

**TOWNSHIP of WASHINGTON
ORDINANCE NO. 277**

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

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

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

WHEREAS, the Supervisors submitted the proposed amendments to the Washington Township Planning Commission by correspondence dated August 26, 2011 for review and comment as required by the Washington Township Code and the MPC; and

WHEREAS, the Washington Township Planning Commission met on September 20, 2011 to consider the proposed amendments; and

WHEREAS, the Supervisors submitted the proposed amendments to the Lehigh Valley Planning Commission for review and comment by correspondence dated August 26, 2011 as required by Section 609(e) of the MPC; and

WHEREAS, the Supervisors advertised the public hearing and notice of intent to adopt the proposed amendments to the Zoning Ordinance on September 28, 2011 and October 5, 2011 as provided by the Washington Township Code, the MPC, and the Pennsylvania Second Class Township Code; and

WHEREAS, the Supervisors held a public hearing pursuant to public notice on the proposed amendments on October 12, 2011 as required by Section 609(b) of the MPC; and

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

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

SECTION 1. General Provisions. The Zoning Ordinance of Washington Township is hereby amended as set forth below, such amendment being adopted and incorporated in the official ordinance books by reference with the same force and effect as if duly recorded therein.

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 All ordinances, code sections, or parts thereof in conflict herewith are hereby repealed to the extent of such conflicts.

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

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

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

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

“Agricultural Products - Includes, but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; aquaculture products (fish, fish products, water plants, and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

Agricultural Tourism, Ag-tourism and/or Agri-tourism - The practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, Winery, Microbrewery, vineyard, greenhouse, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

Agriculturally Related Products - Items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Pennsylvania and value-added agricultural products and production on site.

Agriculturally Related Uses - Those activities that predominantly use agricultural products, buildings, or equipment, such as pony rides, corn mazes, pumpkin rolling, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.

Farm - The growing of one or more agricultural products and/or livestock. A Farm may include agriculture, animal husbandry, greenhouses, nursery uses, orchards, vineyards, wineries, and

microbreweries and may also include a single-family dwelling unit as an accessory use to the principal Farm use of the lot or property.

Microbrewery - A facility licensed by the Pennsylvania Liquor Control Board comprising the building or buildings where malt or brewed beverages are manufactured on site including, without limitation, bottling, blending, bulk and bottle storage, aging, shipping, receiving, laboratory equipment and maintenance facilities, sales and administrative office functions, and may include one or more Tasting Areas, Promotional Events, and Social Events. A Microbrewery may sell, transport and deliver malt beverages to various off-site locations as permitted by the Pennsylvania Liquor Control Board.

Non-Agriculturally Related Products - Those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc. The sale of Non-Agriculturally Related Products shall be an accessory use incidental to the use of a property as a Farm, Winery, or Microbrewery.

Non-Agriculturally Related Uses - Activities that are an accessory use to an Agricultural Tourism use but not tied to farming or the farm's buildings, equipment, fields, etc.

Promotional Event - An event of limited duration which shall be an accessory use to a Winery or a Microbrewery, sponsored by the property owner, an association of agricultural property owners, or similar organizations formed to promote and assist Wineries and Microbreweries including, without limitation, the promotion and sale of malt or brewed beverages, wines and agricultural products. Such events may include, without limitation, "winemaker's dinners. Promotional Events may have temporary signs in accordance with the provisions of Section 6.5 of this Ordinance.

Social Event - An event of limited duration that is an accessory use to a Winery or Microbrewery such as weddings, barn dances, banquet facilities, class reunions, business conferences and seminars, political meetings, and other similar social events provided, however, a Social Event shall be an accessory use to a Winery or a Microbrewery use. Social Events may have temporary signs in accordance with the provisions of Section 6.5 of this Ordinance.

Swimming Pool - A body of water or receptacle for water having a depth at any point greater than twenty four (24") inches which is primarily used or intended to be used for swimming or bathing.

Tasting Area - An area licensed by the Pennsylvania Liquor Control Board which is part of a Winery or Microbrewery where the general public may sample, consume and/or purchase wine, malt, or brewed beverages produced or bottled on site and where other food products associated with wine, beer, or brewed beverages may be sampled, consumed, and/or purchased. A tasting area shall be an accessory use to a Winery or Microbrewery and may include the sale of Non-Agriculturally Related Products, Agricultural Products, or Value Added Agricultural Products directly to the consumer.

