Township of Jackson
Lebanon County, Pennsylvania

Zoning Ordinance

Ordinance 8, April 3, 1972
As Amended Through
Ordinance 2-2002, February 19, 2002

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Definitions

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

A. Words used in the present tense include the future tense. The singular includes the plural.

B. The word "person" includes a firm, association, organization, partnership, trust, company and corporation as well as an individual.

C. The word "lot" includes the words "plot" or "parcel."

D. The term "shall" is always mandatory; the word "may" is permissive.

E. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

ACCESSORY BUILDING - a building detached from and subordinate to the principal building or use on the same lot and used for purposes customarily incidental to the principal building, but not including vehicles, mobile homes, travel trailers, truck trailers, or any parts thereof. An accessory building may not house a principal use nor may it stand alone on a lot as a principal building.

ACCESSORY USE - a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ACT 247 - see "Pennsylvania Municipalities Planning Code."

ADULT ARCADE - any place to which the public is permitted or invited wherein coin-operated or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images characterized by the depiction of nudity, specified anatomical areas or specified sexual activities. [Ord. 2-2002]

ADULT BATHHOUSE - an establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activities occur. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of, a licensed medical practitioner. [Ord. 2-2002]

ADULT BODY PAINTING STUDIO - any establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the human body when specified anatomical areas are exposed. [Ord. 2-2002]

ADULT BOOKSTORE or ADULT VIDEO STORE - any commercial establishment which offers, for sale or rental to the public, books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations that depict or describe specified anatomical areas or specified sexual activities, or
instruments, devices or paraphernalia, excluding prophylactics, which are designed for use in connection with specified sexual activities. [Ord. 2-2002]

ADULT BUSINESS - an adult arcade, adult bathhouse, adult body painting studio, adult bookstore or adult video store, adult cabaret, adult massage establishment, adult motion picture theatre, adult model studio, adult motel, adult news rack, adult theatre, escort agency or sexual encounter center. [Ord. 2-2002]

ADULT CABARET - a nightclub, bar, restaurant or other commercial establishment that regularly features persons who appear in a state of nudity; live performances characterized by the exposure of specified anatomical areas or specified sexual activities, films, motion pictures, video cassettes, slides or other visual representations that depict or describe specific anatomical areas or specified sexual activities; or persons who engage in erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers. [Ord. 2-2002]

ADULT MASSAGE ESTABLISHMENT - any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a practitioner who is a certified graduate of an accredited program or certified by the National Certification Board for Massage Therapists and Body Workers. This definition does not include an athletic club, health 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. [Ord. 2-2002]

ADULT MOTION PICTURE THEATRE - an enclosed or unenclosed building with a capacity of more than five (5) persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to showing material depicting or describing specified anatomical areas or specified sexual activities. [Ord. 2-2002]

ADULT MODEL STUDIO - any place where, for consideration or gratuity, nude models display specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted, except that this provision shall not apply to any establishment meeting the requirements for the issuing or conferring of a diploma or degree recognized by the Commonwealth of Pennsylvania. [Ord. 2-2002]

ADULT MOTEL - a motel, hotel or similar establishment that: offers public accommodation for any form of consideration which provides photograph or visual material depicting or describing specified anatomical areas or specified sexual activities and which has a sign visible from the public right-of-way advertising the availability of these reproductions; offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or allows a tenant or occupant of a sleeping room to sub-rent the sleeping room for a period of time that is less than twenty-four (24) hours. [Ord. 2-2002]

ADULT NEWS RACK - any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified anatomical areas, or specified sexual activities. [Ord. 2-2002]

ADULT THEATRE - any theatre, concert hall, auditorium or similar establishment that regularly features persons who appear, in person, in a
state of nudity and/or live performances characterized by the exposure of specified anatomical areas or by specified sexual activities. [Ord. 2-2002]

AGRICULTURE - the cultivation of the soil for food products or other marketable products, not including animal husbandry or storage and/or processing of products grown on other premises.

AIRPORT - an improved airstrip/landing strip where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, accommodations for passengers, freight, etc.

AIRSTRIP/LANDING STRIP - an area adapted with minimal improvements for use as a temporary runway for aircraft.

ALLEY - a public thoroughfare (less than twenty (20) feet. in width), other than a street, which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

ALTERATIONS - any enlargement of the total floor area of a building, any enclosure by adding walls beneath a previously roofed area, any extension of a roof line to cover additional lot area not previously covered, or any construction which increases the cubic content of a building.

ALTERATIONS, STRUCTURAL - any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

ANIMAL HUSBANDRY - the raising, breeding, keeping or care of farm animals or livestock, including fowl or insects, for meat, by-products or other utility which is intended as a business or gainful occupation.

A. Animal Husbandry, Intensive - an intensive animal husbandry use is defined as one in which animal density exceeds two (2) animal equivalent units per acre on a tract of land. For purposes of this definition, an animal equivalent unit is defined as being one thousand (1,000) lbs. of live weight of live stock or poultry animals, regardless of the actual number of individual animals comprising the unit. In order to determine the animal equivalent units per acre, the Zoning Officer shall make reference to the standard weights prepared by the State Conservation Commission. A table of the standard weights is attached to this Chapter, and is located in 25 Pa.Code, Chapter 83. The number of animal equivalent units per acre may be determined by the Zoning Officer by using the method for such calculation as located in 25 Pa.Code, Chapter 83, §262, as in effect at the time of the passage of this amendment. [Ord. 2-1999]

B. Animal Husbandry, Non-Intensive - the practice of raising, breeding, or keeping livestock or fowl that is not included in the definition of "Animal Husbandry, Intensive."

APARTMENT HOUSE - a building occupied by three (3) or more dwelling units.

APPLICATION FOR DEVELOPMENT - every application, whether preliminary, tentative or final required to be filed and approved prior to the start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan. [Ord. 1-1991]

1Editor's Note: The table of standard weights is on file in the Township office.
AREA - the total area taken on a horizontal plane at the main grade level of the main building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

AUTO SALVAGE YARD - a lot, land or structure or part thereof used primarily for the collecting, dismantling, storage and salvaging of motor vehicles or machinery not in running condition and for the sale of parts. A more specific definition is found in the Jackson Township ordinance concerning junkyards [Chapter 13, Part 1].

AUTOMOBILE BODY SHOP - on a lot a building that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers, and/or accessories of automobiles and other vehicles of conveyance.

BASEMENT - a story partly below the finished grade, but having at least one-half (1/2) of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building. A basement shall be considered as one (1) story in determining the permissible number of stories.

BOARD - any body granted Jurisdiction under a land use ordinance or under this Chapter to render final adjudications. [Ord. 1-1991]

BUFFER AREA - a yard space, adjacent to a property line or building, which contains landscaping and plantings designed to screen, separate and shield a potentially incompatible use from adjoining properties.

BUILDING - a structure which has a roof supported by columns, piers, or walls, which is intended for the shelter, housing or enclosure of persons, animals, or chattels, or which is to house a use of a commercial or manufacturing activity.

A. Building, Attached - a building which has two (2) party walls in common.

B. Building, Detached - a building which has no party wall.

C. Building, Semi-Detached - a building which has only one (1) party wall in common.
D. **Building, Principal** - a building in which the principal use of the lot is conducted. [Ord. 1-1991]

**BUILDING AREA** - the total areas of outside dimensions on a horizontal plane at ground level of the principal building and all necessary buildings exclusive of cornices, eaves, gutters, or chimneys projecting not more than eighteen (18) inches; bay windows not extending more than one (1) story and not projecting more than five (5) feet; and steps and balconies.

**BUILDING HEIGHT** - the vertical dimensions measured from the average elevations of the finished lot grade at the front of the building to the highest point of the ceiling of the top story, in the case of a flat roof; to the deckline of a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

**BUILDING LINE** - a line located along and drawn parallel to a wall or other exterior supporting member of a structure or portion thereof, excluding self-supportive projecting architectural features that project five (5) feet or less. Yard requirements are applied from the lot lines to said building lines.

**BUILDING SETBACK LINE** - a line within a lot parallel to an adjacent property line and distant from it the setback depth required in the zoning district containing the lot. The front setback line is parallel to the street right-of-way line a distance equal to the minimum front yard requirements of the zoning district. The side and rear setback lines are similarly situated. The foregoing definition will apply to all lots except flag lots in which the setback line will be a line within the flag lot parallel to the base line of the "flag" and distant from it the setback required in the zoning district containing the lot. [Ord. 3-1994]

**CARPORT** - see "Garage, Private."

**CELLAR** - a story partly below the finished grade having at least one-half (1/2) of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A cellar shall not be considered a story in determining the permissible number of stories.

**CERTIFICATE OF ZONING COMPLIANCE** - a certificate issued and enforced by the Zoning Administrator upon the completion of the construction of a new building or upon a change or conversion of a structure of use or a building which certifies that the applicant has complied with any and all requirements and regulations as provided herein and all other applicable requirements. This certificate is also utilized for registration of nonconforming uses of land in combination.

**CLINIC** - an individual building or cluster of buildings (on a lot in single or common ownership) operated by one (1) or more licensed medical or dental practitioners for the purpose of providing medical or dental treatment to the public on an outpatient basis.

**CO-LOCATION** - the act of placing two (2) or more antennas on one (1) communications tower or other structure. [Ord. 2-2000]

**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. [Ord. 1-1991]
COMMUNICATIONS ANTENNA - any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals including, without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas. [Ord. 2-2000]

COMMUNICATIONS EQUIPMENT BUILDING - an unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than two hundred fifty (250) square feet. [Ord. 2-2000]

COMMUNICATIONS TOWER - a structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas. [Ord. 2-2000]

CONSTRUCTION - the building reconstruction, demolition activities for reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including mobile homes. This shall include the placing of construction materials in a permanent position and fastened or placed in a permanent manner. Earth moving activities shall not be deemed construction.

COVERAGE - see "Lot Coverage."

DECISION - final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter 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 the county and judicial district wherein the Township lies. [Ord. 1-1991]

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

A. The Township Supervisors;
B. The Zoning Hearing Board; or
C. 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 or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal. [Ord. 1-1991]

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. [Ord. 1-1991]

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 development plan" when
used in this Chapter shall mean the written and graphic materials referred to in this definition. [Ord. 1-1991]

DISTRICT - a portion of Jackson Township within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Chapter.

DWELLING, SINGLE-FAMILY DETACHED - a detached (separate) building designed for or occupied exclusively by one (1) family on an individual lot; however, this shall not include single-unit mobile homes which are defined separately.

DWELLING, SINGLE-FAMILY SEMI-DETACHED - a building with one (1) dwelling unit from the ground to roof and only one (1) party wall in common with another dwelling unit. Commonly described as a duplex, the semidetached, single-family dwelling is on an individual lot, is connected on one (1) side to a similar dwelling on an adjacent lot and is usually owner-occupied.

DWELLING, TWO-FAMILY DETACHED - a separate building on an individual lot with two (2) dwelling units from ground to roof (one (1) unit over the other). These units are normally renter-occupied and are not designed for further subdivision.

DWELLING, TWO-FAMILY SEMI-DETACHED - a building with two (2) dwelling units from ground to roof (one (1) unit over the other) and only one (1) party wall in common with another, connected to a building which may contain (1) or two (2) dwelling units. The two-family semi-detached dwelling is on an individual lot, and may be rental or owner-occupied.

DWELLING UNIT - one (1) or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities for one (1) family.

ESCORT - a person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie, or to privately perform a striptease for another person. [Ord. 2-2002]

ESCORT AGENCY - a business which furnishes, offers to furnish or advertises to furnish escorts for a fee, tip or other consideration. [Ord. 2-2002]

FAMILY - one (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, or are legal foster children, no such family shall contain over (5) persons, but provided further that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

FARM - a parcel of land of ten (10) or more acres used principally in the raising or production of agricultural products, with the customary dwelling, farm structures, storage and equipment. Adjoining tracts, parcels or separately deeded properties which are owned and farmed integrally as part of the same farming operation shall be considered Jointly as one (1) farm.

GARAGE, PRIVATE - a building or structure which is accessory to the principal building, which provides for the storage of motor vehicles of the
families residing on the premises and in which no occupation, business or service for profit is conducted.

GARAGE, REPAIR - a structure, building, or area of land or any portion thereof used primarily for the servicing and repair of automotive vehicles. A repair garage may provide one (1) or more of the following services: general mechanical repair of motor vehicles including State inspection, lubrication, washing, or sale of accessories and motor vehicle fuels. Uses permissible as a repair garage do not include work, straightening of body parts, painting, welding, and storage of certain vehicles as per §1002 of this Chapter. A retail garage is not an automobile body shop or a retail automotive parts store.

GARDEN APARTMENTS - multi-family apartment buildings located on a plot of land under one (1) ownership. Garden apartments are two (2) stories high, with individual apartments on each story. Garden apartment buildings shall contain at least four (4), but not more than sixteen (16), dwelling units in a single structure, with the units generally renter-occupied. The garden apartments share: (a) a common yard area which is the sum of the required lot areas of all dwelling units within the complex, (b) common off-street parking, (c) common outside apartment access for some or all units, and (d) central utilities.

GASOLINE STATION - a structure, building, or area of land or any portion thereof that is used solely for the sale of gasoline, or other motor vehicle fuel, lubricants, or minor accessories for travelers' convenience (e.g., windshield wiper blades, spark plugs, fuses, bulbs, etc.). Said use shall not include the sale of automotive parts, tires, service, polishing or washing. Any business or industry dispensing gasoline solely for its own use and vehicles will not be deemed a gasoline station.

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

GROUP CARE FACILITY - a State authorized, certified, or licensed facility, situated and operated as a substitute home with a family environment serving thirteen (13) or less mentally disordered, handicapped, dependent, or neglected persons who do not require nursing care. Adult supervision and supportive care shall be provided to residents on a twenty-four (24) hour basis and shall be in accordance with the Public Welfare Code of Pennsylvania.

HABITABLE FLOOR AREA - the sum of the floor area of all heated, finished rooms within a dwelling unit used on a daily basis for habitation. Such area may include living rooms; recreation rooms; kitchens; dining rooms; bedrooms; bathrooms; hallways; closets; heated and finished basements; cellars, and attics; attached garages which have been converted into an integral part of the living quarters; but does not include garages; porches, whether roofed, unroofed or enclosed; roofed terraces; unfinished and unheated basements, attics, cellars, or garages, etc.

HEIGHT OF A COMMUNICATIONS TOWER - the vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower. [Ord. 2-2000]

HOME OCCUPATION - any gainful occupation conducted within a dwelling which is of a service or professional nature such that the following conditions are met, as applicable: (1) the proprietor engages primarily in the sale of a service, (2) the handling of and durable goods is limited to
primarily repairing or hand-crafting, and (3) the handling of nondurable or consumable goods for sale is incidental to the service. Such home occupations include but are not limited to: physicians, dentists, lawyers, architects, engineers and accountants; insurance, real estate or securities brokers; barbers and beauticians; photographers; tutors of individual students; seamstresses and tailors; and other occupations meeting these criteria which are not otherwise prohibited by law. Occupations of a nature that involve the stocking of items for retail or wholesale transfer, or use of facilities that involve a gathering of people, or occupations that normally use large areas, or customarily are not compatible with dwellings, by virtue of creating excessive noise, fumes, odor, dust, electrical interference, or substantially more than normal residential levels of traffic are prohibited. Prohibited home occupations include but are not limited to: retail and wholesale stores; instructional classes of all types; shops and equipment storage of contractors; auto, truck or engine repair; medical or dental clinics.

HOSPITAL - a place for the diagnosis, treatment, or other care of humans and having facilities for in-patient care including such establishments as a sanitarium, sanitarium, and preventorium.

HOTEL OR LODGING HOUSE - a building used as the more or less temporary abiding place of three (3) or more individuals who are, for compensation, lodged, with or without meals, and in which no provision is made for cooking in any individual room or suite. A hotel may include restaurants, newsstands, and other accessory services primarily for serving its occupants and only incidentally the public.

JUNKYARD - a lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded materials, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof, as more specifically defined in Jackson Township Ordinance No. 2-1964 and its amendments [Chapter 13, Part 1].

KENNEL - see "Pet Kennel."

LAND DEVELOPMENT - any of the following activities:

A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

   (1) A group of two (2) 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; or,

   (2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;

B. A subdivision of land.

C. "Land development" does not include development which involves:

   (1) The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
(27, §101, cont'd)

(2) The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or

(3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

[Ord. 1-1991]

LANDSCAPING - changing, rearranging or adding to the vegetation or appearance of land to produce a visual, aesthetic or environmental effect appropriate to the use of land. Landscaping may include reshaping the land by moving earth, as well as preserving the original vegetation or adding vegetation.

LAUNDROMAT - a business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in a multi-family housing development.

LIVESTOCK - any member of the bovine, equine, porcine, or ovine species, including but not limited to cows, steers, horses, ponies, pigs, sheep and goats.

LOADING/UNLOADING SPACE - an off-street space not less than twelve (12) feet wide, fifty-five (55) feet long and having a minimum clear height of fifteen (15) feet, exclusive of access area, for the parking of one (1) vehicle while loading or unloading merchandise or materials.

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. [Ord. 1-1991]

LOT CORNER - a lot at the point of intersection of and abutting on two (2) or more intersecting streets, and which has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of the two (2) street lines.

LOT INTERIOR - a lot other than a corner lot, the sides of which do not abut a street.

LOT, THROUGH - an interior lot having frontage on two (2) parallel or approximately parallel streets.

LOT AREA - an area of land which is determined by the limits of the property line bounding that area and expressed in terms of square feet or access. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

LOT COVERAGE - the percentage of the lot or property area covered by buildings or structures, excluding driveways, sidewalks, and other standard paved vehicular or pedestrian accessways.

LOT DEPTH - a mean horizontal distance between the front and rear lot line measured in the general direction of its side lot lines.
LOT LINE - any line dividing a lot from another lot, street, or parcel.

LOT WIDTH - the mean horizontal distance between the side lot lines, measured at right angles to its depth. Required lot width shall be measured at the most forward allowable building line or setback line; however, in the case where one (1) side lot line is not parallel to the other side lot line, or of pie-shaped lots, the required lot width shall be measured at a point equal to fifty percent (50%) of the depth of the lot.

MOBILEHOME - a transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. [Ord. 1-1991]

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. [Ord. 1-1991]

MOBILEHOME PARK - a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes. [Ord. 1-1991]

MODULAR HOME - a sectional, single-family dwelling, intended for permanent occupancy, contained in two (2) or more units designed to be permanently joined into one (1) integral unit, which arrives at a site complete and ready for occupancy except for assembly operations and construction of the necessary permanent foundation. For the purposes of this Chapter, modular homes shall be treated the same as conventional stickbuilt single-family dwellings.

MOTEL - a building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed with separate entrances and designed for occupancy, primarily for transient automobile travelers, and provided for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms, but shall not be construed to include mobile or immobile trailers or homes.

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 Authority Act of 1945." [Ord. 1-1991]

NONCONFORMING LOT - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment. [Ord. 1-1991]

NONCONFORMING SIGN - a sign which does not conform to the regulations of the district in which it is located.

NONCONFORMING STRUCTURE - a structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the application of this Chapter or amendment to its location by reason of
annexation. Such nonconforming structures include, but are not limited to, nonconforming signs. [Ord. 1-1991]

NONCONFORMING USE - a use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation. [Ord. 1-1991]

NUDITY - the appearance or showing of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals or vulva, with less than a fully opaque covering, or a female breast with less than a fully opaque covering below the top of the areola at its highest point, or human male genitals in a discernibly turgid state even if completely and opaquely covered. [Ord. 2-2002]

NURSERY, HORTICULTURE - any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the principal use.

NURSING OR CONVALESCENT HOME - a building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

OFFICE, PROFESSIONAL - a building containing office space for one (1) or more persons engaged in occupations or callings which required extensive learned and academic preparation to secure knowledge or skill in a profession such as medicine, law, divinity or science, wherein professional advice, guidance or instruction is provided. Occupations or vocations which are trades, crafts, or business and often involve the sale of a product shall not be considered professional offices.

OPEN SPACE - the unoccupied space, open to the sky, on the same lot with the building.

PARKING LOT - an off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space appurtenant thereto.

PARKING SPACE - an open or enclosed area accessible from a street or alley for parking of motor vehicles for owners, occupants, employees, customers, or tenants of the principal building or use. Each parking space shall be not less than ten (10) feet wide and not less than twenty (20) feet long, exclusive of all drives, curbs, and turning space.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE - this enabling legislation provides the mechanism whereby municipalities can plan for community development throughout the adoption of a comprehensive plan and zoning ordinance and the establishment of planning commissions, planning departments and zoning hearing boards. The Code authorizes the above bodies to request appropriations, charge fees, make inspections, hold public hearings, make legal appeals, and process penalties for violations. For the purposes of this Chapter, the Code, enacted as Act 247 of 1968, is intended to include the current code and any future amendments and shall be referred to hereafter as "Act 247."

PERMIT - building and zoning permit issued by the Zoning Administrator.
PERSONAL WIRELESS SERVICE FACILITIES - facilities for the provision of personal wireless services. [Ord. 2-2000]

PERSONAL WIRELESS SERVICES - include commercial mobile services, unlicensed, wireless services and common carrier wireless exchange access services. [Ord. 2-2000]

PET, HOUSEHOLD - any customary domestic animal or bird that is kept for pleasure rather than utility and which may be kept inside or outside of a dwelling.

PET, NOVELTY - an animal, bird or insect that is kept for pleasure that is not a customary household pet nor of a domesticated variety, provided that it is not otherwise prohibited by law and is kept inside a dwelling.

PET KENNEL - an enclosure or area (located outside a dwelling) which is designed for keeping more than three (3) birds or animals; however, this does not include pet zoos or menageries.

PLANNED RESIDENTIAL DEVELOPMENT - an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Chapter. [Ord. 1-1991]

PLANNING COMMISSION - The Jackson Township Planning Commission.

PLANNING DEPARTMENT SITE REVIEW COMMITTEE - a three (3) to five (5) member committee appointed by the Director of the Lebanon County Planning Department from Department personnel. The committee reviews sites to provide recommendations on design and appropriate use of vegetation, topography, building orientation and other site amenities which will result in effective energy conservation and environmental control.

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

PRINCIPAL USE - the main purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

PRIVATE ROAD - a legally established road right-of-way, other than a street, which provides the primary vehicular access to a lot.

PUBLIC GROUNDS - includes:

A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;

B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and 

C. Publicly owned or operated scenic and historic sites. [Ord. 1-1991]

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 this Chapter. [Ord. 1-1991]
PUBLIC MEETING - a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§271 et seq. [Ord. 1-1991]

PUBLIC NOTICE - notice published once each week for two (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 thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. [Ord. 1-1991]

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. [Ord. 1-1991]

RESTAURANT, DRIVE-IN - a commercial establishment where food or beverage is sold for consumption on the premises either in a customer's vehicle or in an outside area, but not within a building.

RESTAURANT, DRIVE-THROUGH - an accessory use to a commercial restaurant where the customer receives food or beverage via a drive-up window without the need for the customer to leave his vehicle.

RESTAURANT, FAST FOOD - a commercial establishment where a limited selection of food or beverage is sold either for consumption on the premises or as a "take-out" service. Food preparation is designed for immediate service to customers and food is normally prepared in advance to facilitate this type of "fast" service.

ROW HOUSE - see "Town House."

SANITARIUM, SANATORIUM - a private hospital, whether or not such facility is operated for profit.

SETBACK - the horizontal distance from a lot line to the part of the building nearest to such a lot line.

SEXUAL ENCOUNTER CENTER - a business or commercial enterprise that offers, for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex and/or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity. [Ord. 2-2002]

SHOPPING CENTER - a group of stores, two (2) or more in number, planned and designed as an integrated unit advertise; and (3) is visible from outside a building.

A. Freestanding Sign - an independently supported sign which is not attached to any building or structure.
B. **Wall Sign** - a sign erected or displayed on or parallel to the surface of a building and does not project more than twelve (12) inches therefrom.

C. **Projecting Sign** - a sign erected or displayed which is attached to the wall of a building and projects in a perpendicular fashion from said wall. Wall signs that project more than twelve (12) inches shall be treated as projecting signs.

D. **Roof Sign** - a sign erected or displayed on a roof top; roof signs shall not exceed the maximum height requirements for buildings or structures.

SIGN, ADVERTISING - any sign which is owned or operated by any person, firm or corporation engaged in the business of outdoor advertising for direct profit gained from the rental of such signs or any sign advertising a commodity not sold or produced on the premises, including "billboards."

SIGN, DOUBLE-FACED - a sign consisting of two (2) display areas placed back to back or joined along a common edge and is treated as having one (1) sign area. If the display areas are joined along a common edge and the interior angle is greater than forty-five (45) degrees, the structure shall be treated as having two (2) sign areas.

SIGN AREA - the area of a sign shall be construed to include the entire display surface and background, whether open or enclosed, which encompasses lettering, wording, designs and symbols, but not including any supporting framework and bracing which is incidental to the display itself. The area shall be determined using the largest visible sign or silhouette area. When the sign consists of individual letters or symbols attached to or printed on a surface, the area shall be considered to the be smallest rectangular shape or shapes which can be drawn together to encompass all of the letters and symbols.

SITE PLAN - a plan of a lot or subdivision on which is shown topography; locations of all building, roads, rights-of-way, and boundaries; all essential dimensions and bearings; and any other information deemed necessary by the Township in unusual or special cases.

SPECIAL EXCEPTION - a use permitted in a particular zoning district pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10601 et seq., 10901 et seqi. [Ord. 1-1991]

SPECIFIED ANATOMICAL AREAS - the human male genitals in a discernibly turgid state, even if fully and opaque covered; and less than completely or opaque covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola. [Ord. 2-2002]

SPECIFIED SEXUAL ACTIVITIES - the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts, whether covered or uncovered; sex acts, either normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy; masturbation, actual or simulated; or excretory functions as a part of or in connection with any of these described activities. [Ord. 2-2002]

STORY - a story is that part of a building between the surface of any floor and the next floor above it or in its absence, the finished ceiling or roof above it. A "split level" story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the
finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two (2) feet below the top plate shall be counted as a story; and, if less than two (2) feet below the top plate, shall be counted as a half story.

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. [Ord. 1-1991]

STREET LINE - the line determining the limit of the street or public right-of-way, either existing or contemplated. Also referred to as the street line or road right-of-way line. Where a definite right-of-way width has not been established, the street line shall be determined as a line twenty-five (25) feet from the center line of the existing street.

STRUCTURE - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. [Ord. 1-1991]

SUBDIVISION - the division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. [Ord. 1-1991]

TOWN HOUSE - a single-family dwelling located on an independent lot and constructed as a part of a series of three (3) or more connected single-family dwellings with one (1) dwelling unit from floor to roof. Town houses are typically two (2) stories high and units are considered attached dwellings, except for the end units of a building series which are semi-detached. Town houses are generally owner-occupied and provide residents with individuals yards, parking, and utility access. Common area and facilities, including parking areas, may be designed for joint utilization by all residents of the town house development.

TRAVEL TRAILER - a vehicular portable structure built on a chassis (motorized home, converted bus, tent trailer, tent, or similar device) designed to be used as a temporary dwelling for travel and recreational purposes.

VARIANCE - relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S §10101 et seq. [Ord. 1-1991]

WATER SURVEY - an inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Township. [Ord. 1-1991]

YARD - an open space, other than a court, unoccupied by a structure; provided, however, that fences, walls, posts, trees, lawn furniture, and other customary yard accessories are permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

YARD, REQUIRED FRONT - an unoccupied space, open to the sky, provided between the front property line (road right-of-way line) and a line drawn
parallel thereto, at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

YARD, REQUIRED REAR - an unoccupied space, open to the sky, between the rear property line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending for the full depth of the lot.

YARD, REQUIRED SIDE - an unoccupied space, open to the sky, between the side property line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending for the full depth of the lot.

YARD, FRONT - an unoccupied space, open to the sky, between the front property line (road right-of-way line) and the building line of the principal building closest to the front property line.

YARD, REAR - an unoccupied space, open to the sky, between the rear property line and the building line of the principal building which is closest to the rear property line.

YARD, SIDE - an unoccupied space, open to the sky, between the side property line and the side building line of the principal building. In most cases, a lot has two (2) side yards located on opposite sides of the principal building.

ZONING ADMINISTRATOR - the agent(s) or official(s) designated by the Township Supervisors to enforce this Chapter.

A. General

§201. Official Zoning Map

1. The Township is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter 27.

2. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors attested by the Secretary and bearing the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in Article 2, section 2.01 of Ordinance No. 6/4/1984 of the Township of Jackson, Lebanon County, Pennsylvania, this Chapter 27, together with the date of the adoption of this Chapter 27.

3. If, in accordance with the provisions of this Chapter 27 and Article 6, "Pennsylvania Municipalities Planning Code," changes are made in district boundaries or other matter portrayed on the Official Zoning Map promptly after the amendment has been approved by the Township Supervisors with an entry on the Official Zoning Map as follows: "On (date), by official action of the Township Supervisors, the following (change) changes were made in the Official Zoning Map; (brief description of nature of change) which entry shall be signed by the Chairman of the Township Supervisors attested by the Township Secretary. No amendment to this Chapter 27, which involves matter portrayed on the Official Zoning Map, shall become effective until after such change and the entry has been made on said Map."

4. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Chapter 27. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Chapter 27 and punishable as provided under Part 26.

5. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map which shall be located in the Office of the Township Supervisors shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.

(Ord. 8, 4/3/1982, §2.2)


1. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Township Supervisors may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Map or any subsequent
amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairman of Supervisors attested by the Township Secretary and bearing the seal of the Township under the following words: "This is to certify that this Official Zoning Map, adopted April 3, 1972, as part of Chapter 27 of this Code.

2. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map, or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

(Ord. 8, 4/3/1972, §2.2)
B. Zoning Map Amendments

<table>
<thead>
<tr>
<th>Ord./Res.</th>
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<th>Subject</th>
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<tbody>
<tr>
<td>2-1973</td>
<td>7/2/1973</td>
<td>Increasing the size of the Commercial District.</td>
</tr>
<tr>
<td>1-1975</td>
<td>5/19/1975</td>
<td>Increasing the size of the Commercial District and decreasing the size of the Agricultural District.</td>
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<tr>
<td>1-1980</td>
<td>6/16/1980</td>
<td>Increasing the size of the Commercial District and decreasing the size of the Agricultural District.</td>
</tr>
<tr>
<td>1-1981</td>
<td>1/19/1981</td>
<td>Increasing the size of the R-1 District and decreasing the size of the Agricultural District.</td>
</tr>
<tr>
<td>2-1986</td>
<td>4/7/1986</td>
<td>Including mobile home parks and subdivision with the I-1, Industrial District.</td>
</tr>
<tr>
<td>1-1987</td>
<td>4/6/1987</td>
<td>Rezone three tracts of land:</td>
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<td></td>
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<td>1. South of King St. (400 Ft Deep) to South Lebanon Twp. from Agricultural District to Industrial District.</td>
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<td>2. Area North of King St. to railroad a boundary on the west by South Lebanon Twp. from Agricultural to Industrial.</td>
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<td></td>
<td>3. Area to southeast of intersection of Ramona Rd. and Main St., and north of railroad, from Agricultural and R-3 Residential to Industrial.</td>
</tr>
<tr>
<td>1-1987</td>
<td>4/6/1987</td>
<td>Rezoning a certain tract of land within the R-2 Medium Density Residential District and Agricultural District to an Industrial District; and amending Agricultural Districts to allow airfields, airstrips or landing facilities and building.</td>
</tr>
<tr>
<td>1-1990(I)</td>
<td>12/17/1990</td>
<td>Rezone all of the property owned by David G. Lawrence and Naomi O. Lawrence located at the northeast intersection of Rosebud Road and Hilltop Road, from Agricultural District to R-1 (Low Density Residential) District.</td>
</tr>
</tbody>
</table>
Ord./Res. | Date | Subject
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B. Rezoning all land south of U.S. Route 422 heretofore designated as Class A - Agricultural District land, as well as all land north of U.S. Route 422 and east of U.S. Route 501 heretofore designated as Class A - Agricultural District land, from Agricultural (A) to High Intensity Agricultural (A-2).

3-2001 | 9/4/2001 | Rezoning a tract of land west of Ramona Road and east of the Township boundary line from Agricultural (A) to Industrial (I).

4-2001 | 11/5/2001 | Rezoning a tract of land north of State Road 422 and west of Martin Road as follows: 18.5005 acres from Low Density Residential (R-1) to Agricultural (A); 10.8016 acres from Low Density Residential (R-1) to Commercial (C); 7.1508 acres from Agricultural (A) to Commercial (C).

5-2001 | 3/12/2001 | Rezoning a tract of land north of State Road 422 and west of Ramona Road from Commercial (C) to Medium Density Residential (R-2).
Part 3
Rules for Interpretation of District Boundaries

§301. Rules for Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following Township limits shall be construed as following such Township limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as parallel to or extensions of features indicated in Subsections (1) through (4) above shall be so construed. Distances not specifically on the Official Zoning Map shall be determined by the scale of the map;
6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Map, or in other circumstances not covered by Subsections (1) through (5) above, the Zoning Hearing Board shall interpret the district boundaries.
7. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Chapter 27, the Zoning Hearing Board may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50') feet beyond the district line into the remaining portion of the lot.

(Ord. 8, 4/3/1972, Art. III)
Part 4
Application of District Regulations

§401. Minimum Regulations. The regulations set by this Chapter 27 within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided. (Ord. 8, 4/3/1972, Art. IV)

§402. Specific Regulations. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located. (Ord. 8, 4/3/1972, §4.1)

§403. Erecting and Altering. No building or other structure shall hereafter be erected or altered:
1. To exceed the height or bulk;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area;
4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this Chapter 27.
(Ord. 8, 4/3/1972, §4.2)

§404. Compliance. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Chapter 27 shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building. (Ord. 8, 4/3/1972, §4.3)

§405. Reduction of Dimension of Yards and Lots. No yard or lot existing at the time of passage of this Chapter 27 shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter 27 shall meet at least the minimum requirements established by this Chapter 27. (Ord. 8, 4/3/1972, §4.4)

§406. Dispute of Districts. When a specific use is neither permitted nor prohibited in the schedule of district regulations, the Zoning Hearing Board shall make a determination, as an administrative review, as to the similarity or compatibility of the use in question to the permitted uses in the district, basing the decision on the overall intent stipulated for this district. (Ord. 8, 4/3/1972, §4.5; and by Ord. 6/4/1984, 6/4/1984, §4.05)

§407. Overlapping Districts. Where a district boundary line divides a lot, which was a lot of record at the time of adoption of this Chapter 27, the Zoning Administrator may permit the extension of the requirements
of the less restrictive district no more than thirty (30') feet into the
remaining portion of the lot located in a more restrictive district.
(Ord. 6/4/1984, 6/4/1984, §4.06)

§408. Annexation of Territory. All territory which may hereafter be
annexed to the Township shall be considered to be in the (A) Agricultural
District until otherwise classified. (Ord. 8, 3/4/1972, §4.5; as amended by
$501. Use Districts. For the purpose of regulating and restricting the location of trades, industries, multiple-family houses, single-family houses, and other uses of property the number of square feet of lot area per family house, the width of lots, the location and size of yards, and the size and height of buildings, the Township is divided into classes of use districts termed respectively:

1. Class A-1 or Low Intensity Agricultural District
2. Class A-2 or High Intensity Agricultural District
3. Class R-1 or Low Density Residential District
4. Class R-2 or Medium Density Residential District
5. Class C-1 or General Commercial District
6. Class I-1 or Industrial District
7. Class F-1, F-2 and F-3 or Floodplain Districts

(Ord. 8, 4/3/1972, §5.1; as amended by Ord. 6/4/1984, 6/4/1984, §5.01; and by Ord. 1-2001, 4/2/2001, §1A))
Part 6
Agricultural District

A. A-1 - Low Intensity Agricultural District

§601. Intent. The regulations of the Low Intensity Agricultural District are designed to protect and preserve the existing agricultural lands of the Township, while recognizing the benefits of non-farm usage and limited development where soils are less conducive to farming. Limited residential, non-residential and farm related commercial uses are permitted to facilitate those individuals who may desire to locate in an agricultural setting. (Ord. 8, 4/3/1972, §6.1; as amended by Ord. 6/4/1984, 6/4/1984, §6.01; by ord. 1-1997, 1/6/1997, §1; and by Ord. 1-2001, 4/2/2001, §1B)

§602. Permitted Uses. The following permitted uses are permitted in Agricultural Districts, subject to the requirements listed herein and in §604 of this Part:

A. Agriculture, crop and truck farming, pasturing, truck gardening, horticulture and similar agricultural uses. Greenhouses are also permitted, provided that they do not involve retail sales of items stocked for resale.

B. Nonintensive animal husbandry.

C. Pet kennels, provided that they are located a minimum of one hundred (100) feet from any right-of-way or lot line.

D. Public conservation areas for the preservation of open space, water, soil, forest and wildlife resources.

E. Public park and recreation areas, forest preserves, game refuges and similar nonintensive uses.

F. Golf courses and country clubs.

G. Churches, associated parish houses and cemeteries.

H. Single-family dwellings and mobile homes, in accordance with the requirements of §604 of this Part, including maximum lot area requirements.

I. Customary accessory uses and structures incidental to any of the above permitted uses, including the following:

   (1) Roadside stands for the sale of "home grown" or "home made" products when located not less than twenty (20) feet from the road cartway and not within the road right-of-way.

   (2) Home occupations and accessory uses, as regulated in Part 14 of this Chapter.
§603. Special Exceptions. Upon approval by the Zoning Hearing Board, the following special exception uses are permitted, provided the use complies with the conditions listed herein and any other Parts governing special exceptions. Additionally, the requirements of §604 of this Part, including maximum lot area, shall apply.

A. Semi-public or private recreational areas, game and wildlife hunting and gunning clubs, camps and structures necessary for the operation of these uses.

B. Riding academies, commercial stables and animal hospitals.

C. Saw mills and other establishments associated with forestry activities.

D. Agriculturally oriented commercial establishments (e.g., farm implement dealers, feed mills, seed stores, butchering shops, etc.).

E. Group care facilities provided that:

   (1) Plans for the facilities are approved by the appropriate local and State agencies; i.e., Department of Labor and Industry and Department of Public Welfare.

   (2) The group homes do not cluster in large numbers in the Township, that is, no more than three (3) percent of the population (according to the most recent U.S. Census) of the Township can be residents of group homes.

   (3) There shall be no more than thirteen (13) aged, handicapped, dependent, neglected, disabled or mentally ill residents and no more than eight (8) mentally retarded residents in any one (1) group care facility unless the applicable State standards are changed, then the new standards shall apply.

F. Junkyards and auto salvage yards used for storage, wrecking and converting used or discarded materials provided that such visible use is not less than fifty (50) feet from any roadway and is not less than five hundred (500) feet from any R-1 or R-2 District.

G. Any buildings which exceed two and one-half (2 1/2) stories or thirty-five (25) feet in height. (See exception at §1421.)

H. Conversion Apartments. Any farm house or dwelling may be converted to a dwelling for more than one (1) family provided that:
(1) The lot area per family is not reduced thereby to an amount less than two-thirds (2/3) of that required by this Chapter for the district in which the designated lot is located.

(2) There is no exterior evidence of change in the building except as required by other ordinances of the Township.

(3) Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.

(4) Off-street parking shall be provided in accordance with Part 15 hereof.

(5) There is provided at least four hundred (400) square feet per apartment.

(6) The plans for the conversion of said building shall be submitted to the Zoning Hearing Board for review and approval.

I. Airport Facilities. Airfields, airstrips or landing facilities for any type of small or medium-size aircraft and buildings accessory thereto provided that the following conditions are met:

(1) For airfields and airstrips, a minimum lot area of ten (10) acres; and for helipads, a minimum lot area of two (2) acres.

(2) Applicant shall submit a plot plan of the lot indicating the landing pad, runway and approach area and existing residences located within a five hundred (500) foot radius of the runway or landing area.

(3) Landing pads or runways shall be no closer than one hundred (100) feet to any residential district and no closer than fifty (50) feet to any property line or road right-of-way line.

(4) A description of equipment and facilities to be utilized, and a description of the overall development plans for the lot shall be made available to the Zoning Hearing Board.

(5) The airport or landing pad approach shall be defined as a three hundred (300) foot wide area lying within and below an inclined plane extending outward horizontally one thousand (1,000) feet at a ratio of one (1) foot height to each twenty (20) feet of length of an established airport runway or landing pad, with no structure or airport hazard to exceed thirty-five (35) feet high in height anywhere within the lot.

(6) Any radio or electronic device shall be permitted only with approval and license by the Federal Communications Commission.

(7) Any landing facility shall obtain the approval of the appropriate licensing body including, but not limited to, the Federal Communications Commission, the Federal Aviation Administration or the Pennsylvania Aviation Commission.
(8) The Zoning Hearing Board may impose other conditions as are appropriate to the public safety and welfare, including hours of operation, frequency of use and location in relation to existing residences.

J. Animal husbandry, intensive, shall be permitted by special exception, and the grant of such a special exception is conditioned upon the following:

(1) Approval for such operations from the Pennsylvania Department of Environmental Protection, as required by the Nutrient Management Act Regulations, Title 25, [Pa. Code], Chapter 83, as amended, and any other agency required to review said operations under the said act and related regulations.

(2) Intensive animal husbandry use facilities including, but not limited to, structures and manure storage facilities related to the use, except reception pits and transfer pipes, shall not be constructed:

(a) Within one hundred (100) feet of a perennial stream, river, spring, lake, pond or reservoir.

(b) Within one hundred (100) feet of a private water well or open sinkhole.

(c) Within one hundred (100) feet of an active public drinking water well, unless other State or Federal laws or regulations require a greater isolation distance.

(d) Within one hundred (100) feet of an active public drinking water source surface intake, unless other State or Federal laws or regulations require a greater isolation distance.

(e) Within one hundred (100) feet of a property line, unless the owners of land within the one hundred (100) foot distance from the facility otherwise agree and execute a waiver in a form acceptable to the Zoning Hearing Board.

(f) Within two hundred (200) feet of a perennial stream, river, spring, lake, pond, reservoir or any water well where these facilities (except permanent stacking and compost facilities) are located on slopes exceeding eight (8) percent or have a capacity of one and one-half (1.5) million gallons or greater.

(g) Within two hundred (200) feet of a property line where these facilities (except permanent stacking and compost facilities) are located on slopes exceeding eight (8) percent where the slope is toward the property line, or have a capacity of one and one-half (1.5) million gallons or greater, unless the owners of land within the two hundred (200) foot distance from the facility otherwise agree and execute a waiver in a form acceptable to the Commission.
(h) Within two hundred (200) feet of any residentially zoned property.

(i) Set back requirements stated in this subsection (2) shall not apply to structures located on the same parcel as the proposed use.

(3) Solid or liquid waste facilities shall not be permitted until such time as compliance with the Title 25, [Pa. Code], Chapter 83, Regulations, as amended, is demonstrated by the applicant in writing. The previously enacted provisions of the township regarding the regulation of manure handling and facilities remain in full force and effect to the extent that they are not preempted by State or Federal law or as modified by this subsection.

(4) Any entrances, exits and/or driveways which lead on to a State or Township road must have all proper permits from either Township or State authorities and otherwise comply with all Township and/or State regulations.

(5) All proposed entrances and exits to the intensive animal husbandry use shall be improved in a manner which does not allow mud or gravel to be deposited or accumulated on abutting public streets and said improvements may include either paving or stoning of the said entrances and exits.

(6) In order to minimize odor produced by an intensive animal husbandry use located on any tract within the Township, any party granted a special exception to maintain an animal husbandry intensive use shall be required to inject manure or incorporate manure into the soil within forty-eight (48) hours of application where reasonable farming practices permit said injection or incorporation and where such requirement is not preempted by State or Federal law.


§604. Lot and Yard Requirements. A lot area, lot width, lot coverage, yard depth and building height satisfying the requirements of the following table, unless otherwise specified heretofore in §§602, 603, shall be provided for every dwelling unit and/or principal nonresidential building or use hereinafter erected, altered or established in this district.

DISTRICT REQUIREMENTS
ZONING

LOT REQUIREMENTS

<table>
<thead>
<tr>
<th>USE</th>
<th>MIN. LOT AREA</th>
<th>MIN. LOT WIDTH</th>
<th>MAX. LOT COVERAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nonresidential Use or Building (Specified in §602 A-G)</td>
<td>2 acres</td>
<td>150'</td>
<td>20%</td>
</tr>
<tr>
<td>Use or Building (Specified by Special Exception in §603)</td>
<td>2 acres</td>
<td>150'</td>
<td>20%</td>
</tr>
<tr>
<td>Residential Single-Family Detached or Mobile Home</td>
<td>1 acre</td>
<td>125'</td>
<td>20%</td>
</tr>
</tbody>
</table>

YARD REQUIREMENTS

<table>
<thead>
<tr>
<th>USE</th>
<th>FRONT</th>
<th>ONE SIDE</th>
<th>TOTAL SIDE</th>
<th>REAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nonresidential Use or Building (Specified in §602 A-G)</td>
<td>40'</td>
<td>20'</td>
<td>40'</td>
<td>40'</td>
</tr>
<tr>
<td>Use or Building (Specified by Special Exception in §603)</td>
<td>40'</td>
<td>20'</td>
<td>40'</td>
<td>40'</td>
</tr>
<tr>
<td>Residential Single-Family Detached or Mobile Home</td>
<td>40'</td>
<td>20'</td>
<td>40'</td>
<td>40'</td>
</tr>
</tbody>
</table>

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height unless authorized by special exception.


$607. Supplementary District Regulations. The supplementary district regulations in Part 14 shall apply, where applicable, as additional requirements for this district. (Ord. 6/4/1984, 6/4/1984, §6.07; as amended by Ord. 1-1997, 1/6/1997, §7; and by Ord. 1-2001, 4/2/2001, §1B)

$608. Environmental Improvements and Energy Conservation Requirements. The environmental and energy requirements in Part 27 shall apply, where applicable, as additional requirements for this district. (Ord. 6/4/1984, 6/4/1984, §6.08; as added by Ord. 1-1997, 1/6/1997, §8; and as amended by Ord. 1-2001, 4/2/2001, §1B)

$609. Agricultural Nuisance Disclaimer. Lands within the Low Intensity Agricultural District are used primarily for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from the normal and accepted agricultural practice and operations including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, storage and disposal of manure, the application of fertilizers, herbicides and pesticides. Owners, residents and users of this property should be prepared to accept these conditions and are hereby put on special notice that §4 of the Pennsylvania Act 133 of 1982, the "Right to Farm Law," may bar them from obtaining a legal judgment against such normal agricultural operations. (Ord. 6/4/1984, 6/4/1984, §6.09; as added by Ord. 1-1997, 1/6/1997, §9; and as amended by Ord. 1-2001, 4/2/2001, §1B)
B. A-2 - High Intensity Agricultural District.

§621. Intent. The regulations of the High Intensity Agricultural District are designed to protect and preserve the existing prime agricultural lands of the Township and those areas where environmental conditions are most conducive to agricultural operations which will produce high crop yields. Principal protection and preservation emphasis is concentrated on farmland and conversion to non-farm usage is discouraged. While this district is composed primarily of prime farmland, limited residential, non-residential and farm related commercial purposes are permitted in those areas within the district designated as non-prime farmland in order to facilitate those individuals who may desire to located in a primarily agricultural setting.  
(Ord. 8, 4/3/1972; as added by Ord. 1-2001, 4/2/2001, §1B)

§622. Permitted Uses. The following permitted uses are permitted in High Intensity Agricultural Districts, subject to the requirements listed herein and in §§624 and 625 of this Part:

A. Agriculture, crop and truck farming, pasturing, truck gardening, horticulture and similar agricultural uses. Greenhouses are also permitted, provided that they do not involve retail sales of items stocked for resale.

B. Nonintensive animal husbandry.

C. Pet kennels, provided that they are located a minimum of one hundred (100) feet from any right-of-way or lot line.

D. Public conservation areas for the preservation of open space, water, soil, forest and wildlife resources.

E. Public park and recreation areas, forest preserves, game refuges and similar nonintensive uses.

F. Golf courses and country clubs.

G. Churches, associated parish houses and cemeteries.

H. Single-family dwellings, in accordance with the requirements of §§624 and 625 of this Part, including maximum lot area requirements.

I. Customary accessory uses and structures incidental to any of the above permitted uses, including the following:

   (1) Roadside stands for the sale of "home grown" or "home made" products when located not less than twenty (20) feet from the road cartway and not within the road right-of-way.

   (2) Home occupations and accessory uses, as regulated in Part 14 of this Chapter.

(Ord. 8, 4/3/1972; as added by Ord. 1-2001, 4/2/2001, §1B)
§623. Special Exceptions. Upon approval by the Zoning Hearing Board, the following special exception uses are permitted, provided the use complies with the conditions listed herein and any other Parts governing special exceptions. Additionally, the requirements of §§624 and 625 of this Part, including maximum lot area, shall apply.

A. Semi-public or private recreational areas, game and wildlife hunting and gunning clubs, camps and structures necessary for the operation of these uses.

B. Riding academies, commercial stables and animal hospitals.

C. Saw mills and other establishments associated with forestry activities.

D. Agriculturally oriented commercial establishments (e.g., farm implement dealers, feed mills, seed stores, butchering shops, etc.).

E. Group care facilities provided that:

   (1) Plans for the facilities are approved by the appropriate local and State agencies; i.e., Department of Labor and Industry and Department of Public Welfare.

   (2) The group homes do not cluster in large numbers in the Township, that is, no more than three (3) percent of the population (according to the most recent U.S. Census) of the Township can be residents of group homes.

   (3) There shall be no more than thirteen (13) aged, handicapped, dependent, neglected, disabled or mentally ill residents and no more than eight (8) mentally retarded residents in any one (1) group care facility unless the applicable State standards are changed, then the new standards shall apply.

F. Junkyards and auto salvage yards used for storage, wrecking and converting used or discarded materials provided that such visible use is not less than fifty (50) feet from any roadway and is not less than five hundred (500) feet from any R-1 or R-2 District.

G. Any buildings which exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height. (See exception at §1421).

H. Conversion Apartments. Any farm house or dwelling may be converted to a dwelling for more than one (1) family provided that:

   (1) The lot area per family is not reduced thereby to an amount less than two-thirds (2/3) of that required by this Chapter for the district in which the designated lot is located.

   (2) There is no exterior evidence of change in the building except as required by other ordinances of the Township.

   (3) Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.
(4) Off-street parking shall be provided in accordance with Part 15 hereof.

(5) There is provided at least four hundred (400) square feet per apartment.

(6) The plans for the conversion of said building shall be submitted to the Zoning Hearing Board for review and approval.

I. Airport Facilities. Airfields, airstrips or landing facilities for any type of small or medium-size aircraft and buildings accessory thereto provided that the following conditions are met:

(1) For airfields and airstrips, a minimum lot area of ten (10) acres; and for helipads, a minimum lot area of two (2) acres.

(2) Applicant shall submit a plot plan of the lot indicating the landing pad, runway and approach area and existing residences located within a five hundred (500) foot radius of the runway or landing area.

(3) Landing pads or runways shall be no closer than one hundred (100) feet to any residential district and no closer than fifty (50) to any property line or road right-of-way line.

(4) A description of equipment and facilities to be utilized, and a description of the overall development plans for the lot shall be made available to the Zoning Hearing Board.

(5) The airport or landing pad approach shall be defined as a three hundred (300) foot wide area lying within and below an inclined plane extending outward horizontally one thousand (1,000) feet at a ratio of one (1) foot height to each twenty (20) feet of length of an established airport runway or landing pad, with no structure or airport hazard to exceed thirty-five (35) feet high in height anywhere within the lot.

(6) Any radio or electronic device shall be permitted only with approval and license by the Federal Communications Commission.

(7) Any landing facility shall obtain the approval of the appropriate licensing body including, but not limited to, the Federal Communications Commission, the Federal Aviation Administration or the Pennsylvania Aviation Commission.

(8) The Zoning Hearing Board may impose other conditions as are appropriate to the public safety and welfare, including hours of operation, frequency of use and location in relation to existing residences.

J. Animal husbandry, intensive, shall be permitted by special exception, and the grant of such a special exception is conditioned upon the following:
(1) Approval for such operations from the Pennsylvania Department of Environmental Protection, as required by the Nutrient Management Act Regulations, Title 25, [Pa. Code], Chapter 83, as amended, and any other agency required to review said operations under the said act and related regulations.

(2) Intensive animal husbandry use facilities including, but not limited to, structures and manure storage facilities related to the use, except reception pits and transfer pipes, shall not be constructed:

(a) Within one hundred (100) feet of a perennial stream, river, spring, lake, pond or reservoir.

(b) Within one hundred (100) feet of a private water well or open sink hole.

(c) Within one hundred (100) feet of an active public drinking water well, unless other State or Federal laws or regulations require a greater isolation distance.

(d) Within one hundred (100) feet of an active public drinking water source surface intake, unless other State or Federal laws or regulations require a greater isolation distance.

(e) Within one hundred (100) feet of a property line, unless the owners of land within the one hundred (100) foot distance from the facility otherwise agree and execute a waiver in a form acceptable to the Zoning Hearing Board.

(f) Within two hundred (200) feet of a perennial stream, river, spring, lake, pond, reservoir or any water well where these facilities (except permanent stacking and compost facilities) are located on slopes exceeding eight (8) percent or have a capacity of one and one-half (1.5) million gallons or greater.

(g) Within two hundred (200) feet of a property line where these facilities (except permanent stacking and compost facilities) are located on slopes exceeding eight (8) percent, where the slope is toward the property line, or have a capacity of one and one-half (1.5) million gallons or greater, unless the owners of land within the two hundred (200) foot distance from the facility otherwise agree and execute a waiver in a form acceptable to the Commission.

(h) Within two hundred (200) feet of any residentially zoned property.

(i) Set back requirements stated in this subsection (2) shall not apply to structures located on the same parcel as the proposed use.
(3) Solid or liquid waste facilities shall not be permitted until such time as compliance with the Title 25, [Pa. Code], Chapter 83, Regulations, as amended, is demonstrated by the applicant in writing. The previously enacted provisions of the Township regarding the regulation of manure handling and facilities remain in full force and effect to the extent that they are not preempted by State or Federal law or as modified by this subsection.

(4) Any entrances, exits and/or driveways which lead on to a State or Township road must have all proper permits from either Township or State authorities and otherwise comply with all Township and/or State regulations.

(5) All proposed entrances and exits to the intensive animal husbandry use shall be improved in a manner which does not allow mud or gravel to be deposited or accumulated on abutting public streets and said improvements may include either paving or stoning of the said entrances and exits.

(6) In order to minimize odor produced by an intensive animal husbandry use located on any tract within the Township, any party granted a special exception to maintain an animal husbandry intensive use shall be required to inject manure or incorporate manure into the soil within forty-eight (48) hours of application where reasonable farming practices permit said injection or incorporation and where such requirement is not preempted by State or Federal law.

(Ord. 8, 4/3/1972; as added by Ord. 1-2001, 4/2/2001, §1B)

§624. General District Requirements. All principal buildings, structures and uses erected or established after January 6, 1997, shall comply with the following requirements.

A. Existing farms and properties shall be permitted the following number of lots or principal uses, based upon farm or property size on January 6, 1997:

<table>
<thead>
<tr>
<th>Size of Farm or Property</th>
<th>Maximum number of Lots or Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 acres to less than 25</td>
<td>1</td>
</tr>
<tr>
<td>25 acres to less than 50</td>
<td>2</td>
</tr>
<tr>
<td>50 acres to less than 100</td>
<td>3</td>
</tr>
<tr>
<td>100 acres to less than 150</td>
<td>4</td>
</tr>
<tr>
<td>150 acres to less than 200</td>
<td>5</td>
</tr>
<tr>
<td>200 acres to less than 250</td>
<td>6</td>
</tr>
<tr>
<td>250 acres or more</td>
<td>7</td>
</tr>
</tbody>
</table>

Existing unsubdivided dwellings and principal, nonresidential uses located on the farm or property as of January 6, 1997, shall not be considered part of the permitted allotment. Furthermore, the maximum permitted number of lots or uses shall apply whether or not individual lots are subdivided at the time the uses are established. Resubdivision
of lots created after January 6, 1997, shall also be subject to the maximum allotment determined for the original farm or property.

B. All applications for building and zoning permits to erect a single-family dwelling or principal, nonresidential use structure on unsubdivided land and all applications for subdivision shall be accompanied by an agricultural plan identifying the following:

(1) Size, shape and dimensions of the farm or property; size and location of all existing buildings; and size, location and use of all proposed buildings or lots.

(2) Lots or uses previously approved under these regulations.

(3) Land under active cultivation and land in woodlots or forests.

(4) Soil information for the farm or property, including soil series and soil capability class, subclass and unit as classified within the 1981 Soil Survey of Lebanon County, Pennsylvania, and Agricultural Handbook No. 210 of the United States Department of Agricultural Soil Conservation Service.

C. Applications to erect or establish a use or subdivide a farm or property shall be reviewed subject to the following criteria:

(1) All uses or lots shall be established or located on nonprime farmland (soil capability classes III-VII), when such land is available.

(2) The least suitable farmland (highest numbered soil capability unit) shall be utilized for the development in all cases, unless the applicant can demonstrate its unsuitability for the proposed use. When a soil has been determined to be unsuitable because of slope, drainage, flooding, sewage disposal deficiencies or other physical characteristics, then the least suitable remaining farmland shall be utilized for development.

(3) When a farm or property is comprised entirely of prime farmland (soil capability classes I and II), then the least suitable or least prime land shall be utilized for development.

(4) Lots and uses shall be grouped, where possible, adjacent to other similar lots and uses to avoid scattering of development. Lots and uses shall not be located near intensive farming operations. Subdivisions or development shall not necessitate any new street, except that one (1) lot or use may be accessed via an unimproved fifty (50) foot right-of-way.

