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# ARTICLE I

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## SHORT TITLE – PURPOSE – SCOPE

### **Section 100: Short Title**

This ordinance shall be known as the “Jackson Township Zoning Ordinance” hereinafter referred to as the “Zoning Ordinance”. The official map showing zoning districts and boundaries shall be known as the “Jackson Township Zoning Map” copies of which shall be retained by the Township Zoning Officer and the Township Secretary. The map included herein is a reproduction of the official map and for reference only.

### **Section 101: Purpose**

The regulations of the “Zoning Ordinance” are made in accordance with the following purpose:

- 1) To lessen congestion on the roads and highways
- 2) To secure safety from fire, panic and other dangers
- 3) To promote health and the general welfare
- 4) To provide adequate light and air
- 5) To prevent the overcrowding of land
- 6) To avoid undue congestion of population
- 7) To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements
- 8) To minimize damages caused by natural flooding to people and to development
- 9) To encourage yet control new development and growth in the Township

Such regulations are also made with reasonable consideration to the character of the districts hereinafter set forth and their suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Township.

### **Section 102: Scope**

The “Zoning Ordinance” regulates and restricts within the boundaries of the Township of Jackson, Mercer County, Pennsylvania:

- 1) The height, number of stories and size of buildings and other structures
- 2) Their Construction, alteration, extension, repair and maintenance.
- 3) All facilities and services in or about such buildings and structures.
- 4) The percentage of lot that may be occupied.

- 5) The size of yards, courts and other open spaces.
- 6) The density of population.
- 7) The location and use of buildings, structures and land for trade, industry, residence or other purposes.
- 8) The establishment and maintenance of building lines and setback building lines upon any or all public roads, highways or property lines
- 9) New construction and development whose location is within areas subject to flooding.

### **Section 103: Application**

In applying the provisions of the Zoning Ordinance, they shall be held to be the minimum requirements as they shall apply to the use, and/or occupancy of all buildings, other structures and/or lots. Where the Zoning Ordinance imposes greater restrictions than those of any statute, other ordinance or regulations, the provisions of the Zoning Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than the Zoning Ordinance, those shall be controlling. The Zoning Ordinance is not intended to interfere with any covenant or other agreement between private parties. However, where the Zoning Ordinance imposes greater restrictions than those imposed by any such easement, covenant or agreement, the provisions of the Zoning Ordinance shall govern. Where any such easement, covenant or other agreement imposes greater restrictions than those imposed by the Zoning Ordinance, those shall govern.

# ARTICLE II

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## COMMUNITY DEVELOPMENT OBJECTIVES

### **Section 200: Purpose of Community Development Objectives**

This article shall serve as the statement of community development objectives for the Jackson Township Zoning Ordinance as required by Section 606 of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). The Zoning Ordinance reflects the policy goals of the township as stated in the following community development objectives and has been developed as a legislative and administrative tool of the Township to implement said objectives.

The following goals were publically obtained as part of the Lakeview Area Comprehensive Plan. Although the Plan was not officially adopted by each municipality, the objectives remain valid goals as they relate to development within Jackson Township and the capabilities of zoning to implement these.

#### **Preservation of the small town/rural character**

1. Promote friendly neighborhood lifestyle and good atmosphere.
2. Revitalize existing communities.
3. Promote and maintain all rural communities from over subdividing, especially farms and rural lands.
4. Conserve natural and manmade features.
5. Continue to protect public and private farm, wetland and forest lands through federal/state environmental policies and regional application to planning.
6. Promote planned growth at I-79 Interchanges

#### **Infrastructure & Services**

7. The extension of sewer and water would be acceptable at a public cost provided that good jobs or improved housing resulted without impacting farmland.
8. Promote the use of public facilities for all citizens.
9. Encourage further development of the interchanges.

#### **Economic Development**

10. Put infrastructure in place at key target locations where economic development is desired. Interstate highway interchanges are logical target areas
11. Find more opportunities for and promote eco-tourism (including farming and archaeological resources).
12. Promote maintenance and development of recreation facilities that have a regional tourism draw

## **Housing**

13. The Lakeview Region enjoys a mix of affordable housing options within each community
14. Preserve historical homes.
15. Promote affordable housing.
16. Implement “regional” housing rehab programs.
17. Target high-density residential development in and around areas with pre-existing, adequate infrastructure.
18. Maintain our rural/farm areas current level of low-density residential development.

## **Section 201: Overall Goal**

It is the overall goal of Jackson Township to develop and preserve a pleasant, attractive, healthy, safe, and convenient environment for living, working, shopping, and recreation in the Township.

## **Section 202: Land Use Goal**

To provide and perpetuate a land use pattern which is able to function efficiently, which features an optimum degree of compatibility between land uses and between development and the natural environment, and which enhances the orderly timing of development.

### **202.1: Specific Objectives**

- 1) *To encourage the concentration of land uses into discernible clusters and limit both “spot” development and irregularly dispersed development patterns.*
- 2) *Prevent undesirable land use relationships and protect property values by avoiding the mixing of incompatible, conflicting land uses.*
- 3) *To encourage new growth and development by providing adequate land area in each zoning district to meet anticipated future needs and demands.*
- 4) *To develop a land use pattern which considers highway load capacities, traffic volumes and patterns, and speed limits.*



## **Section 203: Economic Goal**

To provide adequate shopping and employment opportunities for Jackson Township residents while at the same time preserving a healthful, secure, and pleasant residential environment.

### **203.1: Specific Objectives**

- 1) *To encourage economic growth in the Township via new commercial and industrial development.*
- 2) *To encourage commercial development along major transportation routes, including the interstate interchange and areas of proposed public sewer and water facilities.*
- 3) *To discourage the indiscriminate spread of commercial and industrial development.*
- 4) *Encourage the orderly development of business and industry and minimize the undesirable impacts of sight, noise, odor, or other public hazards and nuisances generated by commercial and industrial development*
- 5) *To provide site development controls and protective buffer areas where commercial and industrial development will occur adjacent to residentially-zoned lands.*

## **Section 204: Housing Goal**

To provide and maintain an adequate supply of sound, safe, and sanitary housing in a variety of price ranges for all the residents of Jackson Township.

### **204.1: Specific Objectives**

- 1) *Preserve the residential character and quality of viable residential areas and protect them from incompatible land uses.*
- 2) *Provide for diversity in housing types in the Township so that every family or individual has a choice of residential environment and life-style.*
- 3) *Control the placement of mobile homes and the development of mobile home parks in order to ensure their conformity with the aesthetics and neighborhood character of existing residential areas in the Township.*
- 4) *To discourage the scattering of high-density, multi-family residential development.*

## **Section 205: Community Facilities and Services Goal**

To provide for facilities, services and utilities in the quantity and quality necessary to meet the physical, social, cultural, recreational, and aesthetic needs of the community.

### **205.1: Specific Objectives**

- 1) *Provide adequate land area for the provision and maintenance of essential public facilities and services such as water and sewers, streets, recreation, schools, police and fire protection, and human services.*
- 2) *Encourage an orderly and efficient pattern of development which facilitates and minimizes the cost of provision of community facilities and services*
- 3) *Provide for efficient traffic circulation and prevent congestion of streets and pedestrian way.*
- 4) *Discourage land use development which would create safety hazards to vehicular and pedestrian travel.*

## **Section 206: Environmental and Aesthetic Goal**

To enrich the lives of all residents and to promote Jackson's attractive, rural atmosphere by striving to improve the aesthetic quality and visual impact of the man-made environment and to preserve and enhance the natural environment.

### **206.1: Specific Objectives**

- 1) *Eliminate or carefully control all causes of pollution including but not limited to noise, water, air, and surface pollution.*
- 2) *To discourage or control development in areas characterized by unsuitable soil conditions or potential for flooding.*
- 3) *To preserve wetlands and unique natural areas and protect them from development.*
- 4) *Promote the conservation of energy as a matter of serious public concern.*
- 5) *Encourage the elimination, isolation, or screening of all scenic detriments created by man.*
- 6) *Encourage the use of aesthetically pleasing landscaping practices to enhance the visual quality of the man-made environment.*
- 7) *Control the use of signs in terms of number, type, size and location, and encourage aesthetics and attractiveness in their design.*

# ARTICLE III

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## ZONING DISTRICTS

### Section 300: Zoning Districts

Jackson Township is hereby divided into the following Zoning Districts:

Full Name	Short Name
Rural Residential-Agricultural	"R-1"
Residential-One Family	"R-2"
Business-Highway Service	"B"
Industrial	"I"

### Section 301: Boundaries of Zoning Districts

The boundaries of the Zoning Districts shall be as shown on the Zoning Map. Where uncertainty exists with respect to the boundaries of the various Zoning Districts, the following rules shall apply:

#### **301.1: Where a Zoning District Boundary Approximately Follows Road**

The center line of such street or road shall be interpreted to be the Zoning District boundary.

#### **301.2: Where a Zoning District Boundary Approximately Parallels a Road**

The boundary shall be interpreted as being parallel to it and at such distance from it as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.

#### **301.3: Where a Zoning District Boundary Approximately Follows a Lot Line**

The lot line shall be interpreted to be the Zoning District boundary.

#### **301.4: Where a Zoning District Boundary Follows a Watercourse**

The center line of the watercourse shall be interpreted to be the Zoning District boundary.

### **301.5: Submerged Areas**

Where areas within the Township are underwater and are bounded by two or more zoning districts, the boundary lines of these districts shall be extended to the center of the body of water.

### **301.6: Classification of Annexed Lands**

Any land annexed to or made a part of the Township subsequent to the adoption of this ordinance, shall immediately be classified in the same Zoning District as the area to which it is contiguous, as of the effective date of annexation.

### **301.7: Vacation of Public Ways**

Whenever any street or alley is vacated, the Zoning District or Districts adjoining the side of such street or alley shall be automatically extended to the center of the vacated area.

