ZONING ORDINANCE

of

JACKSON TOWNSHIP

Butler County, Pennsylvania

*Ord. 01-05, 12/19/2001; as amended through
Ord. 02-11, 11/21/2002*

KEystone PUblishers, Inc.

Shippensburg, Pennsylvania
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PART 1

AUTHORITY AND GENERAL PURPOSE


Pursuant to the authority contained in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, the Aviation Code, Act 164 of 1984, as amended, and the Floodplain Management Act, Act 166 of 1978, as amended and for the purpose of promoting the health, safety and general welfare of Jackson Township, the Board of Supervisors do hereby enact this Chapter to regulate and restrict height, number of stories, size and location of buildings and other structures, their construction, alteration, extension, repair, maintenance of all facilities and services in or about such buildings and structures, density of lot development, size of lots, yards, courts, and other open spaces, the density of population in relation to land use, and the location and use of buildings, structures, land, and watercourses for trade, industry, commerce, residence, public service and other purposes.

(Ord. 01-05, 12/19/2001, §100)


1. For any or all said purposes, the Board of Supervisors hereby divides the Township into districts, of such number, shape, and areas as may be deemed best suited to carry out the purposes of this section. Within such districts, the Board of Supervisors hereby regulates and restricts the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. All such regulations shall be uniform for each class or kind of construction or development throughout each district, but the regulations in one district may differ from those in another district.

(Ord. 01-05, 12/19/2001, §101)
PART 2

SHORT TITLE AND PURPOSE

§27-201. Short Title.

This Chapter shall be known and may be cited as the "Jackson Township Zoning Ordinance" and the district map shall be known and may be cited as the "Official Zoning Ordinance Map."

(Ord. 01-05, 12/19/2001, §200; as amended by Ord. 02-11, 11/21/2002)

§27-202. Purpose and Objectives.

1. The purposes of this Chapter are to lessen congestion in the roads and highways, secure safety from fire, panic and other danger, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue congestion of population, facilitate the adequate provision of transportation, water, sewerage, schools, parks and other requirements. It is also the purpose of this Chapter to encourage the utilization of appropriate construction practices in order to prevent and minimize flood damage, minimize danger to public health by protecting the water supply and natural drainage, and to reasonably regulate the height of structures for the takeoff, landing and maneuvering of aircraft while at the same time not unreasonably impairing the development and growth of Jackson Township. It is not the intent of this Chapter to restrict, control or place hardship upon the continued agricultural use of land within its area of jurisdiction and control.

2. The specific objectives of this Chapter relate to the coordination of the diversified physical elements and the protection of the health, safety, morals and general welfare of the public. The Community Development Objectives\(^1\) relate to physical resources, environmental enhancement and the provision of community identity and are as follows:

A. Agricultural Preservation Objectives.

   (1) Preserve agricultural land by encouraging farming activities.

   (2) Protect agricultural areas from encroachment by non-farm activities that interfere with or prevent normal farming activities.

   (3) Continue participation in the Agricultural Security Area program.

B. **Natural and Cultural Resources Protection Objectives.**

(1) Preserve the natural features of the Township by encouraging a low order of development in the more environmentally sensitive portions of the Township.

(2) Protect the natural resources of the Township including air quality, water quality, stream and wetlands and forests and steep slopes.

(3) Protect the Township’s cultural, historic, architectural and archaeological resources.

C. **Growth and Development Objectives.**

(1) Maintain the Township’s rural/agricultural character despite the presence of accelerating development pressures.

(2) Accommodate a “fair-share” of growth rather than encouraging accelerated development.

(3) Accommodate new community-based commercial uses (e.g., offices, services, entertainment, and dining) if properly located and buffered from adjoining neighborhoods.

(4) Promote small-scale and light industries as the preferred forms of industrial land use so as to stimulate start-up businesses, local job generation, and tax revenues.

(5) Transform the scattered residential pattern which presently exists into more concentrated and identifiable residential developments.

(6) Update the Township’s existing Zoning, Subdivision and Land Development, and Stormwater Management Ordinances to guide future growth in a manner consistent with the Comprehensive Plan.

(7) Limit the intrusion of nonresidential uses into residential areas.

(8) Prevent undesirable land use relationships by avoiding the mixing of incompatible uses.

(9) Limit the number of new commercial centers and concentrate on effectively using and development older commercial centers that are important to the area.

(10) Encourage economic diversity by reserving adequate land for commercial and industrial location in accordance with the Future Land Use Plan.

(11) Attract light industrial activities by providing space free from residen-
D. Housing Objectives.

(1) Allow for a range of housing types at a range of densities on land sufficient to accommodate the Township's current and projected fair-share housing needs.

(2) Offer housing opportunities that are flexible and open, permitting a mixture of people in all areas without reference to ethnic, racial, cultural, socio-economic, or other backgrounds.

(3) Enforce uniform building and related codes throughout the Township.

(4) Eliminate and prevent conditions which contribute to the creation of and which perpetuate blighted conditions.

E. Transportation Objectives.

(1) Encourage and support a Township-wide circulation system which serves existing and anticipated future land uses, provides maximum convenience of movement to the population, and shapes the extent and direction of growth within the Township.

(2) Encourage the location of new roadway facilities in a manner which feasibly complements the Future Land Use Plan, and improves existing road patterns in order to handle increased traffic.

(3) Provide adequate development controls to minimize any adverse impacts of future development proposals on the transportation system.

(4) Implement proper design procedures to discourage through traffic in residential neighborhoods.

(5) Eliminate "strip" development and on-street parking. Effectively control access drive entrances/exits on major roads.

(6) Provide for adequate off-street parking facilities and safe pedestrian access.

(7) Provide for safe driveway, access drive, and street intersections by developing standards for safe site distances, proper drainage and construction standards.

(8) Recognize the patterns of weight-restricted roadways and bridges and plan for commercial and industrial use appropriately.
(9) Encourage the increased coverage and frequency of public transportation service in the Jackson area.

F. Community Facilities and Services Objectives.

(1) Develop a maximum relationship between the development of land and the provision of adequate public facilities.

(2) Insure all new development with adequate stormwater management facilities.

(3)Provide police protection to assure the welfare and safety of the residents' community.

(4) Support adequate fire protection and medical and emergency service to the community.

(5)Continually review police and fire needs and coordinate the provision of these services with adjoining municipalities.

(6) Maximize the efficient use of the Township's public utility systems.

(7) Encourage the extension of public utility lines to future development areas as depicted in this Plan at the developer's expense.

(8) Identify means to assure that adequate water quality and quantity is provided for domestic use and firefighting purposes.

(9) Discourage sizable residential development in areas that are not served by public utilities.

(10) Promote the use of gravity-flow sewage systems over pressurized systems.

(11) Support educational, recreational and cultural opportunities for all age groups.

(12) Provide adequate recreational facilities within residential neighborhoods based upon need.

(13) Encourage cooperative planning and financing of recreational sites and facilities among the communities of the region.

(Ord. 01-05, 12/19/2001, §201)

§27-203. Interpretation.
1. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of Jackson Township and its citizens. It is not intended by this Chapter to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Township which are not in conflict with any provisions of this Chapter, nor is it intended by this Chapter to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties.

2. Where this Chapter imposes a restriction upon the use of the buildings or premises differing from other ordinances, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the more restrictive requirement shall control.

(Ord. 01-05, 12/19/2001, §202)

§27-204. Uses Not Listed.

When a land use proposed by a property owner is not listed as a permitted use or a conditional use in any of the established zoning districts, the Zoning Officer shall refer such proposed land use to the Planning Commission for recommendation to the Board of Supervisors following denial of the zoning permit. The proposed use shall be reviewed as a request for a conditional use and shall be situated in the M Manufacturing District only. The general standards outlined in §27-1603, shall apply to all such requests.

(Ord. 01-05, 12/19/2001, §203)
PART 3
DEFINITIONS

§27-301. Interpretation of Words.

For the purpose of this Chapter, the terms and words herein shall be interpreted as follows unless otherwise expressly stated.

A. Words used in the present tense shall include the future.
B. Words used in plural shall include the singular.
C. The words "person," "owner," or "developer" include a profit or nonprofit corporation, company, partnership, association or individual.
D. The words "used" or "occupied" as applied to any land, water, or building shall include the words "intended," "arranged," or "designed" to be used or occupied.
E. The word "building" shall include the word "structure" and shall be construed as if followed by the phrase "or part thereof."
F. The word "lot" shall include a plot, parcel, or tract of land and/or water area.
G. The word "street" shall include "highway," and "road."
H. The words "shall" and "will" are always mandatory.
I. The word "may" is permissive.
J. Unless otherwise specified, all distances shall be measured horizontally.

(Ord. 01-05, 12/19/2001, §300)


Unless otherwise expressly stated, the following words shall for the purpose of this Chapter have the meaning herein indicated.

ACCESS - an improved way to permit vehicular access to a building, structure, land, or water area from the public or private street or right-of-way.

ACCESS DRIVE - a private drive providing pedestrian and vehicular access between a public or private street and a parking compound on a single lot.

ACCESSORY USE - a use on the same lot with, and of a nature customarily
associated with, and of a nature customarily incidental and subordinate to the principal use.

**AGRICULTURAL OPERATION** - an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term including an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

**AIRCRAFT** - any contrivance, except an empowered hang-glider or parachute, used, for manned ascent into or flight through the air. See 74 P.S. §5102.

**AIRPORT** - refers to the Butler County and Zelienople airports. Defined as: Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings on air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. See 74 P.S. §5102. As used herein the term “airport” shall not include heliports. Public and private airports are defined separately in this Section.

**AIRPORT ELEVATION** - the highest point of an airport's usable landing area measured in feet from sea level. Butler County - 1,248 feet above mean sea level, Zelienople - 901 feet above mean sea level.

**AIRPORT HAZARD AREA** - any area of land or water upon which a hazard to air navigation (an airport hazard) might be established if not prevented as provided by these regulations and 74 P.S. §5101 et seq.

**ALTERATIONS** - as applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing height, or the moving from one location or position to another.

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

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

**APPROACH SURFACE** - a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth
in Part 14 of this Chapter. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

**APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES** - these zones are identified in the Airport Overlay Zoning Map, attached to this Chapter.

**ASSISTED LIVING FACILITY** - a facility accommodating convalescents or chronically ill persons in which such skilled or intermediate nursing care and medical services are prescribed or are performed under the general direction of a person licensed to provide such care or services in accordance with the laws of the Commonwealth of Pennsylvania. The term “assisted living facility” shall not include a group home or a group residential facility as defined in this Section.

**AUTOMOTIVE SERVICE** - any premises used primarily for supplying gasoline, oil, minor accessories, or service for automobiles at retail, direct to the motorist consumer, including the making of minor repairs, excluding painting.

**BASEMENT** - a story partly underground but having at least 1/4 of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than 5 feet or if used for business or dwelling purposes, other than a game or recreation room.

**BED AND BREAKFAST** - an existing residential structure converted for use from a single family dwelling to a facility for the boarding of overnight guests on a limited basis.

**BED AND BREAKFAST OWNER** - a person or persons or partner or partners in a partnership owning the fee simple title to the real estate upon which the bed and breakfast use is operated subject to any bona fide encumbrances and conveyance of legal title for mortgage financing purposes. When the bed and breakfast real estate is owned by more than one person or a partnership, the operator and full time resident of the bed and breakfast must own at least a 25% interest in said real estate.

**BILLBOARD** - a sign displaying advertising, whether of a stable or changeable copy nature, which pertains to a business, organization, event, person, place, service or product not principally located or sold on the premises upon which said sign is located.

**BOARD OF SUPERVISORS** - the Board of Supervisors of the Township of Jackson, Butler County, Pennsylvania.

**BUILDING** - any structure occupied or intended for supporting or sheltering any occupancy.

1. **Building, Accessory** - a detached, subordinate building or structure, the use of which is customarily incidental to that of the principal
building or use and which is located on the same lot as occupied by the principal building or use.

(2) **Building Addition** - an expansion of the floor area or the increase in the building area of an existing building or structure. The increase or expansion of which shall be included within, or attached to, the existing building or structure.

(3) **Building Area** - the total area of the greatest outside dimensions, on a horizontal plane, of a building or structure.

(4) **Building, Principal** - a building, structure, or group of buildings or structures, in which is conducted, designed to be conducted, or intended to be conducted the primary use, or uses, of the lot on which it is located, including any subordinate uses necessary to sustain the primary use.

**BUILDING, FRONTLINE OF** - the line of that face of the building nearest the frontline of the lot. This face includes covered or roofed patios, porches, or entrance ways, whether enclosed or unenclosed, but does not include steps, or entrance walks.

**BUILDING, HEIGHT OF** - the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridges for gable, hip, and gambrel roofs. The maximum height limitations of this Chapter shall not apply to flag poles, church spires, belfries, domes or similar projections not used for human occupancy, nor to chimneys, ventilators, sky lights, water tanks, public utility facilities, bulkheads, silos, antenna and other necessary mechanical and operational apparatus usually carried above the roof level. This exclusion shall not apply to communications towers.

**BUILDING LINE** - a line located on the lot or parcel at a fixed distance from the street right-of-way line and interpreted as being the nearest point that a building may be constructed to the street right-of-way. The building line shall limit the location of porches, patios and similar construction to the face of this line.

**BUILDING MAIN OR PRINCIPAL** - a building in which is conducted the principal use or uses of the lot on which it is located.

**CABINET OR FURNITURE MAKING** - the craft of making furniture (especially furniture of high quality).

**CATERING SERVICES** - to provide food service for or a business that caters banquets and weddings.

**CAMPGROUND** - a property, under single ownership, upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes.
CAMPING UNIT - any commercially-manufactured tent, trailer, cabin, lean-to, or recreational vehicle, established, or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes.

CAMPSITE - any plot of ground within a campground intended for exclusive occupancy by a camping unit or units, under the control of a camper.

CARPORT - a private parking area for the storage of one or more vehicles which may be covered by a roof supported by columns or posts and which shall have no more than two walls. A carport is an accessory building or extension to a principal building and shall not extend into the front yards.

CARTWAY - that portion of the street right-of-way surfaced for vehicular use. Width is determined from one edge of driving surface to the other edge of driving surface and shall not include the stormwater gutter or face of curb.

CEMETERY - a burial place, or ground for human remains, including graveyards, mausoleums, crematories and columbariums.

CHURCH - a building used for public worship and education by a congregation, excluding buildings used exclusively for residential, burial, recreational, or other uses not normally associated with worship.

COLLECTOR STREET - see "street, collector."

COMMERCIAL - engaging in a business, enterprise, activity, or other undertaking for profit.

COMMISSION, PLANNING - the legally appointed Planning Commission of Jackson Township.

COMMISSION, COUNTY PLANNING - the Butler County Planning Commission.

COMMON OPEN SPACE - a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMMUNICATIONS ANTENNA - any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennae and directional or panel antennae, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition does not include satellite dishes, television antennae or amateur radio equipment, including ham or citizen band radio antennae, mounted on private residences and accessory to the residential use of a dwelling.
COMMUNICATIONS EQUIPMENT BUILDING - any unmanned building, court or other enclosure containing equipment or control devices for the operation of a communication antennae.

COMMUNICATIONS TOWER - a structure with a height greater than 30 feet other than a building, such as a monopole, self-supporting or guyed tower, designed and used to hold and facilitate the operation of a communications antenna.

COMMUNICATIONS TOWER HEIGHT - the vertical distance measured from the ground level to the highest point on a communications tower, including any communications antenna mounted on the tower.

COMPREHENSIVE PLAN - the Comprehensive Plan for the Township of Jackson.

CONDITIONAL USE - a use which permitted in a particular zoning district pursuant to the provisions of Article VI of the Pennsylvania Municipalities Planning Code, Act 247, as amended, 53 P.S. §10601 et seq., may be suitable in certain locations only when express standards and criteria are prescribed for such uses, as provided for in this Chapter and approved by the Board of Supervisors.

CONDOMINIUM - real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. The undivided interest in the common elements must be vested in the unit owners or a homeowners association for the real estate to be a condominium.

CONICAL SURFACE - a surface extending outward and upward from the periphery of the horizontal surface of the airport runway approach at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

CONSISTENCY - an agreement or correspondence between matters being compared which denotes a reasonable rational, similar, connection or relationship.

CONSTRUCTION - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of a mobilehome. [Ord. 02-03]

CONTRACTOR’S STORAGE YARD - an unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office. Designation of the lot or parcel as a contractor’s storage yard would allow this area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor. Where permits, the entire lot or parcel shall be classified as a “contractor’s storage yard” and shall conform to all applicable zoning district standards and other Township regulations.

CONVENIENCE STORE - any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and
other freshly prepared foods, such as salads, for off-site consumption.

CORRECTIONAL INSTITUTION - publicly or private operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense, halfway houses, homes licensed for juvenile offenders or other facilities where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.

COVERAGE, LOT - that portion or percentage of the plot or lot area covered by the buildings and/or structures and including all impervious surfaces.

CROPLANDS - a land area without structures which is used for the raising of agricultural crops.

DECISION - final adjudication of any board or other body granted jurisdiction under any land use ordinance or the Pennsylvania Municipalities Planning Code, Act 247, as amended, to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Butler County.

DECK - see "patio."

DENSITY - a measure of the number of dwelling units which occupy, or may occupy, an area of land.

DEPARTMENT - Pennsylvania Department of Transportation.

DETERMINATION - final action by an officer, body or agency charged with the administration of land use ordinance or applications thereunder, except the following:

(1) The Township Board of Supervisors.
(2) The Zoning Hearing Board.
(3) The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the Subdivision and Land Development Ordinance [Chapter 22] or planned residential development provisions.

Determination shall be appealable only to the boards designed as having jurisdiction for such appeal.

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

DEVELOPMENT - any man-made change to land or water areas including, but not
limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or in the case of floodplain regulations the storage of materials and equipment.

**DEVELOPMENT AREA** - the total area of a horizontal plane measured at grade and bounded by the front, sides, and rear property lines exclusive of access streets but inclusive of all other areas.

**DEVELOPMENT PLAN** - the provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the development plan” when used in the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall mean the written and graphic materials referred to in this definition.

**DRIVEWAY** - the access to a single-family residential dwelling.

**DRY CLEANING PLANT** - a building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or parts of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

**DWELLING** - a building or other structure used primarily for human habitation whether permanent or seasonal that includes separate kitchen and bathroom facilities and separate entrance for each unit. The word "dwelling" shall not include hotels, motel, fraternity or sorority houses, boarding houses, assisted living facilities, group residential facilities, group homes, rooming houses, tourist homes, or similar uses for group residence.

1. **Dwelling, Duplex** - a building designed and built to contain two dwelling units, whether side by side or one above the other, but each an independent dwelling relative to utilities, facilities, and access.

2. **Dwelling, Multi-Family** - a building containing three or more dwelling units, including units that are located one over the other and/or side by side, but each an independent dwelling relative to utilities, facilities and access.

3. **Dwelling, Single-Family Detached** - a building containing one dwelling unit.

4. **Dwelling Unit** - a building or portion thereof providing complete housekeeping facilities for a single family and which includes exclusive sleeping, cooking, eating and sanitation facilities. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly...
accessory, such as an outdoor grill.

**EFFECTIVE DATE** - the date on which this Chapter is duly adopted by the Township or as specified in the ordinance adopting same.

**ELECTROPLATING SERVICE** - the business of coating or covering with a thin layer of metal by electrode position.

**ERECTED** - includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the building. Excavation, fill, drainage and the like shall be considered part of the erection.

**ESSENTIAL SERVICES** - the erection, construction, alteration, or maintenance by public utilities, municipal authorities, or Township agencies, of underground or overhead water, sanitary sewers, or storm sewers, gas, electrical, telephone transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, traffic signals, hydrants, and similar equipment and accessories in connection therewith and where reasonably necessary for the furnishing of adequate service, buildings, and structures. Specifically excluded from this definition are communication towers and communication antennas.

**EXTENSION** - an increase in the area or use of a building, other structure and/or land.

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

**FAMILY** -

1. an individual, or two or more persons related by blood or marriage or adoption, living together in a dwelling unit; or

2. a group of not more than 3 persons who need to be related by blood or marriage or adoption, living together as a single housekeeping unit in a dwelling unit, and shared common facilities as considered reasonably appropriate for a family related by blood, marriage or adoption; in either case exclusive of usual servants.

3. a group of not more than 8 unrelated disabled persons living together as a single housekeeping unit in a dwelling unit and sharing common facilities as considered reasonably appropriate for a family related by blood, marriage, or adoption. If appropriate, one staff person may reside on the premises and will not be included in the total number of occupants. Any additional staff shall be included in the total number of occupants. A family shall not include an assisted living facility, group home or group residential facility as defined in this Section.

The term family shall specifically exclude individuals residing in halfway
houses, homes licensed for juvenile offenders, or other facilities, whether or not licensed by the state, where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.

**FARM** - see “agricultural operation.”

**FLOOD** - a temporary inundation of normally dry land areas.

**FLOODPLAIN AREA** - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**FLOODPROOFING** - means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improve real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the flood way shall be capable of accommodating a flood of the 100 year magnitude.

**FLOOR AREA, GROSS** - the sum of the gross horizontal areas of the several floors of a building, excluding basement floor area not devoted to residential use, porches, patios, breeze ways, carports, sun porches or other similar structural additions.

**FLOOR AREA, NET** - the total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

**FOREST** - areas or stands of trees the majority of which are greater than 12 inches caliper, covering an area greater than 1 acre; or groves of mature trees without regard to minimum area, consisting of at least 30 individual specimens.

**FORESTRY** - the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

**FRONT YARD** - see "yard, front."

**GARAGE, PRIVATE** - an enclosed and covered private parking space for the use of the occupants of the premises for the storage of one or more motor vehicles, provided that no business, occupation, or service is conducted for profit therein.

**GARAGE, PUBLIC** - a building or structure where motor vehicles can be
temporarily parked.

**GARDEN SUPPLIES** - plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels and other garden and farm variety tools and utensils.

**GAS STATION** - see "service station."

**GENERAL CONSISTENCY, GENERALLY CONSISTENT** - that which exhibits consistency.

**GRADE, FINISHED** - the completed surfaces of lots, walks, streets, and roads brought to grades as shown on official plans or designs relating thereto.

**GREENHOUSE** - a building constructed chiefly of glass, in which the temperature is maintained within a desired range for the purpose of growing plants.

**GROSS RESIDENTIAL DENSITY** - the numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within a development. This would include all nonresidential land uses and private streets of the development, as well as rights-of-way of dedicated streets; the result being the number of dwelling units per gross acre of land.

**GROUP HOME** - a facility in a residential area that provides room, board and specialized services to a group of more than eight unrelated disabled individuals living together as a single housekeeping unit with shared common facilities. If required, staff persons may reside on the premises. The term "group home" may include a personal care center if the residents are disabled. The term "group home" shall specifically exclude assisted living facility and group residential facility.

**GROUP RESIDENTIAL FACILITY** - a structure or structures providing residence for a group of persons with central kitchen, dining and recreational facilities, with separate bedrooms and/or living quarters. A group residential facility shall not include a group home, assisted living facility or dwelling, halfway house, home licensed for juvenile offenders or other facilities where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.

**HAZARD TO AIR NAVIGATION** - any structure or object, natural or manmade, or used of land which obstructs the airspace required for reasonable flight or aircraft in landing or taking off at an airport.

**HEARING** - an administrative proceeding conducted by a Board pursuant to §909.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, 53 P.S. §10909.1.

**HEAVY EQUIPMENT** - a movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or construction enterprises, including, but
not limited to, trucks, trailers, farm machinery, bulldozers, cranes, backhoes, rollers, loaders, lifts, having a gross weight of 2.5 tons or more.

**HOME GARDENING** - the use of cultivating herbs, fruits, flowers, or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of animals.

**HOME OCCUPATION** - same as “no-impact home-based business.” [Ord. 02-10]

**HORIZONTAL SURFACE** - a horizontal plane 150 feet above the established airport elevation, the perimeter of which coincides with the perimeter of the horizontal zone.

**HORIZONTAL ZONE** - the horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

**HOSPITAL** - an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices and staff residences.

**HOUSEHOLD PETS** - a domesticated animal that is normally or can generally be kept within the immediate living quarters of a residential structure. Any member of the swine, sheep, poultry, bovine or equidae family of quadrupeds, or reptiles having a venomous or constrictor nature does not constitute a household pet under any provision of this Chapter.

**ILLUMINATING SIGN** - signs which produce or reflect light by electrical, mechanical or other means as well as luminous paint or reflectorized glass.

**IMPERVIOUS SURFACE** - any material that prevents absorption of stormwater into the ground.

**INDUSTRIAL OR MANUFACTURING** - the storage, warehousing, compounding, assembling, processing, recycling, salvaging, packing, or treatment of raw materials or other products.

**INTERIOR LOT LINE** - see "lot line, interior."

**JUNKYARD** - except as otherwise permitted under the Township's property maintenance code, the use of more than 100 square feet of the area of any lot for more than 7 continuing days for the storage, keeping, or abandonment of junk, including scrap material from the dismantling, demolition or abandonment of automobiles, or other vehicles or machinery or parts thereof. A "junkyard" shall include an automobile graveyard or motor vehicle graveyard, or automobile parts recycling center and/or automobile recycling center.
KENNEL - the keeping of four or more household pets that are more than 6 months old. A kennel is not a home occupation and is not an accessory use to a residential dwelling unless specifically permitted.

LAND DEVELOPMENT - any of the following activities:

(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

   (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.

   (b) The division or allocation of land or space, whether initially or cumulatively.

   (c) Among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

(3) Development in accordance with §503(1.1) of the Pennsylvania Municipalities Planning Code, Act 247, as amended, 53 P.S. §10503 (1.1).

LANDOWNER - the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANDSCAPING MATERIALS - grass, ground cover, trees, shrubs, vines and other growing horticultural material. In addition, the combination or design may include other decorative surfacing such as wood chips, crushed stone, or mulch materials not to exceed 20% of the total for any landscape area. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping but such objects alone shall not meet the requirements of landscaping.

LINE, BUILDING - see "building line."

LINE, STREET - the dividing line between the street and the lot, also known as the right-of-way.

LOADING/UNLOADING FACILITIES - the total composite of all off-street structures and facilities for a loading/unloading area to include but not limited to the loading/unloading space(s), docking approach, access drive(s), and all related accessory facilities.
LOADING/UNLOADING SPACE - a space not less than 12 feet wide and 30 feet deep with an overhead clearance of 14 feet 6 inches plus an additional 30 feet in depth for a docking approach. This space may be inside, enclosed, or outside of a structure and shall be used exclusively for the temporary standing of a motorized vehicle while loading or unloading merchandise or materials. This space shall be located off or beyond the public or private right-of-way and shall have direct access to a public or private street without the use of parking aisles. This space shall be on the same lot with a use or structure of which the loading/unloading space is being provided.

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.

LOT AREA - the area of a horizontal plane measured at grade and bounded by the front, side, and rear lot lines as measured from the street right-of-way line and not including any part of an alley, public or private space or public or private street. Lot area shall also be defined to include parcel for tract area.

LOT, CORNER - a lot abutting upon two or more intersecting public or private streets.

LOT, DEPTH - the average horizontal distance between the front and rear lot lines.

LOT, INTERIOR - a lot other than a corner lot.

LOT LINE, FRONT - the dividing line separating the front of a lot from a street or road right of way that the lot fronts upon.

LOT LINES - the lines bounding a lot.

LOTWIDTH - the total horizontal distance (including actual arc distances) between the side lot lines along a line parallel to the front lot line.

MASSAGE ESTABLISHMENT - any establishment or business which provides the personal services of massage and body manipulation, including exercises, heat and light treatments of the body and all forms of physiotherapy unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth of Pennsylvania. This definition does not include an athletic club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

MEDICAL CLINIC - an establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not usually lodged overnight.

MEDIATION - a voluntary negotiating process in which parties in a dispute
mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**MINERAL EXTRACTION** - the excavation or extraction of any surface or subsurface earth products of natural mineral deposit, except where such excavation is for purposes of grading for a building lot or roadway, where grass and sod is removed to be used for landscaping, or where materials are excavated from a lot for use on that same lot by the owner of the property. Activities also include support uses such as coal and ore preparation facilities, sludge ponds, slurry pipelines, overland conveyors, transfer stations, rail sidings and treatment facilities.

**MINERALS** - any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

**MOBILEHOME** - a transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term shall include park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days. [Ord. 02-03]

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

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

**MOTEL OR HOTEL** - a building made up of two or more living or sleeping quarters used independently of each other and used principally and commercially for overnight accommodations.

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

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

**MUNICIPAL LANDFILL** - any facility that is designed, operated or maintained for the disposal of municipal waste as that term is defined by the Solid Waste Management Act, 35 P.S. §6018.101 et seq., and the Municipal Waste Planning,
ZONING

Recycling and Waste Production Act, 53 P.S. §4000.101 et seq.

NO-IMPACT HOME-BASED BUSINESS - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which generally involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use; and which otherwise complies with the requirements of §27-1709 of this Chapter. [Ord. 02-10]

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

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

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

NUDITY - nudity shall be defined as completely without clothing; or with the human male or female genitals, pubic area or buttocks with less than a fully opaque covering or the showing of the female breasts with less than a fully opaque covering of any portion thereof below the top of the nipple, or the covered male genitals in discernibly turgid state.