(5) Application for the last lot or use permitted within a farm or property shall be accompanied by proposed deed for the residual farmland or property. Said proposed deed shall contain a restriction to identify that subdivision and development allotments have been used and that no further subdivision, development or establishment of additional principal uses shall be permitted. Said
restrictive deed shall be recorded within thirty (30) days of the subdivision or permit approval for the last allowable lot or use. Failure to record said deed, subsequent removal of the deed restriction or subsequent subdivision or establishment of additional uses or lots shall constitute a violation of this Chapter, punishable in accordance with Part 6 of this Chapter.

(Ord. 8, 4/3/1972; as added by Ord. 1-2001, 4/2/2001, §1B)

§625. Lot and Yard Requirements. A lot area, lot width, lot coverage, yard depth and building height satisfying the requirements of the following Table, unless otherwise specified heretofore in §§622, 623 and 624, shall be provided for every dwelling unit and/or principal nonresidential building or use hereinafter erected, altered or established in this district.

DISTRICT REQUIREMENTS

<table>
<thead>
<tr>
<th>LOT REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>USE</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Nonresidential</td>
</tr>
<tr>
<td>Use or Building</td>
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<tr>
<td>(Specified in</td>
</tr>
<tr>
<td>§622A-G)</td>
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<tr>
<td>Use or Building</td>
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<td>(Specified by</td>
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<td>Special Excep-</td>
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<td>Residential Sin-</td>
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<td>gle-Family Det-</td>
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</table>

<table>
<thead>
<tr>
<th>YARD REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>USE</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Nonresidential</td>
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<tr>
<td>Use or Building</td>
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<td>§622A-G)</td>
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<td>Use or Building</td>
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<td>(Specified by</td>
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<tr>
<td>Special Excep-</td>
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<tr>
<td>tion in §623)</td>
</tr>
<tr>
<td>Residential Sin-</td>
</tr>
<tr>
<td>gle-Family Det-</td>
</tr>
<tr>
<td>tached</td>
</tr>
</tbody>
</table>
No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height unless authorized by special exception. (Ord. 8, 4/3/1972; as added by Ord. 1-2001, 4/2/2001, §1B)

§626. Minimum Off-Street Parking Requirements. Off-street parking shall be provided in accordance with Part 15 of this Chapter. (Ord. 8, 4/3/1972; as added by Ord. 1-2001, 4/2/2001, §1B)

§627. Signs and Advertising Structures. Signs shall be permitted in accordance with Part 16 of this Chapter. (Ord. 8, 4/3/1972; as added by Ord. 1-2001, 4/2/2001, §1B)

§628. Supplementary District Regulations. The supplementary district regulations in Part 14 shall apply, where applicable, as additional requirements for this district. (Ord. 8, 4/3/1972; as added by Ord. 1-2001, 4/2/2001, §1B)

§629. Environmental Improvements and Energy Conservation Requirements. The environmental and energy requirements in Part 27 shall apply, where applicable, as additional requirements for this district. (Ord. 8, 4/3/1972; as added by Ord. 1-2001, 4/2/2001, §1B)

§630. Agricultural Nuisance Disclaimer. Lands within the High Intensity Agricultural District are used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from the normal and accepted agricultural practices and operations including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, storage and disposal of manure, the application of fertilizers, herbicides and pesticides. Owners, residents and users of this property should be prepared to accept these conditions and are hereby put on special notice that §4 of Pennsylvania Act 133 of 1982, the "Right to Farm Law," may bar them from obtaining a legal judgment against such normal agricultural operations. (Ord. 8, 4/3/1972; as added by Ord. 1-2001, 4/2/2001, §1B)
Part 7
R-1 Low Density Residential Districts

§701. Intent. The regulations for these districts are designed to accommodate and encourage low-density development, primarily residential in nature, consistent with the characteristics of the prevailing open environment of the Township. Development is restricted to low-density, single-family residential development and related compatible uses designed to serve the residential community. (Ord. 8, 4/3/1972, §7.1; as amended by Ord. 6/4/1984, 6/4/1984, §7.01)

§702. Permitted Uses.
2. Churches and similar places of worship.
3. Public owned nursery, kindergarten, elementary and high schools.
4. Public parks and public playgrounds.
5. Municipal buildings and community facilities such as police and fire protection facilities, museums, libraries, etc., provided that they do not contain restaurants, cafes, membership clubs or other places offering food, beverages, dancing or entertainment.
6. Agriculture, truck farming, gardening, flower and tree nurseries, and non-commercial greenhouses, but not including intensive animal husbandry or pet kennels.
7. Accessory uses and buildings incidental to any of the above-permitted uses as provided in Part 14 of this Chapter.
8. Home occupations as regulated in Part 14 of this Chapter.
9. Upon approval by the Zoning Hearing Board, the following special exceptions uses are permitted provided the use complies with the conditions listed herein and the applicable requirements specified in Part 19 of this Chapter.

A. Hospitals, clinics, nursing or convalescent homes and cemeteries, provided that there is no adverse affect on the area due to noise, dirt, odor or traffic circulation.

B. Semi-public and private recreation uses such as golf courses, country clubs, swimming and/or tennis clubs, provided that no principal buildings, accessory structure, pool, tennis court, or parking area is located within one hundred (100') feet of any road right-of-way line or lot line. Additionally, swimming pools associated with these uses shall be completely enclosed with a continuous fence no less than four (4') feet in height above the ground level and the fence shall be equipped with lockable gate.

C. Privately owned nursery, elementary, middle, and high schools.

D. Private institutions of higher education, convents, and monasteries provided that the following conditions are met:
(1) A minimum lot area of three (3) acres for the first three hundred (300) students or enrollees plus one (1) acre for each additional one hundred (100) students or enrollees.

(2) Dormitory or residential quarters shall be located a minimum of one hundred (100') feet from any property line.

E. Pet kennels subject to the following conditions:

(1) A minimum lot size of ten (10) acres shall be provided.

(2) Buildings in which other than customary household pets are kept shall be no closer than two hundred (200') feet to any lot line or road right-of-way.

(3) No storage of manure or odor or dust-producing substances shall be permitted within two hundred (200') feet of any lot line or road right-of-way.

F. Conversion Apartments. Any farm house or dwelling existing at the effective date of this Chapter may be converted to a dwelling for more than one (1) family provided that:

(1) The lot area per family is not reduced thereby to an amount less than two-thirds (2/3) of that required by this Chapter for the district in which the designated lot is located.

(2) There is no exterior evidence or change in the building except as required by other ordinances of the Township.

(3) Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.

(4) Off-street parking shall be provided in accordance with Part 15.

(5) There is provided at least four hundred (400) square feet per apartment.

(6) The plans for the conversion of said building shall be submitted to the Zoning Hearing Board for review and approval.

G. Townhouses or garden apartments shall be allowed where public sewer is available and shall be subject to the restrictions in R-2 districts for such uses.

(Ord. 8, 4/3/1972, §7.2; as amended by Ord. 6/4/1984, 6/4/1984, §7.02)

§703. Lot and Yard Requirements. A lot area, lot width, lot coverage, yard depths, and building height satisfying the requirements of the following table, unless otherwise specified heretofore in §702, shall be provided for every dwelling unit and/or principal non-residential building or use hereafter erected, altered, or established in this district.
DISTRICT REQUIREMENTS

<table>
<thead>
<tr>
<th>USE</th>
<th>LOT REQUIREMENTS</th>
<th>YARD REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MIN. LOT AREA</td>
<td>MIN. LOT AREA</td>
</tr>
<tr>
<td>Non-Residential Building</td>
<td>3 acres</td>
<td>250'</td>
</tr>
<tr>
<td>Single-Family Detached</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No public utilities</td>
<td>1 acre</td>
<td>150'</td>
</tr>
<tr>
<td>Public Water &amp; On-Lot Sewer</td>
<td>20,000 sq. ft.</td>
<td>100'</td>
</tr>
<tr>
<td>Public Sewer &amp; On-Lot Water</td>
<td>15,000 sq. ft.</td>
<td>100'</td>
</tr>
<tr>
<td>Public Water &amp; Sewer</td>
<td>10,000 sq. ft.</td>
<td>80'</td>
</tr>
</tbody>
</table>

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35') feet in height unless authorized as a special exception.

(Ord. 4-1975, 12/15/1975, §5; as amended by Ord. 6/4/1984, 6/4/1984, §7.03)

§705. Signs and Advertising Structures. Signs shall be permitted in accordance with Part 16 of this Chapter. (Ord. 8, 4/3/1972; as amended by Ord. 6/4/1984, 6/4/1984, §7.05)

§706. Supplementary District Regulations. The Supplementary District Regulations in Part 14 shall apply, where applicable, as additional requirement for this district. (Ord. 8, 4/3/1972; as amended by Ord. 6/4/1984, 6/4/1984, §7.07)

§707. Environmental Improvements and Energy Conservation Requirements. The environmental and energy requirements in Part 27 shall apply, where applicable, as additional requirements for this district. (Ord. 8, 4/3/1972; as amended by Ord. 6/4/1984, 6/4/1984, §7.07)
Part 8

R-2 Medium Density Residential Districts

§801. Intent. The regulations of the R-2 Residential District are designed to promote the development of a variety of medium-density housing types in areas where necessary municipal services, commercial facilities and other community amenities are available. (Ord. 8, 4/3/1972, §8.1; as amended by Ord. 6/4/1984, 6/4/1984, §8.01)

§802. Permitted Uses.

1. All uses permitted in the R-1 Residential District subject to the regulations of the R-2 Residential District.

2. Two-family detached and semi-detached dwellings. (See special exceptions for special semi-detached buildings).

3. Townhouses, provided that the following requirements are met:
   A. Maximum development density shall not exceed ten (10) dwelling units per gross acre.
   B. Minimum lot width of eighteen (18') feet.
   C. A minimum front and rear yard of twenty (20') feet each, as measured from the property line or any paved parking area, shall be provided for each town house unit.
   D. Side yard minimums of fifteen (15') feet shall be provided from the unattached sides of buildings; however, a minimum side yard of twenty-five (25') feet shall be provided from any paved parking areas. A minimum distance of twenty-five (25') feet shall also separate each group of town houses.
   E. No group of town houses shall consist of more than eight (8) attached units, with no more than three (3) continuous dwellings with the same front setback, each variation of the setback being at least four (4') feet. Developers are encouraged to use variety in design and construction to enhance appearance.
   F. No detached accessory buildings or structures shall be permitted on individual lots. Storage areas, garages, and other normal accessory structures may be attached to the principal structure on each individual lot provided all other requirements of this Chapter are met. Detached accessory buildings and structures for common use by the entire development shall be permitted on common areas as per Part 13 of this Chapter.
   G. Town house development shall be in compliance with §804 of this Chapter.
   H. The site shall be served by public water and sewer facilities, with design for individual unit service where lots are to be sold.
   I. Off-street parking, as required by Part 15 of this Chapter, shall be located within one hundred fifty (150') feet of the dwelling unit to be served.
J. Townhouse development requires the submission of a subdivision plan and compliance with the Subdivision Ordinance of Jackson Township [Chapter 22].

4. Garden apartments, provided that the following conditions are met:
   A. Maximum development density shall not exceed twelve (12) dwelling units per gross acre.
   B. A minimum site size of twenty-four thousand (24,000) square feet shall be provided for garden apartment development.
   C. Garden apartment buildings shall contain at least four (4) but not more than sixteen (16) dwelling units in a single structure.
   D. A minimum setback of thirty (30') feet shall be provided from any road right-of-way, driveway, or paved parking area. Additionally the building setback line shall be a minimum distance of thirty (30') feet from any front, side, or rear property line.
   E. A minimum isolation distance of fifty (50') feet shall be provided between garden apartment buildings.
   F. The site shall be served by public water and public sewer facilities.
   G. If provided, balconies shall not extend more than eight (8') feet from the face of any principal building and the minimum floor area of any balcony shall be seventy-two (72) square feet.
   H. If patios are provided at ground level, they shall be designed for visual privacy and shall be a minimum of one hundred fifty (150) square feet.
   I. Garden apartment development shall be in compliance with §804 of this Chapter.
   J. Off-street parking, as required by Part 15 of this Chapter, shall be located within one hundred fifty (150') feet of the dwelling unit to be served. Furthermore, parking facilities and driveways shall be located no less than twenty-five (25') feet from any road right-of-way and ten (10') feet from all other property lines.
   K. Garden apartment development requires the submission of a land development plan and compliance with the Subdivision Ordinance of Jackson Township [Chapter 22].

5. Churches and similar places of worship and parish houses.
6. Public parks and public playgrounds.
7. Municipal buildings and community facilities such as police and fire protection facilities, museums, libraries, etc., provided that they do not contain restaurants, cafes, membership clubs or other places offering food, beverages, dancing or entertainment.
8. Publicly owned nursery, kindergarten, elementary, middle and high schools.
9. Accessory uses and buildings incidental to any of the above-permitted uses as provided for in Part 14 of this Chapter.
10. Home occupations as regulated in Part 14 of this Chapter.

11. Clinics, professional offices and banks, subject to these requirements:
   A. The architectural design of the structure shall be harmonious with other structures in the neighborhood.
   B. Parking shall not be permitted in the front yard.

12. Non-profit, church-related homes for the elderly, including (1) custodial or sanitarium type of care, (2) intermediate care involving dormitory areas with common meal facilities, and (3) individual residential living quarters with separate cooking facilities, provided that the following conditions are met:
   A. A subdivision and/or land development plan shall be filed in accordance with the Subdivision Ordinance of Jackson Township [Chapter 22].
   B. Self-sufficient dwelling units for permanent guests of the home, which are separate and detached from the principal care facility, shall conform in all respects with the requirements for such dwelling units specified in the R-2 Medium Density Residential District including town house and garden apartment requirements where applicable. Although they may be planned as clustered housing, such residential development shall be designed to facilitate subdivision or sale of individual units in accordance with the applicable lot area, lot width, and yard requirements of §803 of this Part.

13. Upon approval by the Zoning Hearing Board, the following special exception uses are permitted provided the use complies with the conditions listed herein and the applicable requirements specified in Part 20 of this Chapter:
   A. Special Exception uses specified in §702(7)(1 through 6) of the R-1 Low Density Residential District subject to the conditions stated therein.

<table>
<thead>
<tr>
<th>USE</th>
<th>LOT REQUIREMENTS</th>
<th>YARD REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MIN. LOT AREA 5,000 sq. ft.</td>
<td>MIN. LOT WIDTH 50'</td>
</tr>
<tr>
<td>Single-Family</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Semi-Detached</td>
<td>5,000 sq. ft.   50'</td>
<td>30' 0*</td>
</tr>
</tbody>
</table>

* Yard requirements apply to unattached sides of buildings.

B. Mobile home parks and subdivisions subject to the following regulations:
   (1) Scope. All mobile home parks and subdivisions hereafter established in the R-2 District and all expansions or alterations to existing mobile home parks and subdivisions are subject to all applicable regulations of this Section.
   (2) Use of Terms. A development subject to these regulations shall be known as a park in this Section unless specified differently in the text.
(3) Park Size. Each park hereafter designed shall be at least fifteen (15) acres. The park shall not be divided by any public street or alley but may contact any street or alley. Hereafter, any street or alley so constructed shall be known as a perimeter street or alley. [Ord. 2-1988]

(4) Density. Each park shall have the maximum density of eight (8) single homes per gross acre. Double wide or modular shall have a density of five (5) mobile homes per acre. No mobile home lot in a mobile home subdivision shall be less than five thousand (5,000) square feet for a single unit and seven thousand five hundred (7,500) square feet for a double wide or modular. [Ord. 2-1988]

Mobile homes and double wide mobile homes shall not be mixed in the same park unless separated according to the average requirements above. Double wide and modular home front doors shall face the street. [Ord. 2-1988]

(5) Yard Requirements; Mobile Homes. No mobile home shall be located at less than the following:

(a) Fifty (50') feet from any perimeter street line or perimeter lot line.

(b) Twenty (20') feet from edge of park street for single unit. Thirty (30') feet from edge of park street for double wide or modular.

(c) Twenty (20') feet from any other mobile home; for a single unit, thirty (30') feet from any other mobile home for double wide or modular.

(d) Ten (10') feet from interior lot line for single units. Fifteen (15') feet from interior lot line for double wide and modular.

[Ord. 2-1988]

(6) Yard Requirements, All Other Buildings.

(a) Fifty (50') feet from a perimeter street line.

(b) Fifty (50') feet from a perimeter lot line.

(c) Forty (40') feet from any mobile home.

(d) Perimeter street shall be at least a fifty (50') feet right-of-way with a thirty-four (34') feet cartway.

[Ord. 2-1988]

(7) Park Street.

(a) A street installed exclusive for park residents' use shall have durable surface capable of supporting residential traffic and shall conform to following regulations: No one-way street shall be allowed and streets shall be at least thirty-four (34') feet wide for two-way traffic. When all parking is provided off-street, traffic patterns in the
(b) Each mobile home site shall be accessible from a park street; however, designated parking for a site may be provided off the site as provided herein.

(c) Each park shall be provided with at least two (2) points of ingress and egress for vehicular traffic from public streets with a fifty (50') foot right-of-way and a thirty-four (34') foot cartway.

(d) No more than two (2) park streets shall intersect at any one (1) point.

(e) Park streets designated to provide parking for sites shall be widened by eight (8') feet on each side to be used for parking.

[Ord. 2-1988]
(8) Walkways. A walkway with paved surface shall be installed as follows:

(a) Between each mobile home stand, as described herein, and a park street.

(b) Between mobile home sites and common parking areas where the site parking is designated.

[Ord. 2-1988]
(9) Off-Street Parking.

(a) Each mobile home site shall be provided with two (2) parking spaces.

(b) Parking spaces for a given site shall be adjacent to each other.

(c) Parking spaces which are provided in a common parking lot shall be appropriately marked for a specific site and shall not be farther than one hundred fifty (150') feet from the site to be served.

(d) Parking spaces shall be accessible from a park street only.

[Ord. 2-1988]
(10) Utility Services.

(a) Each mobile home site shall be served by either a public water system or a private, Department of Environmental Resources approved, community water system which supplies water at a pressure comparable to the municipal system.

(b) Each mobile home site shall be served by a connection to the public sewer system or to a centralized sewer system approved by the Department of Environmental Resources.
(c) Each mobile home site shall be served by a connection to an electrical distribution system.

(d) Any transmission line within the limits of the park for telephone service, electricity, or centralized television reception shall be buried.

[Ord. 2-1988]

(11) Common Open-Space Areas.

(a) The park shall be provided with common open-space areas not less than ten percent (10%) of gross park area, which are for the enjoyment of all park residents. The areas may include but are not limited to such facilities as service buildings for meeting rooms, laundromats, storage cubicles for residents either individually or collectively, playgrounds, swimming pools, fields and courts for various organized team sports, and landscaped areas for passive recreation.

(b) The park shall have at least half (1/2) its common area at one (1) continuous location, and not more than half (1/2) of its common area may be in the buffer yard.

(c) No interior play area for children shall be less than one thousand (1,000) square feet.

(d) The park open-space areas may contain a wide variety of facilities at the discretion of the owner; however, it is the intent of this Part that all parks contain well-maintained improvements for recreation for all ages.

[Ord. 2-1988]

(12) Mobile Home Site Improvements.

(a) Each mobile home site shall be provided with a patio area adjacent to the mobile home. The patio shall be at least two hundred (200) feet in size.

(b) The portion shall be properly drained and shall have a durable surface such as concrete or wood.

(c) Each mobile home shall be situated on a mobile home stand having not fewer than ten (10) columns or piers to support the weight of the mobile home; alternatively, the mobile home may be supported by columns on a concrete pad or slab. In either case, metal straps or bands, wire rope or similar materials must be connected from the mobile home frame to the ground or pad at least at all corners to anchor the unit.

(d) Each mobile home shall be provided with a skirting or durable material which shall entirely enclose the
area beneath the mobile home.

[Ord. 2-1988]

(Ord. 8, 4/3/1972, §8.2; as amended by Ord. 4-1975, 12/15/1975, §7; by Ord. 6/4/1984, 6/4/1984, §8.02; and by Ord. 2-1988, 10/7/1988, §1)

§803. Lot and Yard Requirements. A lot area, lot width, lot coverage, yard depths and building height satisfying the requirements of the following table, unless otherwise specified heretofore in §802, shall be provided for every dwelling unit and/or principal nonresidential building or use hereafter erected, altered or established in this district.

(See chart on the following page)
DISTRICT REQUIREMENTS

<table>
<thead>
<tr>
<th>USE</th>
<th>LOT REQUIREMENTS</th>
<th>YARD REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MIN. LOT AREA</td>
<td>MIN. LOT WIDTH</td>
</tr>
<tr>
<td>NON-RESIDENTIAL BUILDING</td>
<td>3 acres</td>
<td>250'</td>
</tr>
<tr>
<td>RESIDENTIAL (No public utilities)</td>
<td>1 acre</td>
<td>100'</td>
</tr>
<tr>
<td>Single-Family Detached</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RESIDENTIAL (Public Water or Sewer)</td>
<td>10,000 sq. ft.</td>
<td>75'</td>
</tr>
<tr>
<td>Single-Family Detached</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Family Semi-Detached</td>
<td>7,500 sq. ft.</td>
<td>75'</td>
</tr>
<tr>
<td>Single-Family Semi-Detached</td>
<td>6,500 sq. ft.</td>
<td>65'</td>
</tr>
<tr>
<td>Two-Family Detached</td>
<td>4,000 sq. ft.</td>
<td>50'</td>
</tr>
<tr>
<td>Two-Family Semi-Detached</td>
<td>3,000 sq. ft.</td>
<td>30'</td>
</tr>
<tr>
<td>Town House</td>
<td>See §802(3)</td>
<td></td>
</tr>
<tr>
<td>Garden Apartment</td>
<td>See §802(4)</td>
<td></td>
</tr>
</tbody>
</table>

*Yard requirements apply to unattached sides of buildings.

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35') feet in height unless authorized by a special exception.
LOT COVERAGE REQUIREMENTS SHALL BE AS FOLLOWS:

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM LOT COVERAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Residential Building</td>
<td>30%</td>
</tr>
<tr>
<td>Residential Building</td>
<td>40%</td>
</tr>
</tbody>
</table>


§804. Supplemental Town House and Garden Apartment Standards. The following design criteria shall apply as additional requirements for town house and garden apartment development:

1. The developer should vary architectural treatments within apartment projects, individual apartments, and between dwelling units in a town house development. Variations may include those of exterior elevation, building setbacks, provisions of balconies, architectural details, pitch of roof, exterior materials, or use of color.

2. Variety and flexibility in design layout and arrangement of buildings, parking areas, services, recreation areas, common open space, and plantings that fully consider the particular physical characteristics of site and natural amenities are highly desired.

3. Screen plantings shall be provided where multiple dwelling unit land developments abut any non-residential use or where such developments abut any single-family residential or other zoning district. Screen plantings shall be designed, located, and maintained in accordance with the requirements of Part 28 of this Chapter.

4. All utility lines within a town house or garden apartment development shall be placed underground.

5. All open space, green areas, patios, courts, and buffer yards shall be landscaped and maintained to insure the safety, privacy, and comfort of town house and garden apartment residents.

6. Exterior storage areas for trash and rubbish shall be well screened on three (3) sides and contained in covered, vermin-proof containers. (Ord. 6/4/1984, 6/4/1984, §8.04)

§805. Minimum Off-Street Parking Requirements. In addition to the requirements listed in Part 8, the off-street parking regulations of Part 15 shall apply where applicable to the uses permitted in this district. (Ord. 8, 4/3/1972, §8.4, as amended by Ord. 6/4/1984, 6/4/1984, §8.05)


§807. Supplementary District Regulations. The Supplementary District Regulations in Part 14 shall apply, where applicable, as additional requirements for this district. (Ord. 8, 4/3/1972; as amended by Ord. 6/4/1984, 6/4/1984, §8.07)
§808. Environmental Improvements and Energy Conservation Requirements. The environmental and energy requirements in Part 27 shall apply, where applicable, as additional requirements for this district. (Ord. 8, 4/3/1972; as amended by Ord. 6/4/1984, 6/4/1984, §8.08)
Part 9
C - Commercial District

§901. Intent. The regulations of this district are designed to accommodate commercial activity within the Township. Since these enterprises are for the most part dependent on traffic generated by a major thoroughfare, these uses are grouped together to facilitate shopping via automobile. The requirements contained in this Part are designed to promote sales and expedient conveyance of the resulting high traffic volumes. (Ord. 8, 4/3/1972, §8.4; as amended by Ord. 6/4/1984, 6/4/1984, §9.01)

§902. Permitted Uses.
1. Stores for the retailing of all consumer goods not otherwise prohibited by law.
2. Multiple commercial use complexes and shopping centers provided that the following conditions are met:
   A. The multiple commercial use complex or shopping center shall consist of a group of two (2) or more commercial uses, planned, designed, and constructed as one (1) principal structure. Each commercial establishment within the complex shall share at least one (1) party wall with another establishment.
   B. The minimum lot size shall be determined by the total gross floor area of the principal structure, according to the following table:

<table>
<thead>
<tr>
<th>TOTAL GROSS FLOOR AREA</th>
<th>MINIMUM LOT AREA REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 20,000 sq. ft.</td>
<td>1 acre</td>
</tr>
<tr>
<td>20,001 - 40,000 sq. ft.</td>
<td>2 acres</td>
</tr>
<tr>
<td>Greater than 40,000 sq. ft.</td>
<td>2 acres plus 1 acre for each 15,000 sq. ft. (or fraction thereof) in excess of the initial 40,000 sq. ft. of floor area.</td>
</tr>
</tbody>
</table>

   C. Such use shall comply in all respect with the lot width, lot coverage, yard and building height requirements of §904 of this Part.
3. Personal service shops including barber shops, beauty parlors, tailors, shoe repair, dry cleaning, laundromats, etc.
4. Medical and dental clinics and laboratories.
5. Banks, savings and loan associations, finance agencies, and other offices providing business or professional services.
6. Messenger, dispatch, express and courier services.
7. Taxi and bus passenger stations, and transfer trucking facilities.
8. Mortuary and undertaking establishments.
9. Indoor amusement enterprises such as arenas, bowling alleys, dance
halls, and other recreation or entertainment establishments.

10. Drive-in movie theaters.

11. Restaurant facilities of all types, including drive-in, drive through or fast food, tea rooms, cafes, and other places serving food or beverages, including private, membership, or social clubs and beverage distribution centers.

12. Printing and publishing firms.

13. Shops for contractors, plumbers, heating, painting, and upholstering specialists.

14. Hotels, motels and boarding houses.

15. Automobile dealers and automobile washes.

16. Gasoline stations and repair garages subject to the following regulations:

   A. No repair work other than minor or emergency work shall be performed out of doors.

   B. All automotive parts, dismantled and derelict vehicles, and similar articles shall be stored only within an enclosed building.

   C. All gasoline and petroleum pumps shall be located outside of buildings, no less than thirty-five (35) feet from any road right-of-way line or property line.

   D. All fuel, oil, or similar combustible petroleum product storage tanks shall be located underground at least thirty-five (35) feet from any road right-of-way line or lot line.

   E. Automotive vehicles without valid, current license plates and/or State inspection, and after thirty (30) days after being placed at said gasoline stations and/or repair garages, shall be restricted according to §1418 of this Chapter.

17. Lumber, coal and fuel distribution yard provided the following conditions are met:

   A. All principal and accessory buildings, storage areas, scales, distribution areas, and parking facilities shall be a minimum of one hundred (100) feet from any lot line or road right-of-way line.

   B. Fuel storage tanks shall be placed underground at least fifty (50) feet from any lot line or road right-of-way line or above ground at least one hundred (100) feet from any lot line or road right-of-way line.

18. All other uses, including single-family dwellings, which in the opinion of the Zoning Administrator are similar to the above uses and in harmony with the intent of the regulations for this district. When a proposed use is not sufficiently similar to enable the Zoning Administrator to make a ruling, the Zoning Hearing Board may make a determination as authorized in §406 of this Chapter.

19. Upon approval by the Zoning Hearing Board, the following special exception uses are permitted provided that the use complies with the
conditions listed herein and the applicable requirements specified in Part 19 of this Chapter:

A. Automobile body shops provided that the following conditions are met:

(1) All body work shall be conducted indoors.

(2) Paint booths shall be adequately filtered and vented to minimize exhaust or noxious fumes.

(3) Flammable and/or combustible materials shall be stored within a fireproof enclosure within the principal structure or within an accessory building located no less than fifty (50) feet from any lot line.

(4) Outdoor storage of auto parts or equipment shall not be permitted at any time. Outdoor storage of vehicles at the body shop, for purposes of having body work performed upon the vehicles, shall be allowed.

B. Express standards for adult businesses. Adult businesses provided that the following conditions are met:

(1) An adult business shall not be located within five hundred feet (500) of the property boundary upon which is located a public or private pre-elementary, elementary, middle, secondary or high school; church, synagogue or regular place of religious worship; daycare or other childcare facility; library; museum; hospital, group care facility or personal care boarding home; public park or playground; an entertainment business oriented primarily towards children or minors or for family entertainment; any other adult business; or any establishment licensed to serve and/or sell alcoholic beverages.

