Separate But Consistent (Comprehensive Rezoning) Zoning Ordinance
For The Township of Jackson

In Conjunction with the Municipalities of
The Township of Cambria and the Borough of Ebensburg,
Cambria County, Pennsylvania

2010
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ARTICLE I – GENERAL PROVISIONS

SECTION 101 - ENACTING CLAUSE

Be it ordained and enacted by the Supervisors of Jackson Township in conjunction with the Central Cambria Coalition (Cambria Township, Jackson Township, and Ebensburg Borough, Cambria County, Pennsylvania) assembled, and it is hereby ordained and enacted by the authority of the same, that from and after the passage and approval of this Ordinance the several classes of districts specified herein shall be established and the following regulations shall be in full force and effect.

SECTION 102 - SHORT TITLE

This Ordinance shall be known as the Separate But Consistent Zoning Ordinance for Jackson Township, in conjunction with Cambria Township and Ebensburg Borough, and the map referred to herein and made a part of this Ordinance shall be known as the Jackson Township Separate But Consistent Zoning Map.

SECTION 103 – A READER’S GUIDE TO THE ORGANIZATION AND APPLICABILITY OF THIS ORDINANCE. See Appendix

SECTION 104 – WHERE DO I BEGIN? A BEGINNERS READING GUIDE TO DETERMINING YOUR PROPERTY’S REGULATIONS See Appendix

SECTION 105 - EFFECTIVE DATE

The effective date of this Ordinance shall be ten (10) days after the advertisement of this Ordinance by the Township under the PA Municipalities Planning Code.

SECTION 106 – STATEMENT OF COMMUNITY OBJECTIVES

This Ordinance implements, with general consistency, the community goals and objectives as described in the Multi-Municipal Comprehensive Plan, prepared Jointly and Adopted by the Township of Jackson on November 7, 2008, the Township of Cambria on November 7, 2008, and the Borough of Ebensburg on November 24, 2008.

The purpose of this Zoning Ordinance shall be designed:

A. To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations; airports and national defense facilities; the provisions of adequate light and air; access to incident solar energy; police protection; vehicle parking and loading space; transportation; water; sewerage; schools; recreational facilities; public grounds; the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation; loss of health, life or property from fire, flood, panic or other dangers.

C. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

D. To provide for the use of land within the Township for residential housing of various dwelling types encompassing all basic forms of housing, including single-household and two-household dwellings, and a reasonable range of multi-household dwellings in various arrangements, and mobile homes and mobile home parks.

E. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and non-residential uses.

F. To facilitate the development of the Township to fulfill the goals and objectives of the Central Cambria Coalition Multi-Municipal Comprehensive Plan, dated November, 2008 in developing the Municipality primarily as a residential area with the preservation of natural beauty, and dispersed supplemental non-residential development.

G. To protect and promote safety, health and morals; to accomplish coordinated development; to provide for the general welfare by guiding and protecting amenity, convenience, future governmental, economic, practical, and social and cultural facilities, development and growth, as well as the improvement of governmental processes and functions; to guide uses of land and structures, type and location of streets, public grounds and other facilities; to promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources; to promote the preservation of this municipality’s natural and historic resources and prime agricultural land; to adopt municipal or Multi-Municipal Comprehensive Plans generally consistent with the county comprehensive plan; to adopt zoning ordinances which are generally consistent with the Multi-Municipal Comprehensive Plan; to encourage the preservation of prime agricultural land and natural and historic resources through easements, transfer of development rights and re-zoning; to enact zoning ordinances that facilitate the present and future economic viability of existing agricultural operations in this municipality and do not prevent or impede the owner or operator's need to change or expand their operations in the future in order to remain viable; to encourage the revitalization of established urban centers; and to minimize such problems as may presently exist or which may be foreseen and wherever the provisions of this ordinance promote, encourage, require or authorize action to protect, preserve or conserve open land, consisting of natural resources, forests and woodlands, any actions taken to protect, preserve or conserve such and shall not be for the purposes of precluding access for forestry.

The policy goals of the municipality, recognize that circumstances can necessitate the adoption and timely pursuit of new goals and the enactment of new zoning ordinances which may neither require nor allow for the completion of a new Multi-Municipal Comprehensive Plan and approval of new community development objectives, and include consideration of land use; density of population; the need for housing, commerce and industry; the location and function of streets
and other community facilities and utilities; the need for preserving agricultural land and protecting natural resources; and any other factors listed herein including, but not limited to, the preservation of the municipality as primarily an environmentally protected residential area, with environmentally protected natural resources, including, but not limited to, a reliable supply of water, considering current and future water resources availability, uses and limitations, including provisions adequate to protect water supply sources, wetlands and aquifer recharge zones, woodlands, steep slopes, prime agricultural land, flood plains, unique natural areas and historic sites.

The Statement of Community Goals and Objectives can be found in its entirety in the Appendix of this Zoning Ordinance.

SECTION 107 - VALIDITY AND CONFLICT

Should any section or provision of this Ordinance be declared invalid, the same shall not affect the validity of the Ordinance as a whole nor any part thereof other than the part so declared to be invalid. Where a provision of this Ordinance is found to be in conflict with a provision of any building or housing code, or in any applicable health regulations, or in any other Ordinance of the Township existing on the effective date of this Ordinance, or in any other regulation issued under the authority of such code or Ordinance, the provisions which established the higher standard for the protection of health, safety and welfare shall prevail.

SECTION 108 - RULES

The following rules of construction shall apply to this ordinance:

A. The particular shall control the general.

B. The Masculine shall include the Feminine. Changed alpha-order

C. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

D. The word "shall" is mandatory and not discretionary. The word "may" is permissive.

E. Words used in the present tense shall include the future; words in the singular number shall include the plural, and the plural the singular unless the context clearly indicates the contrary.

F. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and/or "occupied for."

G. All terms and provisions contained in this section shall also include any definition contained in any law, rule, and/or regulation of any Federal, Commonwealth of Pennsylvania, County and/or Local governmental entity. In the event of a conflict between any term (s) and/or provision (s), the term (s) and/or provision(s), which provides and/or sets forth the most comprehensive and/or stringent regulatory enforcement power and/or authority shall be applicable and/or control.
SECTION 201 - ZONING OFFICER

A. Zoning Enforcement

A Zoning Officer shall be appointed by the Township to administer and enforce this zoning Ordinance. The Zoning Officer shall not hold any elective office in the Township.

1. Duties and Powers of Zoning Officer

It shall be the duty of the Zoning Officer to enforce literally the provisions of this Ordinance, as amended, and he or she shall have such duties and powers as are conferred on him or her by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include but are not limited to the following:

1. Receive application for and issue zoning permits and sign permits

2. Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the action taken consequent on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign and/or land, shall be retained as long as they (the structure, building, signs, etc) remain in existence.

3. Make inspections as required to fulfill his/her duties. He/She shall have the right to enter any building or structure (with permission of property owner), or enter upon any land at any reasonable hour in the course of his/her duties.

4. Issue permits for special exception uses and for variances only after such uses and/or buildings have been approved by the Zoning Hearing Board in accordance with the regulations of this Ordinance.

5. Keep a record of all non-conforming uses, buildings, and lots.

6. Be responsible for keeping this Ordinance and the Zoning Map up to date so as to include all amendments thereto.

7. Institute civil enforcement proceedings as a means of enforcement.

C. Notice of Violations

1. The Zoning Officer shall serve a notice of violation on any person, firm, corporation, or partnership responsible for violating any of the provisions of this Ordinance, or a plan approved thereunder. Notice of violation shall be in writing, indicating the nature of the violation and action necessary to correct it. If the notice of violation is not complied with, the Zoning Officer shall order the discontinuance of such unlawful use of structure, building, sign and/or land.
2. The violation 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 violation notices regarding that parcel, and to any other person requested in writing by the owner of record. The violation notice shall include at least the following information:

1. Name of the owner of record and any other person against whom the Township intends to take action;

2. Specific violation(s) with a description of the requirements which have not been met, referring to applicable provisions of the Zoning Ordinance;

3. Date before which the steps for compliance must be commenced and the date before which the steps must be completed;

4. Rights of appeal to the Zoning Hearing Board and prescribed appeal time period of the recipient according to the Zoning Ordinance; and

5. Notice that failure to comply within the time period, unless extended by the Zoning Hearing Board, constitutes a violation, and possible sanctions clearly described.

SECTION 202 - ZONING PERMIT

No building, structure, or sign shall be erected, constructed, moved, added to, or structurally altered, nor shall land be put to any use without a permit issued by the Zoning Officer. No such permit shall be issued except in conformity with the provisions of this Ordinance, or upon written order from the Zoning Hearing Board in the form of an administrative review, special exception, or variance as provided by this Ordinance or by the Court.

A. Form of Application

All applications shall be made in writing and shall be accompanied by two (2) sets of plans showing at least the following information:

6. Actual dimensions and shape of the lot to be built upon.

7. The exact size and location on the lot of buildings, structures, or signs existing and/or proposed extensions thereto.

8. The number of dwelling units, if any, to be provided.

9. The provision of a potable water supply.

10. Methods of sewage and solid waste disposal, plus information on quantity and quality of sewage involved and proposed method of treatment if required.

11. Parking spaces provided and/or loading facilities.

12. Statement indicating the existing or proposed use.

13. Height of structure, building, or sign.
14. All other information necessary for such Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.

One (l) copy of the plans shall be returned to the applicant by the Zoning Officer after he/she shall have marked such copies either as approved or disapproved and attested to it by his/her signature on such copy.

One (l) copy of all such plans shall be retained by the Zoning Officer for his/her permanent records.

Such approval shall be issued or refused within thirty (30) days from date of application. In case of refusal, the applicant shall be informed, in writing, to the reasons for the refusal and of his rights of appeal. The application for a permit shall be submitted in such form as the Zoning Officer may prescribe.

B. Expiration of Zoning Permit

Zoning permit shall expire within ninety (90) days from date of issuance, if work described in any permit has not begun. If work described in any permit has begun, said permit shall expire after two (2) years from date of issuance thereof.

SECTION 203 - CERTIFICATE OF USE AND OCCUPANCY

A Certificate of Use and Occupancy shall be required upon the completion of the work contemplated. It shall be unlawful to use and/or occupy any structure, building, and/or land portions thereof in any manner until a Certificate of Use and Occupancy has been issued.

A. Form of Application

The application for Certificate of Use and Occupancy shall be submitted in such form as the Zoning Officer may prescribe.

B. Issuance of Certificate of Use and Occupancy

The Zoning Officer shall inspect any structure, building, sign, and/or land or portions thereof and shall determine the conformity therewith. If he/she is satisfied that the completed work is in conformity with this Ordinance and with the work listed in the Permit, he/she shall issue a Certificate of Use and Occupancy.

Certificate of Use and Occupancy shall be granted or refused in writing, within ten (10) days from the date of application.

SECTION 204 - SCHEDULE OF FEES

2. Each application for a zoning permit shall be accompanied by cash, check, or money order payable to Jackson Township in accordance with the schedule of fees as set by resolution by the Township Supervisors.

3. Payment of application fees does not obligate the Zoning Officer or the Township to grant a permit to the applicant. All permits issued must be in conformance with the provisions of this Ordinance; and in the event a permit is not issued, the application fees will not be returned.
4. Zoning Hearing Board

Any person other than the Township Supervisors or Planning Commission requesting a hearing before the Zoning Hearing Board shall pay the following fees which shall defray the costs of the Zoning Hearing Board proceedings including compensation of the Secretary and members of the Board, costs of notice and advertising and necessary administrative overhead expenses.

The appearance fee for the stenographer shall be paid equally by the applicant and the Board. Transcription costs are to be paid by the party requesting a transcript, whether original or a copy; however, in a case of an appeal, the cost of the transcript shall be paid by the party appealing the decision.

3. Basic Fee

Applicants for variances, special exceptions and all other appeals shall pay a fee as set by resolution by the Township Supervisors, except as challenges filed pursuant to Section 909.1(a)(1) of the Pennsylvania Municipalities Planning Code, as amended, in which event the fee shall also be as set by resolution by the Township Supervisors.

4. Additional Fee

If actual costs exceed the fee charged, the applicant shall promptly pay the difference upon billing by the Township. No permit/approval shall be given until payment of any outstanding fee is received by the Township.

SECTION 205 - REMEDIES

In case any buildings or structures are erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure or land is used, in violation of this Ordinance, the Township, or with their approval the Zoning Officer, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

SECTION 206 - VIOLATIONS/JUDGMENT

5. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall upon being found liable therefore in a civil enforcement proceeding commenced by the Township pay a judgment not more than $500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the district justice. If the defendant neither pays or timely appeals the judgment, the Township may enforce the judgment pursuant to applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there was a good faith basis for the defendant to have believed there was no violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall
constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the Township. 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.

6. District Justices shall have initial jurisdiction over proceedings brought under this Section.

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

SECTION 207 - MEDIATION OPTION

A. Parties to proceedings authorized in this Article and Article XII may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles or substantive law.

B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. When offering the mediation option, the Township shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

1. Funding mediation.

2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.

3. Completing mediation, including time limits for such completion.

4. Suspending time limits otherwise authorized in this act, provided there is written consent by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation

5. Identifying all parties and affording them the opportunity to participate.

6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.

7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the other sections of this Ordinance.

8. No offers or statement made in the mediation session, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.
SECTION 208: THE ZONING HEARING BOARD:

1. Creation and Membership

There is hereby established a Zoning Hearing Board. The membership of the Board shall consist of three residents of the Township appointed by the Township Supervisors. Their terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Township of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township. The Township Supervisors may appoint at least one but not more than three alternate members of the Board for a three-year term of office.

2. Removal of Members

Any Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Township Supervisors taken after the member has received fifteen 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.

3. Organization

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board. 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 Township as requested by the Township.

If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate the alternate member to sit on the Board to provide a quorum. The alternate member shall continue to serve on the Board in all proceedings involving the case of which the alternate was initially appointed until the Board has made a final determination of the matter or case.

4. Expenditures

Within the limits of funds appropriated by the Township, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties. Alternate members of the Board may receive compensation for the performance of their duties. In no case shall the compensation paid to Board members and alternates exceed the rate of compensation paid to the governing body of the Township.

SECTION 209 - FUNCTIONS

The Zoning Hearing Board shall function in strict accordance with and pursuant to the Pennsylvania Municipalities Planning Code and shall have all powers set forth therein, including but not limited to the following:
1. **Variances**

   The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

   A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.

   B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

   C. That such unnecessary hardship has not been created by the appellant.

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

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

In granting any variance, the Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this act and the Zoning Ordinance.

2. **Special Exceptions**

   Where the governing body, in the Zoning Ordinance, 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 the Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.

**SECTION 210 - MEDIATION OPTION**

The Township may offer a mediation option as an aid in completing proceedings authorized in this Article. In exercising such an option, the Township and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code and as set forth herein.
SECTION 211 - HEARINGS

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the governing body shall designated by Ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

B. The governing body may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other consultants, or expert witness costs.

C. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

D. The hearings shall be conducted by the Board or the Board may appoint any member as hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

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

F. 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.

G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

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

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

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

K. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and provisions of this Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board’s decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant’s request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in subsection A of this section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

L. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
SECTION 212 - JURISDICTION

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. Substantive challenges to the validity of this Zoning Ordinance except those brought before the governing body of the Township.

2. Challenges to the validity of this Zoning Ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said Ordinance. Where the Ordinance appealed from is the initial Zoning Ordinance of the Township and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

3. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure, or lot.

4. Appeals from a determination by a Municipal engineer or the Zoning Officer with reference to the administration of any Flood Plain Ordinance.

5. Applications for variances from the terms of the Zoning Ordinance.

6. Applications for special exceptions under the Zoning Ordinance or flood plain provision of this Ordinance.

7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance.

8. Appeals from the Zoning Officer's determination under section 916.2 of the PA Municipalities Planning Code (Procedure to Obtain Preliminary Opinion).

9. Appeals from the determination of the Zoning Officer or Municipal engineer in the administration of the Zoning Ordinance with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Subdivision or Planned Residential Development applications.

10. The governing body of the Township shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

   a. Applications for approvals for Planned Residential Developments

   b. Applications for conditional uses under the express provisions of the Zoning Ordinance pursuant to section 603(c)(2) of the PA Municipalities Planning Code

   c. Applications for curative amendments to a Zoning Ordinance pursuant to sections 609.1 and 916(a)(2) of the PA Municipalities Planning Code
d. All petitions for amendments to the Zoning Ordinance, pursuant to the procedures set forth in section 609 of the PA Municipalities Planning Code. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.

e. Appeals from the determination of the Zoning Officer or the Municipal engineer in the administration of the Zoning Ordinance with reference to sedimentation and erosion control and storm water management insofar as the same relate to application for subdivision or land development under Planned Residential Development.

SECTION 213 - AMENDMENTS AND CHANGES

A. Amendments and Changes

Whenever it is deemed desirable in order to meet the public needs; promote the convenience and welfare of the public, conform with good zoning practice and the intent and purpose of this Ordinance; and adhere to the guiding principles of the Multi-Municipal Comprehensive Plan or community development objectives, the Township may amend, supplement, or change the regulations, district boundaries, or classification of property, now or hereafter established by this Ordinance, subject to the procedure provided in this section.

Any amendment, supplement, reclassification, modification or change may be initiated by any of the following:

1. The Planning Commission may initiate action by filing a written report to the Governing Body of the Township;
2. The governing body may initiate action on their own; or
3. Any landowner may submit a request for an amendment.

B. Petition for Map Change or Amendment

1. Petitions for change of district boundaries or reclassification of districts as shown on the Official Zoning Map shall be on forms supplied by the Township. A narrative description which: (1) defines the limits of the requested change by street name or recognizable physical feature; (2) states the specific reason for the requested change and (3) states the specific use, type of development, and type of structure to be erected under the proposed change. A map and/or preliminary site plans of the area to be re-zoned shall also be submitted to the Township for reference and review. All information shall then be submitted to the Township Planning Commission for their review and recommendations.

2. Preliminary Review by Jackson Township Planning Commission

After the facts are presented and the data and information from the petitions are reviewed and studies by the Planning Commission, the Commission shall, within fifteen (15) days after regularly scheduled meeting, submit the petition with its
preliminary recommendations to the Township. The preliminary report by the Planning Commission is not intended to establish final approval by the Agency but rather to serve as a means of providing a format for action and review by the Township.

C. Action by Township

1. Subsequent to the introduction of the Petition for Zoning Change and Preliminary Report by the Planning Commission to the Township, the Township shall fix a time for a public hearing, pursuant to Public Notice requirements.

2. Public Notice shall include the time and place of the public hearing for consideration of the proposed amendment, supplement, or change, stating when and where a copy of the proposal will be available for public inspection, and briefly describe the change proposed.

3. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. All property owners directly affected by a map amendment shall receive mailed notice of the proposed change.

D. Township Planning Commission Review

In the case of amendments not initiated by the Township Planning Commission, the Planning Commission shall have been informed of the amendment at least 30 days prior to the hearing.

E. Cambria County Planning Commission Review

The Township shall submit the proposed amendment to the Cambria County Planning Commission for recommendation at least thirty (30) days prior to the public hearing.

F. Conduct of Public Hearing

1. A public hearing is held by the governing body pursuant to the public notice.

2. If the proposed amendment is altered substantially or is revised to include land not previously affected, another public hearing must be held pursuant to public notice.

3. Notice of the amendment must be published according to the law prior to enactment.

4. Following the final public hearing, the governing body may vote to adopt the amendment.

5. To be a legally enacted amendment, notice of the proposed enactment must be published in a newspaper of general circulation as outlined in this Section.

G. Final Report By Township Planning Commission

Within thirty (30) days following the public hearing, the Planning Commission shall review all material, data, testimony, and facts submitted for consideration in the petition for
change. The Planning Commission shall make a final report on the petition for change setting forth in detail reasons wherein public necessity, convenience, and general welfare do or do not justify the proposed change and determining that the change is or is not in accord with the general objectives of the Multi-Municipal Comprehensive Plan and/or good zoning practices and shall forward its findings and recommendations to the Township.

H. Publication

Notice of the proposed enactment shall include the time and place of the meeting where passage will be considered, and a reference to the place where copies of the amendment may be examined without charge or obtained at cost. The Township shall publish the proposed amendment once in a newspaper of general circulation in the Township. Such notice shall state the time, place of the meeting, and the particular nature of the matter to be considered at the meeting. The publication shall not be more than thirty (30) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text or the title and brief summary, prepared by the Municipal Solicitor. If the full text is not included, a copy will be supplied to the newspaper at the time public notice is published, and an attested copy of the proposed Ordinance will be filed at the Cambria County Law Library. If substantial changes are made to the amendment after this publication, the Township, at least ten (10) days prior to enactment, shall re-advertise a brief summary setting forth all provisions and changes, according to the aforementioned notice requirements in a newspaper of general circulation in the Township.

I. Final Action by the Township

1. The passage of an Ordinance amending, supplementing, or changing the regulations, district boundaries, or classification of property, now or hereafter established by this Ordinance, shall require the affirmative vote of a majority of the members of the Township's governing body.

2. Any Ordinance amending, supplementing or changing the regulations, district boundaries or classification of property hereinafter established by this Ordinance, if not acted upon by the Township within ninety (90) days after the required public hearing, shall require a new public hearing as prescribed in this Section.

3. Within thirty (30) days after the enactment, the Township shall forward a copy of the amendment to the Cambria County Planning Commission.

SECTION 214 - LANDOWNER CURATIVE AMENDMENT

A landowner who desires to challenge the validity of the Zoning Ordinance, map, or any provision thereof, on substantial grounds, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Township with a written request that his challenge and proposed amendment be heard and decided. The Township shall commence a public hearing within sixty (60) days of the written request.

A. Notification

The Township Planning Commission and the Cambria County Planning Commission shall be notified of the proposed amendment at least thirty (30) days prior to the public hearing.
B. Publication

Publication requirements of Section 1301 of this Ordinance shall apply.

C. Public Hearings

The hearing shall be conducted in accordance with Section 1204 of this Ordinance, and all references therein to the Zoning Hearing Board shall, for the purposes of this Section, refer to the governing body of the Township.

D. Invalidation Limitation

If the Township does not accept the landowners curative amendment and a court subsequently rules that the challenge has merit, the court’s decision shall not result in a declaration of invalidity for the entire Zoning Ordinance or map, but only for those provisions which specifically relate to the landowners curative amendment and challenge.

