shall be located as close as possible to ramps, walkways, entrances and elevators. Where feasible, these parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to reach the ramps and other facilities. The spaces shall be situated in those areas of the parking lots located nearest to each primary building entrance.

§408. Loading and Unloading Areas.

- §408.1. In any district, in connection with every building or building group or part thereof that is to be occupied by commercial, industrial or other nonresidential uses that rely on the delivery or distribution of materials or merchandise, there shall be provided and maintained on the same lot with such buildings off-street loading berths in accordance with the standards provided in Table 404.

Table 404: Minimum Loading Berths Required

Use and/or Gross Floor Area of Building (square feet)	Number of Loading Berths Required
Schools	1
Commercial uses less than 10,000 square feet of gross floor area (building)	1
Commercial and/or industrial uses of 10,000 square feet or more of gross floor area (building)	1
For each additional 20,000 square feet of gross floor area or fraction thereof	1 additional

§408.2. Each loading and unloading space:

- A. Shall be at least 15 feet wide, 60 feet long and shall have at least a fifteen-foot vertical clearance;
- B. Shall have an all-weather surface to provide safe and convenient access during all seasons; and
- C. Shall not be constructed between the street right-of-way line and the building setback line.

§408.3. Required off-street parking spaces (including aisles) shall not be used for loading and unloading purposes.

§408.4. Loading and unloading facilities shall be designed so that a truck or any portion thereof need not park in or effectively block in any manner any public right-of-way or need not back out onto a street.

§408.5. No truck shall be allowed to stand in:

- A. A right-of-way;
- B. Automobile parking area (including aisles); or
- C. In any way block the effective flow of persons or vehicles.

§408.6. All off-street loading areas shall be required to be screened from adjacent roadways and properties following Bufferyard D requirements, as specified in Part 5: Landscaping, Bufferyards and Screening of this Ordinance.

PART 5
LANDSCAPING, SCREENING & BUFFERYARDS

§501. Statement of Intent.

§501.1. It is intended that the application of the bufferyards, screening, and landscaping standards set forth in this chapter will reduce the visual and environmental impacts of any future use or parking lot on neighboring uses.

§502. Bufferyard Requirements.

§502.1. Vegetation within Bufferyards.

- A. Any existing trees within the required bufferyard that are a minimum of 6 inches in diameter at breast height (dbh) in accordance with American Nursery Association standards shall count as required trees within the bufferyard. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified in the required bufferyard.
- B. All trees required to be planted within the bufferyard shall be a minimum of 2.5 inches in diameter at breast height (dbh) in accordance with American Nursery Association standards and shall be planted in accordance with accepted landscape conservation practices. All required trees shall be a minimum of six (6) feet in height at the time of planting as measured from the ground adjacent to the planted tree to the top of the tree.
- C. It shall be the responsibility of the landowner and/or developer to assure the continued growth of all required landscaping and/or to replace the same in the event of freezing, drought, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes.
- D. A recommended plant listing for vegetation within bufferyards is included in Appendix A.

§502.2. Specific Bufferyard Requirements.

A. Bufferyard A.

- 1. The minimum spacing and quantity of vegetation planted within Bufferyard A shall be as prescribed by this Section and as illustrated in Appendix B.
- 2. No uses, buildings or structures including, but not limited to, accessory structures, parking spaces, access drives and lighting devices, may be located closer than 35 feet from any front, side or rear lot line; provided, however, that if the width of any such bufferyard would exceed more than 10 percent of the width or depth of the subject lot as it existed as of the effective date of this Chapter, measured along a perpendicular line running from the relevant side or rear lot line, then the size of the bufferyard shall be established through the following formula:

- a. On a lot with a width or depth of greater than 350 feet, the bufferyard for either the required front or the rear yard shall be 10 percent of that minimum dimension on that particular side of the lot. The bufferyard for the yard not selected of these two shall remain the minimum requirement of 35 feet. The bufferyards for the side yards shall remain the minimum requirement of 35 feet. In no event, however, shall the side or rear bufferyard be less than 25 feet except that access drives may be located in the front bufferyard or other bufferyard if required by the City or Borough's Subdivision and Land Development Ordinance, as amended.
3. Bufferyard A shall contain two rows of planting. Each row shall consist of a mixture of 30 percent deciduous and 70 percent evergreen trees and a maximum spacing of 20 feet apart, measured from the vertical centerline of adjacent trees.
 4. In addition to the above-noted required tree spacing, a row of lower level evergreen shrubs or hedges shall be planted or earth mounding shall be constructed in the bufferyard which shall provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of vehicles. These lower level shrubs, hedges or mounds shall be a minimum of 4 feet in height. The length of an individual mound shall not be greater than 30 percent of the lot line to which the mound is adjacent. A variety of heights within and between mounds are recommended.
- B. Bufferyard B.
1. The minimum spacing and quantity of vegetation planted within Bufferyard B shall be as prescribed by this Section and as illustrated in Appendix B.
 2. No uses, buildings or structures including, but not limited to, accessory structures, parking spaces, access drives and lighting devices, may be located any closer than 25 feet to any front, side or rear lot line except that access drives may be located in the front bufferyard or other bufferyard if required by the City's Subdivision and Land Development Ordinance, as amended.
 3. Bufferyard B shall contain a single row of planting which shall be comprised of a mixture of 30 percent deciduous and 70 percent evergreen trees. These trees shall be spaced 20 feet apart as measured from the center of the trees.
 4. In addition to the above-noted required tree spacing, a row of lower level evergreen shrubs or hedges shall be planted, or earth mounding shall be constructed in the bufferyard which shall provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of vehicles. These lower level scrubs, hedges or mounds shall be a minimum of 4 feet in height. The length of an individual mound shall not be greater than 30 percent of the lot line to which the mound is adjacent. A variety of mound heights are recommended.

C. Bufferyard C.

1. The minimum spacing and quantity of vegetation planted within Bufferyard C shall be as prescribed by this Section and as illustrated in Appendix B.
2. No uses, buildings or structures including, but not limited to, accessory structures, parking spaces, access drives and lighting devices may be located any closer than 10 feet to any front, side or rear lot line except that access drives may be located in the front bufferyard or other bufferyard if required by the City's Subdivision and Land Development Ordinance, as amended.
3. This 10-foot bufferyard shall contain a row of planting which shall be comprised of a mixture of 30 percent deciduous and 70 percent evergreen trees. These trees shall be spaced 20 feet apart as measured from the center of the trees.
4. In addition to the above-noted required tree spacing, a row of lower level evergreen shrubs or hedges shall be planted, or earth mounding shall be constructed in the bufferyard which shall provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of vehicles. These low level shrubs, hedges or mounds shall be a minimum of 4 feet in height. The length of an individual mound shall not be greater than 30 percent of the lot line to which the mound is adjacent. A variety of mound heights are recommended.

D. Bufferyard D.

1. The primary purpose of this bufferyard is to reduce the potential negative visual impacts of parked vehicles in two abutting parking lots located within 10 feet of a shared property line not along a public right-of-way.
2. The 5-foot bufferyard width shall contain a row of plantings comprised of deciduous and/or evergreen shrubs.
3. The minimum height of shrubs shall be 3.5 feet by the third year after planting. Shrubs shall be spaced so that a continuous hedge exists after the third year after planting. See Appendix B.

E. To maintain an adequate separation of uses, Table 501 provides the minimum bufferyard standards required.

Table 501: Bufferyards

Use	A	B	C	D
	35'	25'	10'	5'
MULTI-FAMILY RESIDENTIAL				
Adjoining Single-family		X		
Adjoining Multi-family			X	
Adjoining Any Industrial	X			
Adjoining Primary Roadways			X	
COMMERCIAL & INSTITUTIONAL				
Adjoining Single-family		X		
Adjoining Multi-family			X	
Adjoining Any Industrial			X	
Adjoining Primary Roadways			X	
INDUSTRIAL				
Adjoining Any Residential	X			
Adjoining Any Industrial			X	
Adjoining Primary Roadways			X	

§502.3. Conflict between Bufferyard and Yard Requirements.

- A. When the width of a required bufferyard is in conflict with the minimum yard requirements of this Part, the greater distance shall apply. The landowner and/or developer shall adhere to the bufferyard planting requirement regardless of what the yard requirement is.

§502.4. Existing Structures in Bufferyards.

- A. In instances where an existing building or structure houses the principal use of the lot, and is located within any required bufferyard, a bufferyard of not less than the minimum distance from the existing structure to the lot line shall be required. This reduced bufferyard width shall apply only to the yard area upon which the existing structure encroaches. If the existing building or structure is located within the required bufferyard on one side of the building or structure, the required bufferyard as determined by Table 501 “Bufferyards,” of this Chapter shall apply on all other yard areas. All planting requirements shall be adhered to regardless of the bufferyard width.

§502.5. Stormwater Management Facilities within Bufferyards.

- A. Stormwater management facilities and structures may be maintained within a bufferyard, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirement.

§503. Parking Lot Landscaping.

§503.1. Applicability.

- A. No new parking lots shall hereafter be constructed or used unless landscaping is provided as required by the provisions of this Article.
- B. No parking lots shall be expanded, moved or removed and/or reconstructed unless the minimum landscaping required by the provisions of this Article is provided for the property to the extent of its alteration or expansion, but not for the entire property unless required in § 502.
- C. No use shall be changed to another use for which this Article requires additional parking over and above that required for the previous use, unless vehicular use area perimeter landscaping as required by this Article is provided for such additional parking. The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the parking requirements for the new uses. Where the previous use had no required parking, perimeter landscaping shall be provided for the entire vehicular use area serving the new use. Interior landscaping shall not be required where only the use of the property is changed and no new addition, expansion, or exterior construction or reconstruction is proposed.

§503.2. Perimeter Landscaping.

- A. Property line landscape buffers between adjacent land uses shall be provided in accordance to the requirements spelled out in § 502.1 of this Article.
- B. Any parking lot that is adjacent to a road or public right-of-way shall provide a landscaping area width based upon the following parking lot size:
 - 1. Less than 6,000 square feet: five (5) feet minimum landscape area width (BUFFERYARD D).
 - 2. 6,000 square feet or more: ten (10) feet minimum landscape area width (BUFFERYARD C).
- C. Grass or ground cover shall be planted on all portions of the landscape area not occupied by other landscape material.
- D. Landscape plantings that are planted within the sight triangle near intersections shall conform to the following standards:

1. No trees shall be planted that have a main/stem/trunk greater than eight (8) inches in diameter or have a dripline that falls below six (6) feet six (6) inches in height.
 2. No shrubs or ground covers that exceed a height of twenty-four (24) inches.
- E. In all cases where significant natural vegetation exists, there will be limits of clearing/grading areas established to protect and preserve these natural areas. These natural areas will not be disturbed by the installation of any structures, utilities, storm and sanitary sewers, waterlines, sediment and erosion control traps, stormwater management systems or signage. Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown in the required plan, and measures taken to protect these areas from disturbance during construction shall be identified.
- F. Trees required as a part of the perimeter landscaping adjacent to a public right-of-way landscaping may be placed on the right-of-way adjoining such vehicular use area when approved by Council. Such trees shall be in addition to any street trees which may be required by the subdivision regulations.
- G. In any parking lot perimeter landscaping area there shall be four (4) feet minimum distance to all trees from the edge of paving where vehicles overhang.
- H. Parking lots shall include side and rear yard perimeter landscaping that include a continuous row of shrubs, no less than three and one-half (3 ½) feet at planting and one canopy shade tree, planted every forty (40) feet on center.

§503.3. Interior landscaping.

- A. For any new parking lot containing a minimum of six thousand (6,000) square feet of area or fifteen (15) or more spaces, interior landscaping shall be provided in addition to the previously required perimeter landscaping. Interior landscaping shall be contained in peninsulas or islands containing a minimum area of one hundred sixty (160) square feet having a minimum width of eight and one-half (8.5) feet and a minimum length of eighteen (18) feet. There shall be a minimum distance of four (4) feet from the edge of paving to the base of all trees which may overhang parked vehicles. The minimum landscape area permitted shall be ten percent (10%) of the parking area. Each island or peninsula shall be enclosed by appropriate curbing or a similar device at least six (6) inches wide and six (6) inches in height above the paving surface (wedge curbing is acceptable), unless this is in conflict with an approved Best Management Practice, in which case the design of the approved stormwater plan shall apply.
- B. Where a parking area is altered or expanded to increase the size to six thousand (6,000) or more square feet of area or fifteen (15) or more parking spaces, interior landscaping for the entire parking area shall be provided and not merely to the extent of its alteration or expansion.
- C. Landscape islands or peninsulas; number required:

1. Each ten (10) parking spaces shall require an interior planting island.
 2. All interior parking aisles shall end in a landscape island.
 3. In no case shall there be more than twenty (20) parking spaces in an unbroken row.
- D. Maximum contiguous areas for interior parking lot landscaping. In order to encourage the required landscape areas to be reasonably distributed, no single required landscape island shall be larger than the following:
1. Three hundred fifty (350) square feet in parking areas under thirty thousand (30,000) square feet.
 2. Fifteen hundred (1,500) square feet in parking areas over thirty thousand (30,000) square feet.
- E. Minimum plant materials.
1. A minimum of one (1) shade tree for each five (5) spaces of provided parking shall be required. The remaining area of the required landscaped area shall be landscaped with shrubs or ground cover not to exceed two (2) feet in height. (See also § 503.3.F.: Shade trees in parking areas.)
- F. Shade trees in parking areas.
1. Parking areas that are required to be paved must be shaded by deciduous trees (either retained or planted by the developer) that have or will have when fully mature a trunk at least twelve (12) inches in diameter.
 2. Each tree of the type described in Subsection A shall be presumed to shade a circular area having a radius of fifteen (15) feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, twenty percent (20%) of the vehicle-parking area will be shaded.
 3. No paving may be placed within eight (8) feet (measured from the center of the trunk) of any tree retained to comply with Subsection A, and new trees planted to comply with Subsection A shall be located so that they are surrounded by at least two hundred (200) square feet of unpaved area in a manner that will not encroach upon the projected dripline
 4. Parking areas shall be laid out and detailed to prevent vehicles from striking trees. Vehicles will be presumed to have a body overhang of three (3) feet six (6) inches.
- G. Interior landscaping for parking areas shall be installed and continuously maintained by the owner according to the requirements contained in § 502 of this Chapter.

- H. Landscape material type and quality shall be in conformance with the requirements of § 502 of this Chapter.
- I. Whenever any property is affected by these parking area landscape requirements, the property owner or developer shall prepare a landscape plan for approval by Council.

§504. Screening.

§504.1. All service structures shall be fully screened, except when located in an industrial zone. Service structures in an industrial zone shall be fully screened when located within one hundred (100) feet of any zone other than industrial. For the purposes of this Article, service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a site.

A. Location of screening.

- 1. A continuous planting, hedge, fence, wall or earth mound shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material or vehicular use area, landscaping material of such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.

B. Protection of screening material.

1. Whenever screening material is placed around any trash disposal unit or waste collection unit that is emptied or removed mechanically on a regular basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least eighteen (18) inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved or emptied. The minimum front opening of the screening material shall be twelve (12) feet to allow service vehicles access to the container.

PART 6
SIGNS

§601. Purpose.

§601.1. The purpose of this Part is to establish standards and policies that shall pertain to and govern the placing, illumination, animation and maintenance of all signs that are visible from the public right-of-way.

§602. Location of Signs.

§602.1. On-Premises Sign – a sign which directs attention to a person, business, profession, occupation or activity conducted on the same lot.

§602.2. Off-Premises Sign – a sign which directs attention to a person, business, profession, product, occupation or activity not conducted on the same lot.

§603. Types of Signs.

§603.1. Attention-Getting Device. A pennant, flag, banner, valance, propeller, spinner, streamer, search light, balloon or other inflatable device, or similar object or representation of a product, vehicle, equipment or other advertising image or any ornamentation which is designed or used for the purpose of promoting, advertising or attracting attention.

§603.2. Billboard. An off-premises sign which advertises an establishment, activity, person, product or service which is unrelated to or unavailable on the premises where the billboard is located.

§603.3. Building Sign. An on-premises sign permanently affixed to a building, including:

- A. *Canopy (or Awning Sign).* A sign that functions as a roof-like shelter, either permanent, retractable or removable, made of canvas or other material that is affixed to a building or self-supporting and provides protection from sun, rain, snow and other elements but excluding marquees.
- B. *Marquee Sign.* A sign that is attached to, in any manner, or supported by a permanent roof-like shelter extending from part of all of a building face and may or may not project over the public right-of-way.
- C. *Projecting Sign.* A sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.
- D. *Roof Sign.* A sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.
- E. *Residential Identification Sign.* A sign containing only the name and address of the occupant of the premises, or in the case of a multi-family building containing only the name and address of the building.

- F. *Suspended Sign.* A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
- G. *Wall Sign.* A sign attached to and erected parallel to the face of an outside wall of a building, projecting outward no more than six (6) inches from the wall of the building.
- H. *Window Signs.* A sign or group of signs affixed to the inside of a display window in a commercial establishment which advertises a product or service available on the premises or which announces or promotes a special sale or special event.

§603.4. Building Marker. A historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.

§603.5. Freestanding Sign. An on-premises sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure., including:

- A. *Ground (or Monument) Sign.* A sign having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick. All other freestanding sign types not meeting the definition of a monument sign shall be either a pole sign or a pylon sign.
- B. *Pole Sign.* A sign that is supported from the ground by an exposed pole(s) or a three-dimensional support structure that is less than one-third (1/3) the width of the sign face.
- C. *Pylon Sign.* A sign that is supported by one or more structural elements which are architecturally similar to the design of the sign or where the support structure is more than one-third (1/3) the width of the sign face.

§603.6. Public Sign. A sign of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of any public duty, such as official signs and notices of any public or governmental agency, or erected by or on the order of a court or public officer, including official traffic signs, public notices, government flags and other signs warning of hazardous or dangerous conditions. Such signs may be on-premises or off-premises.

§603.7. Residential Plan Identification Sign. A permanent wall or freestanding ground sign containing only the name and address of a housing plan or subdivision or a multifamily building or development.

§603.8. Temporary Sign. A sign that is not permanently affixed to the ground, building or structure and is temporary in nature, designed to be removed upon conclusion of an event or within a specified time period.

- A. *Construction.* A sign announcing the name of contractors, mechanics or artisans engaged in performing work on the premises.

- B. *Development.* A sign erected during the period of construction and/or development of a property by the contractor and developer or their agent.
- C. *Portable Sign.* A sign that is not permanently affixed to a building, a structure or the ground which is designed to be moved from place to place, such as sandwich board signs.
- D. *Real Estate.* A sign advertising the sale or rental of premises. The sign may also bear the words “sold”, “sale pending” or “rented” across their face.
- E. *Real Estate Open House.* A sign advertising an open house event for a building/lot that is for sale or rent.
- F. *Temporary Special Event Display.* A banner, flag, pennant or similar display constructed of durable material and affixed to the wall of a building or a freestanding structure erected whose sole purpose is to advertise a special event.

§604. Sign Features.

§604.1. Subject to the regulations contained in Section 612, authorized signs may exhibit the following features:

- A. *Changeable Copy.* A sign whose informational content can be changed or altered by manual or electronic means. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a 'time and temperature portion of a sign and not a changeable copy sign for purposes of this Chapter.
- B. *Digital.* A sign with a fixed or changing message composed of a series of lights, including light emitting diode (LED), which may be changed through electronic means without altering the face or surface of the sign.
- C. *Indirectly Illuminated.* A sign which is lighted by means of lamps or lighting devices external to, and reflected on, the sign, which lighting is stationary and constant in intensity and color at all times and which is shielded so that the illumination is concentrated on the face of the sign and there is no spillover of illumination or glare beyond the face of the sign.
- D. *Internally Illuminated.* A sign which is lighted by means of lamps or lighting devices internal to the sign, which lighting is either behind the face of the sign or is an integral part of the sign structure and the advertising effect.

§605. Prohibited Signs

§605.1. The following signs shall not be permitted in any Zoning District:

- A. Attention-Getting Devices, unless approved as a Temporary Special Event Display;
- B. Signs featuring animation of any kind;
- C. Signs on trees, utility poles or official traffic control devices or signs;

- D. Signs which imitate traffic control devices;
- E. Signs painted on walls or chimneys of a building or on fences or walls;
- F. Signs on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property, other than temporarily for overnight storage on the site of a business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.

§606. Permit Required.

- §606.1. Except as otherwise provided in §607, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this chapter and in accordance with a sign permit issued by the Zoning Officer. Repainting or changing the message of the sign shall not, in and of itself, be considered a substantial alteration.
- §606.2. All sign applications must be accompanied by a plan, drawn to scale, showing the exact size, shape and dimensions of such sign and its proposed location or placement upon any structure or property.
- §606.3. A fee, in accordance with the City or Borough's fee schedule, as amended, shall accompany each application.
- §606.4. In the case of a lot occupied or intended to be occupied by multiple business enterprises (e.g., a shopping center), sign permits shall be issued in the name of the lot owner or his agent rather than in the name of the individual business enterprise requesting a particular sign.
- §606.5. Any permit issued by the City or Borough for the erection, alteration, replacement or relocation of any sign shall expire automatically within six (6) months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.

§607. Exempt Signs.

- §607.1. The following signs shall be exempted from regulation under this Chapter unless more specific provisions contained in this Part indicate otherwise:
 - A. Public Signs
 - B. Residential Identification Signs, provided they do not exceed two (2) square feet.
 - C. Building Markers.
 - D. Holiday decorations, provided they do not interfere with traffic safety or do not, in any other way, become a public safety hazard and are removed within 15 days following the holiday.

- E. No trespassing, no hunting, or private property signs, provided they do not exceed two (2) square feet.
- F. Political signs, subject to other City and Borough ordinances.

§608. General Sign Regulations.

§608.1. Conformance.

- A. No new sign shall be permitted on any property unless every sign on the property shall be in conformance with this section. A sign which is not expressly permitted is prohibited.
- B. Signs existing at the time of passage of this Ordinance which do not conform to the requirements of the Ordinance shall be considered nonconforming signs. However, nonconforming signs may be repainted, repaired (including lighting) or replaced provided such repainted, repaired or replaced signs do not exceed the dimensions of the existing sign. Copy may also be changed.
- C. Nonconforming signs once removed physically may be replaced only with conforming signs; every sign erected shall also comply with the requirements for the zoning district in which said sign is erected.
- D. A sign or any part thereof shall be confined to the property to which it is located;
- E. No sign shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted under the provisions of this Chapter;

§608.2. Digital Signs and Electronically Changing Message Signs.

- A. All messages, images, or displays on a digital sign or electronically changing message sign shall remain unchanged for a minimum of 10 seconds, except signs with a changeable sign area of less than 30 square feet in a commercial district may change a minimum interval of every six seconds. Billboards containing digital or changeable copy shall remain unchanged for a minimum of 30 seconds.
- B. The time interval used to change from one complete message, image or display to the next complete message, image or display shall be a maximum of one second.
- C. There shall be no appearance of a visual dissolve or fading, in which any part of one message, image or display appears simultaneously with any part of a second message, image or display.
- D. There shall be no appearance of flashing or sudden bursts of light, and no appearance of video motion, animation, movement or flow of the message, image or display.
- E. The intensity and contrast of light levels shall remain constant throughout the sign face.

