



Before the
Pennsylvania Public Utility Commission

**APPENZELL SUBSTATION
BUILDING PETITION**

Application Docket No. _____

Submitted by: PPL Electric Utilities Corp.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition Of PPL Electric Utilities :
Corporation For A Finding That A Building :
To Shelter Control Equipment At The :
Appenzell 138-12 kV Substation To Be : Docket No. P-2010-_____
Constructed In Jackson Township, Monroe :
County, Pennsylvania Is Reasonably :
Necessary For The Convenience Or Welfare :
Of The Public :

PETITION OF PPL ELECTRIC UTILITIES CORPORATION

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

PPL Electric Utilities Corporation (“PPL Electric”) hereby petitions the Pennsylvania Public Utility Commission (“Commission”), pursuant to 52 Pa. Code § 5.41 and 53 P.S. § 10619, for a finding that a building to shelter control equipment (“Control Equipment Building”) at the proposed Appenzell 138-12 kV Substation (“Appenzell Substation”) in Jackson Township, Monroe County, Pennsylvania is reasonably necessary for the convenience or welfare of the public and, therefore, exempt from any local zoning ordinance (“Zoning Petition”).¹ In support of this Zoning Petition, PPL Electric states as follows:

¹ PPL Electric believes its control equipment building is not a “building” but, rather, is part of its substation facilities. Therefore, PPL Electric’s control equipment building is exempt from local zoning requirements. *See, e.g., Duquesne Light Co. v. Upper St. Clair Township*, 377 Pa. 323, 334-35, 105 A.2d 287, 292 (1954). This Zoning Petition is being filed as a precaution in the event that the Commission were to determine that the control equipment building is not a facility and, therefore, potentially subject to local zoning ordinances.

I. INTRODUCTION AND OVERVIEW

1. This Zoning Petition is filed by PPL Electric, a public utility that provides electric distribution and provider of last resort services in Pennsylvania subject to the regulatory jurisdiction of the Commission.

2. PPL Electric's address is Two North Ninth Street, Allentown, Pennsylvania 18101.

3. PPL Electric's attorneys are:

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PPL Electric's attorneys are authorized to receive all notices and communications regarding this Zoning Petition.

4. PPL Electric is a “public utility” and an “electric distribution company” as defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 102, 2803. PPL Electric furnishes electric distribution, transmission, and provider of last resort electric supply services to approximately 1.4 million customers throughout its certificated service territory, which includes all or portions of twenty-nine counties and encompasses approximately 10,000 square miles in eastern and central Pennsylvania.

5. PPL Electric owns approximately 5,000 miles of transmission lines operating at 69,000 volts or higher, approximately 330 substations with a capacity of 10,000 kilovolt-ampere or more, and approximately 43,000 miles of distribution lines operating at less than 69,000 volts.

II. DISCUSSION

6. PPL Electric proposes to construct the Appenzell Substation, together with the Appenzell #1 & #2 138 kV Taps (“Appenzell Taps”) and additional distribution facilities, to improve the reliability of service in the Appenzell and Reeders area in south central Monroe County, which is one of PPL Electric’s poorest performing areas, and to reduce load on two distribution lines, the McMichaels 35-2 and Tannersville 57-1 12 kV lines.

7. In order to assure that PPL Electric’s transmission and distribution systems can supply load reliably during summer and winter peak periods and provide service at an acceptable voltage level through the daily load cycle, PPL Electric has adopted a set of defined planning standards, which are set forth in PPL Electric’s Reliability Principles and Practices manual (“RP&P”). The RP&P recognizes the necessity of maintaining a proper balance between service reliability and the cost of service and that large, long, and frequent interruptions are to be avoided.

8. It is projected that the load on the Tannersville 57-1 12 kV distribution line will exceed its normal planning guidelines by the fall of 2014. Operating these lines beyond their planning ratings will overheat the lines and anneal the conductors, which could result in an outage of the facilities. Further, exceeding normal planning guidelines violates the planning standards in the RP&P.

9. The McMichaels 35-2 and Tannersville 57-1 12 kV lines are presently among PPL Electric's worst performing distribution lines, based on the number, duration of outages, and the number of customers affected. The average outage duration for PPL Electric customers for the period from 2002 through 2009 was 151 minutes annually. The average outage duration for customers served by the Tannersville 57-1 and McMichaels 35-2 12 kV distribution lines, however, were 328 and 353 minutes annually, respectively, during the same period.

10. Further, PPL Electric's RP&P guidelines limit the number of customers served from a distribution line to 1,300. Presently, the McMichaels 35-2 12 kV distribution line serves more than 1,500 customers, and the Tannersville 57-1 12 kV line serves more than 2,200 customers.

11. To resolve these violations of the RP&P and to improve service, PPL Electric plans to construct the proposed Appenzell Substation, together with the Appenzell Taps and additional distribution facilities. The principal part of the plan requires construction of approximately 2.1 miles of new 138 kV transmission lines, the proposed Appenzell Taps, which will supply the proposed Appenzell Substation. The new Appenzell Substation, in turn, will supply new 12 kV distribution lines. Initially, there will be two new distribution lines. More lines may be added in the future as appropriate to meet load growth. Load will be transferred from the existing Tannersville 138-12 kV Substation and McMichaels 138-12 kV Substation and

from the McMichaels 35-2 and Tannersville 57-1 12 kV distribution lines to the new Appenzell Substation and distribution lines supplied by it.

12. Contemporaneously herewith, PPL Electric has filed with the Commission the “Application Of PPL Electric Utilities Corporation Filed Pursuant To 52 Pa Code Chapter 57, Subchapter G, For Approval Of The Siting And Construction Of The Appenzell #1 & #2 138 kV Taps In Jackson Township, Monroe County, Pennsylvania” (hereinafter the “Siting Application”). With the Siting Application, PPL Electric filed Exhibits A through G and Appendices 1 through 8, which provide additional detailed information regarding the Appenzell Taps. The Siting Application and its accompanying Exhibits and Appendices are incorporated herein by reference.

13. The basic functional arrangement of PPL Electric’s existing transmission system in the area is shown in Figure B-1 to Exhibit B to the Siting Application, which is a functional one-line diagram of the existing facilities. A one-line diagram of the facilities in the area as altered by the Project is provided in Figure B-2 to Exhibit B to the Siting Application. This Figure shows the proposed electrical system in the area, including the Appenzell Taps, the Appenzell Substation, and the distribution lines that will be supplied by the Appenzell Substation.

14. The Project will improve reliability of service in the Appenzell and Reeders area by reducing the load on the McMichaels 35-2 and Tannersville 57-1 12 kV distribution lines. Approximately 1,000 customers will be transferred from the Tannersville 57-01 12 kV distribution line, which will reduce load by about 5 megavolt-amperes (“MVA”). Similarly, approximately 600 customers will be transferred from the McMichaels 35-2 12 kV distribution line, which will reduce its load by about 3.5 MVA.

15. Further, the new Appenzell Substation will reduce the overall length of the McMichaels 35-2 and Tannersville 57-1 12 kV distribution lines. As a result, the need to serve customers in the Appenzell area from a distribution line that runs through a heavily wooded area will be eliminated, thereby reducing outages resulting from damage caused by falling limbs and trees.

16. The estimated total cost of the Project, including the Appenzell Taps, Appenzell Substation, and related distribution lines is approximately \$4 million. Construction of the Project is scheduled to begin in March, 2011 to meet an in-service date of November, 2011.

17. The new Appenzell Substation will include a Control Equipment Building. Substations must include certain control equipment, primarily switches, relays, and Supervisory Control and Data Acquisition (“SCADA”) equipment to control the flow of electricity into, within, and from the substation. Much of this equipment, in order to function properly, must be protected from the elements. The purpose of the proposed building in the Appenzell Substation is to protect the control equipment from the elements so that the line equipment, and the entire substation, can function properly.

18. The Control Equipment Building will be approximately 12 feet by 12 feet. It will be constructed on a concrete slab. The exterior walls will be constructed of corrugated aluminum. There will be minimal space heating and cooling equipment for the building. Such equipment will be installed solely for the purpose of keeping the temperature inside the building within limits tolerated by the control equipment. The building will not be intended for human occupancy; there will be no supply of water and no sanitary facilities.

19. The Appenzell Substation will be surrounded by a high fence to prevent entry by unauthorized persons. The fenced area for the Appenzell Substation will be 104 by 136 feet.

Access to the substation, including the Control Equipment Building, must be limited because the high voltages at which the substation will operate presents dangers to untrained persons. The Control Equipment Building will be contained within the fenced perimeter of the substation.

20. The Appenzell Substation will be located on a 2.33-acre tract of land owned by PPL Electric.

21. The site for the new Appenzell Substation was selected because the location is approximately halfway between the existing Tannersville and McMichaels Substations, and is located in close proximity to the existing distribution infrastructure and the load it will serve. The Appenzell Taps will connect the Siegfried-Jackson 138 kV Transmission Lines to the new Appenzell Substation.

22. Provided as **Exhibit A** hereto is an aerial map showing the location of PPL Electric's tract of land on which the proposed Appenzell Substation, together with the required Control Equipment Building, will be constructed. An aerial map in Map Pocket D of the Siting Application also depicts the rights-of-way and easements for the proposed transmission lines associated with the Project, which will connect with the Appenzell Substation.

23. The Pennsylvania Municipalities Planning Code ("MPC") provides, in relevant part, as follows:

This article shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

Section 619 of the MPC, Act of July 31, 1968, P.L. 805, *as amended*, 53 P.S. § 10619. Thus, a public utility building may be subject to local zoning requirements for buildings unless, upon

petition, the Commission determines that the proposed situation of the building in question is reasonably necessary for the convenience and welfare of the public. 53 P.S. § 10619.

24. As explained above, the Appenzell Substation, together with the Appenzell Taps and additional distribution facilities, is necessary to alleviate projected violations on the neighboring the McMichaels 35-2 and Tannersville 57-1 12 kV lines in the Appenzell and Reeders area, and will provide additional capacity for future electric system load growth. The Appenzell Substation must include certain control equipment in order to operate properly, and said equipment must be protected from the elements, which requires the construction of the Control Equipment Building on the Appenzell Substation Site.

25. Because the Appenzell Substation is reasonably necessary for the public convenience and welfare, and because the Control Equipment Building is necessary to properly operate the Appenzell Substation, the Commission should find that the Control Equipment Building is reasonably necessary and, therefore, exempt from the Jackson Township's local zoning ordinance pursuant to Section 619 of the MPC. *Del-AWARE Unlimited, Inc. v. Pa. P.U.C.*, 513 A.2d 593 (Pa. Cmwlth. 1986).

III. THE JACKSON TOWNSHIP ZONING ORDINANCE

26. On January 11, 2001, the Commission adopted a policy statement to further the Commonwealth's goal of making agency actions consistent with sound land use planning by considering the impact of its decision upon local comprehensive plans and zoning ordinances. See 31 Pa. Bull. 951 (Feb. 17, 2001). Section 69.1101 of the Commission's Policy Statement provides:

[T]he Commission will consider the impact of its decisions upon local comprehensive plans and zoning ordinances. This will include reviewing applications for:

- (1) Certificates of public convenience.
- (2) Siting electric transmission lines.
- (3) Siting a public utility “building” under section 619 of the Municipalities Planning Code (53 P.S. § 10619).
- (4) Other Commission decisions.”

52 Pa. Code § 69.1101.

27. Jackson Township has adopted a zoning ordinance, which includes a map on which zoning districts are identified. *See* TOWNSHIP OF JACKSON MONROE COUNTY ZONING ORDINANCE, Ordinance of June 1, 1989, *as amended* (“Zoning Ordinance of 1989”).² The location where PPL Electric proposes to construct the Appenzell Substation is designated as a “R-2 Rural/Village Residential.”

28. The Jackson Township zoning ordinance provides that public utility facilities are permitted in a R-2 Rural/Village Residential zoning district by upon issuance of a special exception permit by the Zoning Hearing Board. *See* Zoning Ordinance of 1989 §§ 401(4), 501(4).

29. With respect to public utility uses, the Jackson Township zoning ordinance provides the following use regulations:

Public Utility Uses, such as dial equipment centers, high voltage transmission lines, towers, and substations and other proposed installations necessary to serve the region or area, as opposed to surrounding properties, may be permitted in any zone district with a special exception permit. No special exception permit shall be issued unless the Zoning Hearing Board shall determine that:

² A true and correct copy of the Zoning Ordinance of 1989 is attached hereto as “**Exhibit B.**”

- A. The proposed installation in a specific location is necessary and convenient for the efficiency of the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood, area or region in which the particular use is to be located.
- B. The design of any building in connection with such facility conforms to the general character of the area and will not adversely affect the same and comfortable enjoyment of property rights of the zone in which it is located.
- C. Adequate and attractive fences, noise barriers and other safety devices will be provided.
- D. A buffer strip five (5') feet in width and screening are provided and will be (sic) periodically maintained.
- E. Adequate off-street parking will be provided to meet the needs of the use.
- F. Adequate area and yard will be provided to meet the needs of the intended use.
- G. All other items or details of construction or location are consistent with the intent of this Chapter.

Zoning Ordinance of 1989, § 1110. The Jackson Township zoning ordinance requires an applicant for a special exception permit to “cause a site development plan map to be prepared by a civil engineer, surveyor, land planner, architect, or other competent person,” which must include, *inter alia*, details on the following elements: legal data, natural features, structures and uses immediately adjacent to the site, proposed improvements and use. Zoning Ordinance of 1989, § 1103(2).

30. As explained above, PPL Electric will install a fence around the Appenzell Substation that will to prevent entry by unauthorized persons. Although PPL Electric currently has no plans to install a buffer around the proposed Appenzell Substation, PPL Electric will leave as much vegetation and trees as possible, provided that it will not interfere with the

construction, operation, or maintenance of the public utility facilities at the Appenzell Substation site. Further, substantial land around the substation site is forested, which will preserve the forest that will provide a large buffer between the proposed Appenzell Substation and surrounding area.

31. PPL Electric will construct a stoned access road and parking area at the Appenzell Substation site that will be adequate for PPL Electric's needs.

32. The Appenzell Substation will be located on a 2.33-acre tract of land and the fenced area for the Appenzell Substation will be 104 by 136 feet. Thus, there will be adequate area and yard to meet PPL Electric's intended use of the land.

33. Notwithstanding, if PPL Electric were required to obtain a special exception permit prior to construction of the Control Equipment Building, the process, including appeals from adverse determinations, could consume substantial time, which could delay the construction of the Appenzell Substation and transmission lines associated with the project, which are reasonably necessary for the convenience or welfare of the public. Further, the Jackson Township's standard for approving a special exception permit for public utility facilities disregards that the design, location, or construction of public utility facilities is within the exclusive jurisdiction of the Commission.³

³ The lack of authority for a local municipality to regulate the design, location, or construction of public utility facilities is consistent with the long line of cases holding that public utilities are exempt from local ordinances. The Pennsylvania Supreme Court has recognized the exclusive jurisdiction of the Public Utility Commission ("Commission") in a long line of cases. *See Duquesne Light Company v. Monroeville Borough*, 449 Pa. 573, 580, 298 A.2d 2352 (1972) ("This Court has consistently held, however, that the Public Utility Commission has exclusive regulatory jurisdiction over the implementation of public utility facilities") (citations omitted). *See, e.g., County of Chester v. Philadelphia Elec. Co.*, 420 Pa. 422, 218 A.2d 331 (1966) (holding that regulation by a multitude of jurisdictions would result in "twisted and knotted" public utilities with consequent harm to the general welfare); *Newtown Twp. v. Philadelphia Elec. Co.*, 594 A.2d 834, 837 (Pa. Cmwlth. 1991) (noting that "it is clear that no 'implied' power exists in the MPC which would allow the Township to regulate [the Philadelphia Electric Company] through its subdivision and land development ordinance"); *Heintzel v. Zoning Hearing Bd. of Millcreek Twp.*, 533 A.2d 832 (Pa. Cmwlth. 1987) (holding that township had no

34. Additionally, the proposed Project and Appenzell Substation were reviewed with representatives of Jackson Township and Monroe County. The Township and the County have no objection to the Appenzell Substation and the transmission lines associated therewith. As indicated in the attached certificate of service, PPL Electric is serving a copy of this Zoning Petition on Jackson Township, the Jackson Township Planning Commission, Monroe County, and the Monroe County Planning Commission.

35. Further, in all of its interactions with the Jackson Township and Monroe County, PPL Electric will continue to apply its long-standing policy of cooperating with local governments.

36. For these reasons, PPL Electric requests that the Commission find that the Control Equipment Building is reasonably necessary for the convenience or welfare of the public and, therefore, exempt from the requirement of the Jackson Township zoning ordinance that requires a special exception permit prior to the construction of any public utility facilities and such other portions of the Zoning Ordinance of 1989 that may, in the Jackson Township's opinion, impose any restriction, condition, or regulation on the construction of the Control Equipment Building.

IV. RELATED PROCEEDINGS

37. Contemporaneously herewith, PPL Electric filed with the Commission the Siting Application for the Appenzell Taps. Therein, PPL Electric is requesting approval for the siting and construction of the Appenzell Taps, which will be connected to the proposed Appenzell

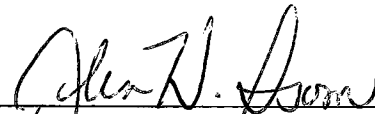
power to regulate, under its zoning ordinance, city's erection of water tower because that power was under the exclusive jurisdiction of the PUC); *South Coventry Twp. v. Philadelphia Elec. Co.*, 504 A.2d 368 (Pa. Cmwlth. 1986) (noting that to possibly subject [the Philadelphia Electric Company] to a miscellaneous collection of regulations upon its system would clearly burden and indeed disable it from successfully functioning as a utility); *Commonwealth v. Delaware and Hudson Railway Co.*, 339 A.2d 155 (Pa. Cmwlth. 1975) (holding that the MPC did not authorize local governments to regulate public utilities in any manner which infringes upon the power of the Commission to so regulate).

Substation, including the Control Equipment Building that is the subject of this Zoning Petition. Issues relating to the necessity for and location of the Appenzell Taps are interrelated with this Zoning Petition.

V. **CONCLUSION**

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Pennsylvania Public Utility Commission find that the Control Equipment Building proposed by PPL Electric Utilities Corporation at the Appenzell Substation is reasonably necessary for the convenience or welfare of the public and, therefore, is exempt from the Zoning Ordinance of the Jackson Township.

Respectfully submitted,



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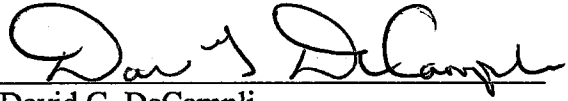
Date: March 12, 2010

Attorneys for PPL Electric Utilities Corporation

VERIFICATION

I, David G. DeCampli, being the President of PPL Electric Utilities Corporation, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that PPL Electric Utilities Corporation to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/4/16


David G. DeCampli

Exhibit

A



MOUNTAIN ROAD

REEDERS ROAD (PA 715)

MILLER ROAD

PROPOSED RW LINE

PROPOSED GL LINE

PROPOSED RW LINE

PROPOSED BUILDING

PROPOSED SUB SITE

PPL ELECTRIC UTILITIES
2.33 ACRES

Exhibit B

TOWNSHIP OF JACKSON

Monroe County

ZONING ORDINANCE

Ordinance of June 1, 1989

As Amended Through

Ordinance 99-102, September 9, 1999

JACKSON TOWNSHIP CODES OFFICE

P.O. Box 213

Reeders, PA 18352

CHAPTER 27

ZONING

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Part 1
General Provisions

§101. Short Title. This Chapter shall be known and may be cited as the "Township of Jackson Zoning Ordinance of 1989." (Ord. 6/1/1989, §1.1)

§102. Purpose. This Chapter is enacted in accordance with the Community Development Objectives to promote, protect and facilitate the public health, safety and general welfare, provide coordinated and practical community development, proper density of population, the provision of adequate light and air, vehicle parking and loading space, water, sewerage, as well as to prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood, panic or other dangers. This Chapter is enacted in accordance with an overall program, and with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures. (Ord. 6/1/1989, §1.2)

§103. Interpretation. In the interpretation and application of the provisions of this Chapter they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except where specifically provided to the contrary, it is not intended by this Chapter to repeal, abrogate, or annul or in any way interfere with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, structures, shelter or premises, nor is it intended to interfere with or abrogate or annul any easements, covenants or other legal agreements in effect between parties at the time of adoption of this Chapter, provided, however, that where this Chapter imposes a greater restriction upon the use of a building or lot, or requires larger open spaces than are imposed or required by any other statute, ordinance, rule, regulation or permit, the provisions of this Chapter shall prevail. (Ord. 6/1/1989; §1.3)

Part 2

Establishment of Zoning Districts, Boundaries and Map

§201. Districts. For the purpose of this Chapter, the Township of Jackson is divided into the following districts:

- A. R-1 Rural Residential.
- B. R-2 Rural/Village Residential.
- C. RC Recreation Commercial.
- D. C Commercial.
- E. I Industrial.
- F. PC Public Conservation.

(Ord. 6/1/1989, §2.1)

§202. Zone Boundaries. Zone boundaries as fixed by the map are intended to follow the centerline of streets, roads and watercourses, or lines parallel thereto, or property lines, unless such boundary lines are fixed by dimensions on the map. Where uncertainty exists as to the boundaries of any district as shown on the Zoning Map, the Zoning Hearing Board, upon written application or upon its own motion, shall determine the location of such boundaries. (Ord. 6/1/1989, §2.2)

§203. Zoning Map. The boundary lines of all zones are shown on a map attached to and made part of the Chapter and known as the Zoning Map of the Township of Jackson, dated June 1, 1989. Said map and all notations and references thereon are hereby incorporated and declared to be a part of this Chapter. (Ord. 6/1/1989, §2.3)

Part 3
General Regulations

§301. General Modifications. The following modifications to the requirements of this Chapter are permitted under the terms and specifications herein stated:

A. Height. The height limitations of this Chapter shall not apply to church spires, belfries, cupolas, nor to chimneys, ventilators, skylights, television and radio antennas, water tanks, bulkheads, similar features, and necessary mechanical appurtenances usually carried above roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve. The provisions of this Chapter shall not apply to prevent the erection above the building height limit of a parapet wall (without windows) or cornice for ornament extending above such height limit not more than five (5') feet. Public and quasi-public buildings, schools, churches and recreational uses where no reasonable opportunity for occupancy by person at a level above thirty-eight (38) feet exists, provided that such uses shall increase the front, rear and side yards by one (1') foot for each foot by which such building exceeds the height limit herein established for such zone in which it is located. [Ord. 92-100]

B. Projection. Chimneys, cornices or eaves may project into any front, side or rear yard providing such projection does not exceed three (3') feet. An open or lattice enclosed fire escape or fireproof outside stairway may project into any front, side or rear yard providing such protection does not exceed one-quarter ($\frac{1}{4}$) of the distance from the building wall to the lot line. Under no circumstances shall any projection be closer than twenty (20') feet to any lot line.

(Ord. 6/1/1989, §3.1; as amended by Ord. 92-100, 3/12/1992)

§302. Regulations Applicable to All Zones. Except as hereinafter provided, the following general regulations shall apply to all zones:

A. Conformance Required. Except as hereinafter specified, no land, building, structure or premises shall hereafter be used, and no building or part thereof or other structures shall be located, erected, reconstructed, extended, enlarged, converted or altered except in conformity with the regulations herein specified for the district in which it is located.

B. Continuing Existing Uses. Except as provided in §302(C) any lawful use, building or structure existing at the time of enactment of this Chapter may be continued, even though such use, building or structure may not conform with the provisions of this Chapter for the district in which it is located.

C. Nonconforming Uses and Structures. A nonconforming use or structure, except when required by law, shall not be enlarged, extended, substituted or structurally altered, unless the use is changed to a use permitted in the district in which such use or structure is located, except as follows:

(1) The substitution of a nonconforming use for another nonconforming use, if no structural alterations are made; provided, however, that: (a) in Residential Districts any nonconforming residential use shall not be changed to a non-residential use; (b) in Residential Districts a nonconforming non-residential use shall not be changed to any use prohibited in a C District; (c) in any RC District, no change shall be permitted to any use prohibited in the RC District; (d) in any C District, no change shall be permitted to any use prohibited in the C District. The substituted nonconforming use shall conform to all requirements for such use in the district where it normally would be permitted.

(2) Whenever a nonconforming use has been changed to a more restricted use, or to a conforming use, such use shall not later be changed to a less restricted use.

(3) Any nonconforming use or nonconforming structure may be enlarged by an amount not to exceed one hundred (100%) percent of the square foot area previously devoted to such nonconforming use at the time of the effective date of this Chapter, provided however, that on any enlargement, the structure or use complies with all setbacks, height restrictions, parking, screening, and other requirements, which are the most restrictive (i.e. either of the district in which the nonconforming use is located or of the district in which such use would be permitted).

(4) Any sign, signboard, billboard, or advertising device, existing at the time of the passage of this Chapter, nonconforming with the regulations of the district in which it is located shall be considered a nonconforming sign, and may be used at its existing location provided it is maintained in good condition and repair at all times and does not present a traffic hazard. Once nonconforming signs are removed, they may be replaced only with signs conforming to district requirements, however, nonconforming signs may be repainted, repaired or modernized, provided that such repainted, repaired or modernized sign does not exceed the dimensions of the existing signboard. Once nonconforming signs are removed, abandoned or fall in disrepair, they may be replaced only with signs conforming to district regulations.

D. Restoration, Repair, Abandonment and Condemned Buildings.

(1) Restoration. Any lawful nonconforming building or other structure, damaged or destroyed by fire, explosion, windstorm, or other similar cause, may be reconstructed at the same location provided that:

(a) The reconstructed building or structure shall not exceed the height, area or volume of the damage or destroyed building or structure.

