
Westfall Township

Zoning Ordinance

Pike County, Pennsylvania

As Adopted by the Westfall Township Board of Supervisors
on September 5, 2005.

This Ordinance was prepared under the direction of the Westfall
Township Board of Supervisors and Planning Commission.

Ordinance Number 124



This project was assisted by a grant from the
Upper Delaware Council, Narrowsburg, NY 12764

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Community Planning and Zoning Consultant

Urban Research and Development Corporation
Bethlehem, Pennsylvania

WESTFALL TOWNSHIP
PIKE COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 142

An Ordinance Amending the Westfall Township Zoning Ordinance No. 124, adopted September 6, 2005, changing the requirements for political signs to comply with Federal Law.

WHEREAS, under and pursuant to the Second Class Township Code, 53 P.S. 66506, and 66601, the Board of Supervisors may make and adopt any Ordinances, By Laws, Rules and Regulations not inconsistent with or restrained by the Constitution and Laws of this Commonwealth necessary for the proper management, care and control of the Township and its finances and the maintenance of peace, good government, health and welfare of the Township and its citizens, trade, commerce and manufacturers;

WHEREAS, under and pursuant to the Westfall Township Zoning Ordinance, No 124, adopted September 6, 2005, Section 108, the Board of Supervisors may amend, or repeal any or all portions of the Zoning Ordinance on its own motion or after agreeing to hear a written request of any person, entity, land owner or the Planning Commission;

WHEREAS, under and pursuant to the Municipalities Planning Code, 53 P.S. 10609, before voting on the enactment of the amendment, the Board of Supervisors shall hold a public hearing thereon pursuant to public notice; and

WHEREAS, the amendment does not involve a zoning map change and has been submitted to the Westfall Township Planning Commission and the Pike County Planning Commission for recommendation.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Westfall Township, Pike County, Pennsylvania;

1. The preceding Whereas Clauses are hereby incorporated as though same were set forth at length herein;
2. The Ordinance is hereby amended as follows:

FROM: 703 MISCELLANEOUS SIGNS NOT REQUIRING PERMITS. The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article.

Type and definition of signs not requiring permits	Max No. of Signs Per lot	Max Sign area per sign on res. Lot	Max sign area per sign on non-res lot	Other Requirements
<u>Political Sign</u> - advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body	No Maximum	Maximum total of 30 per lot	Maximum total of 60 per lot	Shall be placed a max of 45 days prior to election, vote or referendum and removed a max of 5 days after such election, vote or referendum. Persons posting political signs shall maintain a written list of all locations of such signs, unless posting signs on their own property. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off- premises sign"

To: 703 MISCELLANEOUS SIGNS NOT REQUIRING PERMITS. The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article.

Type and definition of signs not requiring permits	Max No. of Signs Per lot	Max Sign area per sign on res. Lot	Max sign area per sign on non-res lot	Other Requirements
<u>Political Sign</u> - advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body	Max 2 signs per candidate	Maximum total of 32 per lot	Maximum total of 32 per lot	Shall be placed a max of 6 months prior to election, vote or referendum and removed a max of 21 days after such election, vote or referendum. Persons posting political signs shall submit a written disclosure form which includes name, address, phone number, e-mail address and entity or individual responsible for candidate or issue in given campaign. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off- premises sign"

From: 706 LOCATION OF SIGNS. The following shall regulate the location of signs:

706.A Setbacks.

1. All signs shall be setback a minimum of 10 feet from the existing street right-of-way, and shall not be located within the existing street right-of-way. However, a "directional sign" showing entrances and exits may be located without a 10 foot setback.

To: 706 LOCATION OF SIGNS. The following shall regulate the location of signs:

706.A Setbacks.

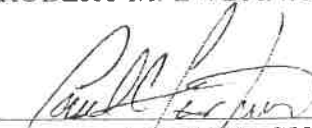
1. All signs shall be setback a minimum of 5 feet from the edge of the macadam or curb line of any public or private road and shall not create a traffic hazard.

This Ordinance shall become effective immediately. Duly enacted and ordained this 7th day of August, 2008 by the Westfall Township Supervisors of the Township of Westfall, County of Pike, and Commonwealth of Pennsylvania in lawful session duly assembled.


JAMES MUIR, CHAIRMAN


LESTER J. BUCHANAN, VICE-CHAIRMAN


ROBERT M. EWBANK, SUPERVISOR


PAUL C. FISCHER, SUPERVISOR


RAYMOND BANACH, SUPERVISOR

ATTEST:


LISA GREEN, SECRETARY

ORDINANCE NUMBER 157

AN ORDINANCE OF WESTFALL TOWNSHIP, PIKE COUNTY, PENNSYLVANIA, AMENDING SECTION 306.B.1 (ALLOWED USES IN EACH ZONING DISTRICT) OF THE WESTFALL TOWNSHIP ZONING ORDINANCE, ORDINANCE NUMBER 124, AS ENACTED ON SEPTEMBER 6, 2005.

BE IT HEREBY ORDAINED AND ENACTED, on the date subscribed herein, by the Board of Supervisors of Westfall Township, Pike County, Pennsylvania, by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," as follows:

Section 306.B.1 of the Westfall Township Zoning Ordinance is hereby amended as follows:

306.B.1 -- Allowed Uses in Each Zoning District

TYPES OF USES

(See definitions in Article 2)

ZONING DISTRICTS

CD R-1 R-2 C-1 C-2 C-3

a. RESIDENTIAL USES

Single Family Detached Dwelling (Note - Manufactured/mobile homes shall meet the additional requirements for such use in Section 402)	P	P	P	P	N	P
Open Space Development Option in compliance with Section 311 (Note - This option typically allows a higher density and smaller lot sizes.	P**	P	P	N	N	N
Twin Dwelling (side-by-side) (Note - Other forms of two unit buildings are defined as apartments)	N	N	P	P	P	P
Townhouse (includes Rowhouse) (S. 402)	N	N	N	P	P	N
Apartments (S. 402)	N	N	N	P	P	N
Manufactured/Mobile Home Park (S. 402)	N	N	N	N	C	C
Boarding House (includes Rooming House) (S. 402)	N	N	N	N	N	SE
Group Home within a lawful existing dwelling unit (S.402), not including a Treatment Center	P	P	P	P	P	P
Conversion of an Existing Building (including an Existing N Dwelling) into Dwelling Units (S. 402) (See also "Unit for Care of Relative" under Accessory Uses)	N	N	P	P	N	
Age Restricted Housing (S. 402)	N	C	C	C	C	N
Independent Living Retirement Center (S. 402)	N	N	N	C	C	N

b. COMMERCIAL USES

See also "Resort" which may allow a mix of certain commercial and residential uses.

Adult Use (S. 402)	N	N	N	N	C	N
After Hours Club (Note - This use is effectively prohibited by State Act 219 of 1990)	N	N	N	N	N	N
Airport (see also "Heliport")	N	N	N	N	C	N
Amusement Arcade (see also "Resorts" in Section 402)	N	N	N	P	P	P
Amusement Park or Water Park	N	N	N	N	P	N
Animal Cemetery (S. 402)	N	N	N	P	P	P
Auditorium (Commercial), Arena, Performing Arts Center N or Exhibition-Trade Show Center	N	N	P	P	P	
Auto Repair Garage or Auto Service Station (S. 402)	N	N	N	N	C	C
Auto, Boat or Mobile/Manufactured Home Sales (S. 402)	N	N	N	N	P	P
Bakery, Retail	N	N	N	P	P	P

* = Except as may be allowed by the Open Space Development provisions in Section 311.

** = With a 10 acre minimum tract size.

Note: A higher density can be achieved in certain cases by using the Transfer of Development Rights provisions of Section 313.)

P = Permitted by use right (zoning decision by Zoning Officer)

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

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES

(See definitions in Article 2)

ZONING DISTRICTS

CD R-1 R-2 C-1 C-2 C-3

b. COMMERCIAL USES (Cont.)

Bed and Breakfast Inn (S. 402), which in a residential district shall be limited to a building constructed prior to 1940	C	C	C	P	P	P
Betting Use	N	N	N	N	P	P
Beverage Distributor, which may include retail and/or wholesale sales	N	N	N	P	P	P
Bus Terminal	N	N	N	P	P	P
Camp (S. 402)	C	N	N	P	P	P
Campground and Recreational Vehicle Campground (S. 402) N	N	N	P	P	P	
Car Wash (S. 402)	N	N	N	P	P	P
Catering, Custom, for Off-Site Consumption	N	N	N	P	P	P
Communications Tower/Antennae, Commercial (S. 402)						
- Meeting Section 402.A.17.a. pertaining to antenna placed P on certain existing structures	P	P	P	P	P	
- Antennae/tower that does not meet Section 402.A.17.a. (such as freestanding towers)	C	N	N	N	SE	SE
- Note - Section 402.A.17 also allows towers serving emergency services stations						
Conference Center	N	N	N	P	P	P
Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the plant screening requirements of Sections 803 and 804.	N	N	N	SE	P	P
Convenience Store - Fuel sales shall only be allowed if the requirements and special exception approval are also met for an Auto Service Station (S. 402)	N	N	N	P	P	P
Crafts or Artisan's Studio (see also as Home Occupation)	N	N	N	P	P	P
Custom Printing, Photocopying, Faxing, Mailing or Courier Service	N	N	N	P	P	P
Exercise Club	N	N	N	P	P	P
Fairgrounds	N	N	N	N	P	P
Financial Institution (includes banks), with any "Drive-through" facilities meeting Section 403	N	N	N	P	P	P
Flea Market/ Auction House (S. 402)	N	N	N	P	P	P
Funeral Home	N	N	N	P	P	P
Garden Center, Retail (see also "Wholesale Greenhouses")	N	N	N	P	P	P
Gas Station - See Auto Service Station						
Golf Course (S. 402), with a minimum lot area of 50 acres in a residential district	P	P	P	P	P	P
Heliport	N	N	N	N	SE	N

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TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS					
	CD	R-1	R-2	C-1	C-2	C-3
b. COMMERCIAL USES (Cont.)						
Hotel or Motel (S. 402)	N	N	N	P	P	P
Kennel (S. 402)	N	N	N	N	SE	SE
Laundromat	N	N	N	P	P	P
Laundry, Commercial or Industrial	N	N	N	N	P	P
Lumber Yard	N	N	N	N	P	P
Massage Parlor (S. 402)	N	N	N	N	N	N
Motor Vehicle Racetrack (S. 402)	N	N	N	N	C	N
Office (See also as Home Occupation)	N	N	N	P	P	P
Pawn Shop	N	N	N	N	P	P
Personal Services (includes tailoring, custom dressmaking, haircutting/styling, drycleaning, shoe repair, "massage therapy, certified" and closely similar uses) (See also Home Occupation)	N	N	N	P	P	P
Picnic Grove, Private (S. 402)	N	N	N	SE	P	P
Plant Nursery (other than a Retail Garden Center), provided that within a residential district: a) any on-site retail sales shall be limited to plants primarily grown upon the premises, and b) a 5% maximum building coverage shall apply.	P	P	P	P	P	P
Recreation, Commercial Indoor (includes bowling alley, roller or ice skating rink, batting practice and closely similar uses); other than uses listed separately in this Section 306	N	N	N	SE	P	P
Recreation, Commercial Outdoor (S. 402; including miniature golf course, golf driving range, amusement park and closely similar uses); other than uses listed separately in this Section 306 (see also uses allowed as a "Resort")	N	N	N	N	P	P
Repair Service, Household Appliance	N	N	N	P	P	P
Resort (S. 402) - less than 30 rental units	C	N	N	P	P	P
- 30 or more rental units	N	N	N	C	P	P
(Note - That term allows certain additional uses under Section 402)						
Restaurant or Banquet Hall (S. 402)						
- with drive-through service (S. 403)	N	N	N	N	P	P
- without drive-through service	N	N	N	P	P	P
Retail Store (this term does not include auto sales or an adult use) or Shopping Center	N	N	N	P	P	P
River Livery (S. 402)	C	N	N	C	C	C
Self-Storage Development	N	N	N	N	P	P
Target Range, Firearms (other than target shooting by residents or owners of a lot)						
- Completely indoor and enclosed	C	N	N	N	P	P
- Other than above (S. 402)	C	N	N	N	C	N
Tattoo or Body Piercing Establishment	N	N	N	C	P	P
(other than temporary tattoos or ear piercing, which are personal service uses)						

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(S.403) = See Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS					
	CD	R-1	R-2	C-1	C-2	C-3
<u>b. COMMERCIAL USES (Cont.)</u>						
Tavern which may include a State-licensed micro-brewery or Nightclub (not including an After Hours Club)	N	N	N	N	C	C
Theater, Indoor Movie, other than an Adult Use	N	N	N	N	P	P
Trade/ Hobby School	N	N	N	P	P	P
Truck Stop	N	N	N	N	C	C
Veterinarian Office or Animal Hospital (S. 402)	N	N	N	P	P	P
Wholesale Sales - see under Industrial Uses						
<u>c. INSTITUTIONAL/ SEMI-PUBLIC USES</u>						
Cemetery (S. 402; any Crematorium must be approved separately)	P	P	P	P	P	P
College or University - Educational and Support Buildings (S. 402)	N	N	N	P	P	P
Community Recreation Center or Library	N	P	P	P	P	P
Crematorium (S. 402)	N	N	N	N	C	C
Cultural Center or Museum	SE	SE	SE	P	P	P
Day Care Center, Adult (S. 402)	N	N	SE	P	P	P
Day Care Center, Child (S. 402) (See also as an accessory use)	N	N	N	P	P	P
Dormitory as accessory to a college, university or primary or secondary school	N	N	N	C	C	C
Emergency Services Station	SE	SE	SE	P	P	P
Hospital	N	N	N	N	P	P
Hunting and Fishing Club - Within the CD district, a 5% maximum building coverage shall apply. This term shall not include uses listed separately in this Section 306 unless that use is also listed as allowed and the requirements for that use are also met.	P	N	N	P	P	P
Maintenance Facilities for Residential Community Associations	P	P	P	P	P	P
Membership Club meeting and non-commercial recreational facilities, provided that an "After Hours Club", "Tavern" or uses listed separately in this Section 306 shall only be allowed if so listed in this table and if the requirements for that use are also met.	SE	SE	SE	P	P	P
Nursing Home or Personal Care Home/Assisted Living (S. 402)	N	N	P	P	P	P
Place of Worship (S. 402) (includes Church)	C	C	C	P	P	P
School, Public or Private, Primary or Secondary (S.402)	N	SE	SE	P	P	P
Treatment Center (S. 402)	N	N	N	N	C	N
<u>d. PUBLIC/SEMI-PUBLIC</u>						
Township Government Uses, other than uses listed separately in this Section 306	P	P	P	P	P	P
Government Facility, other than uses listed separately in this Section 306	SE	SE	SE	SE	SE	SE

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TYPES OF USES

(See definitions in Article 2)

ZONING DISTRICTS

CD R-1 R-2 C-1 C-2 C-3

d. PUBLIC/SEMI-PUBLIC USES

Prison or Similar Correctional Institution	N	N	N	N	N	C
Publicly Owned or Operated Recreation Park	P	P	P	P	P	P
Public Utility Facility (See also Section 114) other than uses listed separately in this Section 306	SE	SE	SE	SE	SE	SE
Swimming Pool, Non-household (S. 402)	P	P	P	P	P	P
U.S. Postal Service Facility, which may include a leased facility	N	SE	SE	P	P	P

e. INDUSTRIAL USES

Asphalt Plant	N	N	N	N	N	C
Assembly or Finishing of Products Using Materials Produced Elsewhere (such as products from plastics manufactured off-site)	N	N	N	N	SE	P
Building Supplies and Building Materials, Wholesale Sales of	N	N	N	N	P	P
Distribution as a principal use (other than Trucking Company Terminal)	N	N	N	N	N	C
Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets	N	N	N	N	P	P
Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area	N	N	N	N	N	N
Junk Yard (S. 402)	N	N	N	N	N	C
Liquid Fuel Storage, Bulk, for off-site distribution, other than: auto service station, retail propane distributor, pre-packaged sales or fuel tanks for company vehicles	N	N	N	N	N	C
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:						
- Agricultural Chemicals, Fertilizers or Pesticides	N	N	N	N	N	C
- Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)	N	N	N	N	P	P
- Cement Manufacture	N	N	N	N	N	C
- Ceramics Products (other than Crafts Studio)	N	N	N	N	C	P
- Chemicals, Manufacture or Bulk Processing, other than Pharmaceuticals	N	N	N	N	N	SE
- Clay, Brick, Tile and Refractory Products	N	N	N	N	N	P
- Computers and Electronic and Microelectronic Products	N	N	N	N	P	P

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TYPES OF USES

(See definitions in Article 2)

ZONING DISTRICTS

CD R-1 R-2 C-1 C-2 C-3

e. INDUSTRIAL USES (Cont.)