### **301.8: Where a Zoning District Boundary Does Not Follow a Physical Feature or Lot Line and None of the Previous Rules Apply**

The location of such boundary, unless the same is indicated by dimensions shown on the official Zoning Map, shall be determined by the use of the map scale appearing thereon.

# ARTICLE IV

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## “R-1” RURAL RESIDENTIAL-AGRICULTURE ZONING DISTRICT

### **Section 400: Purpose of Zoning District**

To provide a Zoning District in which the predominant use will be Residential/Agriculture:

- a) Preserve and conserve farm and agricultural areas.
- b) To maintain the food producing capacity of the soil.
- c) To discourage the subdivision of land into uneconomic and unproductive parcels.
- d) To encourage all agricultural principal and accessory uses so as to retain a stable and well-balanced agricultural area.
- e) To permit easy accessibility to essential agricultural processing needs.
- f) To enable the furtherance and conservation of an agricultural district, thereby protecting the community, region, state and national interest in the basic needs of agriculture.
- g) The orderly conversion of land to residential use.

### **Section 401: Principal Uses Permitted**

#### **401.1: Principal Uses Permitted**

- 1. Agricultural and Related Uses.
- 2. Single-Family Residential Dwellings.
- 3. Multi-Family
- 4. Church, Church Uses, Cemeteries.
- 5. Schools, Both Public and Private and Colleges including dormitories for students and/or faculty.
- 6. Experimental station for agricultural or related uses
- 7. Fish or game club, riding stables or academies.
- 8. Bed and Breakfast.
- 9. Forest preserve.
- 10. Golf Courses.
- 11. Grange Hall, or building for a similar agricultural organization.
- 12. Nursery or Greenhouse.
- 13. Processing for agricultural products, provided that it takes place primarily inside a building.
- 14. Hospitals and Institutional Homes.

15. Governmental or Governmental Authority Facility, Service Structure or Use, provided:
  - (a) It shall serve as a community facility or be reasonably necessary for the adequate distribution of services.
  - (b) It shall be authorized by a governmental agency.
16. Saw Mills, or related uses.
17. Mobile Homes, provided:
  - a. Self contained mobile home units must have a floor area of 600 square feet or more, provided they conform to all regulations applicable to single-family dwellings.
  - b. Mobile home square footage shall be determined by the certificate of title of the mobile home. In addition, tipouts may be used in determining mobile home square footage.
  - c. Skirting shall be provided on all mobile homes.
18. Public Utility Facility, Service Structure and/or Use, provided:
  - (a) It shall not include any type of equipment which will in any way interfere with local radio or television communications or otherwise be detrimental to the surrounding area.
  - (b) It shall not include a business facility, a power generating station, storage of materials, storage of any repair or trouble crew outside a structure.
  - (c) It shall be reasonably necessary for adequate distribution of service.
  - (d) That the structure(s) be compatible with other permitted structures in the District in which it is located.
19. Campgrounds, provided that it shall conform to the following requirements:
  - (a) The request for a permit as herein required, shall be accompanied by a site plan showing the scale to which it is drawn, showing the location of the proposed campground in relation to all roads and lot lines within 200 feet of the campground boundaries, the location size and arrangement of all roads and lots, screening, the location of all proposed central sanitary facilities and wells or other sources of water supply and the location of special buildings and other pertinent features. This site plan shall be submitted in triplicate (3 copies); 1 copy for the Zoning Officer, one (1) for the planning Commission and one (1) for the Board of Supervisors. This plan must be approved by the Planning Commission prior to the issuance of a building permit.
  - (b) Campgrounds in existence on the effective date of this Ordinance may continue to operate under present regulations. However, any new addition onto existing parks shall conform to the requirements set forth in this Ordinance.
  - (c) Design Requirements:

- (i) The campground shall be located on a well-drained site of a minimum of 5-acres in area properly graded to insure drainage and reduce stagnant pools of water. Stormwater management shall comply with the Jackson Township Stormwater Ordinance.
- (ii) Tent spaces shall be dimensioned, improved and arranged so that when any space is occupied, no portion of any unit (including awning or other accessory attachments) shall be within 15 feet of any other unit or building within the camp or 100 feet from any property line bordering the camp. The 100 foot buffer area adjacent to the camp boundaries shall be suitably planted and screened as may be required by the Planning Commission.
- (iii) The walls of all structures and tents must comply with building setback requirements of Section 403.4 of this Ordinance.
- (iv) All tent spaces shall abut upon a driveway of not less than 20 feet in width which shall have unobstructed access to a public road.
- (v) Each campground shall provide utilities, sanitary sewerage, and refuse collection as required by the Pennsylvania Department of Environmental Protection.
- (vi) All electrical facilities shall be installed and maintained in accordance with specifications regulating such systems as required by the National Electrical Code and any inspection agency approved by the Commonwealth of Pennsylvania.

20. Mobile Home Parks, provided:

- (a) They shall comply with all applicable provisions of the Mercer County Subdivision and Land Development Regulations.
- (b) Stormwater management shall comply with the Jackson Township Stormwater Ordinance.
- (c) A copy of the final plan of the mobile home park indicating approval by the Mercer County Regional Planning Commission shall be submitted to the Zoning Officer prior to issuance of a permit.

21. Recreational Vehicle Parks, provided:

- (a) They shall comply with all applicable provisions of the Mercer County Subdivision and Land Development Ordinance.
- (b) Stormwater management shall comply with the Jackson Township Stormwater Ordinance.
- (c) A copy of the final plan of the Recreational Vehicle Park indicating approval by the Mercer County Regional Planning Commission shall be submitted to the Zoning Officer prior to issuance of a permit.

22. Conditional use for sanitary landfills, solid waste transfer station, or similar facilities for processing and disposal of solid waste, only upon application to and approval by the Board of Supervisors and after referral to the Township Planning Commission for review and recommendations. Prior to approval by the Township Supervisors, the applicant for such conditional use shall comply with the following conditions:
- (a) The applicant shall comply with all applicable regulations and requirements of the Pennsylvania Department of Environmental Protection and shall present to the Township Supervisors an approved permit for the proposed facility from the Pennsylvania Department of Environmental Protection.
  - (b) The applicant shall provide the Township with a copy of the permit application submitted to the Pennsylvania Department of Environmental Protection and all accompanying site plans, engineering data, and other information.
  - (c) The applicant shall grant a right of entry to the proposed facility to the Township Board of Supervisors or its authorized representatives, upon written request by the township, in order to inspect the facility and ensure that all applicable regulations and requirements are being met while the facility is in operation.
  - (d) The Township Board of Supervisors may impose other conditions, based on consideration of the unique physical conditions and natural and man-made characteristics of the proposed facility site and its surroundings, which do not violate the minimum standards of the Pennsylvania Department of Environmental Protection and which are reasonably necessary to provide maximum protection to the Township's underground and surface water supplies and to minimize adverse impacts to surrounding properties.
23. Special Event Barn shall conform to the following provisions:
- a) If the Special Event Barn is situated on a farm the Special Event Barn may be located on the same property as the farm.
  - b) The parcel on which the Special Event Barn is located shall be at least 10 acres in size and able to accommodate all facets of the event within the boundaries of the property.
  - c) Special Event Barns shall be located in their original location.
  - d) Special Event Barns, including all fixtures, tents and parking shall be set back at least fifty (50) feet from all property lines.
  - e) Any Special Event Barn as a principal use shall be subject to the following setback requirements:
    - i. 3000' feet from another Event Barn



- f) Any additions or changes to the Barn to accommodate the use as a Special Event Barn shall be secondary and shall not drastically alter the visual or material character of the Barn except as necessary to provide for safe use by patrons, and all additions or changes shall be comply with applicable Building Code requirements and the Uniform Construction Code.
- g) The conduct of the event including fixtures, tents and parking may extend to the grounds but may not extend into the building setback areas.
- h) Parking shall be on the property on which the Special Event Barn is located. Under no circumstances may parking be on State or Township roads, on other public property, or on private property other than that on which the Special Event Barn is located.
- i) All entertainment, including but not limited to DJs, music, bands, a dance floor or a stage shall be limited to the interior of the Special Event Barn.
- j) If the barn does not include sufficient restroom facilities to meet building code requirements then portable restroom facilities, approved by the Township Sewage Enforcement Officer, are required.
- k) The owner of the Special Event Barn shall provide bonded, insured on-site independent security guards for each event, and a certificate showing that the Special Event Barn is covered by special event liability insurance shall be displayed at all times.
- l) Alcoholic beverages may be served only as allowed by local and state laws. There shall be no sale of alcoholic beverages.
- m) For a Special Event Barn as an accessory use, signs shall be erected only in accordance with provisions applicable under Article VIII of this Ordinance.
- n) Any Structure being used as a Special Event Barn shall be inspected and approved by a certified engineer approved by the Township, and a copy of the engineer's report shall be submitted to the Township prior to the issuance of the Special Zoning Permit. The structure must also be inspected and approved by the Township Engineer, the Township Zoning Officer, and the Township Building Code Enforcement Officer prior to the issuance of the Special Zoning Permit. All fees will be paid by property owner and fees will be established by the Township Supervisors by Resolution.
- o) Any changes necessary to accomplish the use as a Special Event Barn (e.g., modifications to the building, driveways, parking areas, etc.) are subject to the Township's Land Development and Stormwater Ordinances, Zoning Ordinance, and the Uniform Construction Code.

- p) Trash shall be removed within 24 hours following the end of every special event.
- q) Any Special Event Barn that has been damaged or destroyed by fire or other means may be reconstructed and used as before if the restructuring is preformed within twelve (12) months of discontinuance of use and if the restored building covers no greater area and contains no greater cubic content than did the building that was destroyed.