(b) Actual reconstruction shall substantially begin within one (1) year from the date of damage or destruction. The Supervisors shall grant an extension for the start of reconstruction if extenuating circumstances warrant. The exterior of the structure shall be completed within two (2) years after start of construction.

(2) Repair. Nothing in this Chapter shall prevent the repair, maintenance or strengthening of any part of a building or structure.

(3) Abandonment. If a lawful nonconforming use of land or of a building or other structure has been voluntarily discontinued for one (1) year or more, it shall be presumed to be abandoned, and subsequent use of such building or structure or land shall be in conformity with the provisions of this Chapter applicable to the district in which it is located. Abandonment shall not be presumed from mere non-use beyond the control of the owner, but only from overt facts indicating an intention to abandon.

E. Flood Area Controls. In order to preserve and restore the efficiency and carrying capacity of floodways; conserve the natural run-off characteristics and ground water replenishment water level; preserve and maintain areas of drainage; preserve and maintain the natural regime, current and cross-section of the waters of the Township; protect property and people in the flood areas from damage of flood waters and from materials carried by such flood waters; the following controls, limitations, restrictions and conditions are placed on use of premises within any flood area:

(1) The following uses are permitted in an area designated as a flood area and no others, except as hereinafter provided:

(a) Customary agricultural operations exclusive of buildings as defined in this Chapter.

(b) Outdoor plant nurseries.

(c) Forestry and seed production excluding storage and mill structures.

(d) Parks, playgrounds and recreational uses.

(2) Structures or other matter may not be placed in streams or flood areas where they may impede, retard or change the direction of the flow of water in such stream, or flood area, or where they will catch or collect debris carried by such water, or where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the said stream or floodplain, except as such structures may be elevated or flood proofed in accordance with applicable Township, State or Federal statutes or regulations.

(3) The physical characteristics, including excavation and fill, of a flood area may be altered when authorized as a special exception by the Zoning Hearing Board under Part 11 of this Chapter, providing approval has been obtained from the Department of Environmental Resources, Division of Dams and Encroachments, and any other governmental agency having jurisdiction for such alteration prior to the application for such special exception.

(4) Flood areas shall include, but not be limited to, those areas shown on the Flood Insurance Rate Map for Jackson Township prepared by the Department of Housing and Urban Development,

Federal Insurance Administration. The owner shall have the obligation, if required by the Zoning Hearing Board, to prove that any area is not in fact in a flood area and therefore is not subject to the restrictions imposed by this §302(5)

F. **Steep Slope Area.** In order to preserve the natural vegetation and to minimize erosion, sedimentation and rainfall run-off, the following controls, limitations, restrictions and conditions are placed on use of the areas having a slope in excess of fifteen (15%) percent.

(1) The following uses are permitted in an area designated as steep slope area:

(a) Agricultural operations, exclusive of buildings, not requiring cultivation.

(b) Outdoor plant nurseries.

(c) Forestry, tree farming and seed production, exclusive of storage and mill structures.

(d) Parks, playgrounds and recreational uses.

(e) Residential, commercial and industrial development subject to the following conditions:

(i) A **special building, grading and landscaping plan(s)** shall be required for proposed development located in steep slope areas which have a slope of **fifteen (15%) percent through twenty (20%) percent.** The plans shall contain, but not be limited to, existing and proposed contours, areas to be disturbed, location of structures and methods of minimizing rainfall run-off and preventing erosion. The Zoning Officer shall review the plan and determine its adequacy for minimizing rainfall run-off and preventing erosion prior to issuance of a permit and may submit the plan to the Monroe County Conservation District for comment prior to issuance of a permit. [Ord. 92-101]

(ii) A special building, grading and landscaping plan(s) shall be required for proposed development located in steep slope areas which have a slope in **excess of twenty (20%) percent.** The plan(s) shall contain, but not be limited to, all information required in subsection (i) above. The plan shall be submitted to and approved by the Monroe County Soil Conservation District. A permit may be issued when authorized as a special exception by the Zoning Hearing Board under Part 11 of this Chapter.

(f) Planned residential development as defined in Part 13 of this Chapter.

G. **Principal Building.** The number of principal buildings on any one (1) tract in any of the Residential Districts shall not exceed the number permitted by projection of the maximum density of the district in which the tract is located. No yard or other open space

provided about any building for the purpose of complying with the provisions of this Chapter shall be considered to provide a yard or open space for any other building.

H. Accessory Structures.

(1) Attached Accessory Structures. An accessory structure attached to a principal structure shall be considered to be a part of the principal structure.

(2) Detached Accessory Structures. An accessory structure not attached to the principal structure shall be separated from the principal structure by a distance of not less than fifteen (15') feet.

I. Yards. All yards adjacent to a public street, from which legal access may be gained, shall be considered front yards, and shall conform to the minimum front yard requirements for the districts in which they are located.

J. Street Frontage. Every principal building shall be built upon a lot with access to a street as required by the Jackson Township Subdivision Regulations [Chapter 22].

K. Traffic Visibility Across Corner Lots. On any corner lot, no structure, fence or wall, shrubbery or other planting, or obstruction to vision shall be erected or placed within a triangular area formed by the intersecting street lines and an straight line adjoining said street lines at points which are thirty (30') feet distant from the point of intersection, measured along said street lines.

L. Private Outdoor Swimming Pools. A single private outdoor swimming pool is permitted on the same lot as a residence. Reasonable and normal access to any in ground or above ground swimming pool shall be controlled by the erection of a fence or permanent barrier not less than four (4') feet nor more than six (6') feet in height equipped with a substantial self-closing, lockable gate. No pool may be nearer a street than the required front yard set back line in the district in which it is located. No swimming pool, including any deck or walk adjoining or surrounding the pool proper, shall be located closer than twenty (20') feet to any side or rear lot line.

M. Artificial Lights. No artificial lights shall be used by any building or premises which shall cause illumination in excess of 0.5 foot candles, either directly or indirectly, beyond the property lines of such use.

N. Existing Non-Conforming Lots. In any zone, where a non-conforming lot exists as a separate entity at the time of passage of this Chapter, and where the owner of the non-conforming lot does not own an adjoining lot or where the non-conforming lot exists as a result of an approval of a subdivision plan by either the Monroe County Planning Commission or the Jackson Township Supervisors, then the following development is permitted:

(1) If the lot is located in any R District, a single-family dwelling and customary accessory buildings may be constructed on it as a permitted use, provided that set backs, habitable floor areas, and maximum building height shall conform

to the regulations for the district in which he lot is located. Variance of setback requirements shall be obtained only through action of the Zoning Hearing Board.

(2) If the lot is located in any remaining district, then a structure may be constructed on it for a use permitted in the district in which it is located as shown in Schedule A, provided the off-street parking and loading requirements of this Chapter shall be complied with and that all requirements of Schedule A, except lot area, width, depth and lot coverage are complied with.

O. Storage of Vehicles and Boats.

(1) Farm vehicles and equipment are permitted as an accessory use to any agricultural activity in any district.

(2) Only currently licensed and inspected vehicles, including not more than one (1) vehicle exceeding twenty-five (25') feet in length, may be parked on any lot in any Residential District or on any residential lot.

(3) One (1) recreation vehicle and/or boat may be stored on an occupied lot in any Residential District or on any residential lot, provided such recreation vehicle or boat is not stored between the road line and the principal building line.

(4) One (1) unlicensed vehicle either in good repair, intended to be restored or in the process of being restored may be stored on any lot in any Residential District or on any residential lot for a period of one (1) year provided that such storage shall not encroach on any yard requirements as set forth in Schedule A. The time of storage may be extended for one (1) additional year provided that at the expiration of the first year the vehicle is still in good repair or substantial progress has been made on the restoration of the vehicle. This provision shall not be construed to permit the storage of junk vehicles, parts thereof, machinery or equipment, nor the storage of the same for the salvage of parts, on any residential lot within Jackson Township.

P. Foundations. All principal structures intended for residential habitation, or commercial or industrial purposes, except those portions thereof and attached thereto which could be customarily classified as accessory structures, shall be placed on a permanent perimeter foundation; provided however, that such permanent perimeter foundation may include structurally sound permanent footers with appropriate skirting for mobilehomes, and/or mobile trailers which are placed on permanent foundations. Those structures need not have a total consecutive perimeter foundation, but may be totally enclosed with screening material of a similar nature and quality as the exterior portion of the building which is being enclosed. [Ord. 92-101]

Q. Prohibited Uses. Any use not specifically permitted in a zone established by this Chapter is hereby specifically prohibited from that district, and the following uses and activities are specifically prohibited in any district in the Township:

(1) The use of any building or premises in such a manner that the health, morals, safety, or welfare of the community may be endangered.

(2) Any trade, industry, or purpose that is noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.

(Ord. 6/1/1989, §3.2; as amended by Ord. 92-101, 4/9/1992)

ORDINANCE NO 98-102
JACKSON TOWNSHIP

An Ordinance in the Township of Jackson, County of Monroe, Commonwealth of Pennsylvania amending Chapter 27 of the Code of Ordinances of Jackson Township which Addresses Zoning to Amend the Definition of Foundations to Provide for the Use of Post and Pier Foundations for Residential Additions

WHEREAS, the Jackson Township Board of Supervisors is authorized pursuant to Section 1601 of the Second Class Township Code to amend existing Ordinances;

WHEREAS, the Township in the past has encountered situations where property owners within the Township have incurred unreasonable financial or other restrictions with regard to the construction and/or erection of permanent perimeter footers and foundation for additions to existing residential dwellings;

NOW THEREFORE, be it ordained and enacted, by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania and it is hereby **ORDAINED AND ENACTED**, by the authority of the same, the following amendment to Chapter 27, addressing Foundations of the Jackson Township Ordinances:

SECTION 1

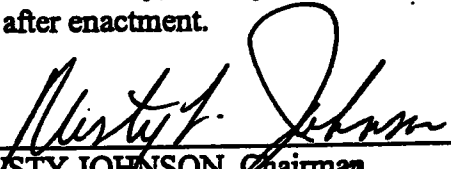
Chapter 27, Section 302(P) addressing Foundations is amended and shall now read as follows:

P. Foundations. - All principal structures intended for residential habitation, or commercial or industrial purposes, except those portions thereof and attached thereto which could be customarily classified as accessory structures, shall be placed on a permanent perimeter foundation; provided however, that such permanent perimeter foundation may include structurally sound permanent footers with appropriate skirting for mobile homes, and/or mobile trailers which are placed on permanent foundations. Those structures need not have a total consecutive perimeter foundation, but may be totally enclosed with screening material of a similar nature and quality as the exterior portion of the building which is being enclosed. For any addition to an existing residential dwelling where the ground floor of the addition does not exceed 25% of the principal dwelling structure's permanent foundation, the foundation of the addition may be constructed upon a post and pier foundation, so long as any applicant for a zoning permit for an addition utilizing a post and pier foundation submits with the application evidence from a Pennsylvania registered professional engineer certifying that the construction of the addition will not exceed the structural capacity of the proposed post and pier foundation.

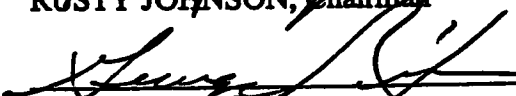
SECTION 2

Except as amended hereby, all provisions of the Jackson Township Code of Ordinances shall remain in full force and effect. If any part of the provisions of this ordinance shall be held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the validity of any of the remaining provisions of this ordinance or other provisions of the Jackson Township Code of Ordinances.


DULY ORDAINED AND ENACTED this 14th day of May, 1998 by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania and lawful session duly assembled the same effective five (5) days after enactment.



RUSTY JOHNSON, Chairman



GEORGE NIXON,



JACK RADER, JR.

ATTEST:



JACKSON TOWNSHIP SECRETARY

Ordinance 93-103

AMENDMENT TO
JACKSON TOWNSHIP
SUBDIVISION AND ZONING ORDINANCE

WHEREAS, Jackson Township has previously adopted the Zoning Ordinance, adopted June 1, 1989;

WHEREAS, the Ordinance had last been amended March 12, 1992;

WHEREAS, the Ordinance provides, in Title 27, Section 302(C-1), a procedure for substitution of nonconforming uses for other nonconforming uses as follows:

(1)

(1) The substitution of a nonconforming use for another nonconforming use, if no structural alterations are made; provided, however, that: (a) in Residential Districts any nonconforming residential use shall not be changed to a non-residential use; (b) in Residential Districts, a nonconforming non-residential use shall not be changed to any use prohibited in a C District; (c) in any RC District, no change shall be permitted to any use prohibited in the RC District; (d) in any C District, no change shall be permitted to any use prohibited in the C District. The substituted nonconforming use shall conform to all requirements for such use in the district where it normally would be permitted.

WHEREAS, it is the intention of the Supervisors to consider an amendment to this Section to modify the same, as follows:

Chapter 27, Section 302(C):

(1) There are no substitutions of a nonconforming use for another nonconforming use: (a) in Residential Districts, any nonconforming residential use shall not be changed to a non-residential use; (b) in Residential Districts, a nonconforming non-residential use shall not be changed to another nonconforming use; (c) in any RC District, no change shall be permitted to any use prohibited in the RC District; (d) in any C District, no change shall be permitted to any use prohibited in the C District.

(2)

WHEREAS, it is the intention of the Supervisors to add the following provision to the Jackson Township Zoning Ordinance, as follows:

Section 1415: "Whenever any action for a use permit or subdivision review requires a public hearing before the Zoning Hearing Board or the Supervisors under any Section of the Ordinance, but particularly Section 1401 et seq., there shall first be delivered a complete and properly-prepared application for the Zoning Permit for any such use requiring a public hearing, subject

to the requirements set forth in Section 1405(3)(b), and that the Planning Commission shall, after review and before the time of the decision of the Supervisors or the Zoning Hearing Board, render its advisory recommendations in writing.

All of the terms of the Ordinance shall remain in full force and effect."

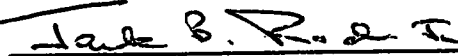
(3)

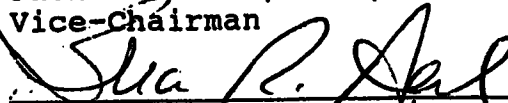
A new Section of the Ordinance is added under Title 27, Section 801(7), to provide:

"Notwithstanding the permissive description set forth for Residential R-1, Rural Village R-2, Recreation/Commercial RC, and Commercial (C) zones, the dumping of household sludge or septic by permitted haulers, sanctioned and permitted by Department of Environmental Resources to dump, or deposit sludge on permitted fields, shall be located only in the Industrial, or "I" zone, within the Township of Jackson, and any dumping shall only occur on the permitted fields by permitted haulers during daylight hours. The operation shall conform, in all other aspects, to all other requirements, rules, and regulations promulgated by the D.E.R. relevant to licensing, control, operation, dumping, tillage, covering, and any other requirement promulgated thereunder by the D.E.R. and any other governmental agency in addition to this Ordinance.

NOW, THEREFORE, after considering the attached proposed Amendments, and after submission to the Jackson Township Planning Commission, on the 27th day of May, 1993, and after consideration and recommendation and after public hearing held on the 1st day of July, 1993, the Jackson Township Supervisors do hereby, pursuant to the powers vested in them under the Municipalities Planning Code enact these Amendments to the Jackson Township Zoning Ordinance effective as provided by law.


Edward N. Possinger, Chairman


Jack B. Rader, Jr.,
Vice-Chairman


Brian R. Ahl, Supervisor


Jacqueline Romanski
Secretary/Treasurer

(Township Seal)

Part 4

Rural Residential District

§401. R-1 Rural Residential District.

1. Intended Purpose. The Rural Residential District provides for agriculture, low density single-family housing and other suitable uses that will protect the rural, open character of this portion of the Township.
2. Permitted Uses.
 - A. Single-family detached dwellings.
 - B. Governmental uses.
 - C. Places of worship.
 - D. Temporary construction buildings, which must be removed thirty (30) days after the use ends.
 - E. Commercial farms as defined in Part 16 of this Chapter shall conform to the following requirements:
 - (1) All commercial farms shall conform to the requirements of the principal buildings.
 - (2) Commercial farm lots for the keeping, breeding and raising of cattle (including dairies), sheep, goats, pigs, fowl and horses and the rental of horses shall contain a minimum of ten (10) acres.
 - (3) Existing natural features, drainage and vegetation shall not be removed, changed or destroyed except where necessary and essential to the development, construction and operation of such commercial farm and commercial farm buildings.
 - (4) No commercial farm shall function so as to impede the general intent of this Chapter as provided in the Community Development Objectives.
 - F. Forestry and forest reserves, fish and game refuges, and similar conservation uses.
 - G. Lumbering. Lumbering shall be conducted by utilizing one (1) or more of the recognized silvicultural methods certified by a professional forester, or in conjunction with a forestry management plan prepared by a professional forester or conservation officer. Such lumbering operation may include the installation and operation of a portable saw mill, provided the saw mill is located a minimum distance of four hundred (400') feet from any exterior property line, and only processes timber cut on the premises or immediately adjoining properties.
3. Accessory Uses. Customary accessory uses and buildings incidental to any of the permitted uses, including:
 - A. Home occupations as provided for in Part 10, §1004.
 - B. Signs as provided for in Part 10, §1003.
 - C. Storage buildings, greenhouses, swimming pools, animal

shelters, none of which shall be used for commercial purposes.

D. Other customary uses and buildings provided that such uses are clearly incidental to the principal use, and do not include any activity commonly conducted as a business except an office for off-premise activity.

E. Required off-street parking, as provided for in Part 10, §1002.

F. The keeping of a reasonable number of household pets and/or domestic animals consistent with available land area and the occasional or casual sale of such animals, or products therefrom.

G. The raising of garden crops for domestic purposes, and the occasional or casual sale of products therefrom.

4. Special Exceptions. The following special exceptions upon issuance of a permit by the Zoning Officer as provided in Part 11 of this Chapter. [Ord 92-101]

A. Model house as provided for in Part 11, §1104.

B. Development sales office as provided for in Part 11, §1105.

C. Public utilities as provided for in Part 11, §1110.

5. Conditional Uses. The following conditional uses upon issuance of a permit by the Zoning Officer as provided for in Part 12, §112, of this Chapter. [Ord. 92-101]

A. Planned residential development as provided for in Part 13, §1313.

6. Height Regulation. No principal structure shall exceed two and one-half (2½) stories and thirty-eight (38') feet in height measured from the average finished grade of the ground immediately adjoining the building to the highest point of the roof, and no accessory structure shall exceed one and one-half (1½) stories and twenty-five (25') feet in height measured from the average finished grade of the ground immediately adjoining the building to the highest point of the roof; except as provided in Part 3, §301(A); except that farm and public utility structures may be built to any required height.

7. Lot and Yard Requirements. Minimum lot and yard requirements as specified in Schedule A, "Schedule of Permitted Uses and Yard Requirements."

(Ord. 6/1/1989, §4.1; as amended by Ord. 92-101, 4/9/1992)

ORDINANCE NO. 97-101

AN ORDINANCE IN THE TOWNSHIP OF JACKSON, COUNTY OF MONROE, STATE OF PENNSYLVANIA, AMENDING ZONING ORDINANCE CHANGING MINIMUM LOT SIZES AND PROVIDING FOR A DWELLING UNIT, TWO (2)-FAMILY IN RURAL RESIDENTIAL DISTRICTS (R-1) WHERE THE MINIMUM LOT SIZE IS THREE ACRES.

WHEREAS, it is the desire of Jackson Township's Board of Supervisors to amend portions of the "Jackson Township Zoning Ordinance"; and

NOW, THEREFORE, it is hereby ordained and enacted as an amendment to the Jackson Township Zoning Ordinance, at a regularly scheduled meeting of the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, this 13th day of February, 1997, the following provisions amending the "Jackson Township Zoning Ordinance":

SECTION 1:

Section 401.2 Permitted Uses is hereby amended as follows:

"A. Single-family detached dwellings and where the minimum lot size is three acres, one dwelling unit, two (2)-family dwelling."

SECTION 2:

Schedule A, Schedule of Permitted Uses and Yard Requirements, is hereby amended for R-1, rural residential districts, to require a Minimum Lot Area, Minimum Lot Width and Minimum Lot Depth to read as follows:

Single Family Detached Dwelling

Minimum Lot Area (square feet) (acres) 87,120
Minimum Lot Width (feet) 220
Minimum Lot Depth (feet) 165

Dwelling Unit, Two (2) Family

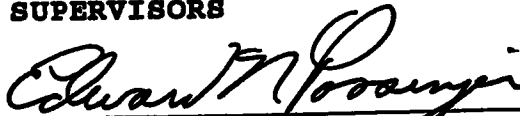
Minimum Lot Area (square feet) (acres) 130,680
Minimum Lot Width (feet) 220
Minimum Lot Depth (feet) 165

SECTION 3:

Any and all provisions contained in Jackson Township's Zoning Ordinance not expressly amended herein shall remain in full force and affect.

IN WITNESS WHEREOF, the Jackson Township Board of Supervisors have hereunto enacted the foregoing amendments to the Jackson Township Zoning Ordinance this 13th day of February, 1997, the same to be effective five days after enactment.

**JACKSON TOWNSHIP BOARD OF
SUPERVISORS**



Edward N. Possinger, Jr., Chairman



Jack B. Rader, Jr., Supervisor

George Nixon, Supervisor

ATTEST:


Jacqueline Elliott, Secretary

Part 5

Rural/Village Residential District

§501. R-2 Rural/Village Residential.

1. Intended Purpose. The Rural/Village Residential District provides for agriculture, low and moderate density housing and other compatible uses that will enhance this area as an attractive living environment.

2. Permitted Uses.

A. All those uses permitted in the R-1 Rural Residential District, subject to the lot and yard requirements of the R-1 Rural Residential District as set forth in Schedule A, "Schedule of Permitted Uses and Yard Requirements," and other requirements of the R-1 Rural Residential District as set forth in Part 4, §401, of this Chapter.

B. Two (2)-family or multi-family dwellings conforming to the following requirements:

(1) The maximum number of dwelling units on any parcel of land shall not exceed eight (8), and shall be contained in one (1) attached building.

(2) The minimum required land area shall conform to the following: three quarters (3/4) of an acre for each of the first two (2) dwelling units, plus three quarters (3/4) of an acre for each additional dwelling unit.

(3) All parcels of land used for two (2)-family or multi-family dwellings shall conform to the lot and yard requirements set forth in Schedule A.

(4) A minimum of two and one-half (2½) off-street parking spaces shall be provided for each dwelling unit.

(5) Potable domestic water shall be supplied to all dwelling units from one (1) central well or from a public water system.

(6) One community sewage system (as in the Sewage Facilities Act Regulations) shall serve all dwelling units.

(7) All such structures shall conform with applicable requirements and standards of the Pennsylvania Department of Labor and Industry for fire and panic.

(8) Existing single-family dwellings may be converted to two (2)-family or multi-family dwellings provided all provisions of this §501 are complied with and the number of dwelling units does not exceed three (3).

3. Accessory Uses. All those accessory uses permitted in the R-1 Rural Residential District, subject to the yard requirements of the R-1 Rural Residential District as set forth in Schedule A, "Schedule of Permitted Uses and Yard Requirements."

4. Special Exceptions.

A. All those special exceptions permitted in the R-1 Rural Residential District, subject to the lot and yard requirements of the R-1 Rural Residential District as set forth in Schedule A, "Schedule of Permitted Uses and Yard Requirements," and other requirements of the R-1 Rural Residential District as set forth in Part 4, §401, of this Chapter.

B. Nursing homes; see Part 11, §1107.

5. Conditional Uses.

A. All those conditional uses permitted in the R-1 District, subject to the lot and yard requirements of the R-1 Rural Residential District as set forth in Schedule A, "Schedule of Permitted Uses and Yard Requirements," and other requirements of the R-1 Rural Residential District as set forth in §401 of this Chapter.

B. Mobile home parks; see Part 12, §1205.

6. Height Regulations. No principal structure shall exceed two and one-half (2½) stories and thirty-eight (38') feet in height measured from the average finished grade of the ground immediately adjoining the building to the highest point of the roof, and no accessory structure shall exceed one and one-half (1½) stories and twenty-five (25') feet in height measured from the average finished grade of the ground immediately adjoining the building to the highest point of the roof; except as provided in Part 3, §301(A); except that farm and public utility structures may be built to any required height.

7. Lot and Yard Requirements. Minimum lot and yard requirements as specified in Schedule A, "Schedule of Permitted Uses and Yard Requirements."

(Ord. 6/1/1989, §5.1)

Part 6

Recreation Commercial District

§601. RC - Recreation Commercial District.

1. Intended Purpose. The Recreation Commercial District provides for transient dwelling accommodations, commercial indoor and outdoor recreational and entertainment uses, retail establishments specifically related to service of tourists, vacationers and the visiting public as well as providing for low and moderate density housing that will preserve the rural nature of the Township while providing facilities for the vacationing public.

2. Permitted Uses.

A. All those uses permitted in the R-1 Rural Residential and R-2 Rural/Village Residential Districts, subject to the lot and yard requirements of the R-1 Rural Residential and R-2 Rural/Village Residential Districts as set forth in Schedule A, "Schedule of Permitted Uses and Yard Requirements," and other requirements of the R-1 Rural Residential and R-2 Rural/Village Residential Districts as set forth in §401 and §501 of this Chapter. [Ord 92-101]

B. Retail establishments not comprising or being part of a commercial shopping center specifically related to service of tourists, vacationers and visiting public and limited to the following:

- (1) Amusement rides.
- (2) Archery.
- (3) Archery shops.
- (4) Bait and tackle shops.
- (5) Boating and canoeing.
- (6) Bowling alley.
- (7) Fishing equipment.
- (8) Fitness center.
- (9) Gift shops.
- (10) Golf shops.
- (11) Gun shops.
- (12) Horseback riding.
- (13) Hunting equipment.
- (14) Marinas - sales and service.
- (15) Motels, hotels and places of lodging.
- (16) Nightclubs.
- (17) Racquetball club.
- (18) Restaurants and other establishments serving food and/or beverage.