Manufacture and/or bulk processing of the following,
provided manufacturing occurs only indoors:

- Concrete, Cement, Lime and Gypsum Products, other than actual manufacture of cement	N	N	N	N	N	SE
- Electrical Equipment, Appliances and Components	N	N	N	N	P	P
- Explosives, Fireworks or Ammunition	N	N	N	N	N	SE
- Fabricated Metal Products (except Explosives, Fireworks or Ammunition) and/or Machine Shops	N	N	N	N	SE	SE
- Food (Human) and Beverage Products, at an industrial scale as opposed to a clearly retail scale, including but not limited to processing, bottling and related trucking of water removed from a site (not including uses listed individually in this Section 306)	N	N	N	N	P	P
- Food Products for animals	N	N	N	N	N	P
- Gaskets	N	N	N	N	P	P
- Glass and Glass Products (other than Crafts Studio)	N	N	N	N	P	P
- Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Dead Animals or Offal (other than within an approved solid waste facility)	N	N	N	N	N	N
- Jewelry and Silverware	N	N	N	N	SE	P
- Leather and Allied Products (other than Crafts Studio or Tannery)	N	N	N	N	SE	P
- Machinery	N	N	N	N	SE	P
- Manufactured or Modular Housing Manufacture	N	N	N	N	N	P
- Medical Equipment and Supplies	N	N	N	N	P	P
- Metal Products, Primary	N	N	N	N	N	SE
- Mineral Products, Non-metallic (other than Mineral Extraction)	N	N	N	N	N	SE
- Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp)	N	N	N	N	P	P
- Paper - Raw Pulp	N	N	N	N	N	SE
- Paving Materials, other than bulk manufacture of asphalt	N	N	N	N	N	SE
- Pharmaceuticals and Medicines	N	N	N	N	N	P
- Plastics, Polymers, Resins, Vinyl, Coatings, Cleaning Compounds, Soaps, Adhesives, Sealants, Printing Ink or Photographic Film	N	N	N	N	N	SE

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TYPES OF USES

(See definitions in Article 2)

ZONING DISTRICTS

CD R-1 R-2 C-1 C-2 C-3

e. INDUSTRIAL USES (Cont.)

Manufacture and/or bulk processing of the following,
provided manufacturing occurs only indoors:

- Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	N	N	N	N	P	P
- Roofing Materials and Asphalt Saturated Materials or Natural or Synthetic Rubber	N	N	N	N	N	SE
- Scientific, Electronic and Other Precision Instruments	N	N	N	N	P	P
- Sporting Goods, Toys, Games, Musical Instruments or Signs	N	N	N	N	P	P
- Transportation Equipment	N	N	N	N	N	P
- Wood Products and Furniture (not including raw paper pulp)	N	N	N	N	P	P
- See Section 105 for uses that are not listed						

Mineral Extraction (S. 402) and related processing,

stockpiling and storage of materials removed from the site, but
not including groundwater or spring water withdrawals

* Such use shall only be allowed in the CD District if the
requirements in Section 402 for setbacks and for road
access are fully met.

Packaging	N	N	N	P	P	P
Package Delivery Services Distribution Center	N	N	N	N	P	P
Petroleum Refining	N	N	N	N	N	SE
Photo Processing, Bulk	N	N	N	P	P	P
Printing or Bookbinding	N	N	N	P	P	P
Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this use does not include a solid waste disposal or transfer facility)	N	N	N	SE	SE	P
Research and Development, Engineering or Testing Facility or Laboratory	N	N	N	N	P	P
Sawmill/ Planing Mill	C	N	N	N	P	P
Slaughterhouse, Stockyard or Tannery, with a 400 feet minimum setback from all lot lines	N	N	N	N	N	C
Solid Waste Landfill (S. 402)	N	N	N	N	N	N
Solid Waste Transfer Facility or Waste to Energy Facility (S. 402)	N	N	N	N	N	C

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TYPES OF USES

(See definitions in Article 2)

ZONING DISTRICTS

CD R-1 R-2 C-1 C-2 C-3

e. INDUSTRIAL USES (Cont.)

Trucking Company Terminal (s. 402)	N	N	N	N	N	C
Warehousing or Storage as a principal use	N	N	N	N	N	P
Warehousing or Storage as an on-site accessory use	N	N	N	P	P	P
Welding	N	N	N	N	P	P
Wholesale Sales (other than Motor Vehicles)	N	N	N	P	P	P

f. ACCESSORY USES

See list of additional permitted uses in Section 306.C., such as "Residential Accessory Structure or Use"

See Additional Requirements in Section 403 for

Specific Accessory Uses.

Day Care Center accessory to and on the same lot as an existing lawful Place of Worship, with a minimum lot area of 2 acres (See Place of Worship in S. 402)	P	P	P	P	P	P
Day Care (S. 403) as accessory to a dwelling:						
- Day care of a maximum of 3 adults or youth, in addition to "Relatives" of the caregiver	P	P	P	P	P	P
- Group Day Care Home	N	N	N	P	P	P
- Family Day Care Home	N	N	N	P	P	P
Home Occupation, General (S. 403)	SE	SE	SE	P	P	P
Home Occupation, Light (S. 403)	P	P	P	P	P	P
Outdoor Storage and Display as accessory to a business use and which shall also comply with Sections 403, 803 and 804	N	N	N	P	P	P
Temporary Retail Sales that meets Section 103.G.1.	P	P	P	P	P	P
Unit for Care of Relative (S. 403)	P	P	P	P	P	P
Warehousing as accessory to an on-site principal business use	N	N	N	P	P	P

g. MISCELLANEOUS USES

Boat Rental and Launch (other than a "River Livery")	P	P	N	P	P	P
Crop Farming and Wholesale Greenhouses	P	P	P	P	P	P
Forestry (S. 402)	P	P	P	P	P	P
Groundwater or Spring Water Withdrawal, averaging more than 10,000 gallons per day removed from a tract for off-site consumption (S. 402)	SE	SE	SE	SE	SE	SE
(See also requirements for food and beverage bottling and processing under Industrial Uses)						
Nature Preserve or Environmental Education Center, with a 10 acre minimum lot area for any use involving a principal building	P	P	P	P	P	P

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

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES

(See definitions in Article 2)

ZONING DISTRICTS

CD R-1 R-2 C-1 C-2 C-3

g. MISCELLANEOUS USES (Cont.)

Parking Lot for Carpooling, Not Served by Inter-City

Bus Service

Parking Lot as the Principal Use of a Lot, other than aboveN

Raising of Livestock and Poultry (S. 402)

Sewage Sludge, Land Application of

Sewage Treatment Plant

Stable, Non-Household (S. 402)

All Uses that will be unable to comply with the performance standards of this ordinance. See the "Environmental Protection" requirements of Article 5

P	P	P	P	P	P
N	N	P	P	P	
P	P	P	N	P	P
C	C	C	C	C	C
C	C	C	P	P	P
P	SE	SE	P	P	P
N	N	N	N	N	N

P = Permitted by right use (zoning decision by Zoning Officer)

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

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

This Ordinance shall become effective five (5) days after the adoption thereof.

ORDINANCE ORDAINED AND ENACTED this 17th day of October, 2012, by the Board of Supervisors of Westfall Township, Pike County, Pennsylvania.

Attest: [Signature]

[Signature]
Chairman

[Signature]
Vice-Chairman

[Signature]
Supervisor

[Signature]
Supervisor

[Signature]
Supervisor

Westfall Township

Ordinance No. 166

AN ORDINANCE OF WESTFALL TOWNSHIP, PIKE COUNTY, PENNSYLVANIA
AMENDING THE ZONING ORDINANCE TO PROVIDE FOR GARDEN APARTMENTS
AS A CONDITIONAL USE IN A C-2 ZONE AND TO PROVIDE STANDARDS FOR SAME.

WHEREAS, the Board of Supervisors may make and adopt any ordinance, by-laws, rules & regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth necessary for the proper management, care and control of the Township and its finances and the maintenance of peace, good government, health and welfare of the Township and its citizens, trade, commerce and manufacturers;

WHEREAS, the Board of Supervisors may plan for the development of the township through zoning regulations under the Act known as the "Pennsylvania Municipalities Planning Code" in accordance with the conditions and procedures set forth in the Act and may enact, amend and repeal zoning ordinances to implement comprehensive plans and to accomplish any of the purposes of said Act;

WHEREAS, the proposed zoning ordinance amendment has been reviewed and recommended for approval by both the Westfall Township Planning Commission and the Pike County Planning Commission.

NOW THEREFORE, the Westfall Township Supervisors hereby adopt the following Ordinance Amendment.

ARTICLE 2

DEFINITIONS

Section 202 – TERMS DEFINED

Dwelling Types

F. Garden Apartments – A group of two or more low-rise structures (not exceeding 35 feet in height), each containing multiple dwelling units per building, and no more than two bedrooms per unit situated upon a parcel having common, landscaped outdoor passive or active recreational areas and/or lawns. Garden apartments and must be serviced by Township-approved central water and sewer. Garden apartments may be leased, or sold for condominium ownership.

Section 306.B.1 – Allowed Uses in Each Zoning District

a. Residential Uses

	CD	R-1	R-2	C-1	C-2	C-3
Garden Apartments	N	N	N	N	C	N

Section 307.A – Table of Bulk Performance Standards

The following standards shall apply to Garden Apartments:

Min. Lot Area (sq. ft.)*	Min Lot Width Measured at Prescribed Building Setback Line	Min. Front Yard Setback	Min. Rear Yard Setback	Min. Side Yard Setback	Maximum Percent Impervious Coverage	Maximum Percent Building Coverage	Density**
261,360	350'	30'	30'	20'	70%	40%	2,600 sf/unit

*Min Lot Area shall not include Rights of Way, Utility Easements, Floodways, Wetlands, or areas of other uses currently occupying the lot. Each Commercial use, or building shall be considered based on the minimum lot area for each use or building and residential uses shall be determined by the underlying district density for residential uses

**The density calculations shall utilize the Minimum Lot Area prescribed above. However, easements and rights of ways, which such rights of way being established by the project, which are common to the proposed project and an adjoining project may be included in lot area for the purpose of density.

Section 801.C – Minimum Size of Dwellings.

The following section is hereby added.

3. A Single Bedroom Garden Apartment shall be no less than 600 square feet and a two bedroom garden apartment shall be no less than 850 square feet. The minimum width of each apartment shall be no less than 12 feet wide.

Section 402.A.55 – Additional requirements for specific principal uses.

The following section is hereby added.

55. Garden Apartments

- a. Garden Apartment shall provide buffering of no less than 20 feet from all principal, off site, non-residential uses, or be separated by such principal use by no less than 250 feet. The Buffers shall comply with Section 803.D.7

- b. The perimeter of a garden apartment development shall be fenced with a fence of no less than 6 feet in height. This provision does not apply when the project area is bounded by a stream or wetland.
- c. The project shall, prior to final plan approval under the SALDO, provide an emergency action plan for flooding events, power outages, and other foreseeable emergencies as required by the Township. The deed and/or lease for each unit shall include provisions for required evacuation of the development at the discretion of the Fire Department or Police for life threatening conditions.
- d. A garden apartment development shall provide a 24 hour building/property management service to address the needs of the users at the development. This Management Service shall be responsible for normal maintenance and coordination of emergency events with the Westfall Township Fire Department, Regional and State Police Departments, Township, County, State and Federal Emergency Management Agencies as conditions warrant. The contact information shall be provided to all residents of the facility and to the above mentioned emergency service agencies when such agencies have the ability to document such contact information.
- e. Active recreational areas within designated open space shall receive open space credit at a ratio of 2:1.
- f. Applicant shall reserve an area for parking sufficient to provide for 2.25 parking spaces per unit. The reserved parking area shall not include any area reserved for any other purpose (*e.g.*, open space, stormwater management). Prior to the issuance of final plan approval, no less than 2 parking spaces per unit shall be paved and marked. It shall be a condition of approval that, if the Board of Supervisors reasonably determines there to be a need for additional parking at the development to address an inadequate supply of parking, the developer shall pave and mark the additional reserved area.
- g. Paved Area Setback – 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 10 feet from any dwelling.
- h. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No Garden Apartment dwelling with a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.
- i. Common Open Space. A minimum of 30 percent of the total lot area shall be set aside as common open space for the residents. If the development

will not be restricted to persons over age 55, then the common open space shall at a minimum include an area no less than 10,000 sq. ft., suitable for free play by young persons. A recreation building or pool available to all residents of the development may count towards this requirement. Areas with a width of less than 25 feet shall not count towards this requirement. The requirement shall be in place of any requirement for recreation land or fees under the SALDO.

EFFECTIVE DATE – this Ordinance shall become effective this 5th day of July, 2016.


ROBERT MELVIN, Chairman


JERRY DOTEY, Vice-Chairman

NOT PRESENT
ROBERT BOSTINTO, Supervisor


LESTER BUCHANAN, Supervisor

In opposition - did not sign
PAUL FISCHER, Supervisor

ATTEST:


JODI HULSE, SECRETARY

ORDINANCE 170

AN ORDINANCE OF THE TOWNSHIP OF WESTFALL, COUNTY OF PIKE, COMMONWEALTH OF PENNSYLVANIA

WHEREAS, pursuant to the Second Class Township Code, 53 P.S. Section 66506, the Board of Supervisors may make and adopt any ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth necessary for the proper management, care and control of the Township and its finances and the maintenance of peace, good government, health and welfare of the Township and its citizens, trade, commerce and manufactures; .

WHEREAS, pursuant to the Municipalities Planning Code, 53 P.S. Section 10101 et seq., as amended, The Board of Supervisors may enact and amend zoning ordinances;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Westfall Township, Pike County, Pennsylvania;

Legal Gambling and Off Track Betting – Legal Gambling or Off Track Betting establishments include, but are not limited to, any gaming devises, slot machines, roulette tables, black jack tables, dice tables, joker/poker machines and any other gambling or gaming devise, and any other activity which involves the dealing, operating, carrying on, conducting, maintaining, or exposing for pay, any game, but excluding small games of chance which are approved by Pennsylvania State regulations and conducted by emergency services organizations, whether or not including a restaurant, night club, bar or similar use.

- (a) Purposes - The regulations on legal gambling or off track betting establishments are intended to serve the following purposes, in addition to the overall objectives of this ordinance.
 - (1) To recognize the adverse secondary impacts of legal gambling or off track betting establishments that affect health, safety and general welfare concerns of the municipality. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to, increases in criminal activity, decreases in the stability of residential neighborhoods and traffic congestion.
- (b) Such establishment shall not be located within 500 feet of any residential district and shall not be located within 500 feet of any structure whose use is principally residential.