E. Enactment Considerations

If it is determined that the challenge has merit, the governing body may accept the landowner's curative amendment, with or without revision, or may adopt an alternative amendment which cures the challenged defects. In addition to the curative amendments, plans, and information submitted by the landowner, the governing body shall also consider the following:

1. The impact of the proposal on roads, sewer facilities, water supplies, and other public facilities;

2. The impact of residential proposals on regional housing needs and their effectiveness in providing housing units of the type available to and affordable by classes of persons otherwise excluded by the challenged provisions of the Ordinance or map;

3. Site suitability in relation to physiographic features;

4. The impact of the proposed use on physiographic and environmental considerations; and

5. The impact of the proposed use on agricultural preservation, public health, and public welfare considerations.

SECTION 215 - MUNICIPAL CURATIVE AMENDMENTS

The Township may determine that this Zoning Ordinance or sections thereof are substantially invalid. This determination shall declare by formal action the sections substantially invalid and propose a curative amendment to overcome this invalidity.

A. Within thirty (30) days of this declaration and proposal the Township shall:

1. By resolution make specific findings setting for the declared invalidity which may include specific uses, class of uses, or references to the entire Ordinance; and
2. Begin to prepare and consider a curative amendment to correct the declared invalidity.

3. Within one-hundred-eighty (180) days of the declaration and proposal, the Township shall enact a curative amendment or validate, or reaffirm the validity of, its Zoning Ordinance pursuant to the procedures outlined in Section 1301 of this Ordinance.

4. After using this procedure, the Township may not again utilize this method for a thirty-six (36) month period following the date of a curative amendment, or reaffirmation of its Zoning Ordinance, unless a new duty or obligation is imposed on the Township by a change in statute or Pennsylvania Appellate Court decision after the date of declaration and proposal. In this case, the Township may use the provision of this Section to fulfill said duty or obligation.

4. Any other procedures or provisions as required by the PA Municipalities Planning Code.

SECTION 216- FEES

Any person other than the governing body or Township Planning Commission requesting an amendment of the Zoning Ordinance (including a curative amendment) shall pay a fee as set by the Township Supervisors by resolution at the time the request is filed with the Township. This fee shall cover the cost of advertising of the aforesaid notice, the cost of stenographic service, necessary administrative overhead, and any other expenses incurred in connection with such application, provided, however, that if the total of the aforesaid costs and expenses does not exceed the amount provided, any difference shall be refunded to the applicant. In the event the aforesaid costs and expenses exceed the fee set by the supervisors, the applicant shall reimburse the Township for such excess.
ARTICLE III – NONCONFORMING BUILDINGS AND LOTS

SECTION 301: DISCONTINUANCE OF USE

Whenever a non-conforming use of a property, building, sign or part thereof has been discontinued for a period of twelve (12) consecutive months, said non-conformance use shall be presumed to be abandoned and the use of the premises thereafter shall be in conformance with the regulations of the district. A property may be continued as a non-conforming use beyond the 12-month period if it is properly registered with the Zoning Officer. This extension of time shall not exceed an additional twelve (12) months.

SECTION 302: ALTERATIONS

7. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-load bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10.) percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

B. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

SECTION 303 - PROVISIONS FOR RECONSTRUCTION

Any building or structure containing a non-conforming use which is damaged by fire, flood, wind, or other act of God or man to the extent of seventy-five (75) percent or more of its fair market value immediately prior to damage shall not be repaired or reconstructed except in conformity with the regulations of the district in which it is located. In the event that the Zoning Officer's estimate of the extent of damage is not acceptable to the applicant for the building permit to repair or reconstruct such building or structure, the applicant may appeal to the Zoning Hearing Board.
ARTICLE IV – DESIGNATION OF ZONES

SECTION 401: ESTABLISHMENT OF ZONING DISTRICTS

For the purposes of this Ordinance, the Township is hereby divided into the following districts:

<table>
<thead>
<tr>
<th>Zone/Area Designation</th>
<th>Category</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-SH</td>
<td>Residential</td>
<td>Residential Single Household</td>
</tr>
<tr>
<td>MX-VC</td>
<td>Mixed Use</td>
<td>Mixed Use-Village Commercial</td>
</tr>
<tr>
<td>H-C</td>
<td>Commercial</td>
<td>Highway Commercial</td>
</tr>
<tr>
<td>I-L</td>
<td>Industrial</td>
<td>Light Industrial</td>
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<td>I-H</td>
<td>Industrial</td>
<td>Heavy Industrial</td>
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<td>Agriculture</td>
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<td>Agriculture</td>
<td>High Density Agriculture</td>
</tr>
<tr>
<td>O-C</td>
<td>Conservation</td>
<td>Open Space-Conservation</td>
</tr>
<tr>
<td>FPO</td>
<td>Overlay</td>
<td>Floodplain Overlay</td>
</tr>
<tr>
<td>AZO</td>
<td>Overlay</td>
<td>Airport Zone Overlay</td>
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</tbody>
</table>

SECTION 402: THE ZONING MAP

The boundaries of districts shall be as shown on the map attached hereto and made a part of this Ordinance, which map shall be known as the Separate But Consistent Zoning Map for Jackson Township. Said map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of this Ordinance as if all were fully described herein.

SECTION 403 - INTERPRETATION OF DISTRICT BOUNDARIES

1. Where district boundaries are approximately following the centerlines of streets, highways, alleys, street lines, highway right-of-way lines, or streams, such centerlines shall be construed to be such boundaries.

2. Where district boundaries approximately follow lot lines, such lot lines shall be construed to be such boundaries.

3. Where district boundaries are so indicated that they approximately follow or are parallel to the centerlines of streets, highways, or the right-of-way of same, such district boundaries shall be construed to be parallel thereto and at such distance there from as indicated on the Zoning District Map.

4. Where the boundary of a district follows a stream or other body of water, another Municipality or Municipality boundary, the boundary shall be deemed to be the limits of jurisdiction of Jackson Township, unless otherwise indicated.

5. Where the boundary of a district follows a railroad right-of-way, such district boundaries shall be construed to the centerline of the right-of-way.
6. Where the boundary of a district traverses a lot, parcel or tract of record, the zoning district designation shall be determined by the Greater than 50% Rule: Where the district covering more than half the property controls the entire property. For large tracts of land, the boundary may be held firm, with the appropriate uses placed on either side.
SECTION 501- R-SH ONE-HOUSEHOLD RESIDENTIAL DISTRICT

The "R-SH" One-Household Residential District is composed of certain quiet, low-density residential areas of the Township, plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district; to protect the amenities of certain areas of the Township where the pattern has already been established with single-household developments on relatively large lots; to promote and encourage a suitable environment for family life, and to prohibit all activities of a commercial or industrial nature except home offices of doctors or ministers and certain home occupations, controlled by specific limitations governing the size and extent of such non-residential activities. Therefore, development is limited to a relatively low concentration with relatively large lot sizes, and permitted uses are limited basically to single-household dwellings, plus certain additional uses such as schools, parks, churches, and certain public facilities which serve the residents of the district.

A. Permitted Uses

A building may be erected or used and a lot may be used or occupied for any of the following purposes:

1. One-household detached dwelling.
2. Public school, or private school having a curriculum similar to that ordinarily given in a public school, including religious instruction in parochial school.
3. Church and similar place of worship.
4. Convent, monastery, rectory or parish house to be occupied by not more than ten persons.
5. Temporary building and use for construction purposes, not to exceed a period of one year.
6. Public and private outdoor recreation areas and facilities.
7. Forestry.
8. Home Office.
9. Management of livestock on less than five (5) acre tract, with no more than one (1) animal per acre
10. Public utility facilities serving the occupants of the district.

B. Accessory Uses

Accessory uses on the same lot with and customarily incidental to any of the foregoing permitted uses and including but not limited to:
1. Private garage.
2. Agricultural Buildings on lots of at least five (5) acres
3. Private swimming pool appurtenant to a dwelling when meeting the requirements of this ordinance.
4. Signs as provided under this ordinance.
5. Parking of no more than one (1) boat, boat trailer, and trailers not used as dwellings on the premises within building setbacks.
6. Such permitted accessory uses as listed in the definition of Accessory Use and which are incidental to residential use.
7. Similar type uses not specifically listed herein when authorized by the Zoning Hearing Board

C. Uses by Special Exception
1. Child Day Care Facilities
2. Home Business
3. Telecommunications Towers and Antennas as permitted in Section 909 of this Ordinance
4. Institutional Homes

D. Setbacks

No building or structure shall be erected or enlarged unless the minimum yard areas and setbacks are provided as follows:

1. Yard Setbacks
   a. Front Yard - Not less than forty feet (40').
   b. Rear Yard - Not less than fifteen feet (15').
   c. Side Yard - Not less than fifteen feet (15').

2. Corner Lots
   a. Front Yard - Not less than forty feet (40').
   b. Side Yard Abutting Side Street - Not less than forty feet (40').
   c. Interior Side Yards - Not less than fifteen feet (15') feet.
   d. Rear Yard - Not less than fifteen (15') feet.

Note: Landscape area is included in setback dimensions.

3. Exception
Where more than fifty percent (50%) of the lots within a block contain existing structures, the front yard setback may be reduced to conform to the setback lines of the existing structures.

Small utility sheds not exceeding 160 square feet (10 feet high) may be placed on any residential lot with a minimum setback of five (5) feet from rear or side property lines.

4. **Height**

The maximum height of buildings hereafter erected or altered shall be as follows:

a. One-household detached dwelling - thirty-five (35') feet.

b. Church or similar place of worship - forty-five (45) feet for the principal building and seventy-five (75) feet for steeples or towers.

c. Accessory building - twenty (20) feet.

d. Any other permitted building - thirty-five (35) feet.

5. **Lot Area**

The minimum lot area for every building hereafter erected or altered shall be as follows:

a. One-household detached dwelling, convent, monastery, rectory or parish house - a minimum of fourteen thousand five hundred twenty (14,520) square feet and width at the building line of not less than one hundred (100) feet in areas with public sewer and water. A minimum lot size of twenty one thousand seven hundred eighty (21,780) square feet per unit and a minimum width of one hundred (100) feet at the Building Set Back Line in areas where water supply or sanitary sewage disposal are provided by individual on-lot facilities. A minimum lot size of one (1) acre and one hundred fifty (150) feet width at the setback line is required in areas without sewer and water.

b. Church or similar place of worship -- one and one-half (1-1/2) acres and a width at the building line of not less than two hundred (200) feet.

c. Public or private school:

   (1) Elementary School: five (5) acres plus one (1) acre for every one hundred (100) students at design capacity.

   (2) Junior High School: eight (8) acres plus one (1) acre for every one hundred (100) students at design capacity.

   (3) High School: twelve (12) acres plus one (1) acre for every one hundred (100) students at design capacity.

6. **Percentage of Lot Coverage**

All buildings, including accessory uses, shall cover not more than thirty (30) percent of the area of the lot.

7. **Dwelling Standards**

Every one-household dwelling hereafter erected or altered shall have a floor area of not less than nine hundred (900) square feet.
8. **Off-Street Parking and Loading Facilities**

   Shall be provided as required or permitted under this ordinance.
SECTION 502 - “MX-VC” Mixed Use-Village Commercial

The MX-VC District is composed of certain higher density residential areas of the Township representing a compatible mingling of single, duplex, and multi-unit residential dwellings as well as professional offices, mobile home parks, and planned residential development. The regulations for this district are designed to stabilize and protect the essential characteristics of the district; to promote and encourage a suitable environment for family life; and to prohibit all activities of a commercial and industrial nature except those having also some aspects of residential use, such as professional business offices, funeral homes, and membership clubs, controlled by specific limitations governing the size and extent of such semi-commercial activities. Development is encouraged at a higher concentration, and permitted uses are typically row dwellings and low-rise apartments, plus certain additional uses such as schools, parks, churches, and certain public facilities which serve the residents of the district. However, four-story apartments with corresponding proportions of open space also may be developed under prescribed standards of density and open space.

A. Permitted Uses

A building may be erected or used, and a lot may be used or occupied, for any of the following purposes:

Any use permitted in R-SH. (A building may be erected or used and a lot may be used or occupied for any of the following purposes:

1. One-household detached dwelling.
2. Public school, or private school having a curriculum similar to that ordinarily given in a public school, including religious instruction in parochial school.
3. Church and similar place of worship.
4. Convent, monastery, rectory or parish house to be occupied by not more than ten persons.
5. Temporary building and use for construction purposes, not to exceed a period of one year.
6. Public and private outdoor recreation areas and facilities.
7. Forestry.
8. Two-Household Dwellings
9. Planned Residential Developments
10. Townhouses
11. Garden Apartments
12. Four-Story Apartments
13. Professional Offices
14. Schools and Churches
15. Public and private outdoor recreation areas and facilities
16. Management of livestock on less than five (5), with more than one (1) animal per acres
17. Public Utility facilities serving the occupants of the district.

B. Accessory Uses
1. Private garage.
2. Off-street parking and loading facility.
3. Cultivation of plants, non-commercial.
4. Private swimming pool appurtenant to a dwelling when meeting the requirements of this ordinance.
5. Signs as provided under this ordinance.
6. Parking of no more than one (1) boat, boat trailers, and trailers not used as dwellings on the premises within building setback.
7. Such permitted accessory uses as listed in the definition of Accessory Use and which are incidental to residential use.
8. Similar type uses not specifically listed herein when authorized by the Zoning Hearing Board.

C. Uses by Special Exception
1) Child Day Care Facilities.
2) Home Business.
3) Telecommunications Tower and Antennas as permitted in Section 909 of this ordinance.
4) Funeral Homes.
5) Rooming House.
6) Child Day Care Facilities.
7) Institutional Homes.

D. Setbacks
No building or structure shall be erected or enlarged unless the minimum yard areas and setbacks are provided as follows:
1. Multi-household dwelling, townhouse, multi-story buildings, and non-residential buildings—all yards to be at least equal to building height, but in no event, less than the setback provided for all other buildings in #2 below.

2. All other buildings:
   a. Front Yard – Not less than fifty (50) feet
   b. Rear Yard – Not less than thirty-five (35) feet, except where abutting a street, then fifty (50) feet.
   c. Side Yard – Not less than twenty-five (25) feet, except where abutting a street, then fifty (50) feet.

E. Exception

Where more than fifty (50) percent of the lots within a block contain existing structures, the front yard setback may be reduced to conform to the setback lines of the existing structures.

F. Height

The maximum height of buildings hereafter erected or altered shall be as follows:
   a. As permitted or required in the R-SH District.
   b. Two-household dwellings - thirty-five (35) feet.
   c. Multi-household dwellings, townhouses, garden apartments, and apartment buildings shall not exceed sixty (60) feet in height.

G. Lot Area

The minimum lot area for every building hereafter erected or altered shall be as follows:
   a. Single household dwellings - not less than twelve thousand (12,000) square feet and a width at the building line of not less than seventy-five (75) feet.
   b. Two-household dwellings - a combined area of fifteen thousand (15,000) square feet and a width at the building line of not less than seventy-five (75) feet.
   c. Multi-household dwellings - not less than fifteen hundred (1,500) square feet per dwelling unit or apartment and a width at the building lines of not less than one hundred fifty (150) feet.
   d. Town Houses - not less than twenty-seven hundred (2,700) square feet per unit and width at the building line of not less than seventy-five (75) feet for a row dwelling containing three (3) or more dwelling units, but not to exceed six (6). If a row dwelling is arranged, designed, or intended to be sold or owned in separate ownership between party walls, the minimum width of lot between center lines of party walls shall be sixteen (16) feet and the seventy-five (75) foot minimum width of total site frontage shall apply for the entire structure. The minimum size
lot for a row dwelling structure shall be one-quarter acre (10,980 square feet) per unit.

e. Church and similar place of worship - as required in the R-SH District.

f. Public or private school - as required in the R-SH District.

g. Non-residential buildings - as required in the C District.

H. Percentage of Lot Coverage

All buildings, including accessory uses, except multi-household dwellings shall cover not more than thirty-five (35) percent of the area of the lot. Multi-household dwellings shall cover not more than forty (40) percent of the area of the lot.

I. Dwelling Standards

Every one-household dwelling hereafter erected or altered shall have a floor area of not less than nine hundred (900) square feet; two-household dwellings shall have a minimum (combined) floor area of sixteen hundred (1,600) square feet.

a. Each townhouse dwelling unit shall have a total minimum floor area of not less than one thousand (1,000) square feet.

b. Each dwelling unit in a multi-household structure (apartment) shall have a minimum floor area of not less than eight hundred (800) square feet.

J. Standards for Commercial Uses, including Office Buildings, Home Occupations, and Institutional Homes

All non residential uses within the MX-VC District shall comply with the following requirements:

1. No outdoor displays of merchandise

2. Signage shall be limited to one sign no larger than sixteen (16) square feet attached to the principle building and one sign no more than four (4) square feet at or near the entrance.

3. No hazardous materials such as solvents, volatile chemicals or other materials which would be considered offensive in a residential area may be stored or utilized on the property for the business activity

4. Business areas on the property including storage shall occupy no more than 1,200 square feet.

5. Outdoor parking to be provided within limits on lot coverage.

6. Daily traffic volumes shall not exceed more than two (2) vehicles at any one time nor more than twenty (20) in a day.

7. Commercial Uses shall comply with all requirements of the Pennsylvania Uniform Construction Code as evidence by a Certificate of Occupancy for the use intended.
8. Commercial Uses shall be handicap accessible

9. The business owner must reside on the property or a contiguous lot as long as the use persists.

10. No special outdoor lighting or sound systems connected with the business shall be permitted.

11. The style and appearance of the exterior of the buildings in the MX-VC District shall be consistent with surrounding residential structures.

K. Off-Street Parking and Loading Facilities

   Shall be provided as required or permitted under this ordinance.

L. Site Plan Requirements

   All buildings or commercial uses shall obtain approval of a site plan as outlined in Article IV, Section 405 of this ordinance.
SECTION 503 - "H-C" HIGHWAY COMMERCIAL DISTRICT

The “H-C” Highway Commercial District is intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods or by any other nuisance except those created by human interaction and passenger vehicles. This includes such uses as retail stores, theaters and other amusement enterprises, business offices, newspaper offices and printing presses. Uses which would substantially interfere with the development or continuation of the commercial structures and uses in the district are restricted.

A. Permitted Uses

1. Administrative offices for commercial and industrial organization.
2. Amusement establishment, including bowling alleys, dance halls, similar place of recreation when conducted wholly within a completely enclosed building.
3. Auto accessory store, automobile and truck sales and incidental service.
4. Bakery shop, including the baking and processing of food products.
5. Bank, financial institution, savings and loan association, drive-in or main office.
6. Barber shop, beauty shop.
7. Blueprinting, photostating establishment.
10. Cabinet shop.
11. Camera and photographic supply shop, retail sales and service.
13. Day Care facilities.
14. Department store.
15. Dry-cleaning or pressing establishment, when employing facilities for the cleaning or pressing of dry goods received on the premises from retail trade only and including no wholesale cleaning or pressing business and when using nonflammable solvents as approved by the fire department.
16. Dry goods store, haberdashery, wearing apparel store.
17. Electrical appliances store, sales, service, repair, but excluding appliance assembly or manufacture.
18. Food stores.
19. Forestry.
20. Funeral home, mortuary.
21. Furniture store, upholstery shop.
22. Furrier, conducted as a retail operation for trade on the premises only.
23. Garden supplies, seed store, nursery.
24. Health club.
25. Hotel, motor hotel, motel, club or restaurant.
27. Interior decorating business, including upholstering and making of draperies, slip covers and similar articles when conducted as a part of the retail operations and secondary to the main use.
29. Medical Clinic, hospital, or nursing home.
30. Office, business or professional.
31. Paint, wallpaper sales.
32. Pet Store
33. Photographers studio, art gallery, including the developing of film when conducted as a part of the retail business on the premises.
34. Plumbing, heating, similar business showroom including shop or repair facilities, provided that work is carried out and storage is accommodated in an enclosed building.
35. Post Office.
36. Printing Shop.
37. Restaurant, cafeteria and snack bar, including the sale of alcoholic beverages.
38. Service station, public garage, or other motor vehicle services, provided no repair work is performed outdoors, provided all pumps, underground storage tanks, lubricating and other devices are located not less than twenty-five (25) feet from any street right-of-way, provided all fuel, oil or similar substances are stored inside or underground, and provided all automobile parts, dismantled vehicles, and similar articles are stored within a building.
39. Shoe store.
40. Shopping center.
41. Sporting good store.
42. Theater, indoor.
43. Travel agency.
44. Typewriter, office equipment sales and services.
45. Variety store.
46. Similar type retail or service use not specifically listed herein when authorized by the Zoning Hearing Board.

B. Accessory Uses

Accessory uses customarily incidental to any of the above uses, and including:
1. Off-street parking and loading facilities, as regulated in this Ordinance.
2. Fence or a metal wall not over six (6) feet in height.
3. Signs as regulated in this Ordinance.
4. Cultivation of plants, non-commercial, where used for landscaping or buffer areas.

C. Uses by Special Exception

a. Residential as permitted in Section 502.
1. One-household detached dwelling.
2. Public school, or private school having a curriculum similar to that ordinarily given in a public school, including religious instruction in parochial school.
3. Church and similar place of worship.
4. Convent, monastery, rectory or parish house to be occupied by not more than ten persons.
5. Temporary building and use for construction purposes, not to exceed a period of one year.
6. Public and private outdoor recreation areas and facilities.
7. Forestry
8. Home Office
9. Institutional Homes
10. Four-Story Apartment
11. Forestry.
13. Institutional Homes
14. Four-Story Apartments.
15. Professional Offices.
17. Public and private outdoor recreation areas and facilities.
18. Telecommunication Towers and Antennas as permitted in Section 909.
19. Stand Alone Parking

D. **Set Back**

1. No building shall be hereafter erected or altered unless the minimum set back is met as follows:
   a. Front - thirty (30) feet.
   b. Rear - twenty-five (25) feet.
   c. Side - ten (10) feet.

2. Where a commercial structure is proposed adjacent to a residential area the following setback specifications will be met:
   a. Front - fifty (50) feet.
   b. Side - twenty-five (25) feet.
   c. Rear - fifty (50) feet.
   d. Buffer Area - ten (10) feet, which includes landscaping, abutting R District.

   Note: Buffer area is located within setback dimensions.

E. **Height**

The maximum height of buildings hereafter erected or altered shall be as follows:

   All buildings shall be a maximum height of thirty-five (35) feet.

F. **Lot Area**

The minimum lot area for all commercial buildings hereafter erected or altered shall be eighteen thousand (18,000) square feet and a minimum width at the building line of one hundred (100) feet.

1. **Percentage of Lot Coverage**
   a. All buildings shall cover not more than forty (40) percent of the lot area.
   b. All buildings plus accessory uses including parking shall cover not more than sixty (60) percent of the lot area.

2. **Floor Area Standards**

   Every one-story structure hereafter erected or altered shall have a total floor area of not less than one thousand (1,000) square feet.