- (19) Skating rink(s).
- (20) Ski shops.
- (21) Ski trails and Slopes.
- (22) Sport related clothing shop.
- (23) Sporting goods shops.
- (24) Tennis.
- (25) Water ski shops.
- (26) Water slides.

C. Commercial resorts as defined in Part 16 of this Chapter shall conform to the following requirements:

(1) All commercial resorts shall conform to the requirements set forth in Schedule A, "Schedule of Permitted Uses and Yard Requirements."

(2) The developer of any commercial resort activity shall provide proper and adequate installation of roads, drives, potable water, sanitary and drainage facilities, and shall meet minimum requirements of the Department of Environmental Resources.

(3) Existing natural features, drainage and vegetation shall be maintained except where necessary to the construction and operation of such commercial resort, or as part of a forestry management program.

(4) No intense activity area or intense outdoor recreation facility shall be erected within fifty (50') feet of a road line or within one hundred (100') feet of a lot line. Activities which retain a natural landscape or where usage may cross a tract or lot line with permission of the adjoining owner through an easement or lease agreement are exempt.

(5) Points of vehicular ingress and egress shall be designed to minimize congestion and hazards at entrance or exit points and allow free movement of traffic on adjacent roads. Parking areas shall be at least fifty (50') feet from all lot lines.

(6) The use of essential exterior light facilities and/or outdoor public address systems shall be subject to approval by the Township Supervisors.

(7) No commercial resort shall function as to impede the general intent of this Chapter as provided in the Community Development Objectives.

(8) All commercial resorts shall comply with applicable requirements of State and County agencies regarding health, sanitation, fire protection and other facets of operation of such resorts.

3. Special Exceptions. The following special exceptions are allowed upon issuance of a permit by the Zoning Officer as provided in Part 11, §1110. [Ord. 92-101]

A. All those special exceptions permitted in the R-1 Rural Residential District, subject to the lot and yard requirements of the R-1 Rural Residential District as set forth in Schedule A, "Schedule of Permitted Uses and Yard Requirements," and other requirements of the R-1 Rural Residential District as set forth in Part 4, §401, of this Chapter.

B. Private clubs, lodges, golf course or social buildings; see Part 11, §1106.

4. Conditional Uses. The following conditional uses upon issuance of a permit by the Zoning Officer as provided in Part 12 of this Chapter. [Ord. 92-101]

A. Planned residential development; see Part 13, §1313.

B. Campgrounds; see Part 12, §1204.

5. Accessory Uses.

A. All those accessory uses permitted in the R-1 Rural Residential District, subject to the yard requirements of the R-1 Rural Residential District as set forth in Schedule A, "Schedule of Permitted Uses and Yard Requirements."

B. Accessory uses and buildings customarily incidental to any principal use including:

(1) Advertising signs as provided in Part 10, §1003 of this Chapter. [Ord. 92-101]

(2) Required off-street parking, loading and unloading space as provided in Part 10, §1002.

(3) Other customary accessory uses and buildings provided that such uses are clearly incidental to the principal use.

6. Height Regulations. No principal structure shall exceed two and one-half (2½) stories and thirty-eight (38') feet in height measured from the average finished grade of the ground immediately adjoining the building to the highest point of the roof, and no accessory structure shall exceed one and one-half (1½) stories and twenty-five (25') feet in height measured from the average finished grade of the ground immediately adjoining the building to the highest point of the roof; except as provided in Part 3, §301(1) of this Chapter; except that public utility structures may be built to any required height.

7. Lot and Yard Requirements. Minimum lot and yard requirements as specified in Schedule A, "Schedule of Permitted Uses and Yard Requirements."

8. Landscaping for Other than Residential Uses.

A. A buffer strip with a minimum width of twenty-five (25') feet, including a protective planting strip with screen not less than ten (10') feet in width, shall be maintained on all sides adjoining residential districts.

B. A protective planting strip with screen not less than ten (10') feet in width shall be maintained on any and all sides adjoining residential use(s) existing prior to the passage of this Chapter.

9. Planning Commission Approval for Other than Residential Uses.

A, All applications for zoning permits for other than residential uses shall be accompanied by a plan approved by the Jackson Township Planning Commission as provided for by the Jackson Township Subdivision Regulations [Chapter 22].

B. Access shall be controlled and may include parallel access roads and interior minor streets.

(Ord. 6/1/1989, §6.1; as amended by Ord. 92-101, 4/9/1992)

Part 7

C-Commercial District

§701. C - Commercial District.

1. Intended Purpose. The Commercial District is intended to provide areas for the erection of buildings and the use or occupancy of lots for retail, commercial and transient residential uses for the convenience, regular needs, major business and shopping functions of the Township and the transient public.

2. Permitted Uses.

A. All those uses permitted in the R-1 Rural Residential and R-2 Rural/Village Residential Districts, subject to the lot and yard requirements of the R-1 Rural Residential and R-2 Rural/Village Residential Districts as set forth in Schedule A, "Schedule of Permitted Uses and Yard Requirements," and other requirements of the R-1 Rural Residential and R-2 Rural/Village Residential Districts as set forth in §401 and §501 of this Chapter. [Ord. 92-101]

B. Hotels and motels.

C. Restaurants and other establishments serving food and/or beverage.

D. Gift and antique shops, provided that the activity is conducted in a completely enclosed building.

E. Retail stores, such as the following:

- (1) Food market.
- (2) Drugstore.
- (3) Bakery.
- (4) Hardware store.
- (5) Sporting goods store.

F. Personal service shops, offices and establishments such as the following:

- (1) Barber and beauty shops.
- (2) Dry cleaning and laundry pick-up service.
- (3) Self-service laundry.
- (4) Real estate office.
- (5) Financial institutions, including banks.

F. Business and professional offices and similar facilities.

H. Other uses which are similar to the above.

I. All business, servicing or processing, except off-street parking and loading, shall be conducted completely within closed buildings.

J. The outdoor display of goods, products or merchandise shall be subject to the same set back and yard requirements as the principal building.

3. Special Exceptions. The following special exceptions are allowed upon issuance of a permit by the Zoning Hearing Board as provided in Part 10 of this Chapter.

A. Motor vehicle service stations and garages; see Part 11, §1109.

B. Private clubs, lodges, golf courses or social buildings; see Part 11, §1106.

C. Public utilities; see Part 11, §1110.

4. Accessory Uses. Accessory uses and buildings customarily incidental to any principal use are permitted and include:

A. Advertising signs as provided in Part 10, §1003 of this Chapter.

B. Required off-street parking, loading and unloading space as provided in §1002.

C. Other customary accessory uses and buildings provided that such uses are clearly incidental to the principal use.

5. Height Regulations. No principal structure shall exceed two and one-half (2½) stories and and thirty-eight (38') feet in height measured from the average finished grade of the ground immediately adjoining the building to the highest point of the roof, and no accessory structure shall exceed one and one-half (1½) stories and twenty-five (25') feet in height measured from the average finished grade of the ground immediately adjoining the building to the highest point of the roof; ~~except as provided in Part 3, §301(A) of this Chapter; except that public utility structures may be built to any required height.~~

6. Lot and Yard Requirements. Minimum lot and yard requirements as specified in Schedule A, "Schedule of Permitted Uses and Yard Requirements."

7. Landscaping.

A. A buffer strip with a minimum width of twenty-five (25') feet, including a protective planting strip with screen not less than ten (10') feet in width, shall be maintained on all sides adjoining residential districts.

B. A protective planting strip with screen not less than ten (10') feet in width shall be maintained on any and all sides adjoining residential uses(s) existing prior to the passage of this Chapter.

8. Planning Commission Approval.

A. All applications for commercial zoning permits shall be accompanied by a plan approved by the Jackson Township Planning Commission as provided for by the Jackson Township Subdivision Regulations [Chapter 22].

(27, §701(8)(B))

(27, §701(8)(B))

B. Access shall be controlled and may include parallel access roads and interior minor streets.

(Ord. 6/1/1989, §7.1; as amended by Ord. 92-101, 4/9/1992)

Ordinance No. 97-103

AN ORDINANCE IN THE TOWNSHIP OF JACKSON, COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE JACKSON TOWNSHIP ZONING ORDINANCE BY AMENDING SECTION 701(2)(a), ADDRESSING PERMITTED USES IN THE COMMERCIAL DISTRICT BY DELETING THE APPLICATION OF THE R-1, RURAL RESIDENTIAL, AND R-2, RURAL/VILLAGE RESIDENTIAL DISTRICT LOT AND YARD REQUIREMENTS CURRENTLY APPLICABLE IN COMMERCIAL DISTRICTS.

WHEREAS, it is the desire of the Jackson Township Board of Supervisors to amend portions of the Jackson Township Zoning Ordinance found at Chapter 27 of the Comprehensive Code of Ordinances, to delete the application of R-1, Rural Residential, and R-2, Rural/Village Residential lot and yard setback requirements when the proposed use in the commercial district would be permitted in the R-1 or R-2 Zones, in an effort to minimize an adverse impact of the application of R-1 and R-2 lot and yard requirements upon the public health, safety, convenience, order, appearance, prosperity and general welfare of Jackson Township.

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, and it is hereby **ORDAINED** and **ENACTED** by the authority of the same, the following amendments to the Jackson Township Zoning Ordinance:

SECTION I:

Section 701. C-- Commercial District., subparagraph (2), is amended to now read as follows:

" 2. Permitted Uses.

A. All those uses permitted in the R-1, Rural Residential, and R-2, Rural/Village Residential, Districts, subject to the lot and yard requirements of the commercial district as set forth hereinbelow and in Schedule A, "Schedule of Permitted Uses and Yard Requirements," subject further to the other requirements of the R-1, Rural Residential, and R-2, Rural/Village Residential, Districts as set forth in Sections 401 and 405 of this Chapter."

Schedule A of the Jackson Township Zoning Ordinance is amended as follows:

The C, Commercial District "USE" column is amended under the section designated "Permitted:" by deleting reference to "All Requirements Same as R district" set forth subsequent to "Permitted Accessory Uses" and "All Other Permitted Uses In The R district" and by replacing said reference with the numerical requirements set forth subsequent to "Permitted Uses (non-residential)". The C, Commercial District "USE" column is further amended under the section designated "Special Exceptions:" by deleting reference to " All

Requirements Same as R district" set forth subsequent to "Private Clubs, Lodges, Golf Courses, Social Buildings" and "Public Utilities" and by replacing said reference with the numerical requirements set forth subsequent to "Motor Vehicle Service Stations and Garages".

SECTION II:

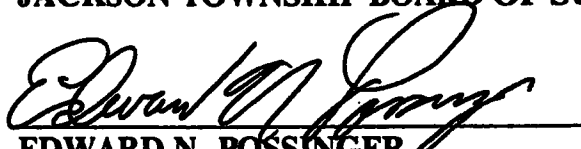
Except as amended hereby, all provisions of the Jackson Township Zoning Ordinance shall remain in full force and effect. Furthermore, the provisions of any other existing ordinances or part of ordinances in conflict with this Ordinance, to the extent of such conflict, are hereby repealed.

SECTION III:

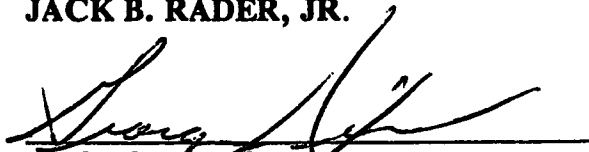
If the provisions of this Ordinance shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect the validity of any of the remaining provisions of the Jackson Township Zoning Ordinance.

Duly ORDAINED and ENACTED this 9th day of October, 1997, by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, in lawful session duly assembled, the same to be effective five (5) days after enactment.

JACKSON TOWNSHIP BOARD OF SUPERVISORS


EDWARD N. POSSINGER


JACK B. RADER, JR.


GEORGE NIXON

ATTEST:


JACQUELINE ELLIOTT, Secretary

(SEAL)

Part 8
Industrial District

§801. I - Industrial District.

1. Intended Purpose. The Industrial District is intended to provide an area within the Township for, and conducive to, the development of modern, small scale administrative facilities, research institutions, and specialized manufacturing organizations, all of a non-nuisance type.

2. Permitted Uses.

A. All those uses permitted in the R-1 Rural Residential and R-2 Rural/Village Residential Districts, subject to the lot and yard requirements of the R-1 Rural Residential and R-2 Rural/Village Residential Districts as set forth in Schedule A, "Schedule of Permitted Use and Yard Requirements," and other requirements of the R-1 Rural Residential and R-2 Rural/Village Residential Districts as set forth in §401 and §501 of this Part. [Ord. 92-101]

B. Administrative, executive and financial offices.

C. Experimental, film, or testing laboratories.

D. Manufacture, assembly or packaging of products from previously prepared materials, such as cloth, plastic, paper, leather, precious or semi-precious stones or metal, but not including operations as manufacturing uses involving primary products of metal or chemical products from raw materials.

E. Manufacture of electric and electronic instruments and devices.

F. Manufacture of food products, pharmaceuticals, and the like, but not including the production of fish or meat products, sauerkraut, vinegar, or the like, or the rendering of fats and oils.

G. Any other research or light manufacturing use not inconsistent with the purpose of this district and which will not impair the use of adjacent properties.

H. Accessory uses and buildings, including warehousing, customarily appurtenant to a permitted use.

I. Municipal and other governmental uses as deemed necessary and as approved by the Board of Supervisors.

3. Special Exceptions. The following special exceptions are allowed upon issuance of a permit by the Zoning Officer as provided in Part 11, §1111: [Ord. 92-101]

A. Motor vehicle service stations and garages; see Part 11, §1109.

B. Public utilities; see Part 11, §1110.

4. Conditional Uses. The following conditional uses upon issuance of a permit by the Zoning Officer as provided in Part 12 of this Chapter: [Ord. 92-101]

A. Freight terminals; see Part 12, §1206.

B. Commercial surface mining; see Part 12, §1207.

5. Prohibited Uses. Although it should be understood that any such use which is not specifically permitted in §801(2) of this Part 8 is thereby prohibited, the following uses and activities are specifically prohibited:

A. Uses requiring the burning of materials in open fires.

B. Any retail business use except as an adjunct to a permitted use.

C. Uses unable to meet the performance requirements of §801(6) of this Part.

6. Performance Requirements. Uses permitted under §801(2) of this Part shall conform to the performance requirements listed below:

A. Dissemination of smoke, dust, fumes, chemicals or other noxious gases shall be within the limits of the industrial tolerance standards of the Department of Environmental Resources.

B. Liquid wastes and effluent shall be discharged into an approved sewage disposal system which is in compliance with applicable State statutes and with the requirements of the Department of Environmental Resources.

C. Solid waste shall be disposed of in compliance with State statutes and with the requirements of the Department of Environmental Resources.

D. Precaution against fire hazards, radiation, explosion, proper handling and storage of materials and structural design, and safeguards for the health of workers shall comply with the requirements of the State.

E. No vibration, noise, or glare shall be evident beyond the boundaries of this district or more than one hundred fifty (150') feet from the source of said vibration, noise or glare, whichever is the lesser.

F. Goods or products shall not be stored out-of-doors unless in an area enclosed by a landscaping or fencing screen.

G. Truck loading and unloading areas shall be provided in an amount sufficient to permit the transfer of goods and products in other than a public street or required front yard area.

H. Signs. Advertising signs as provided in Part 10, §1003 of this Chapter.

I. Required Off-Street Parking. Loading and unloading space as provided in Part 10, §1002 of this Chapter.

J. Height Regulations. No principal structure shall exceed forty (40') feet in height measured from the average finished grade of the ground immediately adjoining the building to the highest point of the roof, and no accessory structure shall exceed twenty-five (25')

feet in height measured from the average finished grade of the ground immediately adjoining the building to the highest point of the roof; except as provided in Part 3, §301(1) of this Part; ~~except that public utility structures may be built to any required height.~~

K. Landscaping.

(1) A buffer strip with a minimum width of twenty-five (25') feet, including a protective planting strip with screen not less than ten (10') feet in width, shall be maintained on all sides adjoining residential districts.

(2) A protective planting strip with screen not less than ten (10') feet in width shall be maintained on any and all sides adjoining residential use(s) existing prior to the passage of this Chapter.

L. Planning Commission Approval.

(1) All applications for industrial zoning permits shall be accompanied by a plan approved by the Jackson Township Planning Commission as provided for by the Jackson Township Subdivision Regulations [Chapter 22].

(2) Access shall be controlled and may include parallel access roads and interior minor streets.

(Ord. 6/1/1989, §8.1; as amended by Ord. 92-101, 4/9/1992)

to the requirements set forth in Section 1405(3)(b), and that the Planning Commission shall, after review and before the time of the decision of the Supervisors or the Zoning Hearing Board, render its advisory recommendations in writing.

All of the terms of the Ordinance shall remain in full force and effect."

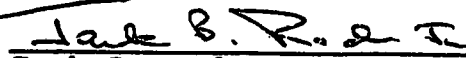
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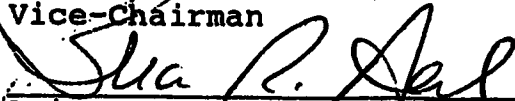
A new Section of the Ordinance is added under Title 27, Section 801(7), to provide:

"Notwithstanding the permissive description set forth for Residential R-1, Rural Village R-2, Recreation/Commercial RC, and Commercial (C) zones, the dumping of household sludge or septic by permitted haulers, sanctioned and permitted by Department of Environmental Resources to dump, or deposit sludge on permitted fields, shall be located only in the Industrial, or "I" zone, within the Township of Jackson, and any dumping shall only occur on the permitted fields by permitted haulers during daylight hours. The operation shall conform, in all other aspects, to all other requirements, rules, and regulations promulgated by the D.E.R. relevant to licensing, control, operation, dumping, tillage, covering, and any other requirement promulgated thereunder by the D.E.R. and any other governmental agency in addition to this Ordinance.

NOW, THEREFORE, after considering the attached proposed Amendments, and after submission to the Jackson Township Planning Commission, on the 27th day of May, 1993, and after consideration and recommendation and after public hearing held on the 1st day of July, 1993, the Jackson Township Supervisors do hereby, pursuant to the powers vested in them under the Municipalities Planning Code enact these Amendments to the Jackson Township Zoning Ordinance effective as provided by law.


Edward N. Possinger, Chairman


Jack B. Rader, Jr.,
Vice-Chairman


Brian R. Ahl, Supervisor


Jacqueline Romanski
Secretary/Treasurer

(Township Seal)

Ordinance 93-103

AMENDMENT TO
JACKSON TOWNSHIP
SUBDIVISION AND ZONING ORDINANCE

WHEREAS, Jackson Township has previously adopted the Zoning Ordinance, adopted June 1, 1989;

WHEREAS, the Ordinance had last been amended March 12, 1992;

WHEREAS, the Ordinance provides, in Title 27, Section 302(C-1), a procedure for substitution of nonconforming uses for other nonconforming uses as follows:

(1)

(1) The substitution of a nonconforming use for another nonconforming use, if no structural alterations are made; provided, however, that: (a) in Residential Districts any nonconforming residential use shall not be changed to a non-residential use; (b) in Residential Districts, a nonconforming non-residential use shall not be changed to any use prohibited in a C District; (c) in any RC District, no change shall be permitted to any use prohibited in the RC District; (d) in any C District, no change shall be permitted to any use prohibited in the C District. The substituted nonconforming use shall conform to all requirements for such use in the district where it normally would be permitted.

WHEREAS, it is the intention of the Supervisors to consider an amendment to this Section to modify the same, as follows:

Chapter 27, Section 302(C):

(1) There are no substitutions of a nonconforming use for another nonconforming use: (a) in Residential Districts, any nonconforming residential use shall not be changed to a non-residential use; (b) in Residential Districts, a nonconforming non-residential use shall not be changed to another nonconforming use; (c) in any RC District, no change shall be permitted to any use prohibited in the RC District; (d) in any C District, no change shall be permitted to any use prohibited in the C District.

(2)

WHEREAS, it is the intention of the Supervisors to add the following provision to the Jackson Township Zoning Ordinance, as follows:

Section 1415: "Whenever any action for a use permit or subdivision review requires a public hearing before the Zoning Hearing Board or the Supervisors under any Section of the Ordinance, but particularly Section 1401 et seq., there shall first be delivered a complete and properly-prepared application for the Zoning Permit for any such use requiring a public hearing, subject

AMENDMENT TO JACKSON TOWNSHIP
SUBDIVISION AND ZONING ORDINANCE
ORDINANCE 95-100

WHEREAS, Jackson Township has previously adopted a Zoning Ordinance, adopted June 1, 1989;

WHEREAS, the Ordinance has been last amended May 27, 1993;

WHEREAS, the Ordinance provides for certain permitted uses in an Industrial District, particularly set forth in Section 801(2) designated as permitted uses;

WHEREAS, the Ordinance, as it currently is written, does not permit higher uses, or less restrictive uses in the Industrial Zone;

WHEREAS, it is the intention of the Supervisors to provide for not only R-1 and R-2 use districts within the Industrial permitted use classification, but also to include those permitted uses set forth in Section 701 of the Jackson Township Ordinance, 27 Jackson Township Code of Ordinances, Section 701(2).

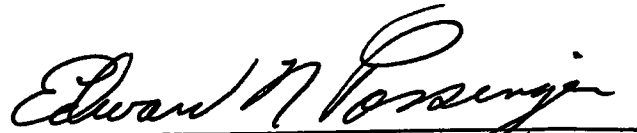
NOW, THEREFORE, after considering the attached Amendment, and after submission to the Jackson Township Planning Commission, on the 20 day of July, 1995, and after consideration and recommendation of a public hearing held on the 14 day of September, 1995, the Jackson Township Supervisors do hereby, pursuant to the powers vested in them under the Municipalities Planning Code, enact this Amendment to the Jackson Township Zoning Ordinance effective as provided by law, in part, as follows:


Section 801(2)(a) Permitted Uses is amended to add the following language:

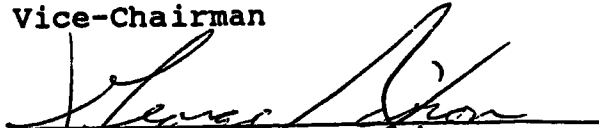
All those uses permitted in the C-Commercial District, subject to the lot and yard requirements of the C-Commercial District as set forth in Schedule A, "Schedule of Permitted Use and Yard Requirements for C-Commercial Districts."

Schedule A is also amended to allow for the inclusion of the commercial uses in the Industrial Zone.

All other terms and provisions of the Jackson Township Zoning Ordinance, Chapter 27 Jackson Township Code of Ordinances, except to the extent specifically inconsistent herewith, shall remain in full force and effect.


Edward N. Possinger, Chairman


Jack B. Rader, Jr.,
Vice-Chairman


George Nixon, Supervisor

ATTEST:


Jacqueline Romanski
Secretary/Treasurer

ORDINANCE NO. 97-100

AN ORDINANCE IN THE TOWNSHIP OF JACKSON, COUNTY OF MONROE, STATE OF PENNSYLVANIA, AMENDING ITS ZONING ORDINANCE TO INCLUDE PROVISIONS REGULATING ADULT FACILITIES OR BUSINESSES

WHEREAS, it is the desire of Jackson Township's Board of Supervisors to amend portions of the "Jackson Township Zoning Ordinance"; and

WHEREAS, the Supervisors deem it to be in the Township's best interest regarding the health, welfare and safety of a citizenry; and

NOW, THEREFORE, it is hereby ordained and enacted as an amendment to the Jackson Township Zoning Ordinance, at a regularly scheduled meeting of the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, this 13th day of February, 1997, the following provisions amending the "Jackson Township Zoning Ordinance":

SECTION 1:

Chapter 27, (Part 8, Industrial District) Section 801(2), Permitted Uses is hereby amended to now include the following:

J. Adult Facility - definition: an establishment open to the general public or a private club opened to members which is used and occupied for one or more of the following activities:

(1) Adult Book Store - an establishment in which 20% or more of the occupied sales or display area offers for sale, for rent or lease, for loan, or for view upon the premises, of pictures, photographs, drawings, prints, images, sculptures, still films, motion picture films, videotape, laser disc, or similar visual presentations distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or offers for sale sexual devices.

(2) Adult Theatre - a building or room within a building used for presenting motion picture films, videotape, laser disc or similar visual presentations of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

(3) Adult Cabaret - an establishment, club, tavern, restaurant, theatre hall or room which features live entertainment distinguished or characterized by emphasis on sexual conduct, sexually explicit nudity and/or activities such as mud wrestling and dancing.

(4) Adult Massage Parlor - an establishment whose business is the administration of massage to the anatomy of patrons regardless of whether or not the same includes sexual conduct.

SECTION 2:

Chapter 27 Section 801(2). Permitted Uses is hereby amended to include the following:

K. Adult Facilities - any adult facilities or businesses as defined in Section J, above, which contain an adult facility section shall comply with the following requirements:

(1) An adult facility shall not be located within 1000 feet of any other adult facility.

(2) An adult facility shall not be permitted to be located within 1000 feet of any public or private school, day care facility, indoor or outdoor public recreation facility, or any religious house of worship.

(3) An adult facility shall not be permitted within 500 feet of a school bus stop regardless of the time of day when the school bus stops at that location.

(4) No materials, merchandise, film or service offered for sale, rent, lease, loan or for view shall be exhibited, displayed or graphically represented outside of a building or structure.

(5) Any building or structure used and occupied as an adult facility shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service or entertainment are exhibited or displayed and no sale materials, merchandise, film or offered items of service or entertainment shall be visible from outside the structure.

(6) No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service or entertainment offered therein.

(7) If all adult facility videotape or laser disc rental users are restricted to a discreet small area of 150 feet or less within a larger non-adult facility business, then the requirement under (5) and (6) above only apply to that section of the business which is devoted to an adult facility videotape or laser disc rental use area within the business space.