- F. Each digital sign or electronically changing message sign shall be equipped with automatic day/night dimming software, to reduce the illumination intensity of the sign from one hour after sunset to one hour prior to sunrise.

§608.3. Illumination.

- A. Illumination shall be directed upon the sign face and not towards adjoining properties or streets.
- B. Lighting shall be stationary and constant in intensity and color at all times. Flashing or oscillating signs shall not be permitted.
- C. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not exceed a maximum of 1.0 footcandle at the property line.

§608.4. Lots with Multiple Street Frontage.

- A. In all Zoning Districts, lots fronting on more than one (1) street shall be permitted to have one (1) of each type of sign which is authorized for the lot on each street frontage.

§608.5. Maintenance and Inspection.

- A. All signs shall be constructed of a durable material and maintained in good condition. Any sign found to be in an unsafe condition upon inspection shall be declared to be a public nuisance and the Zoning Officer shall give notice to the owner in writing, in accordance with this Ordinance, to repair or remove the sign within ten (10) days. Upon failure of the owner to comply, the City shall remove the sign at the owner's expense.

§608.6. Removal of Signs.

- A. Whenever any business is discontinued or vacated, all signs relating to the discontinued or vacated business shall be removed within thirty (30) days of the vacation or discontinuance of the business. Upon failure of the owner to comply, City may remove the sign at the owner's expense. The City may lien the property for the cost of removing the sign and all legal fees and costs incurred with filing and enforcing the lien.

§608.7. Setbacks.

- A. Freestanding signs shall not project into a street or alley right-of-way and shall be setback a minimum of five (5) feet from back of curb or edge of pavement.

§608.8. Visibility.

- A. No sign shall be erected within, or project into, the lines of a street right-of-way, except traffic signs and similar regulatory notices of a duly constituted governmental body;

- B. No artificial light or reflecting device shall be used as a part of a sign where such light or device interferes with, competes for attention with, or may be mistaken for, a traffic signal, or in any other way would be a detriment to public safety;
- C. Signs shall not be located in the clear sight triangle prescribed in §714;

§609. Computation of Sign Area and Height.

§609.1. The following principles shall control the computation of sign area and sign height:

- A. The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets land use ordinance regulations and is clearly incidental to the display itself.
- B. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.
- C. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:
 - 1. Existing grade prior to construction; or,
 - 2. The newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign.

§610. Sign Types Permitted.

§610.1. Signs shall be allowed on private property in the City in accordance with, and only in accordance with, Tables 6.1 and 6.2

- A. If the letter 'P' appears for a sign type in a column, such sign is permitted in that district, subject to the regulations contained in §611.
- B. If the letters "CU" appear for a sign type in a column, such sign is permitted by conditional use in that district, subject to the regulations contained in §611.
- C. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the land use district represented by that column under any circumstances.

Table 6.1: Permitted Signs in Residential Districts

Type	S-C	R-1	R-1A	R-2	R-2	R-3
Billboards	N	N	N	CU	N	N
Building						
Canopy	N	N	N	N	N	N
Marquee	N	N	N	N	N	N
Projecting	N	N	N	N	N	N
Roof	N	N	N	N	N	N
Suspended	N	N	N	N	N	N
Wall	P	P	P	P	P	P
Window	N	N	N	N	N	N
Freestanding						
Ground	P	P	P	P	P	P
Pole	N	N	N	N	N	N
Pylon	N	N	N	N	N	N
Residential Plan Identification	P	P	P	P	P	P
Temporary						
Construction	P	P	P	P	P	P
Development	P	P	P	P	P	P
Portable	N	N	N	N	N	N
Real Estate	P	P	P	P	P	P
Real Estate Open House	P	P	N	P	N	N
Special Event Display	P	P	P	P	P	P

Table 6.2: Permitted Signs in Non-Residential Districts

Type	T-1	ED	MD	BID	GB	D
Billboards	N	N	N	N	CU	N
Building						
Canopy	N	N	N	P	P	N
Marquee	N	P	P	P	P	N
Projecting	N	N	N	P	P	N
Roof	N	N	N	P	P	P
Suspended	N	N	N	P	P	N
Wall	P	P	P	P	P	P
Window	N	N	N	P	P	N
Freestanding						
Ground	P	P	P	P	P	P
Pole	N	N	N	N	P	P
Pylon	N	P	P	N	P	P
Residential Plan Identification	P	P	P	P	P	N
Temporary						
Construction	P	P	P	P	P	P
Development	P	P	P	P	P	P
Portable	P	N	N	P	P	N
Real Estate	P	P	P	P	P	P
Real Estate Open House	P	P	P	P	P	P
Special Event Display	P	P	P	P	P	P

§611. Regulations by Sign Type.

§611.1. Billboards.

- A. Billboards shall only be permitted as a Conditional Use in the Zoning Districts specified in Table 6.2, provided the site is within thirty (30) feet of an Interstate.
- B. Billboards shall not exceed a maximum of 300 square feet on each of the two (2) sides, with a maximum length of 20 feet and a maximum width of 15 feet. If the interior angle within the inside of the two attached sides of a sign is greater than 30 degrees, then the maximum sign areas shall apply to the total of the two sides and no billboard shall have more than two (2) sides.
- C. Billboards shall not exceed a maximum height of 95 feet above the grade. The height shall be measured from the grade of the property to the highest part of the sign, including any lighting or portion of the support structure.
- D. Billboards shall not be located closer than 20 feet from any property line, and shall not be located closer than 25 feet, nor further than 75 feet, from any street or road to which the Billboard is oriented, measured from the ultimate right-of-way of such

street or road. Billboards may not be closer than 500 feet from another Billboard measured linearly on the same side of the street or road to which the Billboard is oriented.

- E. More than one Billboard shall be permitted per tax parcel, but such signs shall be no less than 500 feet apart.
- F. Billboards may contain digital and/or changeable copy messages, subject to the regulations of §608.2 of this Chapter.
- G. All Billboards shall be structurally sound and maintained in good condition. If the signs are not structurally sound or maintained in good condition, the signs shall be immediately repaired or removed at the sole cost and expense of the owner of the sign. If a Billboard is determined by the City to be structurally unsound or in poor condition, the City shall notify the owner of the property on which the sign is located and provide the owner sixty (60) days written notice via certified mail, sent to the owner's last known address, to repair or remove the sign. If the Billboard is not repaired or removed within sixty (60) days of the date of the notice, the City may remove the sign, and the cost thereof shall be paid by the owner of the property on which the Billboard is erected. The City may file a lien against the property or take any action permitted by law to collect the cost of removal if it is not paid by the owner of the property.
- H. Landscaping.
 - 1. Trees greater than four (4) inches in diameter removed for access to or the construction of a Billboard shall be replaced on-site at a ratio of one replacement tree for each removed tree using native species no less than three (3) inches in diameter (See Appendix A for a list of recommended plant species).
 - 2. A continuous landscaped buffer shall be planted along every side of the supporting structure of the Billboard and extending a minimum of ten (10) feet from the supporting structure in all directions. Plantings shall consist of at 75% evergreen materials and shall provide an immediate visual screen of 50% or greater ten feet from the ground or at the base of the Billboard, whichever is higher.
 - 3. All landscaping shall be maintained in good condition. If any approved landscaping is found by the City to be in poor condition, the City shall notify the owner of the property on which the Billboard and landscaping are located and provide the owner sixty (60) days written notice via certified mail, sent to the owner's last known address, to correct to the condition of the landscaping to the satisfaction of the City. If the condition of the landscaping is not corrected within sixty (60) days of the date of the notice, the City may perform such work as is necessary to bring the landscaping into good condition in accordance with the conditional use approval, and the cost thereof shall be paid by the owner of the property on which the Billboard and landscaping are located. The City may file a lien against the property or take any action permitted by law to collect the

cost of any corrective action taken by the City if it is not paid by the owner of the property.

- I. All Billboards shall be identified on the structure with the name and address of the owner of each sign. Any Billboard located within an area that is regulated by Chapter 445 of the Pennsylvania Code shall further be identified with a permit number or tag issued by the Pennsylvania Department of Transportation.
- J. A Billboard shall be considered a discontinued sign if it has carried no message for a period of 180 consecutive days, or if such Billboard no longer identifies a bona fide business, commodity, service, entertainment or facility, or if more than 50% of the message on such Billboard has deteriorated to the point that it is not clearly discernable from the road or street to which it is oriented. A Billboard that has been discontinued shall be presumed to be abandoned and shall constitute an illegal sign. Any period of time for which the discontinued use of a Billboard is proved to be caused by government actions, labor strikes, material shortages or acts of god, and without any contributing fault of the owner of the sign or user of the sign, shall not be calculated toward the number of days of discontinued use. Any discontinued Billboard shall be removed at the expense of the owner of the sign. In the event that the owner of the sign cannot be ascertained after the City's reasonable inquiry, the discontinued sign and structure shall be removed at the expense of the owner of the property on which the sign is erected.

§611.2. Building Signs.

A. *Canopy (or Awning) Signs.*

- 1. Shall be securely fastened by metal supports to the building surface and meet all applicable building codes.
- 2. Canopy signs may not extend above the parapet wall and shall maintain a clear height of eight (8) feet above the ground level.
- 3. No portion of a canopy or awning may extend more than five (5) feet from the building facade.
- 4. No portion of a canopy or awning may be located within the public right-of-way.
- 5. If canopies and awnings are used as the primary building sign (i.e. wall sign), the area of such sign may not exceed twenty-five percent (25%) of the surface of the canopy or awning or six (6) square feet, whichever is less.
- 6. If canopies and awnings are used as a secondary sign in addition to a wall sign, lettering may be placed on the edge of a canopy or awning hanging perpendicular to the street if the lettering is nine (9) inches or less in height.

B. *Marquee Signs.*

1. One (1) marquee sign shall be permitted on a lot occupied by one or more authorized nonresidential uses.
2. Marquee signs shall not exceed ten percent (10%) of the area of the building wall to which the marquee is attached up to a maximum of 100 square feet.
3. Marquee signs shall be permitted over the public right-of-way clear of street trees and street lighting but shall be no closer than two (2) feet to the back of curb.
4. A minimum overhead clearance of eight (8) feet from the sidewalk to the bottom of the marquee structure is required.
5. Marquee signs may contain changeable copy or digital signs.
6. A marquee shall allow for clear visibility of traffic signals and regulatory signs.

C. *Projecting Signs.*

1. One (1) projecting sign shall be permitted on a lot occupied by one or more authorized nonresidential uses.
2. Shall be securely fastened by metal supports to the building surface and meet all applicable building codes while maintaining a clear height of eight (8) feet above the ground level.
3. Projecting signs shall extend no more than three (3) feet from the facade of the building.
4. The maximum area of projecting signs shall be no more than six (6) square feet.
5. Permissible sign area shall be calculated the same as wall signage and shall be considered inclusive of the total wall sign area allowance for the building.

D. *Roof Signs.*

1. A building more than 40 feet in height may display one (1) roof sign in addition to other permanent building signs allowed by this chapter, provided that the aggregate graphic area of roof signs and building signs does not exceed one hundred (100) square feet.
2. A building up to and including 40 feet in height may display a roof sign in lieu of other permanent wall signs allowed by this chapter.
3. A roof sign permitted under either condition, whether a part of the initial design of the building or an addition after the building has been constructed, shall be designed to appear as an integral part of the supporting building.

4. The structural support for said sign shall be enclosed to form a background for the sign copy.
5. Sign copy shall be limited to the identification of the building, use or principal activity within the building.
6. A roof sign shall not extend beyond the vertical boundaries of the wall with which it is associated.
7. The combined height of the building and the roof sign shall not exceed the height limitations of the underlying zoning district.

E. *Suspended Signs.*

1. One (1) suspended sign shall be permitted on a lot occupied by one or more authorized nonresidential uses.
2. Shall be securely fastened by metal supports to the supporting structure at no less than two (2) points and meet all applicable building codes while maintaining a clear height of eight (8) feet above the ground level.
3. The maximum area of suspended signs shall be no more than six (6) square feet.
4. Permissible sign area shall be calculated the same as wall signage and shall be considered inclusive of the total wall sign area allowance for the building.

F. *Wall Signs.*

1. The maximum area of wall signs, including religious symbols for places of worship, along the frontage of any building shall be equal to one (1) square foot of signage for each one (1) lineal foot of building frontage, but shall not exceed fifty (50) square feet nor any greater limitation established in this Chapter.
2. All wall signs shall be oriented to face the street by being mounted on the building facade generally parallel or perpendicular to the street.
3. In Residential Districts, the following regulations for wall signs shall apply:
 - a. One (1) non-illuminated or indirectly illuminated wall sign shall be permitted for authorized nonresidential uses.
4. In the Educational and Medical Districts, the following regulations for wall signs shall apply:
 - a. One (1) indirectly illuminated or internally illuminated wall sign shall be permitted for authorized nonresidential uses.
5. In the Transitional, Central Business District, General Business, and Development Districts, the following regulations for wall signs shall apply:

- a. One (1) indirectly illuminated or internally illuminated wall sign shall be permitted for authorized nonresidential uses.
- b. For buildings with multiple tenants, one (1) additional wall sign may be permitted to be used as a directory sign, provided such signs do not exceed twenty-four (24) square feet and shall be located within six (6) feet of the doorway serving such uses. Such signs may include changeable copy.

G. *Window Signs.*

1. Permanent window signs shall not exceed fifteen percent (15%) of the area of the window through which the sign may be seen or six (6) square feet, whichever is less.
2. Permanent window signs shall be “see- through” with a transparent background.
3. Permissible sign area shall be calculated the same as wall signage and shall be considered inclusive of the total wall sign area allowance for the building.
4. Businesses shall be permitted to erect one (1) or more temporary window signs on each window of the premises, but the total area of all window signs in any one (1) window shall not exceed ten percent (10%) of the area of that window. Such temporary window signs shall be displayed for no longer than thirty (30) days.

§611.3. Freestanding Signs.

A. *Ground (or Monument) Signs.*

1. All lots must have at least 80 feet of street frontage in order to display a ground sign.
2. Ground signs shall not exceed five (5) feet in height, which includes the base used for the sign.
3. Ground signs shall not exceed thirty (30) square feet.
4. The base of ground signs shall be surrounding with a minimum of one (1) foot on each side of the sign of groundcover and/or evergreen landscaping.
5. Ground signs may incorporate digital and/or changeable copy, subject to the regulations provided in §608.2.
6. Ground signs shall be permitted to be indirectly illuminated or internally illuminated.
7. In Residential Districts, the following regulations for ground signs shall apply:
 - a. One freestanding ground sign shall be permitted on a lot occupied by one or more authorized nonresidential uses.

b. No sign in a residential district shall be illuminated between the hours of 10:00 P.M. and 6:00 A.M.

8. In the Educational, Medical, Transitional, General Business, and Development Districts, the following regulations for ground signs shall apply:

a. One freestanding ground sign shall be permitted on a lot occupied by one or more authorized nonresidential uses.

B. *Pole Signs.*

1. Pylon signs shall not exceed ten (10) feet in height, which includes the base used for the sign.

2. Pylon signs shall not exceed thirty (30) square feet.

3. The base of ground signs shall be surrounding with a minimum of one (1) foot on each side of the sign of groundcover and/or evergreen landscaping.

4. Pylon signs shall be permitted to be indirectly illuminated or internally illuminated.

C. *Pylon Signs.*

1. Pylon signs shall not exceed ten (10) feet in height, which includes the base used for the sign.

2. Pylon signs shall not exceed thirty (30) square feet.

3. The base of ground signs shall be surrounding with a minimum of one (1) foot on each side of the sign of groundcover and/or evergreen landscaping.

4. Pylon signs shall be permitted to be indirectly illuminated or internally illuminated.

5. In the Educational and Medical Districts, the following regulations for pylon signs shall apply:

a. One (1) pylon sign shall be permitted for authorized institutional uses or on lots that are occupied by more than one tenant.

6. In the General Business and Development Districts, the following regulations for pylon signs shall apply:

a. One (1) pylon sign shall be permitted on lots occupied by multiple tenants, such as shopping centers.

§611.4. Residential Plan Identification Signs.

- A. One (1) non-illuminated or indirectly illuminated permanent wall or freestanding ground Residential Plan Identification Sign containing only the street address and/or name of a residential subdivision plan or multifamily building or development shall be permitted provided the sign shall not exceed twenty-four (24) square feet in area.
- B. A sign identifying the name of a residential subdivision may be affixed to a freestanding decorative wall, rather than to a building wall, provided that the decorative wall meets all applicable ordinance requirements and does not obstruct visibility for traffic entering or leaving the plan in compliance with the clear sight triangle required by §714.

§611.5. Temporary Signs.

A. *Real Estate Signs.*

- 1. One (1) non-illuminated temporary Real Estate Sign shall be permitted on each lot provided the sign shall not exceed six (6) square feet when located in any Residential Zoning District and shall not exceed twenty (20) square feet in any other Zoning District. Such sign shall be removed within thirty (30) days of the sale or rental of the property on which it is located.
- 2. One (1) non-illuminated temporary real estate open house sign shall be permitted on each lot provided the sign shall not exceed four (4) square feet and shall not be displayed more than two (2) hours prior to the open house and shall be removed within two (2) hours after the open house concludes.

B. *Development Signs.*

- 1. One (1) non-illuminated temporary Development Sign shall be permitted on each lot provided the sign shall not exceed six (6) square feet when located in any Residential Zoning District and shall not exceed twenty (20) square feet in any other Zoning District. Such sign shall be removed within thirty (30) days of the sale or rental of the last lot or completion of the proposed construction in the development.

C. *Construction Signs.*

- 1. One (1) non-illuminated temporary Construction Sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a lot, provided the sign shall not exceed six (6) square feet when located in any Residential Zoning District and shall not exceed twenty (20) square feet in any other Zoning District. Such sign shall be removed within thirty (30) days of the completion of the work.

D. *Portable Signs.*

1. The sign must be within fifteen (15) feet of the front door of the place of business.
2. Each storefront is allowed one sign and in no case shall a storefront be allowed more than one sign.
3. The location of the sign must not block or restrict passageway along the sidewalk to less than four feet in width, block the ingress/egress to any building, interfere with vehicular traffic flow, or block required parking spaces.
4. The sign is limited to a maximum area of ten (10) square feet and a maximum height of four (4) feet.
5. The sign must be adequately weighted and shall not be illuminated, animated, or electrically powered in any way. Signs must be made of durable materials designed to withstand exterior conditions.
6. The sign is allowed only during the sign owner's business hours and must be moved inside when the business is not open.
7. All signs must be located on an adjacent sidewalk.

E. *Temporary Special Event Signs.*

1. One (1) non-illuminated Temporary Special Event Display Sign, as defined by this Ordinance, shall be permitted to be erected on the face of a public building, church or building housing a non-profit organization, provided that the area of the sign shall not exceed forty (40) square feet and provided the sign is displayed for a period no longer than thirty (30) days and is removed within five (5) days following the event that it is erected to promote.

PART 7
 PERFORMANCE STANDARDS

§701. Purpose.

§701.1. Any use established after the effective date of this chapter shall be so operated as to meet the performance standards established hereinafter. Any use already established on the effective date of this chapter shall be permitted to continue, provided that no alteration, expansion, enlargement or modification shall be permitted which does not meet the performance standards herein or which effectively increases the degree of nonconformity which existed prior to any alteration, expansion, enlargement or modification.

§701.2. Points of measurement to determine compliance with the performance standards shall be the property line nearest the source which is the subject of measurement unless otherwise specified in this section.

§702. Noise and Vibration.

§702.1. At no point on a property line within the boundaries of a residential district shall the sound pressure level of any operation exceed the decibel levels in the designated octave bands shown below:

Frequency Band (cycles per second)	Maximum Permitted Sound-Pressure Level (decibels)
0 to 75	75
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1,200	46
1,200 to 2,400	40
2,400 to 4,800	34
Above 4,800	32

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§702.2. If the noise is not smooth and continuous or is radiated during sleeping hours, one or more of the corrections below shall be added to or subtracted from each of the decibel levels given above.

Type of Operation or Character of Noise	Corrections in Decibels
Noise occurs between the hours of 10:00 p.m. and 7:00 a.m.	-3
Noise occurs less than 5% of any one-hour period.	+5
Noise is of periodic character (hum, scream, etc.) or is of impulsive character (hammering, etc.). (In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulse peaks shall not exceed the basic standards given above.)	-5

§702.3. These limitations shall not apply to the operations of motor vehicles or other transportation facilities, emergency alarms or signals, parades, properly licensed public address systems, religious or social activities, or other operations of a temporary duration, but shall be interpreted to limit and control noise originating from uses of a permanent and lasting character which can be heard and measured above the ambient noise of the community.

§702.4. Noise resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section, except that such activity that occurs on Sundays shall be exempt from the requirements of this section from 9:00 a.m to 7:00 p.m.

§702.5. No noise from recordings, loudspeakers or public address systems shall be allowed which interferes with the reasonable enjoyment of adjacent residential properties.

§702.6. No use in any permissible mixed use or nonresidential zone may generate any ground-transmitted vibration that is perceptible to the human sense of touch measured at the outside boundary of the immediate space occupies by the enterprise generating the vibration if the enterprise is one (1) of several located on a lot, or the lot line if the enterprise is one (1) of several located on a lot, or the lot if the enterprise generating the vibration is the only enterprise located on a lot.

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§703. Air pollution.

§703.1. Any use that emits any air contaminant, as defined in state air pollution law(s), shall comply with applicable state standards concerning air pollution.

§704. Central air-conditioning units.

§704.1. Central air-conditioning units shall be located to the rear or top of all structures and in no case shall be located closer than 15 feet from any property line.

§705. Disposal of Liquid Wastes.

§705.1. No use in any zone may discharge any waste contrary to the provisions of the state law governing discharges of radiological, chemical or biological wastes into surface or subsurface waters.

§705.2. No use in any zone may discharge into the sanitary sewage treatment facilities any waste that cannot be adequately treated by biological means.

§706. External fuel-burning devices.

§706.1. Prohibition. The erection, installation, and placement of an external fuel-burning device within the Borough is prohibited.

§706.2. Retroactivity. This subsection shall not be considered to be retroactive and shall not require the removal of an external fuel-burning device in existence within the Borough prior to July 16, 2007.

§706.3. Regulation of devices already in existence. All external fuel-burning devices in existence at the effective date of this subsection shall have or must erect a flue or chimney that, as extended, exceeds the height of the roof peaks of residences located within 500 feet of the device, provided:

- A. That the height of the chimney, as it exists or as extended, shall not exceed 35 feet;
- B. Any wood-burning device shall use only wood that has not been chemically treated; and
- C. Extension of the flue or chimney shall require issuance of a building permit, which shall be issued upon submission, in addition to other documents required by the issuing authority, of documentation by a licensed surveyor or professional engineer certifying the location of the device, distance to residences, and comparative heights of the flue or chimney and residential rooflines.

§707. Fire and explosive hazards.

§707.1. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against the hazards of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices as detailed and specified by state laws.

§708. Lighting and Glare.

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§708.1. Any operation or activity producing intense glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (1/2) of one (1) footcandle above background when measured at any residence district boundary line. Flickering or intense sources of light shall be so controlled as not to cause a nuisance across any lot lines.

§708.2. No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines. In general, lighting fixtures that shield the reflector or lens or any high brightness surface from viewing angles above sixty (60) degrees from horizontal shall be utilized.