3. **Off-Street Parking and Loading Facilities**
Shall be provided as required under this Ordinance.

4. **Signs**
   
   Shall be provided as required under this Ordinance.

5. **Site Plan Requirements**
   
   All buildings shall comply with the site plan requirements as outlined in Article IV, Section 405 of this Ordinance.
SECTION 504 - “I-L” LIGHT INDUSTRIAL DISTRICT

The “I” Industrial District is intended to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the Township, contribute to the soundness of the economic base of the Township, provide opportunities for local employment close to residential areas, thus reducing travel to and from work, and otherwise further the purposes set forth in the initial paragraphs of this Ordinance. The limitations on use, height, and lot coverage are intended to provide for modern light industrial development in an urban environment. Residential and general commercial uses are considered not compatible and are prohibited, as well as any use which would substantially interfere with the development or continuation of the industrial uses and structures in the district.

A. Permitted Uses

In this district, the land and structures may be used, and structures may be erected, altered, enlarged and maintained for light industrial uses listed hereunder, provided:

Various light industrial and distributive uses including fabricating, assembly, storage, parking and other space uses incidental to the following:

1. Food and kindred products.
2. Apparel and other products.
3. Lumber and wood products.
4. Storage Yards.
5. Furniture and Fixtures.
7. Printing and publishing.
9. Miscellaneous petroleum and coal products.
10. Leather and leather products.
11. Stone, clay and glass products.
12. Fabricated Metal products.
13. Forestry.
15. Electrical equipment.
16. Transportation equipment.
17. Trucking and warehousing.
18. Wholesale trade.

Any other compatible type of light industrial use not specifically listed herein when authorized by the Zoning Hearing Board.

B. Accessory Uses

1. A single mobile home used as a dwelling for a watchman of an industry on same site provided lot size is two (2) acres or more and mobile home is connected to public water and either public sewers or approved on-lot system. The minimum floor area
shall be four hundred (400) square feet and shall not exceed seven hundred (700) square feet.

2. Accessory use of building customarily incidental to the above uses and as regulated by this Ordinance.

C. Use by Special Exception

1. Junk yards as permitted in Section 906.
2. Surface Mining as permitted in Section 907.
3. Telecommunications Towers and Antennas as permitted in Section 909.


D. Set Back

No building or structure shall be erected or enlarged unless the minimum yard areas and setbacks are provided as follows:

1. Front Yard - seventy-five (75) feet.
2. Side - twenty-five (25) feet.
3. Rear - fifty (50) feet.

If proposed structure is to be adjacent to a Residential District, a buffer area of ten (10) feet shall be added to the aforementioned setback adjacent to that Residential District.

For construction of a new structure adjacent to a railroad, no setback standards are required.

E. Height

The maximum height of buildings hereafter erected or altered shall be as follows:

   All buildings shall be a maximum of forty-five (45) feet or three (3) stories

The height of any accessory apparatus for newly erected or altered buildings shall not exceed seventy-five (75) feet.

F. Lot Area

The minimum lot area for all industrial buildings hereafter erected or altered shall be one (1) acre with a minimum width at building line of one hundred fifty (150 feet).

G. Percentage of Lot Coverage

The building area shall not exceed forty (40) percent of the lot area and no more than twenty-five percent (25%) shall be used (excluding the building area) for paving.

H. Off-Street Parking and Loading Facilities

All parking shall be provided as required in this Ordinance.

1. Signs
2. Special Conditions

In addition to the site plan requirements under Article IV, any other authority approval required, when applicable, such as Department of Health, PennDOT, Department of Environmental Protection, Department of Labor and Industry, and similar organizations shall be obtained before applying for zoning approval or an occupancy permit. Said authorizations shall accompany plans at the time they are submitted to the Township for review.
**Section 505: “I-H” HEAVY INDUSTRIAL**

The “I-H” Industrial District is intended to permit and encourage heavy industrial development that will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the Township, contribute to the soundness of the economic base of the Township, provide opportunities for local employment, thus reducing travel to and from work, and otherwise further the purposes set forth in the initial paragraphs of this Ordinance. The limitations on use, height, and lot coverage are intended to provide for heavy industrial development. Residential and general commercial uses are considered not compatible and are prohibited, as well as any use which would substantially interfere with the development or continuation of the industrial uses and structures in the district.

**Section 505.1. PURPOSE.**

It is the purpose of this Zone to provide an area suitable for the use of industry and related uses with controls necessary for ensuring sound industrial development. Note: Additional provisions may apply including, but not limited to, those listed in the “Supplementary Regulations” Section of this Ordinance.

**Section 505.2. PERMITTED USES.**

1. Alternative towers & wireless telecommunications facilities. (see Section 623)
2. Automotive assembly and services
3. Bus shelters
4. Essential services (buildings and accessories)
5. Extraction and mining of raw materials
6. Forestry activities
7. Freight, trucking and intermodal terminals, rail yards and railroads.
8. Manufacture, compounding, processing, or treatment of products from raw materials or previously prepared materials
9. Manufacturing including generation and co-generation plants
10. Medical laboratories and diagnostic facilities
11. Parking facilities when not located on the same lot as the use they serve
12. Printing and publishing
13. Public utility facilities (buildings and accessories).
14. Railroad manufacturing, repair, research and development facilities
15. Research and development laboratories
16. Storage of raw materials, equipment, and finished products
17. Truck Terminals
18. Value-added manufacturing, compounding processing or treatment.
19. Warehousing
20. Wholesale sales and services
21. Woodworking
22. Accessory uses on the same lot and customarily incidental to the permitted uses including:
   1. Space for the overnight and/or weekend parking of commercial vehicles.
   2. Other customary accessory uses and structures for the permitted uses
SECTION 506 - "FP" FLOOD PLAIN DISTRICT

The Flood Plain District is designed as a sub-zone within any given zoning district. The recognition of a Flood Plain District on the Zoning Map serves to minimize loss of life and health and damage to public and private property due to recurring or severe flooding. The Flood Plain District also provides notices to prospective developers that flooding may be expected in the area.

The identified Flood Plain District shall be any area of the Township, subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) on the Flood Hazard Boundary Map (FHBM) as issued by the Federal Emergency Management Agency (FEMA), or on the Flood Insurance Rate Map (FIRM) issued by FEMA, if such a map has been prepared for the Township.

A. Flood Elevation Determination

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

1. Corps of Engineers - Flood Plain Information Reports.
4. Known High water Marks from Past Floods.
5. Other Sources.

In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

B. Changes in Identification of Area

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

All Flood Plain Boundary Appeals shall go to the Zoning Hearing Board then to the Court of Appeals and flowing Article IX of the Municipalities Planning Code.
C. General Technical Requirements

1. In the identified flood plain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the Township (Municipal Flood Plain Ordinance).

2. Within any identified flood plain area, the elevation of the lowest floor (including basement) of any new or substantially improved non-residential structure shall be one and one half (1-1/2) feet or more above the one hundred (100) year flood elevation or be flood-proofed up to that height.

Any non-residential structure, or part thereof, which will not be completely or adequately elevated, shall be flood-proofed in accordance with the provisions of the Municipal Flood Plain Ordinance. Additional information may be obtained from the publication entitled, "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972).

D. Design and Construction Standards

The minimum standards for all construction and development proposed within any identified flood plain area provided in the Municipal Flood Plain Ordinance.

Development Which May Endanger Human Life

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

• will be used for the production or storage of any of the following dangerous materials or substances; or,

• will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or

• will involve the production, storage, or use of any amount of radioactive substances; shall be prohibited from development within any identified flood plain area. The following list of materials and substances are considered dangerous to human life:

   Acetone
   Ammonia
   Benzene
   Calcium carbide
   Carbon disulfide
   Celluloid
   Chlorine
   Hydrochloric acid
   Hydrocyanic acid
   Magnesium
Nitric acid and oxides of nitrogen
Petroleum products (gasoline, fuel oil, etc.)
Phosphorus
Potassium Sodium Sulphur and sulphur products
Pesticides (including insecticides, fungicides and rodenticides)
Radioactive substances, insofar as such substances are not otherwise regulated.

E. Activities Requiring Special Permits

The following activities shall be prohibited within any identified flood plain area unless a Special Permit has been issued by the Township as provided in the Municipal Floodplain Ordinance:

1. Hospitals.
2. Nursing Homes.
3. Jails or Prisons.
4. Mobile Home Parks.

Application requirements, review procedures, and special technical requirements are contained within the Municipal Flood Plain Ordinance regarding the above-mentioned activities.

F. Existing Structures in Identified Flood Plain Areas

1. Existing Structures

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

2. Improvements

Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance and the Municipal Flood Plain Ordinance.
SECTION 507 - "A" AGRICULTURAL DISTRICT

The purpose of the Agricultural District is to promote and preserve prime agricultural land, agricultural security areas, environmentally sensitive areas, forestry, and areas of natural and historic significance and for providing uses and development as are compatible with this objective. In order to regulate a direct adverse effect on the public health and safety, a High Density Agricultural district has also been established for certain uses.

A. Permitted Uses
   1. Agriculture.
   2. Horticulture.
   4. Forestry and Selective Timbering.
   5. Stables.
   6. Hatcheries.
   7. Greenhouses.
  10. One-Household Residences.
  3. Uses Permitted in a Conservancy District(s).

B. Accessory Uses
   As permitted in the R-SH One-Household Residential District.

C. Uses By Special Exception
   Home Occupations as permitted in Section 905.

D. Non-Permitted Uses

Based upon the consideration of the following factors, including, but not limited to, prevailing wind, topography, paths of odors during thermal inversion, obstructions in the path of exhausted air, visibility of the operation, special protection waters, water resources, soils suitability, local and regional transportation infrastructure, areas for application of manure, agricultural security areas, and effect/affect on adjoining lands/people, and as a result of the extensive undermining of the township by the bituminous mining industry, the offensive odors/noxious fumes and/or noise emitted and/or generated by certain processes, operations and/or businesses, and the desire of the township to protect the health, safety and welfare of the residents of the township through community planning efforts, the following Uses are determined to be Non-Permitted Uses in this District:

   1. Surface Mining.
2. Mobile Home Parks.
3. Commercial Uses.
4. Industrial Uses.
5. See also Section 410 - General Conditions.

E. Setback

All setbacks - 50 feet.

F. Height

1. Maximum height of one-household dwellings thirty-five (35) feet.

21. Maximum height of agricultural structures sixty (60) feet or seventy-five (75) feet for farm silos.

G. Lot Area

The minimum lot area for every building hereafter erected or altered shall be two (2) acres for residential dwellings, and a total of five (5) acres for all non-residential buildings.

H. Percentage of Lot Coverage

As permitted in R-SH One-Household Residential District.

I. Dwelling Standards

As permitted in R-SH One-Household Residential District.

J. Off-Street Parking and Loading Facilities

Shall be provided as required in this ordinance.

K. Special Conditions

No building or structure shall be erected upon slopes in excess of 25% grade unless the architectural design conforms to the landscape in a manner minimizing site preparation and excavation work.
SECTION 508 - "OC" OPEN SPACE CONSERVATION DISTRICT

The "O-C" Conservation District is intended to encourage the conservation of steep hillside land within the Township, where the economics of building and supplying public services and facilities argue against the more usual type of building development; and where only excessive expenditures for grading the land will make building development feasible; to prohibit commercial and industrial uses of land, and also residential use, except under special conditions relating to the availability of public facilities; and to discourage any use when its character or location within the district would create requirements and costs for public facilities, such as water supply and sewerage service substantially in excess of such requirements and costs in areas of less steep topography. All public water supply reservoirs and their approximate watershed areas are also included in this district, regardless of slope, so as to prevent erosion, sedimentation, and other contamination of the water supply.

A. Permitted Uses

1. Farming, general gardening, and growing of trees and nursery stock.
2. Forestry.
3. Recreation area, when operated by a non-profit organization.
4. Tourist attractions and historic or culturally significant areas, when operated by a non-profit organization.
5. Public reservoirs and their associated watersheds.

B. Accessory Uses
As authorized by the Zoning Hearing Board.

C. Uses by Special Exception

1. One-household dwellings.
2. Home occupations.
3. Telecommunications Towers and Antennas.

D. Non-Permitted Uses

Based upon the consideration of the following factors, including, but not limited to, prevailing wind, topography, paths of odors during thermal inversion, obstructions in the path of exhausted air, visibility of the operation, special protection waters, water resources, soils suitability, local and regional transportation infrastructure, areas for application of manure, agricultural security areas, and effect/affect on adjoining lands/people, and as a result of the extensive undermining of the township by the bituminous mining industry, the offensive odors/noxious fumes and/or noise emitted and/or generated by certain processes, operations and/or businesses, and the desire of the township to protect the health, safety and welfare of the residents of the township through community planning efforts, the following Uses are determined to be Non-Permitted Uses in this District:
1. Industrial Uses.

2. Surface Mining.

3. Commercial Uses.

E. **Setback**

   All setbacks - 50 feet.

F. **Height**

   1. One-household detached dwelling - thirty-five (35) feet.
   2. Agricultural structures - sixty (60) feet.
   3. Accessory Building - twenty (20) feet.
   4. Any other permitted building - thirty five (35) feet.
   5. Maximum height of agricultural structures sixty (60) feet or seventy-five (75) feet for farm silos.

G. **Lot Area**

   The minimum lot area for every building hereafter erected or altered shall be two (2) acres.

H. **Percentage of Lot Coverage**

   All buildings, including accessory uses, shall cover not more than ten (10) percent of the area of the lot.

I. **Dwelling Standards**

   As permitted in R-SH One-Household Residential District.

J. **Off-Street Parking and Loading Facilities**

   Shall be provided as required in this Ordinance.

K. **Special Conditions**

   On any lot traversed by an intermittent and/or a permanent watercourse, i.e., stream, lake, pond, etc., no structure shall be erected within one hundred and fifty (150) feet of the waterway.

   Nor shall any building or structure be erected upon slopes in excess of 25% grade unless the architectural design conforms to the landscape in a manner minimizing site preparation and excavation work.
SECTION 509 - “HDA” HIGH DENSITY AGRICULTURE

The purpose of the High Density Agriculture Zone is to identify those areas where agricultural activities should be encouraged or preserved and for providing uses and development as are compatible with this objective.

A. Permitted uses
   1. Agriculture.
   2. Horticulture.
   3. Animal husbandry.
   4. Forestry and Selective Timbering.
   5. Stables.
   6. Hatcheries.
   7. Greenhouses.
   10. One-household Residences.
   11. Concentrated Animal Operations
   12. Concentrated Animal Feeding Operations
   13. Livestock Intensive Operations
   14. Manure Storage Facility
   15. Dairy farms, Mink farms
   16. Pig farms
   17. Poultry farms,
   18. Sheep farms. As a condition precedent to the issuance of a permit, any Dairy farm, Mink farm,
   19. Pig farm,
   20. Poultry farm,
   21. Sheep farm,
   22. Manure Storage Facility,
   23. Concentrated Animal Operation,
B. Accessory Uses

As permitted in the R-SH One-Household Residential District.

C. Uses by Special Exception

1. Home Occupations.
2. Surface Mining.


1. Alcohol/Drug Treatment and/or rehabilitation facilities.

D. Non-Permitted Uses

Based upon the consideration of the following factors, including, but not limited to, prevailing wind, topography, paths of odors during thermal inversion, obstructions in the path of exhausted air, visibility of the operation, special protection waters, water resources, soils suitability, local and regional transportation infrastructure, areas for application of manure, agricultural security areas, and effect/affect on adjoining lands/people, and as a result of the extensive undermining of the township by the bituminous mining industry, the offensive odors/noxious fumes and/or noise emitted and/or generated by certain processes, operations and/or businesses, and the desire of the township to protect the health, safety and welfare of the residents of the township through community planning efforts, the following Uses are determined to be Non-Permitted Uses in this District:

1. Industrial Uses.
2. Commercial Uses.
3. Mobile Home Parks.
4. The burning and/or incineration of any waste, hazardous waste, infectious waste, chemotherapeutic waste, dangerous waste, hospital waste, garbage or rubbish, or the carrying on of any offensive manufacture or business, or any other use or activity upon property that by reason of noxious odors or fumes, excessive illumination, excessive noise, vibration or dust or air pollution unreasonably interferes with the reasonable use, comfort and enjoyment of property in the vicinity, or endangers the health or safety of the occupants of property in the vicinity.
5. The burning and/or incineration of any waste, hazardous waste, infectious waste, chemotherapeutic waste, dangerous waste, hospital waste garbage, rubbish, automobiles, machines or other waste materials which results in the emission of excessive noxious odors or smoke, or which cause fire hazards, or which pollutes the air.
6. Waste, hazardous waste, infectious waste, chemotherapeutic waste, dangerous waste, hospital waste, Nuclear/radioactive waste disposal and/or storage facilities.
7. Outdoor pistol/rifle/shooting/target ranges. Indoor ranges shall be permitted provided the sound is not detectable by the human ear outside the structure.
8. Power Plants, Investor Owned Utility, Co-Generation and/or Electric energy generation (by wind, hydro-power, or combustion turbine and combined cycle technologies using natural gas, petroleum fuels, or coal); and related ancillary uses (including fuel conveyance and storage facilities). This use is permitted in the SCD District upon satisfaction of the SCD District conditions/requirements.

E. Setback
All setbacks -- seventy-five (75) feet, unless otherwise set forth herein.

F. Height
1. One household dwellings - thirty-five (35) feet.
2. Agriculture structures - 60 feet or 6 stories. Which Provisions Prevails, these two numbers are not necessarily the same. Seventy-five (75) feet for farm silos.

G. Lot Area
The minimum lot area for every building hereafter erected or altered shall be two (2) acres for residential dwellings.

The minimum lot area for all buildings other than residential shall be five (5) acres.

H. Percentage of Lot Coverage
As permitted in R-SH One-Household Residential District.

I. Dwelling Standards
As permitted in R-SH One-Household Residential District.

J. Off-Street Parking and Loading Facilities
Shall be provided as required in this ordinance.

K. Special Conditions
a. On any lot traversed by an intermittent and/or a permanent watercourse, i.e., stream, lake, pond, etc., no building or structure shall be erected within one hundred and fifty (150) feet of the waterway.

b. Nor shall any building or structure be erected upon slopes in excess of 25% grade unless the architectural design conforms to the landscape in a manner minimizing site preparation and excavation work shall first satisfy all conditions/requirements of all federal, state, county, and/or local laws, rules, and/or regulations, including, but not limited to, the Environmental Protection Agency, the Department of Environmental Protection, the Department of Environmental Resources, the Environmental Hearing Board, the Agriculture Development Advisory Board, the Federal Clean Water Act, the Pennsylvania Clean Streams Law, the Best Management Practice Manual, the Manure Management Manual, the Pennsylvania Technical Guide, the Nutrient Management Act, the DEP NPDES Discharge Permit, DEP Water Quality Part II Permit, the Federal Clean Air Act, The Air Pollution Control Act, Erosion and Sedimentation Control Plan, DEP NPDES CAFO Permit, DEP NPDES Storm water Permit, DEP Residual Waste Permit, PDA Pesticide Control Act, Milk Sanitation Law Permit, Domestic Animal Law (disposal of...

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dead domestic animals and animal waste), Flood plain Management Act, Solid Waste Management Act, and/or Wellhead Protection Act. In the event of any conflict between/among any of the above laws, rules, and/or regulations, it is the intent that the law(s), rule(s), and/or regulation(s) which provide and/or sets forth the most comprehensive and/or stringent regulatory enforcement power and/or authority shall be applicable and/or control. Any Dairy farms, Mink farms, Pig farms, Poultry farms, Sheep farms, Manure Storage Facility, Concentrated Animal Operation, Livestock Intensive Operation, and/or Concentrated Animal Feeding operation which satisfies the above provisions shall provide a bond and/or other acceptable surety, payable in favor of the township, in an amount determined to be sufficient by the township, to protect the township against any abandonment of the operation/farm by the operator and/or owner, and/or contamination of wells, drinking water, ground water, and/or aquifer. The owner/operator shall provide to the township, prior to the township's approval of any farm and/or operation activity, a hydrology report from a certified hydrologist selected by the township, that groundwater and/or the aquifer shall not be damaged/depleted/polluted by the proposed farm/operation. Any Dairy farms, Mink farms, Pig farms, Poultry farms, Sheep farms, Manure Storage Facility, Concentrated Animal Operation, Livestock Intensive Operation, and/or Concentrated Animal Feeding Operation shall provide to the township, proof of its ability to properly and safely dispose of Manure which proof shall include, but is not limited to the following: (1) contract with an certified hauler, (2) proof that the licensed hauler has sufficient insurance coverage to cover any and all potential claims, including, but not limited to, liability, pollution, etc., (3) contract with a pollution containment company which has the ability to immediately respond to pollution on the operation site and during any hauling situation/operation, (4) proof that the operation will notify the township twenty-four (24) hours prior to any manure hauling/spreading procedure, (5) proof that the operation/farm has undertaken, and has in place, safeguards to guarantee that pollution shall not be caused by any onsite and/or hauling operations. Any Dairy farms, Mink farms, Pig farms, Poultry farms, Sheep farms, Manure Storage Facility, Concentrated Animal Operation, Livestock Intensive operation, and/or Concentrated Animal Feeding Operation which satisfies the above provisions shall have an Odor Abatement Plan prepared by an individual with expertise and qualifications in odor abatement which plan shall minimize odor at the site and to other properties in the township, during transportation, and during any application process. Any Dairy farms, Mink farms, Pig farms, Poultry farms, Sheep farms, Manure Storage Facility, Concentrated Animal Operation, Livestock Intensive operation, and/or Concentrated Animal Feeding operation which satisfies the above provisions shall have a Vector Control Plan prepared by an individual with expertise and qualifications in vector containment and abatement which plan shall minimize fly problems, rodent problems, and vector problems, at the site and to other properties in the township, during transportation, and during any application process. Any Dairy farms, Mink farms, Pig farms, Poultry farms, Sheep farms, Manure Storage Facility, Concentrated Animal Operation, Livestock Intensive operation, and/or Concentrated Animal Feeding Operation which satisfies the above provisions shall have a setback of one thousand (1000) feet, on all sides, from any property line where any animal may have access or be placed/located at any time.

Section - Special Conservation Development Regulations

509.100 - Establishment of Special Conservation Development District

The location and boundary of the Special Conservation Development District ("SCD") is shown on the Zoning Map. The Special Conservation Development District is an overlay district. This
_overlay zoning district is a special district with a set of additional regulations that are applied to the geographic areas within the Special Conservation Development District based on specific attributes of the area and type of use proposed. A property owner may proceed under the basic district requirements or under the SCD district requirements.

509.200 - SCD Zoning District Boundaries and Interpretation

509.201 - Overlay Concept

A. The Special Conservation Development District described above shall be an overlay to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions of the Special Conservation Development District shall serve as a supplement to the underlying district provisions.