Value-Added Agricultural Product - The enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to, marketing, agricultural processing, transforming, or packaging, education presentation, activities and tours.

Winery - A winery facility licensed by the Pennsylvania Liquor Control Board comprising the building or buildings used to convert fruit juices (all or part of which are produced on the property) to wine, and to age, bottle, store, distribute and sell said wine including, without limitation, the crushing of grapes, berries and other fruits and fermentation, storage and bottling of wine from fruit grown on or off the premises.. A Winery, for the purposes of this section, includes crushing, fermenting and refermenting, bottling, blending, bulk and bottle storage, aging, shipping, receiving, laboratory equipment and maintenance facilities, sales, and administrative office functions, and may include one or more tasting areas, Promotional Events, and Social Events."

2. **Amendment of Section 2.1 B.12.** Amend Section 2.1 B.12 to read as follows:

Agricultural Industries - Agricultural Industries include: (i) the processing, treating, packing or storing of agricultural products; (ii) the sale of tractors and farm related equipment; (iii) the sale of fertilizers, feed, seed and other products necessary for or involved in the operation of a Farm; and (iv) feed mills. A Winery and/or a Microbrewery shall not be deemed to be an agricultural industry. Commercial livestock operations involving swine, poultry, mink, and other animals and/or other uses likely to produce highly offensive odors and/or which require on-site

facilities to provide sanitation and/or treatment of animal wastes shall be considered agricultural industry.”

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

“**Agriculture** - The raising, keeping, and production of agricultural products on a Farm for any commercial purpose.”

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

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

1. Agriculture
2. Animal Hospital*,**
3. Animal Husbandry*
4. Commercial Forestry*,**
5. Farm* Ord 272 April 2010
6. Forest
7. Golf Course*,**
8. Kennel*,**
9. Liquefied Petroleum Gas Storage and Distribution Facilities*,** Ord 200 June 1998
10. Mobile Home on Permanent Foundation**
11. Nursery/Greenhouse**
12. Park
13. Picnic Grove*,**
14. Private Use Heliport or Helistop for Type 3 Helicopters*
Ord 261 February 2008
15. Private Use Airport or Airstrip Solely for Ultra Light Aircraft* Ord 261 February 2008
16. Riding Stable*,**
17. Single Family Detached Dwelling
18. Swimming Club*,**
19. Tennis Club*,**
20. Wildlife Sanctuary*
21. Winery*
22. Microbrewery*

*See Section 3.12 for additional requirements.

**Site Plan Review required (see Section 4.8).”

5. **Amendment of Section 3.6 E.** Amend and restate Section 3.6 E to read as follows:

“Lot Area, Width, Building Coverage, and Height Regulations. Each of the following dimensional requirements shall apply to each use in the Agricultural District, except as specifically provided for in this Ordinance:

Principal Use	Minimum Lot Area* (sq. ft.)	Minimum Lot Width** (feet)	Maximum Land Coverage (%)		Maximum Structure Height Feet
			By Structures	By Total Impervious Cover	
Animal Husbandry	(5 acres) 217,800	400	5	10	70
Farm	(5 acres) 217,800	400	5	10	70
Winery	25 acres	400	10	15	70
Microbrewery	10 acres	400	10	15	70
Any Other Use -With On-Lot Sewer & On-Lot Water	65,340	150	15	20	35
-With On-Lot Sewer & Centralized Water	40,000	125	15	25	35
-With Centralized Sewer & Centralized Water	30,000	100	20	30	35

*Per dwelling unit for residential uses.

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

6. **Amendment of Section 3.12 B.** Amend Section 3.12 B to amend and restate Section 8 and add new Sections 20 and 21, as follows:

“8. **Farm.** A farm shall comply with all of the cumulative lot area and cumulative land coverage requirements of Section 3.12 for an Agricultural Use, Animal Husbandry Use, Greenhouse/Nursery, Orchard, Vineyard, Winery, and Microbrewery Uses and Single Family Dwelling Use that are located on the parcel. A Farm Use shall be considered one Principal Use.