§708.3. All outside lighting, including sign lighting, shall be directed in such a way as not to create a nuisance to any adjacent use and roadway. All luminaries and fixtures shall be equipped with a glare-shielding device, cutoff downward cast in the case of freestanding area lighting, approved by the Municipal Engineer. The height of all luminaries must also be approved by the Municipal Engineer. Intensity of outdoor lighting shall be limited within usable areas of a site (i.e., parking, walkways, etc.) to an average intensity at the ground of twenty-five (25) footcandles with a maximum intensity at any given point on the ground of eighty (80) footcandles, unless otherwise approved by Council.

§708.4. The height of a luminary shall be limited as follows:

- A. In any residential district, the maximum height permitted shall be twenty (20) feet.
- B. In any other district, the maximum height shall be twenty-five (25) feet, except where otherwise specified.
- C. Ball diamonds, playing fields and tennis courts having a unique requirement for nighttime visibility may be exempted from Subsections 407.3 and 407.4 if, in the judgment of Council, their limited hours of operation and the location of the luminaries will adequately protect neighboring residential uses.
- D. Council may further limit the height of luminaries when it is determined that proposed lighting may have a detrimental impact upon nearby properties.

§709. Odor.

§709.1. Odors created by any manufacturing or processing operation shall not be discernible beyond the property carrying on a manufacturing or processing operation producing an odor.

§710. Outdoor Storage.

§710.1. For all uses, the following regulations shall apply:

- A. No flammable or explosive liquids, solids or gases shall be stored in bulk above the ground; provided, however, that tanks or drums of fuel directly connecting energy devices, heating devices or appliances located on the same lot as the tanks or drums

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of fuel shall be exempt from this provision, after review and approval of location, size and contents by established fire authorities.

- B. No caustic materials or hazardous waste in any form shall be deposited upon a lot in such a manner that they may be transferred below the surface of the lot by natural causes or forces.
- C. There shall be no outdoor storage or accumulation for a period in excess of seven (7) days of any waste materials, materials which produce fumes detectable at the lot line, inflammable material, edible material, material which would be a harborage or breeding place for rodents or insects or abandoned, wrecked or junked vehicles.
- D. All storage shall be in a completely enclosed building or at a minimum where permitted shall be enclosed by a fence adequate to conceal the facilities from any adjacent property or screened from view following the regulations of Part 5 Section 504 of this Ordinance.
- E. Portable storage units.
 - 1. The placement of portable storage units on public streets, alleys, or rights-of-way requires a permit from the Code Enforcement Officer.
 - 2. The placement of portable storage units on private property shall not require a permit.
 - 3. The portable storage unit must have reflective cones placed at each corner. Reflective material may also be placed at both ends.
 - 4. All state motor vehicle statutes and regulations governing parking of a motor vehicle on a public street must be obeyed. At a minimum, placement of portable storage units shall be no closer than: 15 feet from a fire hydrant; 20 feet from an unregulated intersection; 30 feet from a stop sign, flashing light, red traffic signal or yield sign; 15 feet from a driveway and no further than six inches from a curb.

§711. Radioactive or electrical disturbances.

§711.1. No activities shall be permitted which emit dangerous radioactivity.

§711.2. No use in any zone shall create any electrical disturbance that adversely affects the operation at any point of any equipment other than that of the creator of the disturbance or otherwise cause, create or contribute to the interference with electronic signals (including television and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

§712. Stripping of topsoil, excavation of clay, sand, gravel or rock.

§712.1. The following shall apply in all districts: Topsoil or sod may be removed only under the following conditions:

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- A. As a part of the construction or alteration of a building or the grading incidental to such building;
- B. In connection with normal lawn preparation and maintenance; or
- C. In connection with the construction or alteration of a street or utility improvement.

§713. Temporary Structures.

§713.1. Temporary structures and trailers used in conjunction with construction work may be permitted only during the period that the construction work is in progress. Permits for other temporary structures may be issued for six-month periods, but such permits shall not be renewed except as a special exception when approved by the Board.

§714. Visibility at Intersections.

§714.1. A clear sight triangle shall be maintained at all intersections and points of entry on a public road so that, measured along the centerline, there shall be a clear view of seventy-five (75) feet minimum from the point of intersection of the centerlines. No obstruction shall be permitted in this area above the height of two and one-half (2 ½) feet and/or below ten (10) feet.

§715. Bridging of Public Rights-of-Way.

§715.1. The proposed bridging of any public right-of-way shall constitute a land development. Whenever the bridging of any public right-of-way is proposed and before any permit for the erection of such a structure shall be granted, the owner or his authorized agent, shall apply for and secure approval of a special encroachment permit in accordance with the following procedures:

- A. The applicant shall pay an appropriate fee as fixed from time to time by separate resolution of the City Council for the following services:
- B. Reviewing the applications, permits and engineering details.
- C. Inspecting the layouts of the site for conformance to the survey and plan.
- D. Preparing cost estimates of improvements.
- E. Inspecting improvements during construction.
- F. Final inspection on completion of installation of the structure and any interim inspections as deemed necessary by the engineer.
- G. The applicant shall, by filing of the request for special encroachment permit, be then obligated to pay the fees herein provided. The fee required to be paid by this Section shall be promptly submitted to City by the applicant upon submission of bills therefor to the applicant from time to time by the City of Washington.
- H. The application shall be accompanied by the requisite fee or fees as set forth herein or as adopted by the City as aforesaid along with at least nine (9) prints of the proposed development. The City will thereafter forward to the City Engineer, the

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Planning Commission and the Building Inspector/Zoning Officer, as well as members of Council a copy of said plan. The City shall forward one copy of said plan to the Washington County Planning Commission and such other agencies as deemed appropriate for review and comment. Applicant is solely responsible for gaining approval, if necessary, from appropriate Federal, State and local agencies.

- I. The City may submit the application for special encroachment permit to the Planning Commission and allow the Planning Commission thirty (30) days for review and comment.
 - J. Thereafter, the City shall give public notice and hold a public hearing at which time all parties in interest shall have an opportunity to be heard as if relates to the requested special encroachment permit.
 - K. Appeal upon refusal by the City to grant the special encroachment permit applied for shall be available to the Court of Common Pleas of Washington County as set forth in the Municipalities Planning Code.
 - L. All plans shall be reviewed by the City Engineer, and review shall be made within fourteen (14) days of the receipt of the proposed plan by the City Engineer and the engineer's findings shall be transmitted in writing to City Council and the City of Washington Planning Commission.
 - M. The City Council for the City of Washington shall act on the requested permit within ninety (90) days of the official filing date. Failure to do so shall be deemed an approval. City Council may attach such conditions or specifications to the approval as it deems necessary to effectuate the purposes of this Chapter and/or as recommended by the Engineer.
 - N. City Council shall notify the applicant of its decision to approve, approve with conditions or disapprove the permit in writing. Such notice shall be given to the applicant in person or mailed to him at his last known address not later than fifteen (15) days following the last hearing on the request. If the plan is approved with conditions or disapproved, the City Council shall specify in their notice the conditions which must be met and/or defects found in the application/plans and requirements which have not been met, if any, including recommendations by the City Engineer.
 - O. Prior to obtaining a building permit for the requested development, the applicant must submit a performance guarantee for the construction and completion of the development as determined reasonably necessary by the City Council.
- §715.2. In considering the approval, approval with conditions or disapproval of the application for special encroachment permit, the City Council shall include, but not be limited to, the following matters:
- A. The effect of the proposed change upon the general historic or architectural nature of the zoning district wherein the proposed structure is to be located. The appropriateness of the exterior architectural features which can be seen from any public street or right-of-way; and/or the general design and arrangement of the

requested structure as it relates to generally accepted engineering principals. In this regard, the Engineer for the City of Washington, shall set forth in its review counts as to the structural integrity of the proposed structure should it be built in conformance with the proposed plans. Should the Engineer determine any changes or alterations in the construction of the subject structure, the City Council shall include said conditions in their approval or may deny said application based upon said requirements as deemed necessary by the Engineer for the City of Washington.

- B. The structure bridging the public right-of-way may be deemed a separate structure by the City of Washington as it relates to building code enforcement. The City Code Enforcement Officer shall have the right to inspect the structure bridging the public right-of-way and to take all necessary action as allowed by City of Washington ordinances, Municipalities Planning Code and any laws, rules or regulations affecting the same to provide for the repair, replacement or demolition of said structure.
- C. The applicant for a special encroachment permit shall own the parcels of property separated by the public right-of-way upon which the bridge structure is to emanate, in fee simple absolute. Furthermore, upon granting of the special encroachment permit, said property shall not thereafter be sold in part as it affects that part of property adjoining the public right-of-way upon which the bridge structure emanates, said sale or other use of the property which would convey any interest in part constituting an illegal subdivision, unless otherwise determined by the City of Washington Planning Commission and City Council for the City of Washington.

§715.3. Conflict with Public and Private Provisions.

- A. Public Provisions. Where any provision of this Chapter imposes restrictions different from those imposed by any other provision of the City of Washington Code of Ordinances, or any other rules or regulations or other provisions of law, whichever provisions are more restrictive and impose higher standards, shall control.
- B. Private Provisions. This Chapter is not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, that where the provisions of this Chapter are more restrictive or impose higher standards of regulation then the requirements of this Chapter shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of this Chapter or the determination of the City Council for the City of Washington in approving such development or enforcing this Chapter, and such private provisions are not inconsistent with this Chapter or determination thereunder and such private provisions shall be operative and supplemental to the provisions and determinations made under this Chapter.

PART 8
CONDITIONAL USES, SPECIAL EXCEPTIONS, AND
ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

§801. Conditional Uses and Special Exceptions.

§801.1. Council shall have the power to hear and decide requests for conditional uses and the Zoning Hearing Board shall have the power to hear and decide requests for special exceptions where this Chapter expressly permits such uses and for no other use or purpose.

§801.2. Application Procedure.

- A. An application for a conditional use or special exception shall be filed with the Zoning Officer, on forms provided by the municipality. An application shall not be considered to be administratively complete until all items required by this Chapter, including the application fee and/or deposit, have been received by the municipality.
- B. The application shall indicate the section of this Chapter under which conditional use or special exception approval is sought and shall state the grounds upon which it is requested. It shall also be accompanied by a preliminary land development plan, if required by the subdivision and land development ordinance, or if not, a current property survey indicating all existing and proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Chapter.
- C. The Zoning Officer shall review the application to determine whether all materials required by this Chapter have been submitted by the applicant. If all such materials have not been submitted by the applicant, then the Zoning Officer shall reject the application as administratively incomplete and shall notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this Chapter that have not been met.
- D. If a land development approval is required for the conditional use, the application for conditional use approval and the application for approval of a land development required by the subdivision and land development ordinance may be processed concurrently or separately at the discretion of the applicant, provided that all application requirements of both ordinances for a conditional use and the land development plan are met.

§801.3. Planning Commission Review.

- A. Conditional Uses.
 - 1. Within five (5) days of receipt of an administratively complete application, the Zoning Officer shall submit copies of the application and any materials submitted therewith to the municipal solicitor; the municipal engineer; and each member of the Planning Commission.
 - 2. The Planning Commission shall review the application and forward its written recommendation to Council within thirty (30) days unless the petitioner agrees, in writing, to a time extension.
- B. Special Exceptions. The Zoning Hearing Board may request the review and comments of the Planning Commission on any special exception application, which shall be made part of the public record.

§801.4. Hearings.

- A. A hearing shall be held within sixty (60) days of the filing of an application for either a conditional use or special exception. Hearings for special exceptions shall be held in accordance with the MPC and the requirements provided in Part 13 of this Chapter.
- B. The municipality shall give public notice in a newspaper of general circulation describing the time and place of the hearing and the particular nature of the matter to be considered in conformance with the MPC.
- C. The municipality shall give written notice to the applicant and persons who have made a timely request for notice of such hearing.
- D. The Zoning Officer shall conspicuously post notice of said hearing on the affected tract of land no less than seven (7) days prior to the date of the hearing.

§801.5. Approval and Conditions.

- A. A conditional use or special exception shall only be granted if Council or the Board finds adequate evidence presented by the applicant that the proposed use is duly authorized under the provisions of this Chapter, that the application falls within the terms of the specific provisions allowing for such use and that the proposed use complies with all other requirements of this Chapter.
- B. An application shall be refused where opponents to the application establish by a preponderance of evidence that the application is contrary to the health, safety and general welfare of the community at large.
- C. In granting a conditional use or special exception, Council or the Board may attach reasonable conditions and safeguards, in addition to those expressed in the ordinance, as deemed necessary to implement the purposes of the MPC and this ordinance. A violation of such conditions and safeguards, when made a part of the

terms under which the conditional use is granted, shall be deemed a violation of this Ordinance.

- D. Among other things, the applicant shall be required to prove that the proposed conditional use or special exception meets the following requirements:
1. The proposed use meets any specific requirements provided in §802 of this Chapter for that specific use;
 2. The proposed use is suitable in that it will not substantially change the character of any surrounding residential neighborhood, after considering any proposed conditions upon approval such as limits upon hours of operation.
 3. The proposed use is suitable in terms of effects on street, traffic and safety with adequate sidewalks and vehicular access arrangements to protect streets from undue congestion and hazard.
 4. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
 5. The proposed use is suitable for the site, considering the disturbance of steep slopes, mature woodland, wetlands, floodplains, springs and other important natural features.
- E. In any application for conditional use or special exception, the applicant shall have the persuasion burden and presentation duty to show compliance with this Ordinance, and the applicant shall have the persuasion burden to show the applicant's request is not detrimental to the health, safety, and welfare of the neighborhood.
- F. All provisions of Subdivision and Land Development Ordinance which are not specifically modified in approving a conditional use or special exception shall apply to any conditional use involving subdivision and land development.

§801.6. Decisions. Council or the Board 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. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor.

§801.7. Expiration of Approval. Conditional use or special exception approval shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for conditional use or special exception approval is submitted within twelve (12) months of said approval, unless Council or the Board, in its sole discretion, extends the conditional use or special exception approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one twelve-month extension. The maximum extension permitted shall be one (1) twelve (12) month extension.

§802. Additional Requirements for Specific Uses

The following uses shall meet the following additional requirements, in addition to all other applicable requirements. Where this Article and another provision of this Ordinance apply to the exact same matter, the provision that is most restrictive upon development or use shall apply.

§802.1. Adult Oriented Establishments and Massage Parlors.

A. Purposes - To serve the intent and respond to the findings provided in Title 68, Part II, Subpart E, Chapter 55 of the Pennsylvania Consolidated Statutes, as amended, which are hereby included by reference. To serve the overall objectives of this Ordinance, and the following purposes:

1. To recognize the adverse secondary impacts of Adult Oriented Establishments that affect health, safety and general welfare concerns of the City. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to:
 - a. increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases or other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Oriented Establishments typically involve insufficient self-regulation to control these secondary effects.
 - b. To limit Adult Oriented Establishments to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
 - c. To not attempt to suppress any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.
2. All adult-oriented establishments shall be a stand-alone use situated on a lot having a minimum area of one (1) acre.
3. No adult-oriented establishment shall be located within five hundred (500) feet of any residential zoning district, as measured from the property line to the residential zoning district line.
4. No adult-oriented establishment shall be located within one thousand (1,000) feet of any religious uses, educational uses, day care facilities and recreational uses, as measured from the property line to the property line of such use.
5. No adult-oriented establishment shall be located within one thousand (1,000) feet of any an existing adult-oriented establishment whether such use is situated

in Washington, East Washington or otherwise, as measured from the property line.

6. A 50 feet buffer yard shall be provided along the side and rear lot lines. If such buffer area does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of five (5) feet.
7. An adult-oriented establishment may be open for business Monday through Saturday from 7:00AM to 1:00AM prevailing time only. No adult-oriented establishment shall be open at any time on Sunday or on a legal holiday as set forth in the Act of May 31, 1893, P.L. 188 § 1, as amended, 44 P.S. §11.
8. No materials or merchandise of any kind offered for sale, rent, lease, or loan or for view upon the premises of an adult-oriented establishment shall be exhibited or displayed outside of a building or structure.
9. The exterior of the building may include one (1) wall sign or parallel sign identifying the name of the adult business or entertainment use, which shall not exceed 20 square feet in size.
10. Free standing signs, banners, directional signs, illuminated signs, portable signs, roof signs, seasonal signs and billboards shall be prohibited on the property.
11. Window signs shall be limited to twenty-five (25) percent of the total window area and shall not include any graphic or pictorial depiction of material related to specific sexual activities or anatomical areas.
12. Advertisements, displays or other promotional materials related to specific sexual activities or anatomical area shall not be shown or exhibited so as to be visible to the public from the exterior of the building.
13. For public health reasons, private booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
14. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
15. No adult-oriented establishment or massage parlor shall be used for any purpose that violates any Federal, State or municipal law.
16. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers or between employees or entertainers and customers. At an adult-oriented establishment involving "live entertainment", employees or entertainers shall maintain a minimum distance of three (3) feet from customers. This shall include, but not be limited to, a prohibition on "lap dancing."

17. Any application for an adult-oriented establishment use shall state the names and business addresses of: a) all individuals intended to have more than a 5 percent ownership in such use or in a corporation owning such use and b) an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. A telephone number shall be provided where the on-site manager can be reached during City business hours. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.

§802.2. After Hours Club. This use is effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes). In the event that the use would be determined to be allowed, a 200 feet setback shall apply from the building and any parking areas from any residential zoning district. The applicant shall prove that adequate on-site security will be in place. See also the BYOB regulations.

§802.3. Animal Daycare, Kennel, and/or Shelter.

- A. All structures in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 100 feet from all residential lot lines.
- B. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within adjacent residential dwellings.
- C. Outdoor play areas shall be a minimum of 100 feet from any residential lot line. No animal shall be permitted to use outdoor runs from 9:00 p.m. to 8:00 a.m. that are within 100 feet of an existing dwelling.
- D. A kennel may be used for breeding.
- E. Outdoor screening shall be provided between any outdoor animal runs and/or play areas and residential lot lines.
- F. The use shall be maintained in a sanitary manner to avoid noxious odors to adjacent properties.

§802.4. Assisted Living Facilities and Nursing Homes.

- A. No building shall be erected nearer than 30 feet from any side or rear lot line within a residential district.
- B. The maximum permitted density shall not exceed 25 beds per acre.
- C. The facility shall have obtained any and all licenses and permits required by the Federal, State, or Local government which may be relevant to the facility.
- D. A minimum of 20 percent of the site shall be suitable and developed for outdoor passive recreation uses. The passive recreation areas may include, but shall not be limited to sitting areas and pedestrian walks.
- E. The location, design, and operating characteristics of the use shall be compatible with and not adversely affect adjacent properties and the surrounding area. The proposed development shall be harmonious with surrounding buildings with respect to scale, architectural design and building placement.

§802.5. Auto, Boat or Mobile/ Manufactured Home Sales.

- A. No vehicle, boat or home on display shall occupy any part of the street right-of-way or required customer parking area.
- B. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks.

§802.6. Auto Repair Garage or Auto Body Shop.

- A. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 200 feet of a lot line of a principal dwelling.
- B. Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.
- C. Any "junk vehicle" shall not be stored for more than 30 days within view of a public street or a dwelling, unless it is actively under repair.
- D. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exists.
- E. A new use shall have sufficient off-street parking for customer vehicles.

§802.7. Bed and Breakfast Inn.

- A. The only meal to be served is breakfast and to lodgers of the bed and breakfast exclusively.
- B. No exterior structural alteration of the building shall be made except as may be necessary for purposes of sanitation, handicapped accessibility, historic rehabilitation or safety.
- C. The bed and breakfast must meet all City requirements for health, fire, and building safety.
- D. The maximum uninterrupted length of stay shall be fourteen (14) days.

§802.8. Boarding House (includes Rooming House).

- A. Minimum lot area – 5,000 square feet.
- B. Minimum side yard building setback – 10 feet each side
- C. Occupancy limits – two persons per sleeping room
- D. One additional off-street parking space shall be required for every room rented.
- E. Rooms shall be rented for a minimum period of five (5) consecutive days.

§802.9. B.Y.O.B. Club.

- A. A B.Y.O.B. Club that is open after 2 AM is also effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes).
- B. A B.Y.O.B. Club shall only be allowed in a zoning district where such use is specifically listed in this Zoning Ordinance as being allowed.

§802.10. Car Wash.

- A. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
- B. Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
- C. Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.

§802.11. Cemetery.

- A. Minimum lot area - five (5) acres. Any building or area used for storage of equipment shall be setback a minimum of 50 feet from any lot in a residential district.
- B. A plan shall be submitted which, in general, shall conform to all the requirements of a subdivision plan, except that individual lots need not be shown. No plan shall be acceptable which does not provide for the continuation of existing streets or of streets already projected or shown on a part of a comprehensive plan for all or a portion of the City, unless a study by the City Planning Commission shows that certain streets may be modified or eliminated. Land for required streets shall be dedicated by such plan.
- C. No grave sites shall be placed within 20 feet of any lot line or within 20 feet of a street right-of-way or an interior driveway through the cemetery.
- D. The applicant shall submit draft legal provisions for review by the City Solicitor to show that an acceptable system will be in place to assure the long-term maintenance of the cemetery.

§802.12. Check Cashing Business.

- A. The building area occupied by a Check Cashing Business shall not be located within 1,000 feet from the closest building area occupied by another Check Cashing Business.

§802.13. Commercial Communications Tower or Antennae.

- A. Purposes - The purpose of these regulations is to minimize the number of new commercial communication towers through encouraging co-location of commercial communication antennas, to ensure that new towers will be safe and be placed in suitable locations, and to help ensure that municipal land use regulations are in compliance with the Telecommunications Act of 1996.
- B. Definitions
 - 1. Cellular Telephone - A system providing portable telephone service to specific subscribers. A cellular telephone may also be referred to as a wireless telephone.
 - 2. Commercial Communications Antenna - Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas, and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

3. Commercial Communications Tower - A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support commercial communication antennas.
4. Fall Zone - The area on the ground within a prescribed radius from the base of a commercial communications tower. The fall zone is the area within which there is a potential hazard from falling debris or the collapsing of the commercial communications tower. The fall zone shall be determined by the applicant's engineer and subject to the review and approval of the City Engineer.
5. Height of Tower - The overall height of the tower from the base of the tower to the highest point of the tower, including, but not limited to, antennas, transmitters, satellite dishes or any other structures affixed to or otherwise placed on the tower. If the base of the tower is not on ground level, the height of the tower shall include the base of the building or structure to which the tower is attached.
6. Public Utility Transmission Tower - A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

C. District Requirements

1. Commercial communication towers shall not be permitted in any residential zoning district.
2. Commercial communication towers shall not be permitted within 100 feet of any residential zoning district.
3. After review and approval of a site plan by the City Planning Commission, commercial communication towers may be permitted in any commercial, institutional or industrial district.
4. After approval by the Chief Building Inspector commercial communication antennas shall be permitted by right in any zoning district if placed on an existing commercial communications tower, public utility transmission tower or any other structure at least 60 feet high.
5. Commercial communication antennas that are located within an existing structure shall be excluded from the heights requirements of paragraph (4) above.

D. Special Requirements.

1. Site Plan - A site plan for any proposed commercial communications tower shall be prepared by the applicant and submitted to the City Planning Commission for review in accordance with all applicable zoning and subdivision and development ordinance regulations.