- (c) Such establishments shall not be located within 500 feet of any structure or use of land which contains one or more of the following specified land uses:
 - (1) School or Educational Facility;
 - (2) Playground;
 - (3) Park;
 - (4) Church, Synagogue, Mosque or other similar place of worship;
 - (5) Library;
 - (6) Child Care Facility;
 - (7) Camp;
 - (8) Amusement Park;
- (d) The distance between any such legal gambling or off track betting establishment and any of the protected land use specified herein shall be measured in a straight line, without regard to intervening structures, from the closest point of the structure in which such establishment is located to the closest point on the property line or structure of such protected land use.
- (e) Off street parking shall be provided at the rate of three (3) spaces for each 100 square feet of all public areas, including, but not limited to, related dining, restaurant, bar and snack bar areas, and an additional one space per each employee of the largest shift.
- (f) The proposed establishment shall not be detrimental to the use of adjoining properties and must meet the following performance standards:
 - (1) Hours of operation: 9:00 a.m. to 2:00 a.m.;
 - (2) Lighting in accordance with current zoning requirements;
 - (3) All parking areas shall be screened and include at least a 20 foot buffer from all private properties adjacent to the site;
- (g) The proposed establishment shall not constitute a nuisance due to noise or to loitering outside of the building.
- (h) The Applicant is required to obtain approval of a land development plan under the Subdivision and Land Development Ordinance of Westfall Township, as amended.
- (i) All other Federal, State and other permits shall be obtained prior to the issuance of a certificate of occupancy.
- (j) The proposed establishment shall comply with all laws, rules and regulations of the United States of America, the Commonwealth of Pennsylvania and their respective agencies and instrumentalities.

- (k) The proposed establishment shall be prohibited in all districts except C-2 and C-3.
- (l) The proposed establishment shall have a minimum of one (1) contiguous acres for development. All owners of record must join in the application for development.
- (m) The Applicant is required to obtain conditional use approval which shall include a community impact analysis which includes an evaluation of the potential impacts upon the following community facilities;
 - (1) Emergency services and fire protection;
 - (2) Solid waste disposal;
 - (3) Recreation;
 - (4) Surrounding roadway systems;
 - (5) School facilities and school district budget;
 - (6) Water supply;
 - (7) Sewage disposal;
 - (8) Township revenues and expenses;

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of the Township of Westfall, Pike County, Pennsylvania, this 5th day of February, 2018

ROBERT MELVIN, Chairman

JERRY DOTEY, Vice-Chairman

ROBERT BOSTINTO, Supervisor

PAUL FISCHER, Supervisor

MICHELLE WILKINS, Supervisor

ATTEST:

JODI HULSE, SECRETARY

WESTFALL TOWNSHIP

ORDINANCE NO. 171

An Ordinance of Westfall Township, Pike County, AMENDING, the Zoning Ordinance of Said Township, to include new definitions relating to medical marijuana dispensaries and medical marijuana growers/processors, consistent with the Pennsylvania Medical Marijuana Act, and Allowing marijuana dispensaries as a conditional use in the C-2 and C-3 Zone and Marijuana Growers/Processors as a Conditional Use in the C-2 and C-3 Zone

WHEREAS, pursuant to the Second Class Township Code, 53 P.S. Section 66506, the Board of Supervisors may make and adopt any ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth necessary for the proper management, care and control of the Township and its finances and the maintenance of peace, good government, health and welfare of the Township and its citizens, trade, commerce and manufactures; and

WHEREAS, pursuant to the Municipalities Planning Code, 53 P.S. Section 10101 et seq., as amended, The Board of Supervisors may enact and amend zoning ordinances; and

WHEREAS, the Pennsylvania General Assembly has recently enacted, and the Governor signed, Act No. 16 of April 17, 2016, P.L. 84, known as the “Medical Marijuana Act” which purports to permit, among other things: 1) the use of marijuana for medical purposes; and 2) the distribution of marijuana for such medical use by authorized dispensaries; and

WHEREAS, the Pennsylvania Department of Health has recently promulgated regulations pursuant to the Medical Marijuana Act regulating, among other things, authorized dispensaries; and

WHEREAS, the Township Board of Supervisors believes it to be prudent to create certain standards by which any authorized medical marijuana facility, that may be located within the Township, must abide; and

WHEREAS, the Township Board of Supervisors desire to amend its Zoning Ordinance by providing for the establishment of a medical marijuana facility uses in certain Zoning Districts of the Township, and providing for the regulation of same.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Westfall Township Supervisors, and it is hereby ordained and enacted by the authority of same as follows:

SECTION 1. Purpose. The purpose of this Ordinance is to provide the process and standards for the establishment, construction, and operations of medical marijuana facilities, pursuant to the Pennsylvania Medical Marijuana Act, Act of April 17, 2016, hereinafter “Act”, to allow for the integration into the Township of an allowed industry law providing for the protection of the health, safety, morals and general welfare of the public.

SECTION 2. The Township Zoning Ordinance is hereby amended by the incorporation therein of the following definitions:

“Caregiver”- the individual designated by a patient, or if the patient is under 18 years of age, a parent or legal guardian, an individual designated by a parent or guardian, or an appropriate individual approved by the Pennsylvania Department of Health upon a sufficient showing that no parent or legal guardian is appropriate or available, to deliver medical marijuana.

“Certified Medical Use”- The acquisition, possession, use or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient’s serious medical condition, as authorized by certification by the Commonwealth, including enabling the patient to tolerate treatment for the serious medical condition.

“Dispensary”- A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health (“DOH”) of the Commonwealth to dispense medical marijuana.

“Form of medical marijuana”- The characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety, and quantity or percentage of medical marijuana or particular active ingredient.

“Grower/Processor”- A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the DOH to grow and process medical marijuana.

“Medical Marijuana”- Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania, pursuant to the provisions of the Act.

“Medical marijuana organization or facility”- A dispensary or a grower/processor of marijuana for medical purposes or a medical marijuana delivery vehicle office.

“Medical marijuana delivery vehicle office”- Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

SECTION 3. The Township Zoning Ordinance shall be amended by the addition of the following sections:

A. MEDICAL MARIJUANA GROWER/PROCESSOR. In districts where permitted, a medical marijuana grower/processor shall comply with the following:

1) A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

2) The medical marijuana grower/processor shall demonstrate to the satisfaction of the Township that the floor area of its facilities includes sufficient space for production, secure storage of marijuana seed, related finished product cultivation, and marijuana related materials and equipment used in production and cultivation or for required laboratory testing. The building envelope and maximum allowable floor area shall be determined by applying the setback, parking, landscaping, coverage, and building height requirements of the applicable zoning district in which the facilities are to be located.

3) There shall be no emission of dust, fumes, vapors, odors or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.

4) Marijuana remnants and by-products shall be secured and properly disposed of in accordance with DOH policy and shall not be placed in any unsecure exterior refuse containers.

5) The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.

6) Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment.

7) Said grower/processor shall abide by all other requirements of the zone in which they are located as well as provided below.

B. MEDICAL MARIJUANA TRANSPORT VEHICLE SERVICE. In districts where permitted, a medical marijuana transport vehicle service shall comply with the following:

1) A traffic impact study is required where the office is located.

2) If a medical marijuana product is to be temporarily stored at a medical marijuana transport vehicle service facility, the facility must be secured to the same level as a grower/processor and dispensary.

3) Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment.

4) Said medical marijuana transport vehicle service shall abide by all other requirements of the zone in which they are located as well as provided below.

C. MEDICAL MARIJUANA DISPENSARY. In districts where permitted, a medical marijuana dispensary shall comply with the following:

1) A medical marijuana dispensary must be legally registered in the

Commonwealth and possess a current valid medical marijuana permit from the DOH.

2) A medical marijuana dispensary shall only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

3) A medical marijuana dispensary shall not operate on the same site as a facility used for growing and processing medical marijuana.

4) A medical marijuana dispensary shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.

5) Permitted hours of operation shall be 8 a.m. to 8 p.m. of the same calendar day.

6) A medical marijuana dispensary shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of products and shall have an interior customer waiting area equal to a minimum of twenty-five (25%) per cent of the gross floor area.

7) A medical marijuana dispensary shall:

- a. Not have a drive through service;
- b. Not have outdoor seating areas;
- c. Not have outdoor vending machines;
- d. Prohibit the administering of or consumption of medical marijuana on the premises; and
- e. Not offer direct or home delivery service.

8) A medical marijuana dispensary shall only dispense medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.

9) Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment.

10) Said medical marijuana transport vehicle service shall abide by all other requirements of the zone in which they are located as well as provided below.

SECTION 4. In addition to above, a medical marijuana facility shall comply with the following:

1) A medical marijuana facility shall not be located within 500 feet of the property line of:

- a) A public, private or parochial school or other education facility;
- b) A day-care center or other child care facility;
- c) Playground;
- d) Park;
- e) Church, Synagogue, Mosque, or other similar place of worship;
- f) Library;
- g) Camp; and
- h) Amusement Park.

2) A medical marijuana facility shall not be rendered in violation of this provision by the subsequent location of a school defined above or a day care center.

3) A medical marijuana facility shall not be located within 500 feet of any residential district and shall not be located within 500 feet of any structure whose use is principally residential.

4) A medical marijuana facility shall not be located within 1,000 feet from the nearest medical marijuana facility. This does not preclude complementing or supporting

businesses covered by different definitions. This separation does not apply to the distance between the grower/processor and the specific dispensary they serve, or with which they partner.

5) The distance between any such medical marijuana facility and any of the protected land uses specified herein shall be measured in a straight line, without regard to intervening structures, from the closest point of the structure in which such establishment is located to the closest point on the property line or structure of such protected land use.

6) A medical marijuana facility shall be prohibited in all districts except for the C-2 and C-3 Zone.

7) Off street parking shall be provided at the rate of one space per 200 square feet of floor area open to the public and one space per every 1.0 employee for dispensaries and one space per every 1.1 employees and one space per every ten managers on site for growers/processors.

8) The proposed establishment shall not be detrimental to the use of adjoining properties and must meet the following performance standards:

- a) Lighting in accordance with current zoning requirements; and
- b) All parking areas shall be screened and include at least a 20-foot buffer from all private properties adjacent to the site.

9) The proposed medical marijuana facility shall not constitute a nuisance due to noise or to loitering outside of the building.

10) The Applicant is required to obtain approval of a land development plan under the Subdivision and Land Development Ordinance of Westfall Township, as amended.

11) All other Federal, State and other permits shall be obtained prior to the issuance

of a certificate of occupancy.

12) The proposed medical marijuana facility shall comply with all laws, rules and regulations of the United States of America, the Commonwealth of Pennsylvania and their respective agencies and instrumentalities.

13) The proposed medical marijuana facility shall have a minimum of one (1) contiguous acre for development. All owners of record must join in the application for development.

14) The Applicant is required to obtain conditional use approval which shall include a review and recommendation by the Eastern Pike Regional Police Department and a community impact analysis which includes an evaluation of the potential impacts upon the following community facilities;

- a) Emergency services and fire protection;
- b) Solid waste disposal;
- c) Recreation;
- d) Surrounding roadway systems;
- e) School facilities and school district budget;
- f) Water supply;
- g) Sewage disposal;
- h) Township revenues and expenses;

SECTION 5. In the event any provision, section, sentence or clause or part of the Ordinance shall be held invalid, such invalidity shall not impair or affect any remaining provision, section, sentence, clause or part of the Ordinance from remaining in full force and effect. This Ordinance shall become effective in accordance with the provisions of the Act.

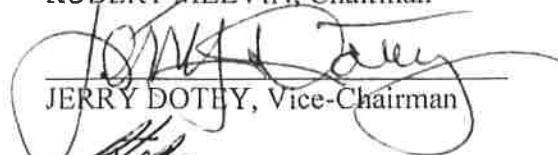
SECTION 6. All ordinances or parts of ordinances that are inconsistent herewith are repealed.

SECTION 7. Any ordinance or part of ordinances conflicting with the provisions of this Ordinance is hereby repealed insofar as they are inconsistent with this Ordinances provisions.


SECTION 8. The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of the Township of Westfall, Pike County, Pennsylvania, this 2nd day of April, 2018


ROBERT MELVIN, Chairman


JERRY DOTY, Vice-Chairman


ROBERT BOSTINTO, Supervisor


PAUL FISCHER, Supervisor


MICHELLE WILKINS, Supervisor

ATTEST:


JODI HULSE, SECRETARY

WESTFALL TOWNSHIP
PIKE COUNTY, PENNSYLVANIA

ORDINANCE NO. 172

AN ORDINANCE OF THE TOWNSHIP OF WESTFALL, PIKE COUNTY AMENDING ORDINANCE NO. 124 KNOWN AS THE "WESTFALL TOWNSHIP ZONING ORDINANCE" OF 2005 TO CHANGE THE ZONING DISTRICT IN WHICH A 5.31 ACRE PORTION OF THE PROPERTY, BE THE SAME MORE OR LESS, IDENTIFIED ON THE PIKE COUNTY TAX MAPS AS TAX PARCEL 099.07-01-01 FROM THE LOW DENSITY RESIDENTIAL DISTRICT ("R-1") TO THE GENERAL COMMERCIAL DISTRICT ("C-2").

BE IT ORDAINED by the Board of Supervisors of the Township of Westfall, Pike County, Pennsylvania as follows:

Section 1: Amendment: The official Zoning Map of the Township of Westfall, Pike County, Pennsylvania duly adopted on September 6, 2005, pursuant to Article 3, Section 303A of Ordinance 124, the Westfall Township Zoning Ordinance No. 124, the Westfall Township Zoning Ordinance of 2005 is hereby changed and amended to change the zoning district in which the 5.31 acre portion of the property, be the same more or less, identified on the Pike County Tax Maps as Tax Parcel 099.07-01-01 from the Low Density Residential District ("R-1") to the General Commercial District ("C-2"), a map, plat or plan of the aforesaid portion of the said Tax Parcel being attached to this Ordinance as Exhibit "A" and incorporated herein by reference thereto as fully as if the same was here set forth at length.

Section 2: Official Zoning Map Change: After the effective date of this Ordinance the official Zoning Map shall be amended and changed to set forth thereon the changed zoning boundary set forth in Section 1 hereof, and to have noted on the official Zoning Map the date of the changed zoning boundary and a brief description of the nature of the change.

Section 3: Repealer: Any Ordinance or part of any Ordinance in conflict with this Ordinance be, and the same is hereby repealed insofar as the same is inconsistent with this Ordinance.

Section 4: Effective Date: This Ordinance shall become

effective five (5) days after the date of its adoption by the Board of Supervisors.

THIS ORDINANCE is duly ordained and enacted into law this 6th day of August, 2018, at a duly and legally convened meeting of the Board of Supervisors of the Township of Westfall, after a duly noticed and convened public hearing having been held thereon on the 6th day of August, 2018.