(2) Adult businesses shall not be located within five hundred feet (500) of any property which is residentially owned or which contains a residential use.

(3) The distance between an adult business and any use described in subsection (1) above shall be measured in a straight line, without regard to intervening structures or objects from the nearest portion of the building or structure where an adult business is conducted to the nearest property line of the premises having the uses described in subsection (1) or (2) above.

(4) An adult business lawfully operating as a conforming use in not rendered a nonconforming use by the location of a public or private pre-elementary, elementary, middle, secondary or high school; church, synagogue or regular place of religious worship; daycare or other childcare facility; library; museum; hospital, group care facility or personal care boarding home; public park or playground; an entertainment business oriented primarily towards children or minors or for family entertainment; any other adult business; any establishment licensed to serve and/or sell alcoholic beverages; or residential use, within five hundred feet (500) of the adult business.
(5) No adult business-related merchandise or materials offered for sale, rent, lease, loan, or use or for view upon the premises shall be exhibited or displayed outside of an enclosed building or structure.

(6) Any enclosed building or structure used as an adult business shall be windowless, or have an opaque covering over all windows or doors of any area in which adult business-related materials or merchandise are exhibited or displayed, nor shall they be visible from outside of the enclosed building or structure.

(7) No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the adult business-related materials or merchandise offered in that adult business.

(8) No adult business facility may change to another adult business facility, except upon the approval of another conditional use.

(9) No more than one (1) adult business may be located within the same building or structure.

[Ord. 2-2002]

20. Wireless communications towers are permitted in this district as conditional uses to be approved upon application to the Jackson Township Board of Supervisors and upon compliance with all requirements for wireless communication towers located at §1424 of this Chapter. [Ord. 2-2000]


§903. Performance Required.

1. All of the above listed uses must be nonobjectionable in terms of smoke or dust emission, odors, noise, heat, vibration, visual impact, or glare, and shall not be injurious or have an adverse effect on adjacent areas or the Township as a whole.

2. Should the Zoning Administrator feel there in any possibility of the above-mentioned dangers, the applicant must prove the contrary to the Zoning Hearing Board as an administrative review procedure before a permit is issued.


§904. Lot Area, Building Height and Yard Requirements. A lot area, lot width, lot coverage, yard depth, and building height satisfying the requirements of the following table, unless otherwise specified in §§902 and 905, shall be provided for every dwelling unit and/or principal nonresidential building or use hereafter erected, altered or established in this district.

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DISTRICT REQUIREMENTS

<table>
<thead>
<tr>
<th>LOT REQUIREMENTS</th>
<th>YARD REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area</td>
<td>Min. Lot Width</td>
</tr>
<tr>
<td>1 acre</td>
<td>200'</td>
</tr>
</tbody>
</table>

A. Where a side or rear yard adjoins a residential district, said yards shall be no less than fifty (50) feet.

B. No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height unless authorized as a special exception by the Zoning Hearing Board.

§905. Minimum Off-Street Parking and Loading Requirements. Off-street parking and loading shall be provided in accordance with Part 15 of this Chapter 27. (Ord. 8, 4/3/1972, §9.4; as amended by Ord. 4-1975, §10; and by Ord. 6/4/1984, 6/4/1984, §9.04)

§906. Signs and Advertising Structures. Signs shall be permitted in accordance with Part 16 of this Chapter 27. (Ord. 8, 4/3/1972; as amended by Ord. 6/4/1984, §9.06)

§907. Supplementary District Regulations. The supplementary district regulations in Part 14 shall apply, where applicable, as additional requirements for this district. (Ord. 8, 4/3/1972; as amended by Ord. 6/4/1984, §9.07)

§908. Environmental Improvements and Energy Conservation Requirements. The environmental and energy requirements in Part 27 shall apply, where applicable, as additional requirements for this district. (Ord. 8, 4/3/1972; as amended by Ord. 6/4/1984, 6/4/1984, §9.08)
Part 10

I - Industrial Districts

§1001. Intent. These districts are designed to accommodate and promote wholesale activities, warehousing, and industrial operations dependent on existing land uses, physical conditions, and the availability of nearby municipal utilities and transport facilities. The district accommodates extensive industrial activities in these areas so as to minimize any detrimental effect that they might have on other uses in the Township and at the same time provides an industrial zone free of encroachment from other activities. (Ord. 8, 4/3/1972, §10.1; as amended by Ord. 6/4/1984, 6/4/1984, §10.01)

§1002. Permitted Uses.

1. Any use not otherwise prohibited by law of a manufacturing, fabricating, processing, compounding or treatment nature which, in the opinion of the Zoning Administrator, would be nonobjectionable in terms of smoke or dust emission, odors, noise or glare, and will not otherwise be injurious to the public health, safety and welfare, and will not have an adverse effect on adjacent areas. Should the Zoning Administrator feel that there is any likelihood of the aforementioned dangers or nuisances, the applicant shall prove the contrary to the Zoning Hearing Board in an administrative review before a permit is issued. In such a case, the Township Planning Commission shall be notified of the hearing in order to provide the Zoning Hearing Board with a recommendation. In addition, the Zoning Hearing Board may require necessary safeguards to assure the aforementioned conditions.

2. Warehousing and wholesaling establishments and storage yards not including junkyards.

3. Railroad, trucking, busing, and other transit facilities including storage, repair and transfer operations.

4. Automobile body shops, repair garages and gasoline stations provided that the following conditions are met:

   A. All gasoline and petroleum pumps shall be located outside of buildings, no less than thirty-five (35) feet from any road right-of-way line or lot line.

   B. All fuel, oil or similar combustible petroleum product storage tanks shall be located under ground at least thirty-five (35) feet from any road right-of-way line or lot line.

   C. No mechanical or auto body repair work shall be performed out of doors.

   D. All automotive parts, dismantled and derelict vehicles, and similar articles or parts thereof shall be stored only within an enclosed building.

   E. Automotive vehicles without valid, current license plates and/or state inspection shall be restricted according to §1418 of this Chapter.
F. Any structure housing an automobile body shop shall be a minimum of fifty (50) feet from any lot line when located adjacent to any residential district.

G. Flammable and/or combustible materials associated with the automobile body shop use shall be stored within a fireproof enclosure within the principal structure or within an accessory building located no less than fifty (50) feet from any lot line.

5. Customary accessory uses and buildings incidental to any of the above-mentioned uses.

6. All single-family dwellings.

7. Upon approval by the Zoning Hearing Board, the following special exception uses are permitted provided that the use complies with the conditions listed herein and the applicable requirements specified in Part 19 of this Chapter 27.

A. Automobile recycling and junk yards used for storage, wrecking, and converting used or discarded materials provided that the following conditions are met:

(1) Minimum lot area of ten (10) acres.

(2) Such use shall be no closer than one hundred fifty (150) feet to any road right-of-way and no less than five hundred (500) feet from any use district other than industrial.

(3) If warranted by topographical, aesthetic or other considerations regarding the specific property, the Board, in its discretion, may require that the property be completely enclosed by an evergreen screen planting to be planted and maintained at a height of not less than eight (8) feet or backed by a solid fence not less than six (6) feet in height.

B. Airport Facilities. Airfields, airstrips or landing facilities for any type of small or medium-size aircraft and buildings accessory thereto provided that the following conditions are met:

(1) For airfields and airstrips, a minimum lot area of ten (10) acres; and for helipads, a minimum lot area of two (2) acres.

(2) Applicant shall submit a plot plan of the lot indicating the landing pad, runway and approach area and existing residences located within a five hundred (500) foot radius of the runway or landing area.

(3) Landing pads or runways shall be no closer than one hundred (100) feet to any residential district and no closer than fifty (50) feet to any property line or road right-of-way line.

(4) A description of equipment and facilities to be utilized, and a description of the overall development plans for the lot shall be made available to the Zoning Hearing Board.

(5) The airport or landing pad approach shall be defined as a three hundred (300) foot wide area lying within and below an
inclined plan extending outward horizontally one thousand (1,000) feet at a ratio of one (1) foot of height to each twenty (20) feet of length of an established airport runway or landing pad, with no structure or airport hazard to exceed thirty-five (35) feet high in height anywhere within the lot.

(6) Any landing facility shall obtain the approval of the appropriate licensing body including but not limited to the Federal Communications Commission, the Federal Aviation Administration or the Pennsylvania Aviation Commission.

(7) The Zoning Hearing Board may impose other conditions as are appropriate to the public safety and welfare, including hours of operation, frequency of use and location in relation to existing residences.

[Ord. 1-1987]

8. Wireless telecommunication towers are a permitted use in the industrial district of the Township. Wireless telecommunications facilities are more fully regulated by the §1424 of this Chapter. [Ord. 2-2000]


§1003. Lot and Yard Requirements. A lot area, lot width, lot coverage, yard depths, and building height satisfying the requirements of the following list, unless otherwise specified heretofore in this Section or §1002, shall be provided for every principal building or use hereafter erected, altered, or established in this district.

1. Lot Area, Lot Width and Coverage Requirements.
   A. Minimum lot area - 2 acres
   B. Minimum lot width - 200 feet
   C. Maximum lot coverage - 50%

2. Yard Regulations. For every principal or accessory building or use in the Industrial District, the minimum yard regulations shall be as follows:
   A. Required front yards, measured from the road-right-of-way line (lot line) to the building, are as follows:
      (1) A depth of not less than one hundred (100) feet along any road right-of-way.
      (2) A depth of one hundred fifty (150) feet if said front yard is across the street from a residential district.
   B. Required side yards, measured from the lot line to the building line, are as follows:
      (1) Not less that twenty (20) feet on each side of the building.
      (2) No building or structure shall be located less than one hundred fifty (150) feet from any residentially zoned district.
   C. Rear yards of not less than thirty (30) feet shall be provided, except that no building or structure shall be located less than one hundred fifty (150) feet from any residentially zoned district.

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3. **Height Regulations.** The height of any principal or accessory building shall not exceed seventy-five (75) feet, except that chimneys, flagpoles, towers, water tanks, and other mechanical appurtenances may be built to a height not to exceed one hundred twenty-five (125) feet above the finished grade when erected upon or as an integral part of the building.

(Ord. 4-1975, 4/15/1975, §10; as amended by Ord. 6/4/1984, 6/4/1984, §10.03)

§1004. **Minimum Off-Street Parking and Loading Requirements.** Off-street parking and loading shall be provided in accordance with the requirements of Part 15 of this Chapter 27. (Ord. 8, 4/3/1972, §10.4; as amended by Ord. 6/4/1984, 6/4/1984, §10.04)

§1005. **Signs and Advertising Structures.** Signs shall be permitted in accordance with Part 16 of this Chapter 27. (Ord. 8, 4/3/1972; as amended by Ord. 6/4/1984, 6/4/1984, §10.05)

§1006. **Supplementary District Regulations.** The Supplementary District Regulations in Part 14 shall apply, where applicable, as additional requirements for this district. (Ord. 8, 4/3/1972; as amended by Ord. 6/4/1984, 6/4/1984, §10.06)

§1007. **Environmental Improvements and Energy Conservation Requirements.** The environmental and energy requirements in Part 27 shall apply, where applicable, as additional requirements for this district. (Ord. 8, 4/3/1972; as amended by Ord. 6/4/1984, 6/4/1984, §10.07)
Part 11
Floodplain Districts

§1101. Intent. These regulations are designed to prohibit or restrict construction of any permanent building or structure or uses and activities in any floodplain district in order to prevent unnecessary loss of life or property from possible natural catastrophe, as well as to protect stream valleys from ecologically detrimental development that may contribute to a water pollution problem, create erosion in and around the watercourses and induce flooding conditions. In addition, these provisions are intended to prevent the creation of health and safety hazards, the extraordinary and unnecessary expenditure of public funds for flood protection and relief and to minimize flood damage. (Ord. 4-2000, 6/5/2000, §2)

§1102. Definition of Terms Utilized in Floodplain Districts.

ALLUVIAL SOILS MAPS - soils maps prepared by the United States Department of Agricultural, Soil Conservation Service which indicate the location of soil types. Alluvial soils on these maps are soils of floodplains that are sediment deposits washed from upland areas. The presence of an alluvial soil indicates that the land has been flooded at some previous point in time.

APPROXIMATED FLOODPLAIN DISTRICTS (F-1) - the Approximated Floodplain District (F-1) shall be that floodplain area for which no specific flood profiles have been provided. Where the specific base flood elevation cannot be determined for this area using other sources of data such as the U.S. Corps of Engineers, Floodplain Information Reports, U.S. Geological Survey Floodprone Quadrangles, etc., the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques currently acceptable by the Federal Insurance Administrator (e.g., HEC-2). Consideration shall be given to the methods specified by the U.S. Water Resource Council's Technical Bulletin No. 17 or 17B. This elevation information shall be subject to review by the Township and other agencies that it shall designate such as the Corps of Engineers, the Department of Environmental Protection, a river basin commission, etc.

BASE FLOOD - the flood, also known as the one hundred (100) year flood, which has a one (1) percent chance of being equaled or exceeded in any given year, the flood which has been selected to serve as the basis upon which the floodplain management provisions of this and other ordinances have been prepared.

BASE FLOOD ELEVATION - the determination by the Federal Insurance Administrator of the water surface elevation of the base flood, that is, the flood level that has a one (1) percent or greater chance of occurrence in any given year.

CAMPING, SHORT TERM - location of a camping unit within any one (1) campground for a period not to exceed fifteen (15) days in any one (1) calendar month.
CONSTRUCTION - shall include the building, reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including manufactured homes and gas or liquid storage tanks. For floodplain purposes, new construction includes structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the Township.

DEVELOPMENT - any manmade change to improved or unimproved real estate, including but not limited to buildings, manufactured homes or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or the storage of equipment of materials.

FLOOD - a general and temporary inundation of normally dry land areas by water from waterway overflows or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD FRINGE (F-3) - the portion of the one hundred (100) year floodplain not included in the floodway. The basis for the outermost boundary of this district shall be the base flood elevations contained in the flood profiles of the Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA). These areas are shown on the Floodway Map or Flood Insurance Rate Map (FIRM).

FLOODPLAIN -

A. A relatively flat or low land area adjoining a river, stream or watercourse, which is subject to partial or complete inundation by water.

B. An area subject to the unusual and rapid accumulation or runoff of surface water from any source.

For the purposes of this Part, the floodplain shall be considered to be the one hundred (100) year floodplain which is a floodplain having a one (1) percent chance of being subject to the above conditions during any given year.

FLOODPLAIN DISTRICTS - the zoning districts that establish the bounds of the base flood as identified by the Federal Insurance Administrator so that necessary floodplain management control measures can be instituted in floodplain areas. These districts include the Approximated Floodplain (F-1), Floodway (F-2) and Flood Fringe (F-3) Districts.

FLOODWAY (F-2) - the channel of a river or other watercourse and the adjacent land area that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation of that flood more than one (1) foot at any point. The detailed study of the base flood provides specific flood profiles and allows for the delineation of both floodway and flood fringe areas within the bounds of the floodplain. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study prepared by FEMA.

HISTORIC STRUCTURE - any structure that is:
A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

C. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

   (1) By an approved State program as determined by the Secretary of the Interior.

   (2) Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR - the lowest floor of the lowest floor enclosed area (including basements). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an areas other than a basement area is not considered a building's lowest floor provided that such enclosure is not built in violation of the applicable nonelevation design requirements of this Part and the Lebanon County Floodproofing Building Code (Chapter 4, Part 1).

MANUFACTURED HOMES - a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes (A) all mobile homes and (2) camping trailers, recreational vehicles, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

MANUFACTURED HOME PARK and/or SUBDIVISION - a lot or area which is a planned development and designated to contain two (2) or more manufactured homes for rent or for sale. Any lot or area proposed to utilize such design where individual manufactured home sites are proposed for sale shall be known as a manufactured home subdivision.

ONE HUNDRED YEAR (100) YEAR FLOOD (BASE FLOOD) - a flood selected as the base flood, that has a one (1) percent or greater chance of occurring in any given year.

RECREATIONAL VEHICLE - a vehicular-type of portable structure which is (A) built on a single chassis, (B) four hundred (400) square feet or less when measured at the largest horizontal projection, (C) self-propelled or mounted or drawn by another vehicle and (D) primarily designed as temporary
living accommodations for recreation, camping or travel or seasonal use and not as a permanent dwelling. The term "recreational vehicle" includes but not limited to travel trailers, camping trailers, truck campers and self-propelled motor homes.

STRUCTURE - a walled or roofed building, including a gas or liquid storage tank (principally above ground), a manufactured home or any other manmade object usually assembled of interdependent parts or components which is designed to have a more or less fixed location, whether or not permanently attached at that location.

START OF CONSTRUCTION - the first placement of permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a manufactured home) without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured homes not within a manufactured home park or manufactured home subdivision, start of construction means the affixing of the manufactured home to its permanent site. For manufactured homes within the manufactured home park or manufactured home subdivisions, start of construction is the date on which the construction of facilities for servicing the site on which the manufactured home is to be affixed (including at a minimum, the construction of streets, either final site grading or the pouring of concrete pads and installation of utilities) is completed. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

SUBSTANTIAL DAMAGE - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT -

A. Any repair, reconstruction, alteration or improvement (not including general maintenance or repair) of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the improvement or repair is started or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this Part, substantial improvement is considered to have occurred when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
B. The term does not, however, include either (1) any project for improvement of a structure to correct an existing violation of State or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

TOXIC MATERIALS - the following materials and substances, which are listed in §38.7 of the Department of Community and Economic Development Floodplain Management Regulations adopted pursuant to the Pennsylvania Floodplain Management Act (Act 1978-166), have been determined to be dangerous to human life:

A. Acetone.
B. Ammonia.
C. Benzene.
D. Calcium carbide.
E. Carbon disulfide.
F. Celluloid.
G. Chlorine.
H. Hydrochloric acid.
I. Hydrocyanic acid.
J. Magnesium.
K. Nitric acid and oxides of nitrogen.
L. Petroleum products (gasoline, fuel oil, etc.).
M. Phosphorus.
N. Potassium.
O. Pesticides (including insecticides, fungicides and rodenticides).
P. Sodium.
R. Sulfur and sulfur products.
S. Radioactive substances, insofar as such substances are not otherwise regulated.

(Ord. 4-2000, 6/5/2000, §2)

§1103. Delineation of Districts.

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1. The floodplain districts shall include all areas of this Township subject to inundation by flood waters of the base flood. The basis for the delineation of the three (3) floodplain districts (Approximated Floodplain, Floodway and Flood Fringe Districts) shall be the official flood boundary and floodway map or Flood Insurance Map (dated September 30, 1981 or the most recent revision thereof) and the Official Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA) or for those areas where no floodway has been identified in the Official Flood Insurance Study, other available studies or sources of information.

2. Three (3) separate districts are necessary to equitably enforce floodplain management controls in the floodplain districts. The Approximated Floodplain District (F-1) shall include all areas of the Township subject to inundation by flood waters of the base flood for which no specific flood profiles have been provided. The actual elevation and extent of the district is to be determined by the base flood elevation. In order to determine the base flood elevation, the following variety of sources of data shall be used:

   A. Other official flood hazard boundary or floodway maps.
   B. Alluvial soil maps prepared by the U.S. Soil Conservation Service.
   C. Local data from the 1972 flood.
   D. Army Corps of Engineers, Floodplain information reports.
   F. Other available studies and sources of floodplain information.

3. In lieu of the previously mentioned, the Township shall require the applicant to determine the base flood elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be undertaken only by professional engineers or other of demonstrated qualifications who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township or a qualified agent thereof. The actual elevation and extent of the district shall be determined by the base flood elevation.

4. The Floodway District (F-2) where flood heights and velocities are greatest, must have more restrictive provisions to prevent encroaching development from elevating flood levels or creating more danger to life or destruction of property. It has been delineated for purposes of this Part using criteria that a certain area within the floodplain must be capable of carrying the water of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this district are specifically defined in the Flood Insurance Study and shown on the accompanying flood boundary/floodway maps. In the Flood Fringe District (F-3) where the dangers of flooding are generally of a lesser degree, more types of development may occur, but with necessary restrictions. In a detailed study area, the Flood Fringe District shall be that area of the one hundred (100) year floodplain not included in the
Floodway District. The basis for the outermost boundary of the Flood Fringe District shall be the base flood elevations contained in the flood profiles of the previously referenced Flood Insurance Study, and as shown on the accompanying maps.

5. All subdivision proposals and other proposed new developments shall provide base flood delineations; however, subdivision proposals and other proposed new development greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall include actual base flood elevation data. It shall be the responsibility of the developer to provide the required base flood elevation data, in a form comparable to HEC-2, which shall be certified as accurate by a registered professional engineer.

6. The delineation of the floodplain, Approximated Floodplain, Floodway and Flood Fringe Districts may be revised by the Board of Supervisors where natural or manmade changes have occurred and/or more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission or other qualified agencies or individuals. However, prior to when the district bounds are to be changed, approval shall be obtained from the Federal Emergency Management Agency (FEMA) and/or the River Basin Commission.

7. Initial interpretations of the boundaries of the floodplain districts shall be made by the Zoning Officer. Where interpretation is needed concerning the exact location of any boundary of the floodplain districts, the Zoning Hearing Board shall make the necessary determination after hearing all evidence presented by the person or persons contesting the location of district boundaries. The burden of proof shall be the responsibility of the appellant, and he shall provide any and all technical information to support his case.

(Ord. 4-2000, 6/5/2000, §2)

§1104. District Provisions.

1. All uses, activities, construction, including manufactured homes and other development occurring within the Approximated Floodplain, Floodway or Flood Fringe Districts shall be undertaken only in strict compliance with the provisions of this Part and with all other applicable State and Federal codes, ordinances and requirements, including but not limited to, Lebanon County Floodproofing Building Code [Chapter 4, Part 13] and the Jackson Township Subdivision and Land Development Ordinance [Chapter 22].

2. Under no circumstances shall any use, encroachment, activity and/or development adversely affect the capacity of the stream channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

3. No structure, including manufactured homes, or land shall hereinafter be used and no structures, including manufactured homes, shall be located, relocated, constructed, reconstructed, enlarged, structurally altered or substantially improved except in full compliance with the terms and provisions of this Part and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Part.
4. All permitted uses shall be regulated by the provisions of the nearest zoning district as shown on the official zoning map. Where there happen to be conflicts between the provisions or requirements of the Approximated Floodplain, Floodway or Flood Fringe Districts and the nearest zoning district, the more restrictive provisions shall apply. In the event that any portion of the floodplain districts is declared inapplicable as result of any legislative or administrative actions or judicial discretion, the nearest zoning district shall be deemed to be the district in which the floodplain districts are located.

5. Approximated Floodplain (F-1) and Floodway (F-2) Districts.

A. In the Approximated Floodplain and Floodway Districts no development, including manufactured homes, shall be permitted except where it can be demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all applicable local and/or State authorities.

B. Permitted Uses. In the Approximated Floodplain Districts, the following uses and activities are permitted provided that (1) the information required in §1109 of this Part is submitted as part of the permit application, (2) they are in compliance with the provisions of the nearest zoning district, (3) they will not result in any increase in the level of the base flood anywhere, (4) they are not prohibited by this or any other ordinance, (5) they do not require the placement or use of permanent onlot sewage facilities within any floodplain districts and (6) they do not require encroachments, new construction, manufactured homes, storage of materials and equipment, substantial improvements, fill, vehicles or parts thereof or other development:

   (1) Agricultural uses such as general farming, horticulture, truck gardening, nurseries, pasturing, grazing, forestry and sod farming and wild crop harvesting.

   (2) Public and private recreational uses and activities such as parks, picnic grounds, areas for short term camping or recreational vehicle uses, golf courses, boat launching and swimming areas, hiking, bicycling and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, shooting ranges and hunting and fishing areas. Open structures such as picnic pavilions, consisting of a slab, open structural supports such as posts and pillars, and a roof shall be permitted only if constructed in compliance with the Lebanon County Floodproofing Building Code [Chapter 4, Part 1].

   (3) All uses and open structures customarily accessory to permitted uses in the nearest adjoining district such as yard areas, gardens or play areas, signs, unroofed porches, patios, open porches or carports provided that said structures are not enclosed by screening, latticing, studs or structural supports less than eight (8) feet apart which would in any manner restrict the flow of flood water and debris and are in compliance with the applicable
requirements of the Lebanon County Floodproofing Building Code [Chapter 4, Part 1].

(4) Utilities, public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants and other similar or related uses.

(5) Water related uses and activities such as marinas, docks, wharves, piers, etc.

(6) Extraction of sand, gravel and other material.

(7) Storage of materials and equipment provided that they are not buoyant, toxic to humans, animals, or vegetation, flammable or explosive and are not subject to major damage by flooding or provided that such material and equipment is firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning.

6. **Flood Fringe District (F-3).** In the Flood Fringe District the development and/or use of land shall be permitted in accordance with the regulations of the nearest zoning district provided that all uses, activities and/or development shall be undertaken in strict compliance with the Lebanon County Floodproofing Building Code [Chapter 4, Part 1] and any other applicable State or Federal codes and ordinances.

7. **Prohibited Uses.** In the Floodway (F-2), Flood Fringe (F-3) and Approximated Floodplain (F-1) Districts, the following uses and activities are strictly prohibited:

   A. Hospitals, sanitariums, sanatoriums, clinics, etc., whether public or private.

   B. Public or private nursing homes.

   C. Jails or prisons.

   D. Public or private schools or institutions of higher education.

   E. New manufactured home parks and manufactured subdivisions and substantial improvements to existing manufactured home parks.

   F. A new or substantially improved structure which will be used for the production or storage of any materials which are toxic, flammable or explosive or which will be used for any activity requiring the maintenance of a supply of more than five hundred fifty (550) gallons of such materials or any amount of radioactive substances.

   G. Any other use, activity or development not specifically permitted under the terms of this Part.

(Ord. 4-2000, 6/5/2000, §2)

§1105. **Additional Safeguards.**
1. No encroachments, including manufactured homes, new construction or development, shall be located within a designated floodway. Where the floodway has not been specifically identified for a stream or waterway, no encroachments shall be permitted within the stream channel (from top of bank to top of bank). Furthermore, encroachments outside the stream banks but within the floodplain district shall be permitted only when in compliance with this Part and Pennsylvania Department of Environmental Protection permit requirements.

2. No part of any private onlot sewage disposal system shall be constructed within any floodplain districts.

3. Community water supply systems and sanitary sewage systems shall be designed and located to preclude infiltration of flood water into the system and discharges from the system into flood waters.

4. The Township will endeavor to coordinate its floodplain management program with neighboring municipalities, particularly when the property(ies) in question is located near a municipal boundary.

5. Filling or the dumping of fill material is prohibited in the floodplain Districts on vacant lots or on land not scheduled for approved construction activities. Fill may only be used in the floodplain districts to raise the finished surface of the lowest floor of a structure to an elevation of a minimum of two (2) feet above the base flood elevation provided the following conditions are met:

   A. Use of fill shall be in compliance with the Lebanon County Floodproofing Building Code [Chapter 4, Part 1] and any other applicable ordinances.

   B. Use of fill shall be permitted only when the property owner or applicant provides a document acceptable by the Zoning Officer, certified by a registered professional engineer, stating that the cumulative effect of the proposed fill, in conjunction with the other anticipated development, will not result in an increase in the water surface elevation of the base flood at any point.

6. Prior to any stream or watercourse alteration or relocation, a permit shall be obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. Also adjacent communities, the Department of Community and Economic Development, and the Federal Emergency Management Agency (FEMA) must be notified. Additionally, the Township must be assured that the flood carrying capacity of an altered or relocated watercourse will be maintained by the developer.

7. The placement of any manufactured home in the Floodway (F-2) or Approximated Floodplain District (F-1) District is prohibited except as replacement unit in an existing manufactured home park or an existing manufactured home subdivision. Said replacement units shall comply with the special anchoring and site requirements of Chapter 4, §101(E).

(Ord. 4-2000, 6/5/2000, §2)
§1106. Factors to be Considered by the Zoning Hearing Board When Reviewing Special Exceptions and Variances. In reviewing applications for special exceptions and variances, the Zoning Hearing Board shall consider and shall apply all relevant factors specified in this Part, in the Pennsylvania Municipalities Planning Code (Act 247, as amended) and other State and Federal ordinances and shall apply all of the following:

A. The danger of life and property due to increased flood heights or velocities caused by encroachments.

B. The danger that materials may be swept onto other lands or downstream to the injury of others.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

D. The susceptibility of the proposed structure or use and its contents to flood damage and the effect of such damage on the individual owners.

E. The importance of the services provided by the proposed facility to the community.

F. The requirements of the facility for a waterfront location.

G. The availability of alternative locations not subject to flooding for the proposed use.

H. The compatibility of the proposed use or structure with existing development and development anticipated in the foreseeable future.

I. The relationship of the proposed use or structure to the comprehensive plan and floodplain management programs of the area.

J. The safety of access to the property in times of flood by ordinary and emergency vehicles.

K. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

L. No variance shall be granted to allow either in whole or in part any prohibited use listed in §1104 of this Part.

M. Where appropriate, variances may be granted for the reconstruction, rehabilitation or restoration of historical structures as defined therein.