2. Setback - A commercial communications tower shall be set back from all property lines the most restrictive of the following: a minimum distance equal to 1/2 (one-half) its height or a distance equal to the commercial communications tower fall zone.
3. Fence - The base of a commercial communications tower shall be surrounded by a secure fence with a minimum height of 8 feet.
4. Landscaping - Evergreen plantings shall be required to screen the fence surrounding the tower and any other ground level features such as a building or parking area. The evergreen screen shall be a minimum of 6 feet high at planting with an expectation to grow to a minimum of 15 feet high at maturity. At the discretion of City Council, the landscaping requirement may be altered or waived in the Development District.
5. Parking - A minimum of 2 off-street parking spaces shall be provided for a commercial communications tower.
6. Wind Resistance - For any commercial communications tower or antenna higher than 50 feet, the applicant shall provide, at the time of applying for a building permit, certification from a registered professional engineer as to the overall structural integrity of the tower and that the tower or antenna meets the wind resistance requirements stated in the latest version of the Uniform Construction Codes.
7. Federal Communications Commission (FCC)
 - a. The commercial communications company shall provide documentation that it is licensed by the FCC.
 - b. Whenever applicable, the applicant shall provide documentation that the FCC has approved the proposed commercial communications tower or antenna.
 - c. Whenever applicable, the applicant shall provide documentation that the proposed commercial communications tower or antenna complies with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.
8. Documentation of Need - The commercial communications company shall demonstrate, using technological evidence, that in order to satisfy its functional requirements, the tower and/or antenna must go where it is proposed. Also, if a tower is proposed, that there are no existing structures within 1/4 mile of the site on which to place the antenna.
9. Removal of Commercial Communication Towers and Antennas - If a commercial communications tower and/or antenna remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the tower and/or antenna within 6 months of notice to do so by the City. In addition, all portions of the base that are at or above the existing grade shall be

demolished and removed from the site. Prior to the issuance of a building permit by the City, the applicant shall post security in a form acceptable to the City Solicitor favoring the City in an amount to cover the costs of tower and/or antenna removal and site clean-up. The security shall be utilized by the City in the event that the owner or operator of the facility fails to remove the tower and/or antenna within 6 months of notification by the City.

§802.14. Commercial Fuel Depot.

- A. Minimum lot size – 20,000 square feet.
- B. Shall not be located within 300 feet of a residential lot line.
- C. Shall meet all state and federal regulations regarding fuel storage and other similar laws.

§802.15. Commercial Recreation.

- A. Off-street parking shall be required in the Central Business District as follows:
 - 1. One off-street parking space for every possible four seats in spectator areas based on maximum capacity.

§802.16. Community Center.

- A. A 10 feet minimum width buffer yard shall be provided along the side and rear lot lines adjacent to any lot in a residential district. This provision shall not apply to a community center that serves a single residential development.

§802.17. Conversion Apartment.

- A. One dwelling unit shall have a minimum of 700 square feet of habitable floor area and all additional dwelling units shall have minimum habitable floor areas according to the following standards:

Type of Unit Square feet

One-bedroom 500

Two-bedroom 700

Three-bedroom 900

- B. Each dwelling unit, after conversion, shall contain within the unit complete kitchen, toilet and bathing facilities.
- C. This use shall not be permitted unless the property owner provides the entire building for inspection by City Codes Enforcement officials to inspect the entire building for compliance with City codes, prior to issuance of a zoning permit.

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- D. The yard, building area, and other applicable requirements for the district shall not be reduced. The same minimum lot area per dwelling unit shall be met as if the building would be newly constructed with the proposed number of dwelling units.
- E. No exterior structural alteration of the building shall be made, except as may be necessary for purposes of sanitation, safety or historic rehabilitation.
- F. Such conversion shall be authorized only for a large pre-existing detached or semidetached building. If the building is currently a one family dwelling, it shall not be converted to two or more dwelling units unless the building included more than 3,000 square feet of habitable floor area prior to the enactment of this Ordinance.
- G. Plans showing the proposed rearrangement of the interior of the building and provisions for off-street parking space, including the proposed entrance and exit to such parking spaces, shall be provided.
- H. All parking requirements shall be met for the total number of dwelling units.

§802.18. Crematorium.

- A. A crematorium as a principal use shall be setback a minimum of 200 feet from all lot lines of existing dwellings, schools, day care centers, and all undeveloped residentially zoned lots.
- B. All emissions must meet the requirements of the Pennsylvania Department of Environmental Protection as part of their permitting requirements.
- C. Hours of operation shall be limited to 7:00am to 7:00 pm Monday through Friday.
- D. The cremation unit shall be totally enclosed within a building. At a minimum, the stack height shall be at least 1.5 times the height of nearby structures.
- E. The crematory operator/owner shall provide the City with the necessary certifications to operate the crematorium and prior to issuing a building permit, a copy of the required PA DEP General Permit shall be provided. The crematorium shall be operated in conformance with all local, state and federal laws.
- F. Bodies shall be cremated in wooden/crate containers only and with plastic that does not create toxic emission (no halogenated plastics).
- G. When cremations are taking place, an operator certified to operate the crematorium shall be on site.

§802.19. Day Care Center (adult).

- A. Shall be fully licensed by the State, if required by the State.
- B. Shall include constant supervision during all hours of operation.
- C. Shall not meet the definition of a "treatment facility".

§802.20. Day Care Center (child).

- A. All child day care facilities shall comply with all current Pennsylvania Department of Public Welfare (DPW) regulations including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local building and fire safety codes. Day care centers must hold an approved and currently valid certificate of compliance from the DPW.
- B. No portion of a child day care facility shall be located within a 300 foot distance from any potentially hazardous land use or activity which could pose a threat to the safety and welfare of the children, staff and other occupants at the facility. Hazardous land uses or activities include, but shall not be limited to gasoline service stations, heavy industrial operations, storage of flammable or high pressure underground pipelines, truck or rail loading yards, etc.
- C. The outdoor play space shall be completely enclosed by a safe and adequate fence or wall a minimum of four (4) feet in height with a self-latching gate. Any outdoor play area potentially susceptible to encountering vehicles leaving the roadway, travel lanes, or access ways shall be protected by a barrier capable of preventing the vehicle from entering the play area. No portion of the outside play areas shall be less than twenty-five (25) feet from a neighboring property line without the owner's written consent. Outdoor play shall be limited to the hours between dawn and dusk, prevailing local time.
- D. Day-care centers shall not be conducted on residential premises. A day care center, if sited on the premises of an operating community service facility or religious institution shall be considered accessory to the principal use of the property concerned.
- E. Activities shall be limited to functions normally associated with part-time tending of children and shall not include overnight or drop-in care.
- F. A minimum of one on-site parking space shall be provided for each 300 square feet of floor area dedicated to child care.
- G. Adequate provision must be made on the site for handicapped parking, handrail, and wheelchair ramps in accordance with the Pennsylvania Department of Labor and Industry Standards for Barrier Free Design (Act 235).
- H. The site shall have direct access to an arterial or collector road as defined by the zoning ordinance.
- I. A minimum of one safe drop-off space shall be provided for each 20 children that the facility is licensed to accommodate.
- J. Whenever possible, the drop-off area shall be located immediately adjacent to the facility. The drop-off area should be designed in such a way that pedestrians do not cross vehicular traffic lanes in any parking area or driveway. The drop-off area may be designed either as a part of the on-site parking area or the required drop-off

spaces may be designed as a part of driveway providing direct access to the day care facility. When the drop-off area is incorporated into the on-site parking area, the parking spaces nearest to the facility shall be designated as drop-off spaces. When the drop-off area is incorporated into a driveway, the drop-off spaces shall be located within a vehicle turnout area 12 feet in width exclusive of the driveway through traffic lane(s).

- K. The minimum lot area shall be 4,500 square feet.
- L. The City of Washington reserves the right to impose additional conditions regarding parking, pedestrian travel, ingress, egress and/or all types of access to a facility should the applicant request that a facility be established within proximity of a domiciliary care home, group residential facility, halfway house, personal care home or adult or child day care center.
- M. Landscaping on the side yards continuous with off-street parking shall consist of a masonry or solid fence, between four (4) and six (6) feet in height, maintained in good condition and free of all advertising or other signs or in lieu of such wall or fence, shall consist of a strip of land not less than fifteen (15) feet in width, planted with an evergreen hedge, or dense plantings of evergreen shrubs not less than four (4) feet in height.
- N. Where applicable, certification or licensing by the sponsoring agency shall be a prerequisite to obtaining a certificate of occupancy; a copy of an annual report, with evidence of continuing certification, shall be submitted to the Zoning Officer no later than January 31 of each year.

§802.21. Dormitories (includes Theme Housing).

- A. Shall be limited to full-time students, faculty or staff of an accredited college, university, nursing school, medical training program or teaching hospital.
- B. Maximum building height shall be four (4) stories.
- C. The building shall be setback a minimum of 80 feet from an existing single-family detached dwelling or a duplex that is not owned by the institution providing such dormitory.
- D. One off-street parking space per residential occupant shall be required plus an additional five (5) off-street spaces per visitors. All parking must be on lot.

§802.22. Drive-through Facilities.

- A. Drive-through facilities shall be an authorized accessory use in zoning districts where permitted.
- B. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- C. On-lot traffic circulation and parking areas shall be clearly marked.

- D. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
- E. A drive-through window shall not be placed on a wall of building that faces onto a public street. To the maximum extent feasible, drive-through windows shall be placed to the rear of the building, with a location to the side of the building being used if the rear is not feasible.
- F. Any ordering area for a drive-through facility for a restaurant shall be setback a minimum of 100 feet from any existing principal dwelling, unless a stricter requirement is established by another provision of this Ordinance. The applicant for a drive-through facility shall control the volume of any loudspeaker and/or use setbacks or acoustic barriers so that the loudspeaker cannot be heard from a dwelling. Sound attenuation walls, landscaping or other mitigation measures may be required as necessary.
- G. To the maximum extent feasible, vehicle access for drive-through facilities shall enter or exit using an alley or a low-traffic street.

§802.23. Dwelling, Single-Family Attached, (also known as “Townhouses”).

- A. Maximum number of townhouses in any attached grouping shall be eight (8).
- B. All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of ten (10) feet from any dwelling.
- C. It is strongly recommended that all Townhouses be designed so that garages and/or carports are not a prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are strongly encouraged rather than individual garages opening onto the front of the building, especially for narrow townhouse units.
 - 1. Vehicle parking spaces and any garages or carports shall be located to the rear of new townhouses to the maximum extent feasible, preferably accessed by a rear alley. Where a shared parking area is proposed, and a location to the rear of the townhouses is not feasible, then a location to the side of a set of townhouses shall be considered.
- D. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are discouraged.
- E. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.

§802.24. Dwelling, Multi-Family – Garden Apartments and High-Rise Apartments.

- A. Location of Buildings. The distance between multifamily dwellings on the same lot shall be not less than 25 feet. All buildings shall be so located in relation one to another that the angle of horizontal from the sill of the lowest window in the habitable area in one building to the highest point of another building, excluding towers, chimneys and similar fixtures, does not exceed 45 degrees. Where possible, the layout of dwellings shall be such that the front of one structure does not face the rear of another.
- B. The proposed development shall be served by a public sanitary sewer system.
- C. No building shall exceed 180 feet in length, measured at ground level or any floor level, whether on one frontage, or on the combined frontages of the main frontage and that of any wings of the same building.
- D. Parking.
 - 1. All parking spaces and access drives shall be at least 15 feet from any multi-family dwelling on the lot. This shall not apply to an interior garage and/or a driveway intended to be used as a parking space for one particular dwelling unit.
 - 2. No one area for off-street parking of motor vehicles shall exceed 40 cars in capacity. Separate parking areas on a parcel shall be physically separated from one another by a 6 foot wide planting strip.
- E. In multifamily dwellings of 2.5 stories or less in height, maximum building size shall be restricted to not more than 16 dwelling units in one continuous structure and no portion of the building below the first story or above the second story shall be used for dwelling purposes.
- F. In multifamily dwellings of over 2.5 stories in height, the following additional minimum requirements shall be met:
 - 1. Front Yard - No building shall be closer to any street line than twice the depth of the required front yard for the respective residential district in which such buildings is located, and such front yard shall be increased by not less than one foot for each one foot in height of the building over 35 feet.
 - 2. Side and Rear Yards - In all districts, for each one foot in height of the building over 35 feet, side and rear yards shall be increased by not less than ½ foot.
 - 3. The distance at the closest point in all districts between any 2 buildings of a group of elevator-type multiple dwellings, shall not be less than 35 feet and for each 2 feet such height is increased beyond a height of 35 feet the distance between such buildings shall be increased by not less than one foot.
- G. Garden apartments above the first floor may be provided with balconies with a maximum extension of eight feet from the principal dwelling unit wall; however, no such extensions shall extend into any required yards.

- H. A garden apartment or multifamily dwelling shall not exceed two dwelling units in depth unless the additional dwelling units abut a court conforming to the following requirements:
1. No courts shall be, between two opposite facing walls thereof, less than 60 feet when the other dimension is 10 feet or more.
 2. No court abutting an interior lot side yard shall be less than 10 feet in width.
 3. No wing of a multifamily dwelling shall project into a required yard.
 4. The transverse dimension of a projecting wing shall not be greater than the overall dimension of two dwelling units.
 5. No front entrance shall open on a court that abuts a yard or on a yard except either the yard or both together total not less than 25 feet.
 6. An enclosed court shall be not less than 60 feet in any dimension.

§802.25. Funeral Home.

- A. Signs shall be limited to one identification sign for each street frontage, provided that the area on either side of such sign shall not exceed six (6) square feet in a residential district.
- B. A parking lot shall not be located between the principal building and the front of the lot.
- C. Any crematorium as an accessory use shall also meet the regulations for such use in this Section.

§802.26. Gas Station.

- A. Any junk vehicle shall not be stored more than 30 days within view of a public street or a dwelling, unless it is actively under repair.
- B. The use may include a convenience store if the requirements for such use are also met.
- C. A canopy shall be permitted over the gasoline pumps with a minimum front yard setback of 20 feet from each street or alley right-of-way line. Such canopy may be attached to the principal building. An allowed wall sign may be placed on a portion of the canopy that is behind the minimum front yard setback line.
- D. Fuel dispensers shall be setback a minimum of 30 feet from the existing street right-of-way line and from any lot line of a lot occupied by a residential use.
- E. The canopy over gasoline pumps shall have a maximum height from the ground to the top of the canopy of 20 feet, except for portions of the canopy that are sloped to direct light away from streets and dwellings.

- F. Lights attached to the bottom of the canopy shall be recessed, angled or screened so that the luminaire itself is not visible from beyond the lot lines.

§802.27. Group Care Facility, Domiciliary (Dom) Care Home, Personal Care Boarding Home, or Temporary Shelter.

- A. The minimum area and bulk regulations for a group care facility, dom care home personal care boarding home, or transitional dwelling shall be the same as those required for a principal use in the zoning district in which the facility is located.
- B. A group care facility, dom care home personal care boarding home, or temporary shelter shall have frontage on and direct vehicular access to an arterial or collector street as defined by this Chapter.
- C. The maximum number of residents housed in a personal care boarding home or temporary shelter shall be 10.
- D. No group care facility, personal care boarding home, or temporary shelter shall be located within 500 feet of another existing or proposed group care facility, personal care boarding home, or temporary shelter.
- E. Adequate provisions shall be made for access for emergency medical and firefighting vehicles.
- F. Twenty-four hour supervision shall be provided by staff qualified by the sponsoring agency.
- G. Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs and the area shall be secured by a fence with self-latching gate.
- H. Where applicable, licensing or certification by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

§802.28. Gun Shop.

- A. No gun shop shall be located within 500 feet of any school or residence and no gun shop shall be within 1,500 feet of another such use, as measured from the property line.
- B. Gun shops shall be required to secure storage and display areas, including a security system, security door or window grates, exterior lighting or site fencing, and limited site access during non-business hours by means of fences, chains or means specified by the Board. All gun shops shall be in compliance with all federal and state laws.

§802.29.Heliport.

- A. The applicant shall prove that the heliport has been located and designed to minimize noise nuisances to other properties.
- B. The Zoning Hearing Board may place conditions on the frequency of use, fueling facilities, setbacks and hours of operation to minimize nuisances and hazards to other properties. This provision shall not apply to any heliport used for medical and emergency transport.

§802.30.Hospital.

- A. Minimum lot area shall be two (2) acres.
- B. Buildings and parking structures shall be setback a minimum of 50 feet from any lot in a residential district that is occupied by a dwelling and is not owned by the hospital.
- C. A hospital may also include the treatment for drug and alcohol addiction as a clearly accessory use, provided that the use is included completely within the main medical hospital building.
- D. A hospital may also include in-patient and out-patient mental health facilities, provided that the use does not primarily include the housing or treatment of the criminally insane or persons committed to such institution as a result of having been charged with a violent felony. Any in-patient mental health facilities shall be located completely within the main medical hospital building.
- E. A hospital may also include any of the following additional principal or accessory uses:
 - 1. Medical research facilities and training/education facilities for healthcare professionals,
 - 2. Short- and long-term medical care,
 - 3. Management and administrative offices for healthcare organizations,
 - 4. Hospice facilities,
 - 5. Medical testing facilities,
 - 6. Operating rooms and emergency facilities,
 - 7. Medical and dental offices and clinics for treatment,
 - 8. A nursing home or personal care center, and/or
 - 9. Ambulatory surgery center.

§802.31. Hotel or Motel.

- A. Minimum lot area – 6,000 square feet.
- B. May include accessory uses such as commercial recreational facilities and a restaurant.
- C. Tractor-trailer truck parking shall kept be a minimum of 50 feet from any lot of a principal dwelling.

§802.32. Junkyard. (includes automobile salvage yard).

- A. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
- B. Outdoor storage of junk shall be at least: a) 100 feet from the lot of any dwelling, b) 40 feet from any other lot line and the right-of-way of any public street, c) 100 feet from the centerline of any waterway, and d) 5 feet away from a drainage swale.
- C. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways with a minimum width of 15 feet shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
- D. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 40 foot wide buffer yard, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 8 feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
- E. Burning or incineration is prohibited.
- F. All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.

§802.33. Live Work Units.

- A. The use shall meet the definition of a “Live Work Unit” in Part 2.
- B. A maximum of two (2) persons who do not reside within the dwelling may be employed on the premises. If the use will include a non-resident employee, then an additional off-street parking space shall be provided, in addition to the parking for the dwelling. If the use will involve customers regularly visiting the property, then another additional off-street parking space shall be provided.
- C. A Live Work Unit may have a four (4) square foot wall sign, which shall not be illuminated.

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- D. Only minimum storage of supplies shall be allowed. No outside storage of supplies shall be allowed on the property nor of any highly explosive or combustible material. There shall be no parking of equipment or storage trailers, construction or landscaping equipment, cement mixers or other similar equipment on the property. No activity shall be allowed which would interfere with radio or television transmission in the area; nor shall there be any offensive noise, vibration, rob, dust, odors, heat or glare noticeable at or beyond the property line.
- E. Deliverables from commercial suppliers may not be made more than once each week, and the deliveries shall not restrict traffic circulation.
- F. A Live Work Unit may involve occasional on-site retail sales of art that was primarily produced on the premises.
- G. A Live Work Unit may include occasional exhibitions of the art provided that requirements of the Construction Codes are met regarding the numbers of persons who may be accommodated in the Unit.
- H. A ceramic kiln shall be electrically powered, as opposed to directly burning its own supply of fuel.

§802.34. Massage Parlors.

- A. See Adult Oriented Establishments and Massage Parlors in this Section.

§802.35. Meal Center.

- A. The use shall front on a collector, minor arterial or principal arterial street as indicated on the City's classified street map.
- B. No meal center shall be located within one thousand (1,000) feet of an emergency shelter, substance abuse treatment facility, community corrections facility, or meal center as measured from property lines.
- C. The meal center use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:
 - 1. The surrounding residential districts;
 - 2. The location, nature and height of buildings, structures, walls and fences on site;
 - 3. The nature and extent of landscaping and screening on the site;
 - 4. The number of visitor trips anticipated each day to the site for services and meals for clients; and
 - 5. The number of meals that will be served at the meal center.

- D. At least one off-street parking space is required for every six (6) seats at an authorized meal center. On-street parking adjacent to the lot containing the center may be included in the calculations.
- E. There shall be no exterior storage of equipment or materials, or outdoor operations.

§802.36. Mineral Extraction.

- A. A detailed land reclamation and reuse plan of the area to be excavated shall be submitted with the zoning application for any new or expanded mineral extraction use.
- B. After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive or beneficial future use.
- C. A 50 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 200 feet of an area of excavation. Zoning Hearing Board may require this yard to include an earth berm with a minimum average height of 6 feet and an average of 1 shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence. New trees shall not be required where preserved trees will serve the same purpose.
- D. The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
 - 1. 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
 - 2. 150 feet from a non-residential principal building, unless released by the owner thereof,
 - 3. 300 feet from the lot line of a dwelling,
- E. The excavated area of a mineral extraction use shall be setback 100 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 2 acres.
- F. The Zoning Hearing Board may require secure fencing in locations where needed to protect public safety. Also, warning signs shall be placed around the outer edge of the use.
- G. The Zoning Hearing Board may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.

§802.37. Mobile Home Park.

- A. The minimum tract area shall be 30,000 square feet, which shall be under single ownership.
- B. The maximum average density of the tract shall be five (5) dwelling units per acre. To calculate this density: a) land in common open space or proposed streets within the park may be included, but b) land within the 100 year floodplain, wetlands and slopes over 25% shall not be included.
- C. Each mobile home park shall include a 35 foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. The same area of land may count towards both the landscaped area and the building setback requirements.
- D. A dwelling, including any attached accessory building, shall be setback a minimum of 25 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.
- E. The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.
- F. The minimum principal and accessory building setbacks from exterior/boundary lot lines and rights-of-way of pre-existing public streets shall be 50 feet.
- G. A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.

§802.38. Mobile Vending Units (also known as “food trucks”).

- A. A transient merchant permit is required.
- B. Mobile vending units shall be permitted one sign on the unit itself but no other signage is permitted.
- C. Mobile vending units on private property shall ensure that there is sufficient parking available for its uses and any other uses on the site.
- D. Mobile vending units may utilize public parking areas; however, they may not locate within 200 feet of an existing restaurant or sidewalk café unless the restaurant owner gives consent.

§802.39. Nursing Home.

- A. The minimum lot area required for a nursing home shall be 1 acre.
- B. All nursing homes shall be licensed by the Commonwealth and the license shall be maintained throughout the occupancy. Failure to maintain the license shall be grounds for revocation of the certificate of occupancy.

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- C. Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.
- D. The parking and circulation plan shall be referred to the City of Washington Police Department and volunteer fire company for comments regarding traffic safety and emergency access.
- E. Nursing homes shall have a bed capacity of at least 20 beds, but no more than 200 beds.
- F. Side abutting residential dwellings or zoning districts shall be a minimum of 25 feet.
- G. Rear yards abutting residential dwellings or zoning districts shall be a minimum of 50 feet.
- H. Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency.

§802.40. Parking Garage.

- A. A parking study shall be required that proves to the satisfaction of City Council that a parking structure is necessary to provide adequate parking to support the businesses in the immediate neighborhood. The person who conducted the parking study shall be present at the conditional use hearing to testify that the study is accurate.
- B. Pedestrian walkways shall be provided to connect the parking areas to the public right-of-way.
- C. Adequate lighting shall be provided for all parking areas and pedestrian walkways.

§802.41. Pawn Shop.