TOWNSHIP OF WESTFALL

By: [Signature]
Chairman

By: [Signature]
Supervisor

By: [Signature]
Supervisor

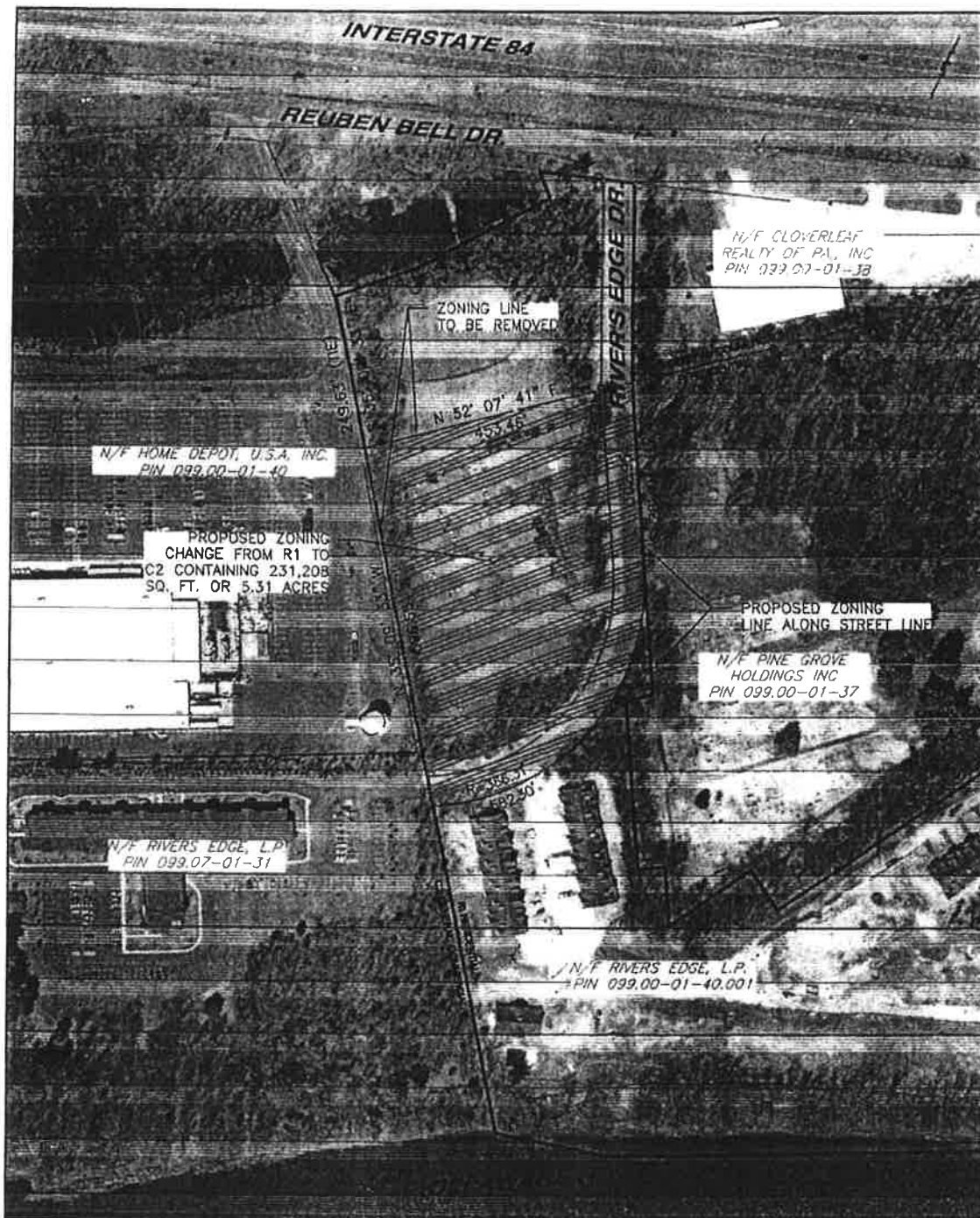
By: [Signature]
Supervisor

By: [Signature]
Supervisor

ATTEST:

[Signature]
Secretary

(SEAL)



GENERAL NOTES:

1. BOUNDARY INFORMATION TAKEN FROM PLANS ENTITLED "RIVER'S EDGE, LP, SENSITIVE RESOURCE MAP, SHEET EP-1" DATED 5/13/05, LAST REVISED 10/12/15 AS PREPARED BY MCGOEY, HAUSER AND EDSALL.
2. AERIAL PHOTO PROVIDED BY PASADA, FLIGHT DATE 2008.
3. THE PURPOSE OF THIS PLAN IS TO REZONE A PORTION OF LAND.

4. OWNER:

RIVERS EDGE, L.P.
553 BROADWAY
MASSAPEQUA, NY 11758

5. PARCEL DATA:

MAP NUMBER 099.07-01-01
DEED BOOK 2172, PAGE 2394

DATE	REVISION	BY	CHKD
<p>WESTFALL SENIOR CENTER WESTFALL TOWNSHIP, PIKE COUNTY, PA</p>			
<p>SENIOR HEALTH CARE SOLUTIONS, LLC 401 MOLTKE AVE. SUITE 100 SCRANTON, PA 18505</p>			
<p>ZONING REVISION PLAN Boucher & James, Inc. CONSULTING ENGINEERS DOYLESTOWN ♦ STROUDSBURG ♦ LEHIGH VALLEY REGIONAL OFFICE: 559 MAIN STREET, SUITE 230 BETHLEHEM, PA 18018 www.bjengr.com</p>			
DR. BY: MEG	CK. BY: MEG	SCALE: 1" = 100'	DATE: 6/8/18
		JOB No. 177513L	SHEET: 1 OF 1
<p>S:\2017\177513\Drawings\Final Drawings\Exhibits\Zoning Change.dwg Tabname: Zonch Jun 08, 2018 - 4:38pm mgoble</p>			

**This Ordinance Was Prepared
Under the Direction of the Following
Westfall Township Officials
2004-5**

Board of Supervisors

Kenneth Thiele, Chairman
Keith Peters
Lester Buchanan
Robert Ewbank
James Muir
Deborah Fischer, Former Member
Joyce Rocko, Former Member

Planning Commission

Robert Brown
Jerry Killen
Daniel Lawless, Alternate
Landa Copertino

Township Staff

Lisa Green, Township Secretary/Treasurer
Michael Rendleman, Zoning Officer
Terry Lee Labastida, Administrative Assistant
Laurie Rendleman, Planning Commission Secretary

Township Solicitor

Gregory Chelak, Esq.

Township Engineer

F. X. Browne, Inc.

Community Planning and Zoning Consultants

Urban Research and Development Corporation
Bethlehem, Pennsylvania

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USING THIS ORDINANCE: AN OVERVIEW

These two pages describe the most efficient way to use this Ordinance. These pages are general descriptions but are not part of the actual Ordinance.

Start by using the following parts of the Zoning Ordinance:

- Please contact the Zoning Officer to make sure you have the latest version of the Zoning Ordinance Text and Map.
- Turn to the **Table of Contents** and the **Index** (at the end of the document) to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.
- Consult the **Zoning Map** at the end of this Zoning Ordinance to determine the zoning district that includes your lot.
- Turn to Section 306, the **Table of Permitted Uses By Zoning District**, which indicates the uses permitted in each zoning district. A use is permitted in three ways:
 - a) by right,
 - b) by special exception (the Zoning Hearing Board must approve the use, as described in Section 116), or
 - c) as a conditional use (the Board of Supervisors must approve the use, as described in Section 117).
- Turn to Section 307, the **Table of Lot and Setback Requirements By Zoning District**. This table states the required minimum size of each lot and the required minimum distance that buildings must be from streets and other lot lines in each zoning district.
- Regularly refer to the **Definitions** in Section 202 to determine the meaning of specific words.

If a lot is already being legally used for a particular purpose and that use is not permitted in the zoning district according to Section 306, that use is called a "**Non-Conforming Use**". In almost all cases, a lawful Non-Conforming Use can continue, can expand within limits, can change to another use within limits, and can be sold. See Section 806 -"Non-Conformities."

Certain specific uses must comply with **additional regulations**. The "principal uses" (which are the primary use of a property) are listed in alphabetical order in Section 402 and the "accessory uses" (which are secondary uses, such as low-intensity businesses in a home) are listed in alphabetical order in Section 403. For example, additional regulations are listed for sheds,

garages and other structures typically found on a residential lot under "Residential Accessory Structures" in Section 403.

If your lot may be flood-prone, see the Township Floodplain Ordinance and Floodplain Mapping.

Turn to the following sections for regulations concerning parking, signs and buffer yards:

- Many uses must provide minimum numbers of off-street **Parking** spaces under Section 601 of this ordinance. The parking standards are listed in a table.
- If **Signs** are proposed within public view, Article 7 must be met. This article lists the types, heights and sizes of signs that are permitted.
- Certain uses are required to provide an open **Buffer Yard** with **required plantings** to buffer nearby homes and adjacent residentially zoned land from nuisances. See Section 803.

The following additional considerations should be kept in mind when using this Ordinance:

- An applicant may apply to the Township **Zoning Hearing Board** for a **Zoning Variance** if he/she is not able to comply with a provision of this Zoning Ordinance. An application fee is required to compensate the Township for legal advertisements and other costs. See Section 111, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the PA. Municipalities Planning Code, variances are not permitted unless an applicant proves a legal "Hardship".
- Generally, if one or more new lots will be created, or existing lot lines will be altered, or one or more new principal non-residential buildings are proposed, then the requirements and approval procedures of the Township **Subdivision and Land Development Ordinance** will also apply. This is a separate ordinance available at the Township Office.
- If there will be significant disturbance of the ground, it will be necessary to use certain measures to control **soil erosion**. In such case, contact the County Conservation District.
- If there will be impacts upon stormwater runoff, see the Township Stormwater Management Ordinance.

Any questions concerning the Zoning Ordinance should be directed to the Township's **Zoning Officer**. The Zoning Officer also administers applications for permits.

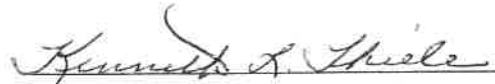
WESTFALL TOWNSHIP ZONING ORDINANCE
TITLE; ENACTMENT; SEVERABILITY

1. **TITLE.** A New Ordinance: a) dividing the Township of Westfall, Pike County, Pennsylvania into districts with varying regulations; b) permitting, prohibiting, regulating and determining the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as yards and other open areas to be left unoccupied; c) establishing the maximum density and intensity of uses; d) providing for the administration and enforcement of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code, including provisions for special exceptions and variances to be administered by a Zoning Hearing Board; and e) establishing provisions for the protection of certain natural features.
2. **SHORT TITLE.** This Ordinance shall be known and be cited as the "Westfall Township Zoning Ordinance" of 2005.
3. **SEVERABILITY.** It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance 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 Ordinance shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid. If the entire Zoning Ordinance should be declared invalid, then the Westfall Township Zoning Ordinance that was in effect immediately prior to the enactment of this new Zoning Ordinance shall automatically be re-instated as the Zoning Ordinance for Westfall Township.
4. **PROCEDURAL DEFECTS IN ENACTMENT.** Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided in State law and be filed not later than 30 days after the intended effective date of the Ordinance or amendment.
5. **REPEALER.** The pre-existing Westfall Township Zoning Ordinance, as amended, is hereby repealed, in addition to the repeal of any other Township ordinances or resolutions or parts thereof that were adopted prior to this Ordinance that are clearly in direct conflict with this Ordinance.
6. **ENACTMENT.** Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Board of Supervisors of Westfall Township hereby enacts and ordains into an Ordinance the attached document this date of September 6, 2005. This Ordinance shall become effective in 5 calendar days.

Date of Planning Commission Public Meeting:
Date of Board of Supervisors Public Hearing:

April 22, 2004
September 6, 2005

WESTFALL TOWNSHIP BOARD OF
SUPERVISORS


Chairperson, Board of Supervisors










Attest, Township Secretary

ARTICLE 1 ADMINISTRATION

101. APPLICABILITY OF THIS ORDINANCE. This Zoning Ordinance shall apply throughout the Township of Westfall. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance. See Section 103.A.
102. PURPOSES AND COMMUNITY DEVELOPMENT OBJECTIVES. This Ordinance is hereby adopted:
- 102.A. in accordance with the requirements and purposes (including Sections 604 and 605 or their successor section(s), which are included by reference) of the Pennsylvania Municipalities Planning Code, as amended,
 - 102.B. in accordance with goals and objectives of the Westfall Township Comprehensive Plan, which are hereby included by reference,
 - 102.C. to carry out the following major objectives:
 - 1. to make sure that development carefully relates to natural features, and to avoid overly intense development of environmentally sensitive land,
 - 2. to minimize disturbance of creek valleys and steep woodlands,
 - 3. to avoid overextending groundwater supplies, and to encourage groundwater recharge,
 - 4. to protect the quality of groundwater and surface waters,
 - 5. to promote traditional styles of development,
 - 6. to promote compatibility between land uses,
 - 7. to seek coordinated development and roads across municipal borders,
 - 8. to provide for a variety of residential densities and meet legal obligations to provide opportunities for all housing types,
 - 9. to promote development that retains the rural character of the Township,
 - 10. to encourage rehabilitation and avoid demolition of historic buildings,
 - 11. to direct higher density development to areas that are physically suitable, accessible by major roads and that have the potential of central water and sewage services,
 - 12. to coordinate development with future central water and sewage service areas,
 - 13. to direct industrial development to locations that will minimize conflicts with homes,
 - 14. to direct commercial businesses to existing commercial areas, while avoiding new strip commercial areas that would cause traffic congestion and safety problems and conflicts with homes, and
 - 15. to promote new business development in appropriate areas that will provide additional tax revenue and job opportunities.
103. PERMITS AND CERTIFICATES.
- 103.A. Applicability.
 - 1. Any of the following activities or any other activity regulated by this Ordinance shall only be carried out in conformity with this Ordinance.
 - a. Erection, construction, movement, placement or extension of a structure, building or sign,
 - b. Change of the type of use or expansion of the use of a structure or area of land,
 - c. Creation of a lot or alteration of lot lines, and/or
 - d. Creation of a new use.

2. Zoning Permit. A Zoning Permit indicates that a zoning application complies with this Ordinance to the best knowledge of the applicable Township Staff.
- a. A Zoning Permit is required to be issued prior to the start of any of the following activities:
 - 1) Erection, construction, movement, placement or expansion of a structure, building, swimming pool or sign, or demolition of any building,
 - 2) Change of the type of use or expansion of the use of a structure or area of land (except that the finishing of existing interior space within one dwelling shall not need a zoning permit),
 - 3) Re-grading of land to prepare for the erection, construction or alteration of a building.
 - 4) Forestry as regulated by Section 402,
 - 5) Creation of a new use, and/or
 - 6) Other alterations of natural features that are regulated by this Ordinance.
 - b. The Township may, at its option, issue combined or separate Building Permits and Zoning Permits and/or may utilize a single or separate applications for the permits.
 - c. A separate Township ordinance regulates when a Building Permit is required.
3. Certificate of Occupancy.
- a. It shall be unlawful to use and/or occupy any new principal building or any accessory building with a floor area greater than 500 square feet, or to establish any new or replacement principal non-residential use or swimming pool until a certificate of use and occupancy for such building or use has been issued by the Township Staff. (Note - A certificate of use and occupancy may also be required for other activities under a Construction Code.)
 - b. The Township Staff may permit the Zoning Permit application to serve as the application for the Certificate of Use and Occupancy.
 - c. The Certificate of Occupancy shall only be issued by the Zoning Officer if the Zoning Officer determines that the activity complies with this Ordinance, to the best knowledge of the Zoning Officer. The Township may also withhold issuance of the Certificate until there is compliance with other Township ordinances.
 - d. The applicant shall keep a copy of the Certificate of Occupancy available for inspection.
 - e. Upon the request of an applicant, the Zoning Officer may issue a temporary Certificate Occupancy. Such temporary Certificate may permit an activity to occur in all or part of a structure before the entire work covered by the Permit has been completed.
 - (1) However, such temporary Certificate shall only be issued if the applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety.
 - (2) The temporary Certificate shall establish in writing a maximum time period under which it is valid. A 6 month maximum time period shall apply if not otherwise specified.
 - (3) Failure to receive a permanent Certificate of Use and Occupancy within such time period shall be a violation of this Ordinance.
 - (4) The temporary Certificate may be conditioned upon compliance with certain specific requirements within certain time periods.
 - (5) See also Section 103.G.

103.B. Repairs and Maintenance. Ordinary repairs and maintenance to existing structures shall not by itself be regulated by this Ordinance. Examples of such work include replacement of a roof or porch that does not involve enclosure of space. (However, a Construction Permit under any Township Building Code may be needed for such work.)

103.C. Types of Uses.