#### **401.2: Accessory Uses Permitted**

1. Private Garage, Carports, Temporary Garage or Canopy
2. Farm Structures and Uses necessary for normal farming operations.
3. Sale of Agricultural or Nursery Products, provided:
  - a. 50% of products sold are produced on the same lot
  - b. A temporary structure shall be permitted and shall be set back a minimum of 25 feet from the road right-of-way.
4. Private Playhouse, Swimming Pool, Tennis Court, Tool or Storage Shed, and Private Greenhouse.
5. Private Shelter for Domestic Pets, including horses or ponies.
6. Private Incinerator, provided:
  - a. It shall be located within the dwelling or in the rear yard only.
  - b. It shall be used only for burning of refuse produced on the premises.
7. Wall, Fence, Lamp Post, Shrubs, Night Security Type Light, Similar Accessory Structure.
8. Boarding Unit, Lodging Unit, Rooming Unit Provided:
  - a. It Shall be limited to a maximum of 3 such units
  - b. It shall be for non-transients only.
  - c. It shall be located in the principal dwelling building.
9. Home Occupation as defined in this Zoning Ordinance, Provided:
  - a. The principal building on the lot is a dwelling unit.
  - b. The following standards are complied with in full at all times:
    - i. The residents of the dwelling unit and not more than 3 other persons are engaged or employed in the home occupation except in agricultural operations;
    - ii. No alteration of the residential appearance of the premises occurs;
    - iii. No process is used which is hazardous to public health, safety, morals or welfare;
  - c. Visitors, customers or deliveries shall not be excessive as to cause a disturbance to the residential character of the zoning district; and

- d. The Zoning Officer has approved of the use as a Home Occupation, in accordance with Section 1000.2 of this ordinance.

10. No-impact home-based business - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

The business or commercial activity must satisfy the following requirements:

- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b. The business shall employ no employees other than family members residing in the dwelling.
- c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- e. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- f. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
- g. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- h. The business may not involve any illegal activity.

11. Storage or Parking of Recreational Vehicle or Non-Agricultural Commercially Licensed Vehicle, provided:

- a. It shall comply with the height and area regulations for accessory structures.
- b. It shall be limited to no more than one recreational vehicle and/or one non-agricultural commercially licensed vehicle.
- c. It shall not be used for human habitation.

12. Any Other Accessory Use, provided:

- d. It shall be customarily incidental and subordinate to a permitted principal use.
- e. It shall be located on the same lot as the principal use.

## **Section 402: Height Regulations**

### **402.1: General Provision**

Any building used for the storage of agricultural products or machinery is not limited in height.

### **402.2: Maximum Height Requirements**

1. Principal Structures shall not exceed 3 stories or 40 feet in height.
2. Accessory Structures shall not exceed 2/3 the height of the principal structure, except for 1 story structures in which the height shall not exceed the height of the principal structure.

## **Section 403: Area Regulations**

### **403.1: Minimum Lot Area, excluding road right-of-way**

1. Single-Family Dwelling – 20,000 square feet
2. Other Permitted Uses – 20,000 square feet.

### **403.2: Minimum Lot Width as determined at the building setback line**

1. Single-Family Dwelling – 100 feet.
2. Other Permitted Uses – 100 feet.

### **403.3: Maximum Percentage of Lot Coverage**

1. 25% including principal and accessory structures combined.

### **403.4: Minimum Building Setback**

Building setback line shall be 100 feet on all Interstates on the Official Street Map of the Township and 50 feet on all other roads. Measurements are to begin at the centerline of the road.

### **403.5: Corner Lots**

Corner lots shall be considered to have two front yards and shall be required to meet the minimum building setback on both front yards.

### **403.6: Minimum Side Yard**

1. Single-Family Dwelling – 10 feet on each side.

2. Other Permitted Uses – 10 feet on each side.

**403.7: Minimum Rear Yard**

1. Single-Family Dwelling and other permitted uses – 35 feet for principal structures, 10 feet for accessory structures.

**403.8: Minimum Floor Area**

Minimum residential floor area for all dwelling units shall be 720 square feet.

# ARTICLE V

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## "R-2" RESIDENTIAL-ONE FAMILY ZONING DISTRICT

### **Section 500: Purpose of Zoning District**

To provide a Zoning District in which the predominant use will be residential, with height and area regulations establishing an intensity of land use designed to encourage development of land for single-family residential dwellings and other compatible uses.

### **Section 501: Use Regulations**

#### **501.1: Principal Uses Permitted**

1. Agricultural Uses and Related Uses.
2. Single-Family Residential Dwellings.
3. Church, church school, church uses, cemetery, provided that it shall not include a funeral home or mortuary establishment, rescue-mission or the occasional use for religious purposes of properties not regularly used as such.
4. Schools, Both Public and Private and Colleges including dormitories for students and/or faculty.
5. Golf Courses
6. Governmental or Governmental Authority Facility, Service Structure or Use, provided:
  - a. It shall serve as a community facility or be reasonably necessary for the adequate distribution of services.
  - b. It shall be authorized by a governmental agency.
7. Public Utility Facility, Service Structure and/or Use, provided:
  - a. It shall not include any type of equipment which will in any way interfere with local radio or television communications or otherwise be detrimental to the surrounding area.
  - b. It shall not include a business facility, repair facility, a power generating station, storage of materials, storage of any repair or trouble crew outside a structure.
  - c. It shall be reasonably necessary to adequate distribution of service.
  - d. That the structure(s) be compatible with other permitted structures in the District in which it is located.

## **501.2: Accessory Uses Permitted**

1. Private Garages, Carports, Temporary Garages or Canopies not including space for more than 3 private passenger vehicles.
2. Farm Structures and Uses necessary for normal farming operations.
3. Private Playhouse, Swimming Pool, Tennis Court, Tool or Storage Shed, and Private Greenhouse.
4. Private shelter for Domestic Pets, including horses and ponies provided it shall not be used on a commercial basis.
5. Private Incinerator, provided:
  - a. It shall be located within the dwelling, or in the rear yard only.
  - b. It shall be used only for burning of refuse produced on the premises.
6. Wall, Fence, Lamp Post, Similar Accessory Structure.
7. Any Other Accessory Use, provided:
  - a. It shall be customarily incidental and subordinate to a permitted principal use.
  - b. It shall be located on the same lot as the principal use.

## **Section 502: Height Regulations**

### **502.1: General Provision**

*Any building used for the storage of agricultural products or machinery is not limited in height.*

### **502.2: Maximum Height Requirements**

1. Principal Structures shall not exceed 3 stories or 40 feet in height.
2. Accessory Structures shall not exceed 2/3 the height of the principal structure or 35 feet in height, except for one story structures, in which the height shall not exceed the height of the principal structure.

## **Section 503: Area Regulations**

### **503.1: Minimum Lot Area, excluding road right-of-way**

1. Single-Family and All Other Uses. Street right-of-way shall not be used in calculating minimum lot area.
  - a. 20,000 square feet where water supply or sanitary sewage disposal is provided by on-lot systems.
  - b. 15,000 square feet where a public or community sanitary sewage disposal and a private well water supply are available.

- c. 10,000 square feet where both public or community water supply and a public or community sanitary sewage disposal are available.

### **503.2: Minimum Lot Width as determined at the building setback line**

1. Single-Family Dwelling - 100 feet, except where a public or community sanitary sewer system is utilized the minimum lot width shall be 75 feet.
2. Other Permitted Uses - 100 feet, except where a public or community sanitary sewer system is utilized the minimum lot width shall be 75 feet.

### **503.3: Maximum Percentage of Lot Coverage**

35% including principal and accessory structures combined.

### **503.4: Minimum Building Setback**

Building setback line shall be 100 feet on all Interstates and Highways on the Official Street Map of the Township and 50 feet on all other roads. Measurements are to begin at the centerline of the road.

### **503.5: Corner Lots**

Corner lots shall be considered to have two front yards and shall be required to meet the minimum building setback on both front yards.

### **503.6: Minimum Side Yard**

1. Where minimum lot area is 20,000 square feet - 10 feet on each side
2. Where minimum lot area is 15,000 square feet - 10 feet on each side
3. Where minimum lot area is 10,000 square feet - 8 feet on each side

### **503.7: Minimum Rear Yard**

35 feet for principal structures, 10 feet for accessory structures.



# ARTICLE VI

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## "B" BUSINESS-TRAVEL SERVICE DISTRICT

### **Section 600: Purpose of Zoning District**

To provide a Zoning District in which will be encouraged the establishment and maintenance of businesses in the Township, especially those which serve the traveler and the motoring public, and such other uses that are dependent upon highway access.

### **Section 601: Use Regulations**

#### **601.1: Principal Uses Permitted**

1. Amusement Establishment such as auditorium, bowling alley, club, dance hall, miniature golf course, pool hall, skating rink, theater, other social, sport or recreation center operated as business, provided
  - a. Any entrance to such establishment shall not be within 100 feet of any lot line of a lot on which there is located any church, hospital, library or school.
2. Drive-in Theater, provided it meets the following:
  - a. It shall maintain adequate facilities for cars waiting for admission between the ticket gates and the road.
  - b. It shall not have any structure including light standards other than an enclosure fence within 20 feet of any lot line.
  - c. It shall include and be limited to the showing of movies, a playground and the maintaining of concessions clearly incidental to the showing of movies located in the operational area, and which promote the comfort and enjoyment of movie patrons and which are not offensive by reason of dust, odor, glare or noise to the immediate neighbors, and which will not be detrimental to the public health, safety or general welfare of the Township.
  - d. It shall not provide more than 70 percent of the area for use as parking purposes for patrons.
  - e. The parking area for patrons shall be enclosed by a lattice or solid fence at least six (6) feet in height or a compact screen of evergreens not less than three (3) feet in height.
3. Automotive Service Establishments including but not limited to a fuel service station, repair and service facility, automotive sales, and auto parts sales.
4. Event Barn

5. Car and/or truck wash (including automatic and self-service facilities) subject to the following requirements;
  - a. Provide sufficient off-street parking' for waiting cars. The parking or standing area shall be situated on the property, outside the washing facilities and be sufficient to accommodate at least one-third the hourly capacity (or hourly turnover) of the car wash plus a reserve of 20 percent of the hourly capacity to accommodate peak demand periods. Hourly capacity in this instance shall mean the greatest number possible of automobile washes that can be provided in one hour.
  - b. Provide separate entrance and exit facilities with paved driveways. Minimum width of driveways and stacking lanes for waiting cars shall be ten (10) feet.
  - c. Means of ingress or egress shall be located no closer than 50 feet from the intersecting right-of-way lines of street intersections.
  - d. Provide an area of at least 800 square feet beyond the exit end of the washing building to be used for hand finishing operations of the washing process.
  - e. Car washes may not be located less than 100 feet from the nearest residential zone.
  - f. Provide for separate off-street parking for the owner and employees at a rate of one space for the owner and one space for every two employees.
  - g. A permanent screening fence or wall not less than six (6) feet in height shall be constructed along any property line which abuts property zoned for residential use.
  - h. The developer shall submit a site plan to the Township of the proposed car wash operation showing the location of entrances and exits, the building housing the washing equipment
6. Eating and Drinking Establishments.
7. Governmental or Governmental Authority Facility, Service Structure or Use, provided:
  - a. It shall serve as a community facility or be reasonably necessary for the adequate distribution of services.
  - b. It shall be authorized by a governmental agency.
8. Parking Lots and Structures, provided:
  - a. There shall not be any vehicle parked within 10 feet of any Residential Zoning District.
  - b. There shall not be any automotive repair facilities located on the lot.
  - c. There shall not be any storage of materials, junk, or any equipment on the lot.

