

ORDINANCE NUMBER 125

JACKSON TOWNSHIP, CAMBRIA COUNTY

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, AMENDING SECTIONS 202 AND 503 OF THE JACKSON TOWNSHIP ZONING ORDINANCE, PROVIDING FOR THE ESTABLISHMENT OF ADULT BUSINESSES IN THE INDUSTRIAL DISTRICT ONLY AFTER PUBLIC HEARING AND CONDITIONAL USE APPROVAL BY THE TOWNSHIP SUPERVISORS.

WHEREAS, the Jackson Township Supervisors, after consultation with the Township and County Planning Commissions, have determined that certain sections of the Jackson Township Zoning Ordinance should be amended to provide for orderly development, protection of property values, and to provide for the common good and safety of all Township residents.

NOW THEREFORE, Be It Ordained and Enacted that the Jackson Township Zoning Ordinance is hereby amended as follows:

Amendments to Article II , Section 202

Section 202 - The definition of Adult Business, Specified Sexual Activities and Specified Anatomical Areas shall be added as follows:

Adult Business - Either, 1) an Adult Book store, defined as: An establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, or an establishment with a segment or section devoted to the sale or display of such material; or 2) an Adult Theater, being defined as a club, bar or entertainment facility:

- A. Presenting film, tape or other audio or visual reproduction or any other material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, for observation by patrons; or
- B. Featuring topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.

Specified Anatomical Areas - Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities - Any of the following:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy;
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; or
- D. Audible representation, description or narration of any of the above.

Section 503, add a Subsection (5) as follows:

(5) Conditional Uses

1) Adult Business Uses as Conditional Use.

a. Adult business uses, as defined herein, are only permitted in the I - Industrial District, and only as a conditional use subject to the specific criteria expressed in this and other applicable Ordinances.

b. Procedures. A conditional use permit for such uses shall be issued by the Jackson Township Supervisors, providing the following specific conditions are met:

Applications for a conditional use permit for an adult business use shall be submitted to the Zoning Officer at least 15 days prior to the next regular meeting of Jackson Township Supervisors. At that meeting, the Supervisors shall receive the application and all information required by this Section. The Supervisors shall refer a complete application to the Planning Commission for its review before taking action on the conditional use permit application.

Upon receipt of an application for an adult business use conditional use permit, the Supervisors shall establish the date, time and place for a public hearing on the application. Notice of the public hearing shall be published at least once in a newspaper with general circulation in the municipality not less than 10 days nor more than 20 days from the date of the hearing. The notice shall establish the time, date and place of the hearing and shall describe the proposal in general terms. In addition to the public hearing notice, a written notice shall be mailed to the owners of all property within 500 feet of the site proposed for the adult business use. Such public hearing shall be held not later than 60 days following the meeting at which Jackson Township Supervisors receives such application.

The Planning Commission shall review the application at its next legally-advertised regular meeting following the receipt of the application from Jackson Township Supervisors. Within seven (7) days of such review, the Planning Commission shall submit a written report to the Supervisors on its findings on the conformity of the adult business

use conditional use permit application with the requirements of this and other applicable Ordinances.

At the first regular or special meeting of Jackson Township Supervisors subsequent to Supervisors conducting the public hearing, Supervisors shall take action on such application. The Supervisors may approve the conditional use permit subject to specific conditions or changes, or may disapprove the conditional use permit with a specific list of reasons for such disapproval. Written notification of the Supervisors' action, with reasons therefore, shall be mailed to the applicant by the Zoning Officer within five (5) days of said action by Supervisors.

All applications for an adult business use conditional use permit shall be accompanied by a site plan. The minimum information required on the site plan shall include:

- 1) The adult business use intended.
- 2) The location and elevations of all buildings, structures, walls, fences and landscaping on the site.
- 3) Off-street parking areas and traffic circulation patterns, and all signs, displays and advertising, including location(s).

c. Other Requirements:

- 1) All storage and displays shall be located within the building.
- 2) All business transactions on the premises shall be conducted within the building.
- 3) No exterior changes, excluding maintenance, to a building proposed to be used for an adult business use shall be made without the approval of Township Supervisors. In no case shall opaque covering of display windows be permitted.
- 4) All new construction shall be in keeping with the scale and architectural styles of the buildings surrounding the site proposed for an adult business use.
- 5) Not more than one type of adult business use, as defined herein, may operate on any lot.
- 6) Advertisements, displays or other promotional materials of specified sexual activities or specified anatomical areas shall not be shown or exhibited so as to be visible to the public from the exterior of the

building.

- 7) In adult mini-motion picture theaters, no openings are permitted through walls separating private viewing booths.

d. Signs and Other Visible Messages. In addition to the regulations of applicable state laws, the following shall apply to all adult business uses:

- 1) Sign messages shall be limited to written description of material or services available on the premises.
- 2) Sign messages may not include any graphic or pictorial depiction of material related to specific sexual activities or specified anatomical areas.
- 3) Adult business uses shall be limited to 20 square feet in sign area, with lettering on said signs not exceeding 4 inches in height.

e. Locational Requirements.

- 1) No adult business use shall be located within 1,000 feet of any other existing adult business use, measured from the property lines of the lot on which the Adult Business Use is located.
- 2) No adult business use shall be located within 500 feet of any residential zoning district or within 500 feet of the lots on which the following uses are located:

Churches, monasteries, chapels, synagogues, convents or rectories.

Schools up to and including the 12th grade and their adjunct play areas.

Public playgrounds, public parks, public swimming pools and public libraries.

f. Statement of Ownership. Applications for a conditional use permit for an adult business use shall include a statement providing specific information on each individual, partner, limited partner, corporate officer, corporate director, or corporate stockholder owning more than 3 percentum of the issued and outstanding stock of a corporate applicant, comprising the applicant, to include the following:

Name, residence address and social security number.

g. Termination or Modification of Conditional Use Permit. When a conditional use permit for an adult business use is authorized by the Supervisors, the

continuation of such use shall be dependent upon the conditions established under the permit and this Ordinance; in the event of a change of conditions or non-compliance of conditions, the Supervisors shall have the responsibility and right to terminate or revoke the conditional use permit.

A conditional use permit may be modified subject to the criteria and procedures established in this Ordinance.

Enacted and Ordained the 20 day of November, 2003.

JACKSON TOWNSHIP SUPERVISORS

ATTEST:

David McKillo
Secretary

(Seal)

By: David J. Bracken
Supervisor

By: [Signature]
Supervisor

By: Robert J. Stephens
Supervisor