20. **Permitted Uses and Structures for Wineries.**

- (1) Crushing or pressing of grapes outside or within a structure;
- (2) Fermenting wine;
- (3) Aging wine;
- (4) Processing and blending wine;
- (5) Bottling and labeling of wine;
- (6) Storage of wine in vats, barrels, bottles or cases;
- (7) Wine caves and on-site wine cellars;
- (8) Laboratory and administrative offices provided that they are subordinate to the primary operation of the winery as a production facility;
- (9) Shipping, receiving and distribution of wine and wine ingredients;
- (10) Refrigeration systems;
- (11) Composting of grape products and other agricultural wastes generated and/or produced on-site by the winery;
- (12) Equipment storage, storage of agricultural and processing machinery and equipment, and truck parking, provided that they are subordinate to the primary operation of the winery as a production facility;
- (13) Agricultural Tourism;
- (14) Promotional Events;
- (15) Social Events;
- (16) Retail Sales of wine and promotional items at a wine tasting area;
- (17) Outdoor and/or indoor eating areas which form part of and/or are integrated with a Tasting Area licensed by the Pennsylvania Liquor Control Board;
- (18) Catering and food service facilities to be used only for Promotional Events or Social Events;
- (19) Display and sales of art and historical items that reflect the history of the wine industry;
- (20) Agriculturally Related Uses;
- (21) Non-Agriculturally Related Uses;
- (22) Seasonal Roadside Produce Market; and
- (23) The sale of Value-Added Agriculturally Products, Agricultural Related Products, and Non-Agriculturally Related Products.

21. Permitted Uses and Structures for Microbreweries.

- (1) Facilities for the brewing and manufacturing of malt and brewed beverages;
- (2) Fermenting malt and brewed beverages;
- (3) Aging malt and brewed beverages;

- (4) Processing and blending malt and brewed beverages;
- (5) Bottling and labeling of malt and brewed beverages;
- (6) Storage of malt and brewed beverages in vats, barrels, bottles or cases;
- (7) On-site beer, malt, and brewed beverage consumption areas including outdoor and/or indoor eating areas which form part of and/or are integrated with a Tasting Area licensed by the Pennsylvania Liquor Control Board;
- (8) Laboratory and administrative offices provided that they are subordinate to the primary operation of the microbrewery as a production facility;
- (9) Shipping, receiving and distribution of malt and brewed beverages and malt and brewed beverage ingredients;
- (10) Refrigeration systems;
- (11) Composting of malt and other agricultural wastes generated and/or produced on-site by the microbrewery;
- (12) Equipment storage, storage of agricultural and processing machinery and equipment, and truck parking, provided that they are subordinate to the primary operation of the microbrewery as a production facility;
- (13) Agricultural Tourism;
- (14) Promotional Events;
- (15) Social Events;
- (16) Retail Sales of malt and brewed beverages and promotional items at a beer, malt, or brewed beverage Tasting Area;
- (17) Catering and food service facilities to be used only for Promotional Events or Social Events;
- (18) Display and sales of art and historical items that reflect the history of the malt and brewed beverage industry;
- (19) Agriculturally Related Uses;
- (20) Non-Agriculturally Related Uses;
- (21) Seasonal Roadside Produce Market; and
- (22) The sale of Value-Added Agriculturally Products, Agricultural Related Products, and Non-Agriculturally Related Products.”

7. **Amendment of Section 3.14.** Amend Section 3.14 to add the following provisions:

“3.14. **ACCESSORY USES.**

C. Special Standards

10. **Noncommercial Swimming Pool** - A noncommercial swimming pool designated to contain a water depth greater than 24 inches shall not be located, constructed, or maintained on any lot or land area except in conformity with the following requirements:

a. **Permit.** A Zoning Permit shall be required to locate, construct or maintain a noncommercial swimming pool.

b. **Location.** No pool shall be located in front of the principal building. No above or in-ground pool shall be located within ten (10') feet of a side or rear lot line or under any electrical lines, or over any on-lot sewage disposal field or system. No portion of any walkway or pool appurtenance structure shall be closer than ten (10') feet to any lot line.