B. In a Special Conservation Development District overlay area, the property owner may elect under which District of the Zoning Ordinance the application will be processed, that is, the underlying Zoning District or the overlaying SCD District. The application will comply with all requirements and provisions of the District selected.

509.202 - Zoning Map

The boundaries of the Special Conservation Development District are established as shown on the Official Zoning Ordinance Map of Jackson Township.

509.300 - Specific intent for special conservation development zoning district

The primary purpose of the Special Conservation Development District is to provide areas in Jackson Township for new economic development which is undertaken in conjunction with special provisions for establishment of conservation and open space areas, designed and implemented to be in harmony with the existing natural and human environment. The specific intent of the Special Conservation Development District is stated as follows:

509.301 - To provide space for light industrial and certain power generation and transmission types of economic development that is undertaken in conjunction with establishment and protection of significant surrounding open space and conservation areas.

509.302 - To encourage the desired types of economic development set forth in this Ordinance, while maintaining the high quality of the living environment and attractive aesthetic quality in Jackson Township.

509.303 - To establish a transitional area between high intensity land use activities (such as industrial and retain commercial uses) and residential and agricultural areas, in order to minimize potential conflicts between incompatible land uses or their adverse impact upon one another.

509.304 - To require that all uses in the SCD Districts be developed in a clustered pattern that preserves 90% or more of the surrounding land in open space.

509.400 - Basic Special Conservation Development District Regulations

509.401 - Regulations Governing the Use of Land. - The following Table lists the Standard Industrial Classification (SIC) divisions and major uses which are classified as Permitted or Conditional Uses in the SCD Zoning District.
A. Permitted Uses. Those uses listed in the enclosed Table with a "P" shall be Permitted Uses in the SCD Zoning District. Permitted Uses require no special action by the Zoning Hearing Board or by the Township Board of Supervisors.

B. Conditional Uses. Those uses listed in the enclosed Table with a "C" shall be Conditional Uses in the SCD Zoning District and require special action and satisfaction of all conditions imposed by the Zoning Hearing Board, the Township Planning Commission, and the Township Board of Supervisors.

<table>
<thead>
<tr>
<th>Use</th>
<th>Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>P</td>
</tr>
<tr>
<td>Timber removal and horticultural uses</td>
<td>P</td>
</tr>
<tr>
<td>Parks and recreation</td>
<td>P</td>
</tr>
<tr>
<td>Electric energy generation (by wind, hydro power, or combustion turbine and combined cycle technologies using natural gas or petroleum fuels, but not coal); and related ancillary uses (including fuel conveyance and storage facilities)</td>
<td>C</td>
</tr>
<tr>
<td>Electric energy transmission</td>
<td>C</td>
</tr>
</tbody>
</table>

509.402 - Regulations Governing the Size of Lots, Yards, Buffers and Buildings for Permitted Uses and Conditional Uses

A. Minimum Lot Size:

23. Fifty (50) acres for each lot used for a Permitted Use.

2. Three Thousand (3000) acres for each lot used for Conditional Use.

B. Maximum Building Coverage: The maximum building coverage (measured by dividing the total area of the footprint of all buildings by the total gross land area of the development site or lot) shall not exceed 5%.

C. Maximum Impervious Surface Ratio: The maximum impervious surface (measured by dividing the total area of all impervious surfaces on a development site by the total gross land area of the development site or lot) shall not exceed 10%.

D. Special Provisions for Calculation of Maximum Building Coverage and Maximum Impervious Surface Ratio: In calculating the Maximum Building Coverage and Maximum Impervious Surface Ratio under this Section, the total gross land area of a development site may include all lands contiguous to the lot or lots on which a proposed Conditional Use is to be located (i) as to which the applicant owns in fee or retains a conservation easement meeting the requirements of Section 509.606; or (ii) as to which the applicant has caused or arranged for the dedication or conveyance to the Township or a qualified non-profit organization of a fee interest or conservation easement meeting the requirements of Section 509.606.

E. Minimum Setbacks for Yards for Permitted Uses:

Front yard: 100 feet
Side yard: 50 feet
Rear yard: 100 feet

F. Minimum Buffer Yards for Conditional Uses:
Front yard: 1000 feet
Side yard: 1000 feet
Rear yard: 1000 feet

G. Special Provisions for Calculation of Maximum Building Coverage, and Maximum Impervious Surface Ratio, Minimum Setbacks for Yards, and Minimum Buffer Yards:

1. In calculating the Maximum Building Coverage, the Maximum Impervious Surface Ratio, the Minimum Set-Backs for Yards and Minimum Buffer Yards under this Section, the total gross land area of a development site and the yard set-back distances may include all lands contiguous to the lot or lots on which a proposed Conditional Use is to be located (i) as to which the applicant owns in fee or retains a conservation easement meeting the requirements of Section 509.606; or (ii) as to which the applicant has caused or arranged for the dedication or conveyance to the Township or a qualified non-profit organization of a fee interest or conservation easement meeting the requirements of Section 509.606.

2. The Minimum Setbacks for Yards and Minimum Buffer Yards shall not apply to roadways, water lines, natural gas pipelines, electric transmission lines, utility lines, or similar ancillary structures and uses.

H. Maximum Building Height:

1. Permitted Uses: 20 feet.

The maximum building height restrictions shall not apply to spires, belfries, cupolas, or domes not used for human occupancy, or to chimneys, stacks, ventilators, skylights, water tanks, utility poles or towers, or other necessary appurtenances.

I. Buffer Yard Requirements:

Buffer Yards shall comply with the following:

1. The Buffer Yard may be combined with required front, side or rear yards, and in case of conflict, the larger yard (buffer or building set back requirement) shall apply.

2. Within the Buffer Yard, an area at least 1000 feet in width shall be maintained and landscaped in order to maintain a dense screen composed of trees, scrubs, and groundcover between any Conditional Use within the SCD District and any adjoining streets, residential or agricultural properties. Such screen shall comply with the following requirements:

   a. Existing trees or landscaping of planted trees and scrubs, alone or in combinations with ground berms or other screening structures, shall be used to establish an effective screen to visibility, glare and noise throughout the year.
b. Where existing trees and vegetation are not sufficient to provide an effective screen, plant materials used in the screen planting shall be of such species and size as will produce, within three (3) years, a visual screen of at least ten (10) feet in height.

c. The vegetated screen shall be maintained permanently; and any plant material included within the vegetated screen which does not live or is cut shall be replaced within one year.

d. No clear cutting of trees within the designated vegetated screen shall be permitted. Selective cutting of trees within the designated vegetated screen may be allowed, subject to the requirements of Section 509.402.I(2)(e).

e. As part of any application for a Conditional Use within the SCD District, the applicant shall prepare and submit a proposed screening plan for maintenance of existing trees and vegetation, and planting of additional trees and vegetation, meeting the requirements of this Section. For new plantings, the screening plan shall list the botanical names, common name, size, quantity and general remarks for each plant proposed.

4. Except for a directional sign at each driveway, public utility lines, and those waterlines, natural gas pipelines, electric transmission lines, or similar ancillary structures which are required to convey materials to, or convey products from, a Permitted or Conditional Use within the SCD District, the Buffer Yard shall be free of structures, manufacturing or processing activities, or materials storage.

509.403 - Off-Street Parking and Loading Requirements.

A. With respect to any Permitted Use within the SCD District, refer to Section 504 of this Ordinance for Off-Street Parking and Loading Requirements.

B. Any off-street parking or loading area related to a Permitted Use within the SCD District shall be screened from adjoining streets, residential and agricultural properties by a vegetated screen of at least 10 feet in width.

C. With respect to any Conditional Use within the SCD District, refer to Section 504 of this Ordinance for Off-Street Parking and Loading Requirements.

D. Any off-street parking or loading area related to Conditional Use within the SCD District shall be separated from any adjoining streets, residential or agricultural properties by the Buffer Yard as provided in Section 402.

509.500 - GENERAL PERFORMANCE REQUIREMENTS

All new uses in the SCD District shall be subject to the regulations set forth in this Ordinance. In addition, any Permitted or Conditional Uses shall comply with all of the following additional performance standards. A variety of methods may be used to achieve these performance standards, including increasing the Buffer Yard, landscaping, special building design, lighting design, and other measures.

509.501-THIS SECTION INTENTIONALLY LEFT BLANK
509.502 - THIS SECTION INTENTIONALLY LEFT BLANK

509.503 - Outdoor Storage Control

A. No flammable or explosive liquids, solids or gases shall be stored in bulk above the ground except for tanks or drums of fuels directly connected with energy devices, heating devices, or appliances located and operated on the same lot as the tanks or drums of fuel.

B. All outdoor storage, facilities for fuel, raw materials and finished products, including those permitted in Section 509.503.A above, except raw or processed coal, shall be enclosed by a fence of a type, construction and size as shall be adequate to protect and conceal the facilities from any adjacent properties.

C. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.

D. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards, and the storage and management of it.

509.504 - Sewage Waste Treatment and Disposal Control

All methods of sewage and waste treatment and disposal shall be approved by the Pennsylvania Department of Environmental Protection and in accordance with the Sewage Plan for the Township.

509.505 - Dust, Smoke, Fumes, Gases and odors

No use shall emit dust, smoke, fumes, gas, odor or the like which can cause any spoiling, staining, irritation, damage or injury to persons or property at any point beyond the property line of the use creating the emission. Any emissions of air pollutants shall comply with all applicable regulations adopted pursuant to the Pennsylvania Air Pollution Control Act., as set forth at Title 25 Rules and Regulations, Department of Environmental Protection, Subpart C, Protection of Natural Resources, Article III Air Resources.

509.506 - Glare Control

No use shall utilize lighting in any manner which produces glare onto public streets or other lots of land. Glare shall be defined as illumination from the proposed use in excess of 0.5 foot-candle on adjacent properties zoned for commercial use and streets, and 0.2 foot-candle on properties zoned for residential or rural residential use, measured at 5 feet from the property producing the illumination.

509.600 - SPECIAL REQUIREMENTS FOR CONDITIONAL USES IN SCD ZONING DISTRICT

Conditional Uses shall comply with all the requirements set forth in this Section as well as Sections 503 and 504 of this Ordinance. The Township shall encourage comments from the neighborhood and community affected by the proposed development.
In addition, applications for development approval shall include studies that set forth the projected traffic impact and environmental impact of the proposed development. Infrastructure extensions should be completed and/or constructed by the developer according to the needs identified by the foregoing studies.

A use permitted in a particular zoning district as determined by the Township Supervisors.

509.601 - Traffic Impact Analysis

All development projects will be evaluated by the Township Engineer to determine the level of traffic impact on the Township. This will apply to all new projects or uses proposed or to any expansion of an existing development which is proposed after the effective date of this ordinance.

509.602 - Major Traffic Impact Study Requirements

All projects which have an estimated Average Daily Traffic (ADT) exceeding 1,000 vehicles per day shall be required to submit a Traffic Impact Study prepared by a registered professional engineer experienced in traffic analysis (the "Traffic Professional"). A Major Traffic Impact Study shall include at least the following:

A. Identification of all major roads and intersections serving and substantially impacted by the project.

B. Analysis of how the proposed project users or residents will use these major roads.

C. Existing traffic conditions (without the proposed project) including traffic volumes (ADT) and peak hour volumes on the identifies major roads, based on PennDOT information, surveys and Trip Generation Rates. (In addition, commercial projects shall provide weekend traffic volume data at peak hours.)

D. Projected traffic conditions (without the proposed project) based on trends in growth of traffic for ADT and peak hour volumes, including weekends if appropriate. (In addition, commercial projects shall provide weekend traffic volume data at peak hours. Origin-Destination studies may be required for developments with an impact upon US Route 22, 271, and all other US Routes/Legislative Routes/township roadways/streets located within a 10-mile radius of the project.

E. Estimates of traffic volumes (ADT) weekday peak hour volumes and weekend peak hour volumes after development of all stages of the project.

F. Highway and intersection traffic capacities and levels of service as defined by the Highway Capacity Manual must be calculated.

G. Identification of existing and projected traffic problems on roads serving the project or substantially impacted by the project, including highway capacity deficiencies for the various roads and intersections involved.

H. Analysis of parking requirements and needs and the extent to which these needs are met by the project.

I. Solutions proposed by the developer to alleviate the identified problems and deficiencies and the proposed cost of these improvements.
J. Evaluation of impact of project on adjoining residential neighborhood areas.

K. Identification and analysis of high accident areas located in proximity to the project, as identified by the Township and the effect which the proposed project will have on the high accident areas and locations.

L. The Traffic Professional responsible for preparing the Major Traffic Impact Study shall certify to the following:

1. That in the preparation of the Study that the Multi-Municipal Comprehensive Plan and any pertinent Township or other traffic or transportation plan or study, as identified by the Township, has been considered in the preparation of the Major Impact Study.

2. That the Traffic Professional has consulted with and received information pertaining to the streets and traffic data and projections from PennDOT and from the Cambria County Planning Commission.

3. That in the professional opinion of the Traffic Professional, the completed Major Traffic Impact Study is a true and accurate Study which has given adequate consideration to available information and includes reasonable projections and analysis to the factors considered and that the Study represents the best opinion of the Competent Authority on the traffic and parking impact of the proposed development.

4. That, if it has not been possible to fully analyze all relevant factors, then those factors not analyzed shall be identified, together with the reasons for their exclusion from the Study.

The Major Traffic Impact Study shall be reviewed by the Planning Commission and a recommendation made to the Township Supervisors in accordance with the "Conditional Use" review procedures and requirements established herein. The Planning Commission and/or the Township may request additional data or information to clarify the findings set forth in said Study. The Township shall not approve any such "Conditional Use" if they determine that any traffic or parking problem to be created by the proposed development cannot be adequately alleviated by the developer.

509.603 - Determination of Major Traffic Impact

The level of traffic impact will be based on the estimated "trip ends" generated by the proposed project uses. "Trip ends" are defined as the total number of trips entering and leaving a specific land use or uses located in a project per day. These "trip ends" will be based on the estimated "trip generation rates" for various types of land uses based of the publications entitles "Trip Generation, An Information Report", published by the Institute of Transportation Engineers. The total number of average daily "trip ends" shall also mean "Average Daily Traffic (ADT)". For Conditional Uses, the Township, after recommendation from the Planning Commission shall make the final determination or interpretation as to the specific uses in the publications which are most comparable to the proposed use.

Any development which has an estimated ADT (or daily trip ends per day) in excess of 1,000 shall be considered to have a "major traffic impact." In the event that a project is to be phased over a period of time, not exceeding ten (10) years, the total traffic impact for the entire period of phasing shall be used in determining the traffic impact.

509.604 Requirements for Projects Having a Major Traffic Impact
All projects which are determined to have a Major Traffic Impact shall comply with the following:

A. Compliance with the site plan review procedures set forth in Section 509.800.

B. All such projects shall have direct access to an Arterial Road or to a Collector Road in the Township as identified in the Central Cambria Coalition Multi-Municipal Comprehensive Plan. In lieu of such access, the development shall provide a project road or upgrade an existing road (subject to PennDOT approval pertaining to State roads and Township Supervisors for Township roads) which is capable of handling the level of traffic to be generated and which is proposed for development by the developer to Collector Road Standards, as set forth in the Township Subdivision and Land Development Ordinance, for the project site to the closest existing Collector, Connector or Arterial Road.

C. All such projects shall comply with the parking and loading requirements set forth in Section 509.500.

D. The applicant will be responsible for the guarantee of payment for the proportionate share of all traffic control devices or for the construction of public facilities applicable to the proposed development, which are required as a result of the traffic impact generated by the proposed development project.

509.605 - Environmental Impact Assessment

The applicant for a Conditional Use in the SCD District shall prepare an environmental impact assessment ("EIA") as part of the Site Plan required under Section 509.800. The Township shall consider the EIA prior to issuing a Conditional Use approval. The purpose of the EIA is to evaluate the proposed land use in a specific location and to identify any impacts of the proposed use on both on-site and immediate off-site natural and human environment, including the adjacent neighborhood and land uses and environmentally sensitive areas, such as flood plains, wetlands, streams and lakes, steep slopes, wildlife habitat, significant historical or archeological sites.

509.606 - Conservation Easement Standards

The land encompassed within a conservation easement shall be deemed to qualify for consideration in meeting the requirements of Sections 509.402.F and 509.402.I, if the conservation easement meets the following requirements:

A. The conservation easement shall be a binding recorded restrictive covenant, running with the land, that restricts development and use of the lands subject to the conservation easement.

B. The conservation easement shall provide that the lands will be retained forever predominantly in its natural, scenic, historical and forested and field open space condition for conservation, preservation, educational and recreational purposes, subject only to certain roadway access, pipeline, transmission line and utility easements to be retained or held by the applicant/occupant of the Conditional Use in the SCD District.

C. The conservation easement shall prohibit any clear cutting of timber within the conservation easement area. Selective cutting of timber may be allowed if such selective timber cutting is undertaken pursuant to a plan which provides maintenance of an effective vegetative buffer between the Conditional Use and any adjacent street, residential or
agricultural lot, and the replanting of any area affected by the selective cut pursuant to Section 509.402, I.

D. A use permitted in a particular zoning district as determined by the Township Supervisors.

E. The conservation easement shall prohibit filling, excavating, surface mining or drilling, the removal of topsoil, sand, gravel, rock, minerals or other materials within the Buffer Yard area.

F. The conservation easement shall prohibit the construction of roads and parking areas, except (i) such roads as necessary to service the Conditional Use in the SCD District and related pipeline, transmission line and utility facilities; (ii) fire lines; and (iii) roads and parking areas associated with education and public recreation facilities developed within the conservation easement.

G. The conservation easement shall prohibit the operation of snowmobiles, dune buggies, motorcycles, all-terrain vehicles or other loud, destructive or offensive recreation vehicles.
ARTICLE VI – SPECIAL EXCEPTIONS

The special exceptions listed in this Ordinance and their accessory buildings and uses may be permitted by the Zoning Hearing Board in the districts indicated therein, in accordance with the procedures, standards, and criteria set forth in this Article and Article XII (Zoning Hearing Board).

SECTION 601 - GENERAL PROCEDURES

An application for special exception filed with the Zoning Officer shall be referred to the Planning Commission for investigation as to the manner in which the proposed location and character of the special exception will affect the community and how the required standards are to be achieved. The Planning Commission shall report the results of its study to the Zoning Hearing Board within thirty days following receipt of the application. If no such report has been filed with the Zoning Hearing Board within this time period, the Zoning Hearing Board may assume the Planning Commission has acted favorably but in any event the recommendation of the Planning Commission shall be advisory, and not binding upon the Zoning Hearing Board.

The Zoning Hearing Board shall conduct a public hearing on the appeal under Section 308 (Hearings) of Article III, and in accordance with Public Notice requirements defined in Article II, Section 202.

If the proposed Special Exception is located in the district wherein such use may be permitted and meets the specified standards and criteria, the Zoning Hearing Board shall approve the Special Exception. The Board may also levy reasonable conditions or safeguards as deemed appropriate to protect adjoining property.

The applicant may then apply to the Zoning Officer for building and occupancy permits in accordance with the procedures specified in this ordinance.

Any expansion of such Special Exception involving the enlargement of the buildings, structures, or land area shall be subject to the procedure described in this section.

SECTION 602 - FUNERAL HOME STANDARDS AND CRITERIA

A. Special Exception

A Funeral Home may be permitted as a special exception in any Residential District with the minimum requirements as hereinafter set forth.

B. Height

As permitted in each District.

C. Lot Area

The minimum lot area shall be one (1) acre.
D. **Percentage of Lot Coverage**
   As permitted in each District.

E. **Off-Street Parking Facilities**
   As required under Article VIII.

F. **Site Plan**
   As required under Article IV, Section 405.

G. **Yard Areas**
   As required in each District.

**SECTION 603 - ROOMING HOUSE STANDARDS AND CRITERIA**

A Rooming House may be permitted as a Special Exception in MX-VC Residential Districts provided it does not accommodate more than four (4) boarders and meets the requirements of a single dwelling in the district.

**SECTION 604 - MOBILE HOME PARK STANDARDS AND CRITERIA**

A. **Special Exception**

   A Mobile Home Park may be permitted as a special exception in the R-SH Residential District with the minimum requirements as hereinafter set forth. No Mobile Home Park shall be located or constructed in a manner or at a location inconsistent with the Municipal Flood Plain Ordinance or the Flood Plain provisions of this Ordinance.

B. **Application Procedures**

   All applications for mobile home park developments shall follow the procedures for submission of land developments found in Articles II and V of the Subdivision and Land Development Ordinance.

C. **Site Location**

   Mobile home parks shall be located on well-drained lands free of natural or manmade hazards. Mobile home parks shall be laid out with due consideration to natural features. No development shall occur on the floodway, wetlands or steep slope areas. Natural drainage ways shall in no way be impaired by development.

D. **Use Regulations**

   The uses allowed in a mobile home park shall be as specified in the Township of Jackson Zoning Ordinance, Section 501.

E. **Placement of Mobile Homes**

   Each mobile home shall meet all requirements of the Uniform Construction Code.
F. Size of Park

The minimum size requirement for a mobile home park shall be ten (10) acres.

G. Density

The maximum number of dwelling units permitted in a mobile home park shall be calculated on the net area by deducting non-building and constrained land from the total site area.

H. Clustering

The clustering of mobile home lots or sites is encouraged to provide for conservation of open space, protect environmentally sensitive areas and to provide for efficient development of streets and utilities. In order to approve any cluster plan, the Township of Jackson shall apply the following test:

A. The number of mobile home lots times five thousand (5,000), plus the Area of common open space in square feet, shall equal at least the minimum lot standard as identified in the Township of Jackson Zoning Ordinance for each proposed mobile home lot.

I. Specific Design Standards

Site Improvements and Design

Minimum site improvements for all mobile home parks shall include, but shall not be limited to, the following:

A. Minimum Mobile Home Lot – All mobile home lots shall be of a size to adequately accommodate double-wide mobile homes so that all setback requirements in accordance with the Township of Jackson Zoning Ordinance can be met. In no cases shall a mobile home lot be less than five thousand (5,000) square feet, or as required by the Township of Jackson. All mobile home lots shall be large enough to meet yard and parking requirements. Mobile home lots shall not be located in environmentally sensitive areas as defined in this Ordinance. Each mobile home lot shall contain a mobile home stand, which shall be improved with concrete columns or slab to provide an adequate foundation for the placement of a mobile home, securing the structure against uplift, sliding or rotation. Each mobile home shall be provided with skirting of durable material entirely enclosing the area beneath the mobile home.