NURSING HOME - a facility licensed by the Commonwealth of Pennsylvania for the purpose of providing skilled or intermediate nursing care and related medical or other health services.

OBSTRUCTION - any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

OCCUPANCY PERMIT - a certification issued by the Zoning Officer verifying
compliance with both use and construction requirements.

**OFFICE PARK** - a development on a tract of land that contains a number of separate office buildings, accessory and supporting uses, and open space designed, planned, constructed, and managed on an integrated and coordinated basis.

**OFFICIALLY RECEIVED APPLICATION** - an application that has been submitted along with the required exhibits, plans, and fee to the Township, and has been declared by the appropriate official as a completed application and therefore officially received for review.

**ONE-HUNDRED YEAR FLOOD** - a flood that, on the average, is likely to occur once every 100 years (i.e., that has 1% chance of occurring each year, although the flood may occur in any year.)

**OPEN SPACE** - an unoccupied space containing no buildings or structures open to the sky on the same lot with the building.

**PARKING SPACE** - an off-street space having an area of not less than 200 square feet, whether inside or outside of a structure, for the temporary standing of automotive vehicles to be used exclusively as a parking stall for 1 automotive vehicle. The parking space shall be located off or beyond the public or private right-of-way.

**PARKING FACILITIES** - the total composite of all off-street structures and facilities for a parking area to include but not limited to parking spaces(s), parking aisles, stand-by/stacking lanes, driveways, access drive(s), and all related accessory facilities.

**PASTURE, PASTURAGE** - a fenced land area without other structures covered with grass or similar vegetation used in the feeding or grazing of cattle, horses, sheep and similar animals.

**PATIO/DECK/PORCH/STOOP** - an uncovered or covered outdoor living area, in excess of 24 square feet in area projecting from the front, side, or rear walls of a building. These are considered part of the principal building and shall not extend beyond the building line nor into the front yard setbacks.

**PERSON** - unless otherwise specified person shall mean both the singular and plural, male or female, firm, business, partnership, association, limited liability company or corporation, or any other legal entity.

**PERSONAL CARE CENTER** - a premises in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 consecutive hours for more than three adults who are not relatives of the operator and who require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self-administration but who do not require hospitalization or care in a skilled nursing or intermediate care facility, as defined in current state licensing requirements.
PERSONAL SERVICES - establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel, including but not limited to, barber, beautician, laundry and dry cleaning, massage establishment, tailor, photographer or travel agent.

PLANNING AGENCY - a planning commission, planning department, or a planning committee of the governing body. For the purpose of this Chapter, the planning agency is the Jackson Township Planning Commission.

PORCH - see "patio."

PREMISES - any lot, parcel, or tract of land or body of water and any building constructed thereon.

PRESERVATION OR PROTECTION - when used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PRIMARY SURFACE ZONE - (AZD-1) - a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of the runway.

PRIME AGRICULTURAL LAND - land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.

PRINCIPAL USE - the major or dominant use of the lot on which it is situated.

PRIVATE RIGHT-OF-WAY - land reserved for use as a road, street or alley, crosswalk or pedestrian intended for use as access to only limited properties, and not intended for use by the general public.

PROFESSIONAL OFFICE - any office or business conducted by an individual or association including but not limited to engineers, lawyers, doctors, dentists, architects, chiropractors and veterinarians who or that must be licensed under the laws of the State.

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

PUBLIC ASSEMBLY - a place being a use, structure, or area being on land or water for the temporary or occasional assembly of people.

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities...
Planning Code, Act 247, as amended.

**PUBLIC MEETING** - a forum held pursuant to notice under 65 P.S., Chapter 7 (relating to open meetings).

**PUBLIC NOTICE** - notice published once each week for 2 successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

**PUBLIC RIGHT-OF-WAY** - land reserved by way of public ownership or dedication for use as a road, street, alley, crosswalk, pedestrian way, or other public purpose.

**PUBLIC UTILITY** - a system providing distribution of water, gas, electric, or telephone services, or the collection and disposal of waste water, such system operating as a municipal authority or under the rules and regulations of the State Public Utility Commission. This definition does not include any system or device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals.

**RECREATION FACILITY** - a place designed and equipped for the conduct of sports and leisure time activities.

**RECREATIONAL VEHICLE** - a vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**RECYCLING CENTER** - a facility used for the collection and/or processing of reusable material including but not limited to metals, glass, plastic, and paper.

**REFUSE AND WASTE COLLECTION AREA** - visually screened areas for the collection of refuse not to exceed 100 square feet in area and not used for the storage or disposal of refuse materials beyond 7 days.

**REGULATORY FLOOD ELEVATION** - the 100 year flood elevation plus a freeboard safety factor of one and 1½ feet.

**RENEWABLE ENERGY SOURCE** - any method, process or substance whose supply is rejuvenated through natural processes and subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

**REPORT** - any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body,
board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received, or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

**RESTAURANT** - an establishment where the principal business is the sale of food and beverages in a ready-to-consume state, and where the design or principal method of operation consists of one or more of the following:

1. A sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which the food and beverages are consumed.

2. A fast food restaurant where most customers order and are served their food in booths or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a counter or table.

3. A drive-in or drive-through restaurant which includes a principal building and adjoining parking area used for the purpose of furnishing food, soft drinks, ice cream and similar confections to the public normally for consumption outside the confines of the principal permitted building, or in vehicles parked upon the premises, regardless of whether or not seats are provided inside for patrons.

**RETAIL SALES AND SERVICE** - establishments engaged in selling goods or merchandise to the general public for person or household consumption and rendering services incidental to the sale of such goods.

**RIGHT-OF-WAY LINE** - a dividing line between a lot, tract or parcel of land and a contiguous street.

**ROADSIDE STAND** - a permanent or temporary structure used for the display, support and protection of products such as vegetables, fruits, poultry, and dairy or other products, grown, raised or created on the same property.

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

**RUNWAY LARGER THAN UTILITY VISUAL APPROACH ZONE** - (AZD-2) - the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM GREATER THAN 3/4 MILE NONPRECISION INSTRUMENT APPROACH ZONE - (AZD-3) - the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

SCHOOL - any building or group of buildings the use of which meets Commonwealth requirements for elementary, secondary, or higher education, whether publicly or privately owned, and excluding trade or vocational schools.

SCREEN - a masonry wall, solid board fence with finished side toward an adjacent use or a screen planting used to conceal from the view of the occupants of an adjoining use, the structures and uses on the premises on which the visual screen is located.

SELF-STORAGE FACILITIES - a building or group of buildings in a controlled access, and usually fenced compound that contains varying sizes of individual, compartmentalized and controlled-access rooms, stalls or lockers for the storage of the customer's goods or belongings.

SETBACK - the required horizontal distance between a setback line and a property or street line.

1. SETBACK, FRONT - the distance between the street line and the front setback line projected the full width of the lot; commonly called "front yard."

2. SETBACK, REAR - the distance between the rear lot line and the rear setback line projected the full width of the lot; commonly called "rear yard."

3. SETBACK, SIDE - the distance between the side lot line and the side setback line projected from the front yard to the rear yard; commonly called "side yard."

SETBACK LINE - a line within a property and parallel to a property or street line which delineates the required minimum distance between a structure and that property or street line. Where a principal use is not totally enclosed within a structure, any area of the property devoted to the principal use shall conform to the setbacks for the zone.

SEXUALLY ORIENTED BUSINESSES - an adult arcade, adult bookstore, adult novelty store, adult video store, adult nightclub, adult motion picture theater, adult theater, escort agency, nude model studio, or similar businesses.

SIGHT TRIANGLE (for an access drive or driveway) - the triangular area formed by an intersecting street center line with the access drive or driveway center
line and a line interconnecting points established on each center line 40 feet from their point of intersection. This entire area is to remain clear of obstructions to sight above a plane established at 3½ feet and below a height of 10 feet as measured from grade level at the intersection of the street center lines. Excluded from this definition and excluded from the applicable regulations of this Chapter is the area (clear sight triangle area) adjacent to a driveway for a single family detached residential dwelling.

**SIGN** - a sign shall mean a structure used as an advertisement, identification, announcement or direction.

**STABLE** - the keeping of one or more animals other than three household pets within a roofed enclosure. A stable is not a home occupation, but may be an agricultural use, and is not an accessory use to a residential dwelling unless specifically permitted.

**STOOP** - see "patio, deck, porch, stoop."

**STREET** - a strip of land, including the entire right-of-way, utilized as a means of vehicular and pedestrian travel for more than one lot or parking compound. Street includes avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private; however, street shall not include driveway, common driveway, or access drive as defined herein. The existing streets within Jackson Township have been identified in the Jackson Township Comprehensive Plan and classified as to function by official action of the Board of Supervisors.

**STRUCTURE** - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. The term “structure” includes buildings, communications towers, parking areas, sidewalks and similar construction.

**SUBDIVISION** - the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development, provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SURFACE AREA OF SIGN** - the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure or similar character together with any frame or other material or color forming an integral part of the display or used to differentiate sign from the background against which it is placed, excluding necessary supports or uprights upon which such sign is placed. For signs utilizing individual letters or figures or characters mounted directly on the wall or face of a structure, the gross surface area shall be the entire area within a single continuous perimeter enclosing the extreme limits of this sign.
SWIMMING POOL - any reasonably permanent pool or open tank, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than 1½ feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

TOWNHOUSE - see "dwelling types."

TOWNSHIP - the Township of Jackson, Butler County, a township of the second class.

TRADE OR VOCATIONAL SCHOOL - an establishment offering regularly scheduled instruction in professional, technical, commercial or trade skills, such as, but no limited to business, real estate, building and construction, electronics, computer programming and technology, automotive and aircraft mechanics and technology, and similar types of instruction.

TRANSITIONAL SURFACES - these surfaces extend outward at 90° angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

TRANSITIONAL ZONES - the transitional zones are the areas beneath the transitional surfaces.

TRUCK TERMINAL - a facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck.

USE - the specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE, MIXED - the occupancy of a building or of a lot for more than one use.

USE, NONCONFORMING - see "nonconforming use."

USE, UNLAWFUL - a use whether of land, water body, or structure which was not in existence prior to the enactment of this Chapter or amendment and does not comply with the regulations of this Chapter its amendment.

VARIANCE - a grant of relief, pursuant to the provisions of this Chapter, by the Zoning Hearing Board permitting a developer or an owner to use a property in a manner not wholly in accordance with this Chapter because strict conformance would be an unusual hardship depriving the developer of reasonable use of the property, but specifying what modifications to strict conformance are permitted.
VETERINARY OFFICE - a place where animals are given medical care and boarding of animals is limited to short-term care incidental to the veterinary office use.

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

WAREHOUSE - a building, group of buildings or a room within a building used for the storage of goods which will be sold or distributed for sale at a later date.

WHOLESALE USE - the storage and selling of commodities to retailers or jobbers rather than to households or ultimate consumers.

YARD - an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used. [Ord. 02-03]

YARD, FRONT - an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street right-of-way line and the frontline of the building on the lot. The depth of the front yard shall be measured between the frontline of the building and the street right-of-way line. On corner lots, each yard that abuts a street shall provide a front yard setback.

YARD, REAR - an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear setback line.

YARD, SIDE - an open unoccupied space on the same lot with the building situated between the permitted building area and side line of the lot and extending from the front yard to the rear yard. Any yard not a rear yard or a front yard shall be deemed to be a side yard.

ZONING - a legal, administrative process whereby a municipality divides its territory into districts and applies to each district a number of regulations to control the use of land, the height and bulk of buildings, and the area of ground to be built upon.

ZONING AMENDMENT - a change in any zoning district which includes revisions to this Chapter text and/or the official zoning map.

ZONING HEARING BOARD - a board appointed by the Board of Township Supervisors to examine and decide appeals for relief from strict conformance of application of this Chapter and to hear testimony regarding the validity of any regulations upon development in the Township or regarding challenges to the decisions of the Zoning/Code Enforcement Officer.
ZONING HEARING OFFICER - a member of the Zoning Hearing Board selected by the Zoning Hearing Board to, in some circumstance, conduct hearings for the Zoning Hearing Board.

ZONING MAP, OFFICIAL - the official map of zoning districts in Jackson Township, a part of this Chapter, showing precisely the boundaries and title of each zoning district.

ZONING OFFICER - that individual authorized by the Board of Supervisors to be the administrator of the day to day application of the provisions contained in this Chapter.

ZONING/BUILDING PERMIT - a permit issued by the duly designated building official authorizing the erection, construction, reconstruction, alteration, repair, conversion, demolition, or maintenance of any building, structure or portion thereof, and which certifies that the activity or use complies with this Chapter.

(Ord. 01-05, 12/19/2001, §301; as amended by Ord. 02-03, 7/18/2002, §1; and by Ord. 02-10, 11/21/2002, §§1, 2)
PART 4

DESIGNATION OF ZONING DISTRICTS


1. The following zoning districts are hereby established in the Township of Jackson:

   RA  Rural Agricultural District
   RL  Residential Low Density District
   RM  Residential Medium Density District
   RH  Residential High Density District
   C   Commercial District
   MCO Mixed Commerce/Office District
   LI  Light Industrial District
   M   Manufacturing District
   AO  Airport Overlay District
   FPO Floodplain Overlay District

2. The Overlay Districts shall be in addition to, and not a replacement for the underlying district regulations.

3. The boundaries of the zoning districts hereby established are shown on the Official Zoning Map bearing the date of adoption of this Chapter. This Map and all the notations, references, and other data shown thereon are hereby incorporated by reference into this Chapter and shall be as much a part of this Chapter as if all were fully described herein.

(Ord. 01-05, 12/19/2001, §400)

§27-402. Interpretation of District Boundaries.

1. Where uncertainty exists as to the boundaries of any district as shown on the Official Zoning Map, the following rules shall apply:

   A. District boundary lines, unless otherwise indicated on the map, follow or are parallel to the center line of streets and streams, and to lot or property lines as they exist on a recorded deed or plan of record in the Butler County Recorder of Deeds office at the time of the adoption of this Chapter.

   B. In unsubdivided land, or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the Official Zoning Map.

   C. Where streets, streams, property lines, or other physical boundaries and delineations are not applicable, boundaries shall be determined by the scale
shown on the Official Zoning Map.

D. Where a district boundary is not fixed by dimensions and where it approxi-
mately follows lot lines, and where it does not scale more than 10 feet
therefrom, such lot lines shall be construed to be such boundaries unless
specifically shown otherwise.

2. When there is disagreement on the location of a zoning district boundary, a
determination shall be made by the Zoning Officer, with appeal from the determina-
tion of the Zoning Officer made to the Zoning Hearing Board.

(Ord. 01-05, 12/19/2001, §401)
PART 5
APPLICATION OF REGULATIONS

§27-501. Use of Property.

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.

(Ord. 01-05, 12/19/2001, §500)


1. No building shall hereafter be erected or altered:
   A. To exceed the height;
   B. To accommodate a greater number of families;
   C. To occupy a greater percentage of lot area;

   which by its placement on a lot creates a nonconforming yard or setback.

2. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Chapter shall be included as a part of a yard or other open space similarly required for another building.

3. No dwelling unit as defined in Part 3, "Definitions," shall be permitted in any zone having a gross floor area less than that required by the current building code or comparable local regulation applicable to construction in Jackson Township and the Pennsylvania Department of Labor and Industry, where applicable.

(Ord. 01-05, 12/19/2001, §501)
PART 6

RA RURAL AGRICULTURAL DISTRICT

§27-601. Purpose.

The RA Rural Agricultural District is comprised of those areas of the Township which are predominantly agricultural land and includes the majority of the Township's environmentally sensitive lands. Those areas are not likely to be serviced by public utilities and facilities.

(Ord. 01-05, 12/19/2001, §600)

§27-602. Permitted Uses.

1. Principal Uses.
   A. Agricultural operations, as defined, on parcels of 10 acres or more including dairying, farming, pasturage, agriculture, horticulture, silviculture, floriculture, viticulture, and animal and poultry husbandry.
   B. Forestry, subject to the provisions of §27-1719.
   C. Township facilities.
   D. Recreation facility.
   E. Publicly owned parks and playgrounds.
   F. Single family detached dwellings.

2. Accessory Uses.
   A. A pasture, kennel or stable for animals on the lot of a single family detached residential dwelling when said lot is a minimum of 5 acres.
   B. No-impact home-based businesses in accordance with §27-1709 of this Chapter. [02-10]
   C. Other accessory uses customarily incidental to a permitted principal use.
   D. Private garages and parking areas in accordance with Part 18 of this Chapter.
   E. Signs in accordance with Part 19 of this Chapter.
   F. Communications antennae and communications buildings in accordance with
ZONING

the provisions of §1704.

(Ord. 01-05, 12/19/2001, §601; as amended by Ord. 02-10, 11/21/2002)


A lot or parcel may be used, and buildings or structures may be erected and used for any of the following purposes, subject to the approval of a conditional use application, as specified in Part 16 of this Chapter.

A. Agricultural uses conducted on plots of land less than 10 acres in size. See §27-1603.

B. Cemetery. See §27-1608.

C. Mineral extraction. See §27-1621.

(Ord. 01-05, 12/19/2001, §602)

§27-604. Yard and Bulk Requirements.

1. Minimum lot size - 87,120 sq. ft. (2 acres) (Except §27-602(1)(A))

2. Minimum lot width at the right-of-way line - 100 ft.

3. Minimum lot width at the front setback line - 150 ft.

4. Minimum front yard – 50 ft. right-of-way line


7. Maximum lot coverage - 30%


9. Maximum gross residential density - 0.5 per acre

(Ord. 01-05, 12/19/2001, §603)
PART 7

RL RESIDENTIAL LOW DENSITY DISTRICT

§27-701. Purpose.

The RL Residential Low Density District includes areas predominantly used for single-family detached residential subdivisions in areas where sewer and water service, along with public or private streets, would be a logical extension.

(Ord. 01-05, 12/19/2001, §700)

§27-702. Permitted Uses.

1. Principal Uses.
   A. Church.
   B. Forestry, subject to the provisions of §27-1719.
   C. Township facilities.
   D. Recreation facility.
   E. Single family detached dwellings.

2. Accessory Uses.
   A. No-impact home-based businesses and professional offices in accordance with §27-1709 of this Chapter. [Ord. 02-10]
   B. Other accessory uses customarily incidental to a permitted principal use.
   C. Private garages and parking areas in accordance with Part 18 of this Chapter.
   D. Signs in accordance with Part 19 of this Chapter.
   E. Communications antennae and communications buildings in accordance with the provisions of §27-1704.

(Ord. 01-05, 12/19/2001, §701; as amended by Ord. 02-10, 11/21/2002, §3)


A lot or parcel may be used, and buildings or structures may be erected and used for any
ZONING

of the following purposes, subject to the approval of a conditional use application, as specified in Part 16 of this Chapter.

A. Bed and breakfast. See §27-1606.
B. Duplex dwelling unit. See §27-1613.
C. Kennel. See §27-1619.
D. Personal care center. See §27-1627.
E. Stable. See §27-1628.
F. School. See §27-1629.

(Ord. 01-05, 12/19/2001, §702)

§27-704. Yard and Bulk Requirements.

1. Minimum lot size - 43,560 sq. ft. (1 acre)
2. Minimum lot width at the right-of-way line - 100 ft.
3. Minimum lot width at the front setback line - 100 ft.
4. Minimum front yard - 40 ft. from right-of-way line
7. Maximum lot coverage - 30%
9. Maximum gross residential density - 1 per acre

(Ord. 01-05, 12/19/2001, §703)
PART 8

RM RESIDENTIAL MEDIUM DENSITY DISTRICT

§27-801. Purpose.

The purpose of the RM Residential Medium Density District is to provide for development of residential areas which have access to higher classifications of roads (collector or arterial) and are serviced by public sewer and water systems. The development of these areas should promote a variety of residential dwelling types.

(Ord. 01-05, 12/19/2001, §800)

§27-802. Permitted Uses.

1. Principal Uses.
   A. Church.
   B. Single family detached dwelling.
   C. Duplex dwelling.
   D. Forestry, subject to the provisions of §27-1719.
   E. Township facilities.

2. Accessory Uses.
   A. No-impact home-based businesses in accordance with §27-1709 of this Chapter. [Ord. 02-10]
   B. Other accessory uses customarily incidental to a principal permitted use.
   C. Private garages and parking areas in accordance with Part 18 of this Chapter.
   D. Signs in accordance with Part 19 of this Chapter.
   E. Communications antennae and communications buildings in accordance with the provisions of §27-1704.

(Ord. 01-05, 12/19/2001, §801; as amended by Ord. 02-10, 11/21/2002, §4)

A lot or parcel may be used, and buildings or structures may be erected and used for any of the following purposes, subject to the approval of a conditional use application, as specified in Part 16 of this Chapter.

A. Cemetery (adjoining church only). See §27-1608.

B. Day care center. See §27-1612.

C. Medical clinic. See §27-1620.

D. Group home. See §27-1614.

E. Multi-family dwelling with a maximum of 4 dwelling units per building. See §27-1622.

F. Multi-family dwelling with a maximum of 8 dwelling units per building. See §27-1623.

G. School. See §27-1629.

(Ord. 01-05, 12/19/2001, §802)

§27-804. Yard and Bulk Requirements.

1. Minimum lot size - 21,780 sq. ft. (1/2 acre). For all uses except multi-family dwellings which shall be located on a minimum lot of 43,560 square feet in area (1 acre).

2. Minimum lot width at the right-of-way line - 100 ft.

3. Minimum lot width at the front setback line – 100 ft.

4. Minimum front yard – 30 ft. from right-of-way line


7. Maximum lot coverage - 45%


9. Maximum gross residential density - 4 per acre

(Ord. 01-05, 12/19/2001, §803)
PART 9
RH RESIDENTIAL HIGH DENSITY DISTRICT

§27-901. Purpose.

The purpose of the RH Residential High Density District is to provide for all types of residential uses with direct access to collector or arterial streets. These areas are in the path of development that are served by public sewer and water or where such services can be easily extended.

(Ord. 01-05, 12/19/2001, §900)

§27-902. Permitted Uses.

1. Principal Uses.
   A. Duplex dwelling.
   B. Forestry, subject to the provisions of §27-1719.
   C. Residential condominiums. See §27-1702(2).
   D. Multi-family dwelling (maximum eight dwelling units per building).
   E. Township facilities.
   F. Single family detached dwelling.

2. Accessory Uses.
   A. No-impact home-based businesses in accordance with §27-1709 of this Chapter. [Ord. 02-10]
   B. Other accessory uses customarily incidental to a principal permitted use.
   C. Private garages and parking areas in accordance with Part 18 of this Chapter.
   D. Signs in accordance with Part 19 of this Chapter.
   E. Communications antennae and communication buildings in accordance with the provisions of §27-1704.

(Ord. 01-05, 12/19/2001, §901; as amended by Ord. 02-10, 11/21/2002, §5)

A lot or parcel may be used, and buildings or structures may be erected and used for any of the following purposes, subject to the approval of a conditional use application, as specified in Part 16 of this Chapter.

A. Group residential facility. See §27-1615.

B. Medical clinic (up to 2,000 square feet). See §27-1620.

C. Mobilehome park (in accordance with the provisions of the Jackson Township Subdivision and Land Development Ordinance [Chapter 22].)

D. Recreational vehicle campground in accordance with the provisions of the Jackson Township Subdivision and Land Development Ordinance [Chapter 22]. See §27-1630.

E. Group home. See §27-1614.

F. Assisted living facility. See §27-1604.

G. Multi-family dwelling with more than eight dwelling units per building. See §27-1624.

H. School, when accessible from collector or arterial roadways as classified in the Jackson Township Comprehensive Plan. See §27-1629.

I. Personal care center. See §27-1627.

(Ord. 01-05, 12/19/2001, §902)

§27-904.  Yard and Bulk Requirements.

1. Minimum lot size - 10,890 sq. ft. (1/4 acre) except as otherwise provided for.

2. Minimum lot size - 43,560 sq. ft. (1 acre) for multi-family dwelling.

3. Minimum lot width at the right-of-way line - 100 ft.

4. Minimum lot width at the front setback line - 100 ft.

5. Minimum front yard - 20 ft. from right-of-way line


8. Maximum lot coverage - 50%


10. Maximum gross residential density - 16 per acre

(Ord. 01-05, 12/19/2001, §903)
PART 10
C COMMERCIAL DISTRICT

§27-1001. Purpose.
The C Commercial District includes lands strategically located at intersections of State roads or along major traffic routes. These areas are located along major routes in order to be developed for commercial activities and amenities that support the needs of Township residents.

(Ord. 01-05, 12/19/2001, §1000)

§27-1002. Permitted Uses.
1. Principal Uses.
   A. Bank/financial institution.
   B. Day care center.
   C. Forestry, subject to the provisions of §27-1719.
   D. Funeral home/mortuary.
   E. Medical/dental clinics.
   F. Township facilities.
   G. Essential services.
   H. Personal services establishment (not including sexually oriented business).
   I. Professional office.
   J. Restaurant (sit down).
   K. Retail sales and service establishment (not including sexually oriented business) up to twenty-five thousand (25,000) square feet.
   L. Library.
   M. Trade or vocational schools.

2. Accessory Uses.
A. Apartments on second floor and above, the first floor of which is occupied by a permitted use, but not more than one such apartment for each 10,000 square feet of lot area.

B. Bank machine.

C. Loading and/or truck maneuvering area.

D. Other accessory uses customarily incidental to a principal permitted use.

E. Parking area in accordance with Part 18 of this Chapter.

F. Signs in accordance with Part 19 of this Chapter.

G. Communications antennae and communications buildings in accordance with the provisions of §27-1704.

(Ord. 01-05, 12/19/2001, §1001)


A lot or parcel may be used, and buildings or structures may be erected and used for any of the following purposes, subject to the approval of a conditional use application, as specified in Part 16 of this Chapter:

A. Automotive sales and service (new or used). §27-1605.

B. Communications tower. See §27-1609.

C. Convenience store with gasoline/fuel sales. See §27-1610.

D. Groups of two or more retail and/or service uses on the same property. See Section §27-1616.

E. Hotel and motel. See §27-1617.

F. Office park. See §27-1626.

G. Retail uses in excess of 25,000 square feet. See §27-1632.

H. Restaurant, fast food or drive-through. See §27-1631.

(Ord. 01-05, 12/19/2001, §1002; as amended by Ord. 02-03, 7/18/2002, §4; and by Ord. 02-11, 11/21/2002)

§27-1004. Yard and Bulk Requirements.
1. Minimum lot size - 21,781 sq. ft. (1/2 acre)
2. Minimum lot width at the right-of-way line - 100 ft.
3. Minimum lot width at the front setback line - 100 ft.
4. Minimum front yard - 40 ft. from right-of-way line
7. Side yard abutting residential district boundary - 30 ft.
8. Maximum lot coverage - 80%

(Ord. 01-05, 12/19/2001, §1003)
PART 11
MCO MIXED COMMERCE/OFFICE DISTRICT

§27-1101. Purpose.

The purpose of the MCO Mixed Commerce/Office District is to provide multipurpose development opportunities in areas of the Township with access to the principal major arterial and interstate facility.

(Ord. 01-05, 12/19/2001, §1100)

§27-1102. Permitted Uses.

1. Principal Uses.

A. Automotive sales and service (new and used).
B. Automotive service.
C. Bank/financial institution.
D. Recreation facility.
E. Factory outlet sales.
F. Forestry, subject to the provisions of §27-1719.
G. Hospital.
H. Motel, hotel.
I. Movie theater.
J. Township facilities.
K. Essential services.
L. Professional office.
M. Recording, TV or radio studio.
N. Restaurant, sit down.
O. Two or more principal uses on the same lot as part of a unified development site.
P. Library.
Q. Trade or vocational school.

2. **Accessory Uses.**
   
   A. Bank machine.
   
   B. Other accessory uses customarily incidental to a principal permitted use.
   
   C. Parking area in accordance with Part 18.
   
   D. Signs in accordance with Part 19 of this Chapter.
   
   E. Communications antennae and communications building in accordance with the provisions of §27-1704.

*(Ord. 01-05, 12/19/2001, §1101)*

### §27-1103. **Conditional Uses.**

A lot or parcel may be used, and buildings or structures may be erected and used for any of the following purposes, subject to the approval of a conditional use application, as specified in Part 16 of this Chapter.

A. Communication tower. See §27-1609.

B. Office park. See §27-1626.

C. Veterinary office with enclosed holding pens. See §27-1634.

D. Restaurant, fast food or drive-through. See §27-1631.

E. Wholesale use. See §27-1635.

*(Ord. 01-05, 12/19/2001, §1102; as amended by Ord. 02-03, 7/18/2002, §5)*

### §27-1104. **Yard and Bulk Requirements.**

1. Minimum lot size - 21,7810 sq. ft. (1/2 acre)

2. Minimum lot width at the right-of-way line - 100 ft.

3. Minimum lot width at the front setback line - 100 ft.

4. Minimum front yard - 30 ft. from right-of-way line
5. Minimum rear yard - 20 ft., Accessory 10 ft.
7. Side yard abutting residential district boundary - 30 ft.
8. Maximum lot coverage - 80%

(Ord. 01-05, 12/19/2001, §1103)
PART 12
LI LIGHT INDUSTRIAL DISTRICT

§27-1201. Purpose.