N. The granting of a variance shall provide relief only from the specific term(s) of the floodplain regulations, requested, not exemption from all floodplain regulations or any applicable insurance premiums, nor any State or Federal permitting requirements.
O. Variances shall not be granted which result in any increase in the base flood elevation.

P. Variances shall be granted only when and where the applicant demonstrates compliance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

Q. Variances shall be granted only when they are shown to be the minimum relief necessary, considering the flood hazard.

R. When variances are granted, written notification, signed by the appropriate local official, shall be given to the applicant indicating that:

1. Increased insurance premium rates will result.

2. Construction occurring below the base flood elevation will increase risks to life and property.

S. Other factors which are relevant to the purpose of this Part.

(Ord. 4-2000, 6/5/2000, §2)

$1107. Nonconformities. A structure or use of a structure or land which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following:

A. Existing nonconforming structures or uses located in the Floodway (F-2) or Approximated Floodplain (F-1) Districts:

1. Shall not be moved, replaced or substantially improved, but may be modified, altered or repaired to incorporate floodproofing measures as per the Lebanon County Floodproofing Building Code [Chapter 4, Part 13] provided that such measures and elevation techniques do not raise the level of the base flood.

2. May be expanded or enlarged, but not substantially improved provided that said expansion or enlargement (a) does not exceed twenty-five (25) percent of the area of the first floor of the structure existing at the effective date of a floodplain management regulation adopted by the Township, (b) is not constructed below the existing first floor elevation, and (c) complies with all applicable floodproofing requirements of the Lebanon County Floodproofing Building Code [Chapter 4, Part 1]. Plans for the above mentioned expansion or enlargement shall be accompanied by a side profile of the existing and proposed structures and shall indicate existing grade, floor elevations, use of fill, etc.

B. Existing nonconforming structures or uses located in the Flood Fringe (F-3) District:
(1) May be substantially improved, moved, replaced, modified, altered or repaired provided that such work is conducted in full compliance with the provisions of this Part, the Lebanon County Floodproofing Building Code [Chapter 4, Part 1] and any other applicable codes or ordinances.

(2) May be enlarged or expanded in a manner which is not a substantial improvement as defined by this Part and provided that said enlargement or expansion complies with the above requirements of subsection (A)(2)(a), (b) and (c).

C. If any nonconforming structure or use, including manufactured homes, located in the floodplain districts is demolished, removed, substantially damaged or destroyed by any means, including floods to an extent of fifty (50) percent or more of the market value of the structure, it shall not be reconstructed, replaced or continued except in conformity with the provisions of this Part, the Lebanon County Floodproofing Building Code [Chapter 4, Part 1] and any other applicable ordinance.

(Ord. 4-2000, 6/5/2000, §2)

§1108. Lot Area, Yard and Sign Requirements. The lot area, yard, sign and other district requirements of the land in question shall be the same as the district requirements of the nearest zoning district. (Ord. 4-2000, 6/5/2000, §2)

§1109. Additional Requirements.

1. To insure that all construction and development on property which contains identified floodplain areas will be conducted employing flood damage controls, the Zoning Officer shall require the following additional information to be included as part of an application for a permit:

A. A plan which accurately locates the proposed construction and/or development with respect to the floodplain district boundaries, stream channel, existing floodplain development and all proposed subdivision and land development to assure that:

   (1) All such proposals are consistent with the need to minimize flood damage.

   (2) All public utilities and facilities, such as sewer, gas, telephone, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.

   (3) Adequate drainage is provided to reduce exposure to flood hazard.

B. Such plan shall also include existing and proposed contours (at intervals determined to be adequate by the Zoning Officer based upon
site conditions) and elevations of the grounds, base flood elevations, structure elevation, lowest floor elevation, size of structure, location and elevations of streets, water supply, sanitary sewage facilities, soil types and floodproofing measures. When proposed construction and/or development involves structures and/or fill to be located within the designated floodplain, such plan shall also include details of proposed fill, pile structures, retaining walls, foundations, erosion control measures and the Zoning Officer may require more detailed contour and elevation data.

C. A document certified by a registered professional engineer or architectural precautions against flood damage have been taken with respect to the design of any building or structure and that the plans for the development of the site adhere to the restrictions cited in this Part, the Lebanon County Floodproofing Building Code [Chapter 4, Part 1] and other applicable ordinances.

2. Review of Application. The Zoning Officer may require that a copy of all plans and specifications for construction and/or development affecting identified floodplain areas be submitted to other appropriate agencies and/or individuals (e.g. County Conservation District, Planning Commission, Township Engineer, etc.) for review and comment prior to the issuance of a building permit. When proposed construction and/or development involves structures and/or fill which will be located directly within the designated floodplain, the Zoning Officer shall submit said plans and specifications to the appropriate agencies and/or individuals as indicated above. Recommendations from these sources shall be considered for possible incorporation into the proposed plan and may be made a condition for approval of a building and zoning permit.

3. A record of all variances granted, including their justification, shall be maintained by the community as well as reported in the annual report to the Flood Insurance Administrator.

(Ord. 4-2000, 6/5/2000, §2)

§1110. Statement of Disclaimer. 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; however, larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damages. This Part shall not create liability on the part of this Township or any officer or employee thereof for any flood damage that results from reliance on this Part or any administrative decision made thereunder.

(Ord. 4-2000, 6/5/2000, §2)

§1111. Building Permits Required.

1. Building permits shall be required before any new construction, substantial improvement, placement or relocation of any structure (including manufactured homes) or development is undertaken within any identified flood
prone area of the Township. Prior to issuance of any building permit, the applicant shall submit to the Zoning Officer copies of any other required State and Federal permits, including but not limited to the following permits when applicable: floodway, wetland, surface mining, water quality, earth disturbance, sewage or State Fire Marshall. Copies of all required permits shall be maintained by the Zoning Officer as a part of the building permit file.

2. After the issuance of a building permit or site plan approval 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 with the application without the written consent or approval of the Zoning Officer.

(Ord. 4-2000, 6/5/2000, §2)
Part 12

Planned Residential Development

§1201. Intent. In order to provide for a wide range of housing types and new design innovations in the field of residential development and at the same time assure the necessary amenities for residential living as provided for in all residential districts, the following §§1202 and 1203 are included to assure the necessary ordinance flexibility for this kind of development. This Section shall apply only to residential or agricultural districts. (Ord. 8, 5/3/1972, §12.1; as amended by Ord. 6/4/1984, 6/4/1984, §17.01)

§1202. Procedure.

1. An application for an approval authorizing a modification of the strict requirements of this Chapter 27 for a planned residential development must be made to the Township Supervisors in three (3) copies. This application shall contain the following information:

A. A legal description of the property under consideration which shall be a minimum of fifteen (15) acres in area.

B. A scaled topographic map of the entire parcel with a contour interval of not less than two (2') feet.

C. A site plan showing the location of all existing and proposed buildings and structures, parking lots, buffer strips, plantings, streets, public ways, and curb cuts.

D. Proposed reservations for parks, parkways, playgrounds, school sites, and other open spaces with indication of the organization to own and maintain such open space.

E. A location map showing the location of the site in relation to the surrounding area.

F. Architectural sketches, at the appropriate scale, showing building height, bulk, interior layout and proposed use.

G. A feasible proposal for sanitary sewers and storm water control.

H. The substance of covenants, grants of easement, or other restrictions proposed to be imposed upon the use of the land, buildings, and structures, including proposed easements of grants for public utilities.

I. The required modifications in the land use regulations otherwise applicable to the subject property.

J. A schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed if the development plans call for development over a period of years. This schedule must be updated annually until the development is completed and accepted.

2. The Township Supervisors shall refer the application to the
Township Planning Commission and the County Planning Department for study and recommendation. The two (2) agencies shall be required to make comment to the Board within thirty (30) days, or the right to review will be considered forfeited.

3. Public Hearings.

A. Within sixty (60) days after the filing of an application for tentative approval of a planned residential development pursuant to this Chapter, a public hearing pursuant to public notice on said application shall be held by the Township Supervisors.

B. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Township Supervisors. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

C. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Township Supervisors, and any other person including civic or community organizations permitted to appear by the Township Supervisors. The Township Supervisors shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Township Supervisors for that purpose.

D. The chairman, or acting chairman in the absence of the chairman, of the Township Supervisors shall have 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.

E. The parties shall 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.

F. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

G. The Township Supervisors shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Township Supervisors. The cost of the original transcript shall be paid by the Township Supervisors if the transcript is ordered by the Township Supervisors or shall be paid by the person appealing from the decision of the Township Supervisors if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

H. The Township Supervisors shall not communicate, directly or indirectly, with any party or his representatives in connection with
any issue involved except upon notice for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, 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 representative unless all parties are given an opportunity to be present.

I. The Township Supervisors may continue the hearing from time to time, and may refer the matter back to the Planning Commission for a report, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

[Ord. 1-1991]

4. Within sixty (60) days following the conclusion of the public hearing, the Board of Supervisors shall make a written report by certified mail to the applicant. Said report shall:

A. Grant tentative approval of the development plan as submitted.

B. Grant tentative approval subject to specified conditions not included in the development plan as submitted.

C. Deny tentative approval to the development plan.

D. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. If tentative approval is granted, subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written report, notify the Township Supervisors of his refusal to accept all said conditions, in which case the Township Supervisors shall be deemed to have denied tentative approval of the development plan. If the landowner does not, within said period, notify the Township Supervisors of his refusal to accept all said conditions, tentative approval of the development plan, with all stated conditions, shall stand as granted.

E. The official report granting or denying tentative approval shall include conclusions and findings of fact related to the proposal and the reasons for the grant, with or without conditions, or the denial. Also contained in the report shall be a statement of the respects in which the development plan is or is not in the public interest, including conclusions on the following:

(1) In those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Township.

(2) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, and the reasons why such departures are or are not deemed to be in the public interest.

(3) The purpose, location, and amount of the common open space in the planned residential development; the reliability of the proposals for maintenance of the common open space; and the
The physical design of the development plan and the manner in which said design does or does not make adequate provisions for public service; provide adequate control over vehicular traffic; and further the amenities of light and air, recreation, and visual enjoyment.

(5) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established.

(6) Application for final approval shall be filed within three (3) months of tentative approval. In the case of a development plan which provides for development over a period of years, the periods (phased development), the time within between applications for final approval of each phase or part shall not be more than twelve (12) months.

5. The official written report shall be certified by the Secretary of Township Supervisors and filed in his office. Where tentative approval has been granted, the same shall be noted on the Zoning Map.

A. Tentative approval shall not qualify a plat of the planned residential development for recording, development, or the issuance of any building permits. A plan which has received tentative approval shall not be modified, revoked, nor otherwise impaired by action of the Township, if the time periods for submission of final application specified in said written report are being fulfilled, unless the applicant consents to the change or modification.

B. In the event tentative approval is granted but prior to final approval, the applicant elects to abandon said plan and notifies the Township Supervisors in writing or fails to file for final approval within the specified times, the tentative approval shall be deemed to be revoked; and all the area in the development plan which has not received final approval shall be subject to this Chapter 27 as otherwise applicable thereto, and the same shall be noted on the Zoning Map and in the records of the Township Supervisors.

6. The application for final approval may be for all the land included in the Plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Township Supervisors within the time or times specified by the tentative approval. The application for final approval shall meet all requirements and contain all enclosures specified for the final plan of the subdivision stated within the Lebanon County Subdivision and Land Ordinance. A public hearing on an application for final approval of the development plan or part thereof shall not be required, provided the development or part thereof submitted for final approval is in compliance with the development plan theretofore given tentative approval.

A. When the final application has been filed, together with all drawings, specifications and other documents in support thereof, and
as required by this Chapter 27 and the official written report of tentative approval, the Township Supervisors, within thirty (30) days of such filing, shall grant final approval to said plan.

B. When the final application contains variations from the plan given tentative approval, the Township Supervisors may refuse to grant final approval and shall within thirty (30) days of the filing so advise the applicant of said refusal, setting forth the reasons why one or more of the variations are not in the public interest. In the event of such refusal, the applicant may either: refile his application without the objected variations, or request a public hearing on his application for final approval. Either action shall be taken within the time which the applicant was entitled to apply for final approval or within thirty (30) additional days if the said time already passed when the applicant was advised of the denial. If no action is taken by the applicant, the plan shall be deemed to be abandoned. If a public hearing is requested, it shall be conducted in the same manner prescribed for tentative approval; but the written report shall either grant or deny final approval while in the form and contain the findings required for an application for tentative approval.

7. A development plan or any part thereof which has received final approval shall be certified by the Township Supervisors and filed within ninety (90) days with the Lebanon County Recorder of Deeds. Should the plan not be recorded within such period, the action of the Township Supervisors shall become null and void. No development shall take place until the plan has been recorded; and from that point of time, no modification of the provisions of said plan or part thereof as finally approved shall be made without the consent of the landowner.

8. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, shall so notify the Township Supervisors in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development no further development shall take place on the property included the development plan until after said property is re-subdivided and is reclassified by enactment of an amendment to this Chapter 27.

9. Any decision of the Township Supervisors under this Part granting or denying tentative or final approval of a development plan shall be subject to appeal to court in the same manner and within the same time limitation provided for zoning appeals.


§1203. Planned Development Standards.

1. Dwelling Units Permitted. The number of dwelling units permitted shall be determined by dividing the new development area by the minimum lot area per family required by the district in which the area is located. Net development area shall be determined by subtracting the area set aside for church and school use from the gross development area and deducting fifteen
(15%) percent of the remainder for streets, regardless of the amount of land actually required for streets. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted. The Township Supervisors shall determine the appropriate percentage of multi-family dwellings and/or commercial uses permitted in the development depending upon the size of the development and the character of the area in which such development is located; however in no case shall more than fifty (50%) percent of the net developable land area be developed into multiple dwellings and no more than six (6%) percent of the net developable land area shall be developed into commercial uses.

2. Lot Area and Frontage. The minimum lot area and minimum lot frontage of dwelling lots established within the development shall not be less than one-half (½) of the normal minimum lot area or minimum lot frontage of the district in which the lot is located. Planned developments in agricultural districts may be designed according to R-1 standards.

3. Other Requirements. All other applicable provisions of this Chapter 27 such as off-street parking regulations and limitation of signs shall apply to the planned unit development. Layout and improvement of streets and driveways shall conform to the Subdivision and Land Development Ordinance [Chapter 22] and other regulations pertaining thereto established by the Township Supervisors. [Ord. 6/4/1984]

4. Water Supply. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the planned residential development, applicants shall present evidence to the Board of Supervisors that the planned residential development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, which ever is appropriate, shall be acceptable evidence.

[Ord. 1-1991]


§1204. Enforcement Remedies.

1. Any person, partnership or corporation, who or which has violated the planned residential development provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred ($500.00) dollars 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 nor timely appeals the judgment, the Township may enforce the judgment pursuant to the appropriate 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 these
provisions to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of 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 planned residential development provisions of this Chapter shall be paid over to the Township.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

4. District justices shall have initial jurisdiction over proceedings brought under this Section.

Part 13
Nonconformities

§1301. Intent.
1. Within any zoning district established by this Chapter or any subsequent amendment thereto there exists:
   A. Lots
   B. Uses of land
   C. Structures
   D. Uses of structures or land and structures in combination

which were lawful to the passage or amendment of this Chapter but which would be prohibited, regulated, or restricted under the terms of this Chapter or future amendment, and are hereinafter referred to as nonconforming. It is the intent of this Chapter to permit these nonconformities to remain or continue until they are brought into compliance. It is further the intent of this Chapter that nonconformities shall not be used as grounds for adding other structures or additional uses prohibited elsewhere in the same district.

2. Nonconforming uses are declared by this Chapter to be incompatible with permitted uses within the same zoning district. Any nonconforming use of a structure, of land, or structure and land in combination may be extended or enlarged only as provided within this Chapter. Extension or enlargement of a nonconforming use by the addition of uses not normally accessory to the existing nonconforming use shall not be permitted.

3. To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and upon which actual construction has been carried on diligently. Additionally, where excavation, demolition or removal of an existing building has begun preparatory to rebuilding, such activities shall be deemed actual construction provided that work is carried on diligently.


§1302. Nonconforming Lots of Record.

1. Following the effective date of adoption of this Chapter, a permitted principal structure and accessory structure(s) may be erected upon any single nonconforming lot of record. Said lot must be in separate ownership and not of continuous frontage with other lots in the same ownership at the time of adoption of this Chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. However, yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of any prescribed requirements shall be obtained only through action of the Zoning Hearing Board.
2. If two (2) or more contiguous nonconforming lots held under single ownership have been duly approved by the Township Supervisors and are on record in the office of the Recorder of Deeds of Lebanon County for no more than three (3) years before the date of adoption of this Chapter, such lots may be developed, as recorded, provided that yard dimensions and requirements other than those applying to area or width shall conform to the regulations for the district in which such lots are located.

3. If two (2) or more contiguous nonconforming lots held under single ownership have been duly approved by the Township Supervisors and are on record in the office of the Recorder of Deeds of Lebanon County for more than three (3) years before the date of adoption of this Chapter, such lots may be developed, provided that:
   
   A. The lot area and width of all lots is seventy-five (75%) percent or more of the required lot area and width.
   
   B. All yard, lot coverage and other applicable requirements of this district can be satisfied.
   
   C. Contiguous nonconforming lots which cannot satisfy requirements A and B of this subsection shall be combined, enlarged or resubdivided to satisfy requirements A and B.

4. No portion of a nonconforming lot shall be sold or used in a manner which further diminishes compliance with the lot area and lot width requirements of this Chapter, nor shall a portion of a conforming lot be sold or used in a manner which creates a nonconforming lot.

§1303. Nonconforming Uses of Land. Where lawful use of land exists at the time of the passage of this Chapter which would not be permitted by the regulations imposed by this Chapter, and where such use involves no principal structure, the use may be continued, provided that:

1. No such nonconforming use of land which is ceased, removed, discontinued or abandoned for a period of two (2) years shall thereafter be reestablished. This cessation, discontinuance or abandonment time limit may be extended by a one hundred eighty (180) day time period where contracts or agreements are being negotiated, provided (1) the property owner makes written application for an extension, citing the reasons necessary for the extension and the length of extension requested and (2) the Zoning Administrator issues a temporary certificate of Zoning Compliance to register the reasons for extension, the length of extension and the nature of the nonconformity.

2. No principal structure shall be erected in connection with such nonconforming use of land.

3. Expansion of nonconforming uses shall be limited to a maximum aggregate enlargement of fifty (50%) percent of the area of land so used, as compared to the land in nonconforming use at the date of adoption of this Chapter. Contiguous land owned at the effective date of this Chapter may be used for expansion of the nonconforming use. However, for purposes of this Chapter, approved streets or road rights-of-way define the limit of expansion of any nonconforming use of land, and such uses shall not extend
across said streets or road rights-of-way.

(Ord. 8, 4/3/1972, §13.3; as amended by Ord. 6/4/1984, 6/4/1984, §16/03)

§1304. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, but not including off-street parking requirements; such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Such nonconforming structure may be enlarged or altered on existing or contiguous property.

2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means, it may be reconstructed provided that it is not reconstructed in a manner which will make it more nonconforming than the original building.


§1305. Nonconforming Uses of Structures or Land and Structures in Combination. If lawful use involving structures with a replacement cost of one thousand ($1,000.00) dollars or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. Existing structures devoted to a use not permitted by this Chapter in the district in which it is located may be enlarged or extended on existing or contiguous property, provided that all other requirements of this Chapter are satisfied for such extension, such as yards and setbacks.

B. Any nonconforming use and premises may, as a special exception, be changed to another nonconforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate conditions and safeguards in accord with the provisions of this Chapter.

C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall after the expiration of two (2) years conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

(Ord. 8, 4/3/1972, §13.5; as amended by Ord. 6/4/1984, 6/4/1984, §16.05)

§1306. Uses Under Special Exception Provisions Not Nonconforming Uses. Any existing use which is permitted as a special exception in a district under the terms of this Chapter (other than a change through Zoning Hearing Board action from one nonconforming use to another nonconforming use not generally permitted in the district) shall not be deemed a nonconforming use in such district. However, expansion, enlargement or change to that existing use shall be subject to the same criteria specified
for special exception approval within the district and administrative Sections of this Chapter, although Zoning Hearing Board action shall not be required. (Ord. 6/4/1984, 6/4/1984, §16.06)

§1307. Nonconforming Signs. Any sign erected, constructed, or placed before the effective date of this Chapter 27 which does not conform to the applicable provisions of Part 16 of this Chapter 27 is a nonconforming sign. No such sign shall be replaced, relocated or otherwise changed until approval is obtained in accordance with the requirements of Part 16 of this Chapter. (Ord. 6/4/1984, 6/4/1984, §16.07)
Part 14
Supplementary District Regulations

§1401. Intent. The Supplementary District Regulations are designed to contain a list of complementary and general requirements which augment and clarify regulations listed elsewhere in this Chapter. Where applicable, these regulations shall apply uniformly to every use, activity, building or structure hereafter erected, altered, established or expanded. These regulations apply to all zoning districts and are listed comprehensively herein to avoid duplication and repetition throughout the remainder of this Chapter 27. (Ord. 8, 4/3/1972; as amended by Ord. 6/4/1984, 6/4/1984, §12.01)

§1402. Accessory Buildings and Structures. Any building or structure attached to a principal building in any manner shall comply in all respects with the yard requirements of this Chapter for a principal building. No separate or detached building or structure shall be permitted in any required front yard. Accessory buildings located in the R-1 and/or R-2 District shall not be permitted within five (5') feet of any side or rear lot line; in all other residential or commercial districts, accessory buildings shall not be less than then (10') feet from a side or rear lot line. In all districts, accessory buildings shall not be less than ten (10') feet from a side or rear lot line. In all districts, where the entrance to a garage abuts a public alley, said garage entrance shall be no less than fifteen (15') feet from the right-of-way of such alley. (Ord. 8, 4/3/1972, §14.2; as amended by Ord. 6/4/1984, 6/4/1984, §12.02)

§1403. Accessory Uses.

1. Private, noncommercial swimming pools which are designed to contain a water depth of twenty-four (24") inches or more, regardless of whether they are permanently affixed or movable, shall be located on the same lot or tract as the dwelling and shall be permitted neither in the required front yard nor closer to any street line than the dwelling. In all other yards, a pool shall not be closer than fifteen (15') feet to any lot line, as measured from the water's edge. Any deck, patio, or impermeable surface, not under roof or otherwise enclosed, which surrounds, is attached to, or associated with a pool shall be no closer than ten (10') feet to the side or rear lot line.

2. Private tennis courts shall be permitted within side or rear yards provided that such facility shall not be less than fifteen (15') feet from side or rear lot lines.

3. Nothing in this Section shall be constructed to limit other uses not mentioned so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety, and/or welfare of the community.

§1404. Projections Into Yards. The following projections shall be attached to a building, may be permitted in required yards and shall not be considered in the determination of yard size.
1. Patios, pave terraces, decks, or open, unroofed porches shall be permitted in all yards provided that such structures shall be no closer than five (5') feet to any lot line and no greater than five (5') feet above finished grade.

2. Projecting architectural features - bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other architectural features, provided they do not extend more than five (5') feet into any required yard nor closer than three (3') feet to any adjacent property lines; however, any canopies, porte cocheres or other roofs that extend more than five (5') feet from the building line as defined in Part 1 of this Chapter, shall be subject to the yard requirements applied from the lot line to the edge of the roof.

3. Stairs, landings, and decks which are unroofed, provided that they are no closer than five (5') feet to any lot line.

4. Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5') feet into any required yard nor closer than three (3') feet to any adjacent property line.


§1405. Home Occupation Regulations. A home occupation as defined in Part 1 may be permitted in any district under the following conditions:

1. The proprietor of the home occupation shall reside on the premises and shall be the property owner or a member of the immediate family of the property owner. The home occupation shall be incidental to the use of the property as a residence, and there shall be no exterior evidence of the occupation nor change to the appearance of the dwelling to facilitate the operation of the occupation, other than one (1) small sign as provided in Part 16 of this Chapter.

2. The home occupation shall be conducted wholly within the dwelling and shall not occupy more than twenty-five (25%) percent of the habitable floor area nor more than seven hundred fifty (750) square feet. This area shall include all functions or activities of the home occupation.

3. The proprietor may employ not more than one (1) assistant who does not reside within the dwelling used for the home occupation.

4. In addition to the parking required for residents, after consideration of vehicular traffic patterns, parking congestion, volume of the customers visiting the business, number of assistants used in the home occupation and any other factors which would affect the aesthetic climate of the area or the safety of the residents in the area, parking spaces may be required for home occupations. All street parking improvements shall comply with Part 15 of this Chapter.

5. Any home occupation or accessory function of a home occupation which may create objectionable noise, fumes, odor, dust, electrical interference, or substantially more than normal residential traffic shall be prohibited.

(Ord. 8, 4/3/1972; as amended by Ord. 6/4/1984, 6/4/1984, §12.05)
§1406. Visibility at Intersections. On a corner lot in any district a clear sight triangle shall be provided at all street intersections. Within such triangles, no vision obstruction objects (other than utility poles) shall be permitted which obscure vision above the height of thirty (30) inches and below ten (10) feet as measured from the centerline grade of intersection streets. Such triangles shall be established from a distance of:

A. Seventy-five (75) feet from the point of intersection of the center lines of intersection streets, except,

B. Clear sight triangles of one hundred (100) feet shall be provided for all intersections with arterial and major streets.

(Ord. 6/4/1984, 6/4/1984, §12.06)

§1407. Fences, Walls and Hedges. Unless otherwise regulated, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard. However, no fence, wall, or hedge along the sides or front edge of any front yard shall be over thirty (30) inches in height and not obstruct visibility. (Ord. 6/4/1984, 6/4/1984, §12.07)

§1408. Erection of More Than One Principal Structure on a Lot. In any district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Chapter and the Jackson Township Subdivision Ordinance [Chapter 22] shall be met for each structure as though it were on an individual lot. (Ord. 2-1977, 9/6/1977, §2; as amended by Ord. 6/4/1984, 6/4/1984, §12.08)

§1409. Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved public or private street. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. (Ord. 8, 4/3/1972, §14.5; as amended by Ord. 6/4/1984, 6/4/1984, §12.09)

§1410. Water Supply and Sewage Facilities Required. In the interest of protecting the public health, safety, and welfare, every building or structure hereafter erected, altered or moved upon any premises and used in whole or in part for dwelling, commercial or recreational business, or industrial purpose shall be provided with both a safe and sanitary water supply and a safe and sanitary means of collection and disposal of residential, commercial, or industrial sewage. Such facilities shall conform to the minimum requirements set forth by the Department of Environmental Resources. (Ord. 8, 4/3/1972; as amended by Ord. 6/4/1984, 6/4/1984, §12.10)

§1411. Minimum Floor and Lot Area Requirements. Unless otherwise regulated in this Chapter, every dwelling unit hereafter designed, established, or erected shall contain a minimum habitable floor area of seven hundred (700) square feet. Existing two-family or multi-family development shall only be expanded or enlarged provided that a minimum lot area of three thousand (3,000) square feet is provided for each dwelling unit.
$1412. Foundations. All dwelling units hereafter erected or altered shall have a permanent continuous foundation. The footer shall be installed to a minimum depth of twenty-four (24) inches below ground level. (Ord. 6/4/1984, 6/4/1984, §12.12)

$1413. Corner Lot Restrictions. In all districts, corner lots shall have no required rear yards, but shall have two (2) required front yards as measured from the road right-of-way line and two (2) required side yards as measured from the lot lines. (Ord. 6/4/1984, 6/4/1984, §12.13)

$1414. Required Front Yard Exceptions. Where an unimproved lot of record is situated between two (2) improved lots, the front yard requirements for the district may be modified so that the front yard may be an average of the adjacent existing front yards. Where an unimproved lot of record is adjacent to one (1) improved lot which was developed prior to the enactment of this Chapter, the front yard requirements of the unimproved lot may be reduced to the average of the existing improved lot setback and required front yard. (Ord. 4-1975, 12/15/1975, §13; as amended by Ord. 6/4/1984, 6/4/1984, §12.14)

$1415. Animals. Customary household pets shall be permitted in any district; however, novelty pet kennels, and uses involving animal husbandry shall be permitted only as indicated in the appropriate district regulations. (Ord. 8, 4/3/1972, §14.8; as amended by Ord. 6/4/1984, 6/4/1984, §12.15)

$1416. Dangerous Structures. Upon notification and request by the Zoning Administrator, any building or structure which has deteriorated to the state where it is dangerous and/or unsafe for human occupancy, constitutes a fire hazard, endangers surrounding buildings, shelters rats or vermin, or endangers the safety of children playing thereabouts, shall be repaired, altered or removed to eliminate the dangerous conditions. Such improvements shall commence within thirty (30) days and be completed within ninety (90) days of notification by the Zoning Administrator. (Ord. 6/4/1984, 6/4/1984, §14.16)

$1417. Gasoline Pumps and All Other Equipment. Gasoline pumps, tanks, and all other service equipment shall be located not less than thirty-five (35) feet from any lot line and/or road right-of-way and located such that the vehicles stopped for service will not extend over the property line. (Ord. 6/4/1984, 6/4/1984, §14.17)

$1418. Parking and Storage of Certain Vehicles. Automotive vehicles or trailers of any kind without current, valid license plate and/or state inspection shall not be parked or stored on any property other than in completely enclosed buildings or properly approved junkyards. Additionally, such vehicles shall not be parked or stored along public streets in any zoning district. (Ord. 8, 4/3/1972, §14.7; as amended by Ord. 5-1981, 10/19/1981, Art. 1; and by Ord. 6/4/1984, 6/4/1984, §12.18)
§1419. Parking, Storage or Use of Major Recreation Equipment. For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers, or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. Such equipment may be used for living, sleeping, or housekeeping purposes when parking for no more than thirty (30) days per year, on a residential lot, or in any location not approved for such use. Such equipment can be stored in the rear and side yards only. (Ord. 8, 4/3/1972, §14.6; as amended by Ord. 6/4/1984, 6/4/1984, §12.19)

§1420. Mobile Home Parks and Mobile Home Subdivisions. All mobile home parks and mobile home subdivisions hereafter erected, established, substantially altered, or expanded shall comply with the requirements of §802(9)(B) of this Chapter. However, alterations or expansion of said parks or subdivisions shall not require special exception approval before the issuance of a Building and Zoning Permit. (Ord. 6/4/1984, 6/4/1984, §12.20)

§1421. Exceptions to Height Regulations. The height limitations of this Chapter shall not apply to church spires; farm structures when permitted by other provisions of this Chapter (e.g., silos, barns, etc.); belfries, cupolas, penthouses or domes not used for human occupancy; flagpoles, chimneys, ventilators, skylights, water tanks, bulkheads and similar features; utility poles and standards; and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and then only in accordance with any other governmental regulations. (Ord. 8, 4/3/1972, §14.4; as amended by Ord. 6/4/1984, 6/4/1984, §12.21)

§1422. Public Utilities Exemptions. For the purposes of this Chapter, public utilities exemptions to district requirements shall extend only to accessory support and maintenance structures and buildings not requiring human occupancy. Such uses and structures including fences shall be located no closer than ten (10) feet to any lot line or road right-of-way line. Principal utility structures (e.g., sewage treatment plants, electrical power plants, etc.) shall be permitted in any district but shall comply in all respects with the requirements for a principal use of the district in which it will be located. In either case, said utility corporation shall secure a Building and Zoning Permit from the Zoning Administrator prior to the start of construction. Said permit application shall include any and all approvals required by other agencies, etc., for the use specified. (Ord. 8, 4/3/1972, §14.10; as amended by Ord. 6/4/1984, 6/4/1984, §12.22)

§1423. Sandpits, Gravel, Pits, Etc. Sandpits, gravel pits, removal of top soil, and the excavation, extraction or removal of any natural resource from the land or ground for any purpose, are permitted subject to the following conditions:

A. Application for the special exception shall be accompanied by an approved Department of Environmental Resources permit authorizing
said activities.