1. Permitted by Right Uses. The Zoning Officer shall issue a permit under this Ordinance in response to an application for a use that is "permitted by right" if it meets all of the requirements of this Ordinance and if a permit is required by Section 103.A.
2. Special Exception Use or Application Requiring a Variance. A permit under this Ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.
3. Conditional Use. A use requiring zoning approval by the Board of Supervisors under Section 117.

103.D. Applications.

1. Submittal. All applications for a Zoning Permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the Township. Such completed application, with required fees, shall be submitted to a designated Township staff-person.
2. Site Plan. The applicant shall submit a minimum of 2 copies of a site plan with the application if the application involves a new principal building, expansion of a principal building or addition of 3 or more parking spaces. The site plan shall be drawn to scale and show the following:
 - a. locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features,
 - b. notes showing the dimensions of all buildings from lot lines and street rights-of-way,
 - c. locations of any watercourses and any 100 year floodplain,
 - d. proposed lot areas, lot widths and other applicable dimensional requirements,
 - e. locations and widths of existing and proposed sidewalks, and
 - f. well and primary and alternate septic system locations. See Section 309.
3. Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:
 - a. the address of the lot,
 - b. name and address of the applicant, and of the owner of the property if different from the applicant,
 - c. a description of the proposed use of the property,
 - d. all other applicable information listed on the official Township application form,
 - e. if the applicant is incorporated, the legal names and day telephone numbers of officers of the organization/corporation, and
 - f. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance.
4. Submittals to the Board. In addition to the information listed in part "3." above, an application requiring a site plan and action by the Zoning Hearing Board shall also include

the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this Ordinance:

- a. the present zoning district and major applicable lot requirements,
- b. for a non-residential use:
 - (1) a description of the proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards,
 - (2) a list of the maximum hours of operation,
- c. the existing directions of stormwater flow (and any proposed revisions), and any proposed methods of stormwater management,
- d. a listing of any sections of this Ordinance being appealed, with the reasons for any appeal,
- e. approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as "drug store" or "single family detached dwelling"),
- f. heights, locations, methods of illumination and intensity of exterior lighting and sign lighting,
- g. name and address of person who prepared the site plan,
- h. signed acknowledgement of the application by the applicant, and
- i. such additional information required under applicable sections of this Ordinance.

5. Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article 2).

103.E. Issuance of Permits.

1. At least 1 copy of each permit application and any other zoning approval shall be retained in Township files.
2. PennDOT Permit. Where necessary for access onto a State road, a Township zoning or building permit shall be automatically conditioned upon issuance of a PennDOT Highway Occupancy Permit.
3. No construction of buildings shall commence until after a Township or State highway occupancy permit has been issued, when such permit will be required.

103.F. Revocation of Permits; Appeal of Permit or Approval.

1. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the Zoning Ordinance in case of one or more of the following:
 - a. any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
 - b. upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance;
 - c. any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application;

- d. failure to properly maintain driveway or stormwater facilities; and/or
 - e. for any other just cause set forth in this Ordinance.
2. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions under this Ordinance within the provisions of the State Municipalities Planning Code. Any such appeal shall occur within the time period established in the State Municipalities Planning Code (As of the adoption date of this Ordinance, such provisions were in Sections 914.1 and 1002.A.).

103.G. Zoning Permit for Temporary Uses and Structures.

1. A Zoning Permit for a temporary use or structure may be issued by the Zoning Officer for any of the following:
 - a. A Temporary Permit may be issued for customary, routine and accessory short-term special events, provided that:
 - (1) only a well-established nonprofit organization, fire company or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose shall be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted,
 - (2) such total events shall be limited to a maximum of 45 days for Christmas Tree Sales and 12 total days per calendar year for all other activities, and
 - (3) the applicant shall prove to the Zoning Officer that sufficient parking and traffic control will be available for the special event, without obstructing parking that is required to serve other uses on the site.
 - b. A Temporary Permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway under a valid Township permit.
 - c. A Temporary Permit may be issued for a temporary structure placed or erected for use as a model or display by a building contractor as an accessory use to such contractor's sales office. Such structure shall not be used for any other purpose, including as a sales office. A structure erected under this subsection shall be designed for disassembly and removal from the site and shall not be connected to a sewage or septic system. A temporary permit issued under this subsection shall be valid for not more than 24 months and may be renewed for one additional 12 month period.
2. Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a 7 day maximum period shall apply. A temporary permit may be renewed for just cause.
3. Temporary Retail Sales. Except as provided in subsection 103.G.1.a.(1) above, and except for agricultural sales allowed by the State Right to Farm Act, a lot shall only be used for temporary retail sales if all of the following conditions are met:
 - a. The property shall be located within a zoning district that allows retail sales.
 - b. The operator shall have received any business permits required by the Township. The operator may be a different entity than the operator of another business on the lot.
 - c. No off-street parking spaces shall be obstructed that are required to serve permanent uses on the lot.
 - d. Any signs visible from a public street shall comply with this Ordinance.

- e. If food or beverages are sold that are not pre-packaged, the applicant shall prove compliance with State health regulations, including having on-site facilities for workers to wash their hands. Proper bathroom facilities shall also be available for workers.
- f. Any structure shall meet applicable minimum setbacks.
- g. A permit under this Ordinance shall be required from the Township, which shall be displayed while the activity is open for business.
- h. The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.
- i. Applicable State highway occupancy permit requirements shall be met.
- j. See also Section 801.B.

103.H. Compliance with Township Subdivision and Land Development Ordinance. If a application under this Ordinance would also be regulated by the Township Subdivision and Land Development Ordinance ("SALDO"), then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the SALDO. See the definitions of "Land Development" and "Subdivision" in the SALDO.

- 1. For example, if an applicant applies for a single family detached dwelling on a proposed new lot, the construction permit for such dwelling shall not be valid until after the lot is granted final subdivision approval and the lot is officially recorded by the County Recorder of Deeds.

103.I. Time Limits on Permits and Approvals.

- 1. After a variance, special exception or conditional use approval is officially authorized, then any applicable zoning and building permits shall be secured by the applicant within 12 months after the date of such approval or authorization. If the applicant is actively seeking another Township approval for the project, then the 12 month period may start after the other Township approval is granted.
- 2. Work authorized by a zoning permit shall be completed within 12 months after the issuance of the permit. In response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for completion of work to a maximum total of 36 months after permits are issued.
- 3. If an applicant fails to comply with the time limits in this Section 103.I. or allows interruptions in construction of longer than 12 months, the Zoning Officer shall conclusively presume that the applicant has waived, withdrawn or abandoned approvals and permits under this Ordinance and shall consider all such approvals and permits to have become null and void.

104. GENERAL PROCEDURE FOR PERMITS.

104.A. After receiving a proper application, the Zoning Officer shall either: 1) issue the applicable permit(s) or 2) deny the application(s) as submitted, indicating one or more reasons.

- 1. After a complete duly submitted application is filed for a permitted by right use, a zoning permit should be issued or refused within 30 days. Where such application is filed for a special exception or conditional use, it shall be forwarded to the applicable board within 10 days.

- 104.B. After the permit under this Ordinance has been issued, the applicant may undertake the action specified by the permit, in compliance with other Township Ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant.

105. INTERPRETATION AND USES NOT SPECIFICALLY ADDRESSED.

- 105.A. Minimum Requirements. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply, unless otherwise stated. The provisions of this Ordinance are in addition to any other applicable Township Ordinance.

- 105.B. Uses Not Specifically Regulated. If a use clearly is not permitted by right, as a conditional use, or as a special exception use by this Ordinance within any Zoning District, the use is prohibited, except that the Board of Supervisors may permit such use as a conditional use if the applicant specifically proves to the clear satisfaction of the Board of Supervisors that all of the following conditions would be met:

1. the proposed use would be less intensive in external impacts and nuisances than uses that are permitted in the District,
2. the proposed use would be closely similar in character to uses permitted in that District, considering the standards in Section 805.F.,
3. the use would meet the standards of Section 117 for a conditional use, and
4. the use is not specifically prohibited in that District.

- 105.C. Interpretation of Ordinance Text and Boundaries.

1. The Zoning Officer shall literally apply the wording of this Ordinance and the location of all District boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the Township Solicitor to aid in the Zoning Officer's determination.
2. If an applicant disagrees with the Zoning Officer's determination and believes that the Ordinance should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See Section 111.
3. See Section 304.

- 105.D. Undefined Terms/ Interpretation of Definitions. See Section 201.

106. **ENFORCEMENT, VIOLATIONS AND PENALTIES.** All of the enforcement, violations and penalty provisions of the State Municipalities Planning Code, as amended, are hereby incorporated into this Ordinance by reference. (Note - As of the adoption date of this Ordinance, these provisions were primarily in Sections 616.1, 617 and 617.2 of such Act.)

- 106.A. Violations. Any person who shall commit or who shall permit any of the following actions violates this Ordinance:

1. Failure to secure a zoning permit where a permit is required by Section 103.A.
2. Placement of false statements on or omitting relevant information from an application for a zoning permit.

3. Undertaking any action in a manner which does not comply with a zoning permit.
 4. Violation of any condition imposed by a decision of Board of Supervisors or the Zoning Hearing Board.
- 106.B. Enforcement Notice. If the Township has reason to believe that a violation of a provision of the Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in Section 616.1 of the State Municipalities Planning Code. Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance.
- 106.C. Time Limits. An official enforcement notice shall state the deadline to complete bringing the property into compliance with this Ordinance, and shall state that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board.
- 106.D. Causes of Action; Enforcement Remedies. The Causes of Action and Enforcement Remedies provisions of the State Municipalities Planning Code, as amended, are hereby incorporated by reference. (Note - As of the adoption date of this Ordinance, such provisions were in Section 617 of such law.)
1. Enforcement Action. If the enforcement notice is not complied within the time frame stated on the enforcement notice, the Zoning Officer shall notify the Board of Supervisors. The Supervisors may request the Township Solicitor to institute in the name of the Township any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, landscaping or land in violation of the provisions of this chapter or the order or direction made pursuant thereto. The Board of Supervisors may also direct the Zoning Officer or Township Solicitor to institute a civil enforcement proceeding before a district justice.
 2. Violations and Penalties. Any person who has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars plus all court costs, including the reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determining that there has been a violation further determines that there was a good faith basis for the person violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this chapter shall be paid over to the Township for the general use of the Township.
 3. Remedies. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree or other growth is maintained in violation of this chapter or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy issued under this chapter or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional

use, then, in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises.

- 106.E. Enforcement Evidence. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
107. FEES. A Township fee schedule for permits and applications may be established and amended by written resolution of the Board of Supervisors. No application or appeal shall be considered filed until all fees are paid.
108. AMENDMENTS TO THIS ORDINANCE. Within the requirements of the State Municipalities Planning Code, the Board of Supervisors may amend, or repeal any or all portions of this Ordinance on 1) its own motion or 2) after agreeing to hear a written request of any person, entity, landowner or the Planning Commission.
109. CURATIVE AMENDMENTS. The applicable provisions of the State Municipalities Planning Code shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 609.1, 609.2 and 916.1 of such Act.)
110. ZONING OFFICER.
- 110.A. Appointment. The Zoning Officer shall be appointed by the Board of Supervisors. The Board of Supervisors may designate other Township Staff-persons to serve as Assistant Zoning Officer(s). Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer. The Zoning Officer shall not hold any elective office within the Township, but may hold other appointed offices.
- 110.B. Duties and Powers. The Zoning Officer's duties and powers shall include the following:
1. administer the Zoning Ordinance in accordance with its literal terms, including to receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within the provisions of this Ordinance;
 2. conduct inspections to determine compliance, and receive complaints of violation of this Ordinance;
 3. keep records of applications, permits, certificates, written decisions, and variances granted by the Board, and of enforcement orders, with all such records being the property of the Township and being available for public inspection;
 4. review proposed subdivisions and land developments for compliance with this Ordinance; and
 5. take enforcement actions as provided by the State Municipalities Planning Code, as amended.
111. ZONING HEARING BOARD ACTIONS AND VARIANCES.
- 111.A. Membership of Board. The Zoning Hearing Board shall consist of 3 residents of the Township appointed by the Board of Supervisors. The existing terms of office shall continue, with terms of office being 3 years, and with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the Township.

1. Alternate Members. The Board of Supervisors may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the State Municipalities Planning Code. (Note: As of the adoption date of this Ordinance, such provisions were in Section 903(b) of such Act).
- 111.B. Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- 111.C. Organization. The applicable provisions of the State Municipalities Planning Code, as amended shall apply. (As of the adoption date of this Ordinance, these provisions were in Sections 906(a), (b) and (c) of such Act).
- 111.D. Zoning Hearing Board Jurisdiction and Functions. The Zoning Hearing Board shall be responsible for the following:
 1. Appeal of a Decision by the Zoning Officer.
 - a. The Board shall hear and decide appeals where it is alleged by an affected person, entity or the Board of Supervisors that the Zoning Officer has improperly acted under the requirements and procedures of this Ordinance.
 - b. See time limitations for appeals in Section 111.F.
 2. Challenge to the Validity of the Ordinance or Map. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 909.1 and 916 of such Act).
 3. Variance.
 - a. The Board shall hear requests for variances filed with the Township Staff in writing.
 - b. Standards. The Board may grant a variance only within the limitations of State law.
(Note: As of the adoption date of this Ordinance, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:
 - i) *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 or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;*
 - ii) *Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property;*
 - iii) *Such unnecessary hardship has not been created by the appellant;*
 - iv) *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; and*
 - v) *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.)*
 - c. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

4. Special Exception.
 - a. The Board shall hear and decide requests for all special exceptions filed with the Township Staff in writing. The Board shall only permit a special exception that is authorized by this Ordinance. See Section 116.
 - b. Conditions. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance.
5. Persons With Disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable Federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.
 - a. Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
 - b. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
 - c. Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.
6. The Zoning Hearing Board shall also hear any other matters as set forth in the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were primarily within Section 909.1 of such law.)
- 111.E. Time Limits for Appeals. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Section 914.1 of such Act.)
- 111.F. Stay of Proceedings. The Stay of Proceedings provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, such provisions were in Section 915.1 of such Act.)
- 111.G. Time Limits on Permits and Approvals. See Section 103.
- 111.H Multiple Applications. No more than one application for the same property shall be pending before the Zoning Hearing Board for special exception approval at any time.
112. **ZONING HEARING BOARD HEARINGS AND DECISIONS.** The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board.
 - 112.A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:

1. Ad. Public notice shall be published, as defined by Section 107 of the State Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.
 2. Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The Township Staff shall post the property. It is the responsibility of the applicant to make sure that such notice remains posted until the hearing.
 3. Persons Given Notice. The Township shall provide written notice to the Applicant of the time and place of the hearing. The Township should also provide notice to the Chairperson of the Board of Supervisors. In addition, the Township shall endeavor to provide notice to the last known principal owner of record of each property that is immediately adjacent to or immediately across a street from the subject property, however, failure to provide such notice shall not be grounds for an appeal. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be mailed or delivered to the last known address.
- 112.B. Initiation of Hearings. A hearing required under this Ordinance shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.
- 112.C. Decision/Findings.
1. The Board shall render a written decision on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.
 2. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.
 3. References shall be provided to the most pertinent section(s) of this Ordinance and/or the State Municipalities Planning Code.
- 112.D. Notice of Decision. A copy of the final decision shall be delivered or mailed to the applicant or his/her representative or their last known address not later than the time limit established by the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were within Sections 908(9) and 908(10) of such Act, including provisions regarding notice to other parties).
- 112.E. See also Section 908 of the PA. Municipalities Planning Code.
113. **APPEALS TO COURT.** The provisions for appeals to court that are stated in the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Sections 1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act.)
114. **LIMITED PUBLIC UTILITY EXEMPTIONS.** See the provisions of the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were within Section 619 of such Act.)
115. **LIMITED TOWNSHIP AND MUNICIPAL AUTHORITY EXEMPTION.** The minimum lot area, minimum lot width and minimum street frontage requirements of this Ordinance shall not apply to uses

or structures owned by Westfall Township or by a municipal authority created solely by Westfall Township for uses and structures that are intended for a public utility, stormwater, public recreation or public health and safety purpose.