- d. There shall not be any vehicle parked in front of the front or side street building setback lines.
9. Public Utility Facility, Service Structure and/or Use, provided:
- a. *It shall not include any type of equipment which will in any way interfere with local radio or television communications or otherwise be detrimental to the surrounding area.*
  - b. *It shall be reasonably necessary to provide adequate distribution of service.*
10. Retail Establishment
11. Hotel
12. Motel, provided:
- a. An outer court shall have a minimum width of 30 feet.
  - b. An outer court shall have a maximum depth of two (2) times the width of the court.
13. Transportation Terminal Establishment such as; aircraft passenger station, bus passenger station or a railroad passenger station.
14. Campground, provided that it shall conform to the following requirements:
- a. The request for a permit as herein required shall be accompanied by a site plan showing the scale to which it is drawn, showing the location of the proposed campground in relation to all roads and lot lines within 200 feet of the campground boundaries, the location size and arrangement of all roads and lots, screening, the location of all proposed central sanitary facilities and wells or other sources of water supply and the location of special buildings and other pertinent features. This site plan shall be submitted in triplicate (3 copies); 1 copy for the Zoning Officer, one (1) for the Planning Commission and one (1) for the Board of Supervisors. This plan must be approved by the Planning Commission prior to the issuance of a building permit.
  - b. Campgrounds in existence on the effective date of this Ordinance may continue to operate under present regulations. However, any new addition onto existing parks shall conform to the requirements set forth in this Ordinance.
  - c. Design Requirements:
    - i. The campground shall be located on a well-drained site of a minimum of 5-acres in area properly graded to insure rapid drainage and freedom from stagnant pools of water.
    - ii. Tent spaces shall be dimensioned, improved and arranged so that when any space is occupied, no portion of any unit (including awning or other accessory attachments) shall be within 15 feet of any other

unit or building within the camp or 100 feet from any property line bounding the camp. The 100 foot buffer area adjacent to the camp boundaries shall be suitably planted and screened as may be required by the Planning Commission.

- iii. The walls of all structures and tents must comply with building setback requirements of Section 403.4 of this Ordinance.
- iv. All tent spaces shall abut upon a driveway of not less than 20 feet in width which shall have unobstructed access to a public road.
- v. Each campground shall provide utilities, sanitary sewerage, and refuse collection as required by the Pennsylvania Department of Environmental Resources.
- vi. All electrical facilities shall be installed and maintained in accordance with specifications regulating such systems as required by the National Electrical
- vii. Code and any inspection agency approved by the Commonwealth of Pennsylvania.

15. Recreation Vehicle Park, provided:

- a. They shall comply with all applicable provisions of the Mercer County Subdivision and Land Development Ordinance.
- b. A copy of the final plan of the Recreational Vehicle Park indicating approval by the Mercer County Regional Planning Commission shall be submitted to the Zoning Officer prior to issuance of a permit.

16. All permitted uses in the Residential Districts are permitted, provided that the Provisions of Use are met.

### **601.2: Accessory Uses Permitted**

- 1. Service Facility on a lot occupied by an Automotive Establishment or Transportation Terminal Establishment for the service of Gas, Oil, Air or Water or Repair Facility, provided:
  - a. Any such equipment shall be at least 15 feet from any alley or street right-of-way.
  - b. Any such equipment shall be at least 100 feet from any lot line of any Residential Zoning District or hospital, church or school.
- 2. Storage of Inflammable Liquids on a lot occupied by an Automotive Establishment or Transportation Terminal Establishment, provided: that it shall be stored as approved by the Commonwealth of Pennsylvania.
- 3. Any Other Accessory Use, provided:

- a. It shall be customarily incidental and subordinate to the permitted principal use.
- b. It shall be located on the same zoning lot as the principal use.
- c. It shall have been approved by the Zoning Hearing Board.

## **Section 602: Height Regulations**

### **602.1: Maximum Height Requirement**

1. Principal Structures shall not exceed two (2) stories or 30 feet in height.
2. Accessory Structures shall not exceed two (2) stories or 30 feet in height.

## **Section 603: Area Regulations**

### **603.1: Principal Structures**

#### **603.11: Minimum Lot Area**

None, except as necessary to meet local health standards for sewage disposal.

#### **603.12: Minimum Lot Width**

100 feet

#### **603.13: Maximum Percentage of Lot Area**

60%

#### **603.14: Minimum Building Setback**

Building setback line shall be 125 feet. Measurements are to begin at the center line of the road.

#### **603.15: Minimum Building Distance from a Lot Line of any "R" Zoning District or property line of an existing church.**

100 feet, unless otherwise specified.

#### **603.16: Minimum Building Distance to any other Lot Line**

25 feet, unless otherwise specified by Ordinance 603.2: Accessory Structures

## **603.2: Accessory Structures**

### **603.21: Maximum Sum of Ground Floor Area**

40% of the gross floor area of the principal structure.

### **603.22: Minimum Building Setback**

Building setback line shall be 125 feet. Measurements are to begin at the center line of the road.

### **603.23: Minimum Building Distance from a Lot Line of any "R" Zoning District or property line of an existing Church**

100 feet

### **603.24: Minimum Building Distance to any other Lot Line**

10 feet, unless otherwise specified by Ordinance.

## **Section 604: Access Driveway Regulations**

### **604.1: Access Driveway Right-of-Way**

Shall not exceed 35 feet in width within 10 feet of the street right-of-way or per PENN DOT regulations on State Routes.

### **604.2: Access Driveway - Number Permitted**

The number permitted shall not exceed one (1) per 100 feet of frontage; one (1) additional access driveway shall be permitted for an additional 100 feet of street frontage per lot. In no case, shall there be more than two (2) driveways permitted per lot for any one street frontage. The edge of driveways shall be no closer than 32 feet from property lines.

The area between driveways and/or property lines shall be curbed or permanently fixed barriers placed so as to prevent any traffic movement except at driveways or per PENN DOT regulations on State Routes.

# ARTICLE VII

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## "I" INDUSTRIAL ZONING DISTRICT

### **Section 700: Purpose of Zoning District**

To provide a Zoning District which will:

1. Encourage the establishment and maintenance of industrial establishments for the manufacture, assembly, compounding, processing or storage of products.
2. Prohibit industrial uses and other uses which are clearly noxious or offensive by reason of odor, smoke, gas, vibration or noise.
3. Not permit residential uses for the purpose of preserving the area for its appropriate use and preventing the location of dwelling units in area inappropriate for residential use.

### **Section 701: Use Regulations**

#### **701.1: Principal Uses Permitted**

1. Automotive Gasoline Service Station.
2. Motel
3. Hotel
4. Restaurant or Eating Establishment, provided it shall serve primarily the industrial establishments located in an "I" Zoning District.
5. Governmental or Governmental Authority Facility, Service Structure and/or Use, provided: it shall not include a school, playground, or other recreation use.
6. Office Establishments.
7. Parking Lots and Structures, provided:
  - a. There shall not be any vehicle parked within 50 feet of any Residential Zoning District.
  - b. There shall not be any automotive repair facilities located on the lot.
  - c. There shall not be any storage of materials, junk, or any equipment on the lot.
  - d. There shall not be any vehicle parked in front of the front or side street setback building line.
8. Public Utility Facility, Service Structure, and/or Use.
9. Any other Industrial Use, provided it shall meet all of the requirements of this Ordinance.
10. Inflammable Liquid Storage, provided:

- a. It shall be approved by the Fire Chief of the Township and the Commonwealth of Pennsylvania.
- b. It shall not be located within 50 feet of any lot line in any "R" Zoning District or within 25 feet of any adjoining lot line.
- c. The area shall be enclosed on all sides by a fence or wall not less than 6 feet high and maintained in good condition.

11. Any other Principal Use equivalent to the above Permitted Principal Uses, provided:

- a. It will further the welfare and best interests of the Township.
- b. It shall be subject to the Provisions of Use prescribed in Subsection 702.1.
- c. It shall not include any church, church use or cemetery.
- d. It shall not include any school, dwelling unit, hospital or other institutional use for human care or service (except as an accessory use to a particular permitted principal use.)
- e. It shall be approved by the Zoning Hearing Board.