The LI Light Industrial District is limited to sites which have rail access or direct access to arterial roadways and to light manufacturing and heavy commercial activities such as warehousing and heavy equipment sales and services, and other uses that have minimal impact on adjacent parcels and where such impacts can be substantially mitigated.

(Ord. 01-05, 12/19/2001, §1200)

§27-1202. Permitted Uses.

1. Principal Uses.

A. Automobile including motorcycle, truck and recreational vehicles sales and service, including collision repair and painting, only if conducted entirely within an enclosed building (discarded automobile parts shall be stored within an enclosed building or completely surrounded by an opaque fence at least 6 feet in height).

B. Boat sales, service and off-season storage.

C. Cabinet or furniture making.

D. Catering services.

E. Contractor's storage yard.

F. Dry cleaning plant.

G. Electroplating service.

H. Forestry, subject to the provisions of §27-1719.

I. Garden supplies and landscaping materials sales and storage.

J. Lumber yard and/or building materials sales.

K. Mobilehome or motorhome sales and service.

L. Heavy equipment, farm machinery sales and service.

M. Township facilities.
N. Essential services.
O. Nurseries and/or greenhouses.
P. Printing and publishing.
Q. Recycling center.
R. Research and testing laboratory.
S. The manufacturing, compounding, processing, packaging, treatment or fabrication of baked goods, confections, ceramics, clothing, electrical and electronics equipment, jewelry, scientific instruments, optical goods, pharmaceuticals and toiletries.
T. The manufacturing, compounding, assembling or treatment of parts from previously prepared raw materials.
U. Tool, appliance and equipment rental.
V. Truck terminal.
W. Warehousing and/or cold storage.

2. Accessory Uses.

A. Loading and/or truck maneuvering area.
B. Office building to serve principal use.
C. Other accessory uses customarily incidental to a principal permitted use.
D. Parking area in accordance with Part 18.
E. Signs in accordance with Part 19 of this Chapter.
F. Communications antennae and communications buildings in accordance with §27-1704.

(Ord. 01-05, 12/19/2001, §1201)


A lot or parcel may be used, and buildings or structures may be erected and used for any of the following purposes, subject to the approval of a conditional use application, as specified in Part 16 of this Chapter.
A. Bulk fuel storage. See §27-1607.
B. Communication tower. See §27-1609.
C. Correctional institution. See §27-1611.
D. Junkyard. See §27-1618.
E. Wholesale use. See §27-1635.

(Ord. 01-05, 12/19/2001, §1202)

§27-1204. Yard and Bulk Requirements.

1. Minimum lot size - 45,560 sq. ft. (1 acre)
2. Minimum lot width at the right-of-way line - 150 ft.
3. Minimum lot width at the front setback line - 150 ft.
4. Minimum front yard - 50 ft. from right-of-way line
5. Minimum rear yard - 50 ft., Accessory 50 ft.
7. Side yard abutting residential district boundary - 40 ft.
8. Maximum lot coverage - 75%

(Ord. 01-05, 12/19/2001, §1203)
PART 13

M MANUFACTURING DISTRICT

§27-1301. Purpose.

The purpose of the M Manufacturing District is to provide areas for uses which may impact adjacent properties due to noise, emissions, light (glare) and/or traffic. These areas are located to take advantage of the Township’s available rail system and have direct access to non-weight restricted collector or arterial roads.

(Ord. 01-05, 12/19/2001, §1300)

§27-1302. Permitted Uses.

1. Principal Uses.
   A. All uses listed as principal permitted uses in the LI Light Industrial District.
   B. Self-storage facilities
   C. Township facilities.
   D. Essential services.
   E. Forestry, subject to the provisions of §27-1719.

2. Accessory Uses.
   A. Loading and/or truck maneuvering area.
   B. Office for principal use.
   C. Other accessory uses customarily incidental to a principal permitted use.
   D. Parking area in accordance with Part 18.
   E. Signs in accordance with Part 19 of this Chapter.
   F. Communications antennae and communications buildings in accordance with the provisions of §27-1704.

(Ord. 01-05, 12/19/2001, §1301)

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5. Uses not expressly listed in any zoning district. See §§27-204 and 27-1602.

(Ord. 01-05, 12/19/2001, §1302)

§27-1304. Yard and Bulk Requirements.

1. Minimum lot size - 87,120 sq. ft. (2 acre)
2. Minimum lot width at the right-of-way line - 200 ft.
3. Minimum lot width at the front setback line - 200 ft.
4. Minimum front yard - 50 ft. from right-of-way line
5. Minimum rear yard - 50 ft., Accessory 50 ft.
7. Side yard abutting residential district boundary - 50 ft.
8. Maximum lot coverage - 80%

(Ord. 01-05, 12/19/2001, §1303)
PART 14
AO AIRPORT OVERLAY DISTRICT

§27-1401. Purpose.

The AO Airport Overlay District identifies those areas of the Township which lie within the Butler County and Zelienople Airport Overlay boundaries as identified on the Jackson Township Overlay Map and recognizes their effect on land development.

(Ord. 01-05, 12/19/2001, §1400)

§27-1402. Airport Overlay Regulations.

It has been determined that obstruction and high density development have the potential for endangering the lives and property of users of the Butler County and Zelienople Airports, and the property or occupants of land in their vicinity; and that obstructions may affect existing and future instrument approach minimums of those airports, and further, that obstruction may reduce the size of areas available for the landing, take-off and maneuvering of aircraft, thus limiting the utility of those airports.

(Ord. 01-05, 12/19/2001, §1401)

§27-1403. Definitions.

The Airport Overlay Zoning Districts for the Butler County and Zelienople Airports are defined in §27-302.

(Ord. 01-05, 12/19/2001, §1402)


1. No material change shall be made in the use of the land, no structure shall be erected or otherwise established until subdivision or land development approval has been granted, where applicable, and all required Federal, State and local permits have been issued.

2. Each application for a required local permit shall indicate the purpose for which the permit is desired, with sufficient information to determine whether the resulting use or structure would conform to the regulations herein prescribed.

3. No permit shall be issued for a use inconsistent with the provisions of this Part unless a variance has been granted by the Township Zoning Hearing Board in accordance with Part 21.
4. Notwithstanding any other provisions of this Part, no use of land or water identified in any underlying zoning district, shall be permitted which will:

A. Create electrical interference with navigational signals or radio signals between the aircraft and airport.

B. Make it difficult for pilots to distinguish between airport lights and others.

C. Result in glare in the eyes of pilots using the airport.

D. Impair visibility in the vicinity of the airport.

E. Create bird strike hazards.

F. Endanger or interfere with the land, take-off or maneuvering of aircraft intending to use the airport.

5. In the area lying within the limits of the horizontal zone and conical zone, no special permit shall be required for any structure less than 75 feet of vertical height above the ground, except, when because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such zones.

6. In the new zones lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any structure less than 75 feet of vertical height above the ground; except when such structure, because of terrain, land contour or topographic feature, would extend above the height limit prescribed for such transition zone.

(Ord. 01-05, 12/19/2001, §1403)

§27-1405. Nonconforming Uses.

1. The regulations prescribed in this Part shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Part, or otherwise interfere with the continuance of any nonconforming use, except as provided in §27-1406 (relating to permits and variances.) Nothing contained herein shall require any change in the construction, alteration of which was begun prior to the effective date of this Chapter, and is diligently prosecuted.

2. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of Butler County and the Borough of Zelienople.

Any request for a variance in accordance with Part 21 of this Chapter shall be accompanied by a determination from the Pennsylvania Department of Transportation, Bureau of Aviation, or other regulatory agency with jurisdiction, as to the effect of the proposal on the operation of air navigation facilities and the safe efficient use of navigable airspace. Additionally, no application for a variance may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the appropriate Butler County and Zelienople airport officials for review and comment at least 15 days prior to the hearing.

(Ord. 01-05, 12/19/2001, §1405)
PART 15
FPO FLOODPLAIN OVERLAY DISTRICT

§27-1501. Purpose.

The intent of this Part is to:

A. Promote the general health, welfare and safety of the community.

B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

C. Minimize danger to public health by protecting water supply and natural drainage.

D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

E. Comply with federal and state floodplain management requirements.

(Ord. 01-05, 12/19/2001, §1500)

§27-1502. Warning and Disclaimer of Liability.

The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside any identified floodplain area, or that land uses permitted within such areas will be free from flooding or damages.

This Part shall not create liability on the part of the Township of Jackson or any officer or employee thereof for any flood damages that result from reliance on this Part or any administrative decision lawfully made thereunder.

(Ord. 01-05, 12/19/2001, §1501)

§27-1503. Identification.

The floodplain overlay zone shall be any area of the Township of Jackson, subject to the 100 year flood, as identified on the Flood Insurance Rate Map, dated September 1989, as issued by the Federal Emergency Management Agency (FEMA), for the Township of Jackson.

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§27-1504. Determination of the One-Hundred Flood Elevation.

For the purpose of this Part, the 100 year flood elevation shall be used as the basis for regulation. To determine the 100 year flood elevation, the elevation at a given point on the boundary of the identified floodplain area which is nearest the construction site in question will be used. In helping to make this necessary elevation determination, other sources of data, where available, shall be used such as:

A. Corps of Engineers - Floodplain Information Reports.
C. U.S.D.A., Soil Conservation Service - County Soil Survey (Alluvial Soils) or P.L. 566 Flood Information.
D. Pennsylvania Department of Environmental Protection - Flood Control Investigations.
E. Known highwater marks from past floods.
F. Other sources

In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyzes shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough, technical review by the Township of Jackson. In additional, available information from Federal, State and other acceptable sources shall be used to determine a flood way area, if possible.

(Ord. 01-05, 12/19/2001, §1503)

§27-1505. Changes In Identification of Area.

The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

(Ord. 01-05, 12/19/2001, §1504)

§27-1506. Boundary Disputes.
Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Zoning Officer and any party aggrieved by this decision may appeal to the Board of Supervisors. The burden of proof shall be on the applicant.

(Ord. 01-05, 12/19/2001, §1505)

§27-1507. General.

1. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this Chapter and all other applicable codes and ordinances in force in the Township.

2. Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse.

3. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new construction or substantial improvement of any residential structure shall be 1½ feet or more above the 100 year flood elevation.

4. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new construction or substantial improvement of a nonresidential structure shall be 1½ feet or more above the 100 year flood elevation or be flood-proofed up to that height.

5. Any nonresidential structure, or part thereof, which will not be completely or adequately elevated, shall be flood-proofed in accordance with the provisions of this Part. Additional information may be obtained from the publication entitled "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972). All plans and specifications for such flood proofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

6. Space below the lowest floor.
   A. Fully enclosed space below the lowest floor (including basement) is prohibited.
   B. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.
   C. Designs for meeting this requirement must either be certified by a registered
professional engineer or architect, or meet or exceed the following minimum criteria:

(1) A minimum of two openings having a net total area of not less than 1 inch for every square foot of enclosed space.

(2) The bottom of all openings shall be no higher than 1 foot above grade.

(3) Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

7. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the 100 year flood elevation.

(Ord. 01-05, 12/19/2001, §1506)

§27-1508. Design and Construction Standards.

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill. If fill is used, it shall:

   (1) Extend laterally at least 15 feet beyond the building from all points.

   (2) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.

   (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.

   (4) Be no steeper than 1 vertical to 2 horizontal feet, unless substantiated data justifying steeper slopes is submitted to and approved by the Zoning Officer.

   (5) Be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems.
All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it or contamination from it during a flood.

D. **Other Utilities.** All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. **Streets.** The finished elevation of all new streets shall be no more than 1 foot below the regulatory flood elevation.

F. **Storage.** All materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, and not listed in §27-1509, “Development Which May Endanger Human Life,” shall be stored at or above the regulatory flood elevation and/or flood-proofed to the maximum extent possible.

G. **Place of Buildings and Structures.** All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. **Anchoring.**

   (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.

   (2) All air ducts, large pipes, storage tanks and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

I. **Floors, Walls and Ceilings.**

   (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
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(2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

(3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.

(4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.

J. **Paints and Adhesives.**

(1) Paints or other finishes used at or below the regulatory flood elevation shall be of "marine" or water-resistant quality.

(2) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or water-resistant quality.

(3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or water-resistant paint or other finishing material.

K. **Electrical Components.**

(1) Electrical distribution panels shall be at least 3 feet above the 100 year flood elevation.

(2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. **Equipment.** Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

M. **Fuel Supply Systems.** All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

(Ord. 01-05, 12/19/2001, §1507)

§27-1509. **Development Which May Endanger Human Life.**

1. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, and any new or substantially improved structure which:

   A. Will be used for the production or storage or any of the following dangerous
materials or substances.

B. Will be used for any activity requiring the maintenance of a supply of more than 550 gallon, or other comparable volume, of any of the following dangerous materials or substances on the premises.

C. Will involve the production, storage, or use of any amount of radioactive substances.

D. Shall be prohibited within 50 feet landward from the top-of-the-bank of any watercourse:

1. Acetone.
2. Ammonia.
3. Benzene.
4. Calcium carbide.
5. Carbon disulfide.
6. Celluloid.
7. Chlorine.
8. Hydrochloric acid.
9. Hydrocyanic acid.
10. Magnesium.
11. Nitric acid and oxides of nitrogen.
12. Petroleum products (gasoline, fuel oil, etc.).
13. Phosphorus.
15. Sodium.
17. Pesticides (including insecticides, fungicides and rodenticides).
18. Radioactive substances, insofar as such substances are not otherwise regulated.
B. Within any identified floodplain area, any new or substantially improved structure of the kind described in subsection (A) herein, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

C. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in subsection (1) herein, shall be:

(1) Elevated or designed and constructed to remain completely dry up to at least 1½ feet above the 100 year flood.

(2) Designed to prevent pollution from the structure or activity during the course of a 100 year flood.

D. Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

(Ord. 01-05, 12/19/2001, §1508)

§27-1510. Prohibited Activities.

The following activities shall be prohibited within any identified floodplain area:

A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

(1) Hospitals.

(2) Nursing homes.

(3) Jails, prisons or correctional facilities.

B. The commencement of, or any construction of, a new mobilehome park or mobilehome subdivision, or substantial improvement to an existing mobilehome park or mobilehome subdivision.

(Ord. 01-05, 12/19/2001, §1509)

§27-1511. Special Requirements for Mobilehomes.

1. Within any identified floodplain area, all mobilehomes and any additions thereto
shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

2. Where permitted, and in compliance with the provisions of the Jackson Township Subdivision and Land Development Ordinance [Chapter 22], within any identified floodplain area, all mobilehomes and additions thereto shall be:

A. Anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobilehomes Including Mobilehome Park Requirements (NFPA No. 501A-1974) ANSI A119.30-1975) as amended for Mobilehomes in Hurricane Zones or other appropriate standards such as the following:

(1) Over-the-top ties shall be provided at each of the four corners of the mobilehome, with two additional ties per side at intermediate locations for units 50 feet or more in length, and one additional tie per side for units less than 50 feet in length.

(2) Frame ties shall be provided at each corner of the mobilehome, with five additional ties per side at intermediate locations for units 50 feet or more in length, and four additional ties per side for units less than 50 feet in length.

(3) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

B. Elevated in accordance with the following requirements:

(1) The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobilehome will be 1½ feet or more above the elevation of the 100 year flood.

(2) Adequate surface drainage is provided.

(3) Adequate access for a hauler is provided.

(4) Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than 10 feet apart; reinforcement shall be provided for pilings that will extend for 6 feet or more above the ground level.

C. Placed on a permanent foundation.

3. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township officials for mobilehome parks.

(Ord. 01-05, 12/19/2001, §1510)
§27-1512. **Existing Structures.**

The provisions of this Part do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of §27-1513 shall apply.

*(Ord. 01-05, 12/19/2001, §1511)*

§27-1513. **Improvements.**

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

A. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Part.

B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or flood-proofed to the greatest extent possible.

C. No expansion or enlargement of any existing structure shall be allowed within any floodway area that would cause any restriction or impediment to the floodway.

*(Ord. 01-05, 12/19/2001, §1512)*

§27-1514. **Variance Procedure and Conditions.**

If compliance with any of the requirements of this Part would result in an exceptional hardship, a prospective builder, developer or landowner may request relief from the strict application of the requirements. A request for a variance shall be considered by the Township of Jackson in accordance with the procedure contained in Part 21, the standards of the Pennsylvania Municipalities Planning Code, as amended, and the following:

A. Except for a possible modification of the 1½ foot freeboard requirement, no variance from the provisions of this Part shall be granted for any of the other requirements pertaining specifically to development which may endanger human life (§27-1509). In addition, no variance shall be granted allowing any of the development specifically prohibited in §27-1510.

B. No variance from the provisions of this Part shall be granted for any construction, development, use or activity within any floodway area that could cause any increase in the 100 year flood elevation.
C. If granted, a variance shall involve only the least modification necessary to provide relief.

D. In granting any variance the Township of Jackson Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this Chapter.

E. Whenever a variance is granted, the Township of Jackson Zoning Hearing Board shall notify the applicant in writing that:

1. The granting of the variance may result in increased premium rates for flood insurance.

2. Such variances may increase the risks to life and property.

F. In reviewing any request for a variance, the Township of Jackson Zoning Hearing Board shall consider, at a minimum, the following:

1. That there is good and sufficient cause.

2. That failure to grant the variance would result in exceptional hardship to the applicant.

3. That the granting of a variance will:

   a. Neither result in an unacceptable or prohibited increase in flood heights, additional treats to public safety or extraordinary public expense.

   b. Nor create nuisances, cause fraud on or victimize the public or conflict with any other applicable state or local ordinances and regulations.

G. A complete record of all variance requests of Jackson and related actions shall be maintained by the Township Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100 year flood.

(Ord. 01-05, 12/19/2001, §1513)
PART 16

CONDITIONAL USES


1. Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by the Planning Commission by comparing the use to established development standards and design guidelines. This review shall determine whether the proposed use addresses the specific standards identified in this Section and whether it should be permitted, by weighing the public need for, and the benefit to be derived from, the use, against the impact which it may cause.

2. In the case where a use is not specifically listed as permitted or conditional in any zoning district established by this Chapter, the property owner may request conditional use approval as per the provisions of this Part. Said use shall be situated on land in the M Manufacturing District.

(Ord. 01-05, 12/19/2001, §1600)

§27-1602. Procedure For Approval.

Where the Township Board of Supervisors, in this Chapter, has stated conditional uses to be granted or denied by the Township Board of Supervisors pursuant to express standards and criteria, and pursuant to recommendation by the Planning Commission, the Township Board of Supervisors shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. In granting a conditional use, the Township Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

A. Submission of Application. The granting of a conditional use by the Township Board of Supervisors shall be predicated upon the developer's demonstrating that the development for which the conditional use is sought:

(1) Will not endanger the public health and safety if located where proposed, and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.

(2) Meets all other requirements of this Chapter in the zoning district where the use is proposed.
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(3) Is in general conformity with the Comprehensive Plan for the Township of Jackson and in harmony with the area in which it is proposed.

(4) Is an appropriate use on the proposed site.

(5) Is in compliance with the performance standards enumerated in §27-1718.

The applicant/developer shall submit a deed and drawings to scale. The drawings shall indicate the boundaries of his property, location of adjacent streets, the location and height of proposed buildings on the property, proposed grading and storm drainage, and location and number of proposed parking spaces and proposed curb cuts.

B. **Action by the Planning Commission.** Upon the filing of an application for a conditional use, the Township Board of Supervisors shall submit each such conditional use application to the Planning Commission at least 30 days prior to the hearing on such conditional use to provide the Planning Commission an opportunity to submit recommendations. Such recommendations shall be in writing with copies transmitted to the applicant and to the Township Board of Supervisors.

C. **Public Hearing.** The Township Board of Supervisors shall call and hold a public hearing, with proper notice, within 60 days of the filing of the application for conditional use.

D. **Action by Township Board of Supervisors.** The Township Board of Supervisors shall, render a decision and inform the application of said decision within 45 days of the close of the hearing, unless upon mutual consent of the Board of Supervisors and the applicant, it is agreed to continue the proceedings. If the Board of Supervisors denies the conditional use, the developer may reapply for the same use no sooner than 1 year after the latter of 30 days after notice of the decision is entered or 30 days after entry of a final decision by the court of competent jurisdiction without further appeal.

(Ord. 01-05, 12/19/2001, §1601)

§27-1603. **Agricultural Uses Conducted on Plots of Land Less Than 10 Acres In Size.**

Conditional Use in RA District.

A. The movement of livestock and/or poultry is limited by a fence or other method of enclosure.

B. No other structure or use is permitted within less than 10 acre area during the period of continued agricultural use.
C. Roadside stands offering for sale only the products produced on the premises shall be permitted and there shall be a minimum of 10 off street parking spaces provided for roadside stands.

D. Any agricultural accessory building shall be located at least 50 feet from any residential lot line.

(Ord. 01-05, 12/19/2001, §1602)


Conditional Use in RH District.

A. Such homes may be converted existing dwellings with a maximum of six beds or new additions to in the converted dwelling.

B. The total number of individuals that may be cared for or housed in a new home shall not exceed the total acreage of the site multiplied by 6, where both public sewer and public water lines will serve the home. Where only public water or sewer is available or where no public utilities are available, maximum occupancy shall not exceed 12 persons.

C. An assisted living facility shall have a bed capacity of no more than 200 beds. The operator of an assisted living facility shall be licensed or certified by the appropriate Commonwealth agency or agencies. The license or certification shall be obtained prior to issuance of an occupancy permit by the Township. A copy of an annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

D. Additions to any existing dwelling shall be compatible with the original building's appearance and scale, and new development should be consistent with the district in which it is to be located.

E. Twenty-four hour supervision shall be provided at an assisted living facility by staff qualified by the licensing or certification agency.

F. Adequate provisions shall be made for access by emergency medical and fire vehicles. If more than 25 beds are provided, a traffic impact study shall be prepared in compliance with the provisions of the Jackson Township Subdivision and Land Development Ordinance [Chapter 22].

G. The minimum area of the property shall be 2 acres, and a screened bufferyard as per the provisions of §27-1714 shall be provided around the perimeter, side and rear yards.

H. Principal building or buildings on the property shall be set back at least 100 feet from any right-of-way abutting the site and at least 50 feet from side and
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rear property lines.

I. Construction shall be consistent with the current Township Building Code, as amended from time to time.

J. As part of the conditional use application process the facility shall be inspected by the Township Zoning Officer and Fire Marshal (or agent thereof) to evaluate egress, fire hazard potential, fire escape provisions and fire escape routes for the guests. Each guest room and each hallway of the facility shall be equipped with a smoke detector and fire alarm device. No certificate of occupancy for the facility shall be issued until the respective officers have given approval of the fire provisions and fire warning devices. Each room shall also be posted with a fire excavation route.

(Ord. 01-05, 12/19/2001, §1603)

§27-1605. Automotive Sales and Service.

Conditional Use in C District.

A. All repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.

B. All car washing areas shall be designed to recirculate water.

C. All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence.

D. All vehicles awaiting repair shall be stored on the lot in an approved storage area and, in no case, shall said vehicles be stored on or obstruct access to a public or private right-of-way.

E. Where supplemental retail service is proposed, off-street parking shall be provided as required for retail in addition to service station standards.

F. Supplemental retail service space shall not exceed 2,000 square feet.

G. Gasoline pump islands shall set back in accordance with the dimensional standards of the C District.

H. All fuel, oil and similar substances shall be stored at least 25 feet from any property line.

I. The handling, storage and disposal of motor oil, battery acid and any other substance regulated by Federal Statute and the Pennsylvania Department of Environmental Protection (DEP) shall be in accordance with all permits and
requirements of that agency or its successor agency. Any suspension, revocation or violation of the PaDEP permits shall be a violation of this Part and shall be subject to the enforcement provisions of this Chapter.

J. All property lines adjoining a residential use or residential zoning classification shall be screened as required in §27-1714.

(Ord. 01-05, 12/19/2001, §1604)

§27-1606. Bed and Breakfast.

Conditional Use in RL District.

A. The minimum lot area shall be 2 acres.

B. All rooms and related facilities provided for transient guests shall be regular, integral components of the principal dwelling.

C. The operator of the bed and breakfast must be the owner and a full time resident of the dwelling.

D. No more than six guest sleeping rooms shall be available and/or utilized at any one time for the transient quests.

E. Each guest sleeping room shall be a minimum of 100 square feet in area, excluding closets.

F. No meals, other than breakfast, shall be served on the premises, nor shall breakfast be served to groups or individuals who are not guests of the facility.

G. One off-street parking space shall be provided on the lot or parcel for each guest sleeping room, plus two additional parking spaces shall be provided for the owner/resident. Parking spaces shall not be placed within the required rear or side yard setbacks. The parking spaces shall be screened from adjoining properties by a compact hedge or fence 6 feet in height. (See Part 18)

H. One free standing sign not to exceed 12 square feet in area shall be permitted. The sign shall contain the name of the facility, the address and the resident owner's name. The free standing sign shall not exceed 8 feet in height and be placed at least 5 feet from the right-of-way line on the public or private street upon which the facility abuts. The sign shall not obstruct the view of vehicular traffic on the abutting street.

I. Sharp cut-off luminaires shall be used for all exterior lighting except that decorative seasonal lighting shall be exempt from this requirement.
J. The applicant shall document the capacity of on-lot sewage treatment and/or adequacy.

K. As part of the conditional use application process the facility shall be inspected by the Township Zoning Officer and Fire Marshal (or agent thereof) to evaluate egress, fire hazard potential, fire escape provisions and fire escape routes for the guests. Each guest room and each hallway of the facility shall be equipped with a smoke detector and fire alarm device. No certificate of occupancy for the facility shall be issued until the respective officers have given approval of the fire provisions and fire warning devices. Each room shall also be posted with a fire excavation route.

(Ord. 01-05, 12/19/2001, §1605)


Conditional Use in LI District.

A. All fuel storage structures shall be located a minimum of 100 feet from any property line.

B. The property on which fuel storage structures are located shall be capable of keeping the fuel on site in the event of a leak or structure collapse through the provision of a dike or concrete containment structure adequately sized to retain the fuel.

C. The perimeter of the property shall be fenced to prevent access by others than those associated with the facility.

D. All applicable County, State and Federal permits shall be applied for prior to issuance of Township permits. Documentation of said applications shall be made a part of the conditional use application.

(Ord. 01-05, 12/19/2001, §1606)

§27-1608. Cemetery.

Conditional Use in RA and RM Districts.

A. A minimum site of 10 acres shall be required, unless part of a worship site, in which case the minimum size shall be 5 acres.

B. A stormwater management plan shall be submitted with the application to show existing and proposed runoff characteristics.

C. Ingress, egress and internal circulation shall be designed to ensure safety and
minimize impact on local roads. Said internal roadways shall be paved with a minimum tar and chip surface. The applicant shall demonstrate that the granting of the proposed use shall not significantly increase traffic congestion on adjacent roadways.

D. All property lines adjoining a residential use or residential zoning boundary shall be screened by Bufferyard C as required by §27-1714.

E. Parking for principal structures such as chapels or mausoleums shall be provided in accordance with the requirements of Part 18 of this Chapter.

(Ord. 01-05, 12/19/2001, §1607)

§27-1609. Communications Tower and Communications Equipment Building.

Conditional Use in C, MCO, LI and M Districts.

A. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower and communications antenna, as applicable.

B. The applicant shall demonstrate that the proposed communications tower and communications antenna proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

C. A communications tower shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.

D. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communication antenna on an existing building, structure or communication tower. A good faith effort shall require that all owners of potentially suitable buildings, structures or communications towers within a 1/4 mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selected such building, structure or communication tower apply:

(1) The proposed antenna and related equipment would exceed the structural capacity of the existing building, structure or communications tower and its reinforcement cannot be accomplished at a reasonable cost.

(2) The proposed antenna and related equipment would cause radio frequency interference with other existing equipment for that existing building, structure or communications tower and the interference cannot be prevented at a reasonable cost.
(3) Such existing building, structure or communication tower do not have adequate location, space, access or height to accommodate that proposed equipment or to allow it to perform its intended function.

(4) Addition of the proposed antenna and related equipment would result in electromagnetic radiation from such building, structure or communication tower exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(5) A commercially reasonable agreement could not be reached with the owners of such building, structure or communication tower.

E. Access shall be provided to the communications tower and communications equipment building in accordance with the standards of Part 6 of the Township Subdivision and Land Development Ordinance [Chapter 22]. The standards, requirements and restrictions of Part 6 of the Subdivision and Land Development Ordinance [Chapter 22] shall apply regardless of whether or not the communications tower and/or communications equipment building is considered to constitute a subdivision or land development.

F. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function. For any proposed communications tower with a height in excess of 75 feet, the applicant shall deposit with the Township an engineering review deposit as may be deemed appropriate by the Township Engineer, which deposit shall be in addition to any other required application and/or engineering fees. This deposit shall be used by the Township to retain an independent, certified engineer knowledgeable in the field of communications towers to review the application and to express an opinion as to the minimum height necessary for the proposed communications tower to perform its function. In the event that the fees actually incurred for said engineering review exceed the amount of the deposit, the applicant shall tender payment of the balance owed. In the event that the fees actually incurred for said engineering review are less than the amount of the deposit, the balance shall be refunded and/or credited to the applicant.