116. SPECIAL EXCEPTION USE PROCESS.

116.A. Purpose. The Special Exception Process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.

116.B. Special Exception Procedure.

1. A Site Plan shall be submitted, which shall contain the information required in Section 103.D.
If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a special exception is approved.
2. The Zoning Officer should provide a review to the Zoning Hearing Board regarding the compliance of the application with this Ordinance.
3. The Zoning Hearing Board shall follow the procedures provided in Section 112.
4. The Township Staff should offer a special exception application to the Township Planning Commission for any advisory review that the Commission may wish to provide. However, the Zoning Hearing Board shall meet the time limits of State law for a decision, regardless of whether the Township Planning Commission has provided comments.
5. Time Limits. The provisions of the State Municipalities Planning Code shall apply. (Note - As of the adoption date of this Ordinance, such provisions were in Sections 908(1.2) and 908(9) of such Code.) See also time limits on permits in Section 103.I.

116.C. Consideration of Special Exception Applications. When special exceptions are allowed by this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with standards established by this Ordinance, including the following:

1. Compliance with this Ordinance. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.
2. Compliance with Other Laws. The approval may be conditioned upon proof of compliance with other specific applicable township, state and federal laws, regulations and permits. Required permits or other proof of compliance may be required to be presented to the Township prior to the issuance of any zoning permit, building permit, certification of occupancy and/or recording of an approved plan.
3. Traffic. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion, after considering any improvements proposed to be made by the applicant.
4. Site Planning. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance.
5. Neighborhood. The proposed use shall not substantially harm any surrounding residential neighborhood, after considering any proposed conditions upon approval.

6. Safety. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.

116.D. Conditions. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the building permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this ordinance.

117. CONDITIONAL USE PROCESS.

117.A. Purpose. The conditional use approval process is designed to allow the Board of Supervisors to review and approve certain uses that could have significant impacts upon the community and the environment.

117.B. Procedure. The Board of Supervisors shall consider the conditional use application and render its decision in accordance with the requirements of the State Municipalities Planning Code.

1. Submittal. A Site Plan shall be submitted, which shall contain the information listed in Section 103.D. Detailed site engineering (such as stormwater calculations and profiles) are not required at the conditional use stage. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a conditional use is approved. Or, an applicant may voluntarily choose to submit a subdivision or land development plan for review at the same time as a conditional use application.
2. Reviews.
 - a. The Zoning Officer should provide a review to the Board regarding the compliance of the application with this Ordinance.
 - b. The Township Staff shall submit a conditional use application to the Planning Commission for any review that the Commission may wish to provide. However, the Board of Supervisors shall meet the time limits for a decision, regardless of whether the Planning Commission has provided comments.
3. The only uses that shall be approved as conditional uses shall be those listed as conditional uses in Article 3.
4. Time Limit. The provisions of the State Municipalities Planning Code shall apply. (Note - As of the adoption date of this Ordinance, such provisions were in Section 913.2 of such Act). See also time limits on permits in Section 103.I.

117.C. Consideration of Conditional Use Application. The Board of Supervisors shall determine whether the proposed conditional use would meet the applicable requirements of this Ordinance. The same standards shall apply to a conditional use as are listed in Section 116.C. for a special exception use.

117.D. Conditions. In approving conditional use applications, the Board of Supervisors may attach conditions they consider necessary to protect the public welfare and meet the standards of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Ordinance.

118. LIABILITY.

- 118.A. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, storm water runoff review, review of activity on steep slopes, or any other review, approval or permit under this Ordinance by an officer, employee, board, commission, solicitor, consultant or agency of the Township shall not constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, boards, solicitor(s), consultants or agencies of the practicality or safety of any structure, use or subdivision, and shall create no liability upon nor a cause of action against such entity or person for any damage that may result pursuant thereto.
- 118.B. If the Zoning Officer mistakenly issues a permit under this Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit.

ARTICLE 2 DEFINITIONS

201. **GENERAL INTERPRETATION.** For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied".
- C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
- D. "Sale" shall also include rental.
- E. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.
- F. If a word or term is not defined by this Ordinance, but is defined in the Subdivision and Land Development Ordinance (SALDO), then the SALDO definition shall apply. If a word or term is not defined in this Ordinance nor the SALDO, then the word or term shall have its plain and ordinary meaning within the context of the Section. A standard reference dictionary should be consulted.
- G. The words "such as", "includes", "including" and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
- H. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.

202. **TERMS DEFINED.** When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abut or Abutting. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street, public alley open to traffic, or a perennial waterway. See definition of "adjacent."

Accessory Structure (includes Accessory Building). A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include but are not limited to a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An "Accessory Building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory building.

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

Adjacent. Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

Adult Bookstore. A use that has over 10% of the total floor area occupied by items for sale or rent that are books, films, magazines, video tapes, coin- or token-operated films or video tapes,

paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law. If such items are within a separate room, then the 10 percent standard shall apply to the floor area of such room.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual "specified sexual activities" to 3 or more persons and which is related to monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the on-site presentation to 4 or more persons at one time of moving images distinguished by an emphasis on depiction of "specified sexual activities" and that is related to monetary compensation paid by the persons viewing such matter.

Adult Use. This term shall mean Adult Bookstore, Adult Movie Theater, or Adult Live Entertainment Facility/Use. These terms shall be distinct types of uses, and shall not be allowed as part of any other use.

After Hours Club. A use that permits the consumption of alcoholic beverages by 5 or more unrelated persons between the hours of 2 a.m. and 6 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

Age Restricted Housing. A housing development in which every dwelling unit (except a unit for one manager) is permanently restricted by deed, by any lease and by notes on the recorded plan to the following occupancy limitations: 1) a minimum of one resident head of household of each dwelling unit shall be age 55 years or older or be physically disabled as defined by Social Security disability regulations, and 2) no person under age 50 shall live in the dwelling unit for more than 30 days in any calendar year.

A. The only allowed housing type in an Age Restricted Housing Development shall be townhouses, except that apartments shall also be allowed if apartments are listed as an allowed use in that zoning district in Section 306.

Airport. An area and related support facilities used for the landing and take-off of motorized aircraft that carry people. A "Public Airport" shall be an Airport that does not meet the definition of a "Private Airport." A Private Airport shall be limited to a maximum of 15 total landings and take-offs in any 7 day period, and shall not be available for use by the general public.

Animal Cemetery. A place used for the burial of the remains of 5 or more non-cremated animals, other than customary burial of farm animals as accessory to a livestock use.

Antenna. An exterior device or apparatus designed for cellular, digital, telephone, radio, pager, commercial mobile radio, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves, including without limitation, omnidirectional or whip antennas and directional or panel antennas. Unless otherwise stated, this term shall not include "standard antenna."

Antenna Height. The vertical distance from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof. If

the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna, Standard. A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on-site, or for transmitting short-wave or citizens band radio signals. See also "Commercial Communications Antenna."

Apartment. See "dwelling types."

Applicant. The definition in the State Municipalities Planning Code, as amended, shall apply.

Assisted Living Facility. Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as Personal Care Centers by the Commonwealth of Pennsylvania.

Auditorium, Arena or Performing Arts Center. A room or rooms with its primary purpose being the provision of commercial performances of live music, professional sports or other live entertainment to an on-site audience, and which is not an "Adult Use."

Auto, Boat and/or Mobile/Manufactured Home Sales. This use is any area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard. See requirements in Section 402.

Auto Repair Garage. An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "auto service station" is also permitted as part of an "auto repair garage." This use shall not include activity meeting the definition of a "truck stop." See requirements in Section 402.

Auto Service Station. An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station. See storage limits and other requirements in Section 402.

Basement. An enclosed floor area that is primarily underground.

Bed and Breakfast, Inn. A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in Section 402 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family. See requirements in Section 402.

Betting Use. A place used for lawful gambling activities, including but not limited to off-track pari-mutual betting and any use of electronic gambling devices. This term shall not regulate State Lottery sales or lawful "Small Games of Chance."

Billboard. See Sign, Off-Premises.

Boarding House (Includes "Rooming House"). A residential use in which: a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for 5 or more consecutive days.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See Section 803.

Building. Any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure". Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

Building Coverage. The percentage obtained by dividing the total horizontal area covered by all buildings on a lot by the total lot area of a lot. For the purposes of this definition, building coverage shall include all buildings that are under a roof.

Building Height. See "Height."

Building, Principal. A building used for the conduct of the principal use of a lot, and which is not an accessory building.

Building Width. The horizontal measurement between 2 vertical structural walls that are generally parallel of 1 building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from

the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

Bulk Recycling Center. A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

Camp. An area that includes facilities and structures for primarily outdoor recreational activities by organized groups, and/or that involves overnight stays within seasonal cabins or temporary tents by organized groups to the area. This term shall only include facilities that are primarily used during warmer months, and which have a maximum impervious coverage of 5 percent. This term shall not include a Recreational Vehicle Campground or Campground.

Campground. A development under single ownership of the land with sites being rented, leased or sold through time-share for use for tents or recreational vehicle sites for transient visitors to the area, and which may include accessory recreational facilities.

Campground, Recreational Vehicle. A type of campground that involves persons temporarily living within recreational vehicles.

Cemetery. A place used for the burial of 2 or more non-cremated humans.

Christmas Tree Farm or Tree Farm. A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale during November and December of trees that were produced on the premises.

Church. See "Place of Worship."

Clear Cutting. See under forestry.

Cluster Development. See Open Space Development.

Commercial Communications Tower or Antenna. A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna". Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antenna. See standards in Section 402. This term shall not include a "standard antenna."

- A. Lattice Tower. A Commercial Communications Tower that is guyed or self-supporting with an open steel-frame structure.
- B. Monopole Tower. A Commercial Communications Tower that involves a single shaft as its structural support.

Commercial District. The C-1, C-2 and C-3 Zoning Districts.

Commercial Use. This term includes but is not limited to: retail sales, offices, personal services, professional business services, auto sales, auto repair garages and other uses of a similar profit-making non-industrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Community Center. A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a "treatment center."

Comprehensive Plan. The latest adopted Comprehensive Plan of Westfall Township, as amended.

Conditional Use. A use listed as a conditional use under Section 306, which is only allowed after review by the Township Planning Commission and approval by the Board of Supervisors, under Section 117.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

Conference Center. A use that has a primary purpose of providing meeting space for professional organizations and training sessions, and that may include accessory dining facilities.

Conservation Easement. A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

Convenience Store. A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 8,000 square feet. A convenience store involving the sale of gasoline shall be regulated as an "auto service station."

Crafts or Artisan's Studio. A use involving the creation, display and sale of arts and crafts, such as paintings, sculpture and fabric crafts. The creation of arts and crafts may also be permitted within a Home Occupation, provided the requirements for such use are met.

Crop Farming. The raising of products of the soil and accessory storage of these products. This term shall include orchards, tree farms, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See also "Livestock, Raising of."

Curative Amendment, Landowner. A process provided in the State Municipalities Planning Code that permits a landowner to address the potential invalidity of portions or all of a Zoning Ordinance.

Curative Amendment, Municipal. A process provided in the State Municipalities Planning Code that permits a municipality to address the potential invalidity of portions or all of its own Zoning Ordinance.

Day Care Center, Adult. A use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Day Care, Child. 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 a "nursery school" or "Head Start" programs. See also the definition of "adult day care center."

- A. 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 care giver.
- B. Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary care giver. See Section 403.
- C. 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 care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable State agency.*
- B. Child Day Care Center. A type of "day care" use that: 1) provides care for 7 or more children at any one time who are not "relatives" of the primary care giver, 2) does not provide care within a dwelling unit, and 3) is registered with the applicable State agency.* See Section 402.

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

Density. The total number of dwelling units proposed on a lot divided by the "lot area", unless otherwise stated.

DEP. Shall mean the Pennsylvania Department of Environmental Protection and its relevant bureaus.

District (or Zoning District). A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Dormitory. A building used as living quarters for the exclusive use of bona-fide full-time faculty or students of an accredited college or university or primary or secondary school, and which is owned by and on the same lot as such college, university or school.

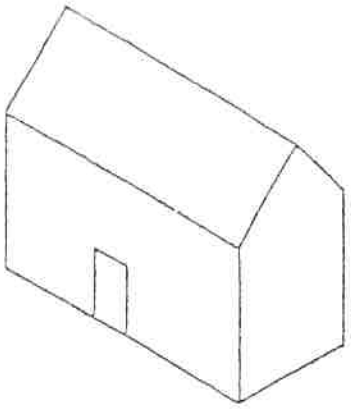
Drive-through Service. An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home."

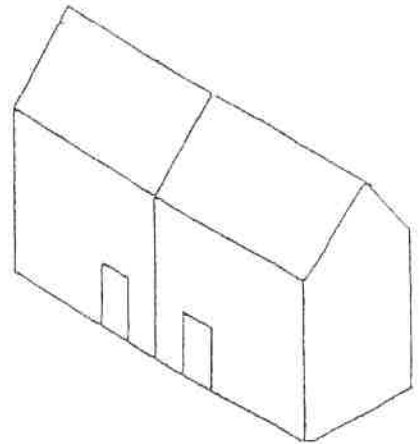
Dwelling Types. This Ordinance categorizes dwellings into the following types:

- A. Conversion Apartment. A new dwelling unit created within an existing building within the standards of Article 4 and where permitted by Article 3 and meeting the floor area requirements of Section 801.
- B. Apartments. Two or more dwelling units within a building that do not meet the definition of a single family detached dwelling, twin dwelling or townhouse/rowhouse. The individual dwelling units may be leased or sold for condominium ownership.
- C. Sectional or "Modular" Home. A type of dwelling that meets a definition of single family detached dwelling, single family semi-detached dwelling, townhouse or apartments and that meets the definition for a Sectional or Modular Home that is provided in the State Uniform Construction Code. (Note - This typically involves the dwelling being substantially produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a "mobile/ manufactured home" and that is supported structurally by its exterior walls and that rests on a permanent foundation.) For zoning purposes, a sectional dwelling is not considered a separate dwelling type.
- D. Single Family Detached Dwelling. One dwelling unit in 1 building accommodating only 1 family and having open yard areas on all sides. A single family detached dwelling may be a mobile/manufactured home.
1. Mobile/Manufactured Home. A type of single family detached dwelling that meets the definition for a manufactured home in the State Uniform Construction Code. (Note - This dwelling type meets all of the following requirements: a) is transportable in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for towing, b) is designed for permanent occupancy, c) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, d) is constructed so that it may be used with or without a permanent foundation and e) is not a "Recreation Vehicle.") The terms "mobile home" and "manufactured home" have the same meaning. This term is different from a "Sectional home," which is defined above. See standards in Section 402.
- E. Twin Dwelling Unit. One dwelling unit accommodating 1 family that is attached to and completely separated by a vertical unpierced fire resistant wall to only 1 additional dwelling unit. One side yard shall be adjacent to each dwelling unit. Each unit may or may not be on a separate lot from the attached dwelling unit.