12. General Retail Establishments.

13. Junk Yards and the storage of junk, provided that it is in accordance with the Township Junk Yard Ordinance.

14. ADULT ENTERTAINMENT ESTABLISHMENTS

A. Purpose and legislative intent

- a. The location of adult entertainment establishments is of vital concern to the Board of Supervisors of Jackson Township especially when the location is in or near areas where minors may learn, play, pass by, or would be exposed to the advertising, window displays, or general atmosphere accompanying the operation. Also, the Supervisors acknowledge that adult entertainment establishments may have adverse secondary effects including but not limited to unhealthy conditions, the spread of diseases, illegal sexual activities, sexual harassment, obscenity, crime, and neighborhood deterioration.
- b. Board of Supervisors in enacting these regulations exercise the power which has been granted to them and do not attempt or intend to absolutely prohibit adult entertainment establishments in the Township, but rather seek to regulate matters to promote, protect, and facilitate the public health, safety, and general welfare of all of Township residents.

B. For the purpose of this Use, adult entertainment establishments are defined as follows:



It is the purpose of this subsection, together with its subparagraphs to provide clear and concise definitions of those words, terms and phrases most commonly utilized in the provisions of these regulations in order to assist any interpretations of said provisions and to insure uniformity of application. It is intended that the following words, terms and phrases, whenever used, shall be construed as defined in the following subsections and subparagraphs unless from the context a different meaning is clearly intended. The following definitions are intended to supplement the definitions contained in Article XVIII.

**Adult bookstore** – Any establishment having as a substantial or significant portion (25% or greater) of its stock in:

Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas; Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

**Adult Cabaret** – (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

**Adult mini motion picture theater** – An enclosed or unenclosed building with a capacity of more than five (5) but less than fifty (50) persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

**Adult model studio** – Any place where, for any form of compensation or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance of or conferring of, and is in fact authorized there under to issue, a diploma.

**Adult motel** – A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or descriptions of specified sexual activities or specified anatomical areas.

**Adult motion picture arcade** – An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or

visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

**Adult motion picture theater** – An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

**Adult news rack** – Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

**Adult theater** – A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

**Bath House** – An establishment or business which provides the services of baths of all kind, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner for the purpose of this Ordinance shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

**Body painting studio** – Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.

**Massage Parlor** – Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by medical practitioner, chiropractor or professional physical or massage therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

**Out call service activity** – An establishment or business which provides an out call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

**Sexual encounter center** – Any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all

members of the same family may congregate, assemble, or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical area, excluding psychosexual workshops, operated by a medical practitioner, licensed by the Commonwealth, to engage in sexual therapy. Including:

Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

C. Specified anatomical areas as used herein shall mean and include any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, or;
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

D. Specified sexual activities include the following:

1. Showing of human genitals in a state of sexual stimulation or arousal;
2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or any other specified sexual activity prohibited by law;
3. Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

E. Minimum spacing and proximity requirements

1. No adult entertainment establishment shall be located within 1,000 feet of the following:

- a. Any other adult entertainment establishment.
- b. A dwelling.
- c. Any parcel of land which contains any one or more of the following specified land uses:
  - ii. Amusement park;
  - iii. Camp (for minors' activities);
  - iv. Child care facility;
  - v. Church;
  - vi. Community center;
  - vii. Museum;
  - viii. Park or playground;
  - ix. School and school bus stops;
  - x. Other lands where minors congregate.

1. The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of each establishment. The distance between any adult entertainment establishment and any land use

specified in subparagraphs b. and c. above shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of the adult entertainment establishment to the closest point on the property line of said land use.

F. Height and Area Regulations

1. Principal Structures shall not exceed 30 feet in height.
2. Accessory Structures shall not exceed 20 feet in height.
3. Maximum lot coverage shall not exceed 60%.

G. Visibility from the street – No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts, describes or relates to specified sexual activities and/or specified anatomical areas as defined herein, to be viewed from the street, sidewalk or highway.

H. Sign requirements for adult entertainment establishments

1. All signs shall be flat wall signs. The gross surface area of a wall sign shall not exceed 5 percent of the area of the wall which such sign is a part of.
2. No signs shall be placed in any window. A one and one half square foot sign may be placed on the door to state hours of operation and admittance to adults only.

### **701.2: Accessory Uses Permitted**

1. Automotive storage and Repair Facility.
2. Dwelling Unit, provided: It shall be for a janitor, a watchman, or a caretaker and his or her family.
  - a. It shall be on the same lot as the industrial use or establishment it serves.
  - b. It shall be in an accessory building to the rear of a principal building.
  - c. It shall be a farm dwelling erected only on a farm as defined by this Ordinance.
3. Loading Area, provided:
  - a. There shall not be any storage of material, junk or any equipment on the area.
  - b. There shall not be any repair facilities located on the area or any repairs made on any vehicle located thereon.
  - c. There shall not be any vehicle loading or unloading within ten (10) feet from any front or side yard setback line.
4. Office, Restaurant, Recreation Use, Museum and/or Hospital Use, provided:
  - a. It shall be clearly incidental to a particular industry.

- b. It shall be on the same lot as the industrial use or establishment it serves.
- 5. Structure or Service Facility on a lot occupied by an Automotive Gasoline Station or Automotive Garage for the Service of Gasoline, Oil, Air or Water, provided:
  - a. Any such equipment shall not be less than 15 feet from any alley or street, nor less than 50 feet from any "R" Zoning District, not less than 100 feet from any hospital, church, playground, or public building.
- 6. Any Other Accessory Use, provided:
  - a. It will further the welfare and best interests of the Township.
  - b. It shall be subject to the Provisions of Use prescribed in Subsection 702.1.
  - c. It shall be customarily incidental and subordinate to the principal permitted use.
  - d. It shall be located on the same lot as the principal use.
  - e. It shall be approved by the Zoning Hearing Board.

## **Section 702: Development Regulations**

### **702.1: Provisions of Use**

Any permitted principal and/or accessory use shall be subject to the following use regulations:

1. Access driveways and entrances shall be permitted in a number and locations in which sight distance is adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal highway traffic is not impaired and the driveway or entrance will not create a hazard or an area of undue traffic congestion on highways to which it has access. The zoning officer may require the permit applicant to submit engineering data and/or traffic analyses to support its proposed plan of access driveways and entrances.
2. All accessory storage of junk, waste, discarded or salvaged material, machinery or equipment shall not be permitted except within a completely enclosed structure. Or if the lot area devoted to such use is over two-hundred (200) square feet in area, the owner may have the alternative of enclosing it on all sides, except for an exit and entrance of not over twenty-five (25) feet in width, by a solid fence or wall at least six (6) feet in height and maintained in good condition or by a cyclone or equal-wire fence at least six (6) feet in height and surrounded, except for an exit and entrance of not over twenty-five feet in width, by evergreens at least six (6) feet in height and planted not further apart than six (6) feet so as to form a solid screen.
3. It shall provide necessary shielding or other protective measures against interference occasioned by mechanical or uses or processes with electrical apparatus to nearby residences.

4. Adequate storm drainage facilities shall be installed to ensure that stormwater does not flow onto abutting property, sidewalks or streets in such quantities as to cause detrimental effect or inconvenience. Maximum rates of stormwater runoff from the property after development shall not be greater than as existed prior to the development.
5. All exterior lighting shall be placed and shielded so as not to create a nuisance for adjacent properties and passing motorists.
6. *It shall comply with all applicable pollution control regulations enacted by the federal and state government and other governmental authorities.*

## **Section 703: Height Regulations**

### **703.1: Maximum Height Requirement**

1. Principal Structures – 45’.
2. Accessory Structures – 45’.

## **Section 704: Area Regulations**

### **704.1: Maximum Percentage of Lot Area**

70% percent

### **704.2: Minimum Building Setback to a Road Centerline**

50 feet

### **704.3: Minimum Building Distance to a Lot Line of any "R" Zoning District**

100 feet

### **704.4: Minimum Building Distance to any Other Lot Line**

15 feet

# ARTICLE VIII

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## SIGN REGULATIONS

### **Section 800: General Provisions and Exceptions**

#### **800.1: Projection**

A sign shall not project over a street or other public space.

#### **800.2: Direct or Reflected Light**

A sign shall not be so placed so as to cast direct or reflected light upon a window of any dwelling in an "R" Zoning District, or on any street.

#### **800.3: Vision Obstruction**

A sign shall not be so placed that it will cause danger to traffic on a street by obscuring the view or otherwise interfere with traffic.

#### **800.4: Imitation of or Resemblance to Official Traffic Control Signs**

A sign shall not be an imitation of or resemble official traffic control signs or devices and any sign within 50 feet of any intersection shall not contain any visible green, yellow, or red colored lights which might be confused with official traffic control devices.

#### **800.5: Distance to a Church, Playground, School, or Other Public Building**

A ground sign or billboard over 30 square feet in surface area shall not be within 100 feet of a church, hospital, park, playground, school or other public buildings.

#### **800.6: Posting of Sign**

A sign shall not be affixed to, painted on or otherwise posted on certain roadside features such as, fence posts, utility poles, trees, bridges or barricades that are within 25 feet of any right-of-way.

#### **800.7: Sign Illumination**

Illuminated signs or sign lighting devices shall employ only lights emitting a light of constant intensity.

- A. No sign shall be illuminated by or contain flashing, intermittent rotating or moving light or lights.

- B. No sign or lighting device shall be placed or directed to permit the beams and illumination to be directed or beamed upon a public road, highway, sidewalk or adjacent premises so as to cause a traffic hazard or nuisance.

### **800.8: Signs Not Requiring a Permit**

In any Zoning District where permitted, the following accessory signs shall be exempted and shall not require a permit as required in Article VIII.

- 1. Special Display.  
Special decorative display used for holidays, public demonstrations or proportion of civic welfare or charitable purposes, when authorized by the Board of Supervisors.
- 2. Permitted Real Estate Sign.
- 3. Permitted Temporary Signs or Banners.
- 4. Permitted Identification Sign.  
An accessory identification less than 12 square feet in surface area.
- 5. Semi-public Use Sign.  
A directional sign showing the location of churches, service clubs or other public uses.
- 6. Political Signs, provided:
  - a. They shall be removed within ten days after any general special or primary election.
  - b. The Zoning Administrator shall notify all candidates prior to election of the above requirements.
  - c. If not removed by specified time, the Zoning Administrator shall remove the signs and bill the person involved \$5.00 for each sign removed.