B. Streets – All mobile home park streets shall be designed in accordance with Section 215 of the Subdivision and Land Development Ordinance and any other requirements that may exist within the Township of Jackson. Each mobile home site shall be accessible from a street. Access shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on streets within the park.
1. Streets shall meet minimum paving thickness and other requirements set forth in this Ordinance.

a. All streets shall be kept free of debris or other obstructions to provide clear access for fire, police or other emergency access. If streets are proposed for dedication, all proposed street right-of-ways must meet the minimum width as required by the Township of Jackson Board of Supervisors and the Township of Jackson Engineer.

b. A minimum of two (2) off-street parking spaces shall be provided in all mobile home parks for the use of park residents and their guests. Parking shall be located convenient to each mobile home and in no case be located more than two hundred (200) feet from the use it is intended to serve. The number and design of parking spaces shall be in accordance with the Township of Jackson Zoning Ordinance.

C. Yard Requirements – Mobile homes shall be placed off center on the lot so as to provide a larger useable open yard space and outdoor living area on one side of the unit. All structures or mobile homes shall be located in accordance with the requirements of the Township of Jackson Zoning Ordinance or, at a minimum, no less than the following:

a. Fifty (50) feet from any perimeter lot line
b. Forty (40) feet from any park street
c. Thirty (30) feet from any mobile home
d. Five (5) feet from any interior lot line

D. Common Open Space – Portions of the mobile home park not developed into mobile home lots, streets, recreation areas or service buildings shall be designated as common open space. All mobile home parks shall provide not less than ten percent (10%) of the total land area for common open space purposes. Such lands shall be improved whereby the same will be accessible to all families residing within said tract and whereby such open space may be used for recreational purposes. Environmentally sensitive areas may either be included within individual mobile home lots or deeded separately with appropriate deed restrictions barring future development. A maintenance and ownership agreement shall be prepared and recorded with the Cambria County Recorder of Deeds for all proposed common open space areas and buffer areas. The Township of Jackson will not be held responsible for any ownership or maintenance of any proposed common open space.

a. Utility Improvements – All mobile home parks shall provide to each lot both a continuing supply of safe and potable water as approved by the Department of Environmental Protection (DEP) and a connection to a sanitary sewage disposal facility as approve by the Department of Environmental Protection (DEP). Electric, telephone and centralized television cable service shall also be provided and shall be buried.
F. Other Site Improvements – Each mobile home park shall provide garbage and trash collection and disposal facilities as approved by the Township of Jackson, an adequate park street lighting system, and such other improvements or services as may be required in the best interest of the public’s health, safety and general welfare.

G. Screening – All mobile home parks shall be bounded by a buffer area with a minimum of ten (10) feet in depth as measured at right angles to the tract boundary lines. This space shall be used for no other purpose but landscaping, except where access roads cross it. Buffer areas shall be landscaped and consist of at least forty (40%) percent evergreens. All landscaping shall be at least six (6) feet in height at the time of planting.

H. Drainage – Storm drainage from roofs and paved areas shall be channeled to natural drainage courses and away from adjoining properties and public roads. Trees and shrubbery shall be maintained on the property of the mobile home park and on every lot within the park for absorption of water runoff and hence for flood protection. Storm drainage shall also be handled according to the requirements prescribed by the Township engineer and/or in any Township Stormwater Management Ordinance.

I. Sidewalks – All mobile home parks shall be provided with safe, convenient, all-season pedestrian walks of ID-2 bituminous concrete, Portland cement concrete, stone, clay, or brick pavers, to a depth and width approved by the Township Engineer between individual mobile homes and streets and to all park facilities provided for the residents. Walkways serving park facilities shall have a minimum width of four (4) feet.

J. Street Signs – Stop and street identification signs shall be provided for all streets at every intersection in the mobile home park.

SECTION 605 - HOME OCCUPATION STANDARDS AND CRITERIA

8. A home business shall be permitted as a Special Exception in R-SH and MX-VC Residential Districts, O-C Conservancy Districts, and Agricultural Districts where the following criteria are satisfied:

24. The proposed use shall be consistent with the definition of a home business set forth in Section 202 of this Ordinance.

25. A home business shall be required to have all necessary state and local permits and licenses.

B. A home office shall be permitted in R-SH and MX-VC residential districts.

26. The proposed use shall be consistent with the definition of a home office set forth in Section 202 of this Ordinance.
SECTION 606 - JUNK YARD STANDARDS AND CRITERIA

Junk yards shall be permitted as a Special Exception only in the Industrial (I) District subject to the following regulations:

27. All junk yards shall be enclosed with a fence a minimum of six (6) feet in height with gates. Gates shall be securely locked except during business hours when an adult attendant is on the premises.

28. All materials stored within shall be stored and set back at least twenty-five (25) feet from any adjoining premises and at least fifty (50) feet from the right-of-way of any public road or highway.

29. Burning or melting of any junk, rubbish, or refuse is prohibited.

30. All material shall be stored and arranged so as to permit access by fire, fighting equipment and to prevent accumulation of stagnant water. Materials or scrapped automobiles shall not be piled to a height of more than eight (8) feet from the ground.

31. All gasolines shall be drained from any junk or scrapped automobiles into containers and removed from the premises within twelve (12) hours from arrival on the premises.

32. All fluid wastes must comply with State and Federal regulations for disposal. (Transmissions fluid, etc.)

33. No garbage or organic waste shall be permitted to be stored in any junk yard.

SECTION 607 - SURFACE MINING AND EXCAVATING STANDARDS AND CRITERIA

A. Mining activities are permitted only in the "I" and "HDA" Districts and subject to the following criteria:

34. Time of operation - Mining operations may be permitted to operate 24 hr./day providing said operations do not interfere with closely adjacent residential areas. If mining operations are to be in close proximity (one (1) mile) to residential areas, mining operations shall be limited to daylight hours.

35. Use of local roads and streets - Mine vehicles are prohibited from using local streets in residential areas at night.

36. Weight limits for coal hauling vehicles - The use of locally maintained municipal roadways by mining vehicles that exceed the weight limits of said municipal roads is strictly prohibited. Any utilization of municipal roadways by mining vehicles shall be accompanied by a bond, issued by the mining operator, covering all costs involved in repairing and/or replacing damaged roadways caused by said mining vehicles.

B. Proximity to residential areas - All mining operations shall maintain, at a minimum, a 1000 foot distance from all residential structures and/or areas

9. Proximity to municipal watershed - All mining operations shall maintain a minimum distance of 1000 feet from all municipal watershed areas, and a minimum distance of 1000 feet from any watercourse (stream or river).
D. Diminution and/or pollution of ground water - Any decrease and/or pollution of ground water used by local residents shall be remedied by the mining operator (at his expense) thereby insuring a drinkable and dependable water supply to the residents whose water supply was affected by said mining operations.

10. Backfilling of strip cuts - All strip mining operations shall be properly backfilled according to Pennsylvania Department of Environmental Protection regulations.

F. The Zoning Hearing Board may impose such other reasonable conditions and safeguards as may be necessary to protect the public health, safety, and welfare in accordance with the spirit and purpose of this Zoning Ordinance.

SECTION 608 - DAY CARE STANDARDS AND CRITERIA

A. Day care facilities may be permitted as a Special Exception in any Residential District with the minimum requirements as hereinafter set forth.

37. The day care facilities defined in this Ordinance must hold an approved Pennsylvania Department of Public Welfare registration certificate or license, as appropriate, and meet all current DPW regulations including those standards governing adequate indoor space, accessible outdoor play space, and any applicable state or local building and fire safety codes.

38. All day care homes and facilities shall be fully protected by smoke detectors and fire extinguishers.

B. Family Day Care Homes and Group Day Care Homes shall conform to the following criteria:

1. The general provisions of Section 801 Parking and Loading Facilities shall apply to all Family Day Care Homes and Group Day Care Homes.

2. In all Residential districts in addition to any other parking spaces required in relation to other uses of a building, there shall be one off-street parking space for each non-resident employee or non-resident/full time volunteer and one safe passenger unloading space measuring at least nine (9) feet by twenty (20) feet.

39. The required outdoor play area shall be surrounded by a safety fence or natural barrier, provided that any fence shall conform to the height limitations relating to fences in the Zoning District in which it is located.

3. Outside play shall be limited to the hours between 8:00 a.m. and 7:00 p.m.

40. Any sign shall comply with the standards governing signs as provided in this Ordinance.

41. When day care is provided in a home, the amount of floor area devoted to such purposes shall not exceed thirty (30) percent of the total floor area of the dwelling and there shall be no change to the exterior of the building for the purpose of accommodating the day care use.

42. The lot size of any Family Day Care Home shall not be less than 7,500 square feet and...
the lot size of any Group Day Care Home shall not be less than 15,000 square feet. Any such home shall conform to the setback, height, and building area requirements of the Zoning District in which it is located.

11. Day Care Centers may locate in any Residential District by Special Exception and in any Commercial District by right, and subject to the regulations of the Zoning District in which it is located and the following additional standards, whichever is more restrictive.

43. Parking - There shall be one off-street parking space provided for each employee or full-time volunteer and one safe passenger unloading space measuring nine (9) feet by twenty (20) feet for each ten children that the facility is licensed to accommodate.

44. Fence - The outdoor play area required by state licensing shall be surrounded by a safety fence or natural barrier, provided that any fence shall conform to the height limitations for fences in the Zoning District in which it is located.

45. Play Area Setback - No portion of the outside play area shall be closer than thirty (30) feet to an existing occupied dwelling.

46. Hours - Outside play shall be limited to hours between 8:00 a.m. and 7:00 p.m.

47. Signs - Any sign shall comply with the standards governing signs as provided in this Ordinance.

48. Concentration - No day care center shall be established within five hundred (500) feet from another day care center in any residential district.

49. Lot Size - The minimum site or lot area shall be determined by the following table when centralized water and sewage service is provided.

<table>
<thead>
<tr>
<th>License Capacity</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-11 children</td>
<td>20,000 sq. ft.</td>
</tr>
<tr>
<td>12 and above</td>
<td>20,000 plus 500 sq. ft. for additional child (e.g., 50 children equals 45,000 sq. ft.)</td>
</tr>
</tbody>
</table>

SECTION 609 - TELECOMMUNICATIONS TOWERS AND ANTENNAS

Telecommunications towers shall be permitted as a Special Exception in R-SH and R-MH Residential Districts, C-Commercial District, I-Industrial Districts, A-Agricultural Districts, and S-Conservancy Districts subject to the following regulations.

Standards for Telecommunications Towers and Antennas as Special Exceptions

12. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a telecommunications tower, if applicable, and telecommunications antennas.
2. The applicant shall demonstrate that the proposed telecommunications tower and telecommunications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

13. Telecommunications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, and applicable Airport Zoning Regulations.

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

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

51. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.

52. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

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

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

5. Access shall be provided to the telecommunications tower and telecommunications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surface for its entire length.

6. A telecommunications tower may be located on a lot occupied by another principal structure(s) and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.

7. The applicant shall demonstrate that the proposed height of the telecommunications tower is the minimum height necessary to perform its function.

14. In all Zoning Districts except I-Industrial, the maximum height of any telecommunications tower shall be one hundred fifty (150) feet; provided, however, such height may be increased to no more than two hundred (200) feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one (1) foot for each one (1) foot
of height in excess of one hundred fifty (150) feet. In the Industrial District, the maximum height of any telecommunications tower shall be one hundred eighty (180) feet.

15. Any height exceptions set forth in this Ordinance, including Section 806 of Article VIII, shall not apply to any telecommunications towers. Further, to the extent that any height restrictions are in conflict with the restrictions and provisions herein, the more stringent shall apply.

16. The foundation and base of any telecommunications tower shall be set back from a property line (not lease line) located in any Residential District at least one hundred (100) feet and shall be set back from any other property line (not lease line) at least fifty (50) feet.

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

18. The telecommunications equipment building shall comply with the required yards and height requirements of the applicable Zoning District for an accessory structure.

19. The applicant shall submit certification from a Pennsylvania-registered professional engineer that a proposed telecommunications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the applicable Ordinances of the municipality, and requirements/certification from the applicable agencies of the Commonwealth of Pennsylvania.

20. The applicant shall submit a copy of its current Federal Communications Commission license; the name address, and emergency telephone number for the operator of the telecommunications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount of $1,000,000 per occurrence covering the telecommunications tower and communications antennas.

21. The site of a telecommunications tower shall be secured by a fence with a maximum height of eight feet to limit accessibility by the general public. One (1) off-street parking space shall be provided within the fenced area.

22. Telecommunications towers shall be protected and maintained in accordance with the requirements of the municipality and regulations of the Commonwealth of Pennsylvania.

19. If a telecommunications tower remains unused for a period of twelve (12) consecutive months, the owner or operation shall dismantle and remove the telecommunications tower within six (6) months of the expiration of such twelve (12) month period.
ARTICLE VII – SUPPLEMENTARY PROVISIONS

SECTION 701 - PARKING AND LOADING FACILITIES

All off-street parking and loading facilities shall be indicated on the site plan as required under Article IV, Section 405 of this ordinance. Off-street parking and/or loading facilities shall be in compliance with provisions of this ordinance as follows:

A. Extent of Control

All buildings and structures erected or altered and all land uses initiated after the effective date of this ordinance shall provide off-street parking and/or loading facilities as required herein. When a building or structure undergoes any increase in the number of dwelling units, gross floor area, seating capacity, or other unit of measurement specified for off-street parking or loading facilities, off-street parking and loading requirements shall be determined by the entire building or structure as modified.

B. Schedule of Off-Street Parking Requirement unit:

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>One or Two-Unit Household Dwellings</td>
<td>Two (2) Parking Spaces for each unit</td>
</tr>
<tr>
<td>Three or More Dwelling units</td>
<td>One and one half (1-1/2) Parking Spaces for each Unit</td>
</tr>
<tr>
<td>Bowling Alleys, Recreation Centers, public Swimming Pools, Skating Rinks, and Outdoor Recreation Facilities</td>
<td>One (1) Parking space for every four (4) customers at maximum capacity and one (1) space for every two (2) persons regularly employed during peak periods</td>
</tr>
<tr>
<td>Club houses and meeting places of veterans, business, civic, fraternal, labor and similar organizations</td>
<td>One (1) parking space for every fifty (50) square feet of gross floor area in the auditorium, assembly hall and dining hall of such buildings plus one (1) additional space for every two (2) persons regularly employed during peak shift on the premises</td>
</tr>
<tr>
<td>Drive-In Restaurant Facilities</td>
<td>Five (5) Parking Spaces per one hundred square feet floor space</td>
</tr>
<tr>
<td>Funeral Homes and Undertaking Establishments</td>
<td>Parking or storage space for all vehicles directly in the conduct of the business plus (1) parking space for every two (2) persons regularly employed on the premises during peak shift and one (1) space for every six (6) permanent seats</td>
</tr>
</tbody>
</table>
in the establishment. One (1) parking space will be provided for every three (3) non-permanent seating arrangements (i.e. folding chairs)

**Hospital and Nursing Homes**

One (1) parking space for each four (4) beds intended for patients, excluding bassinets, plus one (1) per two employees on peak shift plus one (1) per hospital vehicle, and one (1) per doctor

**Indoor retail Businesses**

Parking or storage space businesses for all vehicles used directly in the conduct of such business plus one (1) parking space for each two hundred fifty (250) square feet of building area used for retail or business purposes

**Elementary, Junior and Senior High Schools (includes Private and Parochial Schools)**

One (1) parking space for every six (6) seats available at maximum capacity in the assembly hall, auditorium, stadium or gymnasium of greatest capacity. Plus one (1) space shall be provided for each person regularly employed at such school plus two (2) additional spaces for each classroom

**Libraries, Museum, Post Office and Similar Establishments**

Parking or storage space for all vehicles used directly in the operation of such establishment plus one (1) parking space for each two hundred fifty (250) square feet of total floor area

**Medical and Dental Clinics**

Three (3) parking spaces for each doctor plus one (1) additional space for every two (2) regular employees

**Manufacturing/Industrial**

One (1) parking space for every three (3) employees during peak period, and adequate parking/storage space for all vehicles used directly in the conduct of such industrial use

**Motels and hotels**

One (1) parking space for each sleeping room offered for tourist accommodation plus one (1) space for each dwelling unit on the premises plus one (1) additional space for every two (2) persons employed by the establishment
<table>
<thead>
<tr>
<th>Category</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offices</td>
<td>Three (3) parking spaces for every one thousand (1,000) square feet of office space, plus one (1) parking space for each employee</td>
</tr>
<tr>
<td>Outdoor and retail Businesses</td>
<td>Parking or storage space business for all vehicles used directly in the conduct of such business plus two (2) parking spaces for each person employed plus one (1) parking space for every five hundred (500) feet of lot area used for business purposes</td>
</tr>
<tr>
<td>Public garages</td>
<td>Indoor or outdoor parking or storage space for all vehicles used directly in the conduct of such business plus one (1) parking space for each person regularly employed on the premises</td>
</tr>
<tr>
<td>Restaurants, indoor and other eating and drinking establishments</td>
<td>One (1) parking space for each table or booth, plus and drinking one (1) parking space for establishments every two (2) stools at bar or counter, plus one (1) parking space for every two (2) employees on peak shift</td>
</tr>
<tr>
<td>Service Stations</td>
<td>Parking or storage space for all vehicles used directly in the conduct of the business plus one parking space for each gas pump, three (3) spaces for each grease rack or similar facility, and one space for every two persons employed on the premises at maximum employment on a single shift</td>
</tr>
<tr>
<td>Theaters, auditoriums, stadiums, and places of public assembly</td>
<td>One (1) parking space for every four (4) seats available at maximum capacity</td>
</tr>
<tr>
<td>Places of Worship</td>
<td>One (1) parking space for every four permanent seats</td>
</tr>
<tr>
<td>Transportation</td>
<td>One (1) parking space for every one hundred (100) square feet of waiting room space plus one (1) additional pace for every two (2) persons regularly employed on the premises during peak shift.</td>
</tr>
</tbody>
</table>

C. Schedule of Loading Requirements
Every building or structure used for business, trade, or industry shall provide space as herein indicated for the loading and unloading of vehicles off the street or public alley.

Such space shall have direct access to a public alley or, if there is no alley, to a street. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements of off-street parking space. Off-street loading and unloading space shall not be used or designed, intended, or constructed to be used in any manner to obstruct or interfere with the free use of any street, alley or adjoining property. Off-street loading and unloading spaces shall have a minimum width of twelve (12) feet and minimum length of one hundred (100) feet. The following off-street loading and unloading space requirements of specific uses shall be provided.

<table>
<thead>
<tr>
<th>Multi-story Multiple-Household</th>
<th>In excess of ten (10) units shall have one off-street loading and unloading space for providing service to structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial, Retail and/or manufacturing building</td>
<td>Shall have one (1) off-street loading and unloading space plus one additional space for every ten thousand (10,000) square feet of floor area devoted to commercial, retail, and/or manufacturing use</td>
</tr>
<tr>
<td>Warehouse and wholesale storage Facilities</td>
<td>Shall have one (1) off-street loading and storage unloading space for every seventy-five hundred (7,500) square feet of floor area of the building or structure</td>
</tr>
</tbody>
</table>
SECTION 702 - SWIMMING POOLS

No in-ground swimming pool shall be allowed except as an accessory use and unless it complies with the following conditions and requirements.

1. The pool to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located, and their guests, and no fee shall be charged.

2. It may not be closer than fifteen (15) feet to any property line of the property on which it is located. (including any walks or paved areas or accessory structures adjacent thereto)

3. The swimming pool or the entire property on which it is located, shall be so walled or substantially fenced so as to prevent uncontrolled access by children from the street or from adjacent properties, said fence or wall to be not less than four (4) feet in height and maintained in good condition.

4. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than one hundred (100) feet to any property line of the property on which it is located.

5. The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than four (4) feet in height and maintained in good condition. The area surrounding the enclosure, shall be suitably landscaped with grass, hardy shrubs and trees, and maintained in good condition.

Pools shall conform to the standards and regulations of the Pennsylvania Department of Environmental Protection.

SECTION 703 - AIRPORT ZONING PROVISIONS

The following provisions serve as a guide for the control of land uses affected by or which would affect the use of the Ebensburg Airport:

A. Definitions

1) Structure - An object constructed or installed by man, including but without limitation, buildings, towers, smokestacks, earth formations, and overhead transmission lines.

2) Tree - Any object of natural growth.

3) Height - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
B. Airport Zones

In order to carry out the provisions of Section, there are hereby created and established certain zones which includes all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to a The Ebensburg Airport. Such zones are shown on "Attachment A", Ebensburg Airport Map. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Utility Runway Visual Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the end of the primary surface, its centerline being the continuation of the centerline of the runway.

2. Transitional Zones - These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones for those portions of the precision approach zones which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach zones and at 90 degree angles to the extended runway centerline. At the present time there are no precision approaches at Ebensburg Airport.

3. Horizontal Zone - The horizontal zone is hereby established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

4. Conical Zone - The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extend outward there - from a horizontal distance of 4,000 feet. The conical zone does not include the approach zones and the transitional zones.

C. Airport Zone Height Limitations

Except as otherwise provided in this Section, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone.

Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Utility Runway Visual Approach Zone - Slopes upward twenty (20) feet horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary
surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

2. Transitional Zones - Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and extending to a height of 150 feet above the airport elevation which is 2,099 feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect the conical surface.

3. Horizontal Zone - One hundred and fifty (150) feet above the airport elevation or a height of 2,249 feet above mean sea level.

4. Conical Zone - Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

5. Excepted Height Limitations - Nothing in this Ordinance shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to 75 feet above the surface of the land.

Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.

D. Use Restrictions

Notwithstanding any other provisions of this Section, no use may be made of land or water within any zone established by these provisions in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

E. Nonconforming Uses

1. Regulations not Retroactive - The regulations prescribed by this Section shall not be construed to require the removal, lowering, or other changes or alternation of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance and is diligently prosecuted.
F. Permits

1. Future Uses - No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted.

   a. However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,100 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.

   b. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

2. Existing Uses - No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

3. Nonconforming Uses Abandoned or Destroyed - Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. Variances - Any person desiring to erect or increase the height of any structure, or use his property not in accordance with the regulations prescribed in this Section may apply to the Zoning Hearing Board for a variance from such regulations. Such variance shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this Section.

5. Hazard Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the airport owner, at the expense of the applicant, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.
SECTION 704 - SATELLITE DISHES, ANTENNAS

A. Satellite Dishes:

1. A satellite dish antenna is a permissible accessory structure in any zoning district subject to the requirements of this section.

2. Section 805 shall only apply to satellite dishes in excess of thirty six (36") inches in diameter.

3. Installation of such antennas mounted on the ground shall have a maximum height of fifteen (15) feet and shall have a maximum diameter of ten (10) feet.