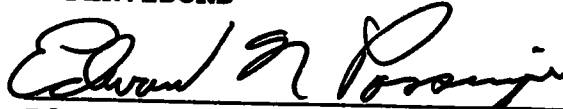
SECTION 3:

Chapter 27, Section 801(5). Prohibited Uses is hereby amended to include the following:

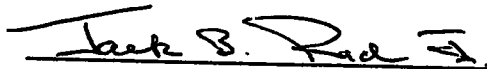
(D) Uses prohibited in industrial zoning district. Any use involving activities which constitute violation of 18 Pa.C.S.A. §5903, as amended, relating to display, sale, lending, distribution or exhibiting of obscene or other sexual materials, or any ordinance of Jackson Township, whichever is more restricted.

IN WITNESS WHEREOF, the Jackson Township Board of Supervisors have hereunto enacted the foregoing amendments to the Jackson Township Zoning Ordinance this 13th day of February, 1997, the same to be effective five days after enactment.

JACKSON TOWNSHIP BOARD OF
SUPERVISORS



Edward N. Possinger, Jr., Chairman



Jack B. Rader, Jr., Supervisor

George Nixon, Supervisor

ATTEST:


Jacqueline Elliott, Secretary

Part 9
Conservation Districts

§901. PC - Public Conservation District.

1. Intended Purpose. The regulations for Public Conservation Districts are designed to perpetuate the wooded, natural, undeveloped and unimproved areas of the Township, owned at the time of enactment of this Chapter by Federal, State, county, city or municipal bodies, agencies or authorities.

2. Permitted Uses.

- A. Accessway and trail improvement.
- B. Forest, fish and game management programs.
- C. Stream and waterway maintenance and improvement.
- D. Flood control projects.
- E. Recreational lakes or impoundments.
- F. Recreational buildings and recreational uses as may be approved by the agency, authority, or municipality having jurisdiction.
- G. Single-family detached dwellings.

3. Accessory Uses. Building construction necessary for development, operation and maintenance of any permitted use.

4. Prohibited Uses.

- A. Commercial buildings and uses.
- B. Industrial buildings and uses.
- C. Mobile home parks.
- D. Travel trailer parks and campgrounds.

5. Regulations. Public Conservation Districts shall be utilized within regulations promulgated by the agency, authority or municipality having jurisdiction.

(Ord. 6/1/1989, §9.1)

Part 10
Special Regulations

§1001. Fences and Walls.

1. No fence or wall hereafter erected, altered or reconstructed in any district in the Township of Jackson may exceed two (2') feet in height above the ground level when located within thirty (30') feet of the intersection of two (2) street lines.

2. No fence or wall hereafter erected, altered or reconstructed shall exceed six (6') feet in height above the adjacent ground level. The higher of two (2) ground levels shall be used in measuring such height when a wall is in whole or part a retaining wall.

3. The foregoing restrictions shall not be applied so as to prevent the erection of an open wire fence not exceeding fifteen (15') feet in height above ground level anywhere within a public park, public playground, public school, commercial recreation use or commercial resort property when used to fence recreation activities or when used as a deer fence for the protection of property.

4. The foregoing restrictions shall not be applied so as to prevent the erection of an open wire fence not exceeding ten (10') feet in height above ground level within an industrial district when used to fence industrial activities for security purposes.

5. Every fence or wall shall be maintained in a safe and sound condition.

6. All fences or walls must be erected within the property lines; no fences shall be erected so as to encroach upon a public right-of-way.

(Ord. 6/1/1989, §10.1)

§1002. Off-Street Parking.

1. Off-street parking, open-air or indoor, together with the necessary passageways and driveways, shall be provided on the same lot as the use for which they are intended, except as provided under §§1002(4), to the extent and number required by the Schedule, §1002(11).

2. All driveways and parking areas serving single-family residences shall be constructed of crushed stone, shale or other select material and shall be adequately drained in a manner to prevent erosion and sedimentation. All driveways, passageways and parking areas for multi-family residences, commercial and industrial uses shall be constructed of two and one-half (2½") inches ID-2 or CP-2 asphalt surface on a minimum six (6") inch compacted select material base, and shall be adequately drained.

3. The requirements of this §1002 shall not apply to any existing building or use unless such building or use shall be enlarged, rebuilt, reconstructed, altered or remodeled in which event the standards of this Chapter shall be met insofar as such increase or enlargement of the building or use is concerned.

4. The collective provision of off-street parking areas by two (2) or more buildings or uses located on contiguous lots is permitted, provided

that the total of such parking facilities shall not be less than the sum required of the various buildings or uses computed separately, and further provided that the land upon which the collective facilities are located is owned by the collective users.

5. All parking areas and appurtenant passageways and driveways serving commercial and industrial activities shall be illuminated to an average of not less than 0.50 foot candles during the hours between sunset and sunrise when the use is in operation. Adequate shielding shall be provided to protect adjacent properties from the glare of such illumination and from that of headlights of automobiles using the parking facility, as required by §302(M).

6. When the computation of the number of required parking spaces results in a fraction, such fractions shall be resolved to the next highest whole number.

7. Access aisles and driveways to parking areas shall be not less than ten (10') feet in width for single family residential uses and not less than fifteen (15') feet in width for all other uses when a one (1) way traffic pattern is established or less than twenty (20') feet in width when a two (2)-way traffic pattern is established. Aisles and driveways within parking areas shall have a minimum width of:

A. For parking at ninety-(90°) degree to sixty (60°)-degree angle parking - twenty-two (22') feet.

B. For sixty (60°) to forty-five (45°)-degree parking - twenty (20') feet.

C. For less than forty-five (45°)-degree parking - eighteen (18)' feet.

D. For parallel parking - fifteen (15') feet.

8. Each parking space shall have a minimum width of ten (10') feet and a minimum length of twenty (20') feet.

9. All parking areas providing space for more than twenty (20) cars shall be screened on their periphery in such a manner to permit said areas to be viewed at ground level only from the street in front of the building use which they serve.

10. No parking area, except those serving single-family dwellings, shall be closer to a street line than twenty-five (25') feet, or closer to a side or rear lot line than fifteen (15') feet.

11. Minimum Requirements for Off-Street Parking.

<u>Building Type</u>	<u>Spaces Required</u>	<u>For each:</u>
Auditorium, theater, church or similar use	1	4 seats: (Note bench capacity computed at 1 for each 20 inches.)
Automobile sales, public garages and service stations	1	400 sq. ft. of gross floor area.

(27, \$1002(11), cont'd)

Banks, business and professional offices (other than a physician's office)	1
Commercial camps	1
Commercial resorts	1
	1
	1
Dwellings, single-family detached	3
Dwellings, attached or multi-family	2½
Furniture and appliance stores, household equipment or furniture repair shops	1
Home occupations	1
Hospitals	1
	1
Hotels and motels	1
	1
Manufacturing or industrial establishments	1
Nursing home	1
	1
Physician's office	1
	1
Private clubs, lodges, golf courses or social buildings	1
Public or municipal building	1
Research institute or laboratory	1

(27, \$1002(11), cont'd)

300 sq. ft. of gross floor area.
Employee, plus sufficient spaces to meet the reasonable demands of visitors as determined by the Planning Commission.
Bedroom unit. 4 dining room seats above guest room. Each employee.
Dwelling unit.
Dwelling unit.
300 sq. ft. gross floor area.
100 sq. ft. gross floor area.
3 beds.
Each employee on maximum work shift.
Guest bedroom.
Each employee.
Each employee on the maximum work shift, or 25% of gross floor area, whichever is greater.
3 beds.
Each employee.
100 sq. ft. gross floor area. Each employee.
2 members
300 sq. ft. gross floor area.
Each employee.

(27, §1002(11), cont'd)

(27, §1002(11), cont'd)

Restaurants, taverns and night clubs	1	100 sq. ft. gross floor area.
	1	Each employee.
Restaurants (drive-in)	1	Employee, plus sufficient spaces to meet the reasonable demands of the business as determined by the Planning Commission.
Retail stores, shops, etc., and personal service establishments:		
Under 2,000 sq. ft. floor area	1	150 sq. ft. gross floor area.
Over 2,000 sq. ft. floor area	1	200 sq. ft. gross floor area above the first 2,000 sq. ft. of gross floor area.
Schools:		
Elementary and jr. high	1	Faculty member and employee.
Sr. high	1	Faculty member, employee, and 8 students.
Warehouse establishments	1	Each employee.

(Ord. 6/1/1989, §10.2)

§1003. Signs.

1. Prohibited Signs. After the effective date of this Chapter the following signs are expressly prohibited in any district.

A. Every permanent sign not constructed of durable material and kept in good condition and repair.

B. Signs on top of any building or above the roof line of any building.

C. Projecting signs erected or maintained from the front face of a building a distance of more than thirty-six (36") inches, including those projecting from the face of any theater, hotel or motel marquee.

D. Any sign or part thereof containing or consisting of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving, fluttering or revolving devices. The said devices, as well as strings of lights, flashing or revolving lights shall not be used for the purpose of advertising or attracting attention.

E. An illuminated sign or lighting device so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises in such a manner as to cause a level of illumination in excess of 0.5

foot candles beyond the property lines of such use.

F. Regardless of size, multiple signs setting forth a common message.

G. Any advertisement which uses a series of two (2) or more free-standing signs placed in a line parallel to the highway, or in similar fashion, all carrying a single advertising message, part of which is contained on each sign.

H. Any ground sign having a height of more than twenty (20') feet above the average ground level at its base(s), or closer than two (2') feet to the ground at any point, except if the sign would obstruct visibility for movement of vehicles, the sign shall not be closer than six (6') feet to the ground at any point.

I. Signs placed on any utility pole.

J. Commercial billboard signs, as defined by this Chapter.

2. Signs Requiring Permits. After the effective date of the passage of this Chapter, signs conforming to the following regulations are allowed upon issuance of a permit by the Zoning Officer: [Ord. 92-101]

A. Any illuminated sign or lighting device erected or constructed within one hundred (100') feet of any street right-of-way line and exceeding two (2) square feet in area on either of two (2) sides, shall employ only lights emitting a light of constant density.

B. One (1) temporary political sign not exceeding thirty-two (32) square feet in area may be erected on any one (1) lot, parcel or tract of land in any district, with the written permission of the owner of such lot, provided such sign may not be erected more than sixty (60) days in advance of election and shall be removed within fifteen (15) days after election day.

C. One (1) ground sign listing the name of and indicating the entrance to a residential development or multi-family dwelling shall be permitted at each entrance to such development or dwelling, provided that in no case shall two (2) such signs be closer to each other than three hundred fifty (350') feet. Said sign shall not be less than fifteen (15') feet from the street line or more than one hundred (100) square feet in area on either of two (2) sides.

D. One (1) ground sign listing the name of, identifying the use or activity, and indicating the entrance to any permitted special exception may be erected at each entrance to such use, provided that in no case shall two (2) such signs be closer to each other than three hundred fifty (350') feet. Said sign shall not be less than twelve (12') feet from any property line or more than twenty-five (25) square feet in area on either of two (2) sides.

E. One (1) ground sign for each public building, house of worship, or recreation area, identifying the use or activity, may be erected at each entrance to such uses. Said sign may be illuminated, but shall not exceed twenty (20) square feet in area on either of two (2) sides and shall be at least fifteen (15') feet from any property line.

F. One (1) wall or facade sign stating the name of or describing the use or activity within the building or portion of the building on which the sign is superimposed may be erected for each business activity. Said sign may be illuminated, but only on a facade of a building which also contains an entrance to the use or activity described or named, and the area in square feet of the sign shall be computed in the following ratio:

Distance from Street Right-of-Way Line:	Percentage of Wall Area that may be Covered by Signs:
10' - 50'	10% of wall area exposed to street
51' - 150'	15% of wall area exposed to street
151' or greater	20% of wall area exposed to street

or:

One (1) ground sign stating the name of or describing the use or activity within a building or portion of a building may be erected in front of a building or portion of a building to which it applies for each business activity. Said sign may be illuminated but shall not exceed twenty (20) square feet in area on either of two (2) sides or be closer to any property line than fifteen (15') feet.

G. Where two (2) or more business uses are developed contiguous to each other on one (1) or more lots, one (1) ground sign to be used in common by all such uses, stating the name of or describing the use or activity of and identifying the access point to the business may be erected not closer than fifteen (15') feet to any property line. Said sign shall not exceed twenty (20) square feet in area on either of two (2) sides for each business activity, and in no case shall such sign exceed two hundred (200) square feet in area on either of two (2) sides. When the number of contiguous business uses or activities exceeds ten (10), one (1) such sign may be erected for each ten (10) uses or activities, provided that in no case shall two (2) such signs be closer to each other than three hundred (300') feet.

3. Permits Not Required. The following signs are permitted in connection with the activity or use to which they apply, and do not require a sign permit:

A. Street identification signs.

B. Trespass signs, game refuge signs, safety zone signs and signs of a similar nature in accordance with the laws of the Commonwealth.

C. One (1) ground sign stating the name of the occupant(s) for each single-family dwelling unit. Such signs shall not exceed four (4) square feet in area on any one (1) side and shall be at least five (5') feet from any property line.

D. Any mail box or paper box, provided that, if any residence has both a mailbox and a paperbox, the two (2) boxes shall not be mounted more than two (2') feet apart.

E. One (1) ground or wall sign stating the name and profession of a person maintaining a permitted professional office for each such use. Such sign may be illuminated but shall not exceed four (4) square feet in area on any side and shall be at least five (5') feet from any property line.

F. One (1) temporary sign not exceeding four (4) square feet in area to advertise the sale of the real estate upon which it is erected, provided such sign is removed within fifteen (15) days after the consummation of the sale or lease. Such sign shall not be illuminated and shall be located at least ten (10') feet from any property line.

G. Two (2) temporary signs not exceeding twenty-five (25) square feet in area each to advertise farm produce grown on the property, provided such signs are not erected more than thirty (30) days in advance of the harvest of such produce and are removed within fifteen (15) days of the end of the harvest.

H. Signs indicating the direction to various amenities and facilities within any development may be erected provided the maximum area provide on any one (1) sign for any one (1) amenity or facility shall not exceed four (4) square feet provided that such directional sign shall not exceed sixteen (16) square feet total and further provided that such directional signs shall not be located closer together than four hundred (400') feet along any street.

I. One (1) temporary ground sign advertising construction, prior to and during construction only. Said sign shall not be illuminated, and shall be at least ten (10') feet from any property line, and shall not exceed twenty (20) square feet in area on either of two (2) sides. For every three hundred fifty 350 (350') feet of frontage, one (1) additional such sign may be constructed.

J. Signs approved by the Township Supervisors and erected on Township property.

(Ord. 6/1/1989, §10.3; as amended by Ord. 92-101, 4/9/1992)

§1004. Permitted Home Occupations. Home occupations as defined in Part 16 of this Chapter are subject to the following conditions:

A. Such use shall be carried on entirely within the principal building or an accessory building on the same lot as the principal building and shall not occupy an area exceeding twenty-five (25%) percent of the gross floor area of the principal building or four hundred (400) square feet, whichever is lesser, except that this limitation shall not apply to foster family care.

B. There shall not be any external evidence of such use other than one (1) accessory identification sign not exceeding two (2) square feet in area for each street on which the lot may adjoin.

C. No such use shall permit the employment of more than two (2) employees who are not permanent residents of the principal building.

D. Off-street parking, in addition to that required for residential purposes, shall be provided in conformity with §1001 of this Chapter.

(Ord. 6/1/1989, §10.4)

§1005. Noise Control.

1. No person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is steady, fluctuating or intermittent with a recurrence greater than one (1) time in any fifteen (15) second interval) in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following table when measured at or beyond the property boundary of the receiving land use.

Continuous Sound Levels by Receiving Land Use

Receiving Land Use Category		Time	Sound Level Limit
Residential, Public Space, Open Space or Institutional	1	7:00 a.m.-9:00 p.m.	60 dBA
	2	9:00 p.m.-7:00 a.m. plus Sundays and Legal Holidays	50 dBA
Commercial or Business	1	7:00 a.m.-9:00 p.m.	65 dBA
	2	9:00 p.m.-7:00 a.m. plus Sundays and Legal Holidays	60 dBA
Industrial		At all times	70 dBA

2. For any source of sound which emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by five (5) dBA. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one (1) time in any fifteen (15) second interval) the excursions of sound pressure level shall not exceed twenty (20) dBA over the ambient sound pressure level, regardless of time of day or night or receiving land use, using the "fast" meter characteristic of a Type II meter, meeting the ANSI specifications S1.4-1971.

3. The maximum permissible sound levels by the receiving land use category as listed in the previous table shall not apply to any of the following noise sources:

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency.
- B. Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.
- C. Domestic power tools, between the hours of 8:00 a.m. and 9:00 p.m.
- D. Explosives and construction operations.
- E. Motor vehicle operation.
- F. Public celebrations, specifically authorized by the Township.
- G. Surface carriers engaged in commerce by railroad.

H. The unamplified human voice.

I. Periodic outdoor sports or entertainment activities approved by the Township.

4. Vibration Control. Operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at fifty (50) feet from the source if on a public space or public right-of-way shall be prohibited. For the purpose of this Section, "vibration perception threshold" means the minimum ground-or-structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

(Ord. 6/1/1989; as added by Ord. 92-101, 4/9/1992)

Part 11

Special Exceptions

§1101. Intended Purpose. Recognizing that certain uses, activities and structures are necessary to serve the needs and convenience of the Township of Jackson, and at the same time recognizing that such uses may be or become inimical to the public health, safety and general welfare if located and operated without proper consideration being given to existing conditions and character of the surrounding area, such uses are hereby designated as special exceptions. (Ord. 6/1/1989, §11.1)

§1102. Guiding Principles.

1. The use for which application is being made shall be specifically authorized as a special exception use in Schedule A of this Chapter for the zone in which located.

2. The design, arrangement and nature of the particular use is such that the public health, safety and welfare will be protected and reasonable consideration is afforded the:

- A. Character of the neighborhood and zone.
- B. Conservation of property values.
- C. Health and safety of residents or workers on adjacent properties and in the surrounding neighborhood.
- D. Potential congestion of vehicular traffic or creation of undue hazard.
- E. Principles and objectives of this Chapter.

(Ord. 6/1/1989, §11.2)

§1103. Requirements for All Special Exception Permit Applications.

1. The applicant may contact the Zoning Officer to arrange a pre-submission conference to informally outline the nature of the request and to determine the nature of the information outlined in §1103(2) to be supplied on the site development plan. [Ord. 92-101]

2. The applicant shall cause a site development plan map to be prepared by a civil engineer, surveyor, land planner, architect, or other competent person. Site development plan elements shall include those listed below which are appropriate to the proposed development or use:

A. Legal Data.

- (1) Tax number of the property from the latest tax records.
- (2) Name and address of the owner of record.
- (3) Name and address, person, firm or organization preparing the map.
- (4) Date, north point, written and graphic scale.
- (5) Sufficient description or information to define precisely the boundaries of the property. All distances shall be in

feet and hundredths of a foot. All angles shall be given to the nearest ten (10) seconds or closer. The error of closure shall not exceed one (1) in five thousand (5,000).

(6) The locations and owners of all adjoining lands as shown on the latest tax records including those across any street.

(7) The locations, names and existing right-of-way widths of adjacent streets.

(8) Locations, width and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use within or adjoining the property.

(9) A complete outline of existing deed restrictions or covenants applying to the property.

(10) Zoning district in which the property is located.

B. Natural Features.

(1) Existing contours with intervals of twenty (20') feet or less, as may be required to adequately define the property.

(2) Proposed finished contours at the same interval as required in subsection (1) hereinabove.

(3) The boundary of any area subject to flooding, including storm water overflow area.

(4) Location of existing swamps or marshes, watercourses, including intermittent streams, rock outcrops, wooded areas or isolated trees having a caliper of ten (10") inches at a height of four (4') feet, and any other natural features.

(5) Soil survey data as taken from the Soil Conservation Soil Survey or as mapped by a qualified soils scientist.

(6) Soil percolation test results as required.

C. Utilities, Structures and Uses On and Immediately Adjacent to the Site.

(1) Location of all utilities including:

(a) Power lines.

(b) Telephone lines.

(c) Storm sewers (including culverts) giving dimensions, grades, and elevations and direction of flow.

(d) Sanitary sewers, giving dimensions, grades, elevations and direction of flow.

(e) Water lines, giving dimensions and elevations.

(2) Curbs and gutters, sidewalks, paved areas and access.

(3) Outline of existing structures and use areas.

(4) Fences, landscaping, screening and other improvements.

D. Proposed Improvements and Use.

(1) Design and location of all uses and use areas not requiring structures.

(2) Location of proposed buildings or structures.

(3) Design and location of all outdoor signs, if any.

(4) Design and location of driveways, areas including existing and proposed profiles and cross-sections.

(5) Location of proposed well and sewage disposal systems or water and sewer lines.

(6) Plan and location of any proposed grading, landscaping or screening.

(7) Copy of any proposed deed restrictions or covenants.

(8) Plan and location of any proposed public improvements on or adjacent to the property.

(9) Stormwater management plan.

(10) Soil erosion and sedimentation control plan, approved by the Monroe County Conservation District.

E. Any other information which may be determined during a pre-submission conference to be necessary to ascertain the conformity on the site plan with the intent and requirements of this Chapter.

(Ord. 6/1/1989, §11.3; as amended by Ord. 92-101, 4/9/1992)

§1104. Model Houses. "Model houses" as defined in Part 16 of this Chapter shall conform to the following requirements:

A. The lot and structures shall conform with all requirements for single-family detached dwelling as set forth in Schedule A.

B. Commercial activity conducted within the model house and upon the lot shall be limited to the promotion and conduct of the builder's residential construction business within the development where the model house is located.

C. No construction materials, products or equipment may be displayed or stored except within any principal or accessory building.

D. The occupancy permit for the limited commercial activity shall be valid for a period of five (5) years from the date of issuance and may be renewed, upon application, for an additional two (2) years. At the time of expiration of a valid permit or at the time all of the lots within the development are conveyed prior to the expiration of the permit, the limited commercial activity shall cease and the use revert to a single-family residence. Only one (1) such occupancy permit for the limited commercial activity may be issued to any builder and/or developer in any single development.

(Ord. 6/1/1989, §11.4)

§1105. Development Sales Office. "Development sales office" as defined in Part 16 of this Chapter shall conform to the following requirements:

A. Commercial activity conducted within the sales office and upon the development shall be limited to offerings within the development only.

B. The lot and structure shall conform with all requirements for single-family detached dwellings as set forth in Schedule A.

C. The occupancy permit for the limited commercial activity shall be valid for a period of five (5) years from the date of issuance and may be renewed, upon application, for one (1) successive period. At the time of expiration of a valid permit or at the time all the lots within the development are conveyed prior to the expiration of the permit, the limited commercial activity shall cease and the use revert to a single-family residence. Only one (1) such occupancy permit for the limited commercial activity may be issued to any developer in any single development.

(Ord. 6/1/1989, §11.5)

§1106. Private Clubs, Golf Courses, Lodges or Social Buildings. Private clubs, golf courses, lodges, or social buildings as defined in Part 16 of this Chapter shall conform to the following requirements:

A. A statement setting forth full particulars on the operation of the use, a copy of the articles of incorporation, if a corporation, or trade-name certificate, if any, shall be filed with the Zoning Hearing Board. In addition, the Board may, in any case, require that names and addresses of all charter members be furnished.

B. The proposed use must be a bona fide non-profit organization operated solely for the recreation and enjoyment of the members of said organization.

C. The proposed use in the proposed location shall not adversely affect the safe and comfortable enjoyment of properties in the neighborhood; the design of any structures erected in connection with such use shall be in keeping with the general character of the area, and sufficient landscaping, including trees, shrubs, and lawn shall be provided to serve as a buffer between said use and adjoining properties, and to insure an attractive appearance for the use.

(Ord. 6/1/1989, §11.6)

§1107. Nursing Homes. "Nursing homes" as defined in Part 16 of this Chapter shall conform to the following requirements:

A. All nursing homes shall conform to the requirements set forth in Schedule A, "Schedule of Permitted Uses and Yard Requirements."

B. Existing and natural features, drainage and vegetation shall not be removed, changed or destroyed except where necessary to the construction and operation of such nursing home.

C. No nursing home shall function so as to impede the general intent of this Chapter as provided in the Community Development Objectives.

D. All nursing homes shall comply with applicable requirements of State and County agencies regarding health, sanitation, fire protection and other facets of the operation of such nursing home.

(Ord. 6/1/1989, §11.7)

§1108. Hospitals. Hospitals shall conform to the following requirements:

A. All requirements of Schedule A, "Schedule of Permitted Uses and Yard Requirements."

B. All outdoor storage of supplies or waste shall be adequately screened by planting or fencing.

C. The site plan shall provide adequate buffer strips and screening wherever needed as well as an attractive and functional landscaping scheme in addition to any buffering or screening required within this Chapter.

D. The appropriate area and number of off-street parking spaces shall be provided and access to parking areas and emergency entrance(s) shall be designed to minimize disturbance to adjoining properties.

E. Provisions shall be made for water supply, sewage, solid waste and hazardous waste disposal in accordance with accepted practice and applicable State, County and Township regulations and standards.

(Ord. 6/1/1989, §11.8)

§1109. Motor Vehicle Service Stations. "Motor vehicle service stations and garages" as defined in Part 16 of this Chapter shall conform to the following requirements:

A. All motor vehicle service stations and garages shall conform to Schedule A, "Schedule of Permitted Uses and Yard Requirements," and further provided that:

(1) The minimum lot area is not less than one (1) acre.

(2) No repair work is performed out-of-doors.

(3) Pumps, lubricating or other devices are located at least thirty (30') feet from any street line or highway right-of-way.

(4) All fuel, oil, or similar substances are stored at least thirty-five (35') feet from any street line or lot line.