## **Section 801: Permitted Principal and Accessory Signs**

### **801.1: "R" Zoning Districts**

- 1. Name Plate.  
One (1) lighted or unlighted name plate for each dwelling unit or other permitted use, provided:
  - a. It shall not exceed 8 inches by 24 inches in surface area.
  - b. If lighted, it shall be illuminated with white light by reflector method only.
  - c. It shall not be used other than for identifying the name of the occupant.
- 2. Identification Sign.



One (1) lighted sign for each lot in any "R" Zoning District wherein rooms are rented and/or meals served, provided:

- a. It shall not exceed 8 square feet in surface area.
- b. It shall set back at least 1/2 the depth of the existing front yard.
- c. It shall appertain only to the renting of rooms or serving of meals.

3. Other Identification Sign.

Two (2) lighted or unlighted signs for each lot used as a permitted use for agricultural products processing establishment, cottage or tent camp, church, college, convalescent home, experimental station, farm, game preserve, grange hall, hospital, institutional home, nursery, park, sanatorium, sanitarium, school or trailer camp, provided:

- a. It shall not exceed 20 square feet in surface area.
- b. If lighted, it shall be illuminated with white light by reflector method only.
- c. It shall be only for the purpose of displaying the name and activities thereof or the services therein offered.

4. Real Estate Signs.

- a. Sale, Rent, or Development Sign.
  - i. A single sign publicizing the sale, rental, or development of the premises upon which they are erected, provided:
  - ii. It shall not exceed 6 square feet in surface area.
  - iii. Such sign shall be set back at least one-half the depth of the existing front yard.

**801.11: General Provisions**

1. A sign shall not be on the roof of a building.
2. A sign attached to the wall of a building shall not extend above the roof line.
3. A sign shall not project over a public sidewalk.
4. Advertising painted upon a barn or other building shall be subject to the above provisions.

**801.2: "B" Zoning Districts**

1. Name Plate, Accessory Identification Sign and/or Real Estate Sign for any lot used for a principal business use, provided:
  - a. It shall not exceed 50 square feet in surface area.
  - b. It shall not include a flashing or animated illuminated sign.
  - c. It shall be limited to the business on that premises.

## 2. Wall Sign

One (1) illuminated wall sign (excluding a flashing or animated illuminated sign) or unlighted sign for each street frontage of a principal business use, provided:

- a. It shall be attached to the main wall of a building and shall not project horizontally more than 12 inches there from.
- b. It shall be erected at a height not less than 10 feet.
- c. It shall be limited to use as a business sign.
- d. It shall not project above the roofline of the building to which it is attached.

## 3. Projected Sign

One (1) illuminated projecting sign (excluding a flashing or animated illuminated sign) or unlighted sign for each street frontage of a principal business use, provided:

- a. It shall not project more than 10 feet from the face of the building or structure.
- b. It shall not, in any case, be beyond a vertical plane 25 feet inside the curb line.
- c. Its innermost edge shall not be placed more than 12 inches from the setback building line.
- d. It shall be limited to use as a business sign.

## 4. Pole Sign in Business Districts

One (1) illuminated sign (excluding flashing or animated illuminated sign) and one (1) non-illuminated sign for each street frontage of an automotive gasoline service station, automotive garage, or motel, provided:

- a. The illuminated pole sign shall not exceed 50 square feet in surface area, one side, in B-1 Districts.
- b. The non-illuminated signs shall not exceed 50 square feet in surface area, one side.
- c. One high rise sign in B-2 Districts, visible to the Interstate highway traffic may be erected per station, not to exceed 400 square feet in area, one side.

- d. Any portion of the pole signs shall set back in the case of (c above) the pole sign shall be set back from any right-of-way line or a distance equal to the height of the sign.
- e. There shall be no less than 10 feet clearance below the sign.
- f. It shall be limited to use as a business sign.

5. Marquee Signs

One (1) illuminated marquee sign (excluding a flashing or animated illuminated sign or unlighted sign for each side of a marquee located on a lot used as a motion picture theater, provided:

- a. It shall not exceed 7 feet in height.
- b. It shall not project below the fascia of the marquee.
- c. It shall not be lower than 10 feet above the sidewalk.
- d. It may extend the full length of the marquee but in no case shall it project beyond the ends of the marquee.
- e. It shall be limited to use as a business sign.

6. Temporary Signs and Banners, provided:

- a. They shall be removed as soon as torn or damaged and in no case later than 60 days after erection, except that temporary signs suspended from or attached to a canopy or marquee shall be limited to a period of 10 days.
- b. They shall be limited in size to 10 feet in one dimension.
- c. They shall not exceed 500 square feet in surface area.
- d. All political signs shall be removed within 30 days after the General Election and persons no longer eligible for the General Election (as a result of the Primary Election) shall remove their signs 30 days after the Primary Election.

7. Advertising Signs, shall be prohibited

**801.3: "I" Zoning Districts**

**801.31: Principal Identification, Business and/or Advertising Signs, provided:**

- a. Its surface area shall not exceed 300 square feet.
- b. It shall not be erected so that any part of it is over 50 feet above the ground.
- c. It shall not be a flashing or animated sign.

- d. Any portion of it shall be a minimum of 60 feet from the street centerline.
- e. Advertising signs (only) shall not be located nearer than 300 feet to an existing sign, structure, or building.

# ARTICLE IX

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## PARKING AND LOADING REGULATIONS

### **Section 900: Off-Street Parking and/or Loading Facility Requirements**

#### **900.1: New Use of a Structure and/or Land**

Parking and/or loading facilities for new uses of any structure or land shall be provided in accordance with the following schedules.

#### **900.2: Increase in Intensity of Use of a Structure and/or Land**

The intensity of use of a structure and/or land shall not be increased through the addition of dwelling units, rooming units, gross floor area, lot area, or other units of measurement prescribed unless accessory parking and/or loading facilities shall be provided in accordance with the following schedules.

#### **900.3: Change in Use of Structure and/or Land**

An existing use of a structure and/or land shall not be changed to a new use, unless parking and/or loading facilities shall be provided as required in the following schedules for such new use.

#### **900.4: Size of Parking and Loading Spaces**

1. Parking Space - Not less than ten (10) feet wide and twenty (20) feet long.
2. Loading Space - Not less than twelve (12) feet wide and thirty (30) feet long and fourteen (14) feet high.
3. Loading Space for wholesale or industrial uses - twelve (12) feet wide and fifty (50) feet long.
4. Space Shall Not Include: Aisles or turnaround area.

### 900.5: Required Parking Spaces for Each Use

<b>Agricultural Uses</b>	<b>Required Parking Spaces</b>
Agricultural Products Processing	1.0 for each 500 square feet of gross floor area
Experimental Station	1.0 for each 500 square feet of gross floor area
Grange Hall, Sportsmen Club, or Similar Use	1.0 for each 200 square feet of gross floor area
Nursery or Greenhouse	1.0 for each 100 square feet of gross floor area
Stand for Sale of Agricultural Products	5.0 for each stand
Farm	3 per dwelling unit

<b>Residential Uses</b>	<b>Required Parking Spaces</b>
Apartment Hotel, Apartment House	1.0 for each dwelling, apartment or rooming unit or any combination unit, plus one additional space if over 5 units.
Boarding Units, Convalescent Unit, Lodging Unit or Rooming Unit	1.0 for each sleeping unit, plus an additional space if over 5 units.
Convalescent Home, Hospital, Sanatorium, Sanitarium, or Institutional Home	1.0 for each 400 square feet of gross floor area.
Cottage, Tent Camp, Mobile Home Park, or Recreational Vehicle Park	1.0 for each mobile home or recreational vehicle lot, cottage or tent.
Dwelling or Public Housing	1.0 for each dwelling unit
Home Occupation	2.0 in addition to spaces required for the dwelling.

<b>Business Uses</b>	<b>Required Parking Spaces</b>
Amusement Establishment	1.0 for each 200 square feet of gross floor area
Boarding House, Rooming House, Lodging House	1.0 for each rooming unit plus 1.0 additional space if over 5 units
Business School or College	1 for each 200 square feet of gross floor area
Car Wash	1.0 space for owner plus 1.0 space for each 2 employees
Club	1.0 for each 200 square feet of gross

	floor area
Eating and/or Drinking Establishment	1.0 per 200 square feet of gross floor area
Hotel, Motel, Tourist Court	1.0 for each sleeping room up to 25 plus 1 for each 3 sleeping rooms over the first 25
Mortuary or Funeral Home	1.0 for each 1000 square feet of gross floor area used for mortuary purposes plus 1.0 additional for each dwelling unit
Office Establishment	1.0 for each 200 square feet of gross floor area
Retail Establishment	1.0 for each 200 square feet of gross floor area
Service Establishment	1.0 for each 200 square feet of gross floor area

<b>Transportation Uses</b>	<b>Required Parking Spaces</b>
Automotive Service Establishment	1.0 for each 500 square feet of gross lot area or 1.0 for each 200 square feet of gross floor area whichever requires the greater number of spaces
Transportation Terminal Establishment	1.0 for each 500 square feet of gross floor area

<b>Wholesale Uses</b>	<b>Required Parking Spaces</b>
Warehouse and/or Wholesale Establishment	1.0 for each 500 square feet of gross floor area

<b>Industrial Uses</b>	<b>Required Parking Spaces</b>
Industrial Plant, Manufacturing Establishment	1.0 for each 2.0 employees on the largest shift
Other Industrial Uses	1.0 per employee on the largest shift, plus 1.0 per company vehicle regularly stored on premises

<b>Community Facilities</b>	<b>Required Parking Spaces</b>
Governmental Facility, Service Structure, and/or Use (Other than a place of public assembly)	1.0 for each 200 square feet of gross floor area