- A. The building area occupied by a Pawn Shop facility shall not be located within 1,000 feet from the closest building area occupied by another Pawn Shop.
- B. The Pawn Shop shall fully comply with record-keeping requirements of the State Pawnbrokers License Act, as amended, and such records shall be available for review by the City Police upon request.

§802.42. Religious Institution.

- A. Minimum lot area – 10,000 square feet in a residential district.
- B. Permitted accessory uses may include:
 - 1. Primary or secondary school
 - 2. Day care center

3. Gymnasium/recreational facility
 4. Kitchen
 5. Parsonage, parish house or rectory
 6. Other uses that are customarily accessory to religious uses and places of worship.
- C. Accessory uses shall be on the same lot as the primary religious use/place of worship and shall meet the following requirements:
1. Accessory uses shall meet area and bulk requirements of the zoning district in which they are located.
 2. Accessory uses shall be setback a minimum of twenty (20) feet from a residential use or district.
 3. Outdoor play spaces shall be completely enclosed by a safe and adequate fence or wall a minimum of four (4) feet in height, unless a greater height is required by the governing body. Any outdoor play area potentially susceptible to encountering vehicles leaving the roadway, travel lanes, or access ways shall be protected by a barrier capable of preventing the vehicle from entering the play area. Outdoor play shall be limited to the hours between dawn and dusk, prevailing local time.
 4. Off-street parking shall be in accordance with Part 7.

§802.43. Retail Store (>7,000 square feet).

- A. Blank walls shall not be permitted along any exterior wall facing a street, parking area, or walking area. Walls or portions of walls where windows have not been provided shall have architectural treatments that are similar to the front façade, including materials, colors, and details.
- B. Upper story windows of front facades shall not be boarded or covered and shall comprise a minimum of 35 percent window area in the façade above the ground floor and a maximum of 75 percent.
- C. Building types shall be compatible to the historic architecture of the area in their massing and external treatment.
- D. Retail stores over 7,000 square feet shall be developed in accordance with the following requirements:
- E. Buildings shall attempt to maintain the horizontal rhythm adjacent facades by using a similar alignment of windows, floor spacing, cornices, awnings as well as other elements. This rhythm shall be achieved by aligning the top, middle, and base floors.

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- F. The massing of any façade should generally not exceed 50 feet maximum; massing variations every 30 feet or less is preferred.
- G. Buildings shall have a 3- to 5-foot break in depth for every 50 feet of continuous façade. Such breaks may be met through the use of bay windows, porches, porticos, building extensions, towers, recessed doorways, and other architectural treatments.

§802.44. Schools (includes public/private, primary or secondary).

- A. Minimum lot area – 20,000 square feet.
- B. No outdoor play areas or facilities shall be within 15 feet of a residential lot line.
- C. The use shall not include a dormitory unless specifically permitted in that District.

§802.45. Self-Storage Development.

- A. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
- B. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
- C. Interior traffic aisles shall be kept clear of obstructions to emergency vehicles.
- D. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
- E. Any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting the requirements in Article IV. Any fencing shall be placed on the inside of the plantings.
- F. Minimum separation between buildings- 20 feet. Maximum length of any building - 300 feet.

§802.46. Shopping Center.

- A. The primary vehicle route into and through the site should be directed away from the primary pedestrian routes into the main doors of the commercial uses.
- B. The development shall consist of a harmonious selection of uses, and groupings of buildings, service and parking area, circulation and open spaces, planned and designed as an integrated unit in such manner as to constitute a safe, efficient and convenient retail shopping center or related planned business development.
- C. The appropriate use of property adjacent to the shopping center or planned business development shall be safeguarded. Along each side or rear property line which directly abuts a Residential or Institutional District boundary line, a 20 foot buffer

yard shall be required which shall include a suitable and uninterrupted coniferous planting screen not less than 4 feet in height nor 15 feet in width along each street line which directly abuts a Residential or an Institutional District boundary line. A strip of the required front yard area not less than 10 feet in width, measured from the street line, shall be suitably landscaped except for necessary sidewalks and accessways and may include a wall not more than 4 feet in height.

- D. No storage of materials, equipment or goods shall be permitted outside a building, and no merchandise shall be displayed on the exterior of a building, except in conformance with the following regulations.
 - 1. Only merchandise intended for immediate sale shall be displayed on the sidewalk in front of any store. At least 8 feet of sidewalk shall remain unobstructed for pedestrian use between the merchandise or display and the curb.
 - 2. Any other area of a shopping center property proposed for storage or display purposes shall be subject to site plan approval by the City Planning Commission. All such areas shall be enclosed in a suitable fence or plant screen, located adjacent to the main building in such a manner as to prevent a view of the stored items from any adjacent property at ground level, and placed in such a manner as to control pedestrian and vehicular movement in the area.
- E. Adequate provisions shall be made for safe and efficient pedestrian and vehicular traffic circulation within the boundaries of the shopping center. Such provisions shall include raised curbs or medial walkways which shall prohibit vehicles from straying from their designated circulation routes. Also, these walkways shall be suitably planted to help reinforce the proper routing of traffic and add to the overall appearance of the shopping center.
- F. All access roads, parking area, service and other areas for vehicular use shall be paved with bituminous, concrete material or other hard surface material meeting specifications acceptable to the City Engineer.
- G. The proposed development shall be served by public sewer and water facilities.
- H. Each multiple family development permitted in conjunction with a principal business shall comply with the provisions of the RT district, unless specified otherwise.
- I. If the development of the shopping center is to be carried out in progressive stages, each stage shall be so planned that the foregoing requirements and the intent of this Ordinance shall be fully complied with at the completion of any stage. The initial stage of development shall comprise a minimum total ground floor area of 7,500 square feet, or a minimum of six (6) permitted main uses.

§802.47. Solid Waste Transfer Facility, Solid Waste Landfill or Solid Waste-to-Energy Facility.

- A. All solid waste storage, disposal, incineration or processing shall be at least 100 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than ½ acre in area.
- B. All solid waste storage, disposal, incineration or processing shall be a minimum of 300 feet from any residential district, perennial creek, publicly-owned park or any existing dwelling that the applicant does not have an agreement to purchase.
- C. No burning or incineration shall occur, except within an approved Waste to Energy Facility.
- D. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
- E. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
- F. Adequate means of emergency access shall be provided.
- G. For a solid-waste-to-energy facility or solid waste transfer facility: a) all loading and unloading of putrescent solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated, and b) all solid waste processing and storage shall occur within enclosed buildings or enclosed containers.

§802.48. Studio, Artisan Manufacturing.

- A. Permitted activities shall be limited to the on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment that does not exceed two (2) horsepower each or a single kiln not exceeding eight (8) cubic feet in volume and the incidental sale to consumers. Typical production includes custom furniture, ceramic studios, glass blowing, candle making, custom jewelry, stained and leaded glass, woodworking, custom textile manufacturing and crafts production.

§802.49. Vehicle Towing Station.

- A. Outdoor storage of vehicles shall be at least:
 - 1. 100 feet from the lot of any dwelling
 - 2. 40 feet from any other lot line and the right-of-way of any public street
- B. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 40 foot wide buffer yard, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 8 feet shall be provided and well-

maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.

§802.50. Tattoo and Body Piercing Establishment.

- A. The building area occupied by a Tattoo and Body Piercing Establishment shall not be located within 1,000 feet from the closest building area occupied by another Tattoo and Body Piercing Establishment.
- B. Tattoo and Body Piercing Establishments shall not be located on a lot within five hundred (500) feet, measured by a straight line in any direction, from the lot line of a charter school, private school, or public school, which provides elementary or secondary education. Instructional or vocational schools are excluded from the separation requirement.

§802.51. Treatment Center.

- A. A Treatment Center shall not be located within 1,000 feet of an existing Treatment Center.
- B. Each Treatment Center shall meet the following requirements:
 - 1. Proof of adequate supervision by people qualified by training and experience in the field for which the facility is intended shall be provided.
 - 2. The facility must comply with all applicable Fire, Housing, Building, Property Maintenance, and Health Codes, and all regulations pertaining to transient occupancy with respect to emergency lighting, smoke detectors, exit lights, and other safety devices.
 - 3. Any food preparation, service, or distribution shall be licensed in accordance with any applicable local or state regulations and inspected by the Pennsylvania Department of Agriculture.
 - 4. All services provided on site shall be contained within the structure and operated by a non-profit, charitable, or for-profit organization.
 - 5. The applicant for these facilities shall submit with its application a plan outlining in detail the management of the facility. This shall include information on personnel, supervision, hours of operation, services provided, rules and regulations, and any other information pertinent to the operation of the facility.
 - 6. The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional special exception approval.
 - 7. The applicant shall prove to the satisfaction of the Council that the use will involve adequate on-site supervision and security measures to protect public safety. If any applicable County, State, Federal or professional association

standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.

8. The Council may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
9. This lot shall be located a minimum of 500 feet from a lot line of a lot occupied by each of the following: a school, public park or playground, day care center, or college.

§802.52. Utility Buildings and Structures, including Substations.

- A. Access and parking shall be provided only in relationship to the maintenance and servicing of such facilities.
- B. A chain-link fence and locked gate eight (8) feet in height shall surround the building or structures of such facilities.
- C. Outside lighting shall be directed away from adjacent properties.
- D. The location, design and operation of such facilities shall not adversely affect the character of any adjacent residential properties.
- E. Shall not require routine trucking movements on local residential or substandard streets.
- F. A buffer yard not less than twenty (20) feet in depth and comprised of trees and/or shrubs designed to conceal such buildings or structures of such facilities shall be required.

§802.53. Vehicle Garages for Use by Residents in the Vicinity.

- A. Such garage shall be the main building on a lot, unless located as a part of a multiple family dwelling planned as a complete unit.
- B. Such garage shall preferably be arranged as a unit in which no doors would face directly upon a public street. Plantings may be required to permit the building to become an attractive element of the neighborhood.
- C. Such garages shall not be used for commercial storage or vehicle repair.

§802.54. Veterinary Office (includes animal clinics and hospitals).

- A. Minimum lot area – 8,000 square feet.
- B. Any structure in which animals are treated or housed shall be a minimum of 50 feet from any residential lot line. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within adjacent residential dwellings.

- C. Outdoor animal runs may be provided for use between 8:00am and 8:00pm provided the runs are at least 100 feet from any residential dwelling and provided that the runs for dogs are separated from each other by visual barriers a minimum of four (4) feet in height, to minimize dog barking.
- D. A commercial kennel shall not be permitted as an accessory use, unless a kennel is a permitted principal use in that district.
- E. Any outdoor solid waste receptacles and all structures housing animals shall be setback a minimum of 50 feet from any existing dwelling on an adjacent lot.

§802.55. Wind Turbines.

- A. The following provisions apply to wind turbines allowed as a principal use.
 - 1. The wind turbine shall be set back from the nearest principal building on another lot a distance not less than two times the maximum height to the top of the extended blade, unless a written waiver is provided by the owner of such building. All wind turbine setbacks shall be measured from the center of the base of the turbine. This provision shall apply to buildings that existed prior to the application for a zoning permit.
 - 2. The audible sound from the wind turbine(s) shall not exceed 45 A-weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
 - 3. The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine(s) are no longer used to generate electricity.
 - 4. Wind turbines shall not be climbable for at least the first 12 feet above the ground level.
 - 5. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the maximum height to the top of the maximum height of the extended blade.
 - 6. All wind turbines shall be set back from the lot line a minimum distance equal to the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of the abutting lot(s).
 - 7. If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
 - 8. The turbine shall include automatic devices to address high speed winds.
 - 9. Accessory electrical facilities are allowed, such as a transformer, provided that any building shall meet setbacks for a principal building.

10. The site plan shall show proposed driveways, turbines and areas of woods proposed to be cleared.
 11. Temporary towers designed to test possible locations for a wind turbine shall be permitted by right, provided they are removed within one year and meet the same setbacks as a wind turbine.
 12. For a wind turbine, a professional engineer shall certify that the turbine, foundation and tower design of the windmill is within accepted professional standards, given local soil conditions.
 13. Rotor blades or airfoils must maintain at least 12 feet of clearance between their lowest point and the ground.
 14. Decommissioning - A wind turbine shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Officer outlining the steps and schedule for returning the wind turbine to service. All wind turbines and above ground facilities shall be removed within 90 days after the use is discontinued.
 15. The maximum height of any wind turbine shall be 250 feet.
- B. The following provisions apply to wind turbines allowed as an accessory use, primarily for on-site electrical use.
1. All wind turbines shall be set back from the lot line a minimum distance equal to the total maximum height to the top of the extended blade, unless a written waiver is provided by the owner of such adjacent lot. All wind turbine setbacks shall be measured from the center of the base of the turbine.
 2. The audible sound from the wind turbine shall not exceed 45 A-weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
 3. The owner of the facility shall completely remove all above ground structures within 12 months after the windmill is no longer used to generate electricity.
 4. A wind turbine shall not be climbable for at least the first 12 feet above the ground level, unless it is surrounded by a fence with a minimum height of 6 feet.
 5. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the total maximum height to the top of the extended blade.
 6. If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
 7. The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and over speed controls.

8. The maximum total height above the ground level to the tip of the extended blade shall be 80 feet.
9. New electrical wiring to the wind turbine shall be placed underground, to the maximum extent feasible.
10. Contiguous property owners may construct a wind turbine for use in common, provided that the required setbacks are maintained from the lot lines of nonparticipating landowners. A maximum of one wind turbine that would be shared by certain dwelling units within a development may also be placed in the common open space, if specifically approved to be included, at the time of final subdivision approval.

§803. Uses Not Specifically Regulated.

- §803.1. If a use is not specifically authorized as a permitted use by right, special exception or conditional use by Article III of this Chapter, the Zoning Hearing Board may authorize such use as a Special Exception in a T1, MD, ED, CBD, GB or D districts if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions would be met:
- A. The proposed use would be closely similar in impacts and character to uses permitted in that District,
 - B. The proposed use would be no more intensive with respect to external impacts and nuisances than uses that are permitted in the District,
 - C. The use would meet the standards that would apply under §801 for a Special Exception Use, and
 - D. The use is not specifically prohibited in that District.

PART 9
NONCONFORMITIES

§901. Statement of intent.

§901.1. Within the districts established by this Chapter, or amendments hereto, there exist lots, uses, and structures which were lawful before this Chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Chapter or future amendments. It is the intent of this Chapter to permit lawful nonconforming lots, uses and structures to continue to exist, subject to the following controls and restrictions.

§902. Continuation.

§902.1. Subject to the provisions of this Part, a nonconforming lot, nonconforming structure or nonconforming use may be continued even though such does not conform to the provisions of these regulations for the district in which it is located.

§902.2. The Zoning Officer may keep and maintain a list of all nonconforming lots, structures or uses existing at the time of the passage of this Chapter, its predecessors or amendments thereto, and which may come to exist in the future.

§903. Nonconforming Uses.

§903.1. Expansion or Enlargement.

A. A nonconforming use may be expanded or enlarged upon approval as a special exception and subject to the general criteria set forth in Part 13 with regards to special exceptions and compliance with the following criteria:

1. The extension becomes an attached part of the main structure and does not utilize additional or adjoining land area other than the original parcel.
2. The extension does not encroach upon the lot area requirements and the maximum building height and other dimensional requirements of the zoning district in which the nonconforming use is presently located.
3. The extension is for the purpose of expanding the nonconforming use in existence at the time of the adoption of this Chapter or amendment thereto which caused the use to become nonconforming.
4. Such extension does not result in an increase in total floor area or lot use area of more than twenty-five (25%) of the floor area or lot area as the same existed at the time of adoption of this Chapter or amendment thereto which caused the use to become nonconforming.

5. Adequate parking can be provided in conformance with this Chapter to serve both the original plus expanded use.
6. Such expansion does not present a threat to the health or safety of the community or its residents.

B. This subsection shall not apply to signs.

§903.2. Abandonment.

- A. If any nonconforming use of land or building ceases operations for a continuous period of twelve (12) consecutive months or longer, then this shall be deemed to be an intent to abandon such use, and any subsequent use of land shall conform to the regulations of this chapter.
- B. Failure to market a vacant property for sale or lease for a period of twelve (12) consecutive months or longer will result in abandonment and evidence of intent to discontinue and abandon a nonconforming use, building or structure.

§903.3. Damage or Destruction.

- A. In the event that a nonconforming use in any district is destroyed or partially destroyed by fire, flood, explosion or other casualty, such nonconforming use shall be permitted to be rebuilt or restored, provided it meets the following requirements:
 1. The structure shall be properly secured after the damage or destruction,
 2. A building permit shall be obtained within six (6) months of the date of casualty, unless the Zoning Hearing Board by special exception grants a time extension for good cause,
 3. Work is completed within twelve (12) months from when the building permit is granted, and
 4. No new nonconformity is created and no existing nonconformity is increased.

§903.4. Change in Use.

- A. A nonconforming use may be changed to a different nonconforming use only under the following conditions:
 1. Such change shall only be permitted by special exception, under the provisions of Part 13 of this Chapter.
 2. The applicant shall show that a nonconforming use cannot reasonably be changed to a permitted use.

3. The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming use with respect to:
 - a. Traffic generation and congestion, including vehicle and pedestrian traffic.
 - b. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, and vibration.
 - c. Storage and waste disposal.
 - d. Appearance.

B. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

§903.5. Displacement. No nonconforming use shall be extended to displace a conforming use.

§904. Nonconforming Structures.

§904.1. Wear and Tear. Nothing in this Chapter shall prevent the reconstruction, repairing or rebuilding of a nonconforming building, structure or part thereof existing at the effective date of this Chapter rendered necessary by wear and tear, deterioration or depreciation; provided, that the work does not constitute expansion or extension of the existing nonconformity.

§904.2. Structural Alteration. No such structure may be enlarged or structurally altered in a way that increases its nonconformity.

§904.3. Damage or Destruction. Any nonconforming structure which has been partially or completely damaged or destroyed by fire or other accident or casualty may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the zoning district in which the structure is located, provided that a building permit is obtained within six (6) months of the date of casualty and work is completed within twelve (12) months from when the building permit is granted.

§904.4. Moving. Should a nonconforming structure be moved for any reason for any distance, it shall thereafter conform to the requirements of the zoning district in which it is located.

§905. Nonconforming Lots of Record.

§905.1. Any lot of record existing at the effective date of this Chapter and held in separate ownership different from that of the adjacent lots may be developed in accordance with the requirements of the zoning district of the lot of record.

§905.2. Where two or more adjacent lots or record with continuous frontage have less than the required area and width and are held by one owner, the lots shall be considered to be an

undivided lot for the purpose of complying with this Article. No division of any lot shall be made which does not comply with the requirements of this Article. Any change in lot lines necessary to meet the minimum requirements of this Article shall constitute a revision to the recorded plan and shall meet all applicable requirements of the Subdivision and Land Development Ordinance.

§906. Nonconforming Signs.

§906.1. Signs in existence at the effective date of this chapter or amendments thereto may be continued subject to the following regulations.

- A. Moving. No nonconforming advertising sign, billboard, commercial advertising structure or statuary shall be moved to another position on the building or lot on which it is located after the effective date of this chapter or amendment thereto.
- B. Structural alterations. A nonconforming sign on a nonconforming use may be continued, but the area of such sign or signs shall not be increased and such sign or signs shall not be structurally altered.
- C. Damage or destruction. In the event that any nonconforming advertising sign, billboard, commercial advertising structure or statuary is damaged to the extent of 25% of its cost of replacement at the time of destruction, such sign shall not be restored or replaced except as permitted in Part 6: Signs of this Ordinance.
- D. Whenever any use of building or structure or land or of a combination of buildings, structures and land ceases, all signs accessory to such use shall be deemed to become nonconforming and shall be removed within six (6) calendar months.

PART 10
PLANNED RESIDENTIAL DEVELOPMENTS

§1001. Purpose

§1001.1. The purpose of these Planned Residential Development (PRD) regulations is to permit residential development which is more creative and imaginative than is generally possible under conventional zoning district controls and subdivision requirements. Further, these regulations are intended to promote more economical and efficient use of the land while providing a compatible blend of housing types, amenities and community facilities of high quality, oriented to the specific development site and preserving the natural scenic qualities of open space.

§1001.2. Applicability and Relationship to Other Ordinances

§1001.3. The provisions of this Article for approval of a Planned Residential Development shall be a modification to and in lieu of procedures and criteria for approvals otherwise required in this Ordinance and the Subdivision and Land Development Ordinance. Failure to comply with the provisions of this Article with respect to a recorded Development Plan shall be deemed to constitute a violation of this Ordinance.

§1002. Site Area, Ownership, Use and Density Requirements

§1002.1. Site Area. In all cases, the minimum site required for a Planned Residential Development shall be ten (10) contiguous acres. Public easements or rights-of-way and public or private streets shall not be construed as an interruption or division of a site proposed for a Planned Residential Development.

§1002.2. Site Ownership. The site proposed for a Planned Residential Development shall be under single ownership and control. Prior to submitting an application for Tentative Approval, the applicant shall demonstrate that he is the landowner, as defined by this Ordinance. Legal, as well as equitable, ownership shall be demonstrated coincident with approval of the Final Development Plan.

§1002.3. Dwelling Units Authorized. According to the Zoning District in which the Planned Residential Development is located, any of the following dwelling units may be included in a Planned Residential Development:

- A. Single Family Dwelling, Detached
- B. Single Family Dwelling, Attached
- C. Two Family Dwelling
- D. Garden Apartment

§1002.4. Accessory Uses. Accessory uses permitted as part of a PRD include all those authorized within the Zoning District in which it is located.

- §1002.5. Recreational and Other Common Facilities for the Residents. In addition to the residential uses permitted in a Planned Residential Development, recreation facilities designed for the use of the residents of the Planned Residential Development shall be permitted, including, but not limited to, hiking, biking or exercise trails; tennis, paddle tennis, basketball, volleyball or other playing courts; swimming pool and related facilities; golf course or putting green; community building for meetings and social activities; picnic pavilions; other active and passive recreational uses deemed appropriate to the proposed residents of the Planned Residential Development by Council.
- §1002.6. Maximum Dwelling Unit Density. Regardless of whether a Planned Residential Development is comprised of a mix of dwelling unit types or a single type of dwelling unit, the maximum dwelling unit density shall be calculated as “density, net residential” and shall not exceed ten (10) units per acre.
- §1002.7. Minimum Lot Area. There shall be no minimum lot area required, provided all other applicable requirements of this Article are met.
- §1002.8. Minimum Yard Requirements and Setbacks on the Perimeter of the Planned Residential Development Site. No structure shall be located closer to any boundary of the Planned Residential Development site than fifty (50) feet. No accessory structure and no off-street parking shall be located in any required perimeter setback area.
- §1002.9. Distance Between Buildings. Where two (2) or more principal multifamily buildings that are three (3) stories or less in height are proposed on one (1) lot, the minimum distance between the buildings shall be forty (40) feet. Where two (2) or more principal multifamily buildings that are more than three (3) stories in height are proposed on one (1) lot, the minimum distance between the buildings shall equal the height of the taller building.
- §1002.10. Modifications to Otherwise Applicable Zoning and Subdivision Regulations.
- A. The Design and Construction Standards of the Subdivision and Land Development Ordinance shall apply to all public improvements proposed in a Planned Residential Development unless a waiver or modification is granted by Council in accordance with the procedure specified in the Subdivision and Land Development Ordinance.
 - B. Except for maximum dwelling unit density and maximum building height, any of the other requirements of the underlying Zoning District classification may be modified by Council in granting Tentative Approval to a Planned Residential Development, if Council determines that the requested modification or modifications will contribute to a more beneficial use of the site, will not be contrary to the public interest and are warranted owing to unique physical circumstances or conditions unique to the particular property.
 - C. All requests for modification shall be in writing and shall accompany and be a part of the application for tentative and final approval. Such written request shall specify the ordinance section from which a modification is requested and shall state

the grounds for the request, the unreasonable hardship on which the request is based and the minimum modification necessary to relieve the hardship.