4. Exceptions to Regulations: Any applicant may apply to the Zoning Hearing Board for a special exception regarding the height, size, or placement of a satellite dish when it is demonstrated that the present requirements are detrimental to reception.

SECTION 705 - TELECOMMUNICATIONS ANTENNAS AND TELECOMMUNICATIONS EQUIPMENT BUILDINGS

Telecommunications antennas mounted on an existing public utility transmission tower, building, or other structure or existing communications equipment buildings shall be in compliance with provisions of the Ordinance as follows:

A. Building mounted telecommunications antennas shall not be located on any single-household dwelling or two-household dwelling.

B. Building mounted telecommunications antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.

C. Omnidirectional or whip telecommunications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

D. Directional or panel telecommunications antennas shall not exceed five (5) feet in height and three (3) feet in width.

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

F. Any applicant proposing telecommunications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the municipality’s applicable ordinance and other applicable laws.

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

I. Telecommunications antennas shall not cause radio frequency interference with other communications facilities located in the municipality.

J. A telecommunications equipment building shall be subject to the height and setback requirements of the applicable zoning District for an accessory structure.

K. The owner or operator of telecommunications antennas shall be licensed by the Federal Communications commission to operate such antennas.

L. Exceptions to regulations: Any applicant may apply to the Zoning Hearing Board for a special exception (Article IX Section 909) regarding the height, size, or placement of a telecommunications antenna when it is demonstrated that the present requirements are detrimental to receiving or transmitting service.

**Enforcement**

It shall be the duty of the Zoning Officer to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Officer upon a form furnished by him. Applications required by this Section to be submitted to the Zoning Officer shall be promptly considered and granted or denied by him. Application for action by the Zoning Hearing Board shall be forthwith transmitted by the Zoning Officer.
ARTICLE VIII – SIGNS

SECTION 801 - GENERAL PROVISIONS

Any sign erected or altered after the effective date of this Ordinance shall be in accordance with the provisions and regulations contained in this Article.

A. A building permit shall be required for any sign erected.

B. All signs shall be constructed and maintained in a safe orderly manner. No sign shall be placed in such a position that it will cause danger to vehicular or pedestrian traffic by obscuring view or causing distraction.

C. Any sign, if illuminated, shall be non-flashing, shall be of enclosed lamp design, and shall be lighted in a manner not detrimental to any adjacent property or public right-of-way.

D. No sign, except traffic signs and other official signs, may be erected or extend onto any public street or right-of-way.

E. Any sign attached to or painted on a building may protrude a maximum distance of six (6) inches from the wall to which it is attached, may cover maximum of 25% of the total area of the wall to which it is attached, and shall not extend beyond any point of the line of the building to which the sign is attached.

F. No sign that is a part of or is supported by a building shall be erected upon the roof of such a building.

G. No sign structure erected directly upon the ground shall have less than three (3) feet of clear space between such sign and the ground, however, necessary supports may extend through such open space.

H. No signs shall be permitted which are posted, stapled or otherwise permanently attached to public utility poles or trees within the street line.

I. Non-conforming signs, once removed, shall be replaced only with conforming signs; however, non-conforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.

J. The Zoning Officer shall approve all signs and billboards erected pursuant to this Article.

SECTION 802 - PROVISIONS FOR R-SH, MX-VC, and AG DISTRICTS

A. The height of any sign may not exceed ten (10) feet, as measured from the ground level to the top of the sign.

SECTION 803 - SIGN PROVISIONS FOR "H-C" HIGHWAY COMMERCIAL DISTRICT

• In a Commercial District, the following signs shall be permitted and the following regulations shall apply:
A. Signs permitted within the Front Yard Setback Area. (Between the building setback line and the property line.)

B. All signs erected in the front yard must be set back a minimum distance of five (5) feet from all property lines.

C. Any sign within the setback area must be erected in a manner to permit the free and unobstructed vision of persons entering or leaving the property and adjacent property via motor vehicle.

D. In no case may the combined area of all signs within the setback area exceed 360 square feet.

SECTION 804 - SIGNS PERMITTED BEHIND THE SETBACK LINES OF A COMMERCIAL ZONE

In addition to the above-regulated signs permitted within the setback area, signs behind the setback line and those attached to a building shall be permitted and regulated as follows:

A. All signs erected shall conform to the height and setback regulations of the Commercial Zone.

B. One (1) sign may be permitted for each twenty-five (25) feet of lineal frontage of the lot used for commercial purposes.

C. The combined area of all signs behind the setback may not exceed one (1) square foot in area for each one (1) foot of lineal frontage of the lot used for commercial purposes. In no case may the combined area of all signs exceed 360 square feet.

D. Billboards may be permitted in the C zone provided that:

1. The area of the billboard does not exceed three hundred (300) square feet.

2. The billboard is set back a minimum distance of fifty (50) feet from the nearest public right-of-way.

3. The billboard does not exceed forty (40) feet in height.

4. The billboard is a minimum distance of three hundred (300) feet from the nearest residential district, church, park, school, or other public building.

5. The billboard is a minimum distance of four hundred (400) feet from the center line of any expressway or limited access highway if the face of the sign is visible therefrom.

E. Off premise signs may be permitted in a commercial zone, provided that such signs comply with the area regulations of the District and that the land on which such sign is erected is owned or leased by the individual or business erecting the sign.
SECTION 805 - SIGN PROVISIONS FOR "I-L" and “I-H” INDUSTRIAL DISTRICTS

In "I" districts, the following signs shall be permitted and the following regulations shall apply:

A. Any sign permitted in R-SH, MX-VC, and H-C districts.

B. Business or identification sign, not to exceed one (1) square foot for every one (1) lineal foot of frontage per street occupied, but not to exceed one hundred twenty (120) feet for any one (1) sign.

C. One (1) business or identification sign per street for a group of three or more businesses on one parcel or tract not to exceed two hundred forty (240) square feet per sign.

D. Signs attached to a building shall be set back at least five (5) feet from a lot or street line, or any required buffer area. Any sign mounted on a building may not project above the ridge line of a sloping roof or above the eave line of a flat roof.
ARTICLE IX – PLANNED RESIDENTIAL DEVELOPMENT

SECTION 901 - PURPOSE

Planned residential development is a technique wherein residential structures (semi-detached, detached, and multi-story) are arranged in closely related groups. It may also include land uses of a cultural, recreational, and commercial character to the extent that they are designed to serve the residents. Instead of spreading houses uniformly over an entire tract, cluster development occurs, creating higher densities in certain areas and preserving natural features in others. Under such planning, lot size is reduced and the land thus saved is used for common greens or open space.

SECTION 902 - GRANT OF POWER

A. The Township Planning Commission shall administer Planned Residential Development provisions subject to the provisions set forth in this Ordinance and as provided by Article VII, PA Municipalities Planning Code, Act 247 as amended.

B. The standards, conditions, and regulations for a Planned Residential Development shall be consistent with the provisions contained in Article VII, PA Municipalities Planning Code, Act 247 as amended.

C. The procedures pertaining to the application for, hearing on, and tentative and final approval of a Planned Residential Development shall be consistent with the provisions contained in Article VII, PA Municipalities Planning Code, Act 247 as amended.

SECTION 903 - STANDARDS AND CONDITIONS

A. A Planned Residential Development may be permitted by the Township in a R-MH Residential District subject to the requirements set forth in this Ordinance and as provided by Article VII, Pennsylvania Municipalities Planning Code, Act 247 as amended.

1. Minimum overall Lot Size

   The minimum overall lot size for any planned residential development shall be twenty (20) acres.

2. Permitted Uses

   a. Single-household detached dwellings.

   b. Two-household detached dwellings.

   c. Multiple row dwellings, townhouses, and garden apartments with a maximum of eight (8) units per building.

   d. Multi-story apartments not to exceed sixty (60) feet above ground in height.

   e. Community buildings which are for the social, cultural, or recreational use of the residents of the development.
f. Open space and recreation facilities developed and maintained principally for use of residents of the development.

g. Certain non-residential uses such as buildings for convenience shopping and personal services provided that such uses along with required parking occupy not more than ten percent (10%) of the total land area of the development.

3. Dwelling Standards

Each dwelling unit in a Planned Residential Development shall have a minimum floor area of not less than eight hundred (800) square feet.

4. Density

The dwelling unit density shall conform to the following:

a. Single household - five (5) units per acre.
b. Two-household - ten (10) units per acre.
c. Row dwelling - fifteen (15) units per acre.
d. Multi-story dwellings - twenty-nine (29) units per acre.
e. For mixed types of structures the overall density may not exceed twelve (12) units per acre.

5. Public Open Space Standards

At least two hundred fifty (250) square feet per dwelling unit shall be set aside and maintained for an outdoor recreation area by the owner of the development, his successors and assigns, of which a one hundred (100) square foot unit shall be developed with recreation equipment and playground area. In lieu of maintenance by the developer, an association of homeowners in the development may provide such maintenance, but documents creating such an association shall be approved by the Township solicitor before final approval is given for the Planned Residential Development. Should neither the developer nor an approved homeowners association maintain the public open space required in this sub-section, then the Township shall have the option to maintain the public open space and, if it chooses to do so, impose a lien on the individual properties in the development to collect the costs of such maintenance.

6. Setback Requirements and Minimum Distance Between Buildings

Setback

The setback requirements for all buildings erected in a Planned Residential Development shall be as follows:

15. A minimum setback of seventy (70) feet shall be observed around the entire perimeter of tract or lot used for the Planned Residential Development. No main or accessory building may be erected within the setback area. However, outdoor recreation facilities and parking lots may be constructed in the area provided that they are a minimum of forty (40) feet from the perimeter lot lines.
b. A front yard setback of thirty-five (35) feet shall be observed for all buildings erected adjacent to streets within the Planned Residential Development.

Minimum Distance Between Buildings

When more than one multiple dwelling building is erected on a single site, lot, or tract, the minimum distances between buildings shall be as follows:

a. Front to front - seventy (70) feet; front to rear - sixty (60) feet.

b. Side to side - one-half (½) of the height of the tallest building but not less than twenty-five (25) feet.

c. Front to side or rear to side - the height of the tallest building but not less than thirty-five (35) feet.

d. Rear to rear - fifty (50) feet.

7. Percentage of Lot Coverage

All buildings including accessory buildings shall cover not more than forty percent (40%) of the area of the lot or tract.

B. The developer or owner of any Planned Residential Development shall be responsible for the engineering, construction, installation, and maintenance of site improvements as follows:

1. Engineering Site Plan Required

An engineering site plan shall be prepared by a registered architect, registered landscape architect, professional engineer, or registered surveyor and filed with the Township prior to the start of any construction of an approved Planned Residential Development. The site plan shall be drawn at a minimum scale of one inch equals fifty feet (1” = 50’) and shall indicate the exact location and dimensions of all buildings, streets, sidewalks, roads, parking areas, water lines, sanitary sewer lines, telephone lines, recreation areas, landscaping, walls, fences, right-of-way lines, property lines, and any other features to be constructed or installed on the site. A topographic map shall be prepared at a minimum scale of one inch equals fifty feet (1” = 50’) with a minimum contour interval of five (5) feet and shall indicate all existing and final grades for the site; spot elevations shall be indicated for streets, storm and sanitary sewers, and other elevation features as deemed appropriate and necessary by the Township.

2. Perimeter Survey

A perimeter survey of the parcel to be developed as a Planned Residential Development shall be prepared by a registered surveyor. Permanent concrete markers, with a minimum standard of six by six by thirty inch (6" x 6" x 30") with a copper rod, shall be installed on all corners around the perimeter of the site. The survey shall tie directly into adjoining property.

3. Street Paving

The engineering, construction, installation, and maintenance of all streets within the Planned Residential Development shall be the sole responsibility of the developers.
and shall be in accord with minimum standards as set forth in the Township's Subdivision and Land Development Ordinance, or by the Township.

4. Street Signs and Street Lights

Street signs and street lights shall be installed and maintained by the developer as required by the Township Subdivision and Land Development Ordinance, or by the Township.

5. Water Requirements

If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the Planned Residential Development, the developer shall present evidence to the Township that the Planned Residential Development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority, or utility.

6. Water Lines and Fire Plugs

The installation of all water lines including fire plugs shall be in accord with requirements and specifications of the local water authority and fire department. Detailed engineering plans and specifications shall be filed with both the Township and the local water company or authority.

7. Sanitary Sewers

The installation of all sanitary sewers (if applicable) shall be in accord with detailed engineering plans and specifications submitted to and approved by the local sewer company or authority.

8. Storm Sewers

The installation of a storm sewer system shall be in accord with plans and specifications filed with and approved by the Township. The storm sewer system shall also be compatible to or in accord with any township and County-wide Storm Water Management Plan (if applicable).

9. Off-Street Parking and Loading Facilities

Shall be provided as required or permitted under this Ordinance.

SECTION 904 - ENFORCEMENT AND MODIFICATION
A. To further the mutual interest of the residents of the Planned Residential Development and of the public in the preservation of the integrity of the development plan, as finally approved, and to that modifications, if any, in the development plan shall not impair the reasonable reliance of the said residents upon the provisions of the development plan, nor results in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the development plan as finally approved, whether those are recorded by plat, covenant, easement or otherwise shall be subject to the following provisions:

The provisions of the development plan relating to the following elements shall run in favor of the Township and shall be enforceable in law or in equity by the Township, without limitation on any powers of regulation otherwise granted by the Township by law:

1. The use, bulk, and location of buildings and structures;
2. The quantity and location of common space, except as otherwise provided in this article;
3. The intensity of use or the density of residential units;
4. The interest of the Township in protecting the health, safety, and welfare of its residents; and
5. Any dissolution of an association formed to administer development requirements.

C. All provisions of the development plan shall run in favor of the residents of the Planned Residential Development but only to the extent expressly provided in the development plan and in accordance with the terms of the development plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents acting individually, jointly, or through an organization designated in the development plan to act on their behalf; provided, however, that no provisions of the development plan shall be implied to exist in favor of residents of the Planned Residential Development except as to those portions of the development plan which have been finally approved and have been recorded.

D. All those provisions of the development plan authorized to be enforced by the Township under this section may be modified, removed, or released by the Township, except grants or easements relating to the service or equipment of a public utility, subject to the following conditions:

1. No such modification, removal or release of the provisions of the development plan by the Township shall affect the rights of the residents of the Planned Residential Development to maintain and enforce those provisions, at law or equity, as provided in this section.

2. No modification, removal, or release of the provisions of the development plan by the Township shall be permitted except upon a finding by the Jackson Township Board of Supervisors or the Jackson Township Planning Commission following a public hearing thereon pursuant to public notice called
and held in accordance with the provisions of this article, that the same is consistent with the efficient development and preservation of the entire Planned Residential Development, does not adversely affect either the enjoyment of land abutting upon or across the street from the Planned Residential Development or the public interest, and is not granted solely to confer a special benefit upon any person.

E. Residents of the Planned Residential Development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan but no such action shall affect the right of the Township to enforce the provisions of the development plan in accordance with the provisions of this section.

SECTION 905 - APPLICATION FOR TENTATIVE APPROVAL

A. An application for tentative approval of the development plan for a Planned Residential Development shall be filed by or on behalf of the landowner.

B. The application for tentative approval shall be filed by the landowner on such form as provided by the Township.

C. All planning, zoning, and subdivision matters relating to the platting, use, and development of the Planned Residential Development and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the Township, shall be determined and established by the governing body or the Planning Commission, if designated by the Governing Body.

D. The provisions shall require only such information in the application as is reasonably necessary to disclose to the governing body or the Planning Commission:

1. the location, size and topography of the site and the nature of the landowner's interest in the land proposed to be developed;
2. the density of land use to be allocated to parts of the site to be developed;
3. the location and size of the common open space and the form of organization proposed to own and maintain the common open space;
4. the use and the approximate height, bulk, and location of buildings and other structures;
5. the feasibility of proposals for water supply and the disposition of sanitary waste and storm water;
6. 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;
7. the provisions for parking of vehicles and the location and width of proposed streets and public ways;
8. the required modification in the municipal land use regulations otherwise applicable to the subject property;
9. the feasibility of proposals for energy conservation and the effective utilization of renewable energy sources; and

10. 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 sections 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.

E. The application for tentative approval of a Planned Residential Development shall include 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 Multi-Municipal Comprehensive Plan or community development objectives of the Township.

F. The application for and tentative and final approval of a development plan for a Planned Residential Development described in this article shall be in lieu of all other procedures or approvals, otherwise required pursuant to Articles V and VI of the PA Municipalities Planning Code, Act 247 as amended.

G. Within 60 days after the filing of an application for tentative approval of a Planned Residential Development, a public hearing pursuant to public notice on said applicants shall be held by the Township (or Planning Commission) in the manner prescribed in Section 708 of the PA Municipalities Planning Code, Act 247 as amended.

H. The governing body, or the Planning Commission, within 60 days following the conclusion of the public hearing provided for in this article, shall, by official written communication to the landowner, either:

1. grant tentative approval of the development plan as submitted;

2. grant tentative approval subject to specified conditions not included in the development plan as submitted; or

3. deny tentative approval to the development plan. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. This official written communication shall also include all other information as required by Section 709 of the PA Municipalities Planning Code, Act 247 as amended.

H. Tentative approval of a development 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 as submitted, or 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 is filed or, in the case of development over a period of years, provided
applications are filed within the periods of time specified in the official written communication granting tentative approval.

SECTION 906 - APPLICATION FOR FINAL APPROVAL

A. 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 Township Zoning Officer designated by the Ordinance 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 Ordinance, as well as any conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or part thereof, shall not be required provided the development plan, or the part thereof, submitted for final approval, is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto.

B. 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 the Ordinance and the official written communication of tentative approval, the Township shall, within 45 days of such filing, grant such development plan final approval.

C. In the event the development plan as submitted contains variations from the development plan given tentative approval, the approving body may refuse to grant final approval and shall, within 45 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 or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:

1. refile his application for final approval without the variations objected; or
2. file a written request with the approving body 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 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 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this Article for public hearings on applications for tentative approval. Within 30 days after the conclusion of the hearing, the approving body shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this Article.
D. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the approving body and shall be filed of 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 zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of Section 513(a) of the PA Municipalities Planning Code and post financial security in accordance with Section 509 of the PA municipalities Planning Code.

E. 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 approving body in writing; or, in the event the landowner shall fail to commence and carry out the Planned Residential Development in accordance with the time provisions stated in Section 508 of the PA Municipalities Planning Code after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is reclassified by enactment of an amendment to the Township Zoning Ordinance in the manner prescribed for such amendments in Article VI of the Municipalities Planning Code, Act 247, as amended.
SECTION 1001 - AMENDMENTS AND CHANGES

A. Amendments and Changes

Whenever it is deemed desirable in order to meet the public needs; promote the convenience and welfare of the public, conform with good zoning practice and the intent and purpose of this Ordinance; and adhere to the guiding principles of the Multi-Municipal Comprehensive Plan or community development objectives, the Township may amend, supplement, or change the regulations, district boundaries, or classification of property, now or hereafter established by this Ordinance, subject to the procedure provided in this section.

Any amendment, supplement, reclassification, modification or change may be initiated by any of the following:

1. The Planning Commission may initiate action by filing a written report to the Governing Body of the Township;

2. The governing body may initiate action on their own; or

3. Any landowner may submit a request for an amendment.

B. Petition for Map Change or Amendment

1. Petitions for change of district boundaries or reclassification of districts as shown on the Official Zoning Map shall be on forms supplied by the Township. A narrative description which: (1) defines the limits of the requested change by street name or recognizable physical feature; (2) states the specific reason for the requested change and (3) states the specific use, type of development, and type of structure to be erected under the proposed change. A map and/or preliminary site plans of the area to be re-zoned shall also be submitted to the Township for reference and review. All information shall then be submitted to the Township Planning Commission for their review and recommendations.

2. Preliminary Review by Jackson Township Planning Commission

After the facts are presented and the data and information from the petitions are reviewed and studies by the Planning Commission, the Commission shall, within fifteen (15) days after regularly scheduled meeting, submit the petition with its preliminary recommendations to the Township. The preliminary report by the Planning Commission is not intended to establish final approval by the Agency but rather to serve as a means of providing a format for action and review by the Township.
C. Action by Township

1. Subsequent to the introduction of the Petition for Zoning Change and Preliminary Report by the Planning Commission to the Township, the Township shall fix a time for a public hearing, pursuant to Public Notice requirements.

2. Public Notice shall include the time and place of the public hearing for consideration of the proposed amendment, supplement, or change, stating when and where a copy of the proposal will be available for public inspection, and briefly describe the change proposed.

3. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. All property owners directly affected by a map amendment shall receive mailed notice of the proposed change.

D. Township Planning Commission Review

In the case of amendments not initiated by the Township Planning Commission, the Planning Commission shall have been informed of the amendment at least 30 days prior to the hearing.

E. Cambria County Planning Commission Review

The Township shall submit the proposed amendment to the Cambria County Planning Commission for recommendation at least thirty (30) days prior to the public hearing.

F. Conduct of Public Hearing

1. A public hearing is held by the governing body pursuant to the public notice.

2. If the proposed amendment is altered substantially or is revised to include land not previously affected, another public hearing must be held pursuant to public notice.

3. Notice of the amendment must be published according to the law prior to enactment.

4. Following the final public hearing, the governing body may vote to adopt the amendment.

5. To be a legally enacted amendment, notice of the proposed enactment must be published in a newspaper of general circulation as outlined in this Section.

G. Final Report By Township Planning Commission
Within thirty (30) days following the public hearing, the Planning Commission shall review all material, data, testimony, and facts submitted for consideration in the petition for change. The Planning Commission shall make a final report on the petition for change setting forth in detail reasons wherein public necessity, convenience, and general welfare do or do not justify the proposed change and determining that the change is or is not in accord with the general objectives of the Multi-Municipal Comprehensive Plan and/or good zoning practices and shall forward its findings and recommendations to the Township.

H. Publication

Notice of the proposed enactment shall include the time and place of the meeting where passage will be considered, and a reference to the place where copies of the amendment may be examined without charge or obtained at cost. The Township shall publish the proposed amendment once in a newspaper of general circulation in the Township. Such notice shall state the time, place of the meeting, and the particular nature of the matter to be considered at the meeting. The publication shall not be more than thirty (30) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text or the title and brief summary, prepared by the Municipal Solicitor. If the full text is included, a copy will be supplied to the newspaper at the time public notice is published, and an attested copy of the proposed Ordinance will be filed at the Cambria County Law Library. If substantial changes are made to the amendment after this publication, the Township, at least ten (10) days prior to enactment, shall re-advertise a brief summary setting forth all provisions and changes, according to the aforementioned notice requirements in a newspaper of general circulation in the Township.