(5) All automobile parts, dismantled vehicles, unlicensed vehicles and similar articles are stored within a building.

B. The site for such use shall be located within the following limitations: No two (2) motor vehicle service stations may be permitted within two thousand (2,000') feet of each other along any street or highway right-of-way line unless they are on contiguous parcels.

C. All fuel tanks or other such containers for the storage of flammable materials, either liquid or solid, shall be installed underground in accordance with the required permit issued by the Pennsylvania State Fire Marshal.

D. Additional parking and driveway regulations as follows:

(1) Where parking areas abut a residential zone, a buffer strip not less than ten (10') feet in width of densely-planted screen to prevent the transmission of headlight glare across the zone boundary line shall be provided. Such screen shall have a minimum height of four (4') feet above finished grade at the highest point of the parking lot. Where existing vegetation is insufficient for this purpose, additional planting shall be provided to meet the above requirements.

(2) Driveways to parking areas and service areas shall be limited to two (2) for the first one hundred (100') feet of frontage. One (1) additional driveway may be permitted for each additional one hundred (100') feet of frontage. Such driveways shall not be less than twenty-four (24') feet in width. Driveways shall intersect public streets at right angles whenever possible and shall have adequate sight distance.

(3) No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this Chapter.

(4) Any repair of motor vehicles shall be performed in a fully enclosed building and no motor vehicle shall be offered for sale on the site. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside of an enclosed building.

(5) The entire area of the site traveled by motor vehicles shall be paved.

E. Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans and/or antifreeze and similar products may be displayed on the respective islands or provided for in a suitable metal stand or rack.

F. Signs shall conform to the following regulations:

(1) One (1) free-standing identification sign which does not exceed forty-eight (48) square feet in area nor thirty (30') feet in height. Such signs may be illuminated but illumination shall be non-flashing. Such signs may be located in the front yard but shall not be closer than fifteen (15') feet to a street line.

(2) Three (3) sides of the building may bear facade signs of individual letters naming only the brand of product or oil company, providing the area of such sign, if enclosed in the smallest possible rectangle, does not exceed ten (10%) percent of the area of the facade of the building.

(3) One (1) portable "A" frame type sign not exceeding ten (10) square feet in area on each side is permitted for each one hundred (100') feet of frontage. Such signs may be located in the front yard, but shall not be closer than ten (10') feet to a street line and shall not interfere with required sight distance.

(4) Temporary signs advertising sales, premiums and other such temporary activities may be mounted on the window or door surfaces of the structure provided that the total area of such signs at any one (1) time does not exceed twenty (20) square feet.

(Ord. 6/1/1989, §11.9)

§1110. Public Utility Uses. Public utility uses, such as dial equipment centers, high voltage transmission lines, towers, and substations and other proposed installations necessary to serve the region or area, as opposed to surrounding properties, may be permitted in any zone district with a special exception permit. No special exception permit shall be issued unless the Zoning Hearing Board shall determine that:

A. The proposed installation in a specific location is necessary and convenient for the efficiency of the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood, area or region in which the particular use is to be located.

B. The design of any building in connection with such facility conforms to the general character of the area and will not adversely affect the same and comfortable enjoyment of property rights of the zone in which it is located.

C. Adequate and attractive fences, noise barriers and other safety devices will be provided.

D. A buffer strip five (5') feet in width and screening are provided and will be periodically maintained.

E. Adequate off-street parking will be provided to meet the needs of the use.

F. Adequate area and yard will be provided to meet the needs of the intended use.

G. All other items or details of construction or location are consistent with the intent of this Chapter.

(Ord. 6/1/1989, §§11.10)

Part 12
Conditional Uses

§1201. Intended Purpose. The Board of Supervisors recognize the potential impact upon the Township of certain types of proposed development and therefore have retained to the Supervisors the right of review and approval of certain types of development, namely: mobile home parks, camp sites, freight terminals, planned residential developments and commercial surface mining. (Ord. 6/1/1989, §12.1)

§1202. Guiding Principles.

1. The use for which application is being made shall be specifically authorized as a conditional use in Schedule A, "Schedule of Permitted Uses and Yard Requirements," of this Chapter in the zone in which located.

2. The design, arrangement and nature of the particular use is such that the public health, safety and welfare will be protected and reasonable consideration is afforded the:

- A. Character of the neighborhood and zone.
- B. Conservation of property values.
- C. Health and safety of residents or workers on adjacent properties and in the surrounding neighborhood.
- D. Potential congestion of vehicular traffic or creation of undue hazard.
- E. Principles and objectives of this Chapter.

(Ord. 6/1/1989, §12.2)

§1203. Procedure.

1. Applications for conditional use permits shall be referred to the Board of Supervisors. The Board of Supervisors shall refer such matter to the Planning Commission for report as to its effect on the comprehensive planning of the Township and the compliance of the application with the requirements of this Chapter. After receipt of such report, the Board of Supervisors shall hear the application as it is required and empowered by law and ordinance. The Board of Supervisors may thereafter direct the Zoning Officer to issue a conditional use permit if, in its judgment, any one (1) of such cases will not be detrimental to the health, safety and general welfare of the Township and is deemed necessary for its convenience. In approving any such application, the Board of Supervisors may impose any conditions that it deems necessary to accomplish the reasonable application of standards provided in this Chapter and may deny any such application, but only in accordance with said standards. [Ord. 92-101]

2. Conditional use permits issued by the Zoning Officer as directed by the Board of Supervisors shall automatically expire twelve (12) months from the date of issuance by the Zoning Officer, unless construction, other than excavation, has commenced within such twelve (12)-month period. [Ord. 92-101]

3. The applicant shall contact the Zoning Officer to arrange a pre-submission conference with the Board of Supervisors and the Planning Commission to outline the nature of the proposed application and to determine the nature and extent of the information to be supplied on the site development plan. In addition to the site development plan, the applicant shall also submit a statement setting forth full particulars of the need, purpose and operation of the structure or use. [Ord. 92-101]

4. The applicant shall cause a site development plan to be prepared by a civil engineer, surveyor, land planner, architect or other competent person. Such plan shall include those elements set forth in §1103(2) as may be determined to be appropriate during the pre-submission conference together with any specific items or elements required by §§1204, 1205 or 1206, whichever pertains to the specific application in question.

(Ord. 6/1/1989, §12.3; as amended by Ord. 92-101, 4/9/1992)

§1204. Campgrounds. Campgrounds as defined in Part 16 of this Chapter shall conform to the following requirements:

A. Submission, Application and Compliance.

(1) The developer or his agent shall be responsible for notifying the Commission of his intent to develop, alter or expand a campground, prior to starting any construction or improvements.

(2) The Commission shall arrange a preliminary site inspection within two (2) weeks of such notification.

(3) The developer or his agent may prepare and submit a sketch plan for informal discussion prior to submitting a preliminary or final plan.

(4) The developer or his agent shall be responsible for filing six (6) copies of required plans and information as set forth in §1103(2) of this Chapter with the Commission.

(5) The developer or his agent shall be responsible for preparing plans in conformance with the provisions of these regulations and/or the provisions of the Pennsylvania Department of Environmental Resources regulations for travel trailer parks, whichever is greater or more restrictive. The developer or his agent shall be responsible for submitting plans to the Department of Environmental Resources for their review and approval and shall submit satisfactory evidence of the approval of the Pennsylvania Department of Environmental Resources before final approval will be made by the Township.

(6) To defray a portion of review of the proposed campgrounds, plans shall be accompanied by a fee as set forth by a resolution duly adopted by the Board of Supervisors.

B. Campgrounds and Camp Site Sizes.

(1) All campground subdivisions or development shall have a total land area of not less than twenty (20) acres.

(2) Each camp site shall have a minimum area of twenty-five hundred (2,500) square feet exclusive of street rights-of-way and walkways and the average natural slope of the area of the site intended for development shall not exceed twelve (12%) percent.

(3) The maximum gross density of development in the area improved for camp sites shall not exceed ten (10) sites per acre.

C. Buffer Strip and Screening.

(1) No line of any camp site shall be closer than fifty (50') feet to any exterior property line of the campground.

(2) Adequate screening and/or fencing shall be required adjoining exterior property lines within the aforementioned fifty (50') foot buffer strip and each camp site shall be screened from adjacent sites by the retention or planting of trees and shrubbery.

D. Access, Interior Streets, Off-Street Parking.

(1) Access to camp sites shall be from interior streets or roads and not from public streets or roads.

(2) Interior streets of campgrounds shall conform to the requirements for minor streets as set forth in the Subdivision and Land Development Regulations [Chapter 22].

(3) All camp sites designed for recreational vehicles shall have off-street on-site spaces for the recreational vehicle and for one (1) passenger vehicle. The parking spaces shall be well drained and shall have a minimum depth of six (6") inches of compacted crushed stone, bank run gravel or shale. The minimum area of each passenger vehicle parking space shall be at least two hundred (200) square feet, exclusive of any aisle.

(4) All camp sites designed for tenting may be provided with on-site parking spaces in accordance with §1204(D) or may have a common parking area located so that the line of travel thereto, without encroachment on other camp sites, does not exceed three hundred (300') feet from the most distant camp site. Common parking areas shall provide at least one and one-half (1½) spaces per camp site. The minimum area of each parking space shall be at least two hundred (200) square feet, exclusive of any aisle and have a minimum depth of six (6") inches of compacted crushed stone, bank run gravel or shale.

E. Utilities.

(1) Electric service shall be provided to each camp site. Such electric service shall be installed underground.

(2) At least fifty (50%) percent of the camp site designed and improved for recreational vehicles shall be provided with a connection to a centralized sewage system and a centralized water system.

(3) All camp sites which are not provided with a connection to a centralized sewage system and centralized water system shall be provided with bath house facilities, toilet facilities and

potable water located so that the line of travel thereto, without encroachment on other camp sites, does not exceed three hundred (300') feet from the most distant camp site. Camp sites connected to a centralized sewage system and centralized water system shall be provided with bath house facilities, toilet facilities and potable water located so that the line of travel thereto, without encroachment on other camp sites, does not exceed seven hundred (700') feet from the most distant camp site. Bath house facilities and toilet facilities shall be designed in accordance with Department of Environmental Resources regulations.

(4) The campgrounds shall be equipped with sewage dumping stations designed and constructed in accordance with Department of Environmental Resources regulations.

(5) Centralized water and centralized sewage systems shall be designed and approved in accordance with the requirements of the Department of Environmental Resources regulations.

F. Community Area and Recreation Area. All campgrounds shall provide not less than twenty-five (25%) percent of the total area of the tract for recreation and community activities. Such area shall be in addition to the buffer strip adjoining the exterior property lines.

G. Mobile Homes Within Campgrounds. No mobile home used for permanent occupancy will be permitted within the limits of a campground.

H. Plans submitted for review shall be clear, legible white prints and information to be shown on or to accompany all plans shall be as follows:

- (1) Name and address of record owner.
- (2) Name and address of developer, if different than owner.
- (3) Proposed name of the campgrounds.
- (4) Campground boundaries, showing bearing and distance from a survey closed with an error not to exceed one (1) in five thousand (5,000) and balanced.
- (5) Name of municipality in which the campground is located.
- (6) Township boundary lines, if appropriate.
- (7) Total area of the campgrounds.
- (8) Total number of camp sites.
- (9) Total area of community and recreation area, in addition to the required buffer strip.
- (10) Proposed and existing streets and lot layout of public record, on and immediately adjoining the proposed campground including name, (if any) and rights-of-way width.
- (11) North arrow, indicating whether the meridian is magnetic or true.

(12) Drawn to scale of not less than one (1") inch equals one hundred (100') feet.

(13) Graphic scale.

(14) Name and seal of the registered engineer or registered surveyor responsible for the plan.

(15) Names of owners or subdivisions of all adjoining properties.

(16) All existing water courses, streams, ponds, lakes, etc.

(17) Areas of known rock outcropping and "stone" fields.

(18) Location and extent of various soil types and DER classification of each.

(19) The latest current appropriate U.S.G.S. quadrangle map, with the tract in which the proposed campground is located, reasonably accurately outlined in ink thereon.

(20) Map of entire holdings of owner (not necessarily to the same scale) indicating the proposed campground, showing proposed access roads for the area not included in the campground.

(21) Dimensions of streets, community areas, recreation areas and camp sites.

(22) Proposed street names, if any.

(23) Contours at vertical intervals not greater than twenty (20') feet. These contours may be superimposed on the plan from the latest current U.S.G.S. quadrangle.

(24) Signature block for the Township Planning Commission.

(25) Signature block for the Township Supervisors.

(26) Plans shall be prepared on standard sheet sizes set forth in §403(1) of Chapter 22.

I. No construction shall be commenced prior to the approval of the campground plan.

J. Prior to leasing or rental of any camp site, the access street, parking space and other improvements serving the lot shall be completed and approved by the Township.

K. Time Limit on Recording Campground Plans.

(1) Within ninety (90) days after final action by the Commission and the Township Supervisors, the final plan or section thereof, as approved, shall be filed or recording with the County Recorder of Deeds, and shall be a clear and legible reproducible print or tracing on linen or Mylar.

(2) If the plan is not recorded within such period, the action of the Commission and Township Supervisors shall become null and void, unless written extension of time is granted by the Township in response to a written request.

(Ord. 6/1/1989, §12.4)

§1205. Mobile Home Parks. Mobile home parks as defined in Part 16 of this Chapter shall conform to the following requirements:

A. Submission, Application and Compliance.

(1) The developer or his agent shall be responsible for notifying the Commission of his intent to develop, alter or expand a mobile home park, prior to starting any construction or improvements.

(2) The Commission shall arrange a preliminary site inspection within two (2) weeks of such notification.

(3) The developer or his agent may prepare and submit a sketch plan for informal discussion prior to submitting a final plan.

(4) The developer or his agent shall be responsible for filing six (6) copies of required plans and information as set forth in Part 11, §1103(2), with the Commission.

(5) The developer or his agent shall be responsible for preparing plans in conformance with the provisions of these regulations and/or the provisions of the Pennsylvania Department of Environmental Resources regulations for mobile home parks, whichever is greater or more restrictive. The developer or his agent shall be responsible for submitting plans to the Department of Environmental Resources for their review and approval and shall submit satisfactory evidence of the approval of the Pennsylvania Department of Environmental Resources before final approval will be made by the Board of Supervisors.

(6) To defray a portion of the expense of review of the proposed mobile home park, plans shall be accompanied by a fee as set forth by a resolution duly adopted by the Board of Supervisors.

B. Mobile Home Lot Sizes.

(1) Each lot size shall be a minimum of one (1) acre and the average natural slope of the area of the lot intended for development shall not exceed ten (10%) percent.

(2) All mobile home and projections thereof shall be placed a minimum of forty (40') feet from any interior road right-of-way.

C. Buffer Strip and Screening.

(1) No line of any mobile home lot shall be closer than twenty-five (25') feet to any exterior property line of the mobile home park.

(2) Adequate screening and/or fencing shall be required adjoining exterior property lines within the aforementioned twenty-five (25') feet buffer strip.

D. Access and Parking.

(1) Access to mobile home lots shall be from interior streets or roads and not from public streets or roads.

(2) Interior streets of mobile home parks shall conform to the requirements for minor streets, as set in the Subdivision and Land Development Regulations [Chapter 22].

(3) Each mobile home lot shall be provided with a parking space for two (2) vehicles, containing a minimum of two hundred (200) square feet each improved with a surface of select material (i.e., shale, crushed stone, gravel, etc.) not less than four (4") inches thick.

E. Mobile Home Spacing. Mobile homes shall not be located on lots such that any portion of any mobile home is closer than twenty (20') feet to any portion of any other mobile home or permanent building of the mobile home park.

F. Community Area. All mobile home parks shall provide not less than twenty-five (25%) percent of the total area of the tract for playground(s); the aforesaid area shall be in addition to the buffer strip adjoining the exterior property lines.

G. Camp Sites within Mobile Home Parks. No camp sites (which shall be sites upon which camper trailers, mobile home camper trailers or trailers of any description used primarily for camping or traveling purposes, and tents) will be permitted within the limits of the mobile home park.

H. Plans submitted for review shall be clear, legible white prints and information to be shown on or to accompany all plans shall be as follows:

- (1) Name and address of record owner.
- (2) Name and address of developer, if different than owner.
- (3) Proposed name of mobile home park.
- (4) Mobile home park boundaries, showing bearing and distance from a survey closed with an error not to exceed one (1) in five thousand (5,000) and balanced.
- (5) Name of municipality or post office address on which the mobile home park is located.
- (6) Municipal boundary lines, if appropriate.
- (7) Total area of the mobile home park.
- (8) Total number of mobile home sites.
- (9) Total area of community area, in addition to the required buffer strip.
- (10) Proposed and existing streets and lot layout of public record, on and immediately adjoining the proposed mobile home park including name, (if any) and right-of-way width.
- (11) North arrow, indicating whether the meridian is magnetic or true.
- (12) Drawn to scale of not less than one (1") equals one hundred (100') feet.
- (13) Graphic scale.

(14) Name and seal of the registered engineer or registered surveyor responsible for the plan.

(15) Names of owners or subdivisions of all adjoining properties.

(16) All existing courses, streams, ponds, lakes, etc.

(17) Areas of known rock outcropping and "stone" fields.

(18) Location and extent of various soil types and DER classification of each.

(19) The latest current appropriate U.S.G.S. quadrangle map, with the tract in which the proposed mobile home park is located, reasonably accurately outlined in ink thereon.

(20) Map of entire holdings of owner (not necessarily to the same scale) indicating the proposed mobile home park, showing proposed access road for the area not included in the park.

(21) Dimensions of streets, community areas and mobile home sites.

(22) Proposed street names.

(23) Contours at vertical intervals not greater than twenty (20') feet. These contours may be superimposed on the plan from the latest current U.S.G.S. quadrangle.

(24) Signature block for the Township Planning Commission.

(25) Signature block for the Township Supervisors.

(26) Plans shall be prepared on standard sheet sizes set forth in §403(1) of Chapter 22.

I. No construction shall be commenced prior to the approval of the mobile home park plan.

J. Prior to leasing of any mobile home sites, the access street, parking space and other improvements serving the lot shall be completed and approved by the Board of Supervisors.

K. Time Limit on Recording Mobile Home Park Plans. [Ord. 92-101]

(1) Within ninety (90) days after final action by the Commission and the Township Supervisors, the final plan or section thereof, as approved, shall be filed for recording with the County Recorder of Deeds, and shall be a clear and legible reproducible print or tracing on linen or Mylar.

(2) If the plan is not recorded within such period, the action of the Commission and Township Supervisors shall become null and void, unless written extension of time is granted by the Township in response to a written request.

(Ord. 6/1/1989, §12.5; as amended by Ord. 92-101, 4/9/1992)

§1206. Freight Terminals. Freight terminals as defined in Part 16 of this Chapter shall conform to the following requirements:

A. Access to various components of the terminal shall be from interior streets or driveways.

B. The minimum yard set back adjoining any Residential District or adjoining any non-conforming residential use shall be not less than one hundred (100') feet.

C. The minimum yard set back adjoining any Commercial District or Recreation Commercial District shall be not less than fifty (50') feet..

D. The required yards shall not be utilized for any buildings, loading areas, storage areas, or any interior streets, drives or ramps except:

(1) Any yard adjoining any commercial area may be utilized for automobile, truck or trailer parking areas.

(2) Any yard adjoining any commercial area may be utilized for any on-site sewage disposal system approved by the Township Sewage Enforcement Officer.

(3) Any yard may be crossed by such access streets or drives as are necessary to provide proper ingress and regress.

E. The natural vegetation shall be maintained or replaced with plantings in all required yard space to provide screening from adjacent properties except as provided by §1206(D).

F. The screening in any yard adjoining any Residential District, Recreation Commercial District or adjoining any non-conforming residential use shall be such that the natural vegetation or the supplemental plantings or other screening will within two (2) growing seasons create a continuous screen not less than ten (10') feet in height of such density as will obscure ninety (90%) percent of the light emitted from vehicle headlights on the premises throughout the full course of the year.

G. All streets, drives, ramps, parking areas, loading areas and storage areas shall be illuminated in conformance with §1002(5) except that such illumination shall not cause illumination in excess of 0.2 foot candles, either directly or indirectly, beyond the terminal property line adjoining any Residential District, Recreation Commercial District or adjoining any non-conforming residential use.

H. The minimum right-of-way width for any access road shall be sixty (60') feet. The access road shall be improved to provide a minimum of twenty-four (24') feet of paved surface with a minimum ten (10') foot shoulder on each side.

I. All streets, drives, ramps, parking areas, loading areas, and storage areas shall be paved in accordance with §1002(2).

J. The terminal shall be provided with proper drainage facilities so designed and constructed as to prohibit any adverse effect on any adjacent property.

K. The operation of any terminal shall be conducted in such a manner that any noise emanating from the operation shall conform to the following:

(1) Noise emanating from vehicles using any access roads shall not exceed the limits established by the Environmental Protection Agency for vehicles in interstate commerce.

(2) The noise at the exterior property line adjacent to any Residential District, Recreation Commercial District or adjacent to any non-conforming residential use shall not exceed an equivalent A-weighted sound level over twenty-four (24) hours of sixty-five (65) dB; provided however, that peak on noise levels at such property lines shall not exceed eighty-five (85) dBA, for a duration in excess of one (1) minute nor for a cumulative time in excess of twenty (20) percent of any one (1) day.

(3) The noise at the exterior property lines adjacent to any Commercial District area shall not exceed an equivalent A-weighted sound level over twenty-four (24) hours of seventy (70) dB; provided however, that peak noise levels at such property lines shall not exceed eighty-seven (87) dBA, for a duration in excess of two (2) minutes nor for a cumulative time in excess of thirty-five (35%) percent of any one (1) day.

(Ord. 6/1/1989, §12.6)

§1207. Commercial Surface Mining. "Commercial surface mining" as defined in Part 16 of this Chapter shall conform to the following requirements:

A. All commercial surface mining operations and activities shall conform to the requirements of the Surface Mining Conservation and Reclamation Act, 35 P.S. §691.1 et seq., 52 P.S. §1406 et seq., and 52 P.S. §30.51 et seq., and the applicant shall forward a copy of the Department of Environmental Resources Permit to the Codes Enforcement Officer prior to the issuance of the Permit.

B. In addition to the minimum distance requirements set forth in the Surface Mining Conservation and Reclamation Act, the applicant shall maintain a minimum two hundred (200') foot wide buffer strip between the active mining operation and the exterior property lines. The vegetation in the buffer shall not be removed except to provide for adequate access, but shall be maintained and/or increased to provide for adequate visual screening of the operation.

C. The Zoning Hearing Board may require that all or portions of the quarrying, mining or excavation operations be enclosed with a fence to ensure the general welfare and public safety.

D. No dust, fumes, odor, vibration or noise in excess of eighty-five (85) dBA, for a duration in excess of one (1) minute nor for a cumulative time in excess of twenty (20%) percent of any one (1) day shall be discernible at the exterior property line.

E. Dust and debris from any quarrying, mining, or excavation operations shall not be allowed to accumulate within the right-of-way of any public road, and it shall be the responsibility of the owner of any such property, where the operations exist, to maintain the affected public roads in a clean condition satisfactory to the Township Board of Supervisors.

F. The grading, backfilling and replacement of all over-burden material in a manner which will restore the premises to the same or more suitable condition and/or usable grade as existed on the original site is required.

G. All such excavations and backfilling operations must be adequately drained to prevent the formation of pools of water.

H. The side walls of any excavation operation which are not completely backfilled shall not have a slope steeper than one (1') foot of vertical distance for each two (2') feet of horizontal distance.

I. Nothing in this Chapter shall be construed to prohibit a property owner from conducting surface mining operations for the production of materials to be utilized totally within the confines of the property on which the mining operations are being conducted.

(Ord. 6/1/1989, §12.7)

Part 13

Planned Residential Development

§1301. Purposes and Objectives. The provisions of this Part are enacted in order that the purposes of this Chapter be furthered in an era of increasing urbanization and of growing demand for housing of all types and design; to insure that the provisions of this Chapter which are concerned in part with the uniform treatment of dwelling type, bulk, density and open space shall be applied to the improvement of land by other than lot by lot development in a manner that would destroy the objectives of this Chapter; to encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings and by the conservation and more efficient use of open space auxiliary to said dwellings; so that greater opportunities for better housing and recreation may extend to all citizens and residents of this Township and in order to encourage a more efficient use of land and of public service and to reflect changes in the technology of land development so that economies secured may accrue to the benefit of those who need homes; and in aid of these purposes, to provide a procedure which can relate the type, design and layout of residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within the existing residential areas, and to insure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay. (Ord. 6/1/1989, §13.1)

§1302. Interpretation. This Chapter is, and all amendments hereto shall be, based on the Community Development Objectives for Jackson Township. This Chapter and such amendments shall be interpreted in relation to said Community Development Objectives. (Ord. 6/1/1989, §13.2)

§1303. Objectives. Every application for approval of a planned residential development shall be based on and interpreted in relation to the Community Development Objectives. (Ord. 6/1/1989, §13.3)

§1304. Administration. The administration of the procedures for application for and approval of planned residential developments shall be vested in the Board of Supervisors. The Board shall, however, refer all tentative and final development plans for such development to the Planning Commission for their review and comment. (Ord. 6/1/1989, §13.4)

§1305. Eligibility. An application shall not be eligible for tentative approval unless the following initial requirements are met:

A. The proposed development shall consist of one (1) or more contiguous tracts of land under single ownership and/or control, contain in the entirety a minimum of twenty-five (25) acres and be located in a Residential District.

B. The proposed development shall provide for adequate, safe water supply and sewage disposal.

C. The proposed development shall have adequate legal access to a public street, road or highway.

D. The area to be improved shall be physically suitable for buildings, streets, accessways, parking, utilities and all other required or proposed facilities or improvements.