G. The foundation and base of any communications tower shall be set back from the nearest adjoining property or lease lines, whichever are closer to the proposed communications tower, a distance equivalent to the height of the proposed tower.

H. The maximum height of any communications tower shall be 75 feet; provided, however, that such height may be increased by no more than an additional 75 feet as long as an independent, certified engineer retained under subsection (E) herein expresses an opinion that the additional height is necessary for the proposed communications tower to perform its function. Regardless of height, all communications towers shall remain subject to the setback requirements.
of subsection (F) above.

I. There shall be a maximum of one communications tower per lot, regardless of lease lines.

J. The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.

K. The communications equipment building shall comply with the yard, height and other requirements and restrictions applicable to a principal structure located in the same zoning district.

L. The applicant shall submit certification from a Pennsylvania registered professional engineer that any proposed communications tower will be designed and constructed in accordance with the current structural standards for steel antenna towers and antenna supporting structures published by the Electrical Industry Association/Telecommunications Industry Association and applicable requirements of other Jackson Township ordinances.

M. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a certificate of insurance evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount of $1,000,000 per occurrence covering the communications tower and any communications antenna located thereon.

N. All guy wires associated with a guyed communication tower shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

O. The site of a communications tower shall be secured by a fence with a height of 8 feet and containing only self-latching gates to limit accessibility by the general public.

P. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

Q. A communications tower shall be protected and maintained in accordance with applicable Township ordinances.

R. If a communications tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower within 6 months of the expiration of such 12 month period.

S. Two off-street parking spaces shall be provided within the fenced area.
T. All tower structures shall be fitted with anti-climbing devices as recommended by the tower manufacturer for the type of installation proposed.

(Ord. 01-05, 12/19/2001, §1608; as amended by Ord. 02-11, 11/21/2002)

§27-1610. **Convenience Store With Gasoline/Fuel Sales.**

Conditional Use in C District.

A. In the case of an automotive service use, all repairs shall be conducted in an enclosed building.

B. All driveways and parking areas shall be paved.

C. There shall be no parking of motor vehicles, trucks, tractors or trailers except for the purpose of being serviced and for minor repairs, limited to a period of 8 hours, unless garaged.

D. Convenience retail uses when provided in conjunction with automotive service shall accommodate, on site, parking in compliance with the ratios for general retail uses.

(Ord. 01-05, 12/19/2001, §1609)

§27-1611. **Correctional Institution.**

Conditional Use in LI District.

A. All applicable County, State and Federal permits shall be applied for prior to issuance of Township permits. Documentation of application shall be made a part of the conditional use application.

B. Parking facilities for staff and visitors shall be in accordance with Part 18.

C. All parking areas shall be screened from view from public or private streets.

D. Lighting shall be required throughout the property for safety purposes. Such lighting shall be oriented away from adjacent properties and shall not exceed 2 footcandles of illumination at the property boundary line.

E. All structures shall be a minimum of 150 feet from all property lines.

F. All lots shall have a minimum size of 10 acres.

G. Access shall be from collector street only.
H. An evacuation plan shall be submitted for review and approval by the Township Emergency Management Coordinator.

(Ord. 01-05, 12/19/2001, §1610)

§27-1612. Day Care Center.

Conditional Use in RM District.

A. The facility shall be registered with or licensed by the Commonwealth, if applicable, and copies of said license shall accompany the annual operating report to be filed with the Jackson Township Police and Emergency Services.

B. Outdoor play areas shall be provided which shall have a minimum area of 65 square feet per child and which shall be secured by a fence with self-latching gate.

C. Outdoor play areas adjoining or abutting shall be screened by a Bufferyard C as required by §27-1714.

D. The general safety of the property proposed for a day care center shall meet the needs of small children.

(Ord. 01-05, 12/19/2001, §1611)

§27-1613. Duplex Dwelling.

Conditional Use in RL District.

A. Each dwelling unit shall contain private bathrooms, cooking and food storage areas.

B. Each dwelling unit shall have at least two off-street parking spaces.

C. Each dwelling unit shall have at least two means of egress, with at least one of them being directly outside, "at grade" or via an exterior stairway to grade.

(Ord. 01-05, 12/19/2001, §1612)


Conditional Use in RM and RH Districts.

A. The dwelling unit shall have one primary means of ingress/egress, a single outside mail box, single utility connections (except for telephone, computer and
cable service), and common eating and cooking areas.

B. The use shall not require alteration to the exterior structure except where otherwise permitted for single family residential dwellings or where required under relevant health and safety codes.

C. The number of unrelated disabled persons shall not exceed an average of one per bedroom. The following persons shall not be included in determining the average number of persons per bedroom in the group home: persons with a permanent personal relationship choosing to share a bedroom with a disabled resident of the group home, and parents or legal guardians of a resident of the group home who choose to live in said home. Further, the use shall not require substantial alterations to the interior of the structure for the purpose of creating additional bedrooms.

D. At least one off-street parking space shall be provided for every three employees on duty.

E. Any office located in the dwelling unit shall be limited to only on-site program use.

F. In order to prevent the clustering of group homes in a neighborhood and to promote integrating the group homes into the community, no group home may be located within 1,500 feet of another group home.

G. The operator of the group home shall obtain the required licenses and approvals from the appropriate Commonwealth agencies prior to approval of the conditional use application and/or occupancy permit.

H. The group home facility shall provide an operating plan to the Township. The operating plan shall include, but not be limited to, the following information:

1. A complete description of the facilities, its clients staff and operating structure, its proposed operating conditions and the terms and conditions of any state license required for its operation.

2. A statement regarding how the proposed facility furthers the purposes and guidelines of the Township Comprehensive Plan.

3. A financial statement and staffing plan for the proposed facility, including but not limited to the manner and method by which clients are referred to, accepted to and/or ordered to take up residence at the facility.

4. The name and address and telephone number of each funding, licensing or operating entity involved in the home's operation.

5. Copies of any state, county or Township business/operating licenses.
I. The operator of the group home shall provide to the Board of Supervisors, Township Police Department, volunteer fire company and Township Emergency Management Coordinator a floor plan, drawn to scale, clearly delineating all rooms or sleeping areas assigned to physically handicapped individuals, all points of ingress and egress to the facility and an interior circulation plan indicating the flow of traffic on the site and primary point or points of vehicular access.

J. A change in ownership or operators of the group home or a change in basic operating procedures, or general service provisions or the conditions of approval, shall constitute a new use requiring conditional use approval as outlined in this Section.

K. Construction shall be consistent with the current Township Building Code, as amended from time to time.

L. **Reasonable Accommodations.** Pursuant to the Fair Housing Act Amendments (FHAA), the Township must provide fair access to housing to persons with disabilities and all other persons protected by the FHAA, including providing reasonable accommodations in the application of its zoning laws. As a result, the following procedures are set forth in order to provide such reasonable accommodations. The provisions of this subsection shall not apply to commercial activities or zones.

   1. In its application for conditional use, an applicant may request a modification of a requirement of this Section.
   
   2. The applicant has the burden to prove that the requested accommodation is necessary.
   
   3. The Board of Supervisors may deny the requested accommodation if the Township or other objecting party proves that the requested accommodation is unreasonable.
   
   4. In determining whether the requested accommodation is unreasonable, the Board of Supervisors may consider multiple factors, including whether the requested accommodation would:

      (a) Fundamentally alter the nature of this Chapter, neighborhood, or Township zoning procedures.

      (b) Undermine the legitimate purposes and effects of existing Township zoning regulations.

      (c) Impose undue financial and administrative burdens on the Township.

   5. Any modifications to Township building and property maintenance
regulations or any other Township regulations shall provide, at a minimum, the same level of safety required by such regulations.

(Ord. 01-05, 12/19/2001, §1613)


Conditional Use in RH District.

A. The number of residents shall be limited to no more than 10 persons.

B. On-site parking facilities shall be provided at the ratio of one stall for every two full time staff members and an additional stall for every two non-staff residents who are eligible and are permitted by the sponsor to operate a motor vehicle.

C. Such facilities shall be located no less than 2,500 feet from any other group residential facility, assisted living facility or group home.

D. Where applicable, a license or certification shall be obtained from the Commonwealth of Pennsylvania or County of Butler prior to the issuance of a certificate of occupancy. In the event that an appropriate licensing or certifying agency does not exist, the applicant shall demonstrate to the Board of Supervisors that the proposal satisfies a demonstrated need and will be conducted in a responsible manner without detriment to surrounding properties.

E. The operator of the group residential facility shall provide to the Board of Supervisors, Township Police Department, Volunteer Fire Company and Township Emergency Management Coordinator a floor plan, drawn to scale, clearly delineating all rooms or sleeping areas, all points of ingress and egress to the facility and the interior circulation plan indicating the flow of traffic on the site and primary point or points of vehicular access.

F. A change in ownership or operators of the group residential facility or a change in basic operating procedures or general service provisions or conditions of approval shall constitute a new use requiring conditional use approval as outlined in this Section.

G. Construction shall be consistent with the current Township Building Code, as amended from time to time.

(Ord. 01-05, 12/19/2001, §1614)

§27-1616. Groups of Two or More Retail or Service Uses on the Same Property.
Conditional Use in C District.

A. The entire complex shall have a common architectural character and be an integrated design.

B. Access from adjacent roads shall be designed to minimize congestion and confusion.

C. Parking areas shall be laid out so that circulation through them and to access points is obvious. Parking lanes should be at right angles to the length of the buildings.

D. Loading areas shall be separate from parking areas.

E. Areas not paved or occupied by structures shall be landscaped in accordance with the provisions of §27-1714 and maintained, or left in natural cover, and the edges of paved areas abutting landscaped areas shall be curbed.

F. Areas to be used for outdoor sales shall be designated and shall not occur in areas designed for pedestrian circulation or required parking.

(Ord. 01-05, 12/19/2001, §1615)

§27-1617. Hotel and Motel.

Conditional Use in the C District.

A. The minimum site required shall be 2 acres.

B. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Chapter.

C. Ingress, egress and traffic circulation on the site shall be designed to ensure safety and minimal congestion and the impact on local streets.

D. The operator of the facility shall provide to the Board of Supervisors, Township Police Department, volunteer fire company and Township Emergency Management Coordinator, a floor plan, drawn to scale, clearly delineating all rooms or sleeping areas assigned, all points of ingress and egress to the facility and an interior circulation plan indicating the flow of traffic on the site and primary point or points of vehicular access.

E. Site lighting, if proposed, shall be shielded and reflected away from adjacent residential properties and public or private streets.

F. As part of the conditional use application process the facility shall be inspected by the Township Zoning Officer and Fire Marshal (or agent thereof) to
evaluate egress, fire hazard potential, fire escape provisions and fire escape routes for the guests. Each guest room and each hallway of the facility shall be equipped with a smoke detector and fire alarm device. No certificate of occupancy for the facility shall be issued until the respective officers have given approval of the fire provisions and fire warning devices. Each room shall also be posted with a fire excavation route.

(Ord. 01-05, 12/19/2001, §1616)


Conditional Use in LI District.

A. The minimum site area required shall be 10 acres.

B. The operation of automotive recycling activities shall comply with current Township regulations governing the establishment, operation and licensing of junkyards in the Township.

C. The applicant shall demonstrate that the junkyard shall not create a nuisance or health hazard to adjacent properties.

D. The applicant shall demonstrate compliance with the yard clearance and screening requirements of the Township junkyard ordinance.

E. All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, and with no junk piled to a height of more than 6 feet.

F. No oil, grease, tires, gasoline or other similar material shall be burned at any time, and all other burning shall be attended and controlled at all times.

(Ord. 01-05, 12/19/2001, §1617)

§27-1619. Kennel.

Conditional Use in RL District.

A. The minimum lot area for a kennel shall be 5 acres.

B. Kennels shall be located within a completely enclosed building and sound-proofed to reduce noise impacts on adjacent properties.

C. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be maintained in safe condition, and shall be secured by a fence with self-latching gate.
D. Outdoor runs, pens, coops and similar facilities shall be located at least 300 feet from any occupied dwelling on adjoining property and shall be screened from residences on adjoining property by a 6 foot hedge or opaque fence.

(Ord. 01-05, 12/19/2001, §1618)

§27-1620. Medical Clinic.  

Conditional Use in RM and RH Districts.

A. The facility shall have access directly to a Township roadway or State highway, classified as a collector or arterial.

B. Parking shall be provided at the rate of one space for each 200 square feet of floor area, and parking areas shall not be located between the front wall of the building and the street right-of-way line.

C. The facility should have similar architectural features and incorporate similar materials as that of residential structures in the zoning districts where permitted.

(Ord. 01-05, 12/19/2001, §1619)


Conditional Use in RA and M Districts.

A. Removal of minerals encountered during the routine grading of a site for the purposes of an approved land development or for the construction of public improvements shall be excluded from these regulations and the requirement to obtain approval of a conditional use application, provided evidence is presented to the Township that all applicable requirements of the Pennsylvania Department of Environmental Protection (DEP) are met.

B. There shall be no removal of minerals or vegetative cover within 100 feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGS).

C. Mineral removal shall be prohibited in watersheds or rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a Wilderness Trout Stream, by the Pennsylvania Department of Environmental Protection (DEP) as part of the Scenic Rivers System or designated under the Federal Wild and Scenic Rivers Act.

D. No mineral removal shall be conducted within 300 feet of any public or private building, school, church, community or institutional building, commercial
building, public park or private recreational area.

E. No mineral removal shall be conducted within 100 feet of the outside right-of-way line of any public or private street, except where access roads or haulage roads join the right-of-way line and where the appropriate State or Federal agency having jurisdiction over the conduct of mineral removal operations shall permit it in accordance with the law.

F. No mineral removal shall be conducted which will adversely affect any publicly owned park or places included in the National Register of Historic Sites, unless approved by the governmental agency with jurisdiction over the park or historic site.

G. No mineral removal shall be conducted within 100 feet of a cemetery.

H. No mineral removal shall be conducted within 300 feet of an occupied dwelling, unless the consent of the owner has been obtained in advance of the filing of the application for zoning approval.

I. The applicant shall present expert testimony to demonstrate that the proposed mineral removal operation will not adversely affect any of the following:

1. Lawful existing or permitted use of adjacent properties.
2. The quality or adequacy of any public or private water supply source.
3. Any flood-prone or landslide-prone areas within the Township.

J. The applicant shall present expert testimony to demonstrate that the use of explosives, if proposed, shall not cause injury to any adjacent structures or shall not substantially diminish underground water resources.

K. If blasting is to be undertaken, seismographs shall be placed on the site of the operation as required by the Pennsylvania Department of Environmental Protection during all times when blasting is performed which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Township and whose fee is paid by the applicant.

L. The applicant shall provide reclamation plans for the site that demonstrate that the condition of the land after the operation is completed will allow economically and ecologically productive uses of the type permitted in the district in which the site is located. Acceptance of the reclamation plan shall not constitute approval of any aspect of any future development plan.

M. The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks as part of a traffic impact study performed in compliance with the provisions of the Jackson Township Subdivision and Land Development Ordinance [Chapter 22]. The applicant
shall show evidence of compliance with designated weight limits on State, County and Township roads and shall design the hauling routes for the mineral removal operation to minimize the impact on local streets within the Township.

N. The operator shall post a bond in favor of the Township and in a form and amount acceptable to the Township prior to beginning operations to guarantee restoration of Township streets which may be damaged during the mineral removal operations.

O. Portions of the site where mineral removal operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.

P. The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State and Federal permits, including proof of insurability, before initiating any work and shall maintain the required permits throughout the duration of all operation. Any suspension or revocation of the required State or Federal permits shall constitute a violation of this Chapter.

Q. Approval of the conditional use shall expire if work authorized in the application for the conditional use is not commenced within 6 months of the date of approval of the conditional use application by the Board of Supervisors, unless the applicant submits a written request for an extension prior to the expiration of the 6 months after the date of approval.

R. Once work is initiated under an approved application for conditional use, zoning approval shall be valid for a period of 1 year from the date of conditional use approval by the Board of Supervisors. An application for renewal of zoning approval shall be submitted prior to the expiration of zoning approval and shall be approved by the Zoning Officer upon demonstration by the applicant that all conditions of approval of the conditional use and the required Federal and State permits remain in full force and effect and that the applicant is diligently pursuing the completion of the mineral removal operation.

S. During the mineral removal operation, the Township Engineer may inspect the site at the request of the Board of Supervisors to determine continuing compliance with these standards and criteria and any conditions of approval. The cost of inspection by the Township Engineer shall be borne by the operator.

(Ord. 01-05, 12/19/2001, §1620)

§27-1622. Multi-Family Dwelling - Three or Four Dwelling Units Per Building.
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Conditional Use in RM District. Permitted in RH District.

All living units must have an individual identity which is deemed to be in the best interests of the welfare of the residents and which is to be achieved by a combination of some or all of the following architectural features:

A. Varying building unit heights or forms.
B. Varying roof pitch and pitch direction.
C. Addition or deletion of patios and patio walls.
D. Staggering of exterior walls where the wall exceeds 100 linear feet in length.
E. The use of contrasting building materials on the exterior.
F. Any other method developed by the designer that maintains unit individuality but achieves an overall design compatibility within the structure.

(Ord. 01-05, 12/19/2001, §1621)

§27-1623. Multi-Family Dwelling - Five to Eight Dwelling Units Per Building.

Conditional Use in RM District. Permitted in the RH District.

A. Each dwelling unit shall have at least two off-street parking spaces.
B. Each multi-family structure shall provide one additional visitor parking space, off-street, within 200 feet of the structure.
C. Areas of the property not occupied by a structure or parking area shall be landscaped and maintained as per the provisions of §27-1714.
D. Structures within 75 feet of the perimeter property line shall be screened from the adjacent property(ies), such buffer to be a minimum of 6 feet in height.
E. A sign identifying the development may be placed on site; however, the sign shall not exceed 18 square feet or 3 feet in height.

(Ord. 01-05, 12/19/2001, §1622)


Conditional Use in RH District.
A. A minimum of 2,000 square feet of lot area per dwelling unit shall be provided.

B. A minimum of two off-street parking spaces shall be required for each dwelling unit and where an integral garage is included in the premises, said garage may be considered one space.

C. Multi-family dwelling buildings designed and dedicated to the elderly may provide less than two parking spaces per dwelling where the Butler County Housing Authority or the United States Department of Housing and Urban Development dictate alternate parking ratios.

D. Public water and public sanitary sewerage shall be provided to the multi-family dwelling building.

(Ord. 01-05, 12/19/2001, §1623)


Conditional Use in M District.

A. A current Pennsylvania Department of Environmental Protection permit to operate such facility shall be secured and all requirements of said permit shall be adhered to in addition to the standards enumerated herein.

B. Landfills shall be located on sites with a minimum of 100 acres in land area.

C. All landfill disposal areas shall be set back a minimum of 100 feet from all public or private roads.

D. All landfill disposal areas shall be set back a minimum of 300 from an existing dwelling, school or church.

E. The landfill disposal area shall be screened from public view by dense foliage, topography or fencing. In addition, a security fence, a minimum of 6 feet in height, shall be erected around the perimeter of the site and maintained in good condition.

F. A traffic impact analysis as per the provisions of the Jackson Township Subdivision and Land Development Ordinance [Chapter 22] shall be submitted to determine the adequacy of the road network and the structural condition of the roads serving the landfill for the traffic to be generated by the landfill.

G. Access to the landfill shall not be through any residential subdivision or development and shall be from a collector or arterial roadway as defined in this Chapter.

H. The operator of any municipal waste landfill shall enter into a host municipal-
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...ity agreement with the Township. Compliance with the host municipality agreement shall be a condition of the conditional use permit for a municipal waste landfill.

(Ord. 01-05, 12/19/2001, §1624)


Conditional Use in MCO and C Districts.

A. The minimum site shall be 10 acres.

B. The site shall be under single ownership and control at the time of application for an office park and shall be planned as a unit, including proposed sites for development and means of access to them, with the objective of minimizing the number of points of access to existing public or private streets.

C. Approval of an office park plan which specifies proposed uses shall encompass the approval of those uses without any further application for a conditional use unless a use not approved as part of the office park plan is proposed. [Ord. 02-11]

D. Upon approval of an office park plan, the plan shall be recorded in the County Recorder of Deeds Office and the future uses of each of the lots within the recorded plan shall be permitted uses if approved as part of the office park plan. Any use which is not approved as part of the office park plan shall be approved in accordance with the procedures for any permitted use or conditional use authorized in the district in which the site is located. [Ord. 02-11]

E. The perimeter property lines of the office park site which adjoin any residential use or zoning district boundary line shall be screened by Bufferyard A as required by §27-1714.

F. In addition to the sign authorized for each lot in the office park, one identification sign containing only the name and address of the office park and the names of the businesses located in the park shall be permitted at each entrance to the office park. The maximum surface area of this sign shall be 60 square feet and the height and location of the sign shall be subject to the requirements for signs in the district in which the sign is located. [Ord. 02-11]

G. The applicant shall submit a traffic impact analysis as per the provisions of the Township Subdivision and Land Development Ordinance [Chapter 22]. [Ord. 02-11]

(Ord. 01-05, 12/19/2001, §1625; as amended by Ord. 02-03, 7/18/2002, §6; and by Ord. 02-11, 11/21/2002)
§27-1627. Personal Care Center.

Conditional Use in RL and RH Districts.

A. The appropriate area, bulk and height regulations for the appropriate residential district or the appropriate commercial district must be met:

B. The lot area shall be provided as the minimum lot area required under this Chapter in the district in which the property is located plus an additional 500 square feet for each sleeping room in excess of three. Every unit of two beds, in a sleeping room shall be counted as a separate sleeping room.

C. There shall not be more than one personal care center located in any one building.

D. No personal care center shall be located in a building that is occupied by any other residential type of use.

E. No personal care center shall be spaced closer than 800 feet from any other personal care center. Said distance of 800 feet shall be measured by imposing a circular area of an accurate plan by locating a point on the center of the subject building and by extending a radius of 800 feet from said center point. Any other building occupied or used as a personal care center and located totally or partially within said circular space shall be cause for rejection of the application for conditional use.

F. Prior to approval of any application for establishment or operation of any personal care center, the applicant shall provide proof satisfactory to Board, that the applicant either has acquired, or will be able to acquire, all appropriate licenses and permits from the Pennsylvania Department of Public Welfare and the Butler County Department of Health, prior to the issuance of a building permit by the Township. No building or other structure shall be occupied as, or used as, a personal care center until a Township certificate of occupancy is issued.

G. Sleeping rooms, accommodations or facilities shall not be located in any basement or cellar and shall comply with all applicable life-safety and health codes.

H. The applicant and/or operator shall provide adequate external lighting facilities, as required at the discretion of the Board, for the protection of all clients, employees, operators and visitors to the personal care center.

I. On-site parking facilities shall be provided at the ratio of one space for every three residents and shall be required to be screened from adjacent residential properties.
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J. The owner and/or operator of the facility shall permit inspections of the facility from time to time by Township officials and representatives of the Township including, but not limited to, the Township Fire Marshal, Fire Chief or Assistant Fire Chief, and the Township Zoning Officer. Such inspections shall be conducted at reasonable time but shall not be limited to daytime hours, nor to normal business hours. Such inspections shall be conducted to ascertain the continued compliance by the operator with all applicable Federal, State, County and local statutes, ordinances, regulations and rules.

K. An evacuation plan shall be submitted for review and approval by the Township Emergency Management Coordinator.

(Ord. 01-05, 12/19/2001, §1626)

§27-1628. Stable.
Conditional Use in RL District.

A. The property to accommodate a stable must be at least 10 acres in area.

B. Outdoor areas to be occupied by animals shall be as remote as possible from neighboring residences. Buildings on the site, landscaping, and/or changes of grade may be used to screen adjacent housing areas or potential areas of housing.

C. All outdoor areas to which animals have access shall be fenced to contain the animals and such outdoor areas shall be not closer than 50 feet to any property line.

D. Run-off from outdoor fenced areas shall be diverted away from neighboring occupied properties and odors emanating from the operation controlled.

(Ord. 01-05, 12/19/2001, §1627)

§27-1629. School.
Conditional Use in RM and RH Districts.

A. The school shall be the only occupant of the property.

B. The school shall be accredited by the Commonwealth of Pennsylvania.

C. Parking areas shall be screened from adjacent residential properties.

D. Access drives shall be from local streets, if possible.
E. Access drives shall be located so as to provide the maximum sight distance possible.

F. Illumination level shall be consistent with the provisions of §27-1818(6).

G. All exterior recreation areas shall be fenced.

(Ord. 01-05, 12/19/2001, §1628)


Conditional Use in RH District.

A. The provisions of the Township Subdivision and Land Development Ordinance [Chapter 22] shall be adhered to for the development and operation of this use.

B. The minimum size of a parcel shall be 10 acres.

C. Individual campsites for a recreational vehicle or trailer shall be a minimum of 3,000 square feet in area.

D. Only one recreational vehicle or trailer shall be permitted per individual pad or campsite.

E. No individual campsite shall be placed closer than 100 feet to any property line or road right-of-way.

F. No individual campsite shall be occupied or used overnight for more than 215 days in a calendar year of 12 months.

G. The operator or owner of the recreational vehicle campground shall provide the Jackson Township Zoning Officer with written documentation of each campsite's occupancy or use during the previous 12 month period on an annual basis. Failure to provide such information shall subject the operator or owner to all enforcement provisions of this Chapter.

(Ord. 01-05, 12/19/2001, §1629)

§27-1631. Restaurant, Fast Food and Drive Through.

Conditional Use in C and MCO Districts.

A. Primary access is from a collector or arterial roadway.

B. A minimum of 45% of the gross floor area is devoted to food preparation and employee work space.
C. Customers pay for food before consuming it.

D. A permanent menu board is provided from which to select and order food and beverages.

E. Trash receptacles are provided for self-service bussing on the interior of the principal building.

F. Stationary hard finished seating arrangements are provided in the principal building.

G. A traffic impact analysis as per the provisions of the Jackson Township Subdivision and Land Development Ordinance [Chapter 22] shall be submitted.

(Ord. 01-05, 12/19/2001, §1630)

§27-1632. Retail Sales and Service In Excess of 25,000 Square Feet.

Conditional Use in C District.

A. Minimum lot area shall be 5 acres with a minimum of 300 feet of frontage.

B. The site plan shall be designed to minimize points of access to the public or private street. Shared driveways shall be utilized where feasible and cross-easements shall be dedicated for common access, where necessary.

C. The site shall be planned as a unit with uniform signage, landscaping and common parking and loading areas proposed to promote efficient interior circulation and preserve a common design theme.

D. No products or residue from the business shall be stored outside, except outdoor nursery plants and materials. Outdoor sales areas shall not be permitted to reduced required off-street parking on the lot.

E. A traffic study be submitted by the applicant demonstrating that the existing and/or proposed road systems can accommodate increased traffic from the shopping center development. Such study shall be prepared as per the provisions of the Jackson Township Subdivision and Land Development Ordinance [Chapter 22].

F. Ground floor facades that face public or private streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60% of their horizontal length.

G. Roofs shall have no less than two of the following features:
(1) Parapets, to a maximum of 25% of the total roof area, concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed 15% of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatment.

(2) Overhanging eaves, extending not more than 3 feet past the supporting walls and not less than 16 inches in width.

(3) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to 1 foot of vertical rise for every 3 feet of horizontal run and less than or equal to 1 foot of vertical rise for every 1 foot of horizontal run.

(4) Three or more roof slope planes.

H. Predominant exterior building materials should not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels.

I. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

(1) Canopies or porticos.

(2) Overhangs.

(3) Recesses/projections.

(4) Arcades.

(5) Raised corniced parapets over the door.

(6) Arches.

(7) Outdoor patios.

(8) Display windows.

(9) Architectural details such as tile work and moldings which are integrated into the building structure and design.

(10) Integral planters or wingwalls that incorporate landscaped areas and/or places for sitting.

(11) Where additional stores will be located in the principal building, each such store shall have at least one interior public entrance, and the principal building shall have such exterior points of access as required
by the current local building code and Commonwealth Department of Labor and Industry.

J. All large retail establishments on property directly abutting or located within 200 feet of a residentially zoned lot shall comply with the following restrictions:

(1) All principal uses shall be conducted within an enclosed building, except as otherwise provided.

(2) No use shall be permitted to present live performances with any sort of amplification.

(3) No driveway providing primary access to the use or main parking area shall be located within 100 feet of a residentially zoned lot.

(Ord. 01-05, 12/19/2001, §1631)

§27-1633. Sexually Oriented Business.

Conditional Use in M District.

A. The lot line of a property on which any sexually oriented business is located shall not be within 1,000 linear feet of any lot line for property which is zoned residential.

B. The lot line of a property on which any sexually oriented business is located shall not be within 1,000 of the lot line for property on which the following pre-existing uses are located:

(1) School.

(2) Day care center.

(3) Hospital.

(4) Group home.

(5) Assisted living facility.

(6) Nursery school.

(7) Public park or playground.

(8) Church.