I. Final Action by the Township

1. The passage of an Ordinance amending, supplementing, or changing the regulations, district boundaries, or classification of property, now or hereafter established by this Ordinance, shall require the affirmative vote of a majority of the members of the Township’s governing body.

2. Any Ordinance amending, supplementing or changing the regulations, district boundaries or classification of property hereinafter established by this Ordinance, if not acted upon by the Township within ninety (90) days after the required public hearing, shall require a new public hearing as prescribed in this Section.

3. Within thirty (30) days after the enactment, the Township shall forward a copy of the amendment to the Cambria County Planning Commission.

SECTION 1002 - LANDOWNER CURATIVE AMENDMENT

A landowner who desires to challenge the validity of the Zoning Ordinance, map, or any provision thereof, on substantial grounds, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Township with a written request that his challenge and proposed amendment be
heard and decided. The Township shall commence a public hearing within sixty (60) days of the written request.

A. Notification

The Township Planning Commission and the Cambria County Planning Commission shall be notified of the proposed amendment at least thirty (30) days prior to the public hearing.

B. Publication

Publication requirements of Section 1301 of this Ordinance shall apply.

C. Public Hearings

The hearing shall be conducted in accordance with Section 1204 of this Ordinance, and all references therein to the Zoning Hearing Board shall, for the purposes of this Section, refer to the governing body of the Township.

D. Invalidation Limitation

If the Township does not accept the landowner’s curative amendment and a court subsequently rules that the challenge has merit, the court’s decision shall not result in a declaration of invalidity for the entire Zoning Ordinance or map, but only for those provisions which specifically relate to the landowner’s curative amendment and challenge.

E. Enactment Considerations

If it is determined that the challenge has merit, the governing body may accept the landowner’s curative amendment, with or without revision, or may adopt an alternative amendment which cures the challenged defects. In addition to the curative amendments, plans, and information submitted by the landowner, the governing body shall also consider the following:

1. The impact of the proposal on roads, sewer facilities, water supplies, and other public facilities;

2. The impact of residential proposals on regional housing needs and their effectiveness in providing housing units of the type available to and affordable by classes of persons otherwise excluded by the challenged provisions of the Ordinance or map;

3. Site suitability in relation to physiographic features;

4. The impact of the proposed use on physiographic and environmental considerations; and

5. The impact of the proposed use on agricultural preservation, public health, and public welfare considerations.
SECTION 1003 - MUNICIPAL CURATIVE AMENDMENTS

The Township may determine that this Zoning Ordinance or sections thereof are substantially invalid. This determination shall declare by formal action the sections substantially invalid and propose a curative amendment to overcome this invalidity.

A. Within thirty (30) days of this declaration and proposal the Township shall:

1. By resolution make specific findings setting for the declared invalidity which may include specific uses, class of uses, or references to the entire Ordinance; and

2. Begin to prepare and consider a curative amendment to correct the declared invalidity.

3. Within one-hundred-eighty (180) days of the declaration and proposal, the Township shall enact a curative amendment or validate, or reaffirm the validity of, its Zoning Ordinance pursuant to the procedures outlined in Section 1301 of this Ordinance.

4. After using this procedure, the Township may not again utilize this method for a thirty-six (36) month period following the date of a curative amendment, or reaffirmation of its Zoning Ordinance, unless a new duly or obligation is imposed on the Township by a change in statute or Pennsylvania Appellate Court decision after the date of declaration and proposal. In this case, the Township may use the provision of this Section to fulfill said duty or obligation.

5. Any other procedures or provisions as required by the PA Municipalities Planning Code.

SECTION 1004 - FEES

Any person other than the governing body or Township Planning Commission requesting an amendment of the Zoning Ordinance (including a curative amendment) shall pay a fee as set by the Township Supervisors by resolution at the time the request is filed with the Township. This fee shall cover the cost of advertising of the aforesaid notice, the cost of stenographic service, necessary administrative overhead, and any other expenses incurred in connection with such application, provided, however, that if the total of the aforesaid costs and expenses does not exceed the amount provided, any difference shall be refunded to the applicant. In the event the aforesaid costs and expenses exceed the fee set by the supervisors, the applicant shall reimburse the Township for such excess.
ARTICLE XI - DEFINITIONS

SECTION 1101 - DEFINITIONS

A. The following words and phrases when used in this act shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

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

An accessory use includes, but is not limited to, the following:

- Children’s playhouse, garden house, or private greenhouse.
- Civil Defense Shelter serving not more than two (2) families.
- Garage, shed, or building for domestic storage.
- Storage or merchandise normally carried in stock on the same lot with any commercial use unless such storage is excluded by the district regulations.
- Parking of boats, boat trailers, and travel trailers and recreational vehicles not used as a dwelling on the premises, provided said equipment is parked within the setback lines required of an accessory structure.
- Private garage.
- Small Utility Sheds
  - Private swimming pools (see Section 702) appurtenant to an allowed use on the same lot when meeting the width requirements of the district for principal buildings and when the swimming pool or the property on which it is located is adequately fenced to prevent free access of children.
  - Off-street motor vehicle parking area; loading and unloading facility.
- Fences (Section 408).
- Signs (Article VII).
- Satellite Dishes (Section 705).

Agricultural Operation: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquaculture crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices
and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

**Agricultural Security Areas**: A block of 250 or more acres used for the production of crops, livestock or livestock products designated as such by the county or municipal governing body in accordance with the Agricultural Area Security Law.

**Alley**: A service way at least fifteen (15) feet wide, providing a secondary public means of access to abutting properties.

**Alterations**: As applied to a building or structure, a change or rearrangement in the structural parts in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another, or any change in use from that of one zoning district classification to another.

**Alterations, Structural**: Any change in the supporting members of a building such as bearing walls, columns, beams, girders, or foundations.

**Animal Equivalent Units (AEUs)**: One thousand pounds live weight of livestock or poultry, regardless of the actual number of individual animals comprising the unit, annualized to take into account the amount of time that the animals are on the operation for the given year.

**Apartment**: A room or suite of rooms in a multiple-household structure which is used as a single housekeeping unit, and which contains complete kitchen, bath, and toilet facilities, permanently installed.

**Apartment Building**: A building used by three (3) or more families living independently of each other and containing dwelling units.

**Basement**: A story partly underground, but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is five (5) feet or more or if the basement is used for business or dwelling purposes.

**Best Management Practice (BMP)**: Practices designed to control erosion, runoff, manage nutrients, and address other public health and safety issues associated with agricultural operations.

**Billboard**: Structure, building wall, or other outdoor surface used to display lettered, pictorial, sculptured, or other matter which directs attention to any product, commodity, or service offered only elsewhere than on the premises or as a minor and incidental service on the premises.

**Block**: A tract of land, a lot, a group of lots, bounded by streets, public parks, railroad rights-of-way, watercourses, and boundary lines of the Municipality, unsubdivided land, other definite barriers, or by a combination of the above.

**Board**: The Zoning Hearing Board of Jackson Township.

**Buffer Area**: A strip of land which is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no structure is permitted except a wall or fence.
Building: A structure having a roof supported by columns or walls, for the shelter of persons, animals, chattels, or property. When separated by walls which are common with the walls of adjoining dwellings, each portion of such structure shall be considered as separate building.

Building Area: The aggregate of the maximum horizontal cross-section areas of all buildings on a lot above the ground level, measured at the greatest outside dimensions, excluding cornices, eaves, gutters or chimneys projected not more than 18 inches, bay windows not extending through more than one story and not projecting more than five (5) feet, one story open porches projecting not more than ten (10) feet, steps, and balconies.

Building or Set-Back Line: The line within a property defining the required minimum distance between any building and the adjacent right-of-way or property line. This face includes sun parlors and covered porches whether enclosed or unenclosed, but does not include walks, steps, paved areas or terraces.

A. Front Set-Back Line: The line nearest the front of and across a lot establishing minimum open space to be provided between the front line of buildings and structures and the front lot line.

B. Side Set-Back Line: The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.

C. Rear Set-Back Line: The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line.

D. Width of Building Line: The horizontal distance between side lot lines measured at the minimum prescribed front yard setback line as set forth in this Ordinance.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deckline of mansard roofs, and to the mean height between eave and ridge for gable, hip, and gambrel roofs.

Cellar: An unfinished story partly underground and having more than one-half of its clear height below the average level of the ground surrounding the structure. A cellar is not to be counted as a story in computing the number of stories of a structure or building unless it is used for business or dwelling purposes.

Chemotherapeutic Waste: "Chemotherapeutic waste" is all waste generated by or resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells. Chemotherapeutic waste shall not include any waste containing antineoplastic agents that are listed as hazardous waste under 25 Pa. Code 75.261 (relating to criteria, identification and listing of hazardous waste).

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.
Concentrated Animal Feeding Operation (CAFO): Confined animal feeding operations that meet or exceed the established number of animals necessary to designate them as a CAFO. These animal number limits are set by the Federal Government and are explained in more detail in the Commonwealth of Pennsylvania's CAFO Strategy which are incorporated by reference.

Concentrated Animal Operation: The agricultural operation meeting the criteria established under the Nutrient Management Act and shall include any operation where the animal density exceeds two (2) animal equivalent units (AEUs) per acre on an annual basis.

Coverage: That percentage of the lot area covered by the building area.

County: The County of Cambria, Pennsylvania.

Dangerous Waste: "DANGEROUS WASTE" means infectious wastes, or chemotherapeutic wastes, or hazardous wastes, or any combination thereof.

Day Care:

55. Day Care Center - A facility in which care is provided for seven (7) or more children, at any one time, where the child-care areas are not being used as a household residence.

56. Family Day Care Home - Any premises other than the child's own home, operated for profit or not for profit, in which child day care is provided at any one time for four, five, or six children, who are not relatives of the care giver.

57. Group Day Care Home - A facility in which care is provided for more than 6 but less than 12 children, at any one time, where the child care areas are being used as a family residence.

58. For purposes of this Ordinance, a child is a person under 16 years of age.

District, Zoning: A section of the Township for which uniform regulations governing the use, height, area, and intensity of use of buildings and land and open spaces about buildings are herein established.

Development Plan: The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

Developer: Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Decision: Final adjudication of any board or other body granted jurisdiction under this Ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Township lies.
DEP: Shall mean the Pennsylvania Department of Environmental Protection

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

1. the governing body;
2. the zoning hearing board; or

3. the Jackson Township Planning Commission, only if and to the extent that the Jackson Township Planning Commission is charged with final decision on preliminary or final plans under the Subdivision and Land development Ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Driveway: A private or common right-of-way used by vehicles and pedestrians for an individual or multiple land, lot, or facility owner.

Dwelling: Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

59. Detached House: A dwelling unit occupying the whole of a freestanding residential structure.

60. Twin or Semi-Detached House: A residential structure occupied by two (2) dwelling units with a common wall.

61. Duplex: A residential structure divided vertically or horizontally into two (2) dwelling units.

62. Row House or Town House: A structure with two (2) or more party walls of three (3) or more units not having any horizontal divisions between units.

63. Apartment: A dwelling unit separated horizontally and/or vertically from one or more other units in a structure.

16. Apartment House or Multiple Dwelling Unit: A residential structure containing three (3) or more apartments.

17. Garden Apartment: An apartment house not exceeding three (3) stories in height.


Engineer: A professional engineer licensed by the Commonwealth of Pennsylvania.

FAMILY: An individual, or two (2) or more persons related by blood, marriage or adoption, living together in a dwelling unit, or a group of not more than five (5) individuals not necessarily related by blood, marriage, adoption, or guardianship -- living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship. A group of not more than three (3) unrelated disabled people living together as a single housekeeping
unit in a dwelling unit and sharing common facilities as considered reasonably appropriate for a family related by blood, marriage, adoption or guardianship. If appropriate, one staff person may reside on the premises and will not be included in the total number of occupants. Any additional staff shall be included in the total number of occupants.

**Farming or Farm Use:** The use of land for raising and harvesting crops or for the feeding, breeding and management of livestock or for dairying or any other agricultural or horticultural use including raising and harvesting timber and timber products or tree farming or any combination thereof and includes the preparation of the products raised therein for man's use and disposal by marketing or otherwise. It includes the construction and use of dwellings and other buildings customarily provided in conjunction with the farm use.

**Fence:** A structure which permanently or temporarily serves as a barrier to restrict travel between properties or portions of properties or between street or public right-of-way and a property.

**Floor Area:** The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls, or from the centerline of common walls separating buildings. For purposes of determining parking and loading space requirements for the several zoning districts herein, the "floor area" of a building or buildings shall include: basement space, penthouses, attic space providing structural headroom of seven and one half (7-1/2) feet or more, interior balconies and mezzanines, enclosed porches, accessory uses other than accessory off-street parking, lobbies and hallways. For determination of parking and loading space requirements, the following areas shall not be included: cellar space, elevator shafts and stairwells, floor space for mechanical equipment as necessary to service the needs of the building, uncovered steps, terraces, breeze ways, open spaces unroofed unless specifically required in the parking regulations herein, and fitting and dressing rooms.

For the purpose of determining minimum floor area as applied to a dwelling unit, floor area shall mean the habitable living area of the dwelling as measured by exterior dimensions and shall not include attached garages, laundry or furnace rooms or carports. Neither are porches included unless completely enclosed and finished.

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

**Foundation:** Permanent base or substructure of a building that is totally or more than one half of its clear height below the average level of the surrounding ground. It is the basic support of the building or structure.

**Garage, Private:** An accessory building, housing only motor driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.

**Garage, Public:** Any garage other than a private garage, available to the public, and which is used for storage, parking, repair, rental, greasing, washing, servicing, adjusting,
or equipping of motor-driven vehicles. (Does not include marshaling yard or storage or repair of earth-moving or construction vehicles.)

**Garbage:** Putrescible animal and vegetable wastes, resulting from the handling, preparation, cooking and consumption of food; trash, refuse and all material, including but not limited to, animal carcasses or remains, no longer being used or suited for its initial intended use.

**Garden Apartment:** A multiple-household dwelling of two or three stories in height, which by its name implies low land coverage, ample open space between buildings, and convenient on-site parking for tenants' cars.

**Governing Body:** The Board of Supervisors of Jackson Township.

**Habitable Living Area:** The floor area of a building or structure which is furnished to the extent that it is customarily occupied by residents or users of the buildings or structures.

**Hazardous Waste:** "Hazardous Waste" herein means the same as "hazardous waste" under the federal regulations promulgated by the United States Environmental Protection Agency and codified at 40 C.F.R., Sec. 261.3. 40 C.F.R., Sec. 261.3 is incorporated herein by reference. All lists in 40 C.F.R. Part 261, Subpart D, and the Appendices to Part 261 are also expressly incorporated by reference. The term "hazardous waste" as used herein also includes any substance or mixture containing polychlorinated biphenyls ("PCBs") at greater than one tenth of one percent concentration when such substance or mixture is not intended for beneficial use or reuse. Radioactive waste and by-products, as defined by the Code of Pennsylvania 1975, are expressly excluded from this definition.

**Health Authority:** The State Department of Health or its authorized representative of the Township.

**Hearing:** An administrative proceeding conducted by a board pursuant to Section 909.1 of the Pennsylvania Municipal Planning Code.

**Home Business:** An accessory use of a service character within a dwelling by residents which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate, measuring not more than one hundred forty four (144) square inches, and in connection therewith there is not involved the exhibition of stock in trade.

**Home Office:** An accessory use of a service character within a dwelling by the residents of the structure which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any evidence of such secondary use. A limited business or commercial activity which meets all of the following criteria is considered a Home Office and is permitted by approval by the Zoning Officer in any dwelling unit:

A. Only residents of the dwelling may be engaged in the Home Office activity.

**Hospital Waste:** Waste of any sort generated by nursing homes, hospitals or clinics for the treatment of disease, like institutions or businesses. The term shall also include paper products, bedding, towels, containers, or cleaning implements that have been exposed to infectious, chemotherapeutic, pathological wastes, solid wastes, and/or
hazardous wastes generated by nursing homes, hospitals or clinics for the treatment of disease, or like institutions or businesses.

**HOUSES OF WORSHIP:** (1) A church, synagogue, temple or other facility that is used for prayer or worship by persons of similar beliefs. (2) A special purpose building that is architecturally designed and particularly adapted for the primary use of conducting -- on a regular basis -- formal religious services by a religious congregation.

**Infectious Waste:** "Infection Waste" is waste that contained or may contain any disease producing microorganism or material, infection waste shall not include field dressing of game animals or animals for human consumption. Infection wastes include but are not limited to the following:

A. Those wastes that are generated by hospitalized patients who are isolated in separate rooms in order to protect others from their severe and communicable disease.

B. All cultures and stocks of etiologic agents.

C. All waste blood and blood products.

D. Tissues, organs, body parts, blood and body fluids that are removed during surgery and autopsy, and other wastes generated by surgery or autopsy of septic cases or patients with infectious diseases.

E. Wastes that were in contact with pathogens in any type of laboratory work, including collection containers, culture dishes, slides, plates and assemblies for diagnostic tests; and devices used to transfer, inoculate and mix cultures.

F. Sharps, including hypodermic needles, suture needles, disposable razors, syringes, Pasteur pipettes, broken glass and scalpel blades.

G. Wastes that were in contact with the blood of patients undergoing hemodialysis at hospitals or independent treatment centers.

H. Animal carcasses, body parts, tissues, organs, blood, body fluids and/or remains.

I. Carcasses and body parts of all animals which were exposed to zoonotic pathogens.

J. Animal bedding and other wastes that were in contact with diseased or laboratory research animals or their excretions, secretions, carcasses, or body parts.

K. Waste biologicals (e.g., vaccines) produced by pharmaceutical companies for human or veterinary use.

L. Food and other products that are discarded because of contamination with etiologic agents.

M. Discarded equipment and equipment parts that are contaminated with etiologic agents and are to be discarded.

**Institutional House:** A public or private organized establishment in which children, elderly, or adults may receive services in order to maintain daily routines. Services may
or may not include medical or educational services. The classification shall not include: Daycare Facilities, Nursery Schools, or Penal or Reformatory Institutions.

**Junk Yard:** An area set aside for the accumulation of abandoned vehicles, appliances, or other used or scrap materials for the express purpose of resale.

**Land Use Ordinance:** Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI, and VII of the Pennsylvania Municipalities Planning Code.

**Landscaping:** To improve, arrange, ornament, or modify the effects of natural scenery over a tract of land through development and decorative planting of gardens and grounds.

**Land development:** Any of the following activities:

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

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

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

C. a subdivision of land.

D. development in accordance with the Pennsylvania Municipalities Planning Code.

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

**Livestock:** Domesticated agricultural animals produced or maintained on farm or non-farm operations. Some examples of livestock include cattle, pigs/hogs, horses, sheep, chicken/poultry and goats or any animal to be deemed farm like other than common domesticated animals such as dogs, cats, and domesticated birds, etc.

**Loading Space:** A space within the main building or on the same lot therewith providing for the standing, loading, or unloading of vehicles.

**Lot:** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

**Lot Area:** Total horizontal area included within lot lines excluding space within any street or right-of-way, but including the area of any easement.

**Lot, Corner:** A lot at the junction of two or more intersecting streets and having frontage on two or more such streets.
Lot, Depth of: The mean horizontal distance between the front line and the rear lot line, measured midway between the side lot lines.

Lot, Interior: A lot other than a corner lot or a through lot.

Lot, Recorded: Any lot which individually, or a part of a subdivision, has been recorded in the Office of the County Recorder of Deeds.

Lot, Through: A lot having frontage on two parallel or approximately parallel streets and which is not a corner lot.

Lot, Width: The dimension of a lot, measured between the side lot lines on the building line.

Lot Line, Front: In the case of an interior lot, the line separating the lot from the street. In case of a corner lot, the line separating the narrowest frontage of the lot from the street.

Manure: The excrement, including urine, of animals, along with any water or bedding materials that are mixed with or added to the excrement.

Manure Storage Facility: A permanent structure used for the primary purpose of collecting and containing manure for extended periods of time. The definition does not include animal confinement areas of poultry houses, horse stalls, free stall barns or bedded pack animal housing system.

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

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

Mobile Home: A transportable, single household dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot: A parcel of land in a mobile home park for the placement of a single mobile home and the exclusive use of its occupants.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes. The property may be owned by an individual, a firm, trust, partnership, public or private association or corporation. Recreational vehicles shall not be included.

Modular Home: A single household dwelling designed for transportation after fabrication in one or more units, and arriving at a site where it is assembled on a permanent foundation and connected to utilities.
Municipality: The Township of Jackson.

Municipal or Public Building: Any building or structure erected, altered, and/or occupied by a governmental or public agency or organization providing services and facilities for the general public.

Municipal Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, the Jackson Township Planning Commission, or joint planning commission.

National Pollution Discharge Elimination System (NPDES) Permit: Federal water quality discharge permits required of certain industries or certain operations within an industry (such as larger animal feeding operations). These permits are issued by the DEP regional offices.

Non-conforming Lot: A lot the area or dimension of which was lawful prior to the adoption or amendment of a Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Non-conforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a Zoning Ordinance or amendment hereafter enacted, where such structure lawfully existed prior to the enactment of such Ordinance or amendment or prior to the application of such Ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, non-conforming signs.

Non-conforming Use: A use, whether of land or of structure, which does not comply with the applicable use provisions in a Zoning Ordinance or amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of such Ordinance or amendment, or prior to the application of such Ordinance or amendment to its location by reason of annexation.

Nursery School: A premise other than the child's own home which shall provide daytime care or instruction to two or more children of preschool age.

Nuclear/radioactive Waste: "Nuclear/radioactive waste" means any materials regulated by the Commonwealth of Pennsylvania, the United States, and/or Federal Nuclear Regulatory Commission 5 and/or any materials and/or by-products of any process which results in, produces, generates and/or causes nuclear and/or radioactive material.

Nutrient Management Plan (NMP): A written, site specific, plan which incorporates structural and non-structural BMPs to manage the use of plant nutrients for crop production and water quality protection.

Nutrients: A substance or recognized plan element or compound which is used for its plant nutritive content.

Official Map: A map adopted by ordinance pursuant to Article IV of the PA Municipalities Planning Code.

Office Structure: A structure designed and used only for office and administrative activities and shall not include those activities of a commercial nature.
PA Technical Guide: The technical guidance document developed and published specifically for Pennsylvania by the Natural Resource Conservation Service (NRCS) in consultation with the Pennsylvania State Technical Committee. This document provides the standards and specifications for all BMPs used by the NRCS and other agencies to address resource issues on farm sites.

Park Street: A private way which affords principal means of access to individual mobile home lots or auxiliary buildings.

Parking Lot: Any lot, parcel or yard used in whole or in part for the storage or parking of two or more vehicles where such usage is not incidental to or in conjunction with a one-household or two-household dwelling.