E. The area or areas to be set aside for open space shall be physically suitable for the proposed use.

F. The area to be set aside for open space shall be dedicated to and for the use and enjoyment of owners or residents in the development.

(Ord. 6/1/1989, §13.5)

§1306. Permitted Uses. The uses permitted in a planned residential development shall be limited to:

A. Dwelling units in detached, semi-detached, or attached structures, or any combination thereof, provided that the arrangement thereof is consistent with the provisions of this Chapter.

B. Accessory uses permitted within the Residential Districts by Part 4 of this Chapter shall be permitted within a planned residential development.

C. Open spaces set aside under the provisions of this Chapter may be used in whole or in part in any of the following ways, or any manner similar thereto:

- (1) Boating and fishing.
- (2) Golf course.
- (3) Hiking and horseback riding.
- (4) Parks.
- (5) Play fields.
- (6) Playgrounds.
- (7) Picnic areas.
- (8) Skating rinks.
- (9) Swimming pools.
- (10) Tennis courts.
- (11) Woodland.

(Ord. 6/1/1989, §13.6)

§1307. Land Use Density. The following standards shall govern the density of dwelling units on the land within a planned residential development:

A. No more than two (2) dwelling units may be erected for each one (1) acre of land in the total tract under consideration within the R-1 Rural Residential District. No more than four (4) dwelling units may be erected for each one (1) acre of land in the total tract under

consideration within the R-2 Rural/Village Residential District or the RC Recreation Commercial District.

B. An area equal to forty (40%) percent of the total land in the tract shall be set aside as open space for the use and benefit of the residents of the development, as hereinafter provided.

C. Consideration shall be given to the arrangement and location of open spaces to take advantage of physical characteristics of the site and to place open spaces within easy access and view of dwelling units.

D. In the case of a planned residential development proposed to be developed over a period of years, a variation in each section to be developed from the density of use established for the entire planned residential development may be permitted. A greater concentration of density of land use within some section or sections of development may be allowed whether it be earlier or later in the development than upon others. The approval of such greater concentration of density of land use for any section to be developed shall be offset by a smaller concentration in any completed prior stage or by an appropriate reservation of common open space on the remaining land by a grant of easement or by covenant in favor of the Township, provided that such reservation shall, as far as practicable, defer the precise location of such common open space until an application for final approval is filed, so that flexibility of development, which is a prime objective of this Chapter, can be maintained.

E. Only fifty (50%) percent of ponds, or lakes, or bodies of water may be included in the area of open space under §1307(B).

(Ord. 6/1/1989, §13.7)

§1308. Area and Bulk Regulations. Within the limits of maximum overall density of use established in §1307, flexibility in the arrangement of housing on individual lots and in clusters of single-family, duplex, townhouses and apartments may be permitted subject to the following requirements:

A. Where single-family houses are situated on individual lots, and the developer shall utilize central water supply facilities with fire hydrants and central sewage disposal facilities, the minimum lot size shall be twelve thousand (12,000) square feet. In such cases the minimum lot width at the prescribed building line shall be seventy-five (75') feet minimum; the side yards shall be ten (10') feet minimum, provided the sum of the two (2) side yards is twenty-five (25') feet minimum; the rear yard shall be thirty (30') feet minimum.
[Ord 92-101]

B. Where clusters of multi-family, semi-detached, attached, or detached structures are to be provided, the maximum number of units shall be as set forth in subsection §1307(A). The developer shall utilize central water supply facilities with fire hydrants and central sewage disposal facilities, and further provided that:

(1) With respect to townhouse clusters, the following requirements shall apply:

(a) No individual townhouse cluster shall contain in excess of four (4) units.

(b) Each townhouse shall have a minimum set-back of not less than twenty (20') feet from an interior road right-of-way line.

(c) No cluster shall be erected within fifty (50') feet of any other cluster except that the distance may be reduced to twenty (20') feet if the adjoining unit is deflected at least thirty (30°) degrees.

(d) No building shall exceed two and one-half (2½) stories in height.

(2) With respect to apartment clusters, the following requirements shall apply, subject to §1307(A):

(a) No individual apartment cluster shall contain in excess of forty (40) single-family apartment units.

(b) Each apartment building shall have a set-back of not less than fifty (50') feet from an interior road right-of-way line.

(c) No cluster shall be erected within two hundred fifty (250') feet of any other cluster.

(d) No building shall exceed two and one-half (2½) stories in height.

(3) Sufficient areas of common land shall be established between and around dwelling units so that the maximum density of dwelling units within any square acre is twelve (12) units per acre for townhouse clusters and eighteen (18) units per acre for apartment clusters. Such common area shall be considered yard areas, which yard areas shall include twenty-five (25') feet around the perimeter of each dwelling, and the land between the building and street line for these dwelling units shall not be used in the calculations of open space.

(4) In no event shall more than twenty-five (25%) percent of the land in the development, exclusive of required open space, be occupied by structures for habitation.

(5) Each dwelling unit shall have the following minimum habitable floor area:

(a) Studio apartments - four hundred (400) square feet.

(b) One (1)-bedroom apartments - six hundred (600) square feet.

(c) Two (2)-bedroom apartments - eight hundred (800) square feet.

(d) Three (3) or more bedrooms - one thousand (1,000) square feet.

(e) For the purpose of determination of habitable floor area, any room other than a living room, dining room, kitchen bath or closet shall be deemed a bedroom.

(Ord. 6/1/1989, §13.8; as amended by Ord. 92-101, 4/9/1992)

§1309. Street Design Standards. Streets shall be designed in general conformance with the Subdivision and Land Development Regulations [Chapter 22] with special emphasis on the following:

A. Adequate ingress and egress to and from the proposed planned residential development and existing public streets or highways.

B. Separation of vehicular and pedestrian traffic.

C. Minimization of through traffic in residential areas.

D. The Township shall not be obligated to accept the dedication of roads or streets within a planned residential development.

E. All street improvements subject to completion or bonding of the Subdivision Regulations [Chapter 22].

(Ord. 6/1/1989, §13.9)

§1310. Parking. Parking shall be designed and constructed in accordance with the following:

A. There shall be two and one-half (2½) off-street parking places for each dwelling unit.

B. Parking areas except as they may relate to a residential driveway and garage or parking which is located adjacent to a dwelling unit for use by that unit, shall be screened from adjacent structures, access roads, and traffic arteries by hedges, dense planting, earth berms, or changes in grade or walls. All parking areas shall be a minimum of twenty (20') feet from all structures, access roads and traffic arteries.

C. Parking areas shall be arranged so as to prevent through traffic to other parking areas.

D. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping approved by the official review agency.

E. No more than sixty (60) parking spaces shall be accommodated in any single parking area.

F. The construction of off-street parking areas shall be in conformance with the construction standards of minor streets, as set forth in the Subdivision Regulations [Chapter 22], and be bonded to assure completion in accordance with said regulations.

(Ord. 6/1/1987, §13.10)

§1311. Lighting. Artificial lighting shall conform to the following:

A. Adequate lighting shall be provided after dark for any or all of the following: parking areas, walkways, ramps, steps, signs and other areas of intensive pedestrian or vehicular use, in accordance

with the Illuminating Engineering Society of North America Standards except where a unit is located on an individual lot.

B. Such lighting, if required, shall be designed and located so as to direct light away from adjacent residences.

C. If lighting is required, the improvement cost shall be bonded under §609 of Chapter 22.

(Ord. 6/1/1989, §13.11)

§1312. Sewer and Water Facilities. Sewage disposal and water supply facilities shall conform to the following:

A. The design and construction of any centralized water supply system shall conform to current applicable standards of the State Department of Environmental Resources and, where applicable, to the requirements of the Pennsylvania Public Utilities Commission and of the Delaware River Basin Commission and shall meet fire demand.

B. The design and construction of any centralized sewage disposal system shall conform to current applicable standards of the State Department of Environmental Resources and, where applicable, to the requirements of the Pennsylvania Public Utilities Commission and of the Delaware River Basin Commission. Effluent must be adequately treated in an approved sewage treatment plant before discharge.

C. The improvement cost shall be bonded under §609 of Chapter 22.

(Ord. 6/1/1989, §13.12)

§1313. Soil Erosion Control and Storm Drainage. The planned residential development shall be designed and constructed to take advantage of natural drainage systems and further minimize site clearance and earthwork.

A. Where site clearance and earthwork are necessary, suitable soil erosion control measures shall be taken. A plan shall be prepared and approved by the Monroe County Conservation District.

B. The storm drainage system shall be designed in accordance with the provisions of the Subdivision Regulations [Chapter 22] and further shall be designed and constructed to minimize erosion and flooding and shall, so far as possible, be compatible with the natural drainage system.

C. The improvement cost shall be bonded under §609 of Chapter 22.

(Ord. 6/1/1989, §13.13)

§1314. Tree Conservation and Landscaping. Existing vegetation shall be preserved wherever possible, practical and feasible. Where natural vegetation is non-existent or ineffective, or is destroyed by development, landscaping shall be considered an essential feature of the planned residential development. (Ord. 6/1/1989, §13.14)

§1315. Utilities. Electric and telephone utilities, together with adequate rights-of-way, shall be provided to adequately serve the planned residential development. The developer shall cooperate with the utility companies in the location and design of the facilities. (Ord. 6/1/1989, §13.15)

§1316. Refuse Removal. Adequate provisions shall be made for refuse removal and any central refuse stations shall be conveniently located to and adequately screened from nearby buildings. (Ord. 6/1/1989, §13.16)

§1317. Open Space and Cluster Housing Yards. Open space and common land established for cluster housing yards shall conform to the following:

A. Areas set aside for open space shall be suitable for the designed purpose and in any event shall be consistent with the plan policy for future land use in the Township. Any such area shall contain no structure other than a structure related to recreational use. Common open space shall be set aside for the use and benefit of the owners or residents in the development and shall be located to provide physical and visual access to residents of the planned residential development.

B. All floodplain areas, swamps and other ground water recharge areas, land with a slope of twenty (20%) percent or more extending over a distance in excess of two hundred (200') feet, and land which is physically unsuited for building or development shall be included within the open space, and at least twenty (20%) percent of the gross area of the common open space must be other than floodplain, swamps or land with a slope of twenty (20%) percent or more.

C. A buffer strip not less than fifty (50') feet around the periphery of the tract shall be provided which shall be maintained in its natural state or improved so as to relate to the quality of the development.

D. Cluster housing yards and any land set aside as open space, of such a size as may be capable of future subdivision under the regulations of this Chapter, must be made subject to a deed restriction or agreement and in a form acceptable to the Board of Supervisors and duly recorded in the office of the Recorder of Deeds in and for Monroe County, eliminating the possibility of such further subdivision or by any method approved by the Board of Supervisors in approving the plan.

E. The developer shall make adequate provisions for the proper maintenance of common open spaces and cluster housing yards and improvements thereon in accordance with the provisions of the Municipalities Planning Code, Act 247, as amended. The developer shall provide for and establish an organization for the ownership and maintenance of the common open space, and such organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the public. Such an offer of dedication shall be made by deed of dedication in a form satisfactory to the Board of Supervisors. The Board of Supervisors need not accept the offer of

dedication but may use procedures provided by law to assure that common open space is maintained in reasonable condition.

(Ord. 6/1/1989, §13.17)

§1318. Application for Tentative Approval. Applications for tentative approval shall conform to and contain the following:

A. The location and size of the site and nature of the land owners interest in the land proposed to be developed.

B. The density of land use to be allocated to parts of the site to be developed.

C. The location and size of the common open space and the form of organization proposed to own and maintain the common open space and/or cluster housing yards.

D. The use and the approximate height, bulk and location of buildings and other structures.

E. The feasibility of the proposals for disposition of sanitary wastes and water supply.

F. The feasibility of the proposal for the disposition of storm water and erosion control including proposed landscaping plans.

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

H. The provision for parking of vehicles and the location and width of proposed streets and public ways.

I. A contour map prepared at a contour interval of two (2') feet, showing the existing and such proposed topography of the entire site as may be deemed necessary to show the general project feasibility.

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

K. In the case of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all section of the planned residential development are intended to be filed and this schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.

(Ord. 6/1/1989, §13.18)

§1319. Reasons for Tentative Approval. The application for tentative approval shall be accompanied by a written statement by the landowner setting forth the reasons why, in his opinion, a planned residential development would be in the public interest and would be consistent with the Community Development Objectives for the development of the Township, and shall contain the following:

A. An evaluation of the impact of proposed development upon the drainage and aquifer systems, including exhibits depicting existing

streams, creeks, ponds, lakes, swamps, ground water recharge areas, floodplains and areas of permanent or seasonably high water tables and proposed modifications or alterations to such features or areas.

B. An evaluation of the suitability of the soils present through the site for various components of community development, as applicable for the proposed development, including sewage effluent disposal, sewage lagoons, homesite locations with basements, lawns and landscaping, streets and parking lots, load bearing capabilities, including exhibits prepared in accordance with procedures of the Soil Conservation Service.

C. A compilation and analysis relative to the effect of the proposed planned residential development with respect to the impact upon existing and proposed public facilities, utilities and transportation systems, together with a compilation and analysis of the costs to the Township, and the projected revenue in comparison with the existing conditions, and with conditions that could be anticipated were development to be by conventional methods. The report shall address and take cognizance of the Community Development Objectives and the Sewage Feasibility Study of the Township and any other official plans or studies of the Township, indicating areas of departure from and areas of compatibility with such official plans.

D. An evaluation of the economic feasibility of the proposed development including a market analysis.

(Ord. 6/1/1989, §13.19)

§1320. Public Hearing.

1. Within sixty (60) days after the filing of the application for tentative approval of the planned residential development, the Board of Supervisors may hold a public hearing pursuant to public notice. The Chairman, or in his absence, the acting Chairman, of the Board of Supervisors may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

2. A verbatim record of the hearing shall be caused to be made by the Board of Supervisors whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such a record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for exclusion clearly noted in the record.

3. The Board of 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. 6/1/1989, §13.20)

§1321. Findings.

1. The Board of Supervisors, within thirty (30) days following the conclusion of the public hearing provided for in this Chapter, shall, by official written communication to the landowner, either:

- A. Grant tentative approval of the development plans submitted.
- B. Grant tentative approval subject to specified conditions not included in the development plans as submitted.
- C. Deny tentative approval to the development plan.

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

3. The grant or denial of tentative approval by official written communication shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest including, but not limited to, findings of fact and conclusions on the following:

A. In those respects in which the development plan is or is not consistent with the Community Development Objectives for the development of the Township.

B. The extent to which the development plan departs from subdivision regulations otherwise applicable to the subject property, including, but not limited to, density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.

C. The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.

D. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.

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

F. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of planned residential development in the integrity of the development plan. In the event a development plan is granted tentative approval, with or without conditions, the Board of Supervisors may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for the development over a period of years, the periods of time within which applications for final approval of each part hereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months and in the case of development over a period of years, the time between application for final approval of each part of a plan shall be not less than twelve (12) months.

(Ord. 6/1/1989, §13.21)

§1322. Status After Tentative Approval.

1. The official written communication provided for in this Chapter shall be certified by the Secretary of the Board of Supervisors and shall be filed in the Secretary's office, and a certified copy shall be mailed to the landowner.

2. Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval, without the consent of the landowner, provided an application or applications for final approval are filed within the periods of time specified in the official written communication granting tentative approval.

3. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the Board of Supervisors in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted in the records of the Secretary of the Board of Supervisors.

(Ord. 6/1/1989, §13.22)

§1323. Application for Final Approval.

1. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Board of Supervisors and within the time or times specified by the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, performance bond and such other requirements as may be specified by this Chapter, as well as any conditions set forth in the official written communication at the time of tentative approval.

2. In the event the application for final approval has been filed, together with all drawings, specifications, and other documents in support thereof, and as required by this Chapter and the official written communication of tentative approval, the Township shall, within thirty (30) days of such filing, grant such development plan final approval.

3. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Board of Supervisors may refuse to grant approval and shall, within thirty (30) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one (1) or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:

A. Refile his application for final approval without the variations.

B. File a written request with the Board of Supervisors that it hold a public hearing on his application for final approval. If the landowner wishes to take either such alternative action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this Chapter for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the Board of Supervisors shall by written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development shall in cases arising under this §1323, be in the form and contain the findings required for applications for tentative approval set forth in this Chapter.

(Ord. 6/1/1989, §13.23)

§1324. Final Approval.

1. A development plan, or any part thereof, which has final approval shall be so certified without delay by the Board of Supervisors and shall be filed on record forthwith in the office of the Recorder of Deeds before

any development shall take place in accordance therewith. Upon the filing of record of the development plan, the subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner.

2. 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, and shall so notify the Board of Supervisors in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development within such reasonable period of time as may be fixed after development shall take place on the property included in the development plan until after the said property is resubdivided and is reclassified.

(Ord. 6/1/1989, §13.24)

§1325. Maintenance, Enforcement and Modifications. Matters relating to maintenance of common open space, enforcement and modifications of the provisions of a plan shall be as provided by the Municipalities Planning Code, Act 247, as amended. (Ord. 6/1/1989, §13.25)

§1326. Fees.

1. All inspection costs reasonably incurred by the Township shall be paid by the owner. Upon filing of a plan a deposit of one thousand (\$1,000.00) dollar shall be paid to defray inspection fees billed from time to time.

2. Filing fees are five hundred (\$500.00) dollars per application or plan, plus twenty (\$20.00) dollars per unit proposed on said plan. Filing fees may be hereafter modified by the Supervisors from time to time by resolution.

(Ord. 6/1/1989, §1326)

§1327. Zoning Compliance Permits. No building shall be occupied as a residence until and unless the owner first obtains a zoning compliance permit for that living unit. Permits are obtainable at the Township office at a fee set by resolution by the Board of Supervisors. (Ord. 6/1/1989, §13.27)

Part 14
Administration

§1401. Enforcement.

1. The Township Board of Supervisors shall appoint a Zoning Administrative Officer, to be known as the Zoning Officer, who may not hold any elective office in the Township, to serve for such period as the Supervisors, by resolution, shall designate. He shall receive such compensation as shall be fixed by the Board of Supervisors.

2. The Zoning Officer shall enforce the provisions of this Chapter or other regulations made pursuant to the provisions of Article XX of the Second Class Township Code, and such officer, with the approval of the Supervisors or when directed by them, shall institute, in the name of the Township, any appropriate action or proceedings to prevent the unlawful erection, construction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, so as to prevent the occupancy of any building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

(Ord. 6/1/1989, §14.1; as amended by Ord. 92-101, 4/9/1992)

§1402. Duties of the Zoning Officer. It shall be the duty of the Zoning Officer to: [Ord. 92-101]

- A. Administer this Chapter in accordance with its literal terms.
- B. Prohibit any construction, use or change of use not in conformance with this Chapter.
- C. Examine all applications for zoning permits.
- D. Issue zoning permits only for construction and uses which are specified in this Chapter.
- E. Issue zoning permits for construction, alterations, or uses requiring variances or special exceptions only pursuant to the order of the Zoning Hearing Board.
- F. Issue zoning permits for construction, alterations or uses requiring conditional use approvals only pursuant to the order of the Board of Supervisors.
- G. Arrange for pre-submission conferences as required by this Chapter.
- H. Revoke by order a zoning permit issued under a mistake of fact, or contrary to the law of the provisions of this Chapter.
- I. Order and require the abatement forthwith or otherwise of a violation of the provisions of this Chapter.
- J. Record and file all applications for permits with accompanying plans and documents.

K. Issue zoning compliance permits as required by this Chapter.

L. Make such reports and at such time as the Board of Supervisors may require.

M. Register non-conforming uses and structures.

(Ord. 6/1/1989, §14.2; as amended by Ord. 92-101, 4/9/1992)

§1403. Requirement of Zoning Permits. Zoning permits shall be secured from the Zoning Officer prior to the erection of or addition to any building, structure or portion thereof, and prior to the use or change in use of a building or land, and prior to the change or extension of a non-conforming use. No permit shall be required for non-conforming use. No permit shall be required for interior alterations with no change in use, but said construction or alterations shall nevertheless conform to the provisions of this Chapter. The Zoning Officer shall be notified of any such construction or alteration before work commences. Zoning permits shall be issued with a two (2)-year life, provided that, if work is not commenced within ninety (90) days after issuance of the zoning permit, the permit shall automatically expire, and a new permit shall be required before such work commences. (Ord. 6/1/1989, §14.3; as amended by Ord. 92-101, 4/9/1992)

§1404. Application for Permits. Zoning permit applications, on forms furnished by the Township, together with all supporting documents shall be submitted to the Zoning Officer, together with the required fee. Such applications shall contain all information necessary for the Zoning Officer to ascertain whether the proposed erection, alterations, additions, use or change in use complies with the provisions of this Chapter. The Zoning Officer may require that the applicant employ a registered surveyor or engineer to establish and certify measurements when it is deemed necessary to insure compliance with provisions of this Chapter. (Ord. 6/1/1989, §14.5; as amended by Ord. 92-101, 4/9/1992)

§1405. Issuance of Zoning permits.

1. Zoning permits not requiring action of the Zoning Hearing Board or the Board of Supervisors shall be granted or refused within ten (10) days after the written application has been filed with the Zoning Officer. [Ord. 92-101]

2. Zoning permits for special exceptions shall be issued or denied by the Zoning Officer, subject to review by the Planning Commission, upon written order of the Zoning Hearing Board in accordance with the following procedure: [Ord. 92-101]

A. Within ten (10) days of the filing of a complete and properly prepared application for a zoning permit for a special exception, the Zoning Officer shall transmit one (1) copy of such application to the Secretary of the Zoning Hearing Board and one (1) copy to the Secretary of the Planning Commission. [Ord. 92-101]

B. In reviewing the application and supportive data, the Planning Commission shall take into consideration the design, location and adequacy of traffic access, parking, landscaping and screening,

illumination, and necessary public services and facilities and similar factors relating to the health, safety, welfare, comfort, and convenience of the public in general and of the residents of the immediate neighborhood in particular. If it is deemed necessary to do so, the Planning Commission may obtain the advice of consultants qualified to advise as to whether a proposed use will conform to the requirements of this Chapter.

C. Within forty-five (45) days of the filing of the application with the Zoning Officer, the Planning Commission shall act to recommend to the Zoning Hearing Board, in writing, that the site development plan be approved, approved with modifications, or disapproved. Failure on the part of the Planning Commission to act within forty-five (45) days shall be construed as a favorable recommendation of the Planning Commission.

D. Prior to taking action, the Zoning Hearing Board shall:

(1) Review the recommendations of the Planning Commission.

(2) Determine that all requirements as set forth in this Chapter for the zone in which it is to be located are observed.

(3) Hold a public hearing on the application after due public notice in accordance with the Pennsylvania Municipalities Planning Code, as amended.

(4) Determine that such use will in not way be detrimental to the surrounding property values; and that the structure or proposed use will serve a useful purpose to the general welfare of the Township.

E. The Zoning Hearing Board shall enter its decision within forty-five (45) days after the last hearing on the application and transmit an order, in writing, to the Zoning Officer to approve, approve with modifications, or disapprove the application for a Zoning Permit for a special exception. [Ord. 92-101]

F. Special exception permits issued by the Zoning Officer as directed by the Zoning Hearing Board shall automatically expire twelve (12) months from the date of issuance by the Zoning Officer, unless construction, other than excavation, has commenced within such twelve (12)-month period. [Ord. 92-101]

3. Zoning permits for conditional uses shall be issued or denied by the Zoning Officer, subject to review by the Planning Commission, upon written order of the Board of Supervisors in accordance with the following procedure: [Ord. 92-101]

A. Within ten (10) days of the filing of a complete and properly prepared application for a zoning permit for a conditional use, the Zoning Officer shall transmit one (1) copy of such application to the Secretary of the Planning Commission and one (1) copy to the Secretary of the Board of Supervisors. [Ord. 92-101]

B. In reviewing the application and supportive data, the Planning Commission shall take into consideration the design, location and adequacy of traffic access, parking, landscaping and screening,

illumination, and necessary public services and facilities and similar factors relating to the health, safety, welfare, comfort, and convenience of the public in general and of the residents of the immediate neighborhood in particular. If it is deemed necessary to do so, the Planning Commission may obtain the advice of consultants qualified to advise as to whether a proposed use will conform to the requirements of this Chapter.

C. Within forty-five (45) days of the filing of the application with the Zoning Officer, the Planning Commission shall act to recommend to the Board of Supervisors, in writing, that the site development plan be approved, approved with modifications, or disapproved. Failure on the part of the Planning Commission to act within forty-five (45) days shall be construed as a favorable recommendation of the Planning Commission. [Ord. 92-101]

D. Prior to taking action, the Board of Supervisors shall:

- (1) Review the recommendations of the Planning Commission.
- (2) Determine that all requirements as set forth in this Chapter for the zone in which it is to be located are observed.
- (3) Hold a public hearing on the application after due public notice in accordance with the Pennsylvania Municipalities Planning Code, as amended.
- (4) Determine that such use will in no way be detrimental to the surrounding property values.
- (5) See that the structure or proposed use will serve a useful purpose to the general welfare of the Township.

E. The Board of Supervisors shall enter its decision with forty-five (45) days after the last hearing on the application and transmit an order, in writing, to the Zoning Officer to approve, approve with modifications, or disapprove the application for a Zoning Permit for a conditional use. [Ord. 92-101]

F. Conditional use permits issued by the Zoning Officer as directed by the Board of Supervisors shall automatically expire twelve (12) months from the date of issuance by the Zoning Officer, unless construction, other than excavation, is commenced within such twelve (12)-month period. [Ord. 92-101]

4. After issuance of the zoning permit and until construction or alteration is completed, said permit shall be displayed prominently on or attached to the building for which issued, so that said permit can be observed from the outside.