B. The proposed operation shall not adversely affect soil fertility, drainage, and lateral support of abutting land or other properties, nor shall it contribute to soil erosion by water or wind.

C. Whenever the location of the excavation to roadways, adjoining properties, or the nature of the population density in the area may warrant, the Board, in its discretion, where any excavation will have a depth of ten (10) feet or more and a slope of more than thirty (30) percent, there shall be an appropriate, protective fence with suitable gates where necessary, effectively blocking access to the area in which extraction is located. Such fence shall be located no less than fifty (50) feet from the edge of the excavation. All operations shall be screened from nearby residential uses as required by the Zoning Hearing Board.

D. That portion of access roads located within one hundred (100') feet to any lot in residential use or lot zoning residentially shall be provided with a dustless surface. Access road shall connect to collector or major road networks avoiding undue movement through residential areas.

E. At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.

F. A site plan for rehabilitation, showing both existing and proposed final contours, shall be submitted. After any such operations, the site shall be made reusuable for a use permitted in the Zoning District. Where topsoil is removed, sufficient arable soil shall be set aside for retention on the premises and shall be respread over the premises after the operation is terminated. Except where lakes are created and retained, the area shall be brought to final grade by a layer of earth at least two (2) feet deep or to original thickness, whichever is less, and capable of supporting vegetation. Fill shall be of an acceptable material.


§1424. Wireless Telecommunications Facilities.

1. Purpose. In recognition of the quasi-public nature of personal wireless service facilities, the purpose of this Section is:

A. To regulate the placement, construction and modification of communications and transmissions antennas and communications towers to protect the public safety and welfare.

B. To accommodate the need for communications antennas while regulating their location in the Township.
C. To minimize adverse visual effects of antennas and communication towers through proper design, siting, painting and vegetative screening.

D. To encourage co-location of antennas and the use of existing structures to reduce the number of such structures needed in the future.

E. To avoid potential damage to adjacent properties from communication tower failure and falling ice or debris, through engineering and proper siting of communication towers.

F. To minimize any adverse effects of location and design or personal wireless facilities on residential property values.

G. To ensure that antennas and communication towers will be removed in the event that such structures are abandoned or become obsolete and are no longer necessary.

H. To promote co-location of emergency service antennas.

2. Wireless communications facilities shall comply with the following provisions in addition to any other and all other ordinance provisions of this Chapter or provisions of other ordinances of the Township of Jackson which may additionally pertain to wireless communication facilities:

A. Communication antennas may be attached to buildings or structures, (i.e. water tower or tall building) except single family and two family residential dwellings, and shall be a permitted use in all districts, provided that the following requirements are met:

(1) Antennas shall not exceed the height of the existing structure by more than twenty (20) feet.

(2) Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

(3) Directional or panel communications antennas shall not exceed five (5) feet in height or width with a maximum surface area of fifteen (15) square feet.

(4) Any applicant proposing communications antennas 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, ice and other loads associated with the antenna location.

(5) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for review by the Jackson Township Code Enforcement Office for compliance with the Township of Jackson Building Code and other applicable law.
(6) Any applicant proposing communications antennas 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 antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

(7) Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(3) Communications antennas shall not cause radio frequency interference with other communications facilities located in the Township of Jackson, nor shall they create crosstalk or otherwise interfere with other methods of telephone communication.

(9) A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.

(10) The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.

(11) Communications antennas and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

3. Communications towers are permitted as a conditional use in Commercial and Agricultural Districts after notice and hearing before the Board of Supervisors provided that the following requirements are met:

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

B. 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 communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-half (\(\frac{1}{2}\)) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:

(1) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

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

Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

A commercially reasonable agreement could not be reached with the owners of such structures.

C. Communications towers shall minimum of five hundred (500) feet from any existing residential structure.

D. In all other respects, communications towers permitted under this Section shall comply with the requirements set forth for communications towers in an industrial district.

E. Applicant shall demonstrate that the proposed tower does not interfere with airport zoning regulations or flight paths.

F. The Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Section, as it may deem necessary to implement the purposes of the Municipalities Planning Code and this Chapter.

Communications towers are permitted in the Industrial District and shall comply with the following provisions in addition to other ordinance provisions:

A. Yard Regulations.

(1) Communication towers shall be setback from all property lines or lease lines the greater of a distance equal to thirty-five (35) percent of the height of the structure or to the yard setbacks applicable to the zoning district in which the structure is to be located, whichever is greater.

(2) Communications towers shall be set back a minimum of five hundred (500) feet from residential districts, as well as five hundred (500) feet from residential structures in all other districts.

(3) Communications equipment buildings shall comply with the yard requirements of the zoning district in which they are located.

B. Height Regulations.

(1) Communications towers, including attached antennas shall be kept to a minimum height needed to function in accordance with industry standards. In case of co-usage, the communication structure height may be adjusted to account for other users. In no
case shall any communications tower exceed a maximum height of two hundred (200) feet.

(2) Communications equipment buildings shall comply with building height requirements in the zoning district in which they are located.

C. Separation. A minimum of ten (10) feet shall be maintained between any communications tower, or portion thereof, and all buildings except the associated communications equipment building.

D. Access. Access shall be provided to the lot or leased parcel on which the communications tower or communications equipment building is located by means of a public street and/or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and the access shall be paved to a width of at least ten (10) feet for its entire length.

E. Off-Street Parking. A minimum of one (1) paved off-street parking space shall be provided on the lot or leased parcel on which the communications tower and/or communications equipment building is located. The required parking shall be in accordance with the provisions of off-street parking regulations provided for in this Chapter.

F. Fencing.

(1) A fence shall be required around the equipment building(s) and other equipment. The fence shall be a minimum of six (6) feet in height and a maximum of eight (8) feet in height; shall completely enclose the antenna, support structure and related facilities, shall not contain openings greater than nine (9) square inches; and shall contain, at all entrances, gates which shall be locked except during such time as the site is manned by authorized operations or maintenance personnel.

(2) All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within the fenced enclosure.

G. Landscaping. The following landscaping shall be required to screen as much of the communications tower as possible, the fence surrounding the tower and any other ground-level features (such as a building) and in general soften the appearance of the personal wireless service facility site. If the antenna is mounted on an existing structure and other equipment is housed inside an existing structure, landscaping shall not be required.

(1) An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted three (3) feet on center maximum) or a row of evergreen trees (planted eight (8) feet on center maximum). The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum of fifteen (15) feet at maturity.
(2) In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

(3) Where buffer yards and screen planting are required elsewhere in the ordinance, the required screen planting shall be in addition to the landscaping required in this Section.

H. Communications Tower Color. Communications towers shall be painted in a color that best allows blending into the surroundings, unless otherwise required by the FAA regulations. The use of grays, blues, and greens may be appropriate.

I. Communications Tower Equipment and Accessory Buildings. Accessory buildings must conform to all requirements of the zoning district in which the antenna and support structure are located.

J. Lighting. 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. Site lighting shall be allowed provided such lighting does not shine or reflect on adjacent properties.

K. Compliance and Safety.

(1) The applicant shall demonstrate that the proposed antenna and communication tower are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris.

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

(3) All communications towers shall be fitted with anti-climbing devices, as approved by the manufacturers.

(4) Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable airport zoning regulations.

(5) Inspection. Beginning in December of 2000 and by December of each even numbered year thereafter, the owner of the communications tower shall have the tower inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of communications towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection class checklist provided in the Electronics Industries Association (EIA) Standard 222 Structural Standards for Steel Antenna Towers and Antenna Support Structures. A copy of said inspection report shall be provided to the Township.

(6) The tower and related facilities shall in no way interfere with any airport zoning regulations or approach paths.
L. Abandonment and Removal.

(1) Any communication facility that is no longer in use for its approved purpose shall be removed at the owner's expense. The owner shall provide the Township with a copy of the notice to the FCC of intent to cease operations. If the facility remains unused for a period of six (6) consecutive months, the owner shall be given ninety (90) days from the end of the six (6) month period to remove the communication structure and all accessory structures. In the case of multiple operators sharing use of a single communications tower, this provision shall not become effective until all users cease operations. The equipment on the ground is not to be removed, however, until the tower portion of the communication facility has first been dismantled and removed.

(2) The applicant upon approval shall be required to post suitable financial security for removal of any abandoned facilities. The amount of financial security necessary for removal shall be certified by a professional engineer.

5. Where a communications tower and/or communications equipment building are proposed as a conditional use, application shall be submitted to the Jackson Township Board of Supervisors.

6. Prior to the issuance of a building permit for the erection of a communications tower or communications equipment building, applicants must receive approval of a land development plan from the Jackson Township Board of Supervisors. The land development plan shall comply with the Code of Ordinances of Jackson Township, Chapter 22, "Subdivision and Land Development."

7. A formal land development plan shall not be required if the antenna is to be mounted on an existing structure in accordance with the provisions of this Section.

8. Amateur Radio. These regulations shall not govern any tower, or the installation of any antenna that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio status operator.

(Ord. 8, 4/3/1972; as added by Ord. 2-2000, 5/15/2000, §2)
Part 15
Off-Street Parking

§1501. Intent. The regulations concerning off-street parking are intended to insure that adequate, well-designed parking facilities are provided for all new, altered, or expanded buildings and uses. The general intent shall be to require off-street parking spaces, loading and unloading areas, driveways and accessways to (1) satisfy the minimum standards contained within this Part and (2) be designed to prevent overcrowding and congestion and impairment of traffic circulation and access. (Ord. 8, 4/3/1972, §15.1; as amended by Ord. 6/4/1984, 6/4/1984, §14.01).

§1502. Definitions. For the purpose of determining accessory off-street parking requirements, definitions and standards shall be as follows:

FLOOR AREA - the total area of all the floors measured from the exterior faces of the structure or, where set forth in the schedule in §1505, only the floor area used by a specific use. [Ord. 6/4/1984]

PARKING SPACE - an open or enclosed area accessible from a street for parking of motor vehicles of owners, occupants, employees, customers, or tenants of the principal structure or use. Each parking space shall not be less than ten (10') feet wide and not less than twenty (20") feet long, exclusive of all drives, curbs, and turning space. [Ord. 6/4/1984]

SEAT - the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs or similar seating facilities; spacing of rows shall be thirty (30) inches on center. [Ord. 8, 4/3/1972, §15.3; as amended by Ord. 6/4/1984, 6/4/1984, §14.02]

§1503. Requirement for Off-Street Parking Facilities. Accessory off-street parking facilities, including access driveways and loading/unloading areas, shall be required in accordance with the provisions of this Chapter as a condition precedent to the occupancy of such building or use. Facilities shall be provided for the entire building or use as follows:

A. Whenever a structure is constructed or a new use established.

B. Whenever the use of an existing structure is changed to a use requiring more parking facilities.

C. Whenever an existing structure is altered or enlarged so as to increase the amount of parking spaces required under this Chapter. (Ord. 8, 4/3/1972; as amended by Ord. 6/4/1984, 6/4/1984, §14.03)

§1504. General Standards. Off-street parking facilities shall satisfy the following general requirements:

A. Off-street parking areas shall have safe access to and from a street. However, no portion of any street or road right-of-way shall be utilized for off-street parking.

B. Off-street parking spaces shall be designed to prevent...
maneuvering necessary to park a vehicle from intersecting any street, road right-of-way, alley or sidewalk. Parking spaces shall also be designed so that vehicles may have access to and from spaces without moving another vehicle.

C. Off-street parking spaces shall be readily accessible to, and a reasonable distance from, the structures and uses served. Such spaces shall be on the same lot as the principal structure or use, except where otherwise permitted in accordance with §1506.

D. All parking spaces shall be available to patrons, customers or visitors throughout the hours of operation of the structure or use for which the spaces are provided. Carnivals, displays, promotions or other events held on parking lots shall not utilize parking spaces required for customers. Adequate additional parking spaces shall be available for the supplemental use.

E. Parking spaces shall be improved and individually delineated in accordance with §1509. Additionally, special purpose spaces and areas such as "handicapped" parking, "visitor only" parking, "limited time" parking, and fire and police spaces shall be clearly labeled.

F. Off-street parking requirements will be considered to be met only when actual spaces meeting the requirements of this Chapter are provided and improved in accordance with §1509. Parking spaces may not thereafter be reduced below the minimum requirements as long as the principal structure or use remains, unless an equivalent number of spaces is provided for use in another approved location.

G. Unless otherwise specifically regulated, improved, hard surface off-street parking for all uses shall be limited to portions of the lot as follows:

1) Parking shall not be permitted within twenty-five (25) feet of any street or road right-of-way. However, provided the minimum of twenty-five (25) feet is satisfied, up to fifty (50) percent of the required front yard may be utilized for parking.

2) Required side and rear yards may be utilized for parking provided:

   a) A minimum setback of ten (10) feet from the property line is maintained in all cases where more prohibitive regulations do not appear herein.

   b) Minimum setbacks of forty (40) feet in all Commercial Districts and one hundred (100) feet in the Industrial District are maintained in all yards abutting a Residential District boundary.

3) Loading and unloading areas shall not be permitted in the required front yard.


§1505. Schedule of Required Off-Street Parking Spaces. The minimum number of off-street parking spaces required for a specific use is listed in the following chart. Where appropriate when computing the number of
required parking spaces, the Zoning Administrator may exclude floor area of structures (e.g., storage, employee lounge, bathroom) which do not bear any relationship to the parking needs of the use.

<table>
<thead>
<tr>
<th>Building or Use</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Institutional</strong></td>
<td></td>
</tr>
<tr>
<td>1. Civic and educational; primary and secondary school; library, places for public assembly.</td>
<td>1 space for each employee, plus 1 space for each 6 seats in assembly rooms.</td>
</tr>
<tr>
<td>2. Governmental; Township building used for administrative functions.</td>
<td>1 space for each 200 sq. ft. of office floor area, plus 1 space for each 4 seats in assembly room.</td>
</tr>
<tr>
<td>3. Place of worship.</td>
<td>1 space for each 3 seats in principle assembly rooms.</td>
</tr>
<tr>
<td>4. Welfare: Hospital.</td>
<td>1 space per 2 beds, plus 1 space for each employee.</td>
</tr>
<tr>
<td></td>
<td>Health Center.</td>
</tr>
<tr>
<td></td>
<td>1 space per 150 sq. ft. floor area.</td>
</tr>
<tr>
<td></td>
<td>Home for the aging, nursing home.</td>
</tr>
<tr>
<td></td>
<td>1 space per each 4 guest rooms or apartment units, plus 1 space for each employee.</td>
</tr>
<tr>
<td><strong>Residential</strong></td>
<td></td>
</tr>
<tr>
<td>5. One and two-family dwellings.</td>
<td>2 spaces per dwelling unit; must be off-street, but need not be improved with hard surface.</td>
</tr>
<tr>
<td>6. Multi-family residence (including town houses &amp; garden apartments.)</td>
<td>2 spaces per dwelling unit.</td>
</tr>
<tr>
<td><strong>Home Occupation</strong></td>
<td>In addition to parking required for the residence, 2 spaces for any assistant; must be off-street, but need not be improved with hard surface.</td>
</tr>
<tr>
<td>7. Home occupation</td>
<td></td>
</tr>
<tr>
<td><strong>Commercial</strong></td>
<td></td>
</tr>
<tr>
<td>8. Medical and dental offices, clinics, professional offices and banks</td>
<td>1 space per 150 sq. ft. of floor area, plus 1 space for each doctor and dentist.</td>
</tr>
<tr>
<td>9. Other office.</td>
<td>1 space per 200 sq. ft. of ground floor area; 1 space per 300 sq. ft. of floor areas of upper floors.</td>
</tr>
<tr>
<td></td>
<td>Description</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>10</td>
<td>Motel, hotel.</td>
</tr>
<tr>
<td>11</td>
<td>Mortuary.</td>
</tr>
<tr>
<td>12</td>
<td>Retail stores, banks, service establishments.</td>
</tr>
<tr>
<td>13</td>
<td>Eating places, bars, taverns.</td>
</tr>
<tr>
<td>14</td>
<td>Club, lodge, or other assembly hall.</td>
</tr>
<tr>
<td>15</td>
<td>Indoor theater.</td>
</tr>
<tr>
<td>16</td>
<td>Dance hall, skating rink, swimming pool.</td>
</tr>
<tr>
<td>17</td>
<td>Carnivals, racetracks and other outdoor amusements or recreations uses.</td>
</tr>
<tr>
<td>18</td>
<td>Bowling alley.</td>
</tr>
<tr>
<td>19</td>
<td>Service and storage establishments.</td>
</tr>
<tr>
<td>20</td>
<td>Gas station, repair garage</td>
</tr>
<tr>
<td>21</td>
<td>Auto body shop</td>
</tr>
<tr>
<td></td>
<td><strong>Manufacturing</strong></td>
</tr>
<tr>
<td>22</td>
<td>Service and storage establishments, laboratories, manufacturing plants, and other uses permitted in a manufacturing district.</td>
</tr>
<tr>
<td>23</td>
<td>Executive offices, sales offices and outlet stores</td>
</tr>
</tbody>
</table>
Other Structures or Uses

24. For a specific structure or use not scheduled, the Township Supervisors shall apply the unit of measurement of this schedule deemed to be most similar to the proposed structure or use.

(Ord. 8, 4/3/1972, §15.4; as amended by Ord. 4-1975, 12/15/1975, §16; and by Ord. 6/4/1984, 6/4/1984, §14.05)

§1506. Separate or Combined Use of Facilities. A structure containing one (1) use shall provide the off-street parking spaces as required for the specific use. A structure or group of structures containing two (2) or more uses, operating normally during the same hours, and which have different off-street parking requirements, shall provide spaces for not less than the sum of the spaces required for each use. Where the applicant can demonstrate that adequate off-street parking capacity is not feasible on the same lot as the proposed nonresidential use or structure, the new use or structure may be permitted if the applicant.

A. Provides written authorization from an adjoining or nearby property owner to allow establishment and/or use of parking facilities meeting the requirements of this Part on that property.

B. Obtains authorization on said other property to establish and use parking facilities which will be a maximum of six hundred (600) feet from the use or building proposed by the applicant.

(Ord. 8, 4/3/1972, §15.5; as amended by Ord. 6/4/1984, 6/4/1984, §14.06)

§1507. Access Drives to Parking Areas.

1. The location and width of entrance and exit driveways to paved, hard surface parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets. The center line of the access driveways on the frontage street shall be at least eighty (80) feet from the right-of-way line of the nearest intersecting street, or any other driveway. Where there is more than one (1) driveway to a parking area, the driveways, whenever possible, shall be limited to one-way travel either as an entrance to or exit from the parking area. [Ord. 6/4/1984]

2. Entrances and exits shall be limited to three (3) lanes. The width of such entrances and exits, measured at the street property line, shall conform with the following schedule:

<table>
<thead>
<tr>
<th>Width (feet)</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>One lane</td>
<td>12</td>
<td>14</td>
</tr>
<tr>
<td>Two lanes</td>
<td>20</td>
<td>28</td>
</tr>
<tr>
<td>Three lanes</td>
<td>30</td>
<td>40</td>
</tr>
</tbody>
</table>

3. In all cases, the radius of the edge of the driveway apron shall be at least fifteen (15) feet so that a car entering or leaving may not obstruct vehicles in other traffic lanes in the driveway or street.
4. Whenever parking spaces are opposite each other and separated by a driveway or aisle, said area shall be a minimum of twenty (20) feet in width. [Ord. 6/4/1984]


§1508. Illumination of Parking and Loading Areas. Parking and loading areas shall be illuminated whenever necessary to protect the public safety. Such illumination shall be so designed and located that the light sources are shielded from adjoining residences and streets, and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers. (Ord. 8, 4/3/1972, §15.9; as amended by Ord. 6/4/1984, 6/4/1984, §14.09)

§1509. Improvements to Parking and Loading Areas. All parking areas, loading areas, and access driveways, except for single and two-family dwellings, shall have an asphalt, concrete, or other similar hard surface, in accordance with ordinance requirements of the Township Supervisors. Improved hard surface off-street parking areas for three (3) or more automobiles shall have individual spaces painted or marked. Surface water shall not be permitted to discharge over the public sidewalks or roadways or onto other premises. The maximum grade of the parking areas shall not exceed two (2) percent. Appropriate bumper guards or curbs shall be provided in order to define parking spaces or limits of paved areas and to prevent vehicles from projecting into required yards. The Township Supervisors may require landscaping in accordance with Part 27 of this Chapter. Loading area and a side or rear lot line of a residential use or district. All curbs and bumper guards shall be constructed in accordance with standards established by the Township Supervisors. (Ord. 8, 4/3/1972, §15.8; as amended by Ord. 6/4/1984, 6/4/1984, §14.10)

§1510. Approval of Parking and Loading Plans. Detailed scaled drawings of off-street parking and loading areas (except for single and two-family dwellings) shall be submitted to the Zoning Administrator for approval prior to their construction. The drawings shall show each space, dimensions of driveways, aisles, and other features required under the provisions of this Chapter. (Ord. 8, 4/3/1972, §15.10; as amended by Ord. 6/4/1984, 6/4/1984, §14.11)
Part 16
Signs and Advertising Structures

§1601. Intent. The purpose of these regulations is to permit signs or advertising structures that will not, by reason of their size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety or otherwise endanger public health, safety, and morals; and to permit and regulate signs in such a way as to support and complement land use objectives set forth in this Chapter. Signs may be permitted only when in compliance with the provision of this Chapter and any and all ordinances and regulations relating to the erection, construction, reconstruction, enlargement, relocation, replacements, alteration or maintenance of signs and similar devices. (Ord. 8, 4/3/1972; as amended by Ord. 6/4/1984, 6/4/1984, §15.01)

§1602. Area of Sign. The area of a sign shall be construed to include the entire display surface and background, whether open or enclosed, which encompasses lettering, wording, designs, and symbols, but not including any supporting framework and bracing which is incidental to the display itself. The area shall be determined using the largest visible sign or silhouette area. When the sign consists of individual letters or symbols attached to or printed on a surface, the area shall be considered to be the smallest rectangular shape or shapes which can be drawn together to encompass all of the letters and symbols. All double-face signs shall be considered as having one (1) sign area, except doubled-face "V" signs that have interior angles greater than forty-five (45°) degrees. (Ord. 8, 4/3/1972; as amended by Ord. 6/4/1984, 6/4/1984, §15.02)

§1603. General Regulations. All signs and/or advertising structures, where permitted under the terms of this Part, are subject to the following:

1. No sign shall be erected, constructed, reconstructed, replaced, altered, removed for repair, enlarged, or relocated until a permit is obtained from the Zoning Administrator, except that no permit shall be required by this Part for the following signs:
   A. Signs not exceeding two (2) square feet in area and bearing only property numbers, postal box numbers or names of the occupants of the premises.
   B. Flags and insignia of any government, except when displayed in connection with commercial promotion.
   C. Legal notices, official traffic signs, community facilities signs, municipality identification signs, noncommercial historical or geographical identification information, or directional signs erected by government bodies. Such signs may be placed within the road right-of-way.
   D. Geographical identification and greeting signs erected by civic and service organizations provided that they do not exceed four (4) feet in area and are comprised of the organization's standard
E. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

F. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

G. Temporary signs as described in §1604 of this Part.

H. Signs identifying farms, farm associations, and agricultural products, provided that no farm or association identification sign exceeds ten (10) square feet in area and no more than one (1) sign shall be erected per road frontage. Signs identifying agricultural products shall not exceed two (2) square feet in area.

I. Hunting, fishing, and trespassing signs and signs indicating private ownership of roadways or property, provided that such signs do not exceed two (2) square feet in area and when erected along street frontage the signs shall be spaced at intervals of not less than one hundred (100) feet.

J. Signs up to four (4) square feet in area which are necessary for the identification, protection, and operation of public utility facilities.

2. Every sign shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign. The Zoning Administrator shall require such maintenance, and in the event the sign owner fails to comply with said requirements, the Zoning Administrator shall proceed against him as provided in §1702 of this Chapter. Any sign which pertains to a time, event, or purpose which no longer applies and has been abandoned, as specified in §1303(1) of this Chapter, shall be removed by the owner of the sign or the owner of the premises on which the sign is located.

3. All signs not owned by the person, firm or organization advertising thereon shall carry a clearly legible imprint showing the owner's name.

4. No sign shall be so illuminated as to have a glaring effect upon vehicular traffic. No sign shall be illuminated so as to constitute a nuisance. No sign shall contain moving parts or use flashing or intermittent illumination. The source of the light shall be steady and stationary.

5. No sign shall be higher than thirty-five (35) feet from the ground to the highest part of the sign.

6. No sign shall be erected so as to obstruct entrance to or exit from a required door, window, fire escape or other required exitway.

7. No sign shall be erected that screens traffic signals or signs or utilizes red, green or amber lights or reflectorized material that creates a flashing action and is so located as to render ineffective any traffic sign or signal. Any sign which resembles an official traffic sign or signal, by way of its appearance or content, shall be prohibited.

8. Unless otherwise provided, no sign shall be painted, pasted, or otherwise affixed to any tree, rock, utility pole, hydrant, bridge, side
walk, curb, or street.

9. Unless otherwise provided, no portion of any sign shall be erected within or placed on an existing structure in the road right-of-way. Additionally, no portion of any sign shall be erected in the "clear sight triangle," as specified in §1406.

10. Unless otherwise specified, all signs shall be on-premises, and no sign shall be erected until a permit has been secured from the Zoning Administrator and approval has been received from any other applicable state or local agencies.

11. No sign shall contain obscene material.

(Ord. 8, 4/3/1972, §16.2; as amended by Ord. 6/4/1984, 6/4/1984, §16.03)

§1604. Signs Permitted in All Districts. The following signs are permitted in any zoning district:

1. Temporary signs which do not require a permit:

   A. Temporary signs of painters, mechanics, contractors, realtors, and the like not exceeding a total of sixteen (16) square feet in area, provided such signs are removed as soon as the work has been completed.

   B. Temporary signs and banners of a noncommercial nature across a public right-of-way are permitted provided (a) permission is obtained from the Township Supervisors, (b) they are erected in a location which will not cause a traffic hazard, (c) they meet safety standards and are maintained, and (d) they are removed when their temporary use is completed.

   C. Temporary signs announcing a campaign, drive, or event of civic, philanthropic, educational or religious organizations. Such signs shall not exceed twelve (12) square feet in area and shall be removed within forty-eight (48) hours after completion of the campaign, drive or event.