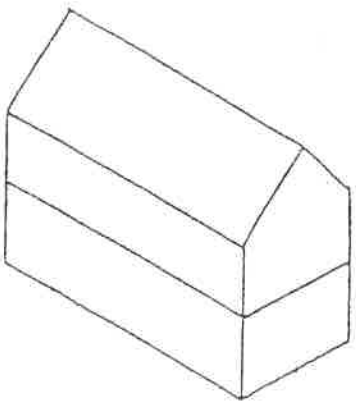
DWELLING TYPES



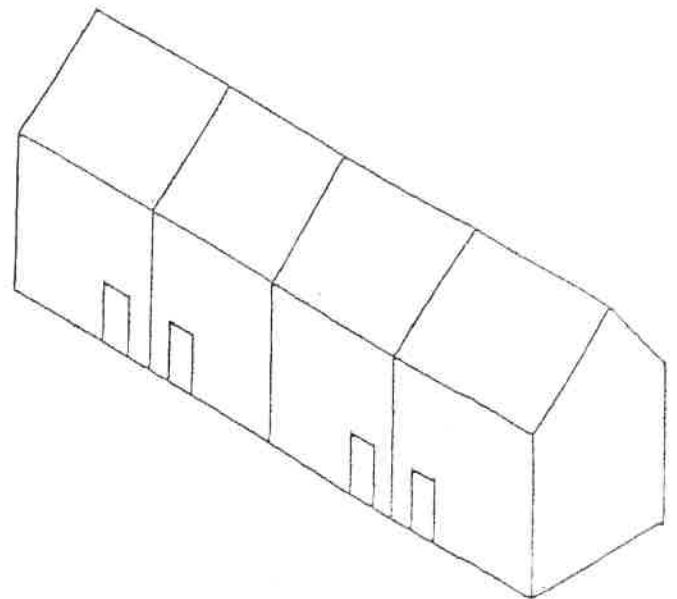
Single Family Detached Dwelling



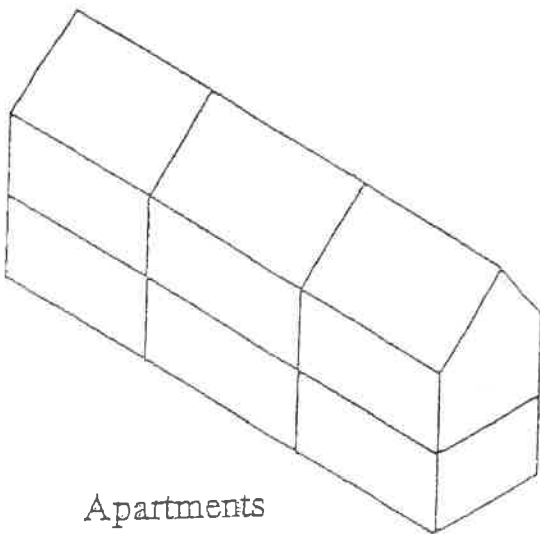
Two Twin Dwelling Units



Apartments



Townhouses or Rowhouses



Apartments

- F. Townhouse or Rowhouse. One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. See standards in Section 402.

Dwelling Unit. A single habitable living unit occupied by only one "family." See definitions of "family" and "relatives." Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping, refrigerator and cooking facilities (which shall include a sink, oven and range), 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.

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. This use may include housing for emergency personnel while on-call.

Employees. All workers (including both part-time and full-time, both compensated and volunteer and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

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.

Exhibition Trade Show Center. A use that primarily involves the renting of space for displays related to various vocations or hobbies for on-site viewing by the general public.

Family. One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or up to 3 unrelated individuals who maintain a common household and live within one dwelling unit. A family shall also expressly include numbers of unrelated persons provided by the Group Home provision of Section 402 residing within a licensed group home, as defined herein. Through those provisions and Section 111.D.5, the Township's intent is to comply with the Federal Fair Housing Act, as amended.

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a "wall." See Section 403.

Financial Institution. An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

Flea Market or Auction House. A use that has a primary purpose of renting spaces for multiple vendors to sell items to the general public that are mostly used, or that involves competitive auctioning of mostly used items to a set of customers. This term shall not include a use that routinely involves the sale of motor vehicles.

Floodplain. See definitions of this term and related terms in the Township Floodplain Ordinance.

Floor Area, Total. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to: a) fully enclosed porches and b) areas that are potentially habitable with a minimum head clearance of at least 6.5 feet. Floor area shall not include unenclosed structures.

Forestry - Managing and using, for human benefit, forest lands and natural resources that occur on and in association with forest lands, including trees, other plants, animals, soil and water. This term includes, but is not limited to, the planting, cultivating, harvesting, transporting and selling of trees for commercial purposes.

A. Clearcutting - On a tract or lot of over 2 acres, the cutting down, in total over any 3 year period, of more than 60 percent of live trees that have a trunk diameter of greater than 8 inches (measured 3.5 feet above the average ground level).

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Section 403.

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See Section 507.

Government Facility, Other than Township-Owned. A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by Westfall Township. This term shall not include uses listed separately in the table of uses in Article 3, such as "publicly owned recreation." This term shall not include a prison.

Group Home. A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act as amended. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use.

- A. Group homes shall be subject to the same limitations and regulations by the Township as the type of dwelling unit they occupy.
- B. It is the express intent of the Township to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
- C. A Group Home shall not include a "Treatment Center."
- D. See standards in Section 402.
- E. A group home-type of use that exceeds the number of residents allowed in a Group Home shall be regulated as a Treatment Center, unless approved otherwise under Section 111.D.

- * *NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance abuse treatment.*

Hazardous Substances. A product or waste, or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes, but is not limited to materials which are included on the latest edition of one or more of the following lists:

- A. "Hazardous Substances" as defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.
- B. "Hazardous Substances" as defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, or its successor provisions.

Hazardous Substances, Extremely. Hazardous substances included on the list of "Extremely Hazardous Substances" in 29 Code of Federal Regulations Part 355, or its successor provisions and that are stored or used in quantities above the threshold reportable limits in such regulations.

Height. The vertical distance measured from the average elevation of the proposed ground level along each side of the structure to the highest point of a structure. See exemptions for certain types of structures in Section 802. For height of signs, see Article 7 entitled "Signs."

Heliport. An area used for the take-off and landing of helicopters, and related support facilities. A Private Heliport shall be limited to 15 total take-offs and landings in any 7 day period, and which is not open to the general public. A Public Heliport is one that does not meet the definition of a Private Heliport.

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the Home Occupation requirements of Section 403. A Light Home Occupation shall be a Home Occupation that meets the additional requirements for a Light Home Occupation stated in Section 403. A General Home Occupation shall be a Home Occupation that does not meet the requirements for a Light Home Occupation. (Note - In most cases, under Section 306, a Light Home Occupation is permitted by right, while a General Home Occupation typically needs special exception approval from the Zoning Hearing Board.)

Hospital. A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered an "Office." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals.

Hotel or Motel. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 90 days shall be considered a "boarding house" and shall meet the requirements of that use. See also "bed and breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, gift shop, swim club or tavern, provided that such use(s) is not the principal use of the property.

Hunting and Fishing Club. Land owned by an organized group of persons formed as a club that is used for hunting, fishing and similar types of passive recreation, and which involves no buildings except those for the recreational, lodging, eating and sanitary facilities for members and invited guests and routinely accessory storage buildings and development requirements. A hunting and fishing club may also include a firearms or archery target range for members and invited guests, if the requirements for a Target Range in Section 402 are met.

Independent Living Retirement Center. A type of residential development comprised of a number of apartment dwelling units each occupied by one "family" and that is only used for residential purposes. Each dwelling unit shall contain a living area, dining area, kitchen with a stove, refrigerator, sink and oven, and a bathroom with a shower or tub. Each dwelling unit shall be limited to occupancy by persons age 62 years or older, except that incidental visitation may be allowed for younger persons for a maximum total of 30 days per calendar year. The Center shall also provide a common room(s) that is suitable and sufficient size to serve for the social and recreational use of residents.

Industrial District. The C-3 zoning district, which is both a commercial and an industrial zoning district.

Impervious Coverage. The percentage that results from dividing the land area on a lot covered by all "impervious surfaces" by the total land area of the lot. Impervious surfaces shall be defined as areas covered by buildings, paving or concrete, or other surfaces that have a runoff coefficient of 0.85 or greater. Areas of stone regularly used for vehicle parking and movement shall be considered impervious for the purposes of restricting impervious coverage under the zoning ordinance.

- A. For a townhouse development, the maximum impervious coverage may be measured as a maximum for the entire development after completion, after the deletion of street rights-of-way, as opposed to regulating each individual townhouse lot.
- B. If the maximum impervious coverage is regulated by both this ordinance and a stormwater ordinance, the more restrictive requirement shall apply.

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicle parts, aircraft, glass, plastics, machinery, equipment, containers and building materials. Junk shall not include: a) solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal, b) toxic substances, c) yard waste, or d) items clearly awaiting imminent recycling at an appropriate location.

Junk Vehicle. Includes any vehicle or trailer that meets any of the following conditions:

- A. cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs,
- B. cannot be towed, in regards to a trailer designed to be towed,
- C. has been demolished beyond repair,
- D. has been separated from its axles, engine, body or chassis, and/or

- E. includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

See also the definition of "unregistered vehicle."

Junkyard.

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of 1 or more of the following types:
1. "Junk." (see definition) covering more than 1 percent of the lot area.
 2. Two or more "junk vehicles" that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles stored as part of an auto repair garage within the requirements of Section 402.
 3. One or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.
- C. A junkyard specifically shall include but not be limited to a metal scrap yard or auto salvage yard.

Kennel. The keeping of 11 or more dogs age 6 months or older on a lot.

Landowner. The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner) or authorized officers of a partnership or corporation that is a "landowner."

Lighting, Diffused. Illumination that passes from the source through a translucent cover or shade.

Livestock or Poultry, Raising of. The raising and keeping of livestock, poultry or insects beyond the number and type allowed under the "Keeping of Pets" section of Section 403 and beyond what is customarily incidental to a principal "crop farming" use. Raising of livestock or poultry shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

Lot. A designated parcel, 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. The area and depth of a lot shall be measured to the legal right-of-way line of the street. See street frontage requirements in Section 801.

Lot, Corner. A lot abutting on 2 or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of two streets.

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, the following shall be excluded:

- A. Areas within the "existing" legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve more than 1 lot. (Note - Other sections of this Ordinance, such as Townhouse Development, may specifically permit proposed streets to be included in determining density for a specific use.)
- B. Areas that are currently or will be required to be dedicated as common or conservation open space on a separate lot. (Note - Other sections of this Ordinance, such as Conservation

Development, may specifically permit proposed conservation open spaces to be included in determining density for a specific use.)

- C. Features required to be excluded from "Lot Area" under Article 3 of this Ordinance.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.

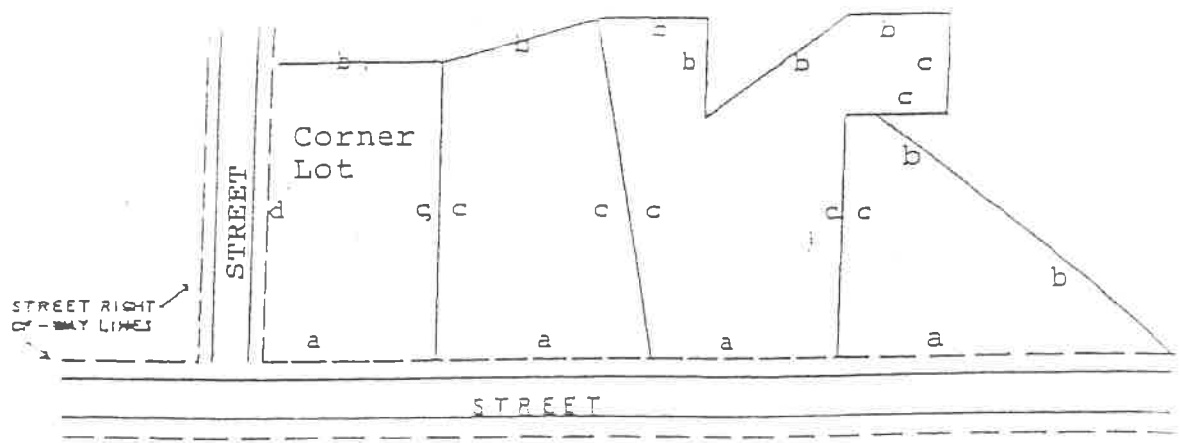
- A. **Front Lot Line (Street Line).** A lot line separating the lot from the existing or proposed street right-of-way. For a corner lot, see Section 803.B.
- B. **Rear Lot Line.** Any lot line which is parallel to or within 45 degrees of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line. Every lot shall have a rear yard.
- C. **Side Lot Line.** Any lot line other than a front or rear lot line.

a = Front lot line

b = Rear lot line

c = Side lot line

d = A second front lot line abutting a street which is required to meet Section 803.B.

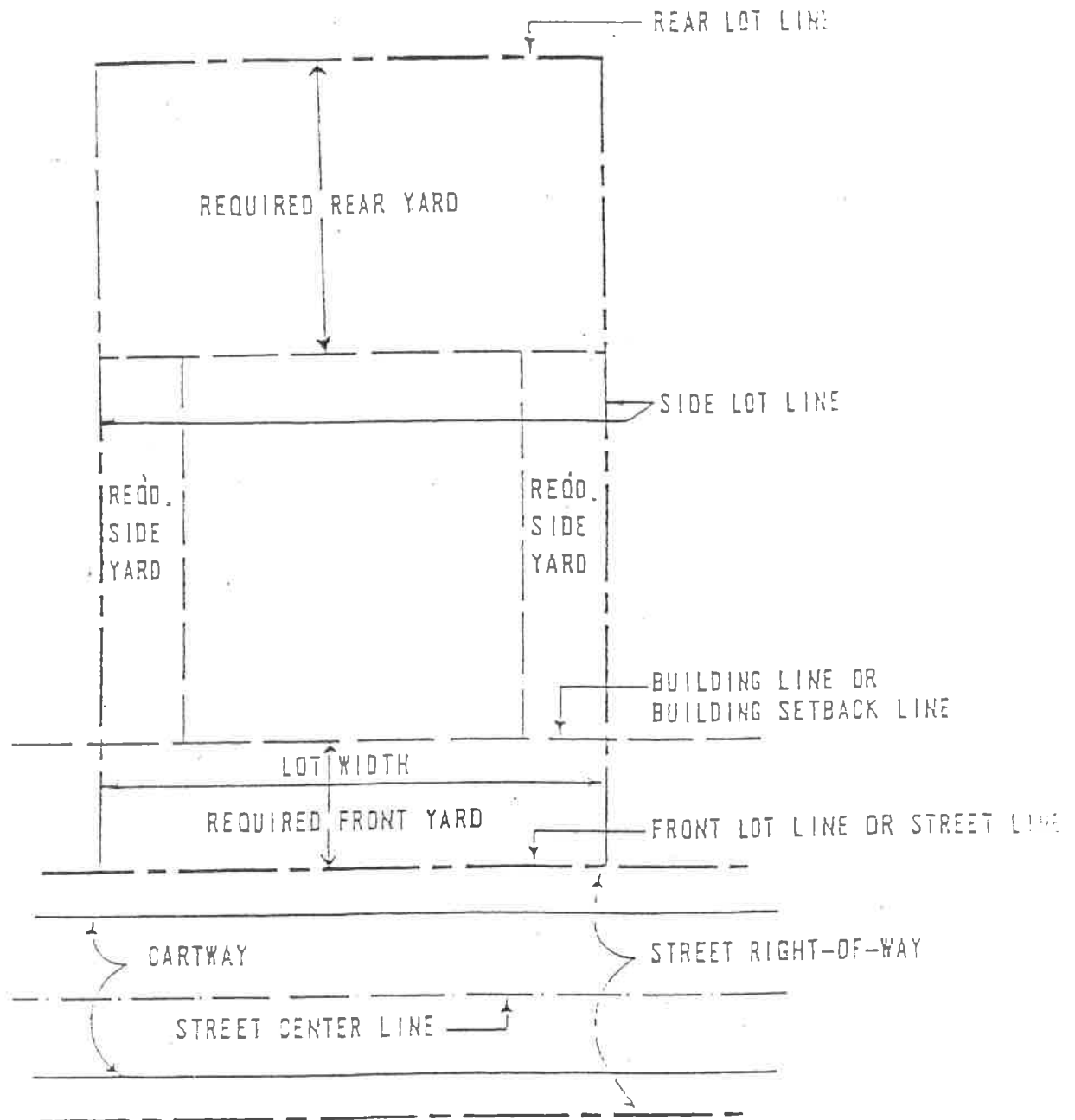


Lot Width. The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75 percent of the width that would otherwise be required.