(Ord. 6/1/1989, §14.5; as amended by Ord. 92-101, 4/9/1992)

§1406. Issuance of Zoning Compliance Certificates and Records. Upon completion of the erection or alteration of any building or portion thereof authorized by a zoning permit, the holder of such permit shall notify the Zoning Officer of such completion and request a zoning compliance permit in writing. A zoning compliance permit shall either be granted or denied

within ten (10) days of the written application thereof. The granting of a zoning compliance permit shall be certification by the Zoning Officer that the work has been inspected and approved as being in conformance with the provisions of the zoning permit, of this Chapter, and all other applicable ordinances and regulations. All applications, together with accompanying plans and documents, shall become, and be preserved as a public record, subject to the disposition of the Board of Supervisors. A fee shall be charged for a zoning compliance permit as set by resolution by the Supervisors. (Ord. 6/1/1989, §14.6; as amended by Ord. 92-101, 4/9/1992)

§1407. Registration of Non-Conforming Uses. All lawful uses or structures which, at the effective date of adoption of this Chapter or subsequent amendments thereto, do not conform to the regulations herein established, shall be identified by the owner and registered with the Township. (Ord. 6/1/1989, §14.7)

§1408. Amendment by the Board of Supervisors. The Board of Supervisors may, from time to time, amend, supplement, change, modify or repeal this Chapter, including the Zoning Map. The Board of Supervisors shall submit to the Township Planning Commission a copy of the proposed amendment, supplement, change, modification or repeal, as the case may be, and no action shall be taken thereon by the Board of Supervisors until such time as the Township Planning Commission shall submit to the Supervisors its written recommendation relative thereto, or until the expiration of thirty (30) days from the time of submission by the Supervisors to the Planning Commission of the said proposed action, whichever shall first occur. No such amendment, supplement, change, modification or repeal shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in an official paper or newspaper of general circulation in the Township, and notices thereof shall be mailed to members of the Zoning Hearing Board, the Township Planning Commission, and to every civic association or resident in the Township which shall have registered its name and address for this purpose with the Secretary of the Zoning Hearing Board. The notice shall state the time and place of such hearing and the general nature of the proposed amendment. The Township shall submit the proposed change in the Chapter to the Monroe County Planning Commission no less than thirty (30) days prior to any such hearing for recommendation. (Ord. 6/1/1989, §14.8)

§1409. Curative Amendments. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provisions thereof, which prohibits or restricts the use or development of any land in which he has an interest may submit a curative amendment to Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in the Municipalities Planning Code, as amended. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request. The hearing shall be conducted in accordance with §1505 of this Chapter; however, all references therein to the Zoning Hearing Board shall, for purpose of this §1409, be references to the Board of Supervisors. (Ord. 6/1/1989, §14.9)

§1410. Remedies. In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under the Municipalities Planning Code or prior enabling laws, the Board of Supervisors, or, with the approval of the Board of Supervisors, an officer of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent in or about such premises, any act, conduct, business or use constituting a violation. (Ord. 6/1/1989, §14.10; as amended by Ord. 92-101, 4/9/1992)

§1411. Fees. Zoning permit fees, payable to the Township upon the filing of the application, shall be determined by the Board of Supervisors by resolution. (Ord. 6/1/1989, §14.11)

§1412. 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.

(Ord. 92-101, 4/9/1992)

§1413. 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 Board of Commissioners or, with the approval of the Board of Commissioners, 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 Board of Commissioners. No such action may be maintained until such notice has been given. (Ord. 92-101, 4/9/1992)

§1414. 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.

(Ord. 6/1/1989, §14.12; as amended by Ord. 92-101, 4/9/1992)

Part 15



§1501. Establishment and Membership. There shall be a Zoning Hearing Board, hereafter referred to in this Chapter as the Board, which shall consist of three (3) members who shall be appointed by the Board of Supervisors. The membership of the Zoning Hearing Board shall consist of residents of the Township. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township except that no more than one (1) member of the Zoning Hearing Board may also be a citizen member of the Planning Commission. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received 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. (Ord. 6/1/1989, 6/1/1989, §15.1)

§1502. Organization of Board. The Board shall elect from its 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 two (2) 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 §1504 of this Chapter. 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 and shall submit a report of its activities to the Board of Supervisors once a year. (Ord. 6/1/1989, §15.2)

§1503. Expenditures for Services; Fees.

1. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

2. The applicant before the Board shall deposit with the Treasurer of the Township such a sum of money as shall be deemed sufficient by the Board to pay the cost of hearing, provided that funds deposited in excess of the actual cost of the requested hearing shall be returned to the applicant upon completion of the proceedings, and in the event that the costs of the hearing exceed the funds deposited the applicant shall pay to the Treasurer of the Township funds equal to such excess cost.

(Ord. 6/1/1989, §15.3)

§1504. Hearings. The Board shall conduct hearings and make decisions in accordance with the following requirements:

A. The Board shall fix a reasonable time and place for public hearings and shall give notice thereof as follows:

(1) By publishing a notice thereof once at least ten (10) days before the date fixed for the hearing in a newspaper of general circulation in the Township.

(2) By mailing a notice thereof to the applicant.

(3) By mailing a notice thereof to the Zoning Officer, the Township Secretary, each member of the Board of Supervisors, each member of the Planning Commission, and to every person or organization who shall have registered with the Board for the purpose of receiving such notices. [Ord. 92-101]

(4) When the Board shall so order, by mailing or delivering a notice thereof to the owner, if his residence is known, or to the occupier of every lot on the same street within one thousand (1,000') feet of the lot or building, provided that failure to give notice as required by this subsection (4) shall not invalidate any action taken by the Board.

(5) The notice herein required shall state the location of the lot or building and the general nature of the question involved.

(6) A notice of the hearing shall be conspicuously posted on the affected tract of land.

B. 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, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

C. The parties to the hearing shall be any person who is entitled to notice under §1404 of this Chapter, without special request therefore, who has made timely appearance of record before the Board and any other person permitted to appear by the Board.

D. 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.

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 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 Board or the hearing officer, as the case may be, shall keep a record of the proceedings, either stenographically or by sound recording, and a transcript of the proceedings and copies of the graphic or written material received in evidence shall be made available to any party at cost.

H. The Board of the hearing officer shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative unless all parties are given opportunity to be present.

I. The Board or the hearing officer, as the case may be, shall enter 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. 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 ordinance, rule or regulations shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of 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 its report and recommendations available to the parties and the parties shall be entitled to make written representation thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than forty-five (45) days after the decision of the hearing officer. Where the Board fails to render the decision within the period required by this subsection (I), or fails to hold the required hearing within forty-five (45) 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 to an extension of time. When a decision has been rendered in favor of the applicant because of failure of the Board to meet or render a decision as hereinabove provided, the Township shall give public notice of said decision within ten (10) days in the same manner provided in §1504(A) of this Chapter. Nothing in this subsection (I) shall prejudice the right of any party opposing the application to urge that such decision is erroneous. [Ord. 92-101]

J. 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 hearing, the Board shall provide by mail or otherwise, brief notice of the decision of findings and a statement of the place at which the full decision of findings may be examined.

(Ord. 6/1/1989, §15.4; as amended by Ord. 92-101, 4/9/1992)

§1505. Board's Functions; Appeals from the Zoning Officer. The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer. (Ord. 6/1/1989, §15.5; as amended by Ord. 92-101, 4/9/1992)

§1506. Board's Functions; Challenge to the Validity of the Zoning Ordinance or Map. The Board shall hear challenges to the validity of a Zoning ordinance or map (except as indicated in the Pennsylvania Municipalities Planning Code, as amended). In all such challenges, the Board shall take evidence and make a record thereon as provided in §1404. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court. (Ord. 6/1/1989, §15.6)

§1507. Board's Functions; Variances. The 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 rule to prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case: [Ord. 92-101]

A. There 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. 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 the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. Such unnecessary hardship has not been created by the appellant.

D. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

E. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

F. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Chapter.

(Ord. 6/1/1989, §15.7; as amended by Ord. 92-101, 4/9/1992)

§1508. Board's Functions; Special Exceptions. Where this Chapter has stated special exceptions to be granted or denied by the 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 the Municipalities

Planning Code and this Chapter. (Ord. 6/1/1989, §15.8)

§1509. Unified Appeals. Where the Board has jurisdiction over a zoning matter pursuant to §§1504-1513 of this Part the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any Township ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon as provided in §1505. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court. (Ord. 6/1/1989, §15.9)

§1510. Parties Appellant Before Board. Appeals under §1505 and proceedings to challenge any ordinance under §1506 may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Request for a variance under §1507 and for special exception under §1508 may be filed with the Board by any landowner or any tenant, with the permission of such landowner. (Ord. 6/1/1989, §15.10)

§1511. Time Limitations. The time limitations for raising certain issues and filing certain proceedings with the Board shall be the following: No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he failed to receive adequate notice of such approval. If such person has succeeded to his interest after such approval, adequate notice to his predecessor in interest shall be deemed adequate notice to him. (Ord. 6/1/1989, §15.11)

§1512. Stay of Proceedings. Upon filing of any proceeding referred to in §1509, 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. 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. (Ord. 6/1/1989, §15.12; as amended by Ord. 92-101, 4/9/1992)

§1513. Information Required on Appeals to the Board. All appeals from a decision of the Zoning Officer and applications to the Board shall be in writing on forms prescribed by the Board. Every appeal or application shall include the following: [Ord. 92-101]

- A. The name and address of the applicant or appellant.
- B. The name and address of the owner of the zone lot to be affected by such proposed change or appeal.
- C. A brief description and location of the zone lot to be affected by such proposed change or appeal.
- D. A statement of the present zoning classification of the zone lot in question, the improvements thereon and the present use thereof.
- E. A statement of the Section of this Chapter under which the appeal is made, and reasons why it should be granted, or a statement of the Section of this Chapter governing the situation in which the alleged erroneous ruling is being appealed, and the reasons for this appeal.
- F. A reasonably accurate description of the present improvements, and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereof and proposed to be erected thereon.

(Ord. 6/1/1989, §15.13; as amended by Ord. 92-101, 4/9/1992)

Part 16
Definitions

§1601. Use of Terms. Unless otherwise expressly state, the following terms shall, for the purpose of this Chapter, have the meaning indicated:

A. Words in the singular include the plural and those in the plural include the singular.

B. Words used in the present tense include the future tense.

C. The words "person" and "owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as individual.

D. The term "occupied" or "used" as applied to any building shall be construed as though followed by the words "or intended, arranged, or designed to be occupied or used."

E. The word "lot" includes the word "plot," "parcel," or "tract."

F. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

G. The word "erect" shall mean to building, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any building and shall also include the painting of exterior wall signs.

(Ord. 6/1/1989, §16.1)

§1602. Other Words. Other words used herein shall be interpreted as follows:

ACCESSORY USE or STRUCTURE - a subordinate use or building, the purpose of which is incidental to that of the principal use or building, on the same lot.

AGRICULTURE - the cultivation of the soil and the raising and harvesting of the products of the soil, including, but not limited to nursery, horticulture, forestry and animal husbandry.

ALTERATION - any change or rearrangement in the structural parts or in the existing facilities of a building or structure, or an enlargement thereof, whether by extension on any side or by an increase in height or by moving from one (1) location or position to another.

ANIMAL HUSBANDRY - the raising and keeping of livestock and/or poultry, with the intent of producing capital gain or profit or with the intent of selling and livestock and/or poultry products. The keeping of livestock or poultry as farm pets, or for domestic purposes pursuant to the regulations of this Chapter shall not be construed as animal husbandry.

ANIMAL SHELTER - a structure intended to house not more than two (2) animals, maintained solely for the enjoyment of a family residing on the same lot on which the shelter is located.

BASEMENT - a portion of a building partly underground but which has more than one-half ($\frac{1}{2}$) its interior height, measured from floor to finished ceiling, above the average finished grade of the ground adjoining the building.

BLOCK - a block is the length of one (1) side of a street between two (2) street intersections.

BOARD OF SUPERVISORS - the elected officials of Jackson Township.

BOARDING OR ROOMING HOUSE - a dwelling wherein more than three (3) persons are sheltered and/or fed for profit.

BUFFER STRIP - a strip of land at least ten (10') feet in width which may be a part of the minimum setback distance, free of any principal or accessory building or required improvement other than screening.

BUILDING - any structure which requires location on the ground or attachment to something having location on the ground, designed, intended or arranged for the housing, sheltering, enclosing or structural supporting of persons, animals or property of any kind.

BUILDING HEIGHT - the vertical dimension measured from the average elevation of the finished grade at the perimeter of the building to the highest point on the roof.

BUILDING LINE or **BUILDING SETBACK LINE** - a line established by this Chapter, within a property, defining the minimum distance between any building or structure or portion thereof to be erected or altered and any side or rear lot line or street right-of-way line.

BUSINESS - an enterprise, occupation, trade, or profession engaged in, either continuously or temporarily, for profit. The term "business" shall include the occupancy or use of a building or premises or any portion thereof for the transaction of a business or the rendering or receiving of professional or personal service.

CELLAR - a portion of a building partly or completely underground and having more than one-half ($\frac{1}{2}$) its interior height, measured from floor to finished ceiling, below the average finished grade of the ground adjoining the building.

CAMPGROUNDS - a planned development, under single ownership, for rental or lease only, of sites for use as tent and/or recreational service facilities, including central water and sewage systems.

CLUSTER DEVELOPMENT - a form of planned residential development, where the principal buildings are grouped relatively closely together, and the lots, if any, are smaller in size than prescribed for the district in which they are located, but conform to the requirements for a planned residential development.

COMMERCIAL FARM - a parcel of land used for commercial agricultural purposes.

COMMERCIAL RESORTS - a business combining lodging, eating and recreational facilities as a single enterprise and offered to the public on other than a transient basis.

COMMERCIAL SURFACE MINING - the removal of minerals, earth, sand, gravel, and stone from a property for utilization on any other property.

COMMERCIAL TRANSIENT CAMPING GROUNDS - a business offering space for the pitching of tents or the transient parking of recreational vehicles.

COMMISSION - the Jackson Township Planning and Zoning Commission.

COMMON OPEN SPACE - a parcel or parcels of land or an area of water, or a combination thereof, within a development designed including streets, parking areas, private yard space of lots, and areas set aside for public utilities.

COUNTY - the County of Monroe, Commonwealth of Pennsylvania.

DENSITY, AVERAGE - when referring to planned residential development, the total number of dwelling units, proposed or existing, divided by the total area (expressed in acres) of the development.

DENSITY, GROSS - when referring to Residential Districts, the maximum number of dwelling units per acre of land, which can be achieved, after allowance for required streets for access.

DEVELOPMENT SALES OFFICE - any structure erected by a developer, within the confines of a subdivision, used as an office on a short term basis for the promotion of sales of real estate exclusively within the confines of the subdivision, with ultimate use of the structure to conform to a permitted use, special exception or conditional use in the district in which the structure is located.

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

DWELLING UNIT - one (1) or more rooms providing living facilities including equipment for cooking or provisions for the same for one (1) family or a group of unrelated persons using such facilities in common.

DWELLING UNIT, SINGLE-FAMILY - a detached building designed for and occupied exclusively by one (1) family.

DWELLING UNIT, TWO (2)-FAMILY - a building designed for and occupied by two (2) families living independently of each other and doing their own cooking therein.

DWELLING UNIT, MULTIPLE-FAMILY - a building designed for and occupied by three (3) or more families living independently of each other and doing their own cooking therein.

ESSENTIAL UTILITY - the erection, construction, alteration or maintenance, by public utilities, telephone or municipal or other governmental agencies, of underground or overhead gas, electric, steam, water or sewage transmission or distribution systems, including buildings, poles, wires, mains, drains, sewers, pipes, conduits,

cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities, or Township or other governmental agencies for the public health or safety or general welfare.

FAMILY -

(1) One (1) or more persons, related by blood, marriage, or adoption, living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

(2) Not more than three (3) unrelated persons living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

(3) Unrelated persons living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

FENCE or WALL - a structure which permanently or temporarily prohibits or inhibits unrestricted travel between properties or portions of properties or between the street or public right-of-way and any property.

FLOOD - a temporary condition of inundation of normally dry land areas by the naturally or artificially induced flow or overflow of waters of the Township.

FLOOD AREA - a one hundred (100)-year floodway or floodprone area, including all waters of the Township, except storm sewers, underground water, farm ponds and other privately-owned ponds of less than five (5) acres in area.

FLOODPLAIN - see "flood area."

FLOODPRONE AREA - that land which is subject to flooding by waters of the Township, on the average, once every one hundred (100) years, that is, which has a one (1%) percent chance of being flooded each year.

GARAGE, PRIVATE - a building or space accessory to a residence which provides for storage of motor vehicles and in which no occupation, business, or service is conducted for profit.

GARAGE, PUBLIC - a building or part thereof, other than a private garage, used for commercial purposes and used for the storage, care or repair of motor vehicles. A public garage shall not be used for the storage of dismantled or wrecked motor vehicles or parts thereof, or junk.

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

GREENHOUSES, PRIVATE - the sum of the gross horizontal areas of every floor of a building, measured from the inside face of the exterior walls or from the center line of party or common walls separating two (2) dwelling units, including (1) basement space; (2) attic space, whether or not a floor has been laid, over which there is structural headroom of seven and one-half (7½') feet of more; (3)

floor space used for mechanical equipment, with structural headroom of seven and one-half (7½') feet or more; (4) Stairwells at each floor; (5) Roofed porches, breezeways and interior balconies and mezzanines.

HABITABLE FLOOR AREA - that portion of the gross floor area within a building having distance between floor and ceiling of at least six (6') feet for residential structures and at least seven and one-half (7½') feet for non-residential structures, and not including garage or accessory building space.

HOME OCCUPATION - the use of a portion of a dwelling unit, an office, studio or workroom for occupation at home by one (1) or more persons residing in the dwelling unit. The home occupation shall not include the sale of commodities which are not produced on the premises.

HOME PROFESSIONAL OFFICE - the office of a member of a recognized profession when conducted on residential property; such occupation shall include, but not be limited to, those of doctors, lawyers, architects, engineers, artists, and other recognized professional persons.

HOTEL - a building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are sleeping accommodations for more than six (6) persons other than the hotel staff, with no cooking facilities in any individual room or suite of rooms, except in rooms occupied by the owner or manager, but not including motels, tourist cabins, or tourist or trailer camps.

LANDOWNER - the legal or beneficial owner or owners of land, the holders of an option or contract to purchase (without regard to any conditions of sale), a lessee having a remaining term of not less than forty (40) years, or any other person having a proprietary interest in the land.

LOADING SPACE - any off-street space not less than twelve (12') feet in width, thirty-five (35') feet in length, and fourteen (14') feet in height available for the loading or unloading of goods and having access to a street or alley.

LOT - a parcel or area of land, the dimensions and extent of which are determined by the latest official records or by the latest approved map of a subdivision of which the lot is a part.

LOT AREA - an area of land enclosed by the boundary lines of the lot and expressed in terms of square feet or acres. Any portion of a lot included in a public right-of-way shall not be included in calculating lot area.

LOT, CORNER - a lot bounded on two (2) or more sides by a public right-of-way.

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

LOT COVERAGE - that percentage of the lot area covered by structures.

LOT DEPTH - the lot depth shall be determined mathematically as follows: (1) An imaginary line connecting the two (2) extreme points on the front lot line shall be constructed; (2) An imaginary line at

right angles to the first line shall be constructed in a location such that it shall be equidistant between the two (2) extreme points in the instance (Case A) of a lot having a rear lot line or shall pass through the intersection of the side lot lines in the instance (Case B) of a lot not having a rear lot line. The lot depth shall be the horizontal distance measured along the location of the second imaginary line between the front and rear lot line for Case A and between the lot line and the intersection of the side lot lines for Case B.

LOT FRONTAGE - the horizontal distance measured along the full length of a street line abutting the lot line. In the case of corner lots, the shorter of the two (2) street lines shall be considered as the frontage.

LOT LINE, FRONT - the line of a street on which a lot fronts or abuts.

LOT LINE, REAR - the lot line, if any, opposite and most distant from the front lot line. (Where there is any question, the Zoning Officer shall designate a rear lot line).

LOT LINE, SIDE - any lot line not a front line or a rear line, including a lot line of an offset portion of a lot.

LOT WIDTH - the distance between the side lot line, measured at right angles to its depth, along the minimum front setback line as prescribed in this Chapter.

LUMBERING - the cutting of trees for any commercial purpose whatsoever.

MOBILE HOME - a transportable, single-family dwelling, intended for permanent occupancy, contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of again being separate for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations.

MODEL HOUSE - any structure erected by a building contractor, used as a display to promote the sale of similar residential structures, which may be utilized on a short-term basis as an office for the building contractor, with ultimate use of the structure to conform to a permitted use in the district in which the structure is located.

MOTEL - a hotel primarily for transients traveling by automobile, with a parking space on the lot for each lodging unit and with access to each such unit directly from the outside.

MOTOR VEHICLE SERVICE STATION - a place where gasoline or other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public, which may include the sale of accessories, oiling, greasing, washing, and light motor vehicle repairs on the premises.

MUNICIPAL USES - buildings or land use for offices, garages, storage, parks, playgrounds or other governmental uses which are deemed necessary and appropriate by the Board of Supervisors.

NON-CONFORMING STRUCTURES - a structure which in its design or location upon a lot does not conform to the regulations of this Chapter for the district in which it is located.

NON-CONFORMING LOT - a lot or parcel which does not have the minimum width or depth, or contain the minimum area for the district in which it is located.

NON-CONFORMING USE - a use of land which is not a use permitted by the provisions of this Chapter for the district in which such land is situated, and which is legally in existence at the time of passage of this Chapter or is legally established through the granting of a variance by the Zoning Hearing Board.

NURSING, REST or CONVALESCENT HOME - a home for the aged, chronically ill, convalescing or incurable persons where persons are housed or lodged and furnished with board and nursing care for compensation.

OFF-STREET PARKING - an off-street parking space available for the parking of a motor vehicle and which, in this Chapter, is held to be an area a minimum of ten (10') feet wide and minimum of twenty (20') feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

OPEN SPACE - the unoccupied space open to the sky on any parcel of land. When referring to a planned residential development, "open space" shall mean "common open space."

PERMIT, BUILDING - a certificate issued by the appropriate officer of the Township for the construction, reconstruction, remodeling, alteration or repair of a building upon approval of the submitted application and plan, indicating compliance with this Chapter and all other requirements for the district in which it is located or is to be located.

PERMIT, SPECIAL EXCEPTION - a certificate issued by the appropriate officer of the Township for the conduct of a special exception which states that the requirements governing special uses in this Chapter and all other applicable requirements have been complied with as certified by the Zoning Hearing Board.

PERMIT, CERTIFICATE OF USE AND OCCUPANCY - a certificate issued by the appropriate office of the Township upon completion of the construction of a new building or upon a change in the occupancy of a building which certifies that all requirements of this Chapter or such adjustment therefrom which has been granted by the Zoning Hearing Board and that the purpose for which a building or land is to be used is in conformance with the uses permitted within this Chapter and all other applicable regulations for the district in which it is located or is to be located.

PLANNED RESIDENTIAL DEVELOPMENT - an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk, type of dwelling, density, lot coverage and other requirements to the regulations for the district in which the proposed development is located.

PLANNING COMMISSION - the Planning Commission of the Township of Jackson.

PRINCIPAL BUILDING - a building on which is conducted the main or principal use of the lot on which said building is situated.

PRINCIPAL PERMITTED USE - primary use as specified for each district together with any use customarily incidental to the primary use or building and located on the same lot with such principal use or building.

PRIVATE CLUBS, LODGES, GOLF COURSES or SOCIAL BUILDINGS - an association of persons which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, fraternal, religious, political or athletic purpose whose activities are confined to the members and guests, are not extended to the general public, and include the establishment so operated; but does not include such clubs and camps the chief activity of which is a service customarily carried on primarily for business or gain.

RECREATIONAL VEHICLE - includes camper, travel trailers, motor homes and vehicles of a like nature.

RESTAURANT - any establishment, however designated, at which food is sold for consumption on the premises. However, a snack bar or refreshment stand at a public, semi-public or community swimming pool, playground, playfield or park operated by the agency or group operating the recreational facilities, or an approved vendor, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

RESTAURANT, DRIVE-IN - an establishment where patrons are served food, soft drink, ice cream, and similar confections for principal consumption off the premises or in automobiles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided for the patrons for on-premises consumption of the same.

RETAINING WALL - a structure designed for the separation of varying ground levels.

SANITARY SEWAGE SYSTEM, CENTRALIZED - a system designed and constructed to collect, centrally treat, and dispose of all sewage from all portions of a proposed development.

SCREEN - a row of dense evergreen hedges or shrubbery planted at four (4') feet on center in a single row or at eight (8') feet on center in two (2) staggered rows or a ten (10') foot swatch of existing vegetation augmented as necessary. A screen shall not be less than three (3') feet in height at planting or have a normal mature height of less than six (6') feet. In the event there is no existing vegetation and planting is impractical because of soil conditions or other peculiarities, a fence of between five (5') and seven (7') feet in height above the grade of the area or object to be shielded may be considered a screen.

SETBACK - see "building line."

SEWAGE SYSTEM, PUBLIC - a sewer system serving a portion of a municipality or municipalities, developed and administered by a governmental agency or authority.

SIGN - any device, structure, or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag of any public, quasi-public, civic, charitable or religious group.

SIGN, AREA OF - the area included within the frame or edge of the sign. Where the sign has no such frame or edge, the area shall be defined by an enclosed four-sided (straight sides) geometric shape which most closely outlines said sign.

SIGN, COMMERCIAL BILLBOARD - a structure maintained by an individual or corporation and available for sale or rent for the painting or posting of material, or other means to apprise the public of the location of business enterprise and the activity in which it is engaged.

SIGN, FACADE - individual letters, figures or characters placed upon a building or wall to form a sign, such mounting projecting not more than twelve (12") inches from the face of the wall and not extending above the top or beyond the ends of the facade.

SIGN, GROUND - a self-supported sign independent of any structure other than itself.