(NOTE: PA DEP regulations require that the isolation distance from the septic drain field be a minimum of 10 feet)

c. **Fence.** Every in-ground noncommercial swimming pool shall be entirely enclosed with a good quality chain link, wooden or equivalent fence of not less than four (4') feet in height. Above ground pools on any lot shall not require a fence if the wall of the pool is a minimum of four (4') feet above ground level, but shall require a lockable gate to any pool access platform or ladder or have a removable ladder. All pools must comply with the Pennsylvania Uniform Construction Code barrier requirements for swimming pools.

d. **Drainage.** The draining of all pools shall comply with Section 5.1 of this Ordinance.

e. **Noise.** No loudspeaker or amplifying device shall be permitted which will project sound beyond the boundaries of the property or lot where such pool is located.

f. **Lighting.** No lighting or sport light shall be permitted which will shine directly upon or beyond the bounds of the property or lot where such pool is located.

(NOTE: The PA Uniform Construction Code permits and inspections are required for electrical, plumbing and barrier compliance)

12. **Residential Accessory Building, Structure or Use** - Permitted residential accessory buildings, structures or uses include:

a. **Parking Spaces.** Shall comply with Article 7.

b. **Fences and Walls.**

1) Fences and walls in the required side and rear yard areas shall not exceed six (6') feet in height (except tennis court fences which shall not exceed ten (10') feet in height), and may be located on a lot line or easement line, but not within any designated easement or within any ultimate right-of-way.

2) Fences or walls placed in the required front yard shall not exceed five (5') feet in height and may be located on a lot line or easement line, but not within any designated easement or within an ultimate right-of-way.

c. Structures.

1) Structures (such as garages, bathhouses, greenhouses, and storage sheds) are permitted to be up to 1,200 square feet in area, for principal structures of 2,400 square feet or less. For any principal structure larger than 2,400 square feet, the accessory building(s) shall not exceed fifty (50%) percent of the square footage of living area;

2) Structures shall not exceed twenty (20') feet in height; and

3) Structures shall not be located in front of nor within ten (10') feet of the principal building, not within ten (10') feet of a side lot line, nor within ten (10') feet of a rear lot line, and no structure shall be located within any drainage/utility easement or within any ultimate right-of-way.

4) Residential Accessory Structures shall not be used for any Commercial Use other than those permitted under Home Occupation.

15. Temporary Structure - A temporary permit may be issued by the Zoning Officer for structures or uses necessary during construction or other special circumstances of a non-recurring nature and for Social Events and Promotional Events subject to the following additional provisions:

a. Duration. The life of such permit shall not exceed one (1) year and may be renewed for a aggregate period of not more than two (2) years, provided, however, temporary structures for Social Events and/or Promotional Events at a Winery or Microbrewery may be renewed without limitation.

b. Removal. Such structure or use shall be removed completely upon expiration of the permit without cost to the Township."

8. Amendment of Section 4.2. Amend Section 4.2 to read as follows:

“4.2. PRINCIPAL BUILDING/PRINCIPAL USES

(b) Two or more on a lot.

Two or more principal buildings and/or principal uses shall be permitted on a lot or property used as a Farm, Winery, or Microbrewery. Except with respect to a Farm, Winery, or Microbrewery use or uses, two or more principal buildings and/or principal uses on a lot or property shall only be permitted as a planned development and shall conform to:

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

9. **Amendment of Section 4.9.** Amend Section 4.9 to read as follows:

“Storage of Unregistered Vehicles. No Motor vehicle that does not display current State registration and/or current State safety inspection shall be located in front of the principal building on any lot in any Zoning District.

Motor vehicles may be stored on the side of a principal building, provided the vehicle is screened so as not to be seen for any adjoining property or the public street, otherwise all unlicensed and uninspected vehicles, permitted by Section A and B, below, shall be located to the rear of the principal building, but shall not be within any side or rear yard requirement for the district in which it is located.

Exception: Vehicles for farm use, in accordance with State regulations, are exempt from Section 4.9.

A. **Residential Districts.** Except as specifically permitted by this Ordinance, not more than one (1) motor vehicle that does not display both current State registration and safety inspection stickers shall be parked or stored in any way on any lot within a residential district.

B. **Nonresidential District.** Except as specifically permitted by this Ordinance (as an auto sales use or auto repair garage) a maximum of two (2) motor vehicles that do not display both current State registration and safety

inspection stickers shall be parked or stored in any way on any lot in a district other than a residential district.”

10. **Amendment of Section 5.3.** Amend Section 5.3 to read as follows:

“Steep Slopes.

A. **Slopes of 25 Percent or More.** Slopes of twenty-five (25%) percent or more shall remain in open space but shall be included in the minimum lot area for the use in question.