   D. Temporary signs directing patrons, members, audience or customers to temporary exhibits, shows, events, or activities (e.g., yard sales, fruit sales, conventions, etc.). Such signs shall not exceed twelve (12) square feet in area and shall be removed within forty-eight (48) hours after completion of the campaign, drive or event.

   E. Signs erected in conjunction with a political election provided that all signs are removed within forty-eight (48) hours after the date of the election.

2. Off-premises directional signs which require issuance of a permit:

   A. Off-premises directional signs which are used to direct patrons, members, audiences, customer, clients to service clubs, churches, commercial, industrial, institutional or other organizations may be erected subject to the following requirements:

      (1) A sign shall indicate only the name of the organization and the direction to the facility.
(2) Except at intersections, no sign shall be placed within two hundred (200) feet of another sign associated with the same principal use.

(3) All signs shall be placed within two (2) miles of the use and no more than six (6) signs for each principal use may be erected within the border of the municipality.

(4) All signs shall consist of dark lettering on a light background, excluding standard issue signs. The signs shall not exceed three (3) square feet in area, and no moving parts, flashing lights, or any type of illumination shall be permitted.

(5) At intersections of public streets, no more than one (1) sign post accommodating all directional signs may be erected per corner. Said posts shall not exceed six (6) inches in width and shall not be less than three (3) feet no greater than eight (8) feet in height above ground. No more than one (1) sign per principal use may be attached to any sign post and no portion of any sign shall be erected within the "clear sight triangle" as specified in §1406 of this Chapter.

(6) Application for off-premises directional sign permits shall include a map indicating location of placement requests and the land owner's written approval, name to be placed on sign, and distances form the facility to each sign.

3. One (1) name plate for a home occupation, provided that the sign does not exceed four (4) square feet in size and identifies only the name of the occupant and title of the occupation. If lighted, the sign shall be illuminated without objectionable glare. No displays or change in facade shall indicate from the exterior that the building is being used for any purpose other than that of a dwelling.

4. One (1) institutional sign and/or one (1) bulletin board, for places of worship, schools, hospitals, libraries, museums, social clubs, and similar uses, provided each sign or bulletin board does not exceed sixteen (16) feet in area and is located no closer to a road right-of-way than one-half (1/2) the depth of the existing front yard or twenty-five (25) feet whichever is less. If lighted, it shall be illuminated without objectionable glare. Additionally, if such property fronts on more than one (1) street, each street frontage may contain the above-mentioned signs.

5. Subdivision signs.

   (1) Temporary. A sign advertising lots for sale, giving prices, dimensions, services, etc., and which shall be removed within thirty (30) days of the sale date of the last lot.

   (2) Permanent. A sign containing only the name of the development or subdivision and designed to be permanently affixed to the land. One (1) sign per road frontage may be permitted provided the sign is placed at an entrance to the subdivision, is located on the property to be subdivided, and does not exceed twenty-four (24) feet in area. No portion of any sign shall be erected within the "clear sight triangle" as specified in §1406.
§1605. Signs in Residential and Agricultural Districts. The following types of on-premises signs may be permitted in residential and agricultural districts unless otherwise prohibited:

1. Signs for the advertisement of agricultural business of follows:
   A. For each property involved in agri-business, one (1) sign may be erected, provided no sign or portion thereof shall be located closer to the road right-of-way than one-half (1/2) the depth of the existing front yard or twenty-five (25) feet, whichever is less.
      (1) Wall or projecting sign. Maximum sign area shall not exceed sixteen (16) square feet.
      (2) Freestanding sign. Maximum sign area shall not exceed twenty-five (25) square feet.

2. Signs for nonconforming commercial or industrial uses as follows:
   A. For each property involved in a commercial or industrial use, a total sign area of thirty (30) square feet shall be permitted. No sign or portion thereof shall be located no closer to the road right-of-way than one-half (1/2) the depth of the existing front yard or fifteen (15) feet, whichever is less.
      (1) Projecting sign. Maximum sign area shall not exceed twelve (12) square feet.
      (2) Freestanding sign. Maximum sign size shall not exceed sixteen (16) square feet.
      (3) Wall or window sign. Maximum sign size shall not exceed twelve (12) square feet.

3. Signs as permitted in §1605 of this Part.

§1606. Signs in Commercial and Industrial Districts. Unless otherwise specified, only on-premises signs may be permitted, provided the maximum sign area shall not exceed two hundred fifty (250) square feet per street frontage. All wall, projecting, roof or freestanding signs must be erected in compliance with the following standards:

1. Signs for the advertisement of agri-business as permitted in §1606 of this Part.

2. Signs for commercial, office, institutional, and industrial uses as follows:
   A. One (1) wall sign for each road frontage provided it is attached to the wall of the principal building and projects horizontally not more than twelve (12) inches therefrom and occupies not more than fifteen (15) percent of the total area of the front of the principal building. It shall not project more than three (3) feet above the roof line or parapet wall.

   B. One (1) projecting or roof sign for each road frontage provided it shall not project beyond a vertical plane two (2) feet inside the road right-of-way line and does not exceed twenty (20)
square feet in area. Said signs shall not exceed a height of thirty-five (35) feet.

C. One (1) freestanding sign for each road frontage, provided it does not exceed sixty (60) square feet in area. It shall not extend beyond a vertical plane two (2) feet inside the lot from the road right-of-way line and shall not exceed a height of thirty-five (35) feet.

3. Off-premises billboards and advertising sign boards may be erected and maintained, provided the total display area of all such signs shall not exceed twenty (20) square feet for each ten (10) feet of road frontage, and the total display area of any sign shall not exceed two hundred (200) square feet in area. Said signs shall not be placed less than one hundred (100) feet apart nor within one hundred (100) feet of existing billboards or advertising sign boards. No sign or portion thereof shall be located closer than twenty-five (25) feet to the road right-of-way and shall not exceed thirty-five (35) feet in height.

4. Signs as permitted in §1605 of this Part.

§1607. Nonconforming Signs. Any sign erected, constructed, replaced, altered, enlarged, or relocated before the effective date of this Chapter, that would not otherwise be permitted under the terms of this Chapter, may remain and continue to be used, maintained and repaired provided:

1. A nonconforming sign shall not be replaced, altered, relocated, or reconstructed except to bring the sign into total compliance with the provision of this Chapter.

2. A nonconforming sign may be used, maintained and repaired subject to the following requirements:

   A. Maintenance and repair of a nonconforming sign is permitted when said activities are necessary to maintain the sign in a presentable, functionable condition. Maintenance and repair activities shall not include alterations, relocation or reconstruction but may include replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign. Prior to the removal of a nonconforming sign for maintenance, repair or message change, a permit shall be secured from the Zoning Administrator. Said permit shall allow the applicant to re-erect the repaired or re-messaged nonconforming sign within thirty (30) days of issuance. If the nonconforming sign is not erected within the specified time, it shall lose its nonconforming status and any successive sign shall conform with all applicable Chapter requirements.

   B. Nothing in this Part shall prohibit the change in advertising, identifying or directional message of a nonconforming sign so long as the change does not involve any alteration, relocation or reconstruction of the nonconforming sign. Message changes of a nonconforming sign that are a result of a transfer in ownership of the premises on which the principal use is located, excluding contract advertising signs, shall be prohibited and any successive sign shall...
conform to the Chapter requirements. If the message change requires removal of the sign, a permit shall be secured as in the above subsection.

C. A nonconforming sign, which has been damaged or destroyed by fire, explosion, accident, or calamity, to an extent which is greater than fifty (50%) percent of the sign or sign's value, may not be repaired except in compliance with the provisions of this Chapter. A nonconforming sign which has sustained less than fifty (50%) percent damage of the sign or sign value may be repaired provided:

(1) The repaired sign is virtually unchanged, except for building materials and message, or is less nonconforming than the original sign.

(2) Repair is completed within sixty (60) days from the date of damage. Failure to repair within sixty (60) days shall result in the loss of nonconforming signs rights and any successive sign shall conform with all applicable Chapter requirements.

D. When a nonconforming sign has been demolished or destroyed by deterioration or removal, or has been moved from its location for reasons other than for an approved repair, maintenance or a change in message, said sign shall not be reconstructed or replaced except in complete conformity with the provisions of this Chapter.

3. A nonconforming sign which pertains to a time, event, purpose or use which no longer applies, has been abandoned or changed, shall be removed by the owner of the sign or the owner of the premises on which the sign is located.

4. Proposed signs that are associates with a nonconforming use shall conform to the regulations of the district in which the sign is located.

Part 17
Administration and Enforcement

§1701. Appointment and Powers of Zoning Officer.
1. For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed.
2. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.
3. 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 this Chapter.
4. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.
[Ord. 1-1991]
5. The Zoning Administrator shall administer this Chapter in accordance with its literal terms and he shall not have the power to permit any construction, use or change of use which does no conform to this Chapter.
6. If the administrative official shall find that any of the provisions of this Chapter 27 are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures; or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Chapter 27 to insure compliance with or to prevent violation of its provisions.

§1702. Building and Zoning Permits Required. No building or other structure shall be erected, constructed, reconstructed, altered, converted, removed, added to, used or the use therein changed unless and until a building and zoning permit is obtained from the Zoning Administrator. The permit requirements shall apply to all permanent, temporary, seasonal, part-time or movable buildings, structures, signs or uses, unless exempted elsewhere in this Chapter 27. No building and zoning permit shall be issued by the Zoning Administrator except in conformity with the provisions of this Chapter 27 unless he receives a written order from the Zoning Hearing Board in the form of an administrative review, special exception, or variance provided by this Chapter 27. (Ord. 8, 4/3/1972, §17.2; as amended by Ord. 7-1974, 12/2/1974, §111; and by Ord. 6/4/1984, 6/4/1984, §18.02)
§1703. Application for Building and Zoning Permit. Applications for a building and zoning permit shall be filed by the property owner, his authorized agent or an individual with a proprietary interest in the property, said individual to hereafter be known as the applicant. Applications shall be submitted to the Zoning Administrator and contain the following:

1. Building and Zoning Permit Application Form. On a form supplied by the Zoning Administrator, the applicant shall provide information to describe the size, location and nature of the proposed building, structure or use. The applicant shall sign the application form to verify the accuracy of the information.

2. Plot Plan. All applications for a building and zoning permit shall be accompanied by a plot plan in accordance with the following:

   A. Three (3) copies of the plot plan shall be submitted. In lieu thereof, an 8 1/2" X 11" plot plan is acceptable, provided it is suitable for photocopying.

   B. The plot plan shall show, where applicable, size, shape, and dimensions of the lot; size and location of all proposed buildings, additions or alterations; parking lots, parking spaces, driveways signs and other site improvements; and other information as may be necessary to determine conformance with this Chapter.

   C. Engineering, architectural or surveyor's plans may be required by the Zoning Administrator where necessary to accurately depict the proposed work on a property.

   D. The Zoning Administrator may waive the plot plan requirement where the applicant satisfactorily demonstrates that minimum standards are greatly exceeded.

3. Other Permit Prerequisites. At the time of the application, the applicant shall produce, where applicable, a valid sewage permit, road encroachment permit, Labor and Industry approval, subdivision approval or other approval preliminary to issuance of the building and zoning permit.

4. Application Fee. All applications for a building and zoning permit shall be accompanied by a fee in accordance with the current schedule of fees resolution adopted by the Township Supervisors.

§1704. Incomplete Applications. When an applicant fails to (1) complete and sign the building and zoning permit application form, (2) submit a plot plan, (3) pay the required application fee, (4) secure and produce other permit prerequisites, or (5) submit other information required by the Zoning Administrator, the application for a building and zoning permit shall be deemed incomplete. The Zoning Administrator may notify the applicant to request supplemental information to complete the application. Such notice shall prescribe a time period, not to exceed thirty (30) days, for completion of the application by submission of the supplementary information. Failure to complete the application shall result in written disapproval, in accordance with §1705 of this Chapter.


§1705. Incomplete Applications. When an applicant fails to (1) complete and sign the building and zoning permit application form, (2) submit a plot plan, (3) pay the required application fee, (4) secure and produce other permit prerequisites, or (5) submit other information required by the Zoning Administrator, the application for a building and zoning permit shall be deemed incomplete. The Zoning Administrator may notify the applicant to request supplemental information to complete the application. Such notice shall prescribe a time period, not to exceed thirty (30) days, for completion of the application by submission of the supplementary information. Failure to complete the application shall result in written disapproval, in accordance with §1705 of this Chapter.

§1705. Issuance of a Building and Zoning Permit. After an application has been determined to be complete, the Zoning Administrator shall take official action to approve or disapprove the permit application in accordance with the following:

A. Approval. When a completed application is found to conform with the provisions of this Chapter the Zoning Administrator, within twenty (20) days of application completion, shall issue an approved Building and zoning permit. Issuance of the permit shall be accompanied by an approved plot plan, where applicable, and a placard for display on the premises during the construction or alteration period. Building and zoning permits are nontransferrable and are valid for work authorized therein only for the owner and property so designated.

B. Disapproval. When a completed application is found not to conform with the provisions of this Chapter the Zoning Administrator, within twenty (20) days of application completion, shall disapprove the application for a Building and Zoning Permit. Plot plans submitted with the application shall also be disapproved. The disapproval shall be in writing, citing the deficiencies of the application. Appeals from a disapproval by the Zoning Administrator shall be taken in the manner set forth in Parts 18 through 20 of this Chapter 27.

(Ord. 6/4/1984, 6/4/1984, §18.05)

§1706. Revocation of a Building and Zoning Permit. Building and zoning permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such approved plans. A building and zoning Permit shall be revoked, in writing, by the Zoning Administrator for any of the following reasons:

1. When use, alteration or construction does not comply with or exceeds the scope of that authorized by the building and zoning permit;

2. When information pertinent to the application for a building and zoning permit has been falsified or misrepresented.

3. When other provisions of this Chapter are violated in conjunction with the use, alteration or construction authorized by the building and zoning permit.

4. When the original decision of the Zoning Administrator did not conform to the requirements of this Chapter.

Written revocation shall be provided to the applicant and shall indicate the reasons for such action. Additionally, the revocable offenses shall be deemed a violation of this Chapter and subject the violator to the penalties provided by Part 26 of this Chapter 27.

(Ord. 6/4/1984, 6/4/1984, §18.06)

§1707. Expiration of a Building and Zoning Permit. An approved building and zoning permit shall expire:

1. If the work described therein has not begun within twelve (12) months from the date of issuance.

2. If the work described therein has not been completed within two
(27, §1707(2), cont'd)

(2) years from the date work commences.

Upon expiration of a building and zoning permit work shall cease and shall not thereafter be commenced unless and until a new building and zoning permit is obtained.

(Ord. 8, 4/3/1972, §17.5; as amended by Ord. 6/4/1984, 6/4/1984, §18.07)

§1708. Certificate of Zoning Compliance. The Zoning Administrator shall maintain Certificate of Zoning Compliance forms which shall be utilized to record the following: [Ord. 6/4/1984]

1. Nonconformities. Owners or occupants of nonconforming uses of land or structures and land in combination shall obtain a Certificate of Zoning Compliance to document wherein the use differs from the provisions of this Chapter. Authorization to renew, change, extend, enlarge or alter the nonconformity shall not be granted unless and until the specifics of the nonconformity are first recorded on a Certificate of Zoning Compliance and the change or alteration is found to comply with Part 13 of this Chapter. The Zoning Administrator may require written documentation to verify the characteristics of the use and the dates of establishment. [Ord. 6/4/1984]

2. Approved Uses and Structures. Owners of occupants of uses or structures authorized by approved Building and Zoning Permits may request a Certificate of Zoning Compliance to verify that the use of construction completed is in compliance with the approved permit and the provisions of this Chapter 27. Similarly, owners or occupants of pre-existing conforming uses or structures may request a Certificate of Zoning Compliance. Upon receipt of such a request, the Zoning Administrator shall inspect the premises and approve or disapprove a certificate of Zoning Compliance.

Nothing contained herein shall preclude the Zoning Administrator from conducting routine inspections and investigations to determine zoning compliance, nor shall it prevent him from responding to complaints on zoning violations. Furthermore, violations of the conditions, uses or construction approved within a Certificate of Zoning Compliance shall be a violation of this Chapter 27, punishable in accordance with Part 26 of this Chapter 27. [Ord. 6/4/1984]

3. No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this Chapter 27 upon completion of the work.

4. A temporary certificate of zoning compliance may be issued by the administrative official for the period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and public.

5. The administrative official shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request of any person.

6. Failure to obtain a certificate of zoning compliance shall be a
violation of this Chapter 27 and punishable under Part 26 of this Chapter 27.

(Ord. 8, 4/3/1972, §17.4; as amended by Ord. 6/4/1984, 6/4/1984, §18.08)
Part 18
Zoning Hearing Board; Establishment and Procedure

§1801. Zoning Hearing Board.

1. There is hereby created for the Township a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 et seq.

2. The membership of the Board shall consist of three (3) residents of the Township appointed by resolution by the Township Supervisors. The terms of office shall be for three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.

3. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Township Supervisors which appointed the member, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

4. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the Board, but the 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 Board as provided in this Chapter.

5. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township and shall submit a report of its activities to the Township Supervisors as requested by the Township Supervisors.

6. Within the limits of funds appropriated by the Township Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Township Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Township Supervisors.


§1802. Hearings. The Zoning Hearing Board shall conduct hearings and made decisions in accordance with the following requirements:

1. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely
request for the same. Written notices shall be given at such time and in
such manner as shall be prescribed by rules of the Board. In addition to
the written notice provided herein, written notice of said hearing shall be
conspicuously posted on the affected tract of land at least one (1) week
prior to the hearing.

2. The hearing shall be held within sixty (60) days from the date of
the applicant's request, unless the applicant has agreed in writing to an
extension of time.

3. The hearings shall be conducted by the Board or the Board may
appoint any member as a hearing officer. The decision, or, where no
decision is called for, the findings shall be made by the Board, however,
the appellant or the applicant, as the case may be, in addition to the
Township, may, prior to the decision of the hearing, waive decision or
findings by the Board and accept the decision or findings of the hearing
officer as final.

4. The parties to the hearing shall be the Township, any person
affected by the application who has made timely appearance of record before
the Board, and any other person including civic or community organizations
permitted to appear by the Board. The Board shall have power to require
that all persons who wish to be considered parties enter appearances in
writing on forms provided by the Board for that purpose.

5. The chairman or acting chairman of the Board or the hearing
officer presiding shall have 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.

6. The parties shall 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.

7. Formal rules of evidence shall not apply, but irrelevant, immateri-

al, or unduly repetitious evidence may be excluded.

8. The Board or the hearing officer, as the case may be, shall keep a
stenographic record of the proceedings. The appearance fee for a steno-
grapher shall be shared equally by the applicant and the Board. The cost
of the original transcript shall be paid by the Board if the transcript is
ordered by the Board or hearing officer or shall be paid by the person
appealing from the decision of the Board if such appeal is made, and in
either event the cost of additional copies shall be paid by the person
requesting such copy or copies. In other cases the party requesting the
original transcript shall bear the cost thereof.

9. The Board or the hearing officer 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, except advice from their solicitor, 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 representative unless all parties are
given an opportunity to be present.

10. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. 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. Conclusions based on any provisions of this Chapter or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. 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 forty-five (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 thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

11. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

12. The Township Supervisors shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.


§1803. Stay of Proceedings.

1. Upon filing of any appeal proceeding before the Zoning Hearing Board 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.

2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

3. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

$1901. Jurisdiction.

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 §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§10609.1, 10916.1.

   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 thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Township and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

   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 MPC, 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 MPC, 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 MPC, 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 provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq.

2. The Township Supervisors, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

   A. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of
§702 of the MPC, 53 P.S. §10702.

B. All applications pursuant to §508 of the MPC, 53 P.S. §10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. §10501 et seq.

C. Applications for conditional use under the express provisions of this Chapter.

D. Applications for curative amendment to this Chapter or pursuant to §§ 609.1 and 916.1(a) of the MPC, 53 P.S. §§10609.1, 10916.1(a).

E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P.S. §10609.

F. Appeals from the determination of the Zoning Officer or the Township engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Township engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.


§1902. Parties Appellant Before the Board. Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Township Supervisors pursuant to the Pennsylvania Municipalities Code, procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or 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; 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; 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; from the determination of the Zoning Officer or Township engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such
§1903. Special Exceptions. Where the Township Supervisors, in this Chapter, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board 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 ct seq. [Ord. 1-1991]

1. Such use shall be specifically authorized as a special exception in this Chapter.

2. The special exception use shall satisfy all requirements and conditions specified within this Chapter.

3. Reasonable conditions and safeguards, in addition to those expressed in this Chapter, may be required by the Board in granting the special exception where it is deemed necessary to implement the purposes and intent of this Chapter.

4. The special exception shall be compatible with adjacent and nearby properties and shall not adversely affect the public health, safety or interest.

5. The special exception use shall be designed to provide satisfactory arrangement for:

A. Ingress and egress to property and proposed structures thereon, with particularly reference to automotive and pedestrian safety and conveniences, traffic flow and control, and the access in case of fire or catastrophe.

B. Off-street parking and loading areas where required, with particular attention to the items in 1 above, the requirements in Part 15 of this Chapter, and the economic, noise, glare, or odor effects of the special exception on adjoining properties in the district.

C. Refuse and service areas to be located and maintained in a safe and sanitary manner, well screened on three (3) sides. Trash and rubbish shall be stored in covered verminproof containers.

D. Utilities to be located underground where possible and to be compatible with the surrounding area. Availability, ease of access and safety precautions shall be considered.


§1904. Variances.

1. 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. The Board may by rule prescribe the form of
application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this 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 applicant.

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, nor be detrimental to the public welfare.

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.

2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.


§1905. Expiration or Revocation of a Zoning Hearing Board Decision. The granting or approval of a special exception or variance shall be valid only for the petitioner and the property specified in the petition. Alterations or changes to the use or building authorized by the Zoning Hearing Board shall require reapplication to the Board. If the special exception or variance has not been implemented within two (2) years of the date of the Zoning Hearing Board decision, said approval shall expire and become null and void. If the property affected by the variance or special exception is transferred in ownership prior to the implementation of the special exception or variance, said approval shall immediately become invalid upon such transfer of ownership.

The Zoning Hearing Board may revoke approval of a variance or special exceptions where:

A. The petitioner repeatedly violates conditions or safeguards specified in the Board's decision.
E. The petitioner initiates use or construction contrary to the Board's decision.

C. The petitioner is found to have misrepresented or falsified information pertinent to the Board's decisions.

D. The Board's original decision was in error and the revocation is instituted within thirty (30) days of the original decision or prior to substantial reliance thereon by the petitioner.

Violation of this conditions or safeguards or use or construction contrary to that specified by the Zoning Hearing Board decision shall be deemed a violation of this Chapter, punishable under Part 26 of this Chapter. Revocation of the Zoning Hearing Board approval shall not preclude the Township from proceeding in courts of law or equity to prevent or remedy violations of this Chapter.

Part 20
Appeals from the Zoning Hearing Board

Part 21
Duties of Administrative Official; Zoning Hearing Board; Township Supervisors and Courts on Matters of Appeal

§2101. Duties on Matters of Appeal.

1. It is the intent of this Chapter 27 that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator and then the Zoning Hearing Board. Recourse from the decisions of the Zoning Hearing Board shall be to the courts as provided by law and particularly Article 20.

2. It is further the intent of this Chapter 27 that the duties of the Township Supervisors in connection with this Chapter 27 shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section. Under this Chapter 27 the Township Supervisors shall have only the duties (A) of considering and adopting or rejecting proposed amendments or the repeal of this Chapter 27, as provided by law, and (B) of establishing a schedule of fees and charges as stated in Parts 22 and 23 of this Chapter 27.

Part 22
Schedule of Fees, Charges and Expenses

§2201. Schedule of Fees, Charges and Expenses.

1. The Township Supervisors shall establish a schedule of fees, charges, and expenses and a collection procedure for building and zoning permits, certificates of zoning compliance, appeals, petitions and other matters pertaining to this Chapter 27. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended by the Township Supervisors.

2. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or petition, and said application or petition shall be considered incomplete.

§2301. Enactment of Zoning Ordinance Amendments.

1. The Township Supervisors may from time to time amend, supplement, or repeal any of the regulations and provisions of this Chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607, is hereby declared optional.

2. Before voting on the enactment of an amendment, the Township Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

3. In the case of an amendment other than that prepared by the Planning Commission the Township Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

4. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

5. At least thirty (30) days prior to the public hearing on the amendment by the Township Supervisors, the Township shall submit the proposed amendment to the county planning agency for recommendations.

6. Within thirty (30) days after enactment, a copy of the amendment to this Chapter shall be forwarded to the county planning agency.


§2302. Procedure for Landowner Curative Amendments.

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Township Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §§610 and 916.1 of the MPC, 53 P.S. §§10609, 10610, and 10916.1.
2. The hearing shall be conducted in accordance with §908 of the MPC, 53 P.S. §10908, and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Township Supervisors. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

3. The Township Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Township Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

   A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

   B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Zoning Map.

   C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;

   D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

   E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.


§2303. Procedure for Township Curative Amendments.

1. If the Township determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:

   A. The Township shall declare by formal action, this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days such declaration and proposal the Township Supervisors shall:

      (1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:

         (a) References to specific uses which are either not permitted or not permitted in sufficient quantity;

         (b) Reference to a class of use or uses which requires revision; or,
(c) Reference to this entire Chapter which requires revisions.

(2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.

2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.

3. Upon the initiation of the procedures as set forth in subsection (1), the Township Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under §609.1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§10909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by subsection (1)(A). Upon completion of the procedures set forth in subsections (1) and (2), no rights to a cure pursuant to the provisions of §§609.1 and 916.1 of the MPC, 53 P.S. §§10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.

4. The Township, having utilized the procedures set forth in this Section, may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; Provided, however, if after the date of declaration and proposal there is a substantially new duty 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 propose a curative amendment to this Chapter to fulfill said duty or obligation.

Part 24
Provisions Declared to be Minimum Requirements

§2401. Provisions Declared to be Minimum Requirements. In their interpretation and application, the provisions of this Chapter 27 shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Chapter 27 are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern. (Ord. 8, 4/3/1972, Art. XXIV)
Part 25
Complaints Regarding Violations

§2501. Complaints Regarding Violations. Whenever a violation of this Chapter 27 occurs, or is alleged to have occurred, any person may file a formal complaint in writing. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, investigate, and take action thereon as provided by this Chapter 27. Any person may also report a complaint orally, but such complaint shall not mandate formal investigation. (Ord. 8, 4/3/1972, Art. XXV; as amended by Ord. 6/4/1984, 6/4/1984, Art. XXVI)
$2601. 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 this Chapter.
   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 a period of ten (10) days.
   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 possible sanctions clearly described.


$2602. Causes of Action. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Township Supervisors or, with the approval of the Township Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person 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 a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Township Supervisors. No such action may be maintained until such notice has been given. (Ord. 1-1991, 8/5/1991)
§2603. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred ($500.00) dollars 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 nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless 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 this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) 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.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

4. District justices shall have initial jurisdiction over proceedings brought under this Section.

$2701. Intent. The environmental improvements and energy conservation requirements are designed to recognize the need for conservation of energy and natural resources and to facilitate the utilization of renewable resources. Environmental improvements are intended to moderate the effect of solar radiation, conserve energy, improve air quality, reduce glare and noise, and control erosion, largely through the planting of trees, shrubs, and other vegetative cover. Energy conservation requirements are designed to allow the installation of renewable energy devices and provide the opportunity for individuals to reduce energy dependence by encouraging the productive use of solar and wind energy components. (Ord. 8, 4/3/1972; as amended by Ord. 6/4/1984, 6/4/1984, §13.01)

$2702. Definitions. The following terms are specifically defined for use within this Part:

ACTIVE SOLAR ENERGY SYSTEM - a solar energy system that requires external mechanical power to move collected heat.

DENSE SCREEN PLANTING - a landscaped barrier consisting of predominately (80% or more) coniferous trees and shrubs, hedges, earth mounding, walls, or a combination thereof established at a minimum height of six (6') feet. Such environmental buffer shall provide a solid visual, noise and pollutant barrier between potentially incompatible uses. Dense screen plantings shall be at least five (5) feet in width with irregularly spaced double or triple rows of plants and shrubs to obtain a dense, solid mass.

ENERGY STORAGE FACILITY - equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gases or solids), controls, and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

INTERIOR ISLAND PLANTING - a durable landscaped planting area located within a vehicular use area or parking lot. Design and location shall provide shade and visual separation of parking and pedestrian areas, improve air quality, and control stormwater runoff from large paved areas. An island or strip shall be a minimum of fifty (50) square feet in area, at least five (5) feet in width and contain at least one (1) shade tree, per forty (40) linear feet of island or fraction thereof. Islands of forty (40) feet or less in length shall contain at least one (1) shade tree. The remaining area within the island or strip shall be appropriately landscaped with grass, mulch, stones, plants, or other materials not exceeding three (3) feet in height.

PASSIVE SOLAR ENERGY SYSTEM - a solar energy system that uses natural and architectural components to collect and store energy without using any external mechanical power.