Church, Church School, Church Use	1.0 for each employee and 1.0 for each 200 square feet of gross floor area
Group Housing – Dormitory, Fraternity House, Sorority House, Nurses House, Youth Home, Hospital or similar Institutional Housing	1.0 for each sleeping room or 1.0 for each 500 square feet of gross floor area
School, College, Day Nursery School	1.0 for each classroom plus in a high school or college 1.0 for each 1000 square feet of gross floor area devoted to classroom use plus spaces required for place of public assembly, dormitory, fraternity or sorority house and/or office establishment
Place of Public Assembly such as an Auditorium, Hall, Gymnasium or Theater	1.0 for each 3 units of seating capacity
Golf Course, Country Club	25 spaces

<b>Public Utility Facilities</b>	<b>Required Parking Spaces</b>
Essential Services (Public Utility Facility, Service Structure, and/or Use other than an office establishment)	1.0 for each employee but not less than 3.0 spaces

<b>Mixed Uses</b>	<b>Required Parking Spaces</b>
Any Mixed Uses	The sum of the various uses computed separately

**900.6: Required Loading Spaces**

<b>Uses</b>	<b>Required Loading Spaces</b>
Any Apartment Hotel, Apartment House, Multiple Family Dwelling, Community Facility, Public Utility Use, Business Use, Transportation Use, Agricultural Products Process Use, Wholesale Use or Industrial Use which has an aggregate gross floor area of 10,000 square feet or more	1.0 plus 1.0 additional space for each 20,000 square feet of aggregate gross floor area provided: (a) not more than 2 such spaces shall be required, unless the structure has an aggregate gross floor area of more than 80,000 square feet in which case there shall be 1.0 additional space for each additional 40,000 square feet in excess of 20,000 square feet



Mixed Uses	Required Loading Spaces
Any Mixed Uses	The sum of the various uses computed separately

**Section 901: General Provisions**

**901.1: Location of Required Parking Facilities**

The parking spaces required for the use listed in the foregoing schedule shall be on the same lot as the use they are intended to serve.

**901.2: Location of Required Loading Facilities**

The loading spaces required for the uses listed in the foregoing schedule shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading space be part of the area used to satisfy the parking requirements of the Zoning Ordinance.

**901.3: Use of Required Parking and/or Loading Facilities by Another Use**

Any part of the parking and/or loading facilities required for any use for the purpose of complying with the regulations of the Zoning Ordinance shall not be included as part of a parking and/or loading facility similarly required for another use unless the type of use indicated that the periods of usage shall not be simultaneous with each other as determined by the Zoning Officer upon review of the Zoning Hearing Board.

**901.4: Encroachment and Reduction**

A required parking and/or loading space shall not be encroached upon by a structure, storage or any other use, nor shall the number of spaces be reduced.

**901.5: Off-Street Parking and Loading Spaces for Uses Not Specifically Mentioned**

For any use not specifically mentioned in the previous sections, the requirements for off-street parking and off-street loading facilities are the same as for a similar use that is specifically mentioned In such a case, either the Zoning Officer or the applicant for the Certificate of Occupancy or Building Permit may apply to the Zoning Hearing Board for an interpretation of the provisions of this Ordinance for such off-street parking and off-

street loading requirements, and the Zoning Hearing Board shall render a decision in writing in the manner provided for in this Ordinance.

# ARTICLE X

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## SUPPLEMENTARY REGULATIONS

### **Section 1000: Supplementary Use Regulations**

#### **1000.1: Essential Services**

Essential services, as defined in the Zoning Ordinance, shall be permitted in any Zoning District,

#### **1000.2: Home Occupations**

Home occupations, as defined in this ordinance, shall be permitted only in the Residential-Agricultural Zoning District. A home occupation shall require the submission of a Letter of Classification of Use to the Zoning Officer. Such a letter shall address a specific use. The Zoning Officer shall decide requests for a Letter of Classification of Use based upon the intent of the home occupation provisions and experience with similar uses. When the Zoning Officer approves of a use as a Home Occupation, that use and the location of the use will be added to a supplemental list of Permitted Uses as Home Occupations. In addition, when the Zoning Officer denies a use as a Home Occupation, that use and the location of the use will be added to a supplemental list of Prohibited Uses a Home Occupations. The decision of the Zoning Officer may be appealed to the Zoning Hearing Board.

### **Section 1001: Supplementary Lot and Yard Regulations**

#### **1001.1: Number of Principal Structures on a Lot**

Except in the case of permitted planned development for an agricultural processing establishment, cemetery, church, college, tent campground, multiple-family dwelling development, farm, governmental or governmental authority facility, hospital, nursing home, public utility facility, school or planned commercial or industrial development, not more than one principal structure shall be located on a lot.

#### **1001.2 Subdivision of Lot**

The subdivision of lot(s) shall only be permissible if in accordance with this Zoning Ordinance and the Mercer County Subdivision and Land Development Ordinance.

### **1001.3: Yard, Width and Area Exceptions for a Lot of Record**

A one-family detached dwelling may be constructed on any lot of record at the effective date of the Zoning Ordinance.

### **1001.4: Determination of Yards and Minimum Distance to Lot Lines on Irregularly Shaped Lots**

On an irregularly shaped lot, no point of a building shall be located closer to a lot line than the minimum yard or setback distance.

### **1001.5: Projection into and Occupancy of Yards or Other Open Spaces**

The following building attachments shall be permitted to project into and/or occupy required yards or other open spaces:

1. Steps, Stoop, Window Sill, Awning, Belt Course, Similar Architectural Feature, Rain Leader and/or Chimney - Provided it shall not project more than four (4) feet beyond the face of the wall.
2. Exterior Stairway, Fire Tower, Balcony, Fire Escape or Other Required Means of Egress - Provided it shall not project more than four (4) feet beyond the face of the wall.

### **1001.6: Porches, Carports, and Similar Attached Accessory Structures Whether Open or Enclosed**

Shall be located in compliance with minimum yard and setback requirements.

### **1001.7: Fences and Signs**

Except as provided in Section 1001.8, the yard and setback requirements of this Ordinance shall not be deemed to restrict any otherwise lawful fence, wall or sign, provided that:

1. No fence, wall or sign shall be located on any right-of-way of a public road/street.
2. Farms, as defined by this ordinance, shall be exempt from all livestock fencing regulations.
3. Signs shall comply with setback requirements contained within that zoning district in which the sign shall be placed. Signs which are not attached to buildings will be considered structures and therefore follow front, rear and side yard setbacks as required within the zoning district.

4. Swimming pool fences shall be in compliance with other Local and State Regulations.

### **1001.8: Visibility at Intersections**

On a corner lot in any district, no structure, sign, solid fence or wall, hedge or other planting shall be erected, placed or maintained at a height of more than 3 feet above the curb line within the triangle formed by the street lines and a straight line joining said street lines at points which are 15 feet distant from the point of intersection.

## **Section 1002: Supplementary Height Regulations**

### **1002.1: Height Measurement**

Measurement of height shall be the vertical height from the elevation of finished grade at the front of the structure to:

1. In the case of flat roof structures - highest point of coping.
2. In the case of mansard roof structures - deck line of roof.
3. In the case of gable or hipped roof - average height of roof peaks.

### **1002.2: Height Regulations Not Apply**

The maximum height limitations for this Section shall not apply to:

1. The Following Principal Structures : Church, college, farm structure (other than a farm dwelling), hospital, cellular phone, radio or television tower, or public utility structure which is a permitted use and is located in any Zoning District, provided:
  - a. If over 2 1/2 stories or 35 feet in height, it shall have a side yard of 8 feet plus 2 feet for each foot over 35 feet in height.
2. The Following Appurtenances Attached to or Part of a Principal or Accessory Structure: Church spire, belfry, cupola, dome, monument, smoke- stack, derrick, conveyor, flag pole, mast antenna, aerial, roof tank; ventilating air conditioning and similar building service equipment; roof structure, chimney and/or parapet wall, provided:
  - a. It shall be set back in conformance with the setback and yard requirements plus 1 foot horizontally for each 2 feet in which it exceeds the maximum height permitted in the Zoning District in which it is located.

3. Special Industrial Structures: Cooling tower, grain elevator, sugar refinery, gas holder, or other structure where the industrial process requires a greater height. Any such structure except a grain elevator, where above the height permitted in the Zoning District in which any such structure is to be located, shall not occupy more than 25 percent of the lot area, and it shall not be less than 25 feet from any lot line not a street lot line, and it shall not be less than 1 foot from the opposite side of each abutting street for each 2 feet of vertical height.
4. Existing Designed Structures: The vertical extension of a structure existing at the effective date of the Zoning Ordinance may be erected to such height as the original drawings of said building indicated, provided:
  - a. The building was actually designed and constructed to carry the additional stories necessary for such height.

## **Section 1003: Mineral Excavation Regulations**

### **1003.1: General**

Excavation of sand, gravel, coal, oil, natural gas or other minerals from the ground may be permitted any Zoning District but only as a conditional use upon application to and approval by the Jackson Township Board of Supervisors, after referral to the Jackson Township Planning Commission for review and recommendations. Conditional approval and these regulations do not apply where such excavation activities are to be conducted entirely as a non-commercial accessory or subordinate use to a principal use permitted by the Zoning District.

### **1003.2: Conditions**

Prior to approval of the excavation activities by the Township Supervisors, the applicant for a conditional use shall comply with the following conditions:

1. An approved permit from the Pennsylvania Department of Environmental Protection shall be presented to the Township Supervisors.
2. The applicant shall guarantee that a notice of the final inspection conducted by the Department of Environmental Protection will be provided to the Township Supervisors in order that the Supervisors have the opportunity to participate in the inspection.

# ARTICLE XI

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## NON-CONFORMING USES, STRUCTURES AND LOTS

### **Section 1100: Intent and Standards**

Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance or future amendment.

It is the intent of this ordinance to permit these non-conformities to continue until they are removed. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. Non-conformities may be enlarged and expanded only by the approval of the Zoning Hearing Board.