- D. Whenever a request for modification is granted or denied, the reasons for such grant or denial shall be stated within the official written communication to the landowner. The grant of a modification request may be subject to reasonable conditions designed to promote the purposes set forth in this Article.

§1002.11. Variable Front Yard Setback. To achieve a varied non-repetitive line of buildings along the street, random and variable front setbacks are required such that no more than two contiguous lots may have the same front building setback. The third lot shall include no less than a five foot nor more than a ten foot variation from the lots adjacent to it. The variable front setback requirement may be modified by Council upon request of the applicant based on topographic, environmental, vegetation, or other factors unique to the site.

§1003. Access and Availability of Public Services.

§1003.1. Access and Traffic Control. The site of a Planned Residential Development shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance. The projected traffic volumes associated with the proposed Planned Residential Development shall be capable of being accommodated by the adjacent street network. The developer shall demonstrate, by submission of a Traffic Study, that the projected traffic from the Planned Residential Development shall not materially increase congestion and impair safety on adjacent public streets. Ingress and egress to and from the site shall be designed to comply with the minimum requirements of the Subdivision and Land Development Ordinance.

§1003.2. Public Water and Sewer Service. All dwelling units and other principal structures in a Planned Residential Development shall be connected to a public water supply and public sanitary sewer service.

§1003.3. Storm Drainage. The developer shall provide a storm drainage system within a Planned Residential Development that shall be of sufficient size and design to collect, carry off and dispose of all predictable surface water runoff within the Planned Residential Development and shall be so constructed to conform with the statutes, ordinances and regulations of the Commonwealth of Pennsylvania and the Stormwater Management regulations contained in the Subdivision and Land Development Ordinance.

§1004. Common Open Space

§1004.1. Areas Required

- A. Common open space shall comprise at least twenty percent (20%) of the total gross site area of the PRD.
- B. Of the required open space area, not more than fifty percent (50%) may be covered by water.

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- C. Landscaped roof areas devoted to recreational activities freely accessible to residents, may be counted toward common space required at a value of sixty percent (60%) of the actual roof area devoted to this use.
- D. Recreational facilities or structures and their accessory uses located in common open space areas shall be considered improved open space as long as the total impervious surface area constitutes no more than five percent (5%) of the total common open space.
- E. No more than twenty percent (20%) of the required open space area shall be in excess of a twenty-five percent (25%) slope.
- F. To the extent feasible, steep slopes, streams, lakes, ponds, woodlands and other environmentally sensitive areas shall be incorporated into the common open space.

§1004.2. Protection of Common Open Space. Common open space in a Planned Residential Development shall be protected by adequate covenants running with the land or by conveyances or dedications. A Planned Residential Development shall be approved subject to the submission of a legal instrument or instruments setting forth a plan for the permanent preservation, care and maintenance of such common open space, recreational areas and other facilities owned in common. No such instrument shall be acceptable until approved by Council as to legal form and effect. In cases where the municipality will not be accepting dedications of streets, recreation areas or common open spaces, the developer shall provide for an organization or trust for ownership and maintenance of the common open space and common facilities.

§1004.3. Common Open Space Maintenance. In the event that the organization established to own and maintain the common open space, or any successor thereto, shall at any time after establishment of the Final Development Plan fail to maintain the common open space, including all streets, driveways and recreational facilities, in reasonable order and condition in accordance with the Development Plan granted Final Approval, the City may take remedial action to cause the common open space and common facilities to be properly maintained, as provided for in Section 705(f) of the Pennsylvania Municipalities Planning Code.

§1005. Buffer Areas

§1005.1. Buffer Area “A”, as defined in §502.2.A of this Ordinance shall be provided along all property lines on the perimeter of a Planned Residential Development.

§1006. Administration and Procedure

§1006.1. The Planned Residential Development provisions of this Ordinance shall be administered by Council. The Planning Commission shall review all applications on the basis of the standards specified in this Article and make a recommendation to Council. Council shall conduct the public hearings required by the Pennsylvania Municipalities Planning Code and shall have the final authority to approve, approve with conditions or disapprove a Planned Residential Development.

§1006.2. Pre-Application Conference

- A. Prior to filing an application for Tentative Approval, the applicant may meet with City staff to obtain application forms and to discuss application procedures and applicable ordinance requirements.
- B. In addition, the developer may request a pre-application conference with the Planning Commission to discuss the conceptual design for the development of the property and the feasibility and timing of the application. The applicant shall contact the Zoning Officer at least seven (7) working days prior to the regular meeting of the Planning Commission to request a pre-application conference with the Planning Commission.
- C. The pre-application conference with the Planning Commission is voluntary and no formal application or fee is required. This opportunity is afforded to the developer to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.
- D. While no formal application is required for a pre-application conference, the applicant should provide one (1) copy of readily available information with the request for a pre-application conference which shows the location of the property and any special features such as streams, floodplains or other conditions that may affect the development of the property. Readily available resources which may be used include the deed for the property, a property survey, the Tax Parcel Maps prepared by the Allegheny County Assessor's Office, U.S.G.S. Quadrangle Map showing natural features and topography, the National Flood Insurance Administration (NFIA) Flood Hazard Boundary Maps, Natural Resources Conservation Service Maps of soil types and the U.S. Bureau of Mines coal mine maps.
- E. A pre-application conference shall not constitute formal filing of any application for approval of a Planned Residential Development, shall not bind the Planning Commission to approve any concept presented in the pre-application conference and shall not protect the application from any subsequent changes in ordinance provisions that may affect the proposed development between the pre-application conference and the official date of filing of an application for Tentative Approval of a Planned Residential Development under the terms of this Ordinance.

§1006.3. Application for Tentative Approval. At least twenty (20) calendar days prior to the regular meeting of the Planning Commission, eleven (11) copies of an Application for Tentative Approval shall be submitted. The application shall be in sufficient detail for the Planning Commission to determine compliance with the standards of this Article and shall contain, at a minimum, the following information:

- A. A legal description of the total tract proposed for development, including a statement of present and proposed ownership.
- B. A written statement of planning objectives to be achieved by the Planned Residential Development through the particular approach proposed by the

developer. The statement shall include a description of the character of the proposed development and its relationship to the immediate area in which it is to be located.

- C. A written statement setting forth the reasons why the proposed Planned Residential Development would be in the public interest and would be consistent with the Comprehensive Plan.
- D. A written statement of the requested modifications to Zoning and Subdivision regulations otherwise applicable to the property, if any.
- E. A location map which clearly shows the location and area of the site proposed for development with relation to all lands, buildings and structures within two hundred (200) feet of its boundaries, the location and distance to existing streets and highways and the names of landowners of adjacent properties.
- F. A Development Plan prepared at a scale no smaller than one inch equals fifty feet (1"=50') showing the following information:
 - 1. Existing contours at intervals of five (5) feet; watercourses; floodplains; wetlands; woodlands; soils; steep slopes; and other natural features.
 - 2. Proposed lot lines and subdivision plat, if any.
 - 3. The location of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units and dwelling unit density. Preliminary elevations and architectural renderings shall be provided.
 - 4. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space.
 - 5. The existing and proposed vehicular circulation system of local and collector streets, including off-street parking areas, service areas, loading areas and major points of access from the Planned Residential Development to public rights-of-way.
 - 6. The existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system and proposed treatment for any points of conflict between the two (2) systems.
 - 7. The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric, gas and telephone lines.
 - 8. Subsurface conditions, including slope stability.
 - 9. A minimum of three (3) cross-sections showing existing and proposed contours and their relationship to proposed buildings, structures, highways, streets, parking areas, walkways and existing woodlands.

10. A general landscaping plan indicating the treatment and materials proposed to be used in Buffer Areas and common areas on the site.
 11. Information required by the Subdivision and Land Development Ordinance including application filing and application review fees.
- G. In the case of development plans which call for development over a period of years, a schedule for phasing the development shall be provided. This phasing schedule shall be reviewed annually with the Planning Commission on the anniversary of Tentative Approval or as each phase is completed, whichever occurs first.

§1006.4. Review of Application

- A. The Zoning Officer shall review the application to determine whether it is complete and properly filed in accordance with all requirements of this Ordinance. If the Zoning Officer determines that the application is not complete and properly filed, written notice shall be provided to the applicant specifying the defects in the application and returning the application for resubmission. If a revised application is resubmitted within sixty (60) days of the date of the written notice from the Zoning Officer, an application filing fee shall not be required. Any application submitted after sixty (60) days shall be considered a new application and shall be accompanied by the required application filing fee.
- B. If the Zoning Officer determines that the application is complete and properly filed, the date that the application is received by the Zoning Officer shall constitute the Official Date of Filing. Within five (5) days of receipt of a complete and properly filed application, the Zoning Officer shall transmit a copy to the Washington County Planning Commission for review and comment. The County Planning Commission has thirty (30) days to provide written comment. The Zoning Officer should also forward the application to the Planning Commission for review and recommendation at the same time it is sent to the County.
- C. If, during review by the Planning Commission, the applicant revises the application to address comments from the Planning Commission or to demonstrate compliance with this Ordinance, a new application shall not be required. If, during review by the Planning Commission, the applicant initiates revisions to the application which are not the result of Planning Commission comments and which are not mandated to demonstrate compliance with this Ordinance, the applicant shall withdraw the application and submit a new application which shall be subject to the payment of the required application filing fee.
- D. The Planning Commission shall forward a written recommendation on the application for Tentative Approval to Council in time for the public hearing required by §1106.5 of this Ordinance.

§1006.5. Public Hearing

- A. Within sixty (60) days following the Official Date of Filing of an application for Tentative Approval of a Planned Residential Development which contains all of the

required documentation, a public hearing pursuant to public notice shall be held by the Council. At least fourteen (14) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.

- B. The public hearing shall be conducted in the manner prescribed in Article IX of the Pennsylvania Municipalities Planning Code and all references to the Zoning Hearing Board in Article IX shall apply to Council. The public hearing or hearings shall be concluded within sixty (60) days of the first hearing.
- C. The municipality may offer mediation as an aid in completing these proceedings, provided that, in exercising such an option, the municipality and the mediating parties shall meet the stipulations and follow the procedures set forth the MPC.

§1006.6. Tentative Approval

- A. Within sixty (60) days following the conclusion of the public hearings, Council shall, by official written communication, either:
 - 1. Grant Tentative Approval of the Development Plan, as submitted;
 - 2. Grant Tentative Approval of the Development Plan, subject to specified conditions not included in the Development Plan as submitted; or
 - 3. Deny Tentative Approval.
- B. Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the zoning map.
- C. Failure to act within said period shall be deemed to be a grant of Tentative Approval of the Development Plan as submitted. In the event, however, that Tentative Approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Council, notify the Council of his refusal to accept all said conditions, in which case, the Council shall be deemed to have denied Tentative Approval of the Development Plan. In the event that the landowner does not, within said period, notify the Council of his refusal to accept all said conditions, Tentative Approval of the Development Plan, with all said conditions, shall stand as granted.

§1007. Criteria for Tentative Approval

§1007.1. Council shall grant Tentative Approval if, and only if, all applicable requirements of this Article are met and all of the following criteria are met.

- A. The proposed application for Tentative Approval complies with all standards, restrictions, criteria, requirements, regulations and procedures of this Ordinance; preserves the Community Development Objectives of this Ordinance; and is found by Council to be compatible with the public interest and consistent with the Comprehensive Plan.
- B. Where the proposed application for Tentative Approval provides standards which vary from this Ordinance and the Subdivision and Land Development Ordinance otherwise applicable to the subject property, such departure shall promote protection of the environment, and public health, safety and welfare and shall be in the public interest.
- C. The proposals for the maintenance and conservation of any proposed common open space are reliable and meet the standards of this Ordinance and the amount and extent of improvements within the common open space are appropriate with respect to the purpose, use and type of the residential development proposed.
- D. The physical design of the proposed Development Plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment.
- E. The proposed Development Plan is beneficially related to the immediate area in which it is proposed to be located.
- F. The proposed Development Plan will afford adequate protection of natural watercourses, wetlands, topsoil, woodlands, steep slopes and other natural features and will prevent erosion, landslides, siltation and flooding.
- G. In the case of a Development Plan which proposes development over a period of years, the terms and conditions thereof are sufficient to protect the interests of the public and of the residents of the Planned Residential Development in the integrity of the Final Development Plan.

§1008. Application for Final Approval

§1008.1. After the Development Plan is granted Tentative Approval by Council, the developer shall submit eleven (11) copies of the application for Final Approval which shall consist of detailed plans for any phase or section of the Development Plan. No building permit shall be issued until Final Approval has been granted by Council for the phase or section in which the proposed development is located. Final Approval for any phase or section shall expire if construction is not initiated for the phase or section within one (1) year of the date of Final Approval of the phase or section by Council.

§1008.2. Review of Application

- A. The Zoning Officer shall review the application to determine whether it is complete and properly filed in accordance with all requirements of this Ordinance. If the Zoning Officer determines that the application is not complete and properly filed, written notice shall be provided to the applicant specifying the defects in the application and returning the application for resubmission.
- B. If the Zoning Officer determines that the application is complete and properly filed, the date that the application is received by the Zoning Officer shall constitute the Official Date of Filing. Within seven (7) working days of receipt of a complete and properly filed application, the Zoning Officer shall refer the application to the Planning Commission for review and recommendation.
- C. Within thirty-five (35) days of receipt of a complete and properly filed application for Final Approval, the Planning Commission shall forward a written recommendation to Council.
- D. A public hearing on an application for Final Approval shall not be required, provided the development plan is in compliance with the development plan given Tentative Approval and with any specified conditions attached thereto.

§1008.3. Action by Council. In the event that an application for Final Approval has been filed, together with all drawings, specifications and other documentation in support thereof, in accordance with the requirements of this Ordinance and the official written communication granting Tentative Approval, Council shall, within forty-five (45) days of the official date of filing, grant Final Approval to the Development Plan.

§1008.4. Variations from the Plan Granted Tentative Approval.

- A. In the event that the development plan submitted contains variations from the development plan granted Tentative Approval, Council may refuse to grant Final Approval and may, within forty-five (45) days of the Official Date of Filing of the application for Final Approval, advise the applicant, in writing, of said refusal, setting forth in said notice the reasons why one (1) or more of the variations are not in the public interest. In the event of such refusal, the landowner may either:
 - 1. Refile the Application for Final Approval without the variations objected; or

2. File a written request with Council that it hold a public hearing on the Application for Final Approval.
- B. If the landowner wishes to take either alternate action, he may do so at any time within which he shall be entitled to apply for Final Approval, or within thirty (30) additional days, if the time for applying for Final Approval shall have already passed at the time when the landowner was advised that the Development Plan was not in substantial compliance.
- C. If the landowner fails to take either of these alternate actions within said time, he shall be deemed to have abandoned the Development Plan.

§1008.5. Public Hearing Required

- A. Any public hearing held on an Application for Final Approval shall be held pursuant to public notice within thirty (30) days after the request for the hearing is made by the landowner and the hearing shall be conducted in the manner prescribed in this Article for public hearings on an application for Tentative Approval. At least fourteen (14) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.
- B. Within thirty (30) days after the conclusion of the public hearing, Council, by official written communication, either grant or deny Final Approval. The grant or denial of Final Approval of the Development Plan shall, in cases where a public hearing is required, be in the form and contain the findings required for an application for Tentative Approval.

§1008.6. Changes in the Approved Plan. Changes in the location and siting of buildings and structures deemed minor by Council may be authorized without additional public hearings, if required by engineering or other circumstances not foreseen at the time of Tentative Approval. However, gross and net density established at the time of Tentative Approval shall not be changed without a public hearing.

§1008.7. Application for Final Approval

- A. The application for Final Approval shall comply with all applicable ordinance provisions and the Development Plan shall include, as a minimum, the following information:
- B. All data required by the Subdivision and Land Development Ordinance for a Final Plan, including application filing, application review and inspection fees.
- C. Accurately dimensioned locations for all proposed buildings, structures, parking areas and common open space.
- D. The number of families to be housed in each residential building or structure and the intended use of each non-residential building or structure.
- E. Building elevation drawings for all principal structures, other than single family dwellings.
- F. A lighting plan, showing the location, height and type of any exterior lighting fixtures proposed and a photometric plan showing the distribution of lighting on the site and at the site boundaries.
- G. A Landscaping Plan, as defined by this Ordinance, including the location and types of materials of plant materials, sidewalks, trails and recreation facilities authorized by this Ordinance.
- H. Supplementary data, including any covenants, grants of easements or other restrictions to be imposed on the use of the land, building and structures and for the organization proposed to own, maintain and operate the common open space facilities.
- I. An engineering report which shall include the following data, wherever applicable:
 - 1. Profiles, cross-sections and specifications for proposed public and private streets.
 - 2. Profiles and other explanatory data concerning installation of water distribution systems, storm sewers and sanitary sewers.
 - 3. Feasibility of the sanitary sewerage system in terms of capacity to serve the proposed development.
- J. A grading plan prepared in compliance with the requirements of the Grading Ordinance.
- K. An Erosion and Sedimentation Control Plan which shall specifically indicate all erosion and sedimentation control measures to be utilized on the site. The Erosion and Sedimentation Control Plan shall be designed to prevent accelerated erosion and sedimentation. The Plan shall include but not be limited to, the following:
 - 1. The topographic features of the site;

2. The types, depth, slope and extent of the soils by area;
 3. The proposed alterations to the site;
 4. The amount of runoff from the site area and the upstream watershed;
 5. The staging of earthmoving activities;
 6. Temporary control measures and facilities during earthmoving;
 7. Permanent control measures and facilities for long-term protection;
 8. A maintenance program for the control facilities, including disposal of materials removed from the control facilities or site area.
- L. A stormwater management plan prepared in compliance with the requirements of the Stormwater Management Ordinance.
- M. Performance Bond and Development Agreement as required by the Subdivision and Land Development Ordinance.

§1008.8. Recording. A Final Development Plan, or any part thereof, which has been granted Final Approval shall be so certified without delay by Council and shall be filed of record in the Office of the Recorder of Deeds before any development shall take place in accordance therewith. Approval for recording shall be subject to posting of the financial security required by the Subdivision and Land Development Ordinance for public and private improvements in the Development Plan.

§1008.9. Revocation of Final Approval. In the event that a Development Plan, or section thereof, is given Final Approval and thereafter the landowner shall abandon such plan, or section thereof, that has been finally approved, and shall so notify the City Council in writing; or, in the event that the landowner shall fail to commence and carry out the Planned Residential Development in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code after Final Approval has been granted, no further development shall take place on the property included in the Development Plan until a new application for Tentative Approval of a Planned Residential Development is submitted for said property or the property is developed in accordance with the then applicable Zoning District regulations.

PART 11
OVERLAY DISTRICTS

§1101. Historic District Overlay.

§1101.1. The purpose of the East Washington Historic District Overlay is to preserve the historic character of the neighborhood; promote continued occupancy by residents living in the Historic District; conserve the stock of residential property within the Borough of Washington; and maintain and foster community pride.

§1101.2. Demolition of Structures.

- A. No building or structure within the Historic District shall be demolished, razed (in whole or in part), removed or otherwise relocated without a permit. Demolition, razing, removal or relocation of a building or structure shall be regulated as a conditional use.
- B. Any person wishing to demolish, raze, remove or relocate all or part of any building or structure within the Historic District shall submit to the Zoning Officer an application for a conditional use permit with, as an addendum, the information required by §801 of this Chapter attached to it.
- C. The Code Enforcement Officer shall not issue a permit for the demolition, razing, removal or relocation of all or part of any building or structure in the Historic District until the Planning Commission reviews said application and makes its recommendations to Borough Council and Borough Council acts on said recommendation.
- D. Upon receipt of said application, the Zoning Officer shall forward a copy of said application and all materials submitted therewith to the Planning Commission.
- E. The Planning Commission shall consider said application at its next regularly scheduled meeting or a special meeting. The Planning Commission may require the submission of additional information to assist it in reviewing said application.
- F. The Planning Commission shall issue and submit, in writing, to Borough Council, within 30 days of the final meeting or special meeting at which the permit application is reviewed unless said time is extended by agreement of the applicant, its recommendations concerning the granting or denial of a conditional use. The Planning Commission shall recommend that Borough Council either:
 - 1. Grant the conditional use and the permit for demolition, razing, removal or relocation; or
 - 2. Deny the conditional use and the permit for demolition, razing, removal or relocation.

- G. The Planning Commission's report to Borough Council, with the Planning Commission's recommendation concerning the granting or denial of a conditional use permit, shall contain the following:
 - 1. A list of the surrounding buildings and structures, with their general exterior characteristics.
 - 2. The effect of the proposed demolition, razing, removal or relocation upon the general historic and architectural nature of the Historic District.
 - 3. The opinion of the Planning Commission (including any dissent) as to the appropriateness of the demolition, razing, removal or relocation as it will preserve or destroy the historic aspect and nature of the Historic District.
 - 4. The specific recommendations of the Planning Commission as to approval or disapproval of the conditional use.
- H. If the Planning Commission fails to issue and submit its report and recommendation to Borough Council within the time limit prescribed by Subsection F of this section, the Planning Commission shall be deemed to have submitted to Borough Council the Planning Commission's recommendation that Borough Council approve the conditional use.
- I. Upon receipt of the written report from the Planning Commission, Borough Council shall consider at its next regularly scheduled meeting or at a special meeting whether to authorize the Code Enforcement Officer to issue a permit for the work described in the application. The Borough Secretary shall give the applicant 10 days' written notice of the time and place of the meeting at which the application is to be considered. The applicant shall have the right to attend this meeting and to be heard by Borough Council.
- J. If Borough Council approves the application, it shall authorize the Code Enforcement Officer to issue to the applicant a permit for the work described in the application. If Borough Council denies the application, it shall communicate its denial to the Code Enforcement Officer, who shall deny the application for a permit.
- K. The applicant may appeal from the denial of a permit application as provided by law. For purposes of appeal, the Code Enforcement Officer's denial of the application for a building permit shall commence the appeal period.

§1101.3. Criteria for consideration.

- A. In reviewing the permit application, the Planning Commission and Borough Council shall consider only those matters which are pertinent to the preservation of the historic and/or architectural aspect and nature of the building or structure, site, area or Historic District, including the following:

1. The effect of the proposed demolition, razing, removal or relocation upon the general historic and architectural nature of the Historic District.
 2. The effect of the proposed demolition, razing, removal or relocation upon adjoining and surrounding properties.
 3. Alternatives to demolition, razing, removal or relocation and their feasibility, including:
 4. Postponement of demolition, razing, removal or relocation for a period not to exceed nine months; and
 5. Moving the building or structure to another location.
- B. All other Borough ordinances, including zoning and subdivision ordinances.