(9) Establishment licensed to serve or sell alcoholic beverages.
C. The lot line of a property on which a sexually oriented business is located shall not be within 1,000 linear feet of any other lot line of a property on which an existing or proposed sexually oriented business is located.

D. Persons or owners who intend to open a sexually oriented business must obtain from the Township a license to operate such an enterprise pursuant to the sexually oriented business regulations contained in Chapter 13, Part 2, and must pay to the Township an investigation fee, as may be set from time to time by resolution of the Township Board of Supervisors. In addition, such persons or owners must supply to the Township detailed information as to the ownership and financing as required pursuant to the sexually oriented business regulations contained in Chapter 13, Part 2. [Ord. 02-11]

E. A sexually oriented business shall be initially licensed, where it has met the requirements set forth in the sexually oriented business regulations contained in Chapter 13, Part 2, through December 31, of the year in which the license is issued. For each year thereafter that the sexually oriented business, it must seek from the Township a renewal of the license. The lack of a valid license at any time shall be proper basis for the Township to deny or revoke an occupancy permit to a sexually oriented business. [Ord. 02-11]

F. Any sexually oriented business found to be in violation of this section, as amended, shall be subject to the enforcement penalties of both this Chapter and in the sexually oriented business regulations contained in Chapter 13, Part 2. [Ord. 02-11]

(Ord. 01-05, 12/19/2001, §1632; as amended by Ord. 02-11, 11/21/2002)

§27-1634. Veterinary Office.

Conditional Use in MCO District.

A. The minimum lot area required for veterinary clinic shall be 1 acre. The minimum lot area required for a veterinary clinic with an outdoor kennel or outdoor runs shall be 2 acres.

B. All outdoor kennels or runs shall be constructed for easy cleaning and shall be adequately secured by a fence with self-latching gate.

C. Structures housing animals shall be located at least 200 feet from any property line adjoining residential use or zoning classification and at least 50 feet from any other property line.

(Ord. 01-05, 12/19/2001, §1633)

§27-1635. Wholesale Use.
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Conditional Use in MCO and LI Districts.

A. The principal structure shall have similar architectural features and employ a similar appearance of a retail or service commercial building.

B. Goods for sale at wholesale shall be limited to those listed under principal permitted uses or closely similar goods.

C. An interior circulation plan shall be designed and approved so that no truck or truck and trailer combination must maneuver off-site in order to park, load or unload.

D. The site shall have direct access to an arterial or collector road with sufficient capacity to handle traffic generated by the proposed use.

E. All materials and equipment shall be stored within a completely enclosed structure or shall be limited to storage in the rear or side yard if screened from view from the street or adjacent properties.

F. No shipping or receiving shall be permitted within 300 feet of a property line which adjoins a residential use or zoning district between the hours of 6 p.m. and 8 a.m.

G. All property lines which adjoin a residential use or zoning district shall be screened by Bufferyard A as required by §27-1714.

H. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties and shall not exceed illumination levels established in §27-1718(F).

(Ord. 01-05, 12/19/2001, §1634)
PART 17
SUPPLEMENTAL REGULATIONS

§27-1701. Application of Regulations.

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless it is in conformity with the regulations herein specified for the district in which it is located.

2. All construction and/or development shall meet all regulations of each zoning district and the following supplemental regulations as applicable.

3. A 1 acre (43,560 square foot) minimum lot size shall be required in all zoning districts, unless otherwise stated, where the proposed lot does not have both public water and public sanitary sewerage.

4. The use or occupation of any building, land area, or water area, or part thereof, which is not specifically permitted by any rule or regulation of this Chapter, is a violation of this Chapter.

5. The classification of a permitted use as conditional or accessory within this Chapter does not mean that said use can ultimately be implemented in the district. In addition to the requirements set forth herein, all uses within the Township must meet and continue to meet all applicable environmental and health and safety laws and regulations of the federal and state government in effect for the particular use. Owners, tenants, and developers must meet and obtain any and all necessary and required permits from all applicable governmental agencies and entities (federal, state and local) before the proposed use can be implemented within the applicable zoning district. Proper waste, residue and by product disposition and disposal must be provided and obtained for the particular use before the use can commence within the applicable zoning district. No permanent occupancy or use of the property shall be made unless and until all applicable permits have been obtained and all necessary facilities have been constructed and are in proper working order. Temporary occupancy may be granted for a period not to exceed 30 days in order to test operating systems within the building or development.

(Ord. 01-05, 12/19/2001, §1700)

§27-1702. One Principal Use and Exceptions.

Every use, building, and/or structure hereafter erected or structurally altered shall be situated so that in no case shall more than one principal building, structure, or use be located on one lot except as specifically provided for herein and in the Jackson Township Subdivision and Land Development Ordinance [Chapter 22]. Said exceptions include
multiple use retail centers, condominium developments, multiple use residential land developments and mixed use, multiple structure developments where permitted.

A. **More than One Principal Use.** Where a lot, parcel or tract is used for a nonresidential purpose, more than one principal use, building, or structure may be located upon the lot, parcel, or tract, but only such uses, buildings, or structures that conform to all off-street parking, open space and yard requirements for the district wherein said development is proposed. A principal structure shall be a minimum of 50 feet from any other principal structure on the same lot or tract unless affixed by way of adjoining walls.

B. **Condominium Developments.** Residential subdivisions and land developments with multiple uses and/or structures may be developed in conformance with the Uniform Condominium Act, 68 Pa.C.S.A. §3101 et seq., where such uses are permitted, as per the following provisions: (Ord. 02-11)

1. Said development shall be approved as a land development.
2. The maximum density established for each residential zoning district shall not be exceeded.
3. While individual lot or property lines are optional, residential structures shall be located such that resubdivision may occur in compliance with area and dimensional standards for lots in the zoning district where the condominium development is located. The entire development must comply with applicable setback requirements; however, where individual units are sold as a condominium, such units must comply with applicable setback requirements excluding minimum lot size, minimum lot width and internal setback side yard.
4. All occupants of dwelling units in a condominium development shall belong to an established condominium association.
5. Condominium developments shall be served by public water and sanitary sewerage systems.

(Ord. 01-05, 12/19/2001, §1701; as amended by Ord. 02-11, 11/21/2002)

§27-1703. **Supplemental Yard and Area Requirements.**

1. The following architectural features may project into required yards as established herein:

   A. Steps not exceeding 36 square feet or area.

   B. Bay windows not exceeding 36 inches.
C. Eaves, cornices, and belt courses not exceeding 24 inches.
D. Open fire escapes not exceeding 54 inches.
E. Chimneys not exceeding 36 inches.

2. The minimum setback allowable for any structure within any zoning district shall be measured from that part of the structure which is closest to the lot line or right-of-way line from which the set back is being measured.

(Ord. 01-05, 12/19/2001, §1702)

§27-1704. Communications Antenna.

Supplement regulations governing communications antennae and communications equipment buildings:

A. A building-mounted communications antenna shall not be located on any single-family dwelling or two-family dwelling.

B. A building-mounted communications antenna shall be permitted to exceed the height limitations of the applicable zoning district by no more than 20 feet.

C. An omnidirectional or whip communications antenna shall not exceed 20 feet in height and 7 inches in diameter.

D. A directional or panel communications antenna shall not exceed 5 feet in height and 3 feet in width.

E. Any applicant propose a communications antenna to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

F. Any applicant proposing a communications antenna to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antenna will be mounted on the building or structure for review by the Township Engineer for compliance with applicable Jackson Township ordinances and other applicable law.

G. Any applicant proposing a communications antenna to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antenna is to be mounted so that installation and maintenance of the antenna and any communications equipment building can be accomplished.
H. A communications antenna shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

I. A communications antenna shall not cause radio frequency interference with other communications facilities located in the Township in contravention of any regulations promulgated by the Federal Communications Commission or any other applicable Federal, State or local regulations.

J. All communications equipment buildings shall comply with the yard, height and other requirements and restrictions applicable to principal structures located in the same zoning district.

K. The owner or operator of any communications antenna shall be licensed by the Federal Communications Commission to operate such antenna.

(Ord. 01-05, 12/19/2001, §1703)

§27-1705. Dwellings on Small Lots of Record.

Nothing in the district regulations shall be held to prohibit the erection of a single family detached dwelling in a district where permitted upon a lot whose size is inadequate to meet the lot area regulations set for the district, provided that such lot on the effective date of this Chapter was held;

A. Under separate ownership from the adjoining lots.

B. Is a lot in a recorded plan which complies with all district regulations for building lines and yard requirements except lot area requirements.

(Ord. 01-05, 12/19/2001, §1704)

§27-1706. Fences, Hedges or Barbed Wire, Pointed and Electrically Charged Materials.

1. Fences, hedges or other plantings, structures or walls shall not be located at street corners so as to interfere with vision clearance across the corner lots. The height of such objects is restricted to 3 feet within the sight triangle described as that triangular area formed by the intersecting street lines and a line joining points on the street lines and equidistant from the point of intersection. This distance shall be 30 feet from the corner.

2. No barbed wire or other sharp pointed material shall be used in the construction of a fence unless said material is at least 8 feet above the ground level, except where used to contain livestock.
3. A zoning/building permit shall be required to erect a fence. If a fence is erected up to the property line, the Township shall not be responsible for determining the location of the property line. The applicant shall be responsible for determining the location of his property line and any claims which arise out of the erection of a fence shall be the responsibility of the person who erected the fence.

4. A fence or wall may be built, or a hedgerow planted along a property line provided that any fence, wall or hedge is not constructed or maintained at a height exceeding 4 feet along the front lot line or along the side lot line between the front lot line (right-of-way line) and the front setback line, or at a height not exceeding 6 feet along all other lot lines. The height limitations set forth in this subsection shall not apply to any fence erected pursuant to this Section.

(Ord. 01-05, 12/19/2001, §1705)


1. A lot on which a mobilehome is installed shall conform with the minimum dimensional requirements of the district for single family dwellings.

2. Mobilehomes shall be anchored to poured-in-place concrete footers.

3. The mobilehome base shall be enclosed entirely by materials compatible to the design.

4. Mobilehomes shall have pitched and shingled roof and siding comparable to the materials in use in the district.

5. The application for a zoning/building permit shall include a sketch indicating location site of mobilehome size of mobile or modular home, materials used for enclosure and external finish of mobile or modular home, and proposed anchorage. Anchorage shall meet minimum standards of the Mobilehome Manufacturers Association recommendations.

6. A mobilehome shall be eligible to be installed if it is certified under the National Manufacturers Housing Construction Standard Act of 1974 and was issued an insignia of approval by the U.S. Department of Housing and Urban Development and has not been altered in violation of applicable codes.

7. All electrical, gas, water, and drain connections shall be made permanent. Gas shut-off valves, meters, and regulators shall not be located beneath the manufactured home.

8. The delivery system consisting of wheels, tires, axles, and towing hitch shall be removed within 30 days of placement or stored in an enclosed structure.

(Ord. 01-05, 12/19/2001, §1706)

Commercial equipment including trucks, 1 ton capacity or larger, tandems, tractor-trailers, tractors or other commercial or construction and cargo moving vehicles or equipment shall not, under any conditions, be stored or parked overnight in any residential district, except during construction of residential dwellings.

(Ord. 01-05, 12/19/2001, §1707)


No-impact home-based businesses, which comply with the definition and standards of this Chapter, shall be permitted as an accessory use to any principal dwelling unit in all residential zoning districts as long as the business or commercial activity satisfies the following requirements, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of the land, nor any master deed, bylaw or other document applicable to a common interest ownership community:

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business activity shall be conducted within the dwelling or within the confines of a garage attached to the dwelling.

C. The business shall employ no more than one nonresident employee in addition to family members residing in the dwelling.

D. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

E. There shall be no outside appearance of a business use including, but not limited to, parking, signs or lights.

F. There shall be no more than two off-street parking spaces located on the subject property behind the front yard setback area in addition to those off-street parking spaces required for the principal use.

G. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

H. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
I. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

J. The business may not involve any illegal activity.

(Ord. 01-05, 12/19/2001, §1708; as amended by Ord. 02-10, 11/21/2002, §6)

§27-1710. Refuse and Waste Collection Areas.

1. Refuse, including recyclables, and waste collection areas of adequate size to serve all uses on a specific parcel, shall be visually screened from adjacent properties and any public or private roadway by Buffer B as required by §27-1714. Adequate provisions shall be made for access to the refuse and waste collection area by disposal agency equipment.

2. No person shall create any refuse and waste collection area unless such area complies with these provisions.

3. These requirements shall not apply to single-family detached residential dwellings.

(Ord. 01-05, 12/19/2001, §1709)


Swimming pools are permitted in all districts as accessory uses to principal residential uses and principal recreation facility uses provided that they comply with the following conditions and requirements.

A. The pool is intended and is to be used for the enjoyment of the occupants using the principal use of the property on which it is located.

B. The pool may be located only in the rear yard or side yard of the property on which it is an accessory use.

C. The pool paved areas and accessory structures adjacent thereto shall not be located closer than 10 feet to any property line of the property on which it is located.

D. The swimming pool area or the entire property on which it is located shall be so walled or fenced or otherwise protected as to prevent uncontrolled access from the street or from adjacent properties. Said barrier shall not be less than 6 feet in height and maintained in good conditions. All openings in the barrier shall be equipped with self closing gates or doors which shall be locked when not in use.
§27-1712. Roadside Stands.

1. Roadside stands may be permitted as accessory uses to agricultural operations in zoning districts which permit the same subject to the following:

   A. All produce sold on the premises shall have been raised by the operator of the stand.

   B. The roadside stand shall not exceed 120 square feet in area.

   C. The maximum exterior display and sales area shall not exceed 500 square feet.

2. Only one roadside stand shall be permitted per parcel or tract of land.

3. Off-street parking shall be in accordance with the requirements of this Chapter for home occupations.

4. Signage shall comply with the provisions of §27-1903 where applicable.

(Ord. 01-05, 12/19/2001, §1710)


1. For all single family dwellings the following regulations shall apply concerning the construction of garages. A garage shall be considered as an accessory use.

   A. Integrally Attached Garages.

      (1) A garage shall be considered integrally attached if it shares at least one common wall with the dwelling unit and has a door which leads directly from the garage to the dwelling unit, or is attached to the dwelling unit by a fully enclosed hallway which is heated, has electricity, and is not more than 10 feet in length.

      (2) The maximum permitted square footage for an integrally attached garage shall be based on the gross square footage of the structure not including the garage. An applicant desiring to construct an integral garage shall submit an accurate floor plan with the measurements of all rooms included in the dwelling unit in order for the Zoning Officer to determine the maximum allowable garage space permitted. The zoning Officer shall be permitted to enter dwelling units with the owner present in order to confirm the amount of gross square footage within the dwelling unit prior to the issuance of any zoning/building permit.
(3) The maximum permitted square footage of an integral garage shall not be greater than 50% of the gross square footage of the structure not including a garage.

(4) All construction shall comply with the Township's current building code for fire related materials.

B. Detached Garages.

(1) The maximum permitted square footage of a detached garage shall be based on the gross square footage of the principal structure not including garage. An applicant desiring to construct a detached garage shall submit an accurate floor plan with the measurements of all rooms included in the dwelling unit in order for the Zoning Officer to determine the maximum allowable garage space permitted. The Zoning Officer shall be permitted to enter dwelling units with the owner present in order to confirm the amount of gross square footage within the dwelling unit.

(2) The maximum permitted square footage of a detached garage shall not be greater than 50% of the gross square footage of the principal structure not including a garage.

(3) Detached garages shall be, at a minimum, 10 feet from the dwelling unit; however, breezeways may attach the dwelling unit and the detached garage.

(4) Detached garages shall be permitted only one full floor and shall not have a full second floor above the garage space. However, the space above the garage floor space may be utilized for storage.

(5) Detached garages may be placed in the side or rear yards of lots in accordance with the setbacks prescribed for accessory structures in the applicable zoning district. However, the front of the detached garage shall not be closer to the front lot line than the principal structure on the same lot. For corner lots the detached garage shall meet all of the setback requirements prescribed in this Chapter for corner lots. No detached garages shall be placed in the required front yard of any lot.


A. For single family dwellings, only one shed, storage building or outbuilding shall be permitted per dwelling unit. The gross floor area of the shed, storage building or outbuilding shall be not more than 15% of the gross floor area of the dwelling unit but shall not exceed 225 square feet regardless of the gross square footage of the dwelling unit. However, regardless of the amount of gross square footage space of the dwelling unit, every dwelling unit shall be
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permitted to erect a shed, storage building or outbuilding not in excess of 120 square feet.

B. For duplex dwellings, only one shed, storage building or outbuilding shall be permitted per dwelling unit; accordingly, two sheds, storage buildings or outbuildings shall be permitted per one duplex dwelling structure. Regardless of the amount of gross square footage in the dwelling unit, the maximum floor space of the shed, storage building or outbuilding shall not exceed 100 square feet each. The two permitted sheds, storage buildings or outbuildings may be constructed as one integral unit (not to exceed 200 square feet) or may be constructed as two separate units. If constructed as two separate units, the sheds, storage building or outbuildings shall have a minimum of 10 feet between the buildings.

C. For all other multi-family dwellings except duplex dwellings, no sheds, storage buildings or outbuildings shall be permitted as accessory storage space.

(Ord. 01-05, 12/19/2001, §1712)

§27-1714. Screening and Landscaping.

1. Bufferyards. See also Appendix A.

A. No structure or uses shall be permitted in the bufferyard, other than active or passive recreation facilities and stormwater management facilities, provided the structures or uses do not interfere with the required plantings in the bufferyard and provided all plantings are located outside any stormwater management structure. Structures or uses not permitted within the required bufferyard include, but are not limited to, buildings, accessory structures, parking spaces and lighting devices.

B. Openings for driveways and Township required access drives shall be permitted to cross a required bufferyard. Plantings in the bufferyard shall be located so as to not obstruct vision for traffic entering and leaving the site and shall be subject to the clear sight triangle requirements of the Township Subdivision and Land Development Ordinance [Chapter 22].

C. In the event that existing vegetation and/or existing topography provides screening which is adequate to meet the intent of the required bufferyard to screen the buildings, activities and parking areas from adjoining residential properties, the Board of Supervisors, upon recommendation by the Planning Commission may determine that existing topography and/or vegetation constitutes all or part of the required bufferyard. If such a determination is made and the size of the bufferyard warrants it, the applicant may be required to record a conservation easement of the depth specified by the Board of Supervisors to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved bufferyard.

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D. None of the plantings in the required bufferyard shall encroach across any property line. All plantings shall be located a minimum of 2½ feet from the property line which constitutes the exterior boundary of the bufferyard.

E. In the event that a public or private street right-of-way, dedicated and accepted by the Township or any dedicated right-of-way recorded in a plan of subdivision, whether or not accepted by the Township, separates the two dissimilar uses specified, the bufferyard shall not be required, provided the width of the right-of-way equals or exceeds the width of the required bufferyard and one row of low level plantings or a landscaped earthen mound is provided on the property to screen headlights from view as described below.

F. Bufferyard "A" shall contain two rows of plantings. Each row shall consist of a mixture of deciduous and evergreen trees which are a minimum of 60% evergreen spaced within the row 10 feet apart, measured from the vertical centerlines of adjacent trees. The two rows shall be staggered in the manner shown in Appendix A which shall result in adjacent trees on two different rows being no more than 5 feet apart, measured from the vertical centerline of the trees. The depth of Bufferyard "A" shall be a minimum of 20 feet as measured from the property line.

G. Bufferyard "B" shall contain one row of plantings consisting of a mixture of deciduous and evergreen trees which are a minimum of 60% evergreen spaced within the row 10 feet apart, measured from the vertical centerline of the trees. The depth of Bufferyard "B" shall be a minimum of 15 feet as measured from the property line.

H. Bufferyard "C" shall be comprised of a continuous, compact evergreen hedge or line of evergreen trees that will grow together when mature which are a minimum of 6 feet in height at the time of planting. The depth of Bufferyard "C" shall be a minimum of 10 feet as measured from the property line.

I. Where 20 or more parking spaces face the bufferyard, in addition to the required trees, a row of low level evergreen shrubs or hedges shall be planted, or earthen mounding shall be constructed in the bufferyard which shall provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of passenger cars. These low level shrubs or hedges or mounds shall be installed so that a person facing a passenger car with the shrubs or hedges or mounds between him/her and the car could observe the car's low beam lights only as a result of the diffused or reflected light from the headlights and not because the direct beam from those lights was observable. The earthen mound shall be a minimum of 3 feet in height at its centerpoint with a minimum width at the base of 10 feet. Low level shrubs or hedges shall be a minimum of 3 feet at the time of planting.

2. **Bufferyards Required.** A bufferyard shall be required as identified in the chart in Appendix A.
3. **Conflict Between Bufferyard and Yard Requirements.** When the width of a required bufferyard is in conflict with the minimum yard requirements of Parts 6 through 13, the greater distance shall apply. The bufferyard planting requirement shall be adhered to regardless of what the yard requirement is.

4. **Existing Trees in Bufferyards.** Where trees already exist within the required bufferyard, these trees shall remain undisturbed, except that diseased or dead material may be removed. Any existing tree within the required bufferyard shall count as a required tree if it is a minimum of 2 inches in diameter at breast height (DBH) or at a point approximately 4 feet from the ground.

5. **Size of Trees in Required Bufferyards.** Any existing trees within the required bufferyard which are a minimum of 2 inches in diameter at breast height (DBH) shall be preserved and shall count as a required tree within the bufferyard. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified in the required bufferyard for the planted material.

   All trees required to be planted within the bufferyard shall be a minimum of 2 inches in diameter at breast height (DBH) measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices.

6. **Responsibility for Maintenance.** It shall be the continuing responsibility of the landowner or lessee to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes. Failure to replace such landscaping shall be a violation of this Chapter and shall be subject to the enforcement provisions of Part 25 of this Chapter.

7. **Stormwater Management Facilities in Buffer Areas.** When required by the Township Stormwater Management Regulations, stormwater management facilities and structures may be located within a bufferyard; however, the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements in the bufferyard.

8. **Landscaping of Open Areas.** All yard areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses shall be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within 30 days after construction activities are completed, unless those activities are completed between November 1 through April 1 time period. In such case, the required sodding or seeding must occur within 30 days of April 1.

9. **Landscaping Specifications.** Landscaping shall be provided in accordance with the following specifications:

   A. Planting required in bufferyards other than this Section cannot be substituted for any required planting mandated by this Section.
B. Where bufferyards are required and in land developments where additional landscaping is required, a landscaping plan, with detailed drawings, shall be submitted with the application for approval of the land development and this landscaping plan shall contain and show the following information:

(1) All required bufferyards with proposed plantings (identifying each proposed tree, bush or shrub by type and size) drawn to scale and identifying the height and width of any proposed mounds.

(2) All required planting independent of any bufferyard requirements (identifying each tree, bush, shrub by type and size, the use of sod or seeding, etc.) drawn to scale.

(3) Any planting in excess of the requirements in this Section.

(4) Any existing trees or vegetation which are to be preserved, accurately identifying type, size and their relative location.

(5) Any existing trees or vegetation which will be removed, accurately identifying their type, size and relative location.

C. For nonresidential developments which have a building or buildings with a gross floor area of 10,000 square feet or more and/or which have parking areas containing more than 50 spaces, a landscaping plan shall be required which is in compliance with this Section, subject to approval by the Township.

D. For residential land developments containing townhouses or garden apartments on lots which have a total area of 1 acre or more, at least one deciduous tree shall be planted for each four multi-family dwelling units or portion thereof.

E. All trees which are required to be planted as per the regulations of this Section shall be a minimum of 2 inches in diameter at breast height (DBH) at the time of planting measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices.

F. Whenever an open parking area abuts a public or private street, a planting strip, at least 5 feet in depth, planted and maintained with shrubbery, trees or other landscape or decorative materials, shall be installed across the entire frontage of the property in order to prohibit vehicles access, except at approved ingress and egress points.

G. In all zoning districts, all areas not utilized for buildings, structures, screening, parking facilities, driveways or other paved areas shall be graded to conform to existing contours on adjacent properties and to contain stormwater runoff on the lot. These areas shall be seeded, sodded or landscaped within 1 year following the completion of grading and/or construction activities. Continued maintenance of soil erosion and sedimentation
control techniques as approved by the Township Engineer shall be required until such planting can be accomplished.

10. **Posting of Bonds for Landscaping.**

   A. A financial guarantee, as required by the Township Subdivision and Land Development Ordinance [Chapter 22], shall be required during development of the site to guarantee proper installation of the required landscaping materials as shown on the approved Landscaping Plan.

   B. A maintenance bond in the form of cash, certified check or letter of credit shall be posted with the Township in the amount of 15% of the total cost of landscaping shown on the approved landscaping plan for a period of 18 months from the date of installation of the landscaping materials during the term of the bond.

   *(Ord. 01-05, 12/19/2001, §1713)*

**§27-1715. Basement Structures.**

Occupancy of a basement or foundation structure prior to the completion of the total structure shall not be permitted. This provision shall not be interpreted to prohibit the construction of an earth sheltered dwelling.

*(Ord. 01-05, 12/19/2001, §1714)*

**§27-1716. Storage.**

1. **Outdoor Storage in Commercial Districts.** Except for nurseries, garden supply, building supply and similar businesses which customarily require outside storage of materials, storage and display of materials outside a completely enclosed structure shall not be permitted. In the case of nurseries, garden supply, building supply and similar businesses, outside display and storage areas shall be completely enclosed by a security fence and shall be screened by an opaque fence or hedge which is at least 6 feet in height. All other commercial activities shall take place within a completed enclosed building.

   A. Temporary display and sales on the site of an existing commercial business shall be subject to the requirements of §27-1718 of this Chapter.

   B. All organic rubbish and discarded materials shall be contained in tight, vermin-proof containers which shall be fully enclosed on four sides and shall be screened from public view by an opaque fence or hedge which is at least 6 feet in height.
2. **Storage of Commercial and Construction Equipment.** Commercial and construction equipment or vehicles including, without limitation, trucks with a gross vehicle weight (GVW) of 11,000 pounds or greater, tractors of 40 horsepower or larger, tandems, tractor-trailers, cargo-moving equipment and construction equipment or vehicles, shall not be stored or parked temporarily or permanently in any residential zoning district, except within a completely enclosed building and during construction of residential dwellings.

   *(Ord. 01-05, 12/19/2001, §1715)*

§27-1717. **Traffic Access/Impact Studies.**

1. A traffic access/impact analysis study shall be required when a proposed development will generate 250 or more new average daily trip ends to or from the site based on the trip generating characteristics of the use as identified in the current edition of the Institute of Transportation Engineers Trip Generation Manual.

2. **Traffic Impact Study Requirements.** When required, a traffic impact study shall be submitted as part of an application for any zoning/building permit or conditional use application. A scope of work for the study shall first be submitted to the Township for approval. The study shall be performed by a qualified professional traffic engineer. The study shall be prepared in accordance with the standards for traffic evaluation studies in the Jackson Township Subdivision and Land Development Ordinance [Chapter 22].

   *(Ord. 01-05, 12/19/2001, §1716)*

§27-1718. **Performance Standards.**

1. **Compliance.** No use, land or structure in any district shall involve any element or cause any condition that may be dangerous, injurious or noxious, or cause offensive odor, smoke, dust, dirt, noise, vibration, glare, excessive traffic, attract vermin or rodents or constitute a nuisance or be a detriment to the health, safety, moral or general welfare of the community or to any other person or property in the Township. All uses in all districts shall be subject to the following standards of operation.

2. **Environmental Performance Standards.** The developer shall determine the presence of environmental or natural features on any site proposed for land development and shall meet the standards of the Jackson Township Subdivision and Land Development Ordinance [Chapter 22] and the Jackson Township Stormwater Management Ordinance, where applicable, for environmental protection. Site alterations, erosion and sedimentation control, regrading, filling, the clearing of vegetation or timbering and forestry activities prior to review and approval of the plans for development by the Board of Supervisors, shall be a violation of this Part.
3 **Odor.** Those standards for the control of odorous emissions established by the Commonwealth of Pennsylvania Department of Environmental Protection (DEP) shall be applied in all zoning districts. Where an odor is deemed offensive a duly authorized Township representative shall refer the matter to the Pennsylvania Department of Environmental Protection where it has jurisdiction relative to an established airshed.

4. **Air Pollution.** No emission at any point from any chimney or otherwise of visible smoke in excess of that permitted by the agency with jurisdiction shall be permitted.

5. **Dust, Fumes, Vapors, and Gases.** The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals, to vegetation, or to property or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission is herewith prohibited.

6. **Glare (Exterior Illumination).** No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light or employ unshielded illumination sources beyond its lot lines or onto any public or private road. Spillover lighting shall not exceed 0.5 foot-candles per square foot beyond the property line except as otherwise indicated.

7. **Vibrations.** No use shall cause earth vibrations, or concussions detectable beyond its lot lines without the aid of instruments, with the exception of vibration produced as a result of temporary construction activity.

8. **Discharge.** No discharge at any point into any private sewage disposal system or stream or into the ground, of any materials in such a way or in such manner or temperature as can contaminate any public or private water supply or otherwise cause the emission of dangerous, noxious or objectionable elements, or the accumulation of solid wastes conducive to the breeding of rodents or insects, is permitted.