PERIMETER PLANTING - a landscaped planting consisting of trees and shrubs established at less than three (3) feet or greater than six (6) feet in height, so shall not interfere with any clear sight triangle. Such
planting shall separate streets and vehicular use areas from parking lots, buildings, and other interior improvements. Perimeter plantings shall consist of individual trees or shrubs a maximum of fifty (50) feet apart to form a linear vegetative border, with grass or ground cover continuously thereunder.

SCREEN PLANTING - a landscaped planting consisting of a mixture of coniferous trees or shrubs, shade trees, ornamental trees or shrubs, earth mounding, hedges, or a combination thereof established at a minimum height of six (6) feet. Such planting shall separate and protect uses from noise, odor and dust, as well as moderating the effect of winter winds and summer heat. Screen plantings shall be at least three (3) feet in width with regularly spaced trees and shrubs to obtain a previous, moderately dense planting.

SOLAR COLLECTOR - a freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy that contributes significantly to a structure's energy supply.

SOLAR ENERGY - radiant energy (direct, diffuse and reflected) received from the sun.

SOLAR ENERGY SYSTEM - a complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

SKYSPACE - the open space between a solar or wind collector and the sun or prevailing wind which must be free of obstruction that may shade or impede the collector to an extent that would reduce its cost-effective operation.

WIND ENERGY CONVERSION SYSTEM - a device which converts wind energy to mechanical or electrical supply; commonly refereed to as windmills.

WIND ROTOR - the blades, plus hub to which the blades are attached, that are used to capture wind for the purpose of energy conversion. The wind rotor is used on a pole or tower along with other generating and electrical storage equipment and forms a wind energy conversion system.


§2703. Requirements for Environmental and Energy-Conserving Improvements: Environmental and energy-conserving improvements shall be required for the following:

1. All new subdivisions and developments.
2. All new uses or buildings erected or established, including said uses or buildings which are to be located on previously subdivided lots or unsubdivided property.
3. Expansion of all buildings or uses except single and two-family dwellings.
4. To separate commercial, industrial, institutional and other nonresidential uses from adjoining residential uses or residential districts.
5. Around parking lots with ten (10) or more parking spaces and within the interior of parking lots with twenty-five (25) or more parking spaces, including parking lots expanded beyond sizes.

6. Areas between parking lots and buildings.

7. Building wall expanses in excess of seventy-five (75) feet which are exposed to westerly winds, except single and two-family dwellings.

8. New streets.


§2704. Environmental and Energy Conserving Standards. Environmental improvements shall satisfy the following minimum standards.

1. General Standards.

A. A minimum of fifteen (15) percent of each developed lot shall be landscaped with appropriate ground cover or plantings.

B. Land areas with slopes in excess of twenty (20) percent shall be restricted to the removal of not more than twenty-five (25) percent of the total vegetative cover of the lot.

C. Existing plant materials shall be preserved, wherever possible, during development. Such existing plants shall be credited toward required plantings. Where topographic, vegetative or engineering features on or adjacent to the site may provide the desired conservation and environmental protection, the design plan may be adjusted to credit use of the alternate protective features, provided the Planning Department Site Review Committee approves the design.

D. All required trees shall be a minimum of one and one-half (1 1/2) inch caliper and trees, shrubs and plants shall be disease resistant, saline tolerant, winter hardy and of a species suitable for this geographic region.

E. All landscaping and plantings shall be installed using good planting procedures, utilizing quality plant material.

F. Plantings should not be designed to interfere with southern exposures to solar radiation.

2. Specific Standards.

A. Buffer areas. Dense screen plantings shall be required within all specified buffer areas. Said plantings shall be centered within the yard space to provide for growth without infringement upon the property line.

B. Streets. Perimeter plantings shall be required along each side of all new streets, a maximum distance of ten (10) feet from the street right-of-way line. Planting strips of five (5) feet or more in width between the sidewalk and the street may be approved for perimeter plantings utilizing appropriate tree species. When divided streets are proposed, perimeter plantings shall also be required within the median strip.
C. Parking Lots. Perimeter plantings shall be required around the border of all parking lots containing ten (10) or more parking spaces. Said plantings shall be a maximum of ten (10') feet from the edge of the paved parking surface. Interior island plantings shall be required within all parking lots containing twenty-five (25) or more parking spaces. Interior island plantings shall be provided (1) at the ration of five (5) square feet of planting area for each one hundred (100) square feet of paved parking and vehicular use area, and two (2) in locations which will divide and separate the parking lot.

D. Buildings. Screen plantings shall be required, except for single and two-family dwellings, around and along buildings in accordance with the following.

(1) Parking lots of ten (10) or more parking spaces shall be a minimum of twenty (20') feet from the building line of any principal building or structure. The twenty (20') foot setback shall contain appropriate screen plantings.

(2) Buildings walls over seventy-five (75') feet in length which face westerly, southwesterly or northwesterly shall be bordered by a parallel screen planting which is equal in length to the wall length and is located a maximum of fifty (50') feet from the face of the wall.


§2705. Solar, Wind and Alternate Energy Standards. The use of solar, wind and alternate energy systems is encouraged within these regulations and permitted within any zoning district. Although the installation of such systems is not mandatory, where they are utilized, the following standards shall apply.

I. Active and passive solar systems, wind energy systems and similar alternate energy systems, including customary energy storage accessories, shall be permitted for the production, collection, movement, distribution or storage of heated water, air or other medium which is intended for conveyance to a principal or accessory building. Systems may include the following subject to the requirements contained herein.

A. Solar panels with a combined glazing area of sixty-five (65) feet or less, provided that:

(1) The solar panels shall not extend more than five (5) feet into any required yard when attached to a principal structure.

(2) The solar panels shall be a minimum of three (3) feet from any property line, whether freestanding or attached.

B. Solar panels with a combined glazing area in excess of sixty-five (65) square feet, provided that:

(1) Solar panels attached to a principal structure shall comply with the zoning setbacks prescribed for a principal structure in the applicable zoning district.

(2) Solar panels which are freestanding or attached to an accessory structure shall comply with the accessory structure

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requirements of §1402 of this Chapter 27.

C. Solar greenhouses attached to principal structures shall meet all yard requirements for a principal structure in the applicable zoning district. Solar greenhouses attached to accessory structures shall meet all yard requirements specified for accessory structures in §1402 of this Chapter 27.

D. Detached solar greenhouses shall meet all yard requirements specified for accessory structures in §1402 of this Chapter 27.

E. Wind energy conservation systems, provided that:

1. The structure supporting the wind rotor unit shall be located a minimum distance of the tower height (measured from the ground to the top of the rotor) plus fifteen (15) feet from any property line or road right-of-way. The height of such structure shall not exceed seventy-five (75) feet.

2. Towers may be ground or roof-mounted and shall be securely fastened as per manufacturer's specifications or a demonstrable equivalent to achieve maximum safety and prevent collapse or fall. Any propeller or turning device that react to wind velocity shall have a governor to control the speed of revolutions. Such governors may include a rudder that turns the propeller away from the wind, individually spring-mounted paddles that turn away from the wind, or other suitable manufacturer's tested device. Towers shall be locked or secured to prevent unauthorized access, and in no case shall a permanently mounted ladder be affixed less than ten (10) feet from grade level.

(Ord. 6/4/1984, 6/4/1984, §13.05)

§2706. Maintenance and Protection Assurances. The improvements required and permitted within this Part shall be maintained and protected to assure their environmental benefits. The following specific requirements shall apply:

1. Maintenance.

A. Plantings. All required plantings shall be maintained in a good condition to present a healthy, neat and orderly appearance. Such plantings shall be kept free from refuse and debris. Plants damaged by insects, disease, vehicular traffic, acts of nature or vandalism shall be replaced by the next planting period.

B. Energy Systems. Energy systems shall be maintained in a safe manner. Broken glass or other potentially hazardous conditions shall be promptly repaired. A disconnected or abandoned energy system shall be removed from the property within sixty (60) days of such abandonment.

2. Protection.

A. Plantings. Required plantings shall not be removed except to facilitate the planting of acceptable replacements plants. Property improvements shall be protected at all times by such environmental plantings and extensive trimming or pruning of the plantings to reduce
or eliminate the protection shall not be permitted.

B. Energy Systems. Where a solar or wind energy system has been installed, it shall be the responsibility of the property owner to secure any easements or restrictive covenant necessary to protect the skyspace affecting the solar or wind system. Such an agreement shall be negotiated between owners of affected properties, but it is not a requirement for approval of a Building and Zoning Permit for the solar and wind energy system.

(Ord. 6/4/1984, 6/4/1984, §13.06)

§2707. Variances. The following factors shall be considered, in addition to whose within §1804 of this Chapter 27, when reviewing petitions for Variances to the provisions of this Part.

1. Variances shall be granted only for minimum relief and not for purely financial reasons.

2. Variances to planting requirements shall not request relief from planting height, quality or maintenance.

3. Variances for energy systems shall allow for effective placement of energy systems, provided the skyspace of adjoining property owners is not restricted.

4. Variances shall consider the resulting effect on the microclimate on the property.

5. Variances shall consider possible damage to utilities.


§2708. Plans and Permits.

1. Plans. Plans depicting environmental and energy improvements shall be submitted at the time of application for a building and zoning permit. Information may be included on the required plot plan specified in §1703 of this Chapter 27 or submitted on a separate plan. In addition to the information required within §1703 of this Chapter, plans shall include.

A. Location, size, and species of existing plant material.

B. Delineation of plants to be removed and plants to be retained.

C. Location, planting size, mature size, an species of all plants within required plantings.

D. Proposed treatment of all ground surfaces (e.g., paving, grass, gravel, mulch, stone).

2. Building and Zoning Permits. A building and zoning permit shall be required for installation, expansion or alteration to any of the environmental improvements and energy systems described within this Chapter. Applicable procedures of Part 17 of this Chapter shall apply during the processing so such permit applications. Where desired, the Zoning Administrator may refer plans to the Soil Conservation Service, the Planning Department Site Review Committee, or to other applicable agencies for
review and comment proper to formal action on the permit application.

(Ord. 6/4/1984, 6/4/1984, §13.08)
Part 28
Airport Zoning Regulations

$2801. Short Title. This Part shall be known and may be cited as the "Jackson Township of Lebanon County Pennsylvania (hereinafter "Jackson Township") Airport Zoning Ordinance." (Ord. 1-1993, 12/20/1993, §1)

$2802. Declaration of Policy.
1. This Part is adopted pursuant to the authority conferred by 1984 P.L. 164, codified at 74 Pa. Cons. Stat. §5101 et seq.
2. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Deck Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Deck Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the Deck Airport and the public investment therein. Accordingly, it is declared:

A. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Deck Airport; and,

B. That it is necessary in the interest of the public health, safety, morals and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and,

C. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
3. It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.
(Ord. 1-1993, 12/20/1993, §2)

$2803. General Definitions. The following words and phrases when used in this Part shall have the meanings given to them in this Section unless the context clearly indicates otherwise:

AIRCRAFT - any contrivance, except an unpowered hangglider or parachute used for manned ascent into or flight through the air.

AIRPORT (DECK AIRPORT) - any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport building and facilities thereon. As used herein, the term "airport" includes public airports but excludes private airports or heliports. Public and private airports are defined separately in this Section.
AIRPORT ELEVATION - five hundred fifteen (515) feet above sea level. The highest point of an airport's usable landing area measured in feet above sea level.

AIRPORT HAZARD - any structure or object, natural or manmade, or use of land which obstructs the airspace required or is otherwise hazardous as defined by "airport hazard" in 74 Pa. Cons. Stat. §5102.

AIRPORT HAZARD AREA - any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Part and Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

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 surface height limitation slope set forth in §2804 of this Part. In plan the perimeter of the approach surface coincides with the perimeter of the approach surface zone.

APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL SURFACE ZONES - these zones are set forth in §2804 of this Part.

BOARD OF APPEALS OR ADJUSTMENT - a board appointed by the authority adopting these regulations. The number of members, powers, governing rules, etc., of the Board are set forth in §2809 of this Part. "Joint Airport Zoning Board" is defined in §2810.

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

DEPARTMENT - Pennsylvania Department of Transportation.

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

HEIGHT - for the purpose of determining the height limits in all zones set forth in this Part and shown on the Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

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

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

NONCONFORMING USE - any pre-existing structure, object of natural growth or use of land which is inconsistent with the provisions of this Part or an amendment thereto.

NONPRECISION INSTRUMENT RUNWAY - a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
OBSTRUCTION - any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in $2804 of this Part.

PERSON - an individual, firm, partnership, corporation, company, association, joint stock association or governmental entity, includes a trustee, a receiver, an assignee or a similar representative of any of them.

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

PRIMARY SURFACE - a surface longitudinally centered on a runway. When the runway has specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in $2804 of this Part. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

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

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

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

STRUCTURE - an object, including a mobile object, constructed or installed by man, including, without limitation, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.

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

TREE - any object of natural growth.

UTILITY RUNWAY - a runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight or less.
VISUAL RUNWAY – a runway intended solely for the operation of aircraft using visual approach procedures.

$2804. Airport Surface Zones. In order to carry out the provisions of this Part, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Deck Airport. Such zones are shown on the Deck Airport Height Limitation and Zoning District Map prepared by the Pennsylvania Department of Transportation, Bureau of Aviation, and dated Spring 1989, which is attached to this Part and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitations. The various zones are hereby established and defined as follows:

A. Utility Runway Visual Approach Surface Zone. Established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The zone expands outward uniformly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand feet (5,000) from the primary surface. Its centerline is the continuation of the centerline of the runway.

B. Utility Runway Nonprecision Instrument Approach Surface Zone. Established beneath the nonprecision instrument approach surface. The
§2804(B), cont'd

inner edge of this zone coincides with the width of the primary surface and is five hundred (500) feet wide. The zone expands outward uniformly to a width of two thousand (2,000) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

C. Runway Larger Than Utility Visual Approach Surface Zone. Established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface and is five hundred (500) feet wide. The zone expands outward uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

D. Runway Larger Than Utility With a Visibility Minimum Greater Than Three-Fourths Mile Nonprecision Instrument Approach Surface Zone. Established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is five hundred (500) feet wide. The zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

E. Runway Larger Than Utility With A Visibility Minimum as Low as Three-Fourths Mile Nonprecision Instrument Approach Surface Zone. Established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

F. Precision Instrument Runway Approach Surface Zone. Established beneath the precision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

G. Transitional Surface Zones. Established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on the height limitation and zoning district map.

H. Horizontal Surface Zone. Established beneath the horizontal surface, one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging acres of ten thousand (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 surface zone does not include the approach surface and transitional surface zones.

I. Conical Surface Zone. Established beneath the conical surface. This zone commences at the periphery of the horizontal surface and extends outward therefrom a horizontal distance of four
§2805. Airport Surface Zone Height Limitations. Except as otherwise 
provided in this Part, no structure shall be erected, altered or 
maintained, and no tree shall be allowed to grow in any zone created by 
this Part to a height in excess of the applicable height limit herein 
established for such zone. Such applicable height limitations are hereby 
established for each of the zones in question as follows:

A. Utility Runway Visual Approach Surface Zone. Slopes twenty 
(20) feet outward for each foot upward beginning at the end of and at 
the same elevation as the primary surface and extending to a 
horizontal distance of five thousand (5,000) feet along the extended 
runway centerline.

B. Utility Runway Nonprecision Instrument Approach Surface Zone. 
Slopes twenty (20) feet outward for each foot upward beginning at the 
end of and at the same elevation as the primary surface and extending 
to a horizontal distance of five thousand (5,000) feet along the 
extended runway centerline.

C. Runway Larger than Utility Visual Approach Surface Zone. 
Slopes twenty (20) feet outward for each foot upward beginning at the 
end of and at the same elevation as the primary surface and extending 
to a horizontal distance of five thousand (5,000) feet along the 
extended runway centerline.

D. Runway Larger Than Utility With a Visibility Minimum Greater 
Than Three-Fourths (3/4) Mile Nonprecision Instrument Approach Surface 
Zone. Slopes thirty-four (34) feet outward for each foot upward 
beginning at the end of and at the same elevation as the primary 
surface and extending to a horizontal distance of ten thousand 
(10,000) feet along the extended runway centerline.

E. Runway Larger Than Utility With a Visibility Minimum as Low 
as Three-Fourths (3/4) Mile Nonprecision Instrument Approach Surface 
Zone. Slopes thirty-four (34) feet outward for each foot upward 
beginning at the end of and at the same elevation as the primary 
surface and extending to a horizontal distance of ten thousand 
(10,000) feet along the extended runway centerline.

F. Precision Instrument Runway Approach Surface Zone. Slopes 
fifty (50) feet outward for each foot upward beginning at the end of 
at the same elevation as the primary surface and extending to a 
horizontal distance of ten thousand (10,000) feet along the extended 
runway centerline; thence slopes upward forty (40) feet horizontally 
for each foot vertically to an additional horizontal distance of forty 
thousand (40,000) feet along the extended runway centerline.

G. Transitional Surface Zones. Slopes seven (7) feet outward 
for each foot upward beginning at the sides of and at the same 
elevation as the primary surface and the approach surface, and 
extending to a height of one hundred fifty (150) feet above the 
airport elevation which is six hundred sixty-five (665) feet above the 
mean sea level. In addition to the foregoing, when an airport has a 
precision instrument runway approach zone, there are established 
height limits sloping seven (7) feet outward for each foot upward 
beginning at the sides of and at the same elevation as the approach.
surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety (90) degree angles to the extended runway centerline.

H. Horizontal Surface Zone. Established at one hundred fifty (150) feet above the established airport elevation or at a height of six hundred sixty-five (665) feet above mean sea level.

I. Conical Surface Zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal surface and at one hundred fifty (150) feet above the established airport elevation and extending to a height of three hundred fifty (350) feet above the established airport elevation or at a height of eight hundred sixty-five (865) feet above mean sea level.

(Ord. 1-1993, 12/20/1993, §5)

§2806. Airport Zoning Requirements.

1. Reasonableness. All airport zoning regulations adopted under this Part shall be reasonable; none shall impose any requirement or restriction unless it is reasonably necessary to effectuate the purpose of this Part. In determining what regulations it may adopt, each municipality and joint airport zoning board shall consider, among other factors, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood and the uses to which the property to be zoned is put and adaptable.

2. Use Restrictions. Notwithstanding any other provisions of this Part, no use may be made of land or water within any zone established by this Part in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.


A. Regulations Not Retroactive. The regulations prescribed by 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 §2807 (relating to permits and variances). Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Part, and is diligently executed.
B. Marking and Lighting. Notwithstanding the preceding provisions of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the Zoning Officer to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction unless the owner obtains appropriate FAA documentation indicating that the existing nonconforming structure or tree does not constitute an airport hazard. Such markers and lights shall be installed, operated and maintained at the expense of the airport.

(Ord. 1-1993, 12/20/1993, §6)

§2807. Permits and Variances.

1. Future Uses. Except as specifically provided in subsections (A), (B) or (C) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Part shall be granted unless a variance has been approved in accordance with subsection (4).

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

B. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.

C. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour or topographic feature, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Part, except that no permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height or an existing structure.

2. Existing Uses. Before any nonconforming structure may be
replaced, substantially altered or rebuilt or tree allowed to grow higher or replanted, a permit must be secured from the municipality authorizing the replacement or change. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this Part or any amendments thereto or than it is when the application for a permit is made.

3. **Nonconforming Uses Abandoned or Destroyed.** Whenever the Jackson Township Zoning Hearing Officer determines that a nonconforming tree or structure has been abandoned or more than eighty (80) percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this Part.

4. **Variance.**

A. Any person desiring to erect any structure or increase the height of any structure or permit the growth of any object of natural growth or otherwise use his property in violation of airport zoning regulations may apply to the Board of Adjustment for a variance from the zoning regulations in question. A variance shall only be granted after the requirements of §2808 are satisfied. A variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and would be in accordance with the spirit of the regulations of this Part. Any variance may be granted subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purpose of this Part.

B. The application for variance shall be accompanied by a determination from the Federal Aviation Administration 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 variance to the requirements of this Part may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Airport Manager (or person of equivalent description) for advice as to the aeronautical effects of the variance. If the Airport Manager (or person of equivalent description) does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act without such input to grant or deny said application.

5. **Hazard Marking and Lighting.** In granting any permit or variance under this Section, the Board shall, if it deems the action advisable to effectuate the purpose of this Part and reasonable under the circumstances, so condition the permit or variance as to require the owner of the structure or object of natural growth in question to permit the municipality, at the landowner's expense, or require the person or persons requesting the permit or variance, to install, operate and maintain thereon such markers and lights as may be required by guidelines or regulations adopted by the FAA.

(Ord. 1-1993, 12/20/1993, §7)
§2808. Enforcement/Notice.

1. Local Enforcement. It shall be the duty of the Zoning Officer to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Officer upon a form published for that purpose. Applications required by this Part to be submitted to the Zoning Officer shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Zoning Officer.

2. Notice to Department. Notwithstanding any other provision of law, a municipality or board which decides to grant a permit or variance under this Part shall notify the Department of Transportation of its decision. This notice shall be in writing and shall be sent so as to reach the Department at least ten (10) days before the date upon which the decision is to issue.

(Ord. 1-1993, 12/20/1993, §8)

§2809. Board of Adjustment.

1. Powers. There is hereby created a Board of Adjustment to have and exercise the following powers:

A. To hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this Part.

B. To hear and decide special exceptions to the terms of this Part upon which such Board of Adjustment under such regulations may be required to pass.

C. To hear and decide specific variances.

2. Creation/Members/Removal. Where a zoning board of appeals or adjustment already exists, it may be appointed as the Board of Adjustment. Otherwise, the Board shall consist of five (5) members, each to be appointed for a term of three (3) years by the authority adopting the regulations and to be removable by the appointing authority, for cause, upon written charges and after a public hearing.

3. Governing Rules. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Part. Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. For conduct of any hearing or taking of any action, a quorum shall not be less than a majority of all members. The Chairperson or, in the absence of the Chairperson, the acting Chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Zoning Officer and on due cause shown.

4. Findings of Fact/Conclusions of Law. The Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusion from such facts in reversing, affirming or modifying any order, requirement, decision or determination which comes before it under the provisions of this Part.

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5. Voting. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of the Zoning Officer or decide in favor of the applicant on any matter upon which it is required to pass under this Part, or to effect variation to this Part.

(Ord. 1-1993, 12/20/1993, §9)

§2810. Joint Airport Board. Where any airport hazard appertaining to an airport is located outside the territorial limits of the municipality encompassing the airport, all of the municipalities involved may, by ordinance or resolution, create a joint airport zoning board which shall have the same power to adopt, administer and enforce airport zoning regulations applicable to the airport hazard area in question as that vested (by the police power) in the municipality within which the area is located. Each joint airport zoning board shall have as members two (2) representatives appointed by each municipality participating in its creation and, in addition, a chairman elected by a majority of the members so appointed. (Ord. 1-1993, 12/20/1993, §10)

§2811. Appeals.

1. Right of Appeal. Any person aggrieved or taxpayer affected by any decision of the municipality or joint zoning hearing board may appeal to the Board of Adjustment as provided by law.

2. Reasonable Time Requirements. All appeals hereunder must be taken within thirty (30) days of the official action giving rise to the grievance. The Board shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

3. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the municipality or Joint Hearing Board certifies to the Board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate, a stay would in its opinion cause imminent peril to life or property. In such cases proceedings shall not be stayed otherwise than by order of the Board or notice to the municipality or joint zoning appeal board.

4. Power to Reverse, Affirm or Modify Orders. The Board of Adjustment may, in conformity with the provisions of this Part, reverse or affirm, in whole or in part, modify the order, requirement, decision or determination as may be appropriate under the circumstances.

(Ord. 1-1993, 12/20/1993, §11)

§2812. Acquisition of Air Rights. In any case in which it is desired to remove, lower or otherwise terminate a nonconforming structure or use, or the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations, or it appears advisable that the necessary approach protection be provided by acquisition or property rights, rather than by airport zoning regulations, the municipality within which the property or nonconforming use is located, or the municipality or municipal authority owning the airport or served by it, may acquire by purchase, grant or condemnation, in the manner provided by the law under which municipalities are authorized to acquire real property...
for public purposes, such air right, aviation easement or other estate or interest in the property or nonconforming structure or use in question as may be necessary to effectuate the purpose of this Part. In the case of the purchase of any property or any easement or estate, or interest therein, or the acquisition thereof by the power of eminent domain, the municipality making the purchase or exercising the power shall, in addition to the damages for the taking, injury or destruction of property, also pay the cost of the removal and relocation of any structure or any public utility which is required to be removed to a new location. (Ord. 1-1993, 12/20/1993, §12)

§2813. Relation to Other Zoning Regulations.

1. Incorporation. In the event that a municipality has adopted or hereafter adopts a comprehensive zoning ordinance regulating, among other things, the height of buildings, any airport zoning regulations applicable to the same area or portion thereof may be incorporated in and made a part of the comprehensive zoning regulations and be administered and enforced in connection therewith.

2. Conflicts. In the event of conflict between any airport zoning regulations adopted under this Part and any other regulations applicable to the same area, whether the conflicts be with respect to the height of structures or trees, and the use of land, or any other matter, and whether the other regulations were adopted by the municipality which adopted the airport zoning regulations or by some other municipality or otherwise, the more stringent limitation or requirement shall govern and prevail. (Ord. 1-1993, 12/20/1993, §13)

§2814. Judicial Review. Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the court of common pleas as provided by law. In cases where applicable law does not provide an appeal from a municipality to a Board, a person or taxpayer may appeal from a decision of a municipality or joint airport zoning board, as provided by law for similar zoning proceedings. (Ord. 1-1993, 12/20/1993, §14)

§2815. Interpretation of Language and Captions.

1. Use of Language. Words of any gender used in this Part shall be held and construed to include any other gender, and words in the singular shall be used to include the plural, unless the context otherwise requires.

2. Use of Captions. The captions or headings of Sections in this Part are inserted for convenience only, and shall not be considered in construing the provisions herein if any question of intent should arise. (Ord. 1-1993, 12/20/1993, §16)

§2816. Penalties.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a
municipality, pay a judgment of not more than five hundred dollars ($500.00) plus court costs, including reasonable attorney fees incurred by a municipality 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 nor timely appeals the judgment, the municipality 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 (1) 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 municipality whose ordinance has been violated.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this Section.

(Ord. 1-1993, 12/20/1993, §17)

$2817. Adoption and Amendment of Ordinance.

1. Notice and Hearing. No airport zoning regulations shall be adopted, amended or changed except by action of the municipality or the joint airport zoning board after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. The notice shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality or municipalities affected. The 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 thirty (30) days or less than fourteen (14) days from the date of the hearing.

2. Effective Date. Whereas the immediate operation of the provisions of this Part is necessary for the preservation of the public health, safety, moral and general welfare, an emergency is hereby declared to exist, and this Part shall be in full force and effect from and after its passage by the municipality and publication and posting as required by subsection (1).

(Ord. 1-1993, 12/20/1993, §18)
Appendix

Maximum Allowable Height

The following figures and formulas have been prepared for determining the maximum allowable heights of objects within the airport's vicinity. The formulas are used in conjunction with the figure; whereas a formula is assigned a number, that formula corresponds with a point location of the same number on the figure. By using the formula and following the steps outlined below, the maximum allowable height at a point location can be determined.

1. Locate the point (object) in question on the figure (sample point locations identified by numbers are given in various coded airport zones).

2. Apply the formula having the same number as the chosen point location to calculate the maximum allowable height for an object at that point (some formulas will have letter variables (A, B, C, etc.) which are shown on the figure).
ALLOWABLE HEIGHT FORMULAS

1. Horizontal Surface
   Formula: $\text{Allowable Height} = (\text{Established Airport Elevation}) + (150') - (\text{Ground Elevation})$

2. Conical Surface
   Formula: $\text{Allowable Height} = (\text{Established Airport Elevation}) + (150') + (A + 20) - (\text{Ground Elevation})$

3. Primary Surface
   Formula: $\text{Allowable Height} = (\text{Elevation of the Runway Perpendicular to the Location Point}) - (\text{Ground Elevation})$

4. Transitional Surface
   Formula: $\text{Allowable Height} = (\text{Elevation of the Primary Surface along the Runway Centerline Perpendicular to the Location Point}) + (E+7) - (\text{Ground Elevation})$

5. Transitional Surface
   Formula: $\text{Allowable Height} = (\text{Elevation of the Approach Surface along the Runway Centerline Perpendicular to the Location Point}) + (E+7) - (\text{Ground Elevation})$

6. Approach Surface
   Formula: $\text{Allowable Height} = (\text{Runway End Elevation}) + ((C-200') + 20) - (\text{Ground Elevation})$

   *For Turf Runways do not subtract 200 from C
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## SUBJECT

**ZONING, cont'd.**

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  zoning hearing board
  appeals from decisions of board
  expiration or revocation of a zoning
  hearing board decision
  hearings
  jurisdiction
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  special exceptions
  stay of proceedings
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ZONING DISTRICTS, see ZONING
ZONING DISTRICTS, see ZONING
ZONING OFFICER, see ZONING
ZONING MAP, see ZONING
ZONING; PRIOR ORDINANCES (HISTORIC ENTRIES)

APPENDIX J

Page revised 1/3/1994