Parking Space: An off-street space available for the parking of one motor vehicle and having an area of not less than one hundred eighty (180) square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto and having direct access to a street or alley.

Planned Residential Development: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a Municipal Zoning Ordinance.


Plat: The map or plan of a subdivision or land development, whether preliminary or final.

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

Prime agricultural land: Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey.

Public Grounds: Includes:

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

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

C. Publicly owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by the governing body, or Jackson Township Planning Commission, intended to inform and obtain public comment, prior to taking action.
Public Meeting: A forum held pursuant to notice under 65 Pa.C.S. Ch. 7 (relating to open meetings).

Public Notice: Notice published once each week for two successive weeks in a newspaper of general circulation in the Municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

Recreation Vehicle: A vehicle of any size which is designed as a temporary dwelling for travel, recreational and vacation uses, and which is self-propelled or is designed to be towed or carried by another vehicle.

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

Residential Housing Area: Any area located within any R-SH, R-MH, A, FP, C, HDA, and/or S district/zoned area.

RETAIL SALES AND SERVICES: Businesses characterized by the physical transfer of tangible goods to customers on the premises and design showcases or any other space intended and primarily suitable for the display of goods for sale and servicing of the same including: Appliance sales and service, Antique shops, Bakeries, Barber and beauty shops, Camera and photography sales and service, Cards, gifts and stationary stores, Clothing stores, Consignment & thrift shops, Computer sales and service, Convenience stores, Drugstores, Florists, plant and flower sales, Furniture re-upholstery and repair, General merchandise, variety, and department stores, Grocery and food stores and markets, Hardware, glass, paint, floor covering, wallpaper, and fabric stores, Hobby, arts, crafts & toy shops, Home furnishings stores, Jewelry sales and service, Janitorial cleaning and maintenance services, Liquor stores, Limousine and cab services, Locksmiths, Medical equipment sales and rental, Radio, television, consumer electronics and music stores, Sporting goods, Pet supply stores, Physical fitness facilities, Shoe sales and repair shops, Tanning salons and other commonly accepted retail sales and services (excluding Adult sexual oriented materials sales and services). The following may be permitted with inside only storage: General equipment rental and leasing, home appliance sales and service, Lumber and building supply, Plumbing and electrical supply, Small engine and lawn mower repair.

Rubbish: All putrescible solid wastes (except body wastes) including but not limited to solid market wastes, animal carcasses and/or remains, industrial wastes and all non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as solid market and industrial wastes, animal carcasses and/or remains, papers, wrappings, cigarettes, cardboard, tin cans, glass, bedding, crockery and similar materials, no longer suitable for its intended use.

Service Building: A structure housing toilet, lavatory and such other facilities as may be required by this Ordinance.
Shed: A building or structure used as a storage place or workshop having a maximum square footage of 160 square feet and a maximum height of 10 feet.

Sign: Any surface, fabric, display of merchandise, or vehicle device, bearing lettered, pictorial, sculptured, or other matter designed to convey information visually and exposed to public view; any structure designed to carry the above visual information; any structure or device designed or installed principally to direct or attract attention, except traffic signs or devices.

SPECIAL EXCEPTION USE: A “Special Exception” is a specific use listed in the Ordinance as a “Special Exception”, (said use is not permitted by right) which may be granted after a hearing by the Zoning Hearing Board and pursuant to the express standards and criteria listed to enable such use only in the District in which it is specifically listed. The Board may attach such reasonable conditions and safeguards in addition to those listed in the Ordinance as it may deem necessary.

Storage: "Storage" means the holding of hazardous waste, dangerous waste, hospital waste, infectious waste, and/or chemotherapeutic waste for a temporary and/or permanent period, at the end of which the waste is treated, disposed of, moved, or stored elsewhere or remains on site.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

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

Surface Mining: Any extraction of any mineral which involves removal of the surface of the earth or exposure of the mineral or substance of the earth to wind, rain or sun or other elements of nature for sale or commercial purposes.

Telecommunications Antenna: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or ship antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitations, ham or citizen band radio antennas.
Telecommunications Equipment Building: An unnamed building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

Telecommunications Tower: The structure other than a building such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas. The height of a telecommunications tower is the vertical distance measured from the ground level to the highest point on the tower including antennas.

Topography: The configuration of the surface of the land including its contour and the position of its natural and manmade features.

Townhouse: Single-household attached dwelling unit with walls, each dwelling unit is a complete entity with its own utility connections.

Travel Trailer: Any trailer usually drawn by a passenger automobile, used for occasional transport of personal effects.

Use: The specific purpose for which land or building is designed, arranged, intended, or for which it may be occupied or maintained. The term PERMITTED USE or its equivalent shall not be deemed to include any non-conforming use.

Variance: Permission granted by the Zoning Hearing Board, following a hearing that has been properly advertised for a zoning adjustment.

Waste: "Waste" means the same as "Solid Waste" under federal regulations promulgated by the United States Environmental protection Agency and codified at 40 C.F.R., Sec. 261.240 C.F.R. Sec. 261.2 is incorporated by reference herein.

Water Survey: An inventory of the source, quantity, yield and use of groundwater and surface-water resources within a Municipality.

Yard: A space on the same lot with a principal building, open, unoccupied, and unobstructed by structures, except as otherwise provided in this Ordinance.

Yard, Front: A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lampposts, and similar structures, the depth of which is the least distance between the lot line and building line.

Yard, Rear: A yard extending across the full width of the lot between the rear of the principal building and the rear lot line, unoccupied by other than accessory buildings which do not occupy more than thirty (30) percent of the space, and steps, walls, terraces, driveways, lampposts, and similar structures the depth of which is the least distance between the rear lot line and the rear of such building.

Yard, Side: A yard between the principal building and the side lot line, extending from the front yard, or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally and at ninety (90) degrees with the side lot line, from the nearest part of the principal building.

Zoning Officer: The administrative officer appointed by the Jackson Township Board of Supervisors of the Municipality to administer the Zoning Ordinance in accordance to its literal terms and requires the officer to identify and register non-conforming uses and
structures, receive applications, inspect premises, and issue permits. The Zoning Administrator may also be referred to as the Zoning Officer.

**Zoning Approval:** A statement issued by and signed by the Zoning Officer authorizing the use or construction of a structure and indicating on its face that the proposed use or structure complies with the Zoning Ordinance or with a decision and order of the Zoning Hearing Board or a court of competent jurisdiction rendered in connection with an application relative to use of the premises involved. No approval shall be issued for any use or construction unless the applicant shall submit written proof that the designated authorities have granted approval of required sanitary sewage and water facilities.

**Zoning Hearing Board:** A multiple member board, appointed by the Jackson Township Board of Supervisors of the Municipality, to hear and decide appeals under its jurisdiction as stipulated in Municipality Planning Code, Section 909.1(a).
Appendix 1: A Reader’s Guide to the Organization and Applicability of this Ordinance

This Ordinance regulates all land uses, lots, and structures within Jackson Township. Every regulated land use, lot or structure must either conform to the rules of this Ordinance or be a nonconforming use, nonconforming lot, or nonconforming structure. A nonconformity is defined as a use, lot or structure that: (1) was legally established before the effective date of this Ordinance’s enactment (See Article I, Section 105, “Effective Date”), and (2) does not conform to the substantive requirements of this Ordinance. Because property owners could not have known what the regulations of this Ordinance were going to be in advance, they have a legal and ethical right to continue the previously legal use of their property as they had prior to enactment of this Ordinance. However, all nonconformities, except nonconforming signs, are subject to the regulations of Article III, “Nonconforming Buildings and Land Uses”. Special regulations for nonconforming signs are provided in Article VIII, “Signs”. All regulated land uses, lots and structures that are neither in conformance with the controls of this Ordinance or are nonconformities do not meet the requirements of the Ordinance – and subject to the enforcement procedures and penalties specified in Article II, Section 205, “Remedies”.

Zoning Ordinances are always complex due to the complex nature of modern communities. However, this Ordinance is organized to be simple and to minimize the amount of reading required determining how a property or project is restricted.

The first three Articles of this Ordinance contain specifications that affect Jackson Township land owners on a daily basis, and apply to all properties within the Township. Article I, “General Provisions” titles and enacts the Ordinance, explains what the general purposes of this Ordinance are and what its basic rules are.

Article II, “Administration”, explains, among other things, 1) when Permits are needed, 2) what a Variance is 3) 4) what a Conditional Use is, and then illustrates the procedures for obtaining permits and/or scheduling hearings for various uses. It also lists the standards that the Township Board of Supervisors is to employ in determining whether or not to grant permission for certain uses, how the Ordinance will be enforced, how landowners may contest the Zoning Officer’s determinations, and how landowners may dispute the Validity of this Ordinance. Administrative provisions that are relevant to the Zoning Officer, Municipal Officials, Township Board of Supervisors, and the Zoning Hearing Board are also contained in Article II.

Article III, “Nonconforming Buildings and Land Uses”, explains what nonconformity is and what extra regulations apply to nonconforming uses. In summary, anyone who has a question concerning how this Ordinance regulates all property should review Article’s I, II, and III.

However, many of the regulations in the Ordinance should not be applied to all areas of the Township due to the differing statutes and goals for each area. So
Article IV, “Designation of Zones”, divides the Township into eight (8) different “Zoning Districts” – each of which is composed of areas with present-day statues and goals. Therefore, Article IV sets forth provisions that differ from one Zoning District to another to accomplish these goals. This article also contains some general zone provisions that apply to a number of land uses.

Article V, “Zone Provisions”, then provides sets of regulations for each Zoning District, addressing specific subjects for the district such as permitted land uses, conditional uses, and special requirements found in Article VIII, “Signs”. Within each Zoning District in Article V, “Zoning Provisions – Permitted Uses”, are subsections titled “Off-Street Parking” that address the off-street parking requirements for specific land uses within the zones including general requirements, facilities required, and loading and unloading space. A general rule of thumb is that readers who have a question concerning how the Ordinance regulates a property need to read the parts of Article V that concern the Zoning District of that property.

Article VII, “Supplemental Regulations”, constitutes policies that involve and affect all or a majority of Zoning Districts.

Article VIII, “Signs”, contains the majority of the Ordinance’s sign regulations including those that apply to all residential districts, portable signs, billboards, and business identification.

Article IX, “Definitions”, provides a glossary of the terms used throughout this Ordinance.

The sections in Article I, II, and III apply to every regulated land use, lot, and structure in the Township. Because they address each of the Jackson Township’s eight (8) Zoning Districts, the sections in Article IV also apply to every regulated land use, lot, and structure in the Township. However, the sections of Articles V-VIII apply only when a provision of Article I, II, or III explicitly says so. Township officials should be familiar with the entire Ordinance, as well as the Central Cambria Coalition Multi-Municipal Comprehensive Plan.


This section is designed for the person(s) who are not familiar with this Ordinance or zoning regulations in general. Provided is a step-by-step listing of the sections one would read to determine; (1) what zone your property is in; (2) the zone’s regulations; (3) applicable permit procedures; and (4) other requirements, if any, as determined by the type and use of the applicable property. In order to accomplish this basic understanding one need only to research the following:

1. The Zoning Map to determine the Zoning District within which the subject property is located;
2. Article IV which designates the various Zoning Districts and how they are bounded and interpreted;
3. Article V to find the regulations for subject property’s Zoning District;
4. The first two sections of Article II for Zoning Permit information; and (if applicable)
5. Article VIII, “Signs”, for sign requirements. For many applicants the aforementioned reading will cover the necessary sections so the property owner or project manager may become familiar with the procedures and regulations of this Ordinance. However, special regulations or requirements may apply to specific properties or projects. Additional information may need to be reviewed as follows:
   1. Articles I, II, and III.
   2. any sections specifically referenced by other Articles reviewed, and
   3. Planned Residential Developments (PRD) Article IX has specific details for PRDs within the Township.
   4. Amendments (Article X) will guide the Township and Property Owners through the Amendment Process.

APPENDIX 3: Statement of Community Development Goals and Objectives for The Central Cambria Coalition (Jackson Township, Cambria Township, Ebensburg Borough)

HISTORIC RESOURCES:

GOAL: To prevent and conserve the Historic Resources and Heritage throughout Jackson Township, Cambria Township, and Ebensburg Borough

Objectives:
- Maintain an inventory of buildings and structures that are eligible for placement on the National Register of Historic Places.
- Research and nominate individual properties to be placed on the National Register of Historic Places.
- Promote the preservation of the local heritage.

NATURAL RESOURCES

GOAL: To conserve, protect, and properly utilize the Natural Resources of Jackson Township, Cambria Township, and Ebensburg Borough.

Objectives:
- Encourage quality development and redevelopment, which are sensitive to environmental protection issues.
- Preserve open green space by concentrating new development within the designated growth areas.
- Preserve viewsheds, greenways, and open green space
- Preserve environmentally sensitive areas
- Preserve the water resources of the Multi-Municipal area.
- Utilize the existing coal mines located throughout the Multi-Municipal area.

**LAND USE**

**GOAL:** To preserve the existing scenic and rural character of Jackson Township, Cambria Township, and Ebensburg Borough.

Objectives:

- Conserve existing development concentrations throughout the Multi-Municipal area.
- Revitalize existing development concentrations throughout the Multi-Municipal area.
- Reserve land resources unsuitable for future growth and development as open green space and conservation areas.
- Preserve the historic community patterns of development through the Multi-Municipal area.
- Recognize, preserve, and protect the historic and cultural resources as a means for preserving the visual and historic character of the Multi-Municipal area.

**GOAL:** To guide future development utilizing recognized principals for good land use development principles and smart growth

Objectives:

- Concentrate future development within Designated and Future Growth Areas, which have been determined to be the most suitable for development and where infrastructure (water and sewer service, and streets and roads) can be made easily available.
- Concentrate future development outside of and adjacent to Designated Growth Areas to accompany the orderly extension of public infrastructure.

- Arrange the variety of land uses in such a manner that they are compatible, complementary, and stable.

- Prevent the mixing of incompatible land uses.

- Encourage “in-fill” development throughout the Multi-Municipal area.

- Insure that land use decisions in the Multi-Municipal area are consistent with the County Comprehensive Plan.

- Promote harmony among existing development, future development, and the natural environment.

**GOAL:** To locate development in such a manner that access to public utilities and community facilities are most cost effective.

Objectives:

- Encourage the reuse of any existing developed land and structures throughout the Multi-Municipal area.

- Consider conservation subdivisions throughout the Multi-Municipal area.

- Use each parcel of land for the purpose to which it is best suited and most beneficial to the Townships, Borough, and their residents.

- Encourage balanced development among the various land uses while conserving open green space, natural drainage areas, and viewsheds.

- Prevent undesirable land use relationships by eliminating or preventing the adjacent mixing of incompatible land uses, such as, single family homes with intensive industrial operations, businesses, mobile home parks, and large commercial signs in primarily single family areas.

- Protect and Preserve the value of the exiting residential areas and homes of the Multi-Municipal area. By preventing or reversing the indiscriminate spread of spot commercial zoning, multi-family occupations of single-family residences, low density scattered residential development, and other less desirable development patterns, which may be scattered through the Multi-Municipal area.

- Encourage new development to occur within and immediately adjacent to existing development concentrations, thereby enabling the most efficient
and economic provisions of community facilities and the extension of public utilities.

- Reserve adequate public open green space and outdoor recreation areas facilities for the enjoyment of present and future population.

- Provide oversight of subdivision and land development to insure that public concerns with accessibility, stormwater management, water supply, sewage collection and disposal, and other pertinent and unique factors are adequately considered.

- Update and enforce land use controls including: the Zoning Ordinance, the Subdivision Land Development Ordinance, the Floodplain Ordinances, and the Stormwater Management Ordinance to insure orderly future development throughout Jackson Township, Cambria Township, and Ebensburg Borough.

- Encourage the “cluster” concept of land development to most efficiently utilize the land resources of the Townships and Borough while reserving adequate open space in all new subdivisions and land developments according to the principals set forth in the Growing Greener concept.

- Encourage Traditional Neighborhood Design to maintain the historic look of the Multi-Municipal area.

- Prepare and follow land use policies, which provide for and strengthen the existing land use categories.

- Assess current and past zoning practices to determine compliance with the ordinances in effect as well as to update the inventory of non-conforming uses throughout the Multi-Municipal area.

HOUSING

GOAL: To ensure that opportunities for adequate housing are available to all residents of Jackson Township, Cambria Township, and Ebensburg Borough.

Objectives:

- Conserve the housing stock presently existing throughout Jackson Township, Cambria Township, and Ebensburg Borough

- Preserve and protect the architectural integrity of structures throughout the Multi-Municipal area.
- Encourage additional non-assisted living areas for seniors
- Work to provide more rental units for young business professionals and young families, who are moving to the area for the first time.
- Provide opportunities for the development of a variety of housing types within the Multi-Municipal area.
- Initiate a program for housing rehabilitation for low and moderate-income homeowners throughout the Multi-Municipal area.
- Enable that affordable housing is provided for all income groups throughout the Multi-Municipal area.
- Encourage the provision of housing for young professionals such as condos, town homes, and garden apartments.

**ECONOMIC DEVELOPMENT**

**GOAL:** To maintain and create employment through economic development initiatives (job retention, job expansion, and job attraction) by increasing the number, variety, and choice of employment opportunities throughout Jackson Township, Cambria Township, and Ebensburg Borough.

Objectives:

- Retain existing and create new small business growth throughout the Multi-Municipal area.
- Assist local economic development initiatives with technical, non-technical, and financial assistance.
- Work in close cooperation with the public utilities, existing development organization, and local, state, and federal agencies in efforts to assist in achieving desired economic development goals and objectives.
- Encourage the development of additional industrial/business parks complete with utilities and access within available areas throughout the Multi-Municipal area.
- Assist sponsors in obtaining funding for site purchase and site development
Support efforts to provide an adequate transportation network and supply of energy to existing business/industrial sites.

Promote the attraction and location of industry by identifying and preserving sites that have favorable physical characteristics, adequate transportation, and available utilities.

**TRANSPORTATION**

**GOAL:** To adequately maintain the existing highway, road, and street system throughout Jackson Township, Cambria Township, and Ebensburg Borough according to generally accepted maintenance standards necessary to meet the needs of the county’s population, those of the commercial and industrial establishments, plus those of the recreation and tourism industry.

Objectives:

- Work with PennDOT to improve and maintain the major routes within the Multi-Municipal area: U.S. 22, U.S. 422, and U.S. 219 and State Routes 271, 3039, 3041, 3043, 3045, and 3047.

- Work to upgrade and maintain safe intersections which have been identified as being dangerous through the Multi-Municipal area, paying close attention to: the intersection of West High Street and New Germany Road and U.S. Route 219 and U.S. 422 intersection.

- Work to ensure all State Routes and Township roads are maintained at an acceptable level throughout the Multi-Municipal area.

- Provide adequate signage, signalizations, and lighting for all highways and streets throughout the more densely developed areas of the Multi-Municipal area.

- Increase the level of traffic enforcement, particularly in regard to speeding and obeying stop signs, plus other traffic control devices.

- Work to eliminate heavy truck traffic through Ebensburg Borough and throughout Jackson and Cambria Township, to insure safety for pedestrians and other drivers.

- Follow the transportation guidelines established by the Southern Alleghenies Planning and Development Commission, the Cambria County Planning Commission, and PennDOT.

**GOAL:** To plan and implement future transportation improvements to serve...
Jackson Township, Cambria Township, and Ebensburg Borough to solve existing transportation and identified traffic problems, as well as meeting projected future transportation needs.

Objectives:

- Prepare and maintain a list of candidate transportation projects (highways and bridges) and recommend them on a bi-annual basis for inclusion in the Pennsylvania Department of Transportation (PennDOT) Twelve- (12) Year Program and the Transportation Improvements Program (TIP)

- Provide for safe, convenient usage of local routes by both bicyclists and pedestrians throughout the Multi-Municipal area: Share The Road Program.

- Ensure the efficient and safe movement of traffic among the commercial, residential, and industrial areas of the area.

- Provide for future traffic to, from, and within new developments.

- Institute a program of access management for ingress and egress to and from roadside development.

- Institute a pavement management program for all of the municipalities’ streets and roads.

COMMUNITY FACILITIES

GOAL: To provide Community Facilities including Recreational Facilities and organized activities and programs for the use and enjoyment of the residents and visitors of Jackson Township, Cambria Township, and Ebensburg Borough.

Objectives:

- Provide adequate maintenance for existing community facilities and services to assure their longevity in serving the residents of the Townships and Borough.

- Institute a phased improvement program for Parks and Recreation Facilities throughout the Multi-Municipal area.

- Bring into American with Disabilities Act (ADA) compliance all municipal buildings and facilities to serve the residents of the Multi-Municipal area.

- Maintain the Ghost Town Trail for walking/hiking/biking throughout the Townships and Borough.
GOAL: To increase the livability and attractiveness of Jackson Township, Cambria Township, and Ebensburg Borough through the adequate provision of a wide range of community facilities which are easily accessible to all the citizenry of the Multi-Municipal area.

Objectives:

- Provide adequate municipal buildings and facilities to accommodate the expanding needs of government in Jackson Township, Cambria Township, and Ebensburg Borough.

- Provide adequate school complexes with space for the necessary adjunctive facilities strategically located with respect to the communities, which they serve.

- Provide adequate fire, police protection, and emergency service to the Multi-Municipal area.

- Continue to share and purchase equipment among the three (3) municipalities.

PUBLIC UTILITIES

GOAL: To provide municipal water and sewer service to a majority of the residents and businesses of Jackson Township, Cambria Township, and Ebensburg Borough.

Objectives:

- Maintain and improve the water distribution system and the water quality in the Multi-Municipal area.

- Encourage regional and cooperative water and sewer authorities.

- Follow the standards of the Commonwealth Comprehensive Water Quality Management Plan

- Maintain the existing sewage collection system and treatment facility to accepted standards set forth by the DEP and the EPA.

- Continue to inspect new on-lot sewage systems and monitor existing on-lot sewage systems as per any existing sewerage ordinance.
- Encourage development to occur in areas that are presently served with public water and sewer.

- Require all new residential, commercial, and industrial developments to tap into available public water and sewer systems.

- Review and implement the content, proposals, and recommendations of the Sewage Facilities Act 537 Plan for Jackson Township, Cambria Township, and Ebensburg Borough.

- Prepare and submit applications for financial assistance to Penn Vest, the Pennsylvania Department of Economic Development (DCED), and other applicable programs to expand community water and sewer systems, which will be needed for the future development of the Multi-Municipal area.

- Strengthen working relationships with the surrounding municipalities, the Cambria County Planning Commission, and the Southern Alleghenies Planning and Development Commission.

- Expand the function of the Central Cambria Coalition and continue to share services such as maintenance vehicles, recreation areas, joint purchasing, and other resources and functions.