SIGN, WALL - a flat sign attached to a building wall and projecting not more than twelve (12") inches from the face of the wall and not extending above the top or beyond the ends of the facade.

SOUND LEVEL - the quantity in decibels measured by a sound level meter satisfying the requirements of American National Standards Specifications for Sound Level Meters S1.4-1971. Sound level is the frequency-weighted sound pressure level obtained with the standardized dynamic characteristic "fast" or "slow" and weighting A, B, or C; unless indicated otherwise, the A-weighting is understood. The unit of any sound level is the decibel, having the unit symbol "dB."

SOUND LEVEL, EQUIPMENT - the level of a constant sound, which over the given time interval and situation which has the same sound energy as a time-varying sound.

STORAGE BUILDING - a structure accessory to a residence for the purpose of holding household goods, tools or other personal items offering such protection from the elements and screening them from common view.

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, then the finished ceiling or roof above it.

STREET - a public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation which provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley, and road or similar terms.

STREET LINE - the street line is that line determining the limit of the rights of the public.

STRUCTURE - any combination of materials to form a construction that is safe and stable and includes among other things: buildings, stadiums, platforms, radio towers, sheds, storage bins, swimming pools, signs and fences which are more than fifty (50%) percent solid.

SUPERVISORS - the Jackson Township Board of Supervisors.

SWIMMING POOL - a body of water artificially constructed in whole or part, maintained by: (1) An individual for bathing for the private use of household and guests, located on a lot as an accessory use to a residence: (2) An individual, partnership, or corporation on a business basis either singly or in combination with other commercial activity. A wading pool or ornamental pond, with a depth of less than eighteen (18") inches, shall not be deemed as a swimming pool. A portable pool, located above ground level, with an area of less than one hundred twenty-five (125) square feet and a water depth of less than three (3') feet, temporary in character and constructed of a material other than concrete or masonry, capable of being moved from one (1) place to another, shall not be deemed to be a swimming pool.

TEMPORARY CONSTRUCTION BUILDING - a building erected on a lot for use in conjunction with construction on that lot. Such building shall cease to be a temporary construction building three (3) months after the construction is completed or after a period of nine (9) months inactivity on the construction project.

TOWNSHIP - the Township of Jackson.

TOWNSHIP OFFICER - any elected or appointed official of the Township of Jackson or an employee of said Township.

TRANSIENT CAMP - a business offering space for the pitching of tents or the transient parking of camping trailers or recreational vehicles.

WATER SUPPLY SYSTEM, CENTRALIZED - a system designed and constructed to transmit and distribute water from a common source to all residents in all portions of a proposed development.

WATER SUPPLY SYSTEM, PUBLIC - a supply system serving a portion of a municipality or municipalities developed and administered by a governmental agency or authority.

WATERS OF THE TOWNSHIP - any and all rivers, streams, creeks, impoundments, lakes, dammed water and all other bodies or channels of conveyance of surface or underground waters or parts thereof, whether natural or artificial, wholly or partly within or forming part of the boundary of this Township; provided that, for the purpose of this Chapter, "Waters of the Township" shall exclude farm ponds and other privately owned ponds of less than five (5) acres in area.

YARD, FRONT - an open, unoccupied space on the same lot as the principal building, extending the full width of the lot and situated between the front lot line and the building line, the minimum depth of which shall be determined by the required front setback.

YARD, REAR - an open, unoccupied space on the same lot as the principal building, extending the full width of the lot and situated between the rear lot line and the rear building line, the minimum depth of which shall be determined by the required rear setback.

YARD, SIDE - an open, unoccupied space between the side line of the lot and the nearest side of a building and extending from the front yard to the rear yard, or in the absence of either of such yards, to the street or rear lot lines as the case by be, the minimum width of which shall be determined by the required side setback.

ZONING OFFICER - the person or persons charged with the enforcement of this Chapter. [Ord. 92-101]

(Ord. 6/1/1989, §16.2; as amended by Ord: 92-101, 4/9/1992)

MISCELLANEOUS REQUIREMENTS

(27, Part 17)

DISTRICT	USE	Minimum Lot Area (sq.ft.)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Maximum Lot Coverage (Percent)	Minimum Front Setback (feet)	Minimum Side Setback (feet)	Minimum Rear Setback (feet)	Minimum Habitable Floor Area (sq.ft.)	Minimum Building Height (feet) (stories)	See §601(2)(C)
Recreation Commercial District	Permitted Commercial Resorts	10 Acres	400	600	25	75	100	100	---	38	See §601(2)(C)
	Permitted Commercial	43,560	150	200	30	60	25	25	25	2-1/2 stories	See §601(2)(B)
	Permitted Accessory Uses	Same Requirements as R Districts									
	All Other Permitted Uses in the R Districts	All Requirements Same as R Districts									
RC Recreation Commercial District	Special Exceptions: Private Clubs, Lodges, Golf Courses, Social Buildings	3 Acres	250	350	10	75	100	100	---	38	See §1106
	All Other Special Exceptions in the R Districts	All Requirements Same as R Districts									
	Conditional Use: Planned Residential Development Campgrounds	All Requirements Same as R-2 District									
	20 Acres	See Part 7									
C Commercial District	Permitted: Permitted Uses (non-residential)	43,560	150	200	30	60	25	25	25	38	See §1109
	Permitted Accessory Uses	All Requirements same as R Districts									
	All Other Permitted Uses in the R Districts	All Requirements same as R Districts									
	Special Exceptions: Motor Vehicle Service Stations and Garages Private Clubs, Lodges, Golf Courses, Social Buildings Public Utilities	43,560 43,560 43,560	150 150 150	200 200 200	30 30 30	60 60 60	25 25 25	25 25 25	25 25 25	25 25 25	29
Industrial District	Permitted: Permitted Uses (non-residential)	43,560	150	200	45	50	150	200	200	40	See Part 8
	Permitted Accessory Uses	All Requirements Same as R Districts									
	All Other Permitted Uses in the R Districts	All Requirements Same as R Districts									
	Special Exceptions: Motor Vehicle Service Stations and Garages Public Utilities	All Requirements Same as Commercial District									
Commercial District	Conditional Use: Freight Terminals Commercial Surface Mining	3 Acres	300	---	---	---	---	---	---	38	See §1206
	3 Acres	300	---	---	---	---	---	---	---	38	See §1207
	3 Acres	300	---	---	---	---	---	---	---	38	See §1206
	3 Acres	300	---	---	---	---	---	---	---	38	See §1207

MISCELLANEOUS REQUIREMENTS

(sq.ft.) (feet) (Percent) (feet) (feet) (feet) (sq.ft.) (feet) (stories)

DISTRICT USE

DISTRICT	USE	(sq.ft.) (acres)	(feet)	(Percent)	(feet)	(feet)	(feet)	(sq.ft.)	(feet)	(stories)
R-1 Rural Residential District	Permitted: Single Family Detached Dwelling	43,560	110	10	40	30	50	700	38	2-1/2 stories
	Governmental Uses	---	---	15	50	30	50	---	38	As deemed necessary by Supervisors
	Places of Worship	3 Acres	250	7.5	75	75	75	---	50	2-1/2 stories
	Temporary Construction Buildings	---	---	---	20	20	20	---	20	---
	Farms	---	---	---	40	30	50	---	---	See §401(2)(E)
	Forestry and Forest Reserves, Fish and Game Refuges	---	---	---	---	---	---	---	---	---
	Lumbering	---	---	---	---	---	---	---	---	---
	Permitted Accessory Uses	---	---	5	50	25	10	---	25	See §401(2)(G)
	Special Exceptions: Model House	43,560	110	10	40	30	50	700	38	See §1104
	Development Sales Office	43,560	110	10	40	30	50	700	38	See §1105
R-2 Rural/Village Residential District	Public Utilities	43,560	125	10	50	30	50	---	38	See §1110 and as deemed necessary by Supervisors
	Conditional Uses: Planned Residential Development	25 Acres	---	---	---	---	---	700/00	38	See Part 13
	Permitted: Two or Multi-Family	65,340	125	10	40	30	50	700/00	38	See §501(2)(B)
Rural/Village Residential District	Permitted Accessory Uses	---	---	---	---	---	---	---	---	2-1/2 stories
	All Other Permitted Uses in t. a R-1 District	---	---	---	---	---	---	---	---	---
	Special Exceptions: Nursing Homes	2 Acres	150	15	75	40	50	---	29	See §1107
Rural/Village Residential District	All Other Special Exceptions in the R-1 District	---	---	---	---	---	---	---	---	---
	Conditional Uses: Mobile Home Parks	25 Acres	---	---	---	---	---	700/00	38	See §1205
	Planned Residential Developments	25 Acres	---	---	---	---	---	700/00	38	See Part 13
										2-1/2 stories

(Ord. 6/1/1981, Sched. A)

MISCELLANEOUS REQUIREMENTS

Minimum Lot Area (sq.ft.) (acres) Minimum Lot Width (feet) Minimum Lot Depth (feet) Minimum Lot Coverage (Percent) Minimum Front Setback (feet) Minimum Side Setback (feet) Minimum Rear Setback (feet) Minimum Habitable Floor Area (sq.ft.) Minimum Building Height (feet) (stories)

DISTRICT	USE	Minimum Lot Area (sq.ft.) (acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Lot Coverage (Percent)	Minimum Front Setback (feet)	Minimum Side Setback (feet)	Minimum Rear Setback (feet)	Minimum Habitable Floor Area (sq.ft.)	Minimum Building Height (feet) (stories)
PC Public Conservation District	Permitted: Permitted Uses (non-residential) Permitted Accessory Uses Single Family Detached Dwelling	5 Acres	300	400	10	100	100	100	700	38 2-1/2 stories

See Part 10

All Requirements same as R Districts

*100 feet adjoining Residential Use or Residential District

(Ord. 6/1/1981, Schedu. A; as amended by Ord. 92-101, 4/9/1992)

Part 18

Appendix

Community Development Objectives

The Jackson Township Planning Commission has established a set of community development objectives to be attained by adoption of this Chapter. These objectives are as follows:

A. Guiding and encouraging the growth, development and redevelopment of the Township of Jackson through planning of land use and population density that represents the most beneficial and convenient relationships among the residential, commercial, industrial and recreational areas within the Township, having regard to their suitability for the various uses appropriate to each of them and their potentiality for such uses, as indicated by topography, drainage and soil conditions, existing transportation and other man-made conditions, and trends in population, in the direction and manner of the use of land, in building development and in economic activity, considering such conditions and trends both within the Township and with respect to the relation of the Township to surrounding areas.

B. Protecting the character and the social and economic stability of each of such areas and encouraging their orderly and beneficial growth.

C. Protecting and conserving the value of land and buildings throughout the Township appropriate to the various zoning districts established herein.

D. Bringing about through proper timing the gradual conformity of land use and minimizing conflicts among the uses of land and buildings.

E. Aiding in bringing about the most beneficial relation between land use and circulation of traffic throughout the Township, having particular regard to traffic, and the avoidance of congestion in the streets and the provision of safe and convenient access appropriate to the various land uses.

F. Aiding in providing a guide for public policy and action in the efficient provision of public facilities and services, in the provision of safe and proper sanitary sewage disposal, and for private enterprise in building development, investment, and other economics relating to land use.

G. Preserving and enhancing the visual character and natural beauty of Jackson Township.

H. Prohibiting the use of unsuitable land for houses, buildings of all types and other development.

I. Prohibiting the unnecessary change of the topography and unnecessary cutting or clearing of forested areas of the Township.

(Ord. 6/1/1989)

Part 19
Zoning Map Amendments

§1901. Zoning Map Amendments.

<u>Ord./Res</u>	<u>Date</u>	<u>Subject</u>
92-100	3/12/1992	Changing zoning classification from R-1 residential to R-C zone, for properties along Twin Lake Road and Wenton Road.

<u>SUBJECT</u>	<u>CHAPTER</u>	<u>SECTION</u>
ZONING		
administration		
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application for permits	27	1404
causes of action	27	1413
curative amendments	27	1409
duties of the zoning officer	27	1402
enforcement	27	1401
enforcement notice	27	1412
enforcement remedies	27	1414
fees	27	1411
issuance on zoning compliance records	27	1406
issuance of zoning permits	27	1405
registration of non-conforming uses	27	1407
remedies	27	1410
requirement of zoning permits	27	1403
community development objectives	27	Part 18
commercial district	27	701
conditional uses		
campgrounds	27	1204
commercial surface mining	27	1207
freight terminals	27	1206
guiding principles	27	1202
intended purpose	27	1201
mobile home parks	27	1205
procedure	27	1203
conservation districts	27	901
definitions		
other words	27	1602
use of terms	27	1601
establishment of zoning districts		
districts	27	201
zone boundaries	27	202
zoning map	27	203
general provisions		
interpretation	27	103
purpose	27	102
short title	27	101
general regulations		
general modifications	27	301
regulations applicable to all zones	27	302
hearing board		
appeals from officer	27	1505
challenge to the validity of map	27	1506
establishment and membership	27	1501
expenditures for services	27	1503
hearings	27	1504
information required on appeals	27	1513

<u>SUBJECT</u>	<u>CHAPTER</u>	<u>SECTION</u>
ZONING, cont'd		
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parties appellant before board	27	1510
special exceptions	27	1508
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map amendments	27	1901
planned residential development		
administration	27	1304
application for final approval	27	1323
application for tentative approval	27	1318
area and bulk regulations	27	1308
eligibility	27	1305
fees	27	1326
final approval	27	1324
findings	27	1321
interpretation	27	1302
land use density	27	1307
lighting	27	1311
maintenance and enforcement	27	1325
objectives	27	1303
open space and cluster housing yards	27	1317
parking	27	1310
permitted uses	27	1306
public hearing	27	1320
purposes and objectives	27	1301
reasons for tentative approval	27	1319
refuse removal	27	1316
sewer and water facilities	27	1312
soil erosion control and storm drainage	27	1313
status after tentative approval	27	1322
street design standards	27	1309
tree conservation and landscaping	27	1314
utilities	27	1315
zoning compliance permits	27	1327
prior ordinances	Appendix	J
recreation commercial district	27	601
rural residential district	27	401
rural/village residential district	27	501
schedule of permitted uses	27	Part 17
special exceptions		
development sales office	27	1105
guiding principles	27	1102
hospitals	27	1108
intended purpose	27	1101
model houses	27	1104
motor vehicle service stations	27	1109

<u>SUBJECT</u>	<u>CHAPTER</u>	<u>SECTION</u>
ZONING, CONT'D		
nursing homes	27	1107
requirements for all exceptions	27	1103
private clubs, golf courses and social buildings	27	1106
public utility uses	27	1110
special regulations		
fences and walls	27	1001
noise control	27	1005
off-street parking	27	1002
permitted home occupations	27	1004
signs	27	1003

ORDINANCE NO. 97-102

AN ORDINANCE IN THE TOWNSHIP OF JACKSON, COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE JACKSON TOWNSHIP ZONING ORDINANCE, BY AMENDING SECTION 1602 TO ADD DEFINITIONS; BY AMENDING SCHEDULE A TO ESTABLISH SETBACKS FOR COMMUNICATION TOWERS; AND BY AMENDING SECTION 302 BY ADDING SUBSECTION (R) TO SET FORTH REQUIREMENTS FOR COMMUNICATION TOWERS.

WHEREAS, it is the desire of the Jackson Township Board of Supervisors to amend portions of the Jackson Township Zoning Ordinance, found at Chapter 27 of the Comprehensive Code of Ordinances, in order to establish setback and lot size requirements for communication towers and antennas; in an effort to minimize the adverse impact of the placement of the same upon the public health, safety, convenience, order, appearance, prosperity and general welfare of Jackson Township.

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, and it is hereby **ORDAINED** and **ENACTED** by the authority of the same, the following amendments to the Jackson Township Zoning Ordinance:

SECTION I:

The following definitions are added to Section 1602:

Alternative Tower Structure: Manmade trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.”

Antenna: Any exterior apparatus designed for telephonic, radio, or television communications through sending and/or receiving of electromagnetic waves.”

Antenna Height: The vertical distance measured from the base of the antenna support structure at a grade to the highest point of the structure (including the antenna). If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculation the antenna height.”

Antenna Support Structure: Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

Communication Tower: a guyed, monopole, or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or other similar forms of electronic communication. The term includes, but is not limited to, radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This definition does not include any structure erected solely for a residential, noncommercial individual use, such as television antennas, satellite dishes or amateur radio antennas."

Guyed Tower: A communication tower that is supported, in whole or in part, by guy wires and ground anchors."

Lattice Tower: A guyed or self-supporting three or four sided, opened, steel frame structure used to support communications equipment."

Monopole Tower: A communication tower consisting of a single pole, constructed without guy wires and ground anchors."

Preexisting Towers and Antennas: Any tower or antenna on or for which a permit has been issued prior to the effective date of this Ordinance."

Self-Support Tower: A communication tower that is constructed without guy wires and ground anchors."

SECTION II:

A new Subsection 302 (R.) is hereby added to The Jackson Township Zoning Ordinance, found at Chapter 27 of the Comprehensive Code of Ordinances, as follows:

" R. COMMUNICATION TOWERS

a. Setbacks.

The setback of the base of a communication tower from all adjacent properties and/or lot lines shall be a distance equal to One Hundred (100%) percent of the Antenna Height, or the building setback requirements for the underlying zoning district, whichever is greater.

b. Lot size.

The minimum lot requirement for a communication tower shall be in accordance with Schedule A of the Jackson Township Zoning Ordinance, or the setback requirements of Subsection 302 R.(a) above, whichever is greater.”

SECTION III:

Schedule A is hereby amended to provide a Communication Tower minimum setback all zones in accordance with Subsection 302 R.

SECTION IV:

The provisions of this Ordinance shall not apply to Preexisting Towers and Antennas less the same are altered, modified or replaced.

SECTION V:

Except as amended hereby, all provisions of the Jackson Township Zoning Ordinance all remain in full force and effect. Furthermore, the provisions of any other existing ordinances or part of ordinances in conflict with this Ordinance, to the extent of such conflict, in no further, are hereby repealed.

SECTION VI:

If the provisions of this Ordinance shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect the validity of any of remaining provisions of the Jackson Township Zoning Ordinance.

Duly **ORDAINED** and **ENACTED** this 9th day of October, 1997, by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, in lawful session duly assembled, the same to be effective five (5) days after enactment.

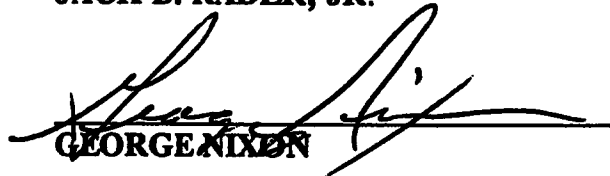
JACKSON TOWNSHIP BOARD OF SUPERVISORS



EDWARD N. POSSINGER



JACK B. RADER, JR.



GEORGE NIXON

ATTEST:



JACQUELINE ELLIOTT, Secretary

(SEAL)

ORDINANCE NO 98-101
JACKSON TOWNSHIP

An Ordinance in the Township of Jackson, County of Monroe, Commonwealth of Pennsylvania amending the Subdivision and Land Development Ordinance and the Zoning Ordinance to harmonize the definition of the term "Lot Width"

WHEREAS, the Jackson Township Board of Supervisors is authorized pursuant to Section 1601 of the Second Class Township Code to enact and amend ordinances of the Township in order to promote and protect the public health, safety and welfare; and

WHEREAS, the Township of Jackson, pursuant to the authority of the Second Class Township Code and the Municipality's Planning Code is authorized, after hearing, to enact amendments to its Subdivision and Land Development Ordinance and Zoning Ordinance;

NOW THEREFORE, be it ordained and enacted, by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania and it is hereby **ORDAINED AND ENACTED**, by the authority of the same, the following amendment to the Jackson Township Subdivision and Land Development Ordinance and Zoning Ordinance;

SECTION 1

Chapter 22 of the Code of Ordinances of Jackson Township, Monroe County, addressing Subdivision and Land Development, Section 202, which addresses definitions and Chapter 27 Section 1602, which addresses "other words" are hereby amended in that the definitions of "Lot Width" contained in both shall now read as follows:

LOT WIDTH - the distance between the side lot lines, along the minimum front set back line as prescribed in the Jackson Township Zoning Ordinance.

SECTION 2

Except as amended hereby, all provisions of the Jackson Township Subdivision and Land Development Ordinance shall remain in full force and effect. Furthermore, the provisions of any other existing ordinances or parts of ordinances in conflict with this ordinance, to the extent of such conflict, and no further, are hereby repealed. If any part of the provisions of this ordinance shall be held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the validity of any of the remaining provisions of this ordinance or other provisions of the Jackson Township Ordinances.

DULY ORDAINED AND ENACTED this 14th day of May, 1998 by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania and lawful session duly assembled the same effective five (5) days after enactment.

Rusty L. Johnson
RUSTY JOHNSON, Chairman

George Nixon
GEORGE NIXON,

Jack Rader, Jr.
JACK RADER, JR.

ATTEST:

Jacqueline R. Elliott
JACKSON TOWNSHIP SECRETARY

ORDINANCE NO 99-101
JACKSON TOWNSHIP

An Ordinance in the Township of Jackson, County of Monroe, Commonwealth of Pennsylvania amending Section 1003(2)(B) of Chapter 27 of the Code of Ordinances which addresses political signs

WHEREAS, the Jackson Township Board of Supervisors is authorized pursuant to Section 1601 of the Second Class Township Code to amend existing Ordinances; and

WHEREAS, the Monroe County Bi-Partisan task force has proposed uniform regulation of political signs in Monroe County in an effort to reduce confusion and to reduce unnecessary visual clutter upon the landscape which detracts from the quality of life for residents; and

WHEREAS, Jackson Township agrees with the spirit of the proposed uniform regulation and desires to incorporate provisions thereof into its Code of Ordinances;

NOW THEREFORE, be it ordained and enacted, by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania and it is hereby ORDAINED AND ENACTED, by the authority of the same, the following amendment to Chapter 27 of the Jackson Township Code of Ordinances, addressing political signs:

SECTION 1

Chapter 27, Section 1003(2) (B) addressing political signs is amended and shall now read as follows:

" One (1) temporary political sign, including a sign identifying a political candidate, slate of candidates, issue, or party, either singly or combined, not exceeding thirty-two (32) square feet in area and not projecting higher than eight (8) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher, may be erected on any one (1) lot, parcel or tract of land in any district, with the written permission of the owner of such lot, provided such sign is not erected more than thirty (30) days prior to the date of the election to which such sign is applicable and is removed within seven (7) days following such election. A permit fee of twenty dollars \$20.00 is required for political signs."

**JACKSON TOWNSHIP
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 99-102

**AN ORDINANCE IN THE TOWNSHIP OF JACKSON, COUNTY OF MONROE AND
COMMONWEALTH OF PENNSYLVANIA AMENDING CHAPTER 27 OF THE CODE
OF ORDINANCES OF JACKSON TOWNSHIP TO ESTABLISH CEMETERIES AS A
CONDITIONAL USE IN THE R-1 ZONE;**

WHEREAS, The Jackson Township Board of Supervisors recognizes that pursuant to the authority granted to it by section 1536 of the Second Class Township Code it is authorized to enact ordinance provisions regulating cemeteries, and;

WHEREAS, It is deemed to be in the best interest of the health and safety of the community and the Township to regulate cemeteries;

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF JACKSON TOWNSHIP, Monroe County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, as follows:

SECTION 1.

Chapter 27 of the Jackson Township Code of ordinances section 401, addressing the R-1 Zone is hereby amended as follows:

Section 401(5) addressing conditional uses, shall now include a subparagraph (B), which shall read as follows:

"B. Cemeteries, provided that the following standards and criteria are met by the applicant:

- 1. All cemeteries shall be located on a tract of land not less than five (5) acres in area.**
- 2. All graves or other places of burial shall be not less than thirty-five (35) feet from any public road or street right-of-way line or property line.**
- 3. Cemetery plot sales office buildings, maintenance buildings, and storage buildings shall be situated in accordance with the yard setback and building height requirements for principal buildings in the zone.**

4. Interior roads and driveways shall be at least twenty (20) feet in width and shall provide adequate access, within one-hundred (100) feet to all grave sites.
5. Existing natural features, vegetation, and drainage patterns shall not be removed, changed, or destroyed except where absolutely necessary for the layout of the cemetery.
6. All cemeteries shall have a boundary of decorative fence at least three (3) feet in height along all boundaries."
7. The provisions of Subsection 401(5)(B) 1-6 do not apply to the expansion of public or religious cemeteries in existence prior to the enactment of Subsection 401(5)(B) on September 9, 1999, however, any such expansion must comply with other applicable Jackson Township Code of Ordinance provisions and any applicable state and federal, rules, regulations, statutes, codes and law.
8. The provisions of Subsection 401(5)(B) 1-6 do not apply to private family cemeteries, so long as the total number on individuals interred in any such cemetery does not exceed ten (10) on any one lot or group of lots and so long as any such interment complies with other applicable Jackson Township Code of Ordinance provisions and any applicable state and federal, rules, regulations, statutes, codes and law.

SECTION 2.

SEVERABILITY:

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof been included herein.

SECTION 3.

INCONSISTENT ORDINANCES; REPEALER:

All other ordinances or parts of ordinances inconsistent with the provisions of this Ordinance shall be, and the same are hereby, repealed to the extent that they are inconsistent with the provisions of this Ordinance and no further.

ORDAINED AND ENACTED into an Ordinance by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania this 9th day of September 1999. This Ordinance shall become effective five (5) days after enactment.

JACKSON TOWNSHIP BOARD OF SUPERVISORS

By: _____
George Nixon, Chairman

By: Jack Rader, Jr.
Jack Rader, Jr., Supervisor

By: Dean Woodling
Dean Woodling, Supervisor

ATTEST:

Jaqueline P. Sedat
Township Secretary

(SEAL)