9. **Heat, Cold, Dampness or Movement of Air.** No activities producing heat, cold, dampness or movement of air are permitted which shall produce any material effect on the temperature, motion or humidity of the atmosphere at the lot line or beyond.

10 **Noise.** No use in any district which by the nature of its use, operation or activity produces noise of objectionable character or volume as noted will be permitted as measured from a property line of the subject property:

   A. **Residential Uses.** In excess of 60 dBA for a 2 hour duration.

   B. **Commercial Uses.** In excess of 65 dBA for more than 8 hours during a 24 hour period.

   C. **Industrial Uses.** In excess of 75 dBA for 8 hours during a 24 hour period.
11. **Electrical Disturbance or Radioactivity.** No activities which emit dangerous radioactivity or continuous cumulative low level radiation, at any point are permitted and no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance shall be permitted.

12. **Vehicle and Equipment Maintenance.**

   A. In industrial and commercially zoned areas, all vehicles and movable equipment repair done on the property shall be performed within an enclosed building, except that minor maintenance activities may be completed on the exterior of a lot where space has been provided for the temporary parking or storage of vehicles and movable equipment.

   B. In residentially zoned areas, minor vehicle maintenance activities on vehicles owned by the occupant may be conducted in driveways, but in no case shall repairs be made on vehicles and movable equipment which would result in the storage of said vehicles or movable equipment on the exterior of the lot for more than 48 hours.

(Ord. 01-05, 12/19/2001, §1717)

§27-1719. Forestry.

1. **Permit Procedures.**

   A. A permit, issued by the designated Jackson Township personnel, shall be required for all logging or forestry activities.

   B. A review of the forest management or forest harvesting plan by the Township Planning Commission shall precede the issuance of any logging permit.

   C. Twelve copies of the management or harvesting plan shall be submitted to the Township Zoning Officer a minimum of 30 days prior to a regularly scheduled meeting of the Township Planning Commission, accompanied by an administrative fee as set by the Township Supervisors.

   D. Failure to secure such permit prior to initiating the logging activity or upon receipt of notice to do so, shall result in the filing of enforcement action against the property owner and operator.

   E. For each day that a violation of these provisions continues beyond the compliance date, a fine of $500 shall be imposed.

2. **Forestry Operations and the Cutting of Trees.**
A. Forestry shall be done only in accordance with a forest management or forest harvesting plan prepared by a forester or qualified professional, a copy of which plan shall be filed with the Township Zoning Officer. All forest management and harvesting plans and the forestry operation itself shall comply with the following requirements:

1. An erosion and sedimentation plan and a storm water management plan shall be submitted prior to the start of forestry operations.

2. All cutting, removing, skidding and transporting of trees shall be planned and performed in such manner as to minimize the disturbance of or damage to other trees and vegetation and the land itself.

3. Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.

4. Roads and trails shall be only wide enough to accommodate the type of equipment used and grades shall be kept as low as possible.

5. Where possible, stream crossings shall be avoided but where deemed necessary, crossings shall be made at a right angle across suitable culverts or bridges.

6. Skidding across live or intermittent streams is prohibited except over bridges or culverts.

7. Buffer zones of appropriate dimensions shall be maintained on the property on which the forestry operation is being conducted along all streets and abutting properties, and around streams or springs on the tract being logged.

8. Everything practical shall be done to prevent damage or injury to young growth and trees not designated for cutting.

9. All limbs and stubs shall be removed from felled trees prior to skidding.

10. No trees shall be left lodged in the process of felling.

11. Felling or skidding on or across property of others is prohibited without the express written consent of the owners of such property. Felling or skidding on or across any public or private street is prohibited without the express written consent of the Township in the case of Township streets, or the Pennsylvania Department of Transportation in the case of State highways.

12. Tops to a maximum height of 4 feet or slash remaining in buffer areas shall be disposed of by the contractor or property owner.
(13) The stumps of all felled trees shall be permitted to remain in the soil for stabilization purposes.

(14) During periods of abnormal forest fire danger, as determined by the Emergency Management Coordinator of Butler County, Jackson Township Fire Marshal, or Township Supervisors, the Township shall have the right to order a suspension of forestry operations until the danger subsides.

(15) Littering is prohibited and during and upon completion of a forestry operation all cans, bottles, paper, garbage and other litter of any type shall be removed from the property.

(16) Upon completion of a forestry operation, all roads shall be graded to eliminate any wheel ruts, and access to such roads from any public or private street by motor vehicles of any kind shall be effectively blocked except as necessary for the passage of appropriate vehicles.

(17) The use of Township roads will require the posting of a bond for forestry vehicles.

B. Before the forestry operation begins, all trees which are to be felled in connection therewith shall be clearly marked on the trunk and the stump so that the same may be easily identified both before and after a tree has been felled. No tree shall be felled which has not been designated for removal on the forest management plan as finally approved by the Planning Commission.

C. The holder of a permit to conduct a forestry operation shall notify the Township, in writing, by fax, or telephone, within 1 week before the cutting of trees is to begin in connection with the construction of roads or trails, weather permitting.

D. The holder of a permit to conduct a forestry operation shall notify the Township, in writing, by fax, or telephone, within 1 week before the cutting of trees for removal from the site is to begin, weather permitting.

E. The holder of a permit to conduct a forestry operation shall notify the Township at least 1 week in advance of the expected completion date of the forestry operation, and shall notify the Township immediately upon said operation's completion, weather permitting.

F. The Township may, by its own personnel or outside persons hired for the purpose, go upon the site of any proposed forestry operation after an application to conduct such operation has been filed for the purpose of reviewing the plans for the proposed operation.

G. After a permit for a forestry operation has been issued, the Township shall have the right, by its own personnel or by outside persons hired for the
purpose, to go upon the site before, during and after the forestry operation to
insure and require compliance with the plans for said operation as finally
approved and all of the terms and provisions of this Chapter.

H. The holder of a permit to conduct a forestry operation shall be notified of an
inspection within a week of its scheduled date or a minimum of 48 hours prior
to said site inspection.

3. Contents of the Forest Management or Forest Harvesting Plan.

A. Minimum Requirements. As a minimum, the forestry plan shall include the
following:

(1) Design, construction, maintenance, and retirement of the access system,
including haul roads, skid roads, skid trails and log landings.

(2) Design, construction, and maintenance of water control measures and
structures such as culverts, broad-based dips, filter strips, and water
bags.

(3) Design, construction, and maintenance of stream and wetland crossings.

(4) A stand prescription for each stand located in the proposed harvest area.

(5) The general location of the proposed operation in relation to municipal
and state highways, including any accesses to those highways.

B. Map. Each forestry plan shall include a site map containing the following
information:

(1) Site location and boundaries, including both the boundaries of the
property on which the timber harvest will take place and the boundaries
of the proposed harvest area within that property.

(2) Significant topographic features related to potential environmental
problems.

(3) Location of all earth disturbance activities such as roads, landings, and
water control measures and structures.

(4) Location of all crossings of waters of the Commonwealth.

(5) The general location of the proposed operation to municipal and state
highways, including any accesses to those highways.

C. Compliance with State Law. The forestry plan shall address and comply
with the requirements of all applicable state laws and regulations including,
but not limited to, the following:
(1) Erosion and sedimentation control regulations contained in 25 Pa. Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. § 691.1 et seq.).

(2) Stream crossing and wetlands protection regulations contained in 25 Pa. Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §693.1 et seq.).

(3) Stormwater management plans and regulations issued pursuant to the Stormwater Management Act (32 P.S. §680.1 et. seq).

D. **Relationship of State Laws, Regulations, and Permits to the Forestry Plan.** Any permits required by State laws and regulations shall be attached to and become part of the forestry plan. An erosion and sedimentation pollution control plan that satisfies the requirements of 25 Pa. Code, Chapter 102, shall also satisfy the minimum requirements for the forestry plan and associated map specified in subsections (1) and (2) of this Section, provided that all information required by these subsections is included or attached.

*(Ord. 01-05, 12/19/2001, §1718)*
PART 18
OFF-STREET PARKING AND LOADING

§27-1801. Required Off-Street Parking Facilities.

1. **Existing Parking.** Structures and uses in existence at the date of adoption of this Chapter shall not be subject to the requirements of this Part so long as the use is not changed, provided that any parking facilities now serving such structures or uses shall not in the future be reduced below such requirements.

2. **Change in Requirements.** Whenever there is an alteration of a structure or a change or expansion of a use which increases the gross floor area of the existing structure by 30% or more, the total additional parking required for the alteration, change or extension shall be provided in addition to an adequate number of new spaces in order that the minimum standard for spaces is met for the entire site or parcel. Where the alteration or expansion is less than 30%, required parking shall be provided to accommodate such alteration or expansion.

3. **Conflict with Other Uses.** No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve, except that it may be used for a stormwater retention basin of a maximum depth of 6 inches.

4. **Continuing Character of Obligation.** All required facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision except upon the approval of the Zoning Officer and then only after proof that, by reason of diminution in floor area, seating area, the number of employees, or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this Part. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities are designed to serve. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, a hazard, or an unreasonable impediment to traffic.

5. **Joint Use.** Two or more uses may provide for required parking in a common parking lot if the total number of spaces provided are not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total by variance if it can be demonstrated to the Zoning Hearing Board that the hours or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility. In any case, a reciprocal parking, ingress and egress agreement must be entered into by the property owners involved where applicable, and said agreement recorded prior to the issuance of an occupancy permit for either or all uses.
6. The following uses and minimum required parking spaces shall be applicable:

A. Institutional and Recreation Use.

(1) Church. One off-street parking space for each three seats provided for in the assembly area use, or at least one off-street parking space for each 25 square feet of gross floor area or space to be used for service to patrons, guests or members whichever requires the greater number of off-street parking spaces, plus one additional space for each employee.

(2) School.

(a) Elementary School. One off-street parking space for each faculty member and employee plus one space per two classrooms and offices.

(b) Junior High School. One off-street parking space for each faculty member and employee plus one space per two classrooms and offices.

(c) Senior High School. One off-street parking space per faculty member and employee plus one space per 10 students of projected building capacity.

(d) Trade or Professional School, Music or Dancing School. One off-street parking space per faculty member and employee, plus one space per three non-resident students, plus one space per five resident students if residents are permitted to have cars.

(3) Library. One space per five seats or one space per 250 square feet of gross floor area where no seats are provided.

(4) Day Care Center. One off-street parking space for each employee plus six spaces for drop off and pick up activities.

(5) Hospital or Clinic. One and one-half off-street parking spaces per inpatient bed or one off-street parking space per 200 square feet of gross floor area (excluding mechanical and storage space), whichever is greater.

(6) Nursing or Personal Care. One off-street parking space for every two beds plus one space for every two employees.

(7) Cemetery. One off-street parking space for each employee and one off-street space for each four visitors which can be accommodated at peak usage in total capacity of mausoleum, crematory or columbarium.
(8) **Recreational Facility.** One off-street parking space for each five persons which can be accommodated at designed capacity, or at least one off-street parking space for each 50 square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests, or members, whichever requires the greater number of off-street parking spaces, plus one additional space for each employee.

(9) **Group Residential Facility.** One off-street parking space for every two employees, plus one space for every four residents.

(10) **Correctional Institutions.** One off-street parking space for every two employees, plus one space for each five inmates for visitors.

**B. Office Uses.**

(1) **Medical Clinic or Office.** Six off-street parking spaces per doctor plus one additional space per each employee.

(2) **Professional Office.** One off-street parking space for each 300 square feet of gross floor area.

**C. Retail and Consumer Service Uses.**

(1) **Retail Sales and Service Selling Apparel, Book, Confections, Drugs, Dry Goods, Flowers, Foodstuffs, Furniture, Gifts, Hardware, Toys, Household Appliances, Jewelry, Notions, Periodicals, Shoes, Stationery, Tobacco, Paint, Records, Cards, Novelties, Hobby and Art Supplies, Music, Luggage, Sporting Goods, Pets, Floor Covering, Garden Supplies and Fabrics.** One off-street parking space for each 200 square feet of gross floor area, plus one additional space for each employee.

(2) **Personal Services.** One off-street parking space for each 200 square feet of gross floor area, plus one additional space for every employee.

(3) **Bank/Financial Institution.** One off-street parking space for each 300 square feet of gross floor area, plus one additional space for each employee.

(4) **Sit Down Restaurant.** One off-street parking space for each 50 square feet of gross floor area; plus one additional off-street parking space for each employee.

(5) **Fast Food Restaurant.** One off-street parking space for every two seats, or one off-street parking space for every 100 square feet of gross floor area, whichever requires the greater number of off-street parking spaces, plus one additional space for each employee on the largest shift.
(6) **Funeral Home.** One off-street parking space for each four seats provided for patron use, or at least one off-street parking space for each 50 square feet of gross floor area, whichever requires the greater number of off-street parking spaces, plus one additional space for each employee.

(7) **Motel/Hotel.** One off-street parking space for each guest room plus one off-street parking space for each two employees. Where lounge, restaurant, and meeting room uses are integral, the minimum required parking spaces for each use shall be provided on site.

(8) **Convenience Store with Fuel Sales.** One off-street parking space for each 100 square feet of gross floor area; plus one additional off-street parking space for each employee.

(9) **Veterinary.** Three off-street parking spaces for each doctor plus one off-street parking space for each employee, plus one space for each 100 square feet of examination area.

(10) **Automotive Sales and Service.** One off-street parking space for every 300 square feet of gross floor area, or two off-street parking spaces for each service bay, whichever is larger, plus one off-street parking space for each employee. Off-street parking spaces are not to be a part of, nor interfere with, the accessways to the pumps.

(11) **Wholesale Use.** Two off-street parking spaces for each employee on the largest shift.

(12) **Automotive/Truck Repair.** One off-street parking space for each 300 square feet of gross floor area, plus one additional off-street parking space for each employee.

(13) **Heavy Equipment, Farm Machinery Sales and Service.** One off-street parking space for each 300 square feet of gross floor area, plus one additional off-street parking space for each employee.

(14) **Studios (TV or Recording).** One off-street parking space for each 200 square feet of gross floor area, plus one additional off-street parking space for each employee.

(15) **Factory Outlet Sales.** One off-street parking space shall be provided and maintained for each 250 square feet, or portion thereof, of leasable gross floor area, up to 100,000 square feet, 4.5 spaces for each 1,000 square feet of leasable gross floor area over 100,000.

(16) **Essential Services.** Two off-street parking spaces plus one off-street parking space for each employee normally in attendance at the facility at any time.
(17) **Theaters.** One off-street parking space for each four seats.

D. **Industrial Uses.**

(1) **Manufacturing and Light Industrial.** Three off-street parking spaces for every four employees on the largest shift, or one for each 800 square feet of gross floor area, whichever is greater, plus one off-street parking space for each company vehicle normally stored on the premises.

(2) **Research.** Three off-street parking spaces for each four employees on the largest shift, or one off-street parking space for every 500 square feet of gross floor area, whichever is greater, plus one off-street parking space for each company vehicle normally stored on the premises.

(3) **Warehouse/Storage.** Three off-street parking spaces for each four employees on the largest shift, or one off-street parking space for every 1,000 square feet of gross floor area, whichever is greater, plus one off-street parking space for each company vehicle normally stored on the premises.

(4) **Garden Supplies and Landscaping Sales.** Three off-street parking spaces for each four employees on the largest shift, or one off-street parking space for every 250 square feet of gross floor area, whichever is greater, plus one off-street parking space for each company vehicle normally stored on the premises.

E. **Agricultural Uses.**

(1) **Nursery.** One off-street parking space for each employee and one off-street parking space for each 300 square feet of gross floor area used or intended to be used as a sales area.

(2) **Greenhouse.** One off-street parking space for each employee and one off-street parking space for each 300 square feet of area used for sales.

F. **Commercial Uses Housing Animals.**

(1) **Kennel.** One off-street parking space for each employee plus one off-street parking space for each eight animals in capacity.

(2) **Stable.** One off-street parking space for each employee plus one off-street parking space for each four animals in capacity.

G. **Mobile Home Park.** Two off-street parking spaces per dwelling unit, plus supplemental parking at a ratio of one off-street parking space per six dwelling units, to be centrally located.
H. **Residential.** Two off-street parking spaces per dwelling unit.

*(Ord. 01-05, 12/19/2001, §1800)*

§27-1802. **Driveways and Off-Street Parking.**

It shall be unlawful for any person to install, construct, or reconstruct a driveway except in strict accordance with the provisions of the driveway and street access regulations contained in Chapter 21, Part 1.

*(Ord. 01-05, 12/19/2001, §1801; as amended by Ord. 02-11, 11/21/2002)*

§27-1803. **Design Standards.**

1. The design standards specified below shall be required for all off-street parking facilities with a capacity of three or more vehicles built after the effective date of this Chapter. Additional requirements and standards for vehicular parking facilities in Part 6, Design Standards, of the Jackson Township Subdivision and Land Development Ordinance [Chapter 22] are also applicable. Americans with Disabilities Act requirements shall dictate the number and design of handicap spaces.

2. The minimum dimensions of stalls and aisles shall be as follows:

   A. Stall width shall be at least 10 feet for all parking spaces.

   B. Stall depth shall be at least 20 feet.

   C. Minimum width of aisles providing access to stalls for one-way traffic only, varying with the angle of the parking, shall be:

<table>
<thead>
<tr>
<th>Angle of Parking</th>
<th>Minimum Aisle Width</th>
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<tbody>
<tr>
<td>Parallel</td>
<td>12 feet</td>
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<tr>
<td>30°</td>
<td>14 feet</td>
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<td>45°</td>
<td>16 feet</td>
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<td>60°</td>
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</tr>
<tr>
<td>90°</td>
<td>24 feet</td>
</tr>
</tbody>
</table>

   D. Minimum width of aisles providing access to stalls for two-way traffic shall be 24 feet.

   E. All designated fire lanes shall be a minimum of 18 feet in width and located to provide access to structures in compliance with the standards set forth in the current Township Fire Prevention or Building Code, adopted by reference.
3. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Parking areas shall be graded to a maximum slope of 5%.

4. For the purpose of servicing any parking area held under single and separate ownership, entrance and exit drives shall be limited to two along the frontage of any single street and their center lines shall be spaced at least 80 feet apart. On the corner properties, there shall be a space of a minimum of 60 feet, measured at the curb line, between the center line of any entrance or exit drive and the street line of the street parallel to said access drive.

5. In no case shall industrial or commercial parking areas be designed to require or to encourage cars to back into a public or private street in order to leave the lot.

6. Landscaping design for nonresidential sites shall provide a planted separation between off-site vehicle or pedestrian traffic and on-site circulation as follows:

   A. A planting strip which physically separates the abutting public or private street from the parking area shall be provided.

      (1) Such planting strip shall be a minimum of 10 feet in width.

      (2) Such planting strip shall be parallel to the abutting street.

      (3) Such planting strip shall be measured from the right-of-way line.

   B. The planting strip shall occur within the required front yard setback in the C and MCO Districts where parking in the front yard is proposed.

      (1) At least one tree, a minimum 2 inch caliper, measured at 4 feet from ground level shall be planted in the planting strip for each 10 parking spaces provided.

      (2) A mix of deciduous and evergreen trees shall be provided.

      (3) At least three low-level shrubs, a minimum of 3 feet in height, shall be planted in the planting strip for each five parking spaces provided. Such shrubbery shall be located so as to screen vehicle headlights from adjacent properties.

   C. A planting island, which projects into the parking area, with a minimum of 60 square feet of pervious surface area and including a tree as described herein, shall be provided at intervals of 10 parking spaces.

   D. Tire bumpers or concrete curbing shall be installed in the parking area to prevent vehicle overhang of a sidewalk area.
E. Where the landscaping requirements of this Section conflict with the bufferyard requirements of §27-1714, the requirements of §27-1714 shall govern.

7. All parking areas for any purpose other than single-family residents shall be physically separated from any public or private street by a planting strip which shall be not less than 10 feet in depth. Tire bumpers or concrete curb shall be installed so as to prevent vehicle overhang of the sidewalk area. This 10 foot planting strip shall be parallel to the street line, shall be measured from the right-of-way line and shall be located within the required front yard setback in the LI and M Manufacturing Districts.

8. All lighting used to illuminate required parking spaces shall be so arranged that illumination levels are consistent with the performance standards of Part 17, specifically §27-1718(6). Sharp cutoff luminaries shall be used in all cases.

9. On land within a C or MCO and LI or M Zoning District which abuts any residential district boundary, the maximum height of free-standing exterior lighting standards shall not exceed 17 feet. On all other parcels within the C, MCO and LI or M Zoning Districts, free-standing exterior lighting standards shall not exceed 25 feet in height.

10. No other exterior lighting shall exceed 25 feet in height.

(Ord. 01-05, 12/19/2001, §1802)

§27-1804. Off-Street Loading.

Off-street loading requirements as specified below shall be provided on any lot on which a building exceeding 6,000 square feet of gross floor area for business or industry is hereafter erected.

A. Every retail establishment, storage warehouse or wholesale use, manufacturing or light industrial use exceeding 6,000 square feet shall have at least one off-street loading space. Where there is a combined gross floor area of 20,000 square feet or more arranged, intended or designed for such use, there shall be provided off-street truck loading or unloading berths in accordance with the following table:

<table>
<thead>
<tr>
<th>Sq. Feet of Combined Gross Floor Area Devoted to Each Use</th>
<th>Required Number of Berths</th>
</tr>
</thead>
<tbody>
<tr>
<td>6,000 up to 19,999</td>
<td>1</td>
</tr>
<tr>
<td>20,000 up to 49,999</td>
<td>2</td>
</tr>
<tr>
<td>For each additional 50,000</td>
<td>1 additional berth</td>
</tr>
</tbody>
</table>

B. Every auditorium, funeral home, bank, multi-family dwelling of 20 units or more, nursing home, personal storage facility, office building, hospital, restaurant, factory outlet, hotel or motel and all other nonresidential uses
exceeding 6,000 square feet of gross floor area, shall have at least one off-street loading space. Where there is an aggregate gross floor area of 30,000 square feet or more, arranged, intended or designed for such use, there shall be provided off-street truck loading and unloading berths in accordance with the following table:

<table>
<thead>
<tr>
<th>Sq. Feet of Aggregate Gross Floor Area Devoted to Each Use</th>
<th>Required Number of Berths</th>
</tr>
</thead>
<tbody>
<tr>
<td>6,000 up to 29,999</td>
<td>1</td>
</tr>
<tr>
<td>30,000 up to 49,999</td>
<td>2</td>
</tr>
<tr>
<td>For each additional 50,000</td>
<td>1 additional berth</td>
</tr>
</tbody>
</table>

(Ord. 01-05, 12/19/2001, §1803)


1. Off-street loading facilities shall be designed to conform to the following specifications:
   
   A. Each required space shall be no less than 14 feet wide, 65 feet long and 17 feet high, exclusive of drives and maneuvering space and located entirely on the lot being served.

   B. There shall be appropriate means of access to a street or alley as well as adequate maneuvering space.

   C. The maximum width of driveways and sidewalk openings measured at the street lot line shall be 35 feet; the minimum width shall be 20 feet.

   D. All accessory driveways and entrance ways shall be graded, surfaced and drained to the satisfaction of the Township Engineer, to the extent necessary to prevent nuisance of dust, erosion or excessive water flow across public or private ways.

   E. Such facilities shall be designed and used in such a manner that it will not constitute a nuisance, a hazard or an unreasonable impediment to traffic at any time.

2. All required loading facilities shall be provided and maintained in accordance with the following requirements:

   A. They shall be provided and maintained as long as the use exists which the facilities were designed to serve.

   B. They shall not be reduced in total extent after their provision, except when such reduction is in conformity with the requirements of this Part.
PART 19

SIGNS


The following regulations and restrictions shall apply to all signs created in all zoning districts of this Township.

A. Signs Within Public or Private Rights-Of-Ways.

(1) No sign shall be constructed, erected, or so located that any portion of the sign structure projects over or is placed within the right-of-way lines of any public or private highway or street except for official traffic signs or for street or road signs as required and erected by local, state, and/or federal governmental agencies or authorities.

(2) Street, traffic control or road identification signs as required and erected by local, state, and/or federal governmental agencies or authorities are permitted at a height of not less than 7 feet above the top level of established or proposed curb. Such signs may have a reflective surface and may be illuminated. Signs guiding or controlling traffic movement may be permitted at a height to exceed 7 feet above adjacent grade level and may be illuminated if such is judged to be appropriate.

(3) Any sign which does not comply with the provisions of this Chapter shall constitute a public nuisance in addition to being in and of itself a violation of this Chapter.

B. Sign Location and Construction.

(1) All signs shall be a minimum of 10 feet from the right-of-way or 4 feet inside public or private sidewalk and the clear sight triangle must be maintained.

(2) No permanent sign shall be erected, placed, or constructed in any Zoning District on a movable base, sled, trailer vehicle, or any other portable device. Temporary signs shall be erected and maintained in accordance with the appropriate provisions of this Chapter.

C. Sign Lighting.

(1) Signs that flash, rotate, oscillate or move shall not be permitted. With the exception of digital signs which announce the time, date or temperature.
(2) Any sign other than official governmental traffic control signs using the words "Stop," "Look," "Listen," "Slow," "Danger," or any other words, phrase symbol, or character in such a manner as to interfere with, mislead, or confuse traffic shall be prohibited.

(3) A sign may be illuminated, according to the provisions of this Chapter. The illumination is confined to or directed to the surface of the sign.

(4) All illumination shall be by diffuse or internal indirect lighting.

(5) All lighting shall be so arranged as to reflect the light away from adjoining premises and public or private right-of-way.

(6) No artificial light or reflecting device shall be used where such will interfere with, compete for attention with, or may be mistaken for a traffic signal.

(7) No illumination utilizing red, green, or yellow lights, or a combination thereof, shall be utilized if such sign interferes with the effective visibility of any adjacent traffic signal or if such sign is located adjacent to a roadway where such illumination might give the appearance or impression of a traffic signal.

D. Sign Removal.

(1) Any sign which is in violation of this Chapter or which creates a public nuisance or hazard shall be removed by the owner(s) after they are so notified by the Township Board of Supervisors.

(2) In the case of a sign determined to be in violation of this Chapter, a public nuisance, or hazard, which has not been removed by the owner(s) within 10 days following proper notification by the Township Board of Supervisors, then the Township, in order to prevent such signs from becoming injurious to public health and welfare, may enter upon the premises upon which such sign is erected and remove said sign along with its supporting structure or hanging devices. All costs and expenses of removal shall be the obligation of the owner(s) of said signs and the Township may proceed to collect said costs and expenses by any legal procedure that the Township deems advisable including, without limitation, the filing of a municipal lien.

(3) A public nuisance or hazard shall be defined as any condition that is created as a result of sign disrepair which in the opinion of the Township Board of Supervisors will likely cause injury or damage to persons or property.

(Ord. 01-05, 12/19/2001, §1900)
§27-1902. Signs Advertising the Sale, Rental or Development of Real Estate.

1. On-premises signs indicating the location and direction of premises available or in the process of development, erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agent may be erected and maintained provided:

A. The gross surface area of such sign shall not be in excess of 20 square feet in all districts.

B. The total height of such sign shall not exceed 6 feet above adjacent ground grade.

C. Such sign shall be located not less than 10 feet from the right-of-way line of any public or private street or highway and not less than 20 feet from any interior (side) property line.

D. Not more than one such sign shall be erected on each 1,000 lineal feet of street frontage.

E. Such sign shall not be reflective or illuminated.

F. Such sign shall be removed within one year from the date of issuance of the permit to erect said sign.

2. Temporary on-premises signs advertising the sale or rental of the premises when erected by the owner or broker or any other person interested in the sale or rental of such premises, shall adhere to the following:

A. The gross surface area of such sign shall not be in excess of 4 square feet.

B. Not more than one such sign shall be placed upon each property except when:

(1) A property fronts upon more than one public or private street, in which event one such sign may be erected on each frontage.

(2) A property is in a tract of land in excess of 75 acres, then such signs shall be placed at a maximum rate of one for every 500 feet of street frontage.

C. Such signs shall not be reflective or illuminated.

3. Signs bearing the word "sold" or the word "rented" with the name of the persons or corporate entity effecting the sale or rental may be erected and maintained when erected upon the premises effected provided that such signs are removed within 30 days of the date of the final sale or rental.

(Ord. 01-05, 12/19/2001, §1901)
§27-1903. Temporary Signs.

1. Temporary off-premises signs may be erected on real estate located in any Zoning District by the owner or owners of that property provided:

   A. The gross surface area of such sign shall not exceed 20 square feet in all districts.
   
   B. The total height of such sign shall not exceed 6 feet above adjacent ground grade.
   
   C. Only one such sign shall be erected and maintained on each property unless such property fronts on more than one public or private street, in which event one such sign may be erected on each frontage.
   
   D. Such signs shall only be erected and maintained during the time period beginning 4 weeks before an event and terminating 1 week following that event or use.
   
   E. The owner of the property upon which such sign is erected shall be responsible for the placement, maintenance, and removal of such sign in accordance with the terms of this Part.
   