Massage Parlor. An establishment that meets all of the following criteria and is not a permitted use:

- A. 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.

For Illustrative Purposes Only



- B. 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 50 hours of professional training. Massage therapy by a certified professional shall be considered a “personal service” service, and not a massage parlor.
- C. 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.
- D. The massages are conducted within private or semi-private rooms.

Membership Club. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

- A. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that District and the requirements of that use are met.
- B. See Section 402. See also "After Hours Club" and “Hunting and Fishing Clubs,” which are distinct uses

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.

Mobile/Manufactured Home. See under "Dwelling Types."

Mobile/Manufactured Home Park. A lot under single ownership which includes two or more mobile/manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of mobile/ manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park." See Section 402.

Motor Vehicle. An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means.

Municipalities Planning Code or State Planning Code. The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance, or amendments hereinafter enacted.

Nonconforming Structure. A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Ordinance, as amended, where such structure

lawfully existed prior to the enactment of such Ordinance or applicable amendment(s). Such nonconforming structures include but are not limited to signs. See Section 805.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendment(s), where such use was lawfully in existence prior to the enactment of this Ordinance or applicable amendment(s). A use granted by variance is not a nonconforming use. See Section 805.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully skilled nursing care of 3 or more persons. See Section 402.

Office. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical offices, laboratories, photographic studios and/or television or radio broadcasting studios.

Open Space, Common or Preserved. A parcel or parcels of land within a tract which meets all of the following standards:

- A. is designed, intended and suitable for active or passive recreation by residents of a development or the general public,
- B. is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned,
- C. will be deeded to the Township and/or deed restricted to permanently prevent uses of land other than "common/preserved open space" and non-commercial recreation or a golf course, and
- D. does not use any of the following areas to meet minimum open space requirements:
 - 1) existing street rights-of-way,
 - 2) vehicle streets or driveways providing access to other lots,
 - 3) land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Township for agricultural preservation),
 - 4) off-street parking (other than that clearly intended for noncommercial recreation),
 - 5) area(s) needed to meet a requirement for an individual lot,
 - 6) for land intended to be open to the public, that does not have provisions for entry with a 20 foot minimum width by pedestrians from a street open to the public or from an adjacent common open space area that has access to such a street,
 - 7) land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Board of Supervisors would be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions,
 - 8) portions of land that have a width of less than 40 feet.

Open Space Development. An optional type of residential development that meets the requirements of this Section 311 and which is approved as an Open Space Development and which includes the preservation of a specified minimum of the total tract area as common open space. An Open Space Development offers reduced lot sizes and more flexible dimensional requirements in return for the preservation of open space.

Ordinance, This. The Westfall Township Zoning Ordinance, including the Official Zoning Map, as amended.

PA. The Commonwealth of Pennsylvania.

Parking. Shall mean off-street parking and aisles for vehicle movement unless otherwise stated.

PennDOT. The Pennsylvania Department of Transportation, or its successor, and its subparts.

Permitted By Right Uses. Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance. A "nonconforming use" shall not be considered to be a permitted by right use, a special exception use or a conditional use.

Personal Care Home or Center. Shall mean "Assisted Living Facility."

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses," as herein defined.

Pets, Keeping of. The keeping of domesticated animals of types that are customarily kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops.

Picnic Grove, Private. An area of open space and pavilions that is not publicly owned and is used for group picnics and related outdoor recreation, and which is used on a commercial basis.

Places of Worship. Temples, mosques, synagogues, churches, religious retreats, shrines and similar buildings used primarily for religious and/or spiritual worship by 6 or more persons at one time and that are operated for nonprofit and noncommercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type." See standards in Section 402.

Principal Building. A "Principal Structure" which is also a "building."

Principal Structure. The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

Principal Use. A dominant use(s) or main use on a lot, as opposed to an accessory use.

Prison. A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest.

Public Notice. Notice required by the PA. Municipalities Planning Code. (Note: As of the adoption date of this Ordinance, for a Zoning Hearing Board hearing or an amendment to this Ordinance, such Act generally required a legal advertisement published once each week for 2 successive weeks in a newspaper of general circulation in the Township, which states that time and place of a meeting/hearing and the particular nature of the matter to be considered. The first publication shall

not be more than 30 days and the second publication not less than 7 days from the meeting/hearing date.)

Publicly Owned Recreation. Leisure facilities owned, operated or maintained by governmental entities for use by the general public. "Publicly Owned Recreation" is a distinct use from "Indoor Recreation" or "Outdoor Recreation."

Recreation. The offering of leisure-time activities to unrelated persons. This term shall not include any "Adult Use." For the purposes of this Ordinance, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests.

- A. Indoor Recreation. A type of "recreation" use that: a) does not meet the definition of Outdoor Recreation, and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use and similar uses. This term shall not include any use listed separately as a distinct use by Section 306.
- B. Outdoor Recreation. A type of "recreation" use that: a) has a total building coverage of less than 15%, and b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses. This term shall not include any use listed separately as a distinct use by Section 306, such as a firearms target range.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Township-owned use or an emergency services station.

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, sister-in-law, brother-in-law, parent-in-law or first cousin. This term specifically shall not include relationships such as second, third or more distant cousins. See definition of "Dwelling Unit."

Repair Service. Shops for the repair of appliances, watches, guns, bicycles and other household items.

Residential District(s). The CD, R-1 and R-2 Zoning Districts.

Residential Lot Lines. The lot line of a lot that: 1) contains an existing primarily residential use, or b) is undeveloped and zoned as a Residential District.

Resort. A development involving dining and indoor and outdoor recreational facilities and overnight lodging offered to the public on a single lot, and which may include lodging, and which involves all of the uses being developed as part of a coordinated development plan. A resort shall meet the "resort" requirements in Section 402, which allows certain additional uses. After development approval, a Resort may be subdivided into additional lots provided they are developed in their

current and future development through a coordinated development plan that maximizes use of internal roads and inter-connected driveways and parking areas. See also provisions in Section 402.

Restaurant.

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
- B. A restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" or nightclub as applicable must be met.
- C. See "Drive-Through Service" in this section.

Retail Store. A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

Right-of-Way. An area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "Right-of-Way" by itself shall mean the Street Right-of-Way, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

- A. Street Right-of-Way, Existing or Legal. The official established street right-of-way that either the Township or the State presently own or hold another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance, whether by dedication or otherwise.
- B. See also "Right-of-way, Future or Ultimate" in the Subdivision and Land Development Ordinance.

Rooming House. See "Boarding House."

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

Screening. Year-round plant material of substantial height and density designed to provide a buffer. See requirements in Section 803.D.

Self-Storage Development. A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

Setback Line. A line separating a "yard" from the area within which a building or use is allowed.

Sewage Service, Central. Sanitary sewage service to a building by a Township-approved sewage collection and disposal system that serves 5 or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

Sewage Service, On-Lot. Sanitary sewage service to a building that does not meet the definition of Central Sewage Service, such as but not limited to, an individual on-lot septic system.

Sewage Service, Public. Central sanitary sewage service by a system owned and/or operated by a municipality or a municipal authority.

Sight Triangle. An area required to be kept free of certain visual obstructions to traffic. See Section 803.

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. See definitions of types of signs in Article 7. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.

Sign Area. See Article 7.

Sign, Off-Premise. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

Single and Separate Ownership. The ownership of a lot by 1 or more persons, partnerships or corporations, which ownership is separate and distinct from that of any adjoining lot.

Site Alterations. This term shall include one or more of the following activities:

- A. Filling of lakes, ponds, marshes or floodplains or alteration of watercourses;
- B. Clearing and regrading of more than one-half acre, other than selective thinning of existing vegetation or trees.

Solid Waste-to-Energy Facility. An area where municipal solid waste and similar materials are incinerated or otherwise processed to result in usable energy for off-site use.

Solid Waste Landfill. An area where municipal solid waste and similar materials is deposited on land, compacted, covered with soil and then compacted again, and which has a permit from DEP to operate as a sanitary landfill.

Solid Waste Transfer Facility. Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill or septage or sludge application.

Special Exception. A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance. See Section 116.

Specified Sexual Activities. One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals. See definition of 'Adult Use.'

State. The Commonwealth of Pennsylvania and its agencies.

Story. A level of a building routinely accessible to humans that is primarily above ground. Note - The Construction Code establishes the minimum ceiling height for a story.

Street. A public or private thoroughfare which provides the principal means of vehicle access to 3 or more lots or that is an expressway, but not including an alley or a driveway. The terms "street", "highway" and "road" have the same meaning and are used interchangeably. See the classifications of various types of streets in the Subdivision and Land Development Ordinance.

Structure. Any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance. For the purposes of this Ordinance, utility poles, stormwater basins, wells, fences, walls of 4 feet or less in height, paving and septic systems shall not be considered structures, and shall not be subject to minimum zoning setback requirements unless stated otherwise.

Subdivision. The definition in the Subdivision and Land Development Ordinance shall apply.

Subdivision Ordinance or Subdivision & Land Development Ordinance. The Westfall Township Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that is intended to serve the residents of only 1 dwelling unit and their occasional guests. See Section 403.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool.

Tavern. A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of an "after-hours club." The sale of food may also occur. See also the definition of restaurant.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Timber Harvesting (includes Logging) - The process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products. For the purposes of timber harvesting, the following terms shall have the following meanings:

- A. Basal Area - The area in square feet per acre occupied by tree stems 4.5 feet above the ground, normally measured by a calibrated prism or angle gauge.
- B. Best Management Practices - Universally accepted activities that have a positive effect or minimize a negative effect on the forest ecosystem. They provide minimum acceptable standards for good forest management. Examples of such practices may be found in the publication entitled, "Best Management Practices for Pennsylvania Forests", published by Penn State University, College of Agricultural Sciences, dated 1996 or successor version.
- C. Felling - The act of cutting a standing tree so that it falls to the ground.
- D. Landing - A place where logs, pulpwood or firewood are assembled for transportation to processing facilities.
- E. Litter - Discarded items not naturally occurring on the site such as tires, oil cans, garbage, equipment parts and other rubbish.

- F. Lop - To cut tops and slash into smaller pieces to allow the material to settle close to the ground.
- G. Non-commercial Timber Stand Improvement - A forest practice, such as thinning or pruning, which results in better growth, structure, species composition or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.
- H. Skidding - Dragging trees on the ground from the stump to the landing by any means.
- I. Slash - Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps and broken or uprooted trees or shrubs.
- J. Stand - Any area of forest vegetation whose site conditions, past history and current species composition are sufficiently uniform to be managed as a unit.
- K. Timber Operator - An individual, partnership, company, firm association, corporation or other entity engaged in timbering harvesting, including the agents, subcontractors and employees thereof.
- L. Top - The upper portion of a felled tree that is unmerchantable because of small size, taper or defect.

Tire Storage, Bulk. The storage of more than 30 used tires on a lot, except that a tire retail store may include the storage of up to 100 used tires on a lot without being regulated by this term. See "Outdoor Storage" in Section 403.

Townhouse. See "Dwelling Types."

Township. Westfall Township, Pike County, Pennsylvania.

Trade/Hobby School or Trade School. A facility that: a) is primarily intended for education of a work-related skill or craft or a hobby and b) does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school or ceramics school.

Tradesperson. A person involved with building trades, such as but not limited to: plumbing, electrical work, building construction, building remodeling, and roofing.

Transfer of Development Rights. An optional process, authorized under Section 313, that allows the residential density that would otherwise be allowed on one tract to be transferred to increase the density on another tract. The developer of the second tract compensates the owner of the first tract for preserving their land, based upon an agreement negotiated and accepted by both parties.

Treatment Center - 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;
- 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.

See standards in Section 402.

Also, a group home that exceeds the number of residents allowed by this Ordinance within a Group Home shall be regulated as a Treatment Center, unless approved otherwise under Section 111.D.

Truck Stop. A commercial use that primarily involves providing fuel to tractor-trailer trucks owned by numerous different companies. Such use may also include related retail sales, shower and repair services.

Trucking Company Terminal. A use that primarily involves goods being brought to the terminal by tractor-trailer trucks and leaving the terminal by tractor-trailer trucks, and that involves the loading and unloading of goods that are owned by various companies.

Unit for Care of Relative. A dwelling unit that: a) is especially created for and limited to occupancy by a close "relative" of the permanent residents of the principal dwelling unit, b) is necessary to provide needed care and supervision to such relative, and c) meets the requirements for such use in Section 403.

Unregistered Vehicle. Any motor vehicle or trailer that does not display a license plate with a current registration sticker and does not have a valid State safety inspection sticker. This term shall not apply to vehicles (such as licensed antique cars) for which State regulations do not require an inspection sticker. The term also shall not include motor vehicles displaying a license and inspection stickers that have each expired less than 90 days previously.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a structure, activity outside of a structure, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

Variance. The granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the PA. Municipalities Planning Code. See Section 111.

Wall. See "Fence."

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

A. Warehousing or storage as an on-site accessory use shall involve storage of materials that are accessory to a principal use on the same lot, such as a manufacturing or assembly use.

Watercourse. A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Water Service, Central. Water supply service to a building by a Township-approved water supply system that serves 20 or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

Water Service, On-Lot. Water supply service to a building that does not meet the definition of Central Water Service, such as but not limited to an individual on-lot well.

Water Service, Public. Central water service by a system owned and/or operated by a municipality or a municipal authority.

Wetlands. An area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

Yard. An area not permitted to be covered by buildings and principal structures and that is on the same lot as the subject structure or use. A minimum yard is also known as a minimum setback. Each required yard shall be measured inward from the abutting "lot line," existing street right-of-way or setback required from a street under Section 807, whichever is most restrictive. Regulations of each district prohibit principal and accessory structures within the specified minimum yards.

- A. See yard/setback exceptions in Section 803.B.
- B. Private Streets - For a building setback measured from a private street, the setback shall be measured from the existing street right-of-way/easement or 15 feet from the center of the cartway, whichever is more restrictive.

Yard, Front or "Front Setback". A "yard" measured a distance measured from and running parallel to the front lot line, street right-of-way line or setback required by Section 807, whichever is most restrictive. Such yard shall extend the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot. If a lot abuts two streets, the front yard shall be whichever side is the predominant front yard for neighboring properties. If no side is predominant, then the applicant may choose which is the front yard.
- B. See Section 803 concerning yards along corner lots.
- C. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance.
- D. Every lot shall include at least one front lot line.

Yard, Rear or "Rear Setback".

- A. A "yard" extending the full width of the lot and which is measured from along the rear line and which establishes the minimum setback for the subject structure, and which stretches between the side lot lines parallel to the rear lot line.
- B. A principal building shall not extend into the required rear yard setback for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Ordinance.
- C. Every lot shall include a rear lot line and a rear yard.

Yard, Side or "Side Setback".

- A. A "yard" which establishes the minimum setback for the closest portion of the subject structure, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.
- B. A structure shall not extend into the applicable minimum side yard setback, except as provided for in this Ordinance.
- C. See "Corner Lot" provision in Section 803.B.
- D. A triangular lot shall include one side yard. All other lots shall include at least 2 side yards, except for a corner lot.

Zoning Map. The Official Zoning Map of Westfall Township, Pike County, Pennsylvania.

Zoning Officer. The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

Zoning Ordinance. The Westfall Township Zoning Ordinance, as amended.