§1102. Airport District Overlay

§1102.1. Purpose. The purpose of the Airport District Overlay is to create an airport district overlay that considers safety issues around the Washington County Airport, regulates and restricts the heights of constructed structures and objects of natural growth, creates appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones, creates the permitting process for use within said zones and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.

§1102.2. Obstructions and high densities of residential use have the potential for endangering the lives and property of users of Washington County Airport and property or occupants of the land in its vicinity, obstructions may affect existing and future instrument approach minimums of Washington County Airport and obstructions may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of Washington County Airport and the public investment therein. Accordingly, it is declared that:

- A. The creation or establishment of obstructions has the potential for being public nuisances and injuring the region served by the Washington County Airport.
- B. The development of concentrated areas of housing in the immediate vicinity of the Washington County Airport poses potential threats to the safety of inhabitants.
- C. It is necessary, in the interest of the public health, public safety and general welfare, that the creation or establishment of obstructions and population concentrations that are a hazard to air navigation or human life is prevented.
- D. The prevention of these obstructions and population concentrations should be accomplished to the extent legally possible, by the exercise of the police power, without compensation.

§1102.3. Relation to Other Zone Districts. The Airport District Overlay shall not modify the boundaries of any underlying zoning district. Where identified, the Airport District Overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

§1102.4. Establishment of Airport Zones. In order to carry out the provisions of this Chapter, there are hereby created and established certain zones that include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Washington County Airport. These airport zones are shown as an overlay on the Official Zoning Map kept on file by officials of the City of Washington, Washington County, Pennsylvania, which is made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- A. Approach Surface Zone. The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide.
- B. The western runway end (Runway 9) approach zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface sloping thirty-four (34) feet outward for each foot upward. Its center line is the continuation of the center line of the runway.
- C. The easterly runway end (Runway 27) approach zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface sloping fifty (50) feet outward for each foot upward and continues uniformly at a horizontal distance of forty thousand (40,000) feet sloping forty (40) feet outward for each foot upward. Its center line is the continuation of the center line of the runway.
- D. Conical Surface Zone. This zone slopes twenty (20) feet outward for each foot upward, beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.
- E. Horizontal Surface Zone. This zone is established at one hundred fifty (150) feet above the airport elevation or at a height of one thousand three hundred thirty-four (1,334) feet above mean sea level.
- F. Primary Surface Zone. This zone is longitudinally centered on the runway and comprises its entire length, as well as extending two hundred (200) feet beyond each end of the runway at a width of one thousand (1,000) feet. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline, which is one thousand one hundred and eighty-four (1,184) feet above mean sea level.
- G. Transitional Surface Zone. This zone slopes seven (7) feet outward for each foot upward, beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of one hundred fifty (150) feet

above the airport elevation, which is one thousand one hundred eighty-four (1,184) feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward, beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface.

§1102.5. Permit Applications.

- A. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall first notify the Department's Bureau of Aviation (BOA) by submitting PennDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay Ordinance. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in Subsection 1102.6.
- B. No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

§1102.6. Variance.

- A. Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:
 - 1. No Objection. The subject construction is determined not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
 - 2. Conditional Determination. The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Subsection 1102.9.
 - 3. Objectionable. The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

- B. Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this Chapter.
- C. No application for a variance to the requirements of this Section may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the appropriate Washington County Authority for advice as to the aeronautical effects of the requested variance. If the appropriate Washington County Authority does not respond to the application within fifteen (15) days after receipt, the Zoning Hearing Board may act on its own to grant or deny said/application.

§1102.7. Use Restrictions.

- A. Notwithstanding any other provisions of this Chapter, no use shall be made of land or water within the Airport District Overlay in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the Airport.
- B. Except as specifically provided hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted utilizing the process described in Subsection 1102.6.
- C. In the area lying within the limits of the Horizontal Zone and Conical Zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- D. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

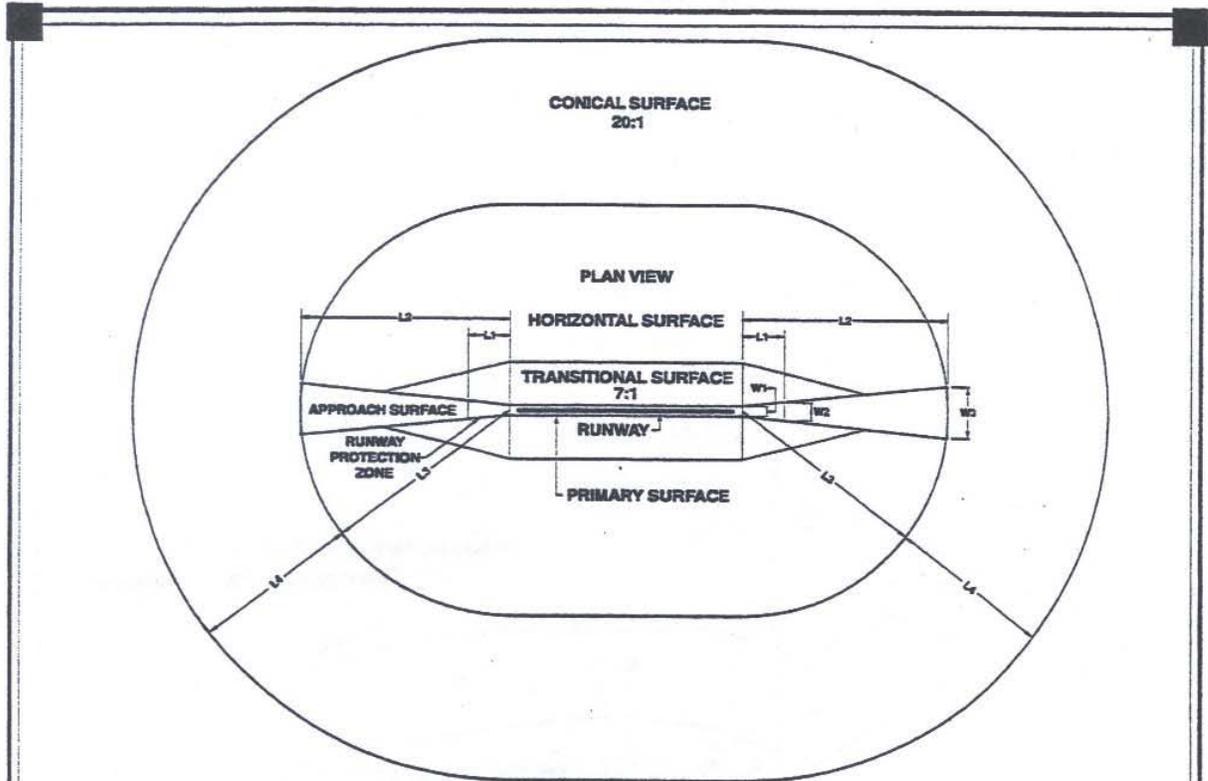
§1102.8. Pre-Existing Nonconforming Uses. The regulations prescribed by this Chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Chapter, or otherwise interfere with the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once substantially abated (subject to the provisions for nonconformities in Part 9 herein), may only be reestablished consistent with the provisions herein.

§1102.9. Obstruction Marking and Lighting. Any permit or variance granted pursuant to the provisions of this Chapter may be conditioned according to the process described in Subsection 1102.6 to require the owner of the structure or object of natural growth in question to permit Washington County, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

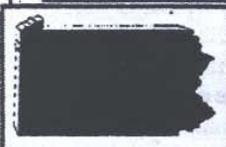
§1103. Conflicting Regulations. Where a conflict exists between any of the regulations or limitations prescribed in this Chapter and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

§1104. Severability. If any of the provisions of this Chapter or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are declared to be severable.

Figure 1: Part 77 Surface Areas



FAR PART 77 "IMAGINARY SURFACES" DIMENSION REQUIREMENTS										
Runway Type	Runway End		Conical Surface (L4)	Horizontal Surface (L3)	Approach Surface			Approach Slope	Primary Surface Width	Transitional Surface
	Approach	Other			Length (L2)	Inner Width (W1)	Other Width (W3)			
Small Airplanes ²	V	V	4,000	5,000	5,000	250	1,250	20:1	250	7:1
		NP	4,000	5,000	5,000	500	1,250	20:1	500	7:1
		NP 3/4	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
	P	P	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
		V	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP	4,000	5,000	5,000	500	2,000	20:1	500	7:1
Large Airplanes ³	V	V	4,000	5,000	5,000	500	1,500	20:1	500	7:1
		NP	4,000	10,000	5,000	500	1,500	20:1	500	7:1
		NP 3/4	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
	P	P	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
		V	4,000	10,000	10,000	500	3,500	34:1	500	7:1
		NP	4,000	10,000	10,000	500	3,500	34:1	500	7:1
Large and Small Airplanes	NP 3/4	NP 3/4	4,000	10,000	10,000	1,000	3,500	34:1	1,000	7:1
		V	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		NP	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
	P	P	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		V	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		NP	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
1 - In Feet 2 - Less than 12,500 lbs maximum certified takeoff weight 3 - Greater than 12,500 lbs maximum certified takeoff weight V = Visual approach 20:1 NP = Nonprecision approach 34:1 NP 3/4 = Nonprecision approach with visibility minimums as low as 3/4 statute miles 34:1 P = Precision approach 50:1 Note: L1 is the length of the RPZ and W2 is the outer width of the RPZ as defined by approach visibility minimums Source: Federal Aviation Administration										



Pennsylvania Land Use
Compatibility
Guidelines

**FAR PART 77 SURFACES
AND DIMENSION REQUIREMENTS**

Exhibit
3

PART 12
ADMINISTRATIVE PROCEDURES

§1201. Statement of intent.

§1201.1. It is the purpose of these regulations to prescribe the procedures by which the administration of this Ordinance shall take place. Nothing contained within this Part shall be interpreted as limiting the adoption of administrative regulations which do not supersede required stated procedures.

§1202. Administration and Enforcement.

§1202.1. The duty of administering and enforcing the provisions of this chapter is hereby conferred upon the Zoning Officer, who shall have such powers as are conferred on him/her by this chapter and are reasonably implied for that purpose. The Zoning Officer shall establish from time to time, by and with the consent of Council, such rules and regulations as may be deemed necessary to the proper exercise of the authority and powers conferred upon the said Zoning Officer, or his duly authorized agent, under the provisions of this Ordinance.

§1202.2. Any appeal from a determination of the Zoning Officer shall be made directly to the Zoning Hearing Board.

§1202.3. Duties. The duties of the Zoning Officer shall be:

- A. Administer and enforce the provisions of this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.
- B. Review all applications for zoning permits and zoning occupancy permits, and issue permits when there is compliance with the provisions of this Ordinance. The Zoning Officer may condition the issuance of a Zoning Permit upon the applicant proving compliance with other City regulations.
- C. Receive applications for special exceptions and variances and forward these applications to the Zoning Hearing Board for action thereon
- D. Receive applications for conditional uses and forward these applications to City Council for action thereon.
- E. Receive applications for challenges and appeals for which the Zoning Hearing Board has exclusive jurisdiction as specified in Section 1306 of this Ordinance, and forward these applications to the Zoning Hearing Board for action thereon.
- F. Maintain a permanent file with all zoning permits, occupancy permits and applications as public records.
- G. Order in writing correction of all conditions found to be in violation of the provisions of this Ordinance. An enforcement notice shall meet requirements of the

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Pennsylvania Municipalities Planning Code. Prior to issuing an Enforcement Notice, the Zoning Officer may informally seek compliance.

- H. Conduct inspections and investigations to determine compliance or noncompliance with the terms of this Ordinance.
- I. In the course of administering and enforcing this Ordinance and reviewing applications for zoning certificates, temporary use permits, sign permits or variances, the Zoning Officer may register nonconforming uses, nonconforming structures and nonconforming lots as they become known through the application and enforcement process. Registration and proof of nonconforming uses, structures and lots shall be the burden of the property owner.
- J. Upon the request of the Planning Commission, the Zoning Hearing Board or Council, present such facts, records and any similar information on specific requests to assist such bodies in reaching their decisions.
- K. Maintain a map or maps showing the current zoning classification of all land in the City and Borough.

§1203. Zoning Permits.

§1203.1. Application. All requests for zoning permits shall be made in writing by the owner or his authorized agent to the office of the Zoning Officer on application forms furnished by the municipality.

§1203.2. Zoning Permit Required. Zoning permits shall be secured prior to commencing a use or starting any construction, erection or alteration of any building, structure, sign or portion thereof. No building permit shall be issued unless the applicant shows that a zoning permit has already been obtained.

§1203.3. Review and Approval. Issuance of a zoning permit shall be subject to review and approval by all City/Borough Departments noted on the permit. Staff shall require that the application of a zoning permit and any additional material requested by the various City/Borough Departments shall contain all the information necessary to enable them to ascertain whether the proposed structure complies with the provisions of this Ordinance.

§1203.4. Floodplains. Prior to the issuance of a zoning permit for any use in a floodplain the Zoning Officer shall require the applicant to indicate compliance with all applicable local, state and federal laws.

§1203.5. Notice of Start Work. The Zoning Officer shall be given at least twenty-four (24) hours' notice by the owner or applicant prior to commencement of work at the site under zoning or building permits.

§1203.6. Notice to Adjoining Municipalities. Where a property is located within 500 feet of a municipal boundary, the Zoning Officer should refer any Zoning Hearing Board application to the neighboring municipality for its comments, unless such application only involves a dimensional variance for an existing residential lot.

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§1203.7. Time Limitation. No zoning permit for construction, erection or alteration of any building or structure, or for any sign, shall be valid for more than 12 months from date of issue unless work at the site has commenced within such period. No zoning permit for use of building or land shall be valid for more than 12 months from date of issue unless or a written time extension has been provided by the City/Borough.

§1203.8. Cancellation of Permit. The Zoning Officer may cancel or revoke a permit previously granted for violation of this Chapter or any order of the Zoning Officer or condition established by the Zoning Hearing Board or Council.

§1203.9. Fees.

- A. Fees for zoning and building permits shall be paid in accordance with the applicable Fee Schedule enacted by Council, which is adopted by Resolution and which may be revised from time to time.
- B. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.
- C. The fee schedule shall be available to the public.

§1204. Enforcement Remedies, Violations and Penalties.

§1204.1. Complaints Regarding Violations. Whenever a violation of this Chapter occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the cause and basis thereof, shall be filed with the Zoning Officer. He shall record properly such complaint, immediately investigate and take action thereon as provided by this Chapter.

§1204.2. Enforcement. If the Zoning Officer finds reasonable grounds to believe that there has been a violation of any provisions of this chapter, he or she shall give written notice of such alleged violation. The enforcement notice shall include:

- A. The name of the owner of record and any other person against whom the City/Borough intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed (not to exceed a period of thirty (30) days)
- E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of receipt of the complaint.
- F. That failure to comply with the notice within the time specified, unless extended by approval to the Zoning Hearing Board, constitutes a violation.

§1204.3. Penalties.

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provision of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable there for in a civil enforcement proceeding commenced by the City or Borough, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof.
- B. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Justice.
- C. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable ruler of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determination that there has been a violation further determines that there is a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter such day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney foam collected for the violation of toning ordinances shall be paid over to the municipality whose ordinance has been violated.

§1205. Amendments to Zoning Ordinance.

§1205.1. Council may, from time to time, amend this Ordinance, including the Zoning Map.

When doing so, Council shall proceed in the manner prescribed in the Municipalities Planning Code (MPC), as reenacted and amended.

§1205.2. The process to start consideration of a proposed zoning ordinance amendment may be initiated by a majority vote of Planning Commission or Council. Such vote may or may not occur in response to a request of an individual, organization, committee, landowner or other entity.

§1205.3. Zoning amendment by petition.

- A. A request to amend this chapter may be initiated by petition of one or more landowners. Said petition shall be filed with Council upon payment of the fee as established by resolution of Council.
- B. Whenever Council, after due hearing pursuant to the provisions hereof, has acted negatively upon a proposed change or amendment in the zoning districts or regulations, no petition affecting the same property or district shall be entertained or acted upon by Council except by consent of 3/4 of the members of Council within a period of one year from the date of such adverse action, and after such second application has been acted upon by Council, no further application shall be entertained for a period of two years from the date of the said second application except by consent of 3/4 of the members of Council.

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§1205.4. For any proposed amendment introduced by any person or entity other than the Planning Commission, Council shall submit each such amendment for review to each municipal Planning Commission, the Joint Planning Commission, and the Washington County Planning Commission at least thirty (30) days prior to the public hearing on such proposed amendments.

§1205.5. City Council or Borough Council shall submit their comments, including a specific recommendation to adopt or not to adopt the proposed amendment, to the governing body of the municipality within which the amendment is proposed no later than the date of the public hearing. Failure to provide comments shall be construed as a recommendation to adopt the proposed amendment.

§1205.6. Before voting on the enactment of an amendment, each Council shall hold a public hearing thereon pursuant to public notice, and pursuant to mailed notice and electronic notice to an owner of a tract or parcel of land or an owner of the mineral rights in a tract or parcel of land who has made a timely request in accordance with Section 109 of the MPC. The City and Borough may decide to hold one joint public hearing or separate public hearings on the proposed amendment.

§1205.7. If the proposed amendment involves a zoning map change, the following is required:

- A. Notice of said public hearing shall be conspicuously posted by the Zoning Officer at points deemed sufficient by the municipality along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
- B. Notice of the public hearing must be mailed by the municipality at least 30 days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the municipality. The notice shall include the location, date and time of the public hearing. This shall not apply when the rezoning constitutes a comprehensive rezoning.

§1205.8. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, each Council shall hold another public hearing pursuant to public notice before proceeding to vote on the amendment.

§1205.9. An applicant and/or interested party who requests a continuance of a public hearing scheduled to consider a zoning amendment shall be responsible for the full cost of re-advertising the date of the subsequent public hearing. In order for the subsequent public hearing date to be established, the cost of the re-advertisement must be deposited with the municipality.

§1205.10. No amendments to the joint zoning ordinance shall be effective unless both the City of Washington and the Borough of East Washington approve the amendment.

§1205.11. Within 30 days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the Washington County Planning Commission.

§1205.12. Landowner Curative Amendments.

- A. Any landowner in either municipality who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the MPC. Such applications shall be presented or postmarked to each participating municipality on the same day.
- B. The governing body shall commence a hearing thereon within 60 days of the request as provided in section 916.1 of the MPC. The curative amendment and challenge shall be referred to the planning commissions as provided in section 609 of the MPC and notice of the hearing thereon shall be given as provided in section 610 of the MPC and in section 916.1 of the MPC.
- C. The hearing shall be conducted in accordance with section 908 of the MPC and all references therein to the Zoning Hearing Board shall, for purposes of this section be references to Council: provided, however, that the provisions of section 908 (1.2) and (9) of the MPC shall not apply and the provisions of section 916.1 of the MPC shall control. If the municipality 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 the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- D. Council which has determined that a validity challenge has merit may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. Council 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 the ordinance or map;
 - 3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
 - 4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, 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.
- E. The Council before which the curative amendment is brought shall not have the power to adopt any amendment to the joint zoning ordinance without the approval of both the City of Washington and the Borough of East Washington. The challenge shall be directed to the validity of the joint zoning ordinance as it applies to the entire area of its jurisdiction.
- F. If the municipality 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 the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

§1205.13. Municipal Curative Amendments.

- A. If either the City or Borough determines that the joint zoning ordinance or any portion thereof is substantially invalid, City Council and Borough Council shall vote, within thirty (30) days following such declaration by either Council, by formal action whether or not to declare this Ordinance or portions thereof substantially invalid. In the event of the failure of both City Council and Borough Council to declare this Ordinance or portions thereof substantially invalid within the thirty (30) days following such declaration, the declaration shall be deemed null and void.
- B. The declaration by both City Council and Borough Council of the substantive invalidity of this Chapter shall be binding upon the municipalities from the moment the initiating Council declares this Ordinance invalid.
- C. Upon the declaration that this Ordinance is invalid by the City and Borough, the municipalities shall begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity. Within 30 days following such declaration and proposal Council shall:
 1. By resolution make specific findings setting forth the declared invalidity of the zoning ordinance which may include:
 - a. References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - b. Reference to a class of use or uses which require revision; or
 - c. Reference to the entire ordinance which requires revisions.
 2. Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity.
 3. Within 180 days from the date of the declaration and proposal, the municipality shall enact a curative amendment to validate, or reaffirm the validity of, its

zoning ordinance pursuant to the provisions required by section 609 in order to cure the declared invalidity of the zoning ordinance.

4. Upon the initiation of the procedures, as set forth in above, Council shall not be required to entertain or consider any landowner's curative amendment filed under section 609.1 of the MPC nor shall the Zoning Hearing Board be required to give a report requested under section 909.1 or 916.1 of the MPC subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required above. Upon completion of the procedures as set forth above, no rights to a cure pursuant to the provisions of sections 609.1 and 916.1 of the MPC shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended zoning ordinance for which there has been a curative amendment pursuant to this section.
5. The City and Borough having utilized the procedures as set forth above may not again utilize said procedure for a 36-month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its joint zoning ordinance; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the municipality by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the City or Borough may utilize the provisions of this section to prepare a curative amendment to its ordinance to fulfill said duty or obligation.

PART 13
ZONING HEARING BOARD

§1301. Establishment of Boards.

§1301.1. The City of Washington and Borough of East Washington shall each maintain a separate Zoning Hearing Board, each of whom will be responsible for decisions within their respective municipalities.

§1301.2. The existing Zoning Hearing Board of the City of Washington and the existing Zoning Hearing Board of the Borough of East Washington shall continue to serve.

§1301.3. The word “Board,” when used in this Ordinance shall mean the Zoning Hearing Board of the City of Washington and/or the Zoning Hearing Board of the Borough of East Washington. Both Boards shall be governed by the same parameters as outlined herein.

§1302. Membership and Terms.

§1302.1. The City of Washington Zoning Hearing Board shall consist of three (3) members who shall be residents of the City, to be appointed by City Council for terms of three (3) years each.

§1302.2. The Borough of East Washington Zoning Hearing Board shall consist of three (3) members who shall be residents of the Borough, to be appointed by Borough Council for terms of three (3) years each.

§1302.3. Appointments shall be so established that the term of office of no more than one (1) member of the Board shall expire each year. Members of the Board shall hold no other elected or appointed office in the municipality nor be an employee of the municipality.

§1302.4. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant. The Board Chairperson shall promptly notify Council when vacancies exist.

§1302.5. Any board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the governing body 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.

§1302.6. Alternate Members.

- A. Council may appoint at least one (1) but no more than three (3) residents of the City to serve as alternate members of the Board.
- B. Council may appoint at least one (1) but no more than three (3) residents of the Borough to serve as alternate members of the Board.
- C. The term of office of an alternate member shall be three (3) years.

- D. When seated as a member, the alternate member 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 proceedings. Designation of an alternate pursuant to this subsection shall be made by the Chairperson of the Zoning Hearing Board on a case-by-case basis in rotation according to declining seniority among all alternates.

§1302.7. Participation by Alternate Members. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case.

§1303. Proceedings of the Board.

§1303.1. The Zoning Hearing Board shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Chapter. Meetings shall be held at the call of the Chairperson or, in his absence, the Acting Chairperson. The Chairperson or Acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

§1303.2. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if a member is absent or fails to vote, an indication of such fact, and shall keep records of its examinations and other official actions, all of which shall be public record.

§1304. Hearings.