B. **Slopes in Excess of 15 Percent.** Any portion of a required lot area which is in slopes of fifteen (15%) but less than twenty-five (25%) percent shall be included in the minimum lot area for the use in question but shall be required to submit a Grading Plan with the application for a Zoning Permit.”

11. **Amendment of Section 6.1.** Amend Section 6.1.B.2.a to read as follows:

“a. Any temporary or seasonal sign.”

12. **Amendment of Section 6.5.A.1.** Amend Section 6.5.A.1 to add a new Section as follows:

“e. Promotional and Social Event Signs. A temporary on-premises sign may be permitted announcing Promotional and/or Social Events to be held at a Winery or Microbrewery for a total period not to exceed fifteen (15) consecutive days for each such event provided that the sign is removed within seven (7) days of the conclusion of the Promotional or Social Event.

13. **Amendment of Section 6.5 to Add New Section.** Amend Section 6.5 to add a new Section 6.5.A.4 as follows:

“4. Agricultural, Farming, Winery, and Microbrewery Signage. A Farm, Agricultural Industrial use, Agricultural Tourism use, Winery, and/or Microbrewery shall be limited to the following permanent signs:

- a. Freestanding signs for each segregated use on the property in question provided that each freestanding sign is separated by at least 200 linear feet and is located in close proximity to an entrance driveway.

- b. Parallel signs.
- c. Projecting signs.
- d. Window signs.
- e. Off premises signs.
- f. Temporary Signs permitted by Section 6.5 of this Ordinance.

All signs shall comply with the sign area regulations set forth in Table 6.1 provided that the maximum area of any such freestanding sign shall not exceed 150 square feet per face with double sided freestanding signs permitted.”

14. Amendment of Table 7.1. Amend Table 7.1.A, Off -Street Parking Requirements, to read as follows:

“A. AGRICULTURAL USES

USE	ONE (1) OFF-STREET PARKING SPACE REQUIRED FOR EACH	PLUS ONE (1) OFF-STREET PARKING SPACE REQUIRED FOR EACH
1. Agriculture	Employee	----
2. Animal Hospital/ Veterinarian	Employee	0.5 Doctor (4 spaces per Doctor)
3. Animal Husbandry	Employee	----
4. Greenhouse/Nursery	Employee	100 sq. ft*
5. Kennel	Employee	4 animals of capacity
6. Riding Stable	Employee	4 animals of capacity
7. Seasonal Roadside Produce Stand	Employee	100 sq. ft.*
8. Agricultural Industries	Employee	300 sq. ft. of accessible space*
9. Winery	Employee	1 for every 200 sq. ft. of accessible space*
10. Microbrewery	Employee	1 for every 200 sq. ft. of accessible space*
11. Social Events	Employee	1 space per 4 persons of total capacity

E. RETAIL AND COMMERCIAL SERVICE USES.

- | | | |
|-----|---|---------------------------------------|
| 4. | Fast Food Restaurant Employee | 1 per 50 sq. ft. of accessible space* |
| 10. | Restaurant (sit down),
Tavern Employee | 1 per 58 sq. ft. of accessible space* |

15. **Amendment of Section 7.3.** Amend Section 7.3 by adding a new Section J as follows:

“J. Parking for Promotional and/or Social Events.

Parking for Social and/or Promotional Events may be on temporary surfaces such as a mowed farm field accessible to conventional automobiles and such temporary parking facilities shall comply with the design standards set forth in Section 7.3.A and E provided that the duration of each Social Event and/or Promotional Event shall not be longer than 14 consecutive days.”

ENACTED AND ORDAINED by the Board of Supervisors of Washington Township, Northampton County, Pennsylvania on this 12th day of October, 2011.

WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS

By: _____
David Renaldo, Chairman - ABSENT

By: David Hess
David Hess, Vice Chairman

By: Dan Crafa
Dan Crafa, Supervisor

ATTEST:

Gail Putvinski
Gail Putvinski, Secretary

(TOWNSHIP SEAL)

WASHINGTON TOWNSHIP

Northampton County

1021 Washington Boulevard ~ Bangor, PA 18013

Established
1871

Phone: 610-588-1524
FAX: 610-588-0245

I certify that this is a complete and accurate copy of adopted Ordinance 277.

Gail Putvinski

10/20/11

Gail Putvinski, Secretary/Treasurer