   F. No sign shall be reflective or illuminated.
   
   G. All such signs shall be self-supporting or wall-mounted. Overhead signs, arched signs, and banners are prohibited.
   
   H. The sign shall be limited to advertising a nonprofit or community organization.
   
   I. At no time will such signs be placed on any utility pole.

2. Signs of mechanics, painters, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected provided:

   A. The gross surface area of such sign shall not be in excess of 20 square feet.
   
   B. Such signs shall not be reflective or illuminated.
   
   C. No more than one such sign shall be placed upon each property.
   
   D. Such signs when pertaining to remodeling or rehabilitation work being performed on an existing structure shall be displayed for a period not to exceed 60 days in any one calendar year.
E. Such signs when pertaining to the construction of a new structure or an addition to an existing structure shall be removed within 15 days of the completion of work or the issuance of an occupancy permit, as applicable, except as mandated by State or Federal regulations.

3. Temporary signs advertising the sale of farm products, at roadside stands when said sale is not the primary use of the premises and where such sale is permitted under the terms of the district of this Chapter, may be erected provided:

   A. The gross surface area of such sign shall not be in excess of 6 square feet.
   B. No more than two such signs shall be erected on each property.
   C. The signs shall be displayed only when such products are on sale.
   D. The signs shall not be illuminated or reflective.

(Ord. 01-05, 12/19/2001, §1902)

§27-1904. No Trespassing Signs.

1. A no trespassing sign, or sign indicating the private nature of a driveway or residential property, or restricting the use of a driveway or property, may be erected and maintained provided that the gross surface area of any such sign shall not exceed 2 square feet. Only one such sign is permitted for every 100 feet of public or private street or road frontage.

2. For any nonresidential property, a no trespassing sign, or sign indicating the private nature of a driveway or property, or restricting the use of a driveway or property, may be erected and maintained provided that the gross surface area of any such sign shall not exceed 4 square feet. Only two such signs are permitted per property unless such property fronts on more than one street in which event two such signs may be erected on each frontage.

(Ord. 01-05, 12/19/2001, §1903)


1. Nameplate signs that indicate the name of the owner or occupant of a residential use and the street number may be erected and maintained provided:

   A. Nonilluminated nameplate signs shall not exceed a gross surface area of 6 square feet.
   B. Illuminated nameplate signs shall not exceed 2 square feet in gross surface area and shall not be larger than 12 inches by 24 inches.
C. Nameplate signs shall be wall-mounted or self-supporting.

D. Only one such sign shall be permitted per dwelling unit.

2. If a home occupation is permitted under the terms of this Chapter, a sign designating the name, address, and occupation of the occupant of the premises and including the logotype or trademark, if appropriate, of the practitioner may be erected and maintained provided:

   A. The gross surface area of such sign shall not exceed 6 square feet and shall not be larger than 24 by 36 inches.

   B. Only one such sign shall be erected on each property.

   C. Such sign shall not be illuminated or reflective.

   D. Such sign shall not be an overhead sign. Only a wall-mounted or self-supporting sign is permitted and all wall-mounted signs shall be affixed to or displayed on the face of a building. Such signs shall not project or extend above or beyond the roof or eave line.

3. **Residential Development Designation.**

   A. Two such signs may be erected at the entrance/exit of roads which service a particular residential development.

   B. Such a sign may be erected on a wall or a pillar but the sign shall not be more than 5 feet in height. The pillar or wall that the sign is attached to shall be not more than 8 feet in height.

   C. Such a sign shall be set back a minimum of 5 feet from the public or private right-of-way unless approval is given by the Board of Supervisors.

   D. Such a sign shall not exceed 20 square feet in area, exclusive of supporting pillars.

   E. Such a sign shall not be flashing, contain moving parts, be changeable or constructed of reflective or fluorescent materials.

   F. The placement of such a sign shall not obstruct the sight triangle.

   *(Ord. 01-05, 12/19/2001, §1904)*

**§27-1906. Identification Signs For Noncommercial Public and Semi-Public Facilities.**
1. Identification signs located on the premises or building in all districts, which serve only to tell the name or use of a public or semi-public facility such as churches, schools, camps, hospitals, recreational place, municipal facility, or other institutions of similar nature when permitted under the terms of this Chapter may be erected and maintained provided:

A. The gross surface area of any such sign shall not be in excess of 36 square feet. The gross surface area of any such arched sign shall not be in excess of 125 square feet.

B. Any self-supporting identification sign may be allowed up to one-third additional sign area over that allowed for such sign under the provisions of this Chapter to be used for ornamentation of the upright or structural portion of the sign; provided that such ornamentation is designed in such a manner as to form an integral background element to the remainder of the sign and the design otherwise enhances the appearance of the sign.

C. No more than two such signs shall be placed on each property unless such property fronts upon more than one public or private street in which event two such signs may be erected on each frontage.

D. Only wall-mounted or self-supporting signs are permitted.

E. Self-supporting or wall-mounted signs may be reflective and may be illuminated in accordance with the provisions of this Chapter. Arched signs may not be illuminated or reflective.

(Ord. 01-05, 12/19/2001, §1905)


1. Business identification signs bearing the name of the occupant and the service offered or products sold or displayed may be erected and maintained on a tract or parcel when said tract or parcel contains only one business enterprise provided:

A. No more than two such signs may be placed on each property unless such property fronts on more than one public or private street, in which event two signs may be erected on each frontage.

(1) A combination of self-supporting, wall-mounted, or overhead signs are permitted provided that the total number shall not exceed two signs except as provided in subsection (A) above.

(2) The gross surface area of a projecting sign shall not exceed 20 square feet and shall not project beyond the building line.
(3) The gross surface area of a wall-mounted sign shall not exceed one and 1.5 square feet of gross sign surface area per 1 linear foot of building frontage to a maximum of 50 square feet.

(4) The gross surface area of a self-supporting sign shall be as follows:

(a) The gross surface area of such self-supporting sign located 10 feet to 50 feet from a public or private street or road right-of-way shall not exceed 50 square feet.

(b) The gross surface area of such self-supporting sign located more than 50 feet from a public or private street or road right-of-way shall not exceed 75 square feet.

B. Such signs may be illuminated in accordance with the provisions of this Chapter.

C. Each business may erect signs directing and guiding traffic and parking on private property, but bearing no advertising matter. Such signs shall be limited to such information or instructions as necessary for the convenience of vehicular traffic in reaching such business.

(1) Such signs shall not exceed a gross surface area of 3 square feet.

(2) Such signs may be illuminated in accordance with the provisions of this Chapter.

D. No sign shall exceed the height of 35 feet above adjacent ground level.

E. All wall-mounted signs shall be affixed to or displayed on the face of a building. Such signs shall not project or extend above or beyond the roof or eave line.

F. Overhead signs shall be at least 9 feet high measured from the adjacent ground grade.

G. No wall-mounted sign shall project over a sidewalk area available for public use more than 12 inches.

2. Business identification signs bearing the name of the multiple use commercial development, the commercial occupants, and the services offered or products sold or displayed may be erected and maintained on a parcel as follows:

A. Only one self-supporting sign identifying only the name of the multiple use commercial development may be erected and maintained per land parcel unless such property fronts on more than one street, in which event one such sign may be erected on each frontage.
There shall be only one sign of any nature on any standard erected to hold a self-supporting sign.

(2) The gross surface area of such identification sign shall not exceed 2 square feet of gross sign surface area per 1 linear foot of street frontage not to exceed 300 square feet in gross surface area.

B. Each business enterprise shall be permitted one wall-mounted business identification sign not to exceed 2 square feet of gross sign surface area per 1 linear foot of frontage of the building or portion of the building occupied by said business enterprise to a maximum of 40 square feet.

C. As applicable, each business enterprise shall be permitted one additional wall-mounted business identification sign for each auxiliary or accessory use. Such sign shall not exceed 40 square feet of gross surface area.

D. Overhead signs shall not be permitted.

E. No combination of business enterprises may combine their interest to permit larger signs or increase the number of signs.

F. Such signs may be illuminated in accordance with the provisions of this Chapter.

G. Each business may erect signs directing and guiding traffic and parking on private property, but bearing no advertising matter. Such signs shall be limited to such information or instructions as necessary for the convenience of vehicular traffic in reaching such business.

(1) Such signs shall not exceed a gross surface area of 3 square feet.

(2) Such signs may be illuminated in accordance with the provisions of this Chapter.

H. No sign shall exceed the height of 35 feet above adjacent ground level.

I. All wall-mounted signs shall be affixed to or displayed on the face of a building. Such signs shall not project or extend above or beyond the roof or eave line.

J. Overhead signs shall be at least 9 feet high measured from the adjacent ground grade.

K. No wall-mounted sign shall project over a sidewalk area available for public use more than 12 inches.

(Ord. 01-05, 12/19/2001, §1906)
§27-1908. Billboards.

Billboards may be permitted as a conditional use when approved by the Board of Supervisors after submission and review by the Planning Commission and providing the following requirements are met:

A. Billboards shall not be erected within the RA, RL, RM or RH Zoning Districts.

B. Billboards shall not be permitted within 500 linear feet of any public or private school property. Required spacing shall be measured from a point perpendicular to the centermost point of the billboard structure along the front lot line parallel to the centerline of the roadway to which the billboard is oriented and the property line of the school.

C. Billboards shall comply with the setback requirements of a principal use in the zoning district for which they are proposed.

D. On interstate and limited access highways, billboards shall not be erected within 500 feet of an interchange area measured along the interstate or limited access highway from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled roadway.

E. Billboards shall be included into the maximum lot coverage calculations for structures and buildings on a single lot.

F. Billboards shall not be erected in such a manner as to block the view from the road or street of any existing business identification sign, residential or nonresidential structure, or limit and/or reduce the light or ventilation requirements of the Building Code, the Fire Prevention Code or the Property Maintenance Code.

G. Billboards shall not be erected within the clear sight triangle of the public or private street or road, any driveway, any entrance way, or in any case obstruct or impede traffic safety.

H. Billboards shall maintain a lateral minimum spacing of 1,000 feet between billboard structures. Required spacing shall be measured from a point perpendicular to the centermost point of the billboard structure along the front lot line parallel to the centerline of the roadway to which the billboard is oriented and the centermost point of the next billboard structure.

I. Billboards may not be mounted on the roof, wall or other part of a building or any other structure.

J. Billboards shall have a maximum allowable gross surface area of 750 square feet per sign face. A billboard shall have a maximum of two sign faces per billboard structure. However, the gross surface area of each sign face shall not exceed the maximum of 750 square feet.
K. A billboard structure may have sign faces placed back to back or in a V-shaped configuration on a single billboard structure.

L. A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust and corrosion.

M. Each individual vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum 80-mile per hour wind load.

N. Billboards and their structures shall have a maximum height of 40 feet.

O. The entire base of the billboard structure shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of 3 feet placed in such manner as to screen the foundation of the structure.

P. The sign owner shall maintain landscaping in an attractive and healthy manner in accordance with accepted conservation practices.

Q. All excavation and grading shall be performed in accordance to the Jackson Township Stormwater Management Ordinance [Chapter 26, Part 1].

R. Billboards with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum footcandle of 1.5 upon the adjoining property. Adjoining property shall include adjoining roadways.

S. Display lighting shall be operated by a timing mechanism and shall not operate between the hours of 12:00 midnight and 5:00 a.m. prevailing local time.

T. No billboard structure, sign face, or display lighting shall move, flash, or emit noise. No display lighting shall cause distractions, confusion, nuisance, or hazard to traffic, aircraft, or other properties.

U. The use of colored lighting shall not be permitted.

V. All billboard structures shall be entirely painted, when applicable, every 3 years.

W. Every 10 years, the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania Registered Engineer and shall provide to the Township certification that the billboard is structurally sound.

X. The Township, to determine compliance with the provisions of this Section, may conduct inspections of the billboard.
ZONING

Y. Billboards found in violation of these regulations shall be brought into compliance or shall be removed within 30 days upon proper notification by the Township. Failure to comply shall be a violation of this Section.

Z. Billboards using removable paper or other material shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure.

AA. Permits: A zoning/building permit and a sign permit shall be required for the erection of a billboard. Prior to the issuance said permits, the applicant shall secure approval from the Pennsylvania Department of Transportation, and if applicable, the Federal Highway Administration.

BB. Application Fees: Said application shall be accompanied by an application fee in the amount set by resolution of the Board of Supervisors.

(Ord. 01-05, 12/19/2001, §1907)
PART 20
NONCONFORMING USES AND STRUCTURES


1. A nonconforming use or structure may continue, be bought or sold, altered, restored or extended subject to the provisions of this Part even though such use or structure does not conform to the regulations established for that zoning district in which it is located; provided, however, that such use or structure shall otherwise be and remain in compliance with any other applicable codes and regulations.

2. A nonconforming structure or a building or structure containing a nonconforming use may be altered or improved; provided:
   A. Such alterations do not result in the expansion of the exterior dimensions of the nonconforming structure or the building or structure which contains a nonconforming use.
   B. Such work may not exceed 100% of the current market value of the building or structure as determined by the Butler County Tax Assessment Office.

3. A nonconforming structure or building or structure containing a nonconforming use may be altered to the extent necessary if such alteration is intended and will result in the conversion of such building or structure to a conforming use or structure; provided, such alterations are in conformance with this Chapter.

(Ord. 01-05, 12/19/2001, §2000)


1. A nonconforming structure or building or structure containing a nonconforming use which is damaged by fire, collapse, explosion or Act of God may be reconstructed provided:
   A. Such reconstruction work does not exceed 100% of the current fair market value of the building or structure as determined by the Butler County Tax Assessment Office.
   B. The restored structure shall occupy no greater lot area and contain no greater cubic content than the structure in existence of the time of the casualty or occurrence of damage.
   C. Such reconstruction work shall commence within 1 year of the date of damage thereto and shall be completed within 2 years of the date of the casualty.
2. The expansion of a nonconforming use shall be a conditional use, subject to the terms, procedures and criteria of §27-1602 and this Section. A nonconforming use may be expanded only after Township approval of a conditional use application, and only up to 50% of the total building lot coverage legally occupied on or before September 9, 1993. A nonconforming use may not increase in volume if such expansion will displace a conforming use. The expansion of a nonconforming use shall comply with the setback dimensions of the zoning district in which it is located. A nonconforming use, when expanded, shall also meet the specific criteria to be applied to particular conditional uses, as listed in §§27-1603 through 27-1635 to the extent the use falls within the definition of any such conditional use.

3. If a nonconforming use, building, or structure is moved for any reason from the lot upon which it was located at the date of the enactment of this Chapter, it shall thereafter conform to the regulations of the district in which it is relocated.

(Ord. 01-05, 12/19/2001, §2001)


1. The nonconforming use of a structure or building may be changed to a similar use or a use of lesser intensity and nonconformity upon approval by the Township Zoning Officer. As used in this Section, a use of lesser intensity shall mean a use which is found by the Zoning Officer to require less employees or less public contact, less storage capacity or less service or demands on public facilities or energy, and is more compatible with adjacent and future planned uses.

2. Appeals from the decision of the Zoning Officer shall be to the Zoning Hearing Board.

3. The nonconforming use of a structure or building may be changed to a conforming use. When a nonconforming use of a structure or building has been changed to a conforming use, such conforming use shall not thereafter revert back to a nonconforming use.

(Ord. 01-05, 12/19/2001, §2002)

§27-2004. Abandonment, Unsafe or Unlawful Use.

1. In the event that any conforming use or a building or structure containing a nonconforming use is voluntarily abandoned or ceases, such nonconforming use shall not be resumed. A nonconforming use shall be presumed abandoned when one of the following conditions exists:

A. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 6 months unless other facts show intention to resume the nonconforming use.
B. When a nonconforming use has been discontinued for a period of 1 year.

C. When it has been replaced by a conforming use.

D. When a nonconforming use has been changed in accordance with this Part.

E. Any nonconforming use of a sign or billboard which is discontinued or not used for 6 months shall not be resumed. If any nonconforming sign or billboard is removed, it shall not be reconstructed, unless in full compliance with this Chapter.

2. Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition of any portion of a building is declared unsafe by a proper authority.

3. Nothing in this Chapter shall be interpreted as authorization for an approval of the continuance of the illegal use of a structure or premises or construction of structure or building in violation of zoning regulations in existence at the time of enactment of this Chapter.

(Ord. 01-05, 12/19/2001, §2003)


1. Whenever the boundaries of a Zoning District are changed so as to transfer an area from one Zoning District to another Zoning District of a different classification, the provisions of this Part shall apply to any nonconforming structures or nonconforming uses created therein.

2. Nothing herein contained shall require any change in plans, construction, or designated use of a building or structure for which a permit has been issued prior to the enactment of this Chapter and the construction of which shall have diligently proceeded within 3 months of the date of issuance of such permit.

(Ord. 01-05, 12/19/2001, §2004)

§27-2006. Registration.

1. The Zoning Officer may prepare a list registering all nonconforming structures, all nonconforming uses, and all nonconforming lots existing at the time of the legal enactment of this Chapter or subsequent amendments.

2. Said list shall include a general description of the nature and extent of the nonconformity and may include photographs as documentation and shall be maintained for public use and information.

(Ord. 01-05, 12/19/2001, §2005)
PART 21

ZONING HEARING BOARD


1. The Township Board of Supervisors hereby appoints a Zoning Hearing Board.

2. The membership shall consist of three residents of the Township appointed by the Board of Supervisors.

   A. The terms of office for a three member board shall be 3 years and shall be so fixed that the term of office of one member shall expire each year.

   B. If a three member board is changed to a five member board, the members of the existing 3 member board shall continue in office until their term of office would expire under prior law and ordinances.

   C. The Board of Supervisors may appoint, by resolution, up to three residents to serve as alternate members of the Zoning Hearing Board. The membership of alternate members shall be governed by §903(b) of the Pennsylvania Municipalities Planning Code, Act 247, as amended, 53 P.S. §10903(b).

3. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies on the Zoning Hearing Board shall be only for the unexpired portion of the term.

4. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received 15 days advance notice of the intent to take such vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

(Ord. 01-05, 12/19/2001, §2100)

§27-2102. Organization of Zoning Hearing Board.

1. The Zoning Hearing Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves.

2. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board.

3. The Zoning Hearing Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in Article IX, §908 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, 53 P.S. §10908.
Municipalities Planning Code, Act 247, as amended, 53 P.S. §10908, and this Chapter.

4. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth of Pennsylvania.

5. The Zoning Hearing Board shall keep full public records of its business, and shall submit a report of its activities to the Board of Supervisors once a year.

(Ord. 01-05, 12/19/2001, §2101)


1. Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.

2. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

(Ord. 01-05, 12/19/2001, §2102)

§27-2104. Hearings.

1. The Zoning Hearing Board shall conduct hearings and make decisions and/or findings in accordance with the following requirements:

   A. The parties to the hearing shall be the Township, the Applicant and/or Petitioner, and any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any person(s) including civic and community organizations permitted by the Zoning Hearing Board to appear. All persons who wish to be considered parties shall enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.

   B. Requests, applications, and petitions for a hearing before the Zoning Hearing Board and decisions and/or findings of the Zoning Hearing Board shall be filed with the Township Zoning Officer at the Township Municipal Office. Applicants shall file their request and/or petition upon forms approved and to be furnished by the Zoning Hearing Board and pay a fee in accordance with the schedule fixed by resolution by the Board of Supervisors. No application, petition, and/or request shall be considered officially received until the application is completed in full including requested documentation and/or illustrations and the fee is paid.
C. Notice of the hearing shall be given to the public, the applicant, the Township Zoning Officer, the Township Board of Supervisors, the Township Planning Commission, and to any person who has made timely request for the same. A notice of the hearing shall be given to such other persons as the Township Board of Supervisors or the Township Zoning Hearing Board shall designate. In addition, a notice of said hearing shall be conspicuously posted on the affected tract or tracts of land or water body. The notice of the hearing shall be given and posted at such time and in such manner as shall be prescribed by the Pennsylvania Municipalities Planning Code and the rules of the Zoning Hearing Board.

2. **Conduct of Hearing.**

A. The hearing shall be conducted by the Zoning Hearing Board or the Hearing Officer. The final decision or findings shall be made by the Zoning Hearing Board but the parties may waive said final decision and findings by the Zoning Hearing Board and accept the decision and findings of the Hearing Officer as final.

B. The hearing shall commence not later than 60 days after the application has been officially received in accordance with §27-2104 and the fee has been paid.

C. The presiding official of the Zoning Hearing Board shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers including witnesses and documents requested by the parties.

D. The parties have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross examine adverse witnesses on all relevant issues.

E. Formal rules of evidence shall not apply but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

F. The Zoning Hearing Board or the Hearing Officer shall keep a stenographic record of the proceedings. A transcript of the proceedings as well as copies of graphic or written material received in evidence shall be made available to any party at cost.

G. The Zoning Hearing Board shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded and opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representatives unless all parties are given an opportunity to be present.
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(Ord. 01-05, 12/19/2001, §2103)

§27-2105. Rendering of Decisions and/or Findings.

1. The Zoning Hearing Board or the Hearing Officer shall render a written decision or make written findings on the application within 45 days after the date of the last hearing before the Board or Hearing Officer. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the Hearing Officer.

2. Contents of the Decision.

   A. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor.

   B. Conclusions based on any provisions of this Chapter, the Official Zoning Map, the Pennsylvania Municipalities Planning Code, any Township ordinance, rule, or regulation, or laws of the Commonwealth of Pennsylvania shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.

3. Advertisement of the Decision.

   A. A copy of the final decision or the findings shall be delivered to the Applicant personally or mailed to him not later than the day following the date of the decision.

   B. To all other persons who have filed their name and address with the Zoning Hearing Board no later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision of findings and a statement of the place at which the full decision or findings may be examined.

   C. Additional notice or notices shall be given as prescribed by the rules of the Zoning Hearing Board.

(Ord. 01-05, 12/19/2001, §2104)

§27-2106. Jurisdiction of Zoning Hearing Board.
1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except those brought before the Township Supervisors pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, Act 247, as amended, 53 P.S. §§10609.1, 10916.1(a)(2).

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

D. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of this Chapter and Flood Hazard Ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, 53 P.S. §10910.2.

F. Applications for special exceptions under this Chapter or Floodplain or Flood Hazard Ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, 53 P.S. §10912.1.

G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.

H. Appeals from the Zoning Officer's determination under §916.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, 53 P.S. §10916.2.

I. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving Article V or VI of the Pennsylvania Municipalities Planning Code, Act 247, as amended, applications, 53 P.S. §§10501 et seq., 10601 et seq.

2. **Variances.**
A. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant.

(1) The landowner shall file a written request for a variance upon a form approved and furnished by the Zoning Hearing Board and shall pay a fee in accordance with the schedule fixed by resolution by the Board of Supervisors. No application shall be considered officially received until the application is completed in full and the fee is paid. In some cases the Zoning Hearing Board may require preliminary application to the Zoning Officer.

(2) The Zoning Hearing Board may grant a variance provided the following findings are made where relevant in a given case.

(a) That the unnecessary hardship is due to the 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 not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.

(b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

(c) That such unnecessary hardship has not been created by the appellant.

(d) That 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, not be detrimental to the public welfare, nor will violate the spirit and intent of this Chapter and its Community Development Goals and Objectives.

(e) That 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.

(3) In granting a variance the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.

(Ord. 01-05, 12/19/2001, §2105)
§27-2107. Time Limitations.

1. No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

2. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued, except appeals of the Zoning Officer's issuance of an enforcement notice, which shall be filed within 10 days after the receipt of the enforcement notice. [Ord. 02-10]

(Ord. 01-05, 12/19/2001, §2106; as amended by Ord. 02-10, 11/21/2002, §7)


Upon filing of any proceeding referred to in §27-2106 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

(Ord. 01-05, 12/19/2001, §2107)
PART 22
ZONING ADMINISTRATION

§27-2201. Administration.

1. **Zoning Officer.** This Chapter shall be administered by the Zoning Officer. The Township Board of Supervisors shall appoint a Zoning Officer who shall not hold any elective office in the Township. The Board of Supervisors may, from time to time, appoint deputy Zoning Officers who shall serve under the supervision of the Zoning Officer. The Board of Supervisors shall fix the compensation to be paid to the Zoning Officer and such deputy Zoning Officers as may be appointed to assist the Zoning Officer. The Zoning Officer and deputy Zoning Officers shall serve at the pleasure of the Township Board of Supervisors.

2. **Duties and Responsibilities.** The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the requirements of this Chapter. Within this power, the Zoning Officer shall have duties as follows:

   A. Receive the application and review application for completeness and compliance.

   B. Notify applicants of deficiencies in application(s) and request additional information.

   C. Declare the application officially received.

   D. Distribute applications to the various Township agencies and Boards for reviews and/or approvals, as required.

   E. Maintain file on review processing.

   F. Receive review comments and approvals from the various Township agencies and Boards as required.

   G. Issue building, zoning, temporary, and sign permits after all reviews comments, and approvals as required have been received.

   H. Make inspection(s).

   I. Issue stop work order(s).

   J. Issue denials for permits.

   K. Issue occupancy permits only after all construction and development conforms to the requirements of this Chapter and other related Township ordinances.
and, if applicable, all conditions imposed by the Zoning Hearing Board or Board of Supervisors have been complied with.

L. The Zoning Officer may identify and register nonconforming uses, structures and/or lots as directed by the Board of Supervisors.

M. The Zoning Officer shall meet with the Planning Commission as needed at the Planning Commission's regularly scheduled meeting to keep the Commission abreast of matters concerning land development in the township, and to discuss problems in administering this Chapter or recommend changes to this Chapter.

N. An official record shall be kept of all business and activities of the office of the Zoning Officer specified by provisions of this Chapter.

(Ord. 01-05, 12/19/2001, §2200)

§27-2202. Coordination With Other Requirements.

In all cases, any application for a permit required by this Chapter shall be determined not only on the basis of compliance with this Chapter, but also on the basis of compliance with all other applicable Township ordinances and all other applicable rules and regulations of the various Township, State and Federal authorities and agencies which might be concerned.

(Ord. 01-05, 12/19/2001, §2201)


1. **Permit Required.** A zoning/building permit shall be required prior to the:

   A. Placement, erection, or construction of a building or structure.
   
   B. Structural alteration or reconstruction of a building or structure.
   
   C. Addition to a building or structure.
   
   D. Relocation of a building or structure.
   
   E. Construction of a swimming pool.

2. It shall be unlawful for any person, business, association, partnership or corporation to undertake or cause to undertake any use, construction or development anywhere within the Township unless a zoning/building permit has been obtained from the Zoning Officer.
3. No zoning/building permit under this Chapter shall be required in the case of normal maintenance activities or for alterations which do not structurally change a building. The Township's current building code will dictate the need for a zoning/building permit in other cases.

4. **Application for Permit.**

A. All applications for zoning/building permits shall be made in writing by the owner or his duly authorized agent on a form furnished by the Township. The application shall contain the name, address and phone number of the applicant, the name, address and phone number of the owner of the land or lot on which the construction is proposed, a copy of any deed restrictions or covenants, the name, address and phone number of the contractor or developer, a brief description of the intended use of the structure, a site plan and a building plan drawn to a scale of 1 inch being equal to 100 feet or less, copies of required permits or applications including DEP planning modules for sanitary sewer(s) and copies of any and all other permits or applications for permits pursuant to County State or Federal law, in addition the application shall include:

(1) **Site Plan.** All applications for a zoning/building permit shall be accompanied by three copies of a site plan, drawn to scale showing - North arrow; scale; date of drawing; lot dimensions and total acreage; exact exterior size and location of existing and proposed building(s) or structure(s); exact location and areas of bodies of water, water courses, drainage ways, utility rights of way and easements (both existing and proposed; existing and proposed driveways, streets, and highways, within, adjacent and opposite of the land in question; existing and proposed off-street parking, loading and unloading facilities; existing and proposed building lines, side and rear yard dimensions and any other data as may be deemed necessary for the Zoning Officer. The Zoning Officer shall require the applicant to produce a recent survey of the subject land, if necessary, to provide exact locations and eliminate discrepancies.

(2) **Building Plan.** All applications for a zoning/building permit shall be accompanied by three copies of a building plan drawn to scale showing; exact exterior dimensions to include width, depth and height; elevation above sea level of the lowest floor and basement for all buildings and structures within an identified flood hazard area; type of construction for each building or structure, including foundation, interior and exterior walls, roof, electrical plumbing and heating systems, number of rooms, use of rooms, square footage of interior floors and any other information required by this Chapter or as allowed necessary by the Zoning Officer.

(3) If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for zoning/building permits shall provide all information as required by Part 15
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of this Chapter and the Jackson Township Stormwater Management Ordinance [Chapter 26, Part 1], including, but not limited to, the following information or documents:

(a) Plans of all proposed buildings, structures and other improvements, drawn at required scale showing the following:

1) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.

2) The elevation of the 100 year flood.

3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100 year flood.

4) Detailed information concerning any proposed floodproofing measures.

(b) The following data and documentation:

1) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development in a floodplain area, when combined with all other existing and anticipated development, will not increase the elevation of the 100 year flood more than 1 foot at any point.

2) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the 100 year flood. Such document shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure, building and/or development.