§1304.1. Initiating Action Before the Board. All action before the Board shall be initiated by a written application for a hearing which shall be filed with the Zoning Officer at least thirty (30) days prior to the meeting at which the matter is to be heard. All applications shall be made on forms provided by the municipality. No application shall be accepted unless all exhibits and supplemental material required by the application shall be attached and until all fees required shall have been paid.

§1304.2. Hearing Schedule. The Board may conduct hearings and make decisions at any regular or special meeting. A hearing shall commence within 60 days of the filing of an administratively complete application, unless the applicant has agreed in writing to an extension of the time.

§1304.3. Notification of Hearing.

- A. The municipality shall give public notice in a newspaper of general circulation describing the time and place of the hearing and the particular nature of the matter to be considered in conformance with the MPC.

- B. The municipality shall give written notice to the applicant and persons who have made a timely request for notice of such hearing.
- C. The Zoning Officer shall conspicuously post notice of said hearing on the affected tract of land no less than seven (7) days prior to the date of the hearing.

§1305. Zoning Hearing Board Decisions.

- A. The Zoning Hearing Board shall render a decision or, when no decision is called for, make written findings on the application in accordance with the requirements of the MPC and within 45 days after the last hearing before the Zoning Hearing Board. Where 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 provisions of this Chapter, or any other land use ordinance, rule or regulation or any provision of the MPC shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- B. A copy of the final decision or, when no decision is called for, of the findings, shall be delivered personally or mailed to the applicant no later than the day following its date.

§1306. Jurisdiction of the Zoning Hearing Board.

§1306.1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications on the following matters:

- A. Substantive challenges to the validity of this Chapter or the Subdivision and Land Development, except those challenges brought before Council pursuant to §609.1 and §916.1(a)(2) of the MPC.
- B. Appeals from the determination of the zoning officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- C. Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- D. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.
- E. Appeals from the Zoning Officer's determination under §916.2 of the MPC.
- F. Applications for special exceptions in accordance with §801 of this Chapter and flood hazard ordinance or such provisions within a land use ordinance.

- G. Applications for variances from the terms of this Chapter, in accordance with §1307 this Chapter and flood hazard ordinance or such provisions within a land use ordinance.

§1307. Variances.

§1307.1. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant.

§1307.2. Application for a variance shall be made in writing on the prescribed form obtained from the Zoning Officer. The Zoning Officer shall forward the application to the Board, which shall determine the time and place of the hearing.

§1307.3. Requests for a variance may be filed only by a landowner or any tenant with the permission of such landowner.

§1307.4. A variance from the terms of this Chapter shall not be granted by the Zoning Hearing Board unless:

- A. 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 circumstances and conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.
- B. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. Such unnecessary hardship has not been created by the applicant.
- D. 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 of adjacent property, nor be detrimental to the public welfare.
- E. 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.

§1307.5. Review by Planning Commission. The Zoning Hearing Board may request the review and comments of the Planning Commission on any variance application, which shall be made part of the public record.

§1307.6. Conditions. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the MPC.

§1307.7. Expiration. The grant of a variance shall expire one (1) year after the date of the Zoning Hearing Board's written decision unless (a) the applicant has applied for and obtained a building permit and commenced construction, or (b) in the case where the variance does not require the issuance of a building permit, the applicant has applied for and obtained an occupancy permit and has commenced the use which is the subject of the variance.

§1308. Appeals.

§1308.1. Appeals may be filed with the Board in writing by the landowner affected, by any officer or agent of the City or Borough or any person aggrieved.

§1308.2. 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 an appropriate City or Borough officer, agency or body, 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 by the knowledge of his predecessor interest.
- B. Any appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.
- C. Information Required On Appeals to the Board. All appeals from a decision of the Code Officer and applications to the Board shall be in writing on forms prescribed by the Board. Every appeal or application shall include the following:
 - 1. The name and address of the applicant, or appellant.
 - 2. The name and address of the owner of the zone lot to be affected by such proposed change or appeal.
 - 3. A brief description and location of the zone lot to be affected by such proposed change or appeal.
 - 4. A statement of the present zoning classification of the zone lot in question, the improvements thereon and the present and the present use thereof.
 - 5. A statement of the section of this Chapter under which the appeal is made, and reasons why it should be granted, or a statement of the Section of this Chapter governing the situation in which the alleged erroneous ruling is being appealed, and the reason for appeal.
 - 6. A reasonably accurate description of the present improvements, and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected,

indicating the location and size of the lot and size of improvements thereof and proposed to be erected thereon.

§1309. Stay of Proceedings.

§1309.1. Upon the filing of proceedings before the Zoning Hearing Board appealing a determination of the Zoning Officer, challenging an ordinance or requesting a variance or special exception, and during the pendency of such proceedings before the Board, 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 thereunder 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 Washington County Court of Common Pleas, on petition, after notice to the Zoning Officer or other appropriate agency or body.

§1309.2. 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 Zoning Hearing Board by persons other than the applicant, the applicant may petition the Washington County Court of Common Pleas to order such persons to post a bond as a condition to continuing the proceedings before the Zoning Hearing Board, pursuant to provisions of the MPC.

APPENDICES

APPENDIX A: LIST OF RECOMMENDED PLANT SPECIES

All plant materials shall be of a type selected from the list below or a suitable equivalent as approved by the City or Borough.

STREET TREES

ACER RUBRUM COLUMNARE “Armstrong” (Armstrong Columnar Red Maple)
GINKGO BILOBA (male) (Maidenhair Tree)
GLEDITSIA TRIACANTHOS INEMIS “Shademaster” (Thornless Honeylocust)
MALUS “Centurion” (Flowering Crabapple)
PLATANUS ACERIFOLIA (London Plane)
PRUNUS X INCAM “Okame” (Okame Cherry)
PRUNUS SARGENTIL “Columnaris” (Sargent Cherry)
QUERCUS BOREALIS (Red Oak)
QUERCUS COCCINEA (Scarlet Oak)
QUERCUS PHELLOS (Willow Oak)
QUERCUS ROBUR FASTIGIATA (Pyramidal English Oak)
QUERCUS RUBRA (Red Oak)
SYRINGA RETICULATA “Ivory Silk” (Japanese Tree Lilac)
TILIA CORDATA “Greenspire” (Little Leaf Linden)
TILIA EUCHLORA (Crimean Linden)
ULMUS PARVIFOLIA (Chinese Elm)
ZELKOVA SERRATA “Village Green” (Japanese Zelkova)

EVERGREEN TREES

CHAMAECYPARIS THYOIDES (Atlantic White Cedar)
ILEX OPACA (American Holly)
JUNIPERUS VIRGINIANA (Eastern Red Cedar)
PICEA GLAUCA (White Spruce)
PICEA PUNGENS (Blue Spruce)
PINUS ECHINATA (Shortleaf Pine)
PINUS RESINOSA (Red Pine)
PINUS RIGIDA (Pitch Pine)
PINUS STROBUS (White Pine)
PINUS VIRGINIANA (Virginia Pine)
THUJA OCCIDENTALIS (Eastern Arborvitae)
TSUGA CANADENSIS (Eastern Hemlock)

ORNAMENTAL TREES

AMELANCHIER SP. (Serviceberry)
CERCIS CANADENSIS (Eastern Redbud)
CARPINUS CAROLINIANA (American Hornbeam)
MALUS SP. (Crabapple)
COTINUS SP. (Smoke Tree)
CRATAEGUS SP. (Hawthorn)
CORNUS MAS (Cornelian Cherry)
LAGERSTROEMIA INDICA (Crapemyrtle)
PRUNUS VIRGINIANA 'SCHUBERT' (Schubert Cherry)

CITY OF WASHINGTON & BOROUGH OF EAST WASHINGTON MULTI-MUNICIPAL ZONING ORDINANCE

SYRINGA RETICULATE (Japanese Tree Lilac)
PRUNUS CERASIFERA (Purpleleaf Plum)
PRUNUS 'Okame' (Okame Cherry)
PRUNUS PADUS (European Birdcherry)
PRUNUS SARGENTII (Sargent Cherry)
PRUNUS SERRULATA 'Kwanzan' (Japanese Flowering Cherry)
PRUNUS X YEDOENSIS (Yoshino Cherry)

SHRUBS - EVERGREEN

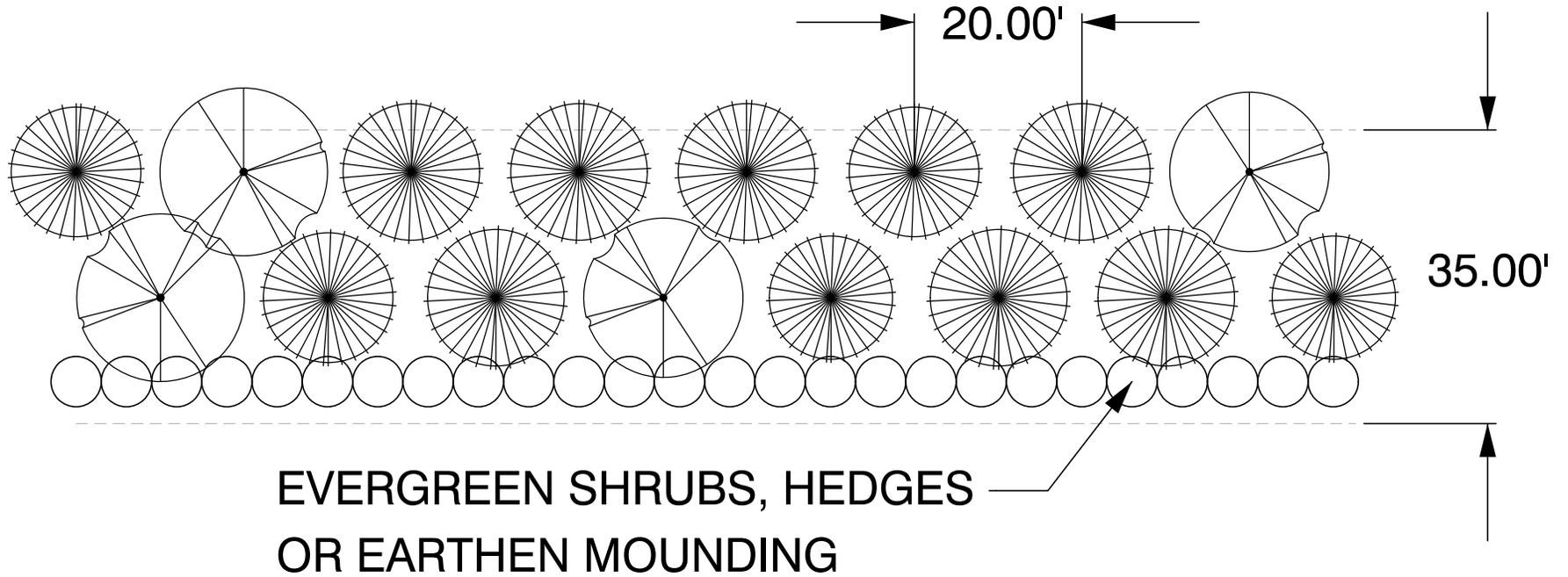
ILEX GLABRA (Inkberry Holly)
JUNIPERUS COMMUNIS (Juniper)
KALMIA ANGUSTIFOLIA (Sheep Laurel)
KALMIA LATIFOLIA (Mountain Laurel)
(MORELLA CAROLINIENSIS (Swamp Bayberry)
RHODODENDRON MAXIMUM (Rosebay Rhododendron)
TAXUS CANADENSIS (Canada Yew)

SHRUBS – DECIDUOUS

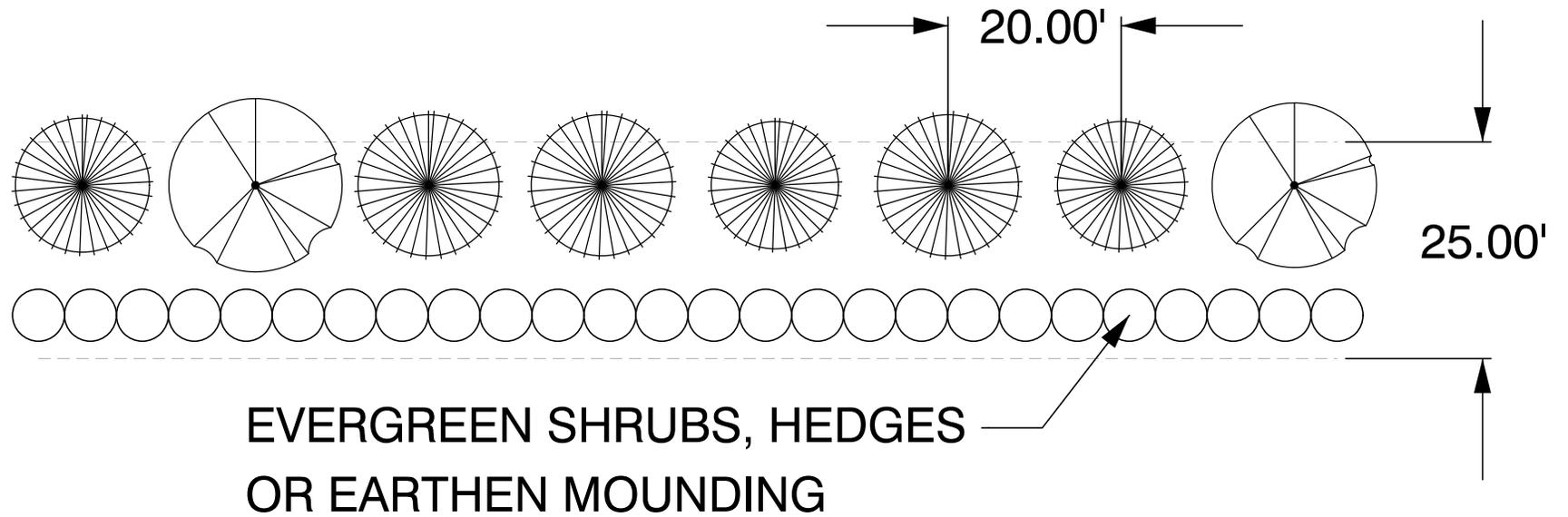
ALNUS SERRULATA (Hazel Alder)
ARONIA ARBUTIFOLIA (Red Chokeberry)
ARONIA MELANOCARPA (Black Chokeberry)
CALYCANTHUS FLORIDUS (Sweetshrub)
CEANOTHUS AMERICANUS (New Jersey Tea)
CEPHALANTHUS OCCIDENTALIS (Buttonbush)
CLETHRA ALNIFOLIA (Summersweet)
COMPTONIA PEREGRINA (Sweetfern)
CORNUS AMOMUM (Silky Dogwood)
CORNUS RACEMOSA (Gray Dogwood)
CORNUS SERICEA (Red Osier Dogwood)
CORYLUS AMERICANA (American Hazelnut)
DIRCA PALUSTRIS (Leatherwood)
GAYLUSSACIA BACCATA (Black Huckleberry)
GAYLUSSACIA FRONDOSA (Blue Huckleberry)
HYDRANGEA ARBORESCENS (Smooth Hydrangea)
HYPERICUM DENSIFLORUM (St. Johnswort)
HYPERICUM PROLIFICUM (Shrubby St. Johnswort)
ILEX LAEVIGATA (Smooth Winterberry)
ILEX VERTICILLATA (Winterberry Holly)
ITEA VIRGINICA (Virginia Sweetspire)
LEUCOTHOE RACEMOSA (Fetterbush)
LINDERA BENZOIN (Spicebush)
MYRICA PENNSYLVANICA (Northern Bayberry)
PHYSOCARPUS OPULIFOLIUS (Ninebark)
POTENTILLA FRUTICOSA (Cinquefoil)
PRUNUS MARITIMA (Beach Plum)
RHODODENDRON ARBORESCENS (Sweet Azalea)
RHODODENDRON ATLANTICUM (Coast Azalea)
RHODODENDRON
CALENDULACEUM (Flame Azalea)

CITY OF WASHINGTON & BOROUGH OF EAST WASHINGTON MULTI-MUNICIPAL ZONING ORDINANCE

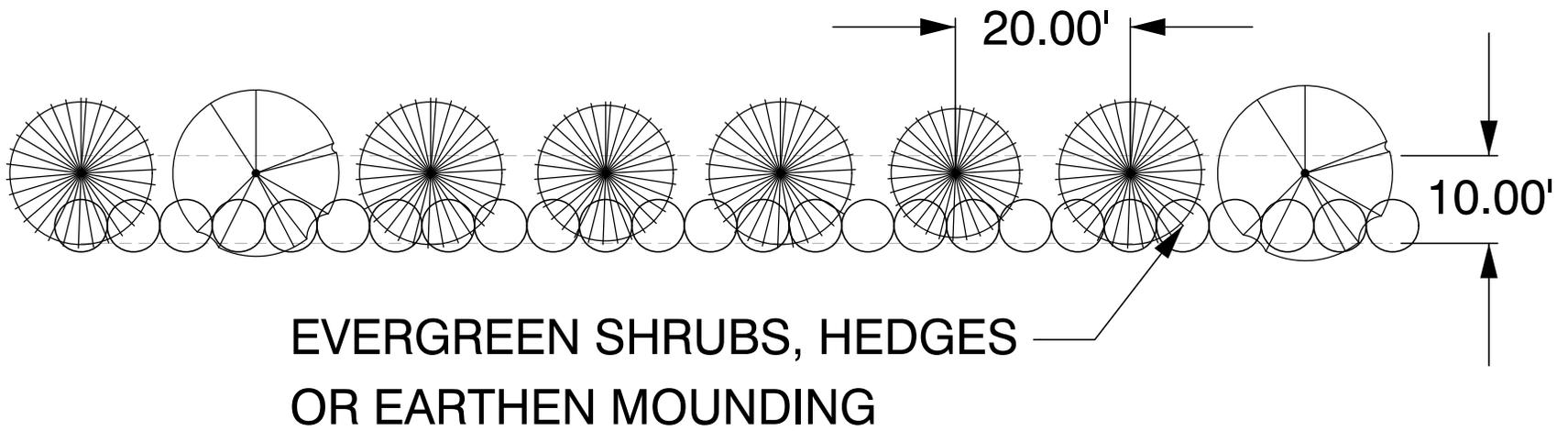
RHODODENDRON CANADENSE (Rhodora)
RHODODENDRON CANESCENS (Piedmont Azalea)
RHODODENDRON
PERICLYMENOIDES (Pinxterbloom Azalea)
RHODODENDRON VISCOSUM (Swamp Azalea)
RHUS AROMATICA (Fragrant Sumac)
RHUS COPALLINA (Flameleaf Sumac)
RHUS GLABRA (Smooth Sumac R. typhina)
RHUS HIRTA(Staghorn Sumac)
RIBES AMERICANUM (Black Currant)
RIBES ROTUNDIFOLIUM (Eastern Gooseberry)
ROSA CAROLINA (Pasture Rose)
ROSA PALUSTRIS (Swamp Rose)
RUBUS ODORATUS (Purple Flowering Raspberry)
RUBUS STRIGOSUS (American Red Raspberry)
SALIX HUMILIS (Prairie Willow)
SSP. CANADENSIS SAMBUCUS NIGRA (Elderberry)
SAMBUCUS RACEMOSA (Red Elderberry)
SPIRAEA ALBA (White Meadowsweet)
SPIRAEA TOMENTOSA (Steeplebush)
STAPHYLEA TRIFOLIA (American Bladdernut)
SYMPHORICARPOS ALBUS (Snowberry)
SYMPHORICARPOS ORBICULATUS (Coralberry)
VACCINIUM ANGUSTIFOLIUM (Lowbush Blueberry)
VACCINIUM CORYMBOSUM (Highbush Blueberry)
VACCINIUM PALLIDUM Early (Lowbush Blueberry)
VACCINIUM STAMINEUM (Deerberry)
VIBURNUM ACERIFOLIUM (Mapleleaf Viburnum)
VIBURNUM DENTATUM (Arrowwood Viburnum)
VIBURNUM NUDUM (Possumhaw Viburnum)
VIBURNUM TRILOBUM (American Cranberrybush Vib.)
YUCCA FILAMENTOSA (Adam's Needle)



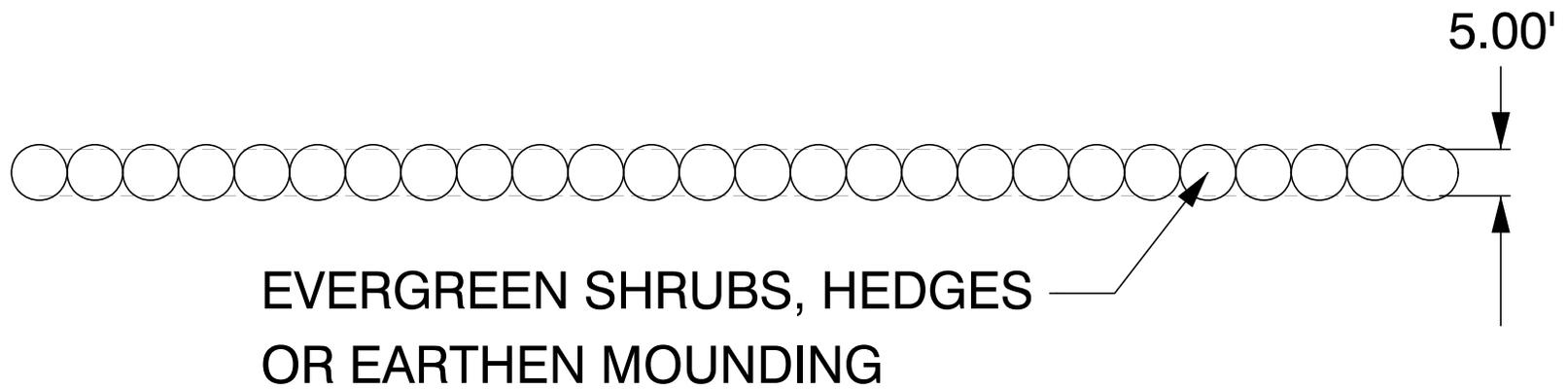
BUFFERYARD A



BUFFERYARD B



BUFFERYARD C



BUFFERYARD D

OFFICIAL ZONING MAP

City of Washington & Borough of East Washington
Washington County, Pennsylvania

Legend

-  Municipal Boundary
-  State Road
-  Railroad
-  Bridge
-  Water Feature

Zoning Districts

-  C - Conservation
-  R1 - Low Density Residential
-  R1A - Single Family Residential
-  R2 - Medium Density Residential
-  R2A - Two Family Residential
-  R3 - Multi-Family Residential
-  T1 - Transitional District
-  CBD - Central Business District
-  GB - General Business
-  ED - Education District
-  MD - Medical District
-  D - Development District

Overlay Districts

-  East Washington Historic District
-  Airport Overlay

SOUTH STRABAN
TOWNSHIP

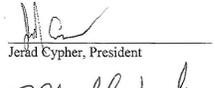
CANTON
TOWNSHIP

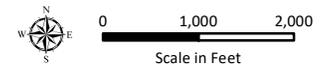
CITY OF WASHINGTON

EAST WASHINGTON
BOROUGH

This is to certify that this is the Official Zoning District Map referred to in Article III of Ordinance Number 1890, Bill 5 of 2017 of the City of Washington and Ordinance Number 534 of 2017 of the Borough of East Washington, as enacted on April 3, 2017.


Jerad Cypher, President
City of Washington Mayor


Mull & Lamb
Borough of East Washington Mayor



 Mackin

GIS data provided by:
PASDA, SPC, and the Redevelopment
Authority of the County of Washington (RACW)