3) Detailed information needed to determine compliance with §§27-1508(F) and 27-1509 hereof including, but not limited to:

a) The amount, location and purpose of any dangerous materials or substances which are intended to be used, produced, stored or otherwise maintained on site.

b) A description of the safeguards incorporated into the design of the proposed structure to
prevent leaks or spills of the dangerous materials or substances listed in §27-1508 hereof during a 100 year flood.

(3) To be considered for approval, a copy of all plans and applications for any proposed construction or development in any identified floodplain area may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals for review and comment.

(4) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection and the Butler County Conservation District, to implement and maintain erosion and sedimentation control.

[Ord. 02-03]

5. Prior to issuing a zoning/building permit to a contractor, the Township shall require the contractor to present proof of workers' compensation insurance or an affidavit that the contractor does not employ other individuals and is not required to carry workers' compensation insurance.

A. Every zoning/building permit issued by Jackson Township to a contractor shall clearly set forth the name and workers' compensation policy and the contractor's Federal or State Employer Identification Number. This information shall be in addition to any information required by this Part and Section. If the zoning/building permit is issued to an applicant which affirms it is not obligated to maintain workers' compensation insurance under the Pennsylvania Workers' Compensation Act as amended, the permit shall clearly set forth the contractor's Federal or State Employer Identification Number and the substance of the affirmation and that the applicant is not permitted to employ any individual to perform work pursuant to the zoning/building permit.

B. Jackson Township shall be named as a workers' compensation policy certificate holder of a contractor-issued zoning/building permit. This certificate shall be filed with the Township's copy of the zoning/building permit. Any insurer issuing a policy certificate holder pursuant to this Section and 77 P.S. §462.2 shall be required to notify Jackson Township of the expiration or cancellation of any such policy of insurance or policy certificate within 3 working days of such cancellation or expiration.

C. Jackson Township shall issue a stop-work order to a contractor who is performing work pursuant to a zoning/building permit upon receiving actual notice that the contractor's workers' compensation insurance or State-approved self-insured status has been canceled. Also, if Jackson Township receives actual notice that a permittee, having filed an affidavit of exemption from workers' compensation insurance, has hired persons to perform work pursuant to a building permits and does not maintain required
workers' compensation insurance, the municipality shall issue a stop-work order. This order shall remain in effect until property workers' compensation coverage is obtained for all work performed pursuant to the zoning/building permit.

D. Nothing in this Section enacted pursuant to Act 44 of 1993 shall be the basis of any liability on the part of the Township of Jackson.

E. For purposes of this subsection, "proof of insurance" shall include a certificate of insurance or self-insurance, demonstrating current coverage and compliance with the requirements of the Pennsylvania Workers' Compensation Act, as amended, or the Occupational Disease Act and the Longshore and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U.S.C. §901 et seq.), its amendments and supplements, where applicable.

6. The Zoning Officer shall issue a zoning/building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

A. Prior to the issuance of any zoning/building permit, the Zoning Officer shall determine if the following permits and administrative requirements have been initiated by the applicant:

(1) **Sewage Disposal.** Determine if an on-lot permit has been issued by the Sewage Enforcement officer or if a sanitary sewer tap-in application has been approved by the sanitary authority with jurisdiction.

(2) **Driveway Permit.** Determine if a driveway permit application has been filed.

(3) **Occupancy Permit.** Determine if an occupancy permit application has been filed.

(4) **House Number.** Determine if a house number application has been filed.

(5) **Subdivision Plan.** Determine if the proposed building is in a recorded subdivision or that a deed has been prepared.

(6) **Land Development Plan.** Determine if the building is in an approved land development plan.

(7) **Airport Overlay Zone.** Determine if a permit is necessary with respect to the Butler County and Zelienople Airport Overlay Zones.

(8) **Erosion and Sedimentation Control Permit.** Determine if application has been made to Butler County Conservation District,
and if delineated wetlands have been fenced as per the provisions of the Jackson Township Subdivision and Land Development Ordinance [Chapter 22].

(9) **Stormwater Permit.** Determine if a permit is necessary and if application has been made.

(10) **Pennsylvania Department of Transportation or Township Driveway Permit.** Determine which permit is required and if application has been made.

(11) Other applicable federal, state, county and local permits and/or approvals have been obtained.

B. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township of Jackson, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management.

C. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs and Economic Development shall be notified by the Township of Jackson prior to any alteration or relocation of any watercourse.

7. It shall be the duty of the Zoning Officer to review the application within 30 days from the date it is deemed administratively complete. No application shall be deemed administratively complete until all documentation required by this Chapter has been received by the Zoning Officer and all applicable fees are paid. Deficiencies in the application will be communicated to the applicant in writing within 14 days of initial submission.

8. Applications for a zoning/building permit shall be accompanied by a fee; payable to the Township of Jackson, based upon the estimated cost of the proposed construction as determined by the Zoning Officer at rates as determined from time to time by the Board of Supervisors which fees shall be paid into the General Fund of the Township.

9. **Action on Building Permits.**

A. Applications for a zoning/building permit shall be reviewed by the Zoning Officer. The Zoning Officer shall render a decision issuing or denying a permit within the 30 days from the date the application is deemed administratively complete.

B. A copy of all plans and applications for any proposed permit located within an identified floodplain or for buildings, structures and accessory uses other than single family dwelling type shall be immediately delivered to the
Township Planning Commission and Township Engineer for review and comment.

C. In event of a denial, the Zoning Officer shall state in writing the reason(s) for such denial including the citation of the specific section(s) of this or other pertinent ordinances.

D. Upon approval of the request for a zoning/building permit, one copy of the site plan and one copy of the building plan shall be returned to the applicant along with one copy of the zoning/building permit which shall be publicly displayed at the building site during the course of construction at such site. One copy of such permit shall be kept on file in the Township office.

E. The zoning/building permit issued shall be prominently posted upon the permitted premises prior to work being undertaken to place, erect, construct, alter, reconstruct, or add to a building or structure. The failure or neglect of the applicant to prominently post the permit and maintain the same throughout the duration of the permitted work shall be a violation of this Chapter. Duplicate permits shall be issued by the Zoning Officer without additional charge. Loss, destruction, or defacement of any posted permit must be promptly reported to the Zoning Officer within 24 hours after such event or casualty, Sundays and legal holidays excepted.

F. All zoning/building permits shall expire upon completion of the work authorized therein to be done or within 1 year from the issuance thereof, whichever event shall first occur. Permits may be issued for periods in excess of 1 year upon cause shown. Any provision hereof to the contrary notwithstanding, a zoning/building permit shall expire if the work authorized therein to be done is not commenced within 180 days from the date of issuance thereof. Renewal of such permit will be granted only upon reapplication for the permit and payment of the applicable fee.

G. After the issuance of a zoning/building permit by the Zoning Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted within the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration. An additional fee may be required where the change or amendment alters the value of the improvements to be made.

H. In the event the Zoning Officer discovers and/or determines that the work under an approved zoning/building permit does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Zoning Officer shall revoke the zoning/building permit and report such incident to the Board of Supervisors. Any such incident shall constitute a violation of this Chapter. [Ord. 02-03]
10. **Inspection.** The Zoning Officer, or his duly appointed representative, shall make the following minimum number of inspections of property for which a zoning/building permit has been issued:

A. Prior to the beginning of construction the applicant shall notify the Zoning Officer when the area has been staked out indicating the dimensions of proposed construction. The Zoning Officer shall inspect the construction site. A record shall be made indicating the time and place of the inspection and the finding of the Zoning Officer in regard to conformance of the proposed construction with plans submitted with the application for the zoning/building permit. If the indicated dimensions and/or location of the proposed construction does not conform to the application, a written notice of a violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Construction shall only proceed after proper correction of the violation and receipt of written notice from the Zoning Officer that the violation has been corrected.

B. At the beginning of construction and prior to constructing walls, the applicant shall notify the Zoning Officer when footer has been formed. The Zoning Officer shall inspect the construction site. A record shall be made indicating the time and date of the inspection and findings of the Zoning Officer in regard to conformance of the construction with plans submitted with the application for the zoning/building permit. If the actual construction does not conform to the application, a written notice of a violation shall be issued by the Zoning Officer, and such violation shall be remedied. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction may proceed.

C. At the completion of construction the applicant shall notify the Zoning Officer when construction is complete. The Zoning Officer shall inspect the site. A record shall be made indicating the time and date of the inspection, the findings of the Zoning Officer in regard to conformance to this Chapter, and the determination of the Zoning Officer in regard to the issuance of an occupancy permit.

D. In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises or development, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter.

(Ord. 01-05, 12/19/2001, §2202; as amended by Ord. 02-03, 7/18/2002, §§8, 9)

§27-2204. **Occupancy Permit.**

1. **Permit Required.** An occupancy permit shall be required prior to:
ZONING

A. Occupy and use a new building or structure or one that has been structurally altered.

B. Occupy and use a building or structure that has been moved or relocated.

C. Change the use and/or ownership and/or tenancy of an existing building, structure, water body, or area of land.

D. Change or extend a nonconforming use, building, or structure.

E. Change the tenancy of any dwelling unit.

F. Occupy any previously vacant public, commercial or industrial building.

2. Application For Permit.

A. All requests for an occupancy permit shall be made in writing, on a Township furnished form, by the owner, lessee, or other authorized agent and shall include a statement of the type of proposed occupancy intended for the building, land or water body.

B. One copy of a plot/plan showing lot dimensions and exact size and location of the building, use, and/or structure as certified by a Pennsylvania registered land surveyor may be required to accompany a request for an occupancy permit. Such plot/plan requirement may be waived by the Zoning Officer when the capital value of new construction does not exceed $1,500, when the occupancy involves a residential accessory use, or when the occupancy involves an existing building or structure for residential use only.

C. An occupancy permit, either for the whole or part of a new building or for the structural alteration of an existing building may be applied for coincident with the application for a zoning/building permit and shall be issued upon completion of construction after inspection shows the same to be in conformance with the provisions of this Chapter.

D. An occupancy permit for a change of use in an existing building shall be applied for and shall be issued before any such building shall be occupied, used, or changed in use.

E. It shall be the duty of the Zoning Officer to review the application within 14 days from the date of initial submission to determine and inform the applicant whether the application is administratively complete.

F. All applications for an occupancy permit shall be accompanied by a fee to be based upon the fee schedule of the Township as from time to time set by resolution of the Board of Supervisors.

3. Action on Occupancy Permits.
A. Upon approval of the request for an occupancy permit, one copy of this permit shall be given to the applicant, and one copy of the permit shall be kept on file in the Township Office.

B. In the event of denial, the Zoning Officer shall forward to the applicant a written statement containing the reason(s) for such denial.

C. An occupancy permit shall remain valid for as long as the structure or building is occupied by the person or corporate entity in whose name the permit has been issued.

4. Inspection.

A. The Zoning Officer, or his duly appointed representative, shall make an inspection of a new, structurally altered or relocated building or structure or a building or structure for which a change of use is proposed. Such inspection may be made upon the completion of construction, if applicable, and may be made at the same time that the final inspection required under the zoning/building permit process is conducted.

B. A record shall be made indicating the time and date of the inspection and the findings of the Zoning Officer in regard to conformance to this Chapter.

C. Such inspection may be made upon other properties for which an occupancy permit has been requested if the Zoning Officer deems it necessary.

5. It shall be unlawful for any person, business association, partnership, or corporation to occupy or cause to be occupied any building or structure unless and until an occupancy permit has been obtained from the Zoning Officer.

6. A temporary occupancy permit may be issued by the Zoning Officer if the proposed tenants or owners of the building desire to occupy the building or a part thereof before all of the site improvements are complete in accordance with the following:

A. A temporary occupancy permit shall not be granted if the unfinished or incomplete improvements are essential to the use or affect the health or safety of the tenants or the general public.

B. A temporary occupancy permit shall be issued for a period not to exceed 180 days and the length of the permit’s duration shall be based on the scope of the project and the season when the permit is issued. The Zoning Officer shall determine the duration of the temporary occupancy permit.

C. A temporary occupancy permit may be renewed one time, if good cause is demonstrated by the applicant, for a period not to exceed 60 days.

D. If the required site improvements are not complete at the expiration of the temporary occupancy permit, the applicant or owner shall be issued a notice.
of zoning violation. If the required site improvements are complete at the expiration of the temporary occupancy permit, the Zoning Officer shall issue a permanent occupancy permit.

E. The Zoning Officer may require an applicant for a temporary occupancy permit to execute an agreement specifying the conditions of the temporary occupancy permit. Also, if any site improvements are not complete when the temporary occupancy permit application is filed, the applicant shall provide the township with financial security in a form acceptable to the Township Solicitor to cover the costs of the incomplete site improvements. An itemized cost estimate specifying the incomplete site improvements shall be submitted with the financial security.

(Ord. 01-05, 12/19/2001, §2203)

§27-2205. Temporary Use or Temporary Outdoor Activity Permits.

1. **Permit Required.** A temporary use permit shall be required prior to the initiation of a permitted, temporary use of a structure, land, or waterbody for the following:

   A. Seasonal sale of produce whether from a portable stand or sectional display unit wherein items are displayed.

   B. The sale of trees or shrubbery for seasonal events.

   C. The periodic sale of crafts such as leather goods, furniture or art from a vehicle.

   D. The sale of special event T-shirts, clothing items, or sports related items from a vehicle.

   E. Multi-day, multi-family yard sales, estate sales and auctions.

   F. Sidewalk sales and other similar activities, which shall be permitted (a) only in commercially zoned areas and (b) only for a maximum of seven consecutive days, limited to three per year.

   G. Temporary structures and construction trailers.

   H. Carnivals.

   I. Circuses.

   J. Assemblies.

   K. Marathons, bicycle races or road rallies.
L. Antique car shows.
M. Still or motion pictures made by any analog or digital recording device.

2. Application for Permit.
   A. All requests for temporary permits shall be made in writing on a form furnished by the Township and shall include a full description of the type of use for which such permit is being sought and the dates during which this use shall be in existence.
   B. It shall be the duty of the Zoning Officer to review the application for completeness within 7 days of initial submission to determine and inform the applicant whether the application is administratively complete.
   C. Unless such requirement is waived by the Township Board of Supervisors, all applications for a temporary permit shall be accompanied by a fee, to be based upon the fee schedule adopted of the Township.

3. Action on Temporary Permits.
   A. Upon approval of the request for a temporary permit, one copy of this permit shall be given to the applicant. This copy of the permit must be publicly displayed at the site of the temporary use during the existence of this use. One copy of the permit shall be kept on file in the Township Office.
   B. In the event of denial, the Zoning Officer shall forward to the applicant a written statement containing the reason(s) for such denial.
   C. Temporary permits are valid for 1 week to 4 weeks during any 1 calendar year. For roadside stands said permit is valid for 1 year renewable upon re-application.
   D. No temporary permit shall be issued for any temporary use where said use would violate any of the provisions of this Chapter.

4. Inspection.
   A. The Zoning Officer, or his duly appointed representative, the Township Emergency Management Coordinator and/or the Township Fire Marshal may make an inspection of the property on which such temporary use is to be located to determine the suitability of the site for the use. This inspection shall be made prior to issuing a permit, prior to initiation of the use, or in the event a renewal of the permit is requested, during the time the use is in existence.
   B. In the event of such inspection, a record shall be made indicating the time and date of the inspection, the findings of the Zoning Officer in regard to
conformance with this Chapter, and other Township ordinances, and the opinion of the Zoning Officer in regard to the suitability of the site for this use.

5. It shall be unlawful for any person, firm, business, association, partnership or corporation to temporarily use any land, building or other structure or waterway or watercourse without having first obtained a permit from the Zoning Officer.

(Ord. 01-05, 12/19/2001, §2204)
PART 23
AMENDMENTS

§27-2301. General Zoning Amendment.

1. Whenever the public necessity, convenience, or general welfare indicate, the Board of Supervisors may by Ordinance and in compliance with applicable laws, particularly the Pennsylvania Municipalities Planning Code, Pennsylvania Act 247, as amended, (P.L. 805, No. 247 of 1968), amend, supplement, or change the regulations, restrictions, district boundaries, or classification of buildings, structures, and land or water as the same are established by this Chapter, or may hereafter be made a part thereof.

2. Applications or Petitions.

A. Amendment applications or petitions may be initiated by any member of the Board of Supervisors, by the Planning Commission, by the Zoning Officer, or by a landowner.

B. Petitions for an amendment(s) shall be filed with the Township Secretary and the petitioner upon filing the petition shall complete an application of a form furnished by the Township and pay a fee in accordance with the schedule fixed by resolution. No petition shall be considered administratively complete until the application is completed including requested documentation and/or illustrations and the fee is paid. This filing fee shall be waived for an application/petition for an amendment when said application/petition is filed by any member of the Board of Supervisors, Planning Commission, or the Zoning Officer.

3. Review Procedure. The Township Secretary upon receipt of the petition, completed application, and filing fee shall submit the petition and application data for the proposed amendment(s) to the Township Planning Commission and Butler County Planning Commission at least 30 days prior to the public hearing to provide the Planning Commission an opportunity to submit recommendations.


A. The Board of Supervisors shall hold a public hearing on the petition and/or application pursuant to public notice. The hearing may be postponed or continued at the request of the applicant or by mutual consent of the parties.

B. If, after any public hearing upon an amendment, the proposed amendment is revised or further revised to include land not previously affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice before proceeding to vote on the amendment.
5. **Rendering the Decision.**

A. The vote and decision shall be held during a regular or special meeting of the Board of Supervisors.

B. Approval of the proposed amendment requested by the petitioners shall be granted by an affirmative majority vote a quorum of the Board of Supervisors.

C. If the proposed amendment requested is not approved, is approved but partially revised, altered, or changed, the petitioner and/or applicant shall be informed by the Board of Supervisors in writing.

(Ord. 01-05, 12/19/2001, §2300)

§27-2302. **Landowners Curative Zoning Amendment.**

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter, or the Official Zoning Map, or any provision hereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment(s) be heard and decided.

2. **Petitions.**

A. Petitions for a curative amendment shall be filed with the Township Secretary. Such petition may be submitted at any time but if an application for a permit or approval is denied under this Chapter, the request shall be made not later than 30 days after notification of such denial.

B. The landowner curative amendment request shall be in writing and shall contain the following:

   (1) A short statement reasonably informing the Board of Supervisors of the matters that are in issue and the grounds for the challenge.

   (2) Plans and other explanatory material reasonably describing the use or development proposed by the landowner in lieu of the use or development permitted by this Chapter or the Official Zoning Map and sufficient enough to evaluate the challenge.

   (3) An amendment or amendments to this Chapter proposed by the landowner to cure the alleged defects specified in the challenge.

3. **Review Procedure.** The Township Secretary upon receipt of the complete petition shall submit the petition to the Township Planning Commission and the Butler County Planning Commission at least 30 days prior to the public hearing to provide
the Planning Commissions an opportunity to submit recommendations.


A. The Board of Supervisors shall hold a public hearing on the challenge and proposed amendment. The hearing shall commence not later than 60 days after the challenge was filed unless the landowner requests or consents to an extension of time. The hearing may be postponed or continued at the request of the landowner or by mutual consent of the parties.

B. The public notice of the hearing shall, in addition to the requirements for advertisement for any amendment, indicate that the validity of this Chapter or Zoning Map is in question and shall indicate the place where and times when a copy of the landowner's petition, including all plans submitted and the proposed amendment(s) may be examined by the public.

C. The public hearing shall be conducted within the following guidelines:

(1) The Chairman or Vice Chairman of the Board of Supervisors presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers including witnesses and documents requested by the parties.

(2) The parties have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross examine adverse witnesses on all relevant issues.

(3) Formal rules of evidence shall not apply but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

(4) The Board of Supervisors shall keep a stenographic record of the proceedings and a transcript of the proceedings as well as copies of graphic or written material received in evidence shall be made available to any party at cost.

(5) The Board of Supervisors shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed, and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representatives unless all parties are given an opportunity to be present.

5. Rendering the Decision.
A. The vote and decision shall be held during a regular or special meeting of the Board of Supervisors.

B. Approval of the proposed amendment shall be granted by an affirmative, majority vote of a quorum of the Board of Supervisors.

C. The landowner's request for a curative amendment shall be considered denied when:

(1) The Board of Supervisors notifies the landowner that it will not adopt the amendment.

(2) The Board of Supervisors adopts another amendment which is unacceptable to the landowner.

(3) The Board of Supervisors fails to act on the landowner's request within 45 days of the close of the last hearing unless the time is extended by mutual consent of the landowner and the Township.

(Ord. 01-05, 12/19/2001, §2301)

§27-2303. Municipal Curative Amendment.

1. The Township, by formal action, may declare this Chapter or portions thereof or declare the Official Zoning Map or portions thereof substantively invalid and propose a curative amendment to overcome such invalidity.

2. Within 30 days following the declaration and proposal the Board of Supervisors shall, by resolution, make specific findings that set forth the declared invalidity of this Chapter or the Official Zoning Map. The resolution may include:

A. Reference to specific uses which are either not permitted or not permitted in sufficient quantity.

B. References to a class of use or uses which require revision.

C. Reference the entire ordinance which requires revisions.

3. Within 30 days following the declaration and proposal, the Board of Supervisors shall begin to prepare and consider a curative amendment to this Chapter and/or the Official Zoning Map to correct the declared invalidity.

4. Within 180 days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate or reaffirm the validity of this Chapter and/or the Official Zoning Map pursuant to the provisions of this Section in order to cure the declared invalidity.

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5. After initiation of the procedure set forth in §27-2303(1), the Township shall not be required to entertain or consider any landowner's curative amendment nor shall the Zoning Hearing Board be required to give a report requested in regard to a challenge to the validity of the Ordinance of the Official Zoning Map when such curative amendment or appeal is based upon grounds identical or substantially similar to those specified in the resolution required in §27-2303(2) of this Chapter. Upon completion of the procedures for a municipal curative amendment, no rights to a cure shall from the date of the declaration and proposal accrue to any landowner on the basis of the substantive invalidity of this unamended Ordinance or the unamended Official Zoning Map for which there has been a municipal curative amendment.

6. The Township after having utilized the municipal curative amendment procedure may not again utilize the municipal curative amendment procedure for a 36 month period following the date of the enactment of a municipal curative amendment or reaffirmation of the validity of this Chapter and the Official Zoning Map through the municipal curative amendment process; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to prepare a curative amendment to this Chapter to fulfill said duty or obligation.

(Ord. 01-05, 12/19/2001, §2302)
PART 24

VALIDITY


Should any section or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Chapter as a whole or any part thereof, and the parts of or sections remaining shall remain in effect as though the part or section declared invalid has never been a part thereof.

(Ord. 01-05, 12/19/2001, §2400)
PART 25
ENFORCEMENT REMEDIES

§27-2501. Actions In Equity.

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, demolished, altered, converted, maintained or used in violation of this Chapter, the Board of Supervisors or, with the approval of the Board of Supervisors, the Zoning Officer or Manager, or any aggrieved owner or tenant of real property who shows that his property or person is or will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises any act, conduct, business or use constituting a violation. When any such action is instituted by landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

(Ord. 01-05, 12/19/2001, §2500)

§27-2502. Enforcement Notice.

1. If it appears to the Township that a violation of this Chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.

3. An enforcement notice shall state at least the following:

A. The name of the owner of record and any other person against whom the Township intends to take action.

B. The location of the property in violation.

C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.

D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

E. That the recipient of the notice has the right to appeal to the Zoning
Hearing Board within 10 days of receipt of such notice in accordance with procedures set forth in Part 21.

F. That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with the sanctions clearly described.

4. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.

5. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

(Ord. 01-05, 12/19/2001, §2501)

§27-2503. Enforcement Remedies.

Any persons, partnership, firm, association or corporation who violates the provisions of this Chapter, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more than $500.00 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays or 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 the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one 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 fees collected for the violation of zoning ordinances shall be paid over to the Township.

(Ord. 01-05, 12/19/2001, §2502)
PART 26

FEES

§27-2601. Fees.

The Board of Supervisors is hereby empowered to adopt a schedule of fees from time to time by resolution to cover the cost of the administration of this Chapter. The fees to be collected may be imposed for, but not limited to, fees for reproduction of this Chapter, zoning/building, occupancy, temporary use and sign permits, and public hearings before the Board of Supervisors or Zoning Hearing Board.

(Ord. 01-05, 12/19/2001, §2600)
APPENDIX A
SCREENING REQUIREMENTS

OPAQUE SCREEN

TYPE A

![Diagram of Opaque Screen Type A]
SEMI-OPAQUE SCREEN

TYPE B

![Semi-opaque screen diagram](image-url)
BROKEN SCREEN

TYPE C

Broken screen

Diagram of broken screen with trees and shrubs arranged in a manner to provide privacy.

Legend:
- Small trees planted at intervals
- Larger trees planted to provide shade
- Open fence
- Shrubs planted to add privacy
APPENDIX B

AIRPORT OVERLAY ZONING MAP AND TOWNSHIP ZONING MAP
AIRPORT OVERLAY DISTRICT

We, the undersigned, do hereby certify this map to be the Official Zoning Map of Jackson Township. We further certify that the Official Map is part of the Jackson Township Zoning Ordinance, Ordinance No.01-05, originally adopted by the Jackson Township Board of Supervisors the 19th day of December, 2001, and amended as follows.

Chairman
Vice-Chairman
Supervisor
Secretary

Revisions

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>07/01/02</td>
<td>Revised zoning district color scheme</td>
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<tr>
<td>07/11/02</td>
<td>Ordinance 02-02, Rezoning of multiple properties</td>
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<tr>
<td>06/11/02</td>
<td>Ordinance 02-08, Rezoning of Tax Parcel No. 18B 47 60 40 to Li Light Industrial</td>
</tr>
</tbody>
</table>

NOTE: The Official Zoning Map bears original signatures and the Township Seal. Copies of this map which are not signed and sealed should not be used for general informational purposes only.
We, the undersigned, do hereby certify this map to be the Official Zoning Map of Jackson Township. We further certify that the Official Map is part of the Jackson Township Zoning Ordinance, Ordinance No. 01-05, originally adopted by the Jackson Township Board of Supervisors the 19th day of December, 2001, and amended as follows.

Chairman
Vice-Chairman
Supervisor
Secretary

Revisions

01/05/02 Revised zoning district map scheme
07/18/02 Ordinance 02-02: Rezoning of multiple properties
09/03/03 Ordinance 02-08: Rezoning of 188 Acre 40-50 EA to L Light Industrial

NOTES: The Official Zoning Map bears original signatures and the Township Seal. Copies of the map, which are unsigned and unseal, should be used for general informational purposes only.
APPENDIX C

ZONING MAP AMENDMENTS

Ord. 02-03 7/18/2002

The property owned by Herbert H. Brittner, Jr., known as Butler County Tax Parcel I.D. Nos. 180-4F-102-9, 180-4F-102-9A, 180-4F-102-9C and 180-4F-102-9Q is rezoned as follows: the portion of the property within 500 feet of State Route 68 and the southwest portion of the property shall remain zoned as a C Commercial District; and the remaining portion of the property is rezoned to a RH Residential High Density District from a C Commercial District and a RA Rural Agricultural District.

The parcel of property owned by Hoyt Forte known as Butler County Parcel I.D. Nos. 180-4F-102-8B-0000 and 180-4F-102-8B-0001 is rezoned to a C Commercial District from a RA Residential Agricultural District.

The two parcels of property owned by Tim and Rhonda Eppinger known as Butler County Tax Parcel I.D. No. 180-4F-102-8A are rezoned to a C Commercial District from a RA Rural Agricultural District.

The property owned by Harmony Properties known as Butler County Tax Parcel I.D. Nos. 180-4F-102-8 and 180-4F-102-8C is rezoned as follows: the northern parcel is rezoned to a RM Residential Medium Density District from a RA Rural Agricultural District; and the southern parcel is rezoned to a RH Residential High Density District from a RA Rural Agricultural District.

The property owned by R. Grace Investments, Inc. known as Butler County Tax Parcel I.D. No. 180-4F-100-S5-H3 is rezoned to a C Commercial District from a RM Residential Medium Density District.
The property owned by Edward L. Smith known as Butler County Tax Parcel I.D. Nos. 180-4F-50-3B, 180-4F-50-4F and 180-4F-50-10A is rezoned as follows: the portion of the northern parcel located between State Route 528 and Likens Run (stream) and extending 1700 feet from State Route 68 is rezoned to a C Commercial District from a RM Residential Medium Density District; and the entire southern parcel is rezoned to a RM Residential Medium Density District from a RA Rural Agricultural District.

The two parcels of property owned by Ed Stengle known as Butler County Tax Parcel I.D. Nos. 180-4F-104-2C2 and 180-4F-104-2B are rezoned to a MCO Mixed Commerce/Office District from a RM Residential Medium Density District.

The two parcels of property owned by Scott Womack known as Butler County Tax Parcel I.D. Nos. 180-4F-100-10AA and 180-4F-100-10AAE are rezoned to a RM Residential Medium Density District from a C Commercial District.

The property owned by Joseph Dripps known as Butler County Tax Parcel I.D. No. 180-4F-104-2CI is rezoned to a MCO Mixed Commerce/Office District from a RM Residential Medium Density District.

The property owned by PMF Trailers, Inc., known as Butler County Tax Parcel I.D. No. 180-4F-50-4E is rezoned to a LI Light Industrial District from a C Commercial District.