A non-conforming use of a structure, a non-conforming use of land, or non-conforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by attachment of additional signs to a building, or the placement of additional signs or display devices on the land outside the building, or by the addition of other uses, if such additions are of a nature which would be prohibited generally in the district involved.

Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

**Section 1101: Non-Conforming Lots of Record**

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lots fails to meet the requirements for area or width, or both, that are applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements and other requirements not involving area or width, or both, of lot shall be obtained only through action of the Zoning Hearing Board.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and all or part of the lots do not meet the requirements for lot width and area in the respective district, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

**Section 1102: Non-Conforming Uses of Land**

Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

**1102.1**

No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance, except as specified by Section 1400 of this ordinance.

**1102.2**

No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.



### **1102.3**

If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

## **Section 1103: Non-Conforming Structures**

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on areas, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

### **1103.1**

A structure may be enlarged or altered in a reasonable amount only as approved by the Zoning Hearing Board.

### **1103.2**

Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance unless a variance is granted by the Zoning Hearing Board.

### **1103.3**

Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after moved.

## **Section 1104: Non-Conforming Uses of Structures**

If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

### **1104.1**

An existing structure devoted to a use not permitted by this ordinance in the district in which it is located may be enlarged, extended, constructed, reconstructed, or

structurally altered to any reasonable amount upon granting of a variance by the Zoning Hearing Board.

#### **1104.2**

Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

#### **1104.3**

If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accord with the provisions of this ordinance.

#### **1104.4**

Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.

#### **1104.5**

When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months, the structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

#### **1104.6**

Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

### **1104.7**

Where a structure containing a non-conforming use is destroyed in whole or in part by fire, flood, explosion, or other casualty, it may be reconstructed and used as before provided such reconstruction is undertaken within twenty-four (24) months of such casualty and provided the restored structure shall not exceed the height and bounds of the original structure.

### **Section 1105: Repairs and Maintenance**

On any building, devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing without the requirement of a permit.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

### **Section 1106: Uses Granted Under Special Exception Provisions Not Non-Conforming Uses**

Any use for which a special exception is permitted as provided in this ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

# ARTICLE XII

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## ADMINISTRATION AND ENFORCEMENT

### **Section 1200: Office of Zoning Officer**

#### **1200.1: Creation of Office**

The Office of Zoning Officer is hereby created.

#### **1200.2: Appointment**

The Zoning Officer shall be appointed by the Township Board of Supervisors as prescribed by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). The Township Board of Supervisors shall establish qualifications for the position of Zoning Officer which require candidates to demonstrate a working knowledge of municipal zoning to the satisfaction of the Township.

#### **1200.3: Official Records**

An Official Record shall be kept of all business of the Zoning Officer and shall be open to public inspection at all appropriate times.

#### **1200.4: Compensation of the Zoning Officer**

The compensation of the Zoning Officer shall be as determined by the Township Board of Supervisors.

### **Section 1201: Duties and Powers of the Zoning Officer**

The Zoning Officer shall interpret and enforce all provisions of the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance.

#### **1201.1: Permits and Certificates of Use and Occupancy**

The Zoning Officer shall issue Permits and Certificates of Use and Occupancy. Permits and Certificates of Use and Occupancy for construction and uses which are permitted as a special exception or variance from the Zoning Ordinance shall be issued only upon order of the Zoning Hearing Board.

### **1201.2: Monthly Report**

The Zoning Officer shall monthly submit to the Township Board of Supervisors a report of all Permits and Certificates of Use and Occupancy, notices issued and orders.

### **1201.3 Right of Entry**

The Zoning Officer shall have the authority to enter at any reasonable hour any land and/or structure in the Township to inspect and to enforce the provisions of the Zoning Ordinance. Before entering, the Zoning Officer shall provide proper identification.

### **1201.4: Classification of Home Occupations**

The Zoning Officer shall maintain and make available upon request to the public the supplemental lists of Permitted and Prohibited Uses as Home Occupations, as addressed in Article X

## **Section 1202: Application for Permit and Certificate of Use and Occupancy**

### **1202.1: When Permit is Required**

It shall be unlawful to erect, enlarge, construct, reconstruct or structurally alter any building and/or other structure or change the use, or extend or displace the use of any building, other structure and/or land or start a home occupation or post signs or start a business in the Township without first filing an application with the Zoning Officer in writing and obtaining the required Permit.

### **1202.2: When a Certificate of Use and Occupancy is Required**

It shall be unlawful to use and/or occupy any building, other structure and/or land for which a Permit is required until a Certificate of Use and Occupancy for such building, other structure and/or land has been issued by the Zoning Officer. The purpose of the certificate is to confirm that the work or development described in the zoning permit application has been completed in compliance with this ordinance. The application for issuance of a Certificate of Use and Occupancy shall be made at the same time an application for a Permit is filed with the Zoning Officer.

### **1202.3: Forms of Application**

The Application for a Permit and a Certificate of Use and Occupancy shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as prescribed in Section 1204.1.

#### **1202.4: Plot Diagram**

Applications shall be accompanied by a plot plan diagram in duplicate. The plot plan shall be drawn to a suitable scale and shall clearly and accurately show dimensions of buildings and lots, both existing and proposed, abutting streets, proposed uses of buildings and lots, north arrow and scale, setbacks, and other information which the Zoning Officer may require to make a decision on the permit. One copy shall be returned to the applicant indicating approval or disapproval; one copy shall be retained by the Zoning Officer.

#### **1202.5: Amendments to a Permit**

Amendments to a permit or other records accompanying it may be filed at any time before completion of the work. The Zoning Officer shall approve all such amendments except for those to permit which have been authorized by action of the Zoning Hearing Board in which case the Board shall approve any amendments. Amendments shall be deemed part of the original application.

#### **1202.6: Expiration of Permits**

If work described in any permit has not begun within 90 days from the date of issuance, the permit shall expire. A written notice shall be given by the Zoning Officer to the persons affected. If permitted work has not been substantially completed within one year of the date of issuance, the permit shall expire. A written notice shall be given by the Zoning Officer to the persons affected.

Upon expiration of a permit, work may not continue until either a permit renewal or a new permit has been obtained. The Zoning Officer may issue a permit renewal when the proposed activities, information, and conditions contained in the original permit application will be continued without change. The permit renewal shall include limitations on time not to exceed one year allowed for substantial completion of the work. The Zoning Officer may require the provision of a reasonable performance bond to ensure completion with the time limit specified in the permit renewal.

### **Section 1203: Action on Permits and Certificates of Use and Occupancy**

#### **1203.1: Action on Permit Application**

The Zoning Officer shall act on all applications for Permits and amendments thereto within 10 days after filing except where otherwise indicated. The Zoning Officer shall conduct a preliminary inspection of all structures and/or land for which an application has been filed for a Permit. If the application and preliminary inspection indicate

compliance with the Zoning Ordinance, a Permit shall be issued. Disapproval of a Permit shall be in writing to the applicant.

### **1203.2: Posting of Permit**

The Permit issued by the Zoning Officer shall be posted at the work site and be visible from the street until the completion of the permitted work.

### **1203.3: Revoking a Permit**

The Zoning Officer may revoke an issued Permit in case of any false statement in the application for the Permit.

### **1203.4: Action Upon Completion**

Upon completion of the permitted work and prior to use and occupancy, the holder of the permit shall notify the Zoning Officer of such completion. After receiving notice of completion, the Zoning Officer shall conduct a final inspection of all permitted structures and/or land. All violations of the approved permit and plans shall be recorded and presented in writing to the holder of the permit.

If the Zoning Officer is satisfied that the completed work conforms with the issued Permit and complies with the Zoning Ordinance, he shall issue a Certificate of Use and Occupancy for the use indicated in the Permit.

The Zoning Officer shall conduct the final inspection and issue either a written record of violations or an approved Certificate of Use and Occupancy within 10 days after receiving notice.

## **Section 1204: Fees**

### **1204.1: Payment of Fees**

No Permit or Certificate of Use and Occupancy shall be issued until the fees prescribed by resolution of the Township Board of Supervisors have been paid.

### **1204.2: Exemptions**

Any accessory structure used solely for agricultural purposes or any building less than 100 square feet in floor area shall be exempt from payment of fees

## **Section 1205: Enforcement Notice**

Where the Zoning Officer finds that any provisions of this Ordinance are being violated he shall initiate enforcement proceedings by sending an enforcement notice to

appropriate parties in accordance with Article VI of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). As specified in the Planning Code, the enforcement notice shall state the nature of the violation, the actions and deadline dates for achieving compliance, possible enforcement proceedings, and other information.

### **Section 1206: Prosecution of Violation**

If the Enforcement Notice is not complied with, the Zoning Officer shall request the Township Solicitor to institute appropriate proceedings to correct such violations. Such proceedings are provided for and shall be in accordance with Article VI of the Planning Code (Act 247 of 1968, as amended).



# ARTICLE XIII

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## ZONING HEARING BOARD

### **Section 1300: Creation, Membership and Organization**

A Zoning Hearing Board shall be created for the purpose of considering applications for variances or exceptions to the Zoning Ordinance and making decisions on appeals and challenges within the legal jurisdiction granted to zoning hearing boards by the Commonwealth of Pennsylvania. It shall be created and maintained in accordance with the applicable provisions of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and this Ordinance. Its membership, organization and rules and procedures shall be as prescribed in the Planning Code.

### **Section 1301: Jurisdiction and Functions**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render decisions on applications for variances and special exceptions, and certain challenges and appeals in accordance with all applicable requirements of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

### **Section 1302: Hearings**

In consideration of challenges and appeals and applications for variances and special exceptions, the Zoning Hearing Board shall conduct hearings and make decisions in accordance with all applicable requirements of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

### **Section 1303: Termination and Modification of Permit**

Where a decision of the Zoning Hearing Board authorizes issuance of a zoning permit, the following shall apply:

#### **1303.1: Termination of Permits**

If after a Permit has been authorized by the Board, such permit is not applied for within a period of six (6) months from the date of authorization, then such authorization shall be null and void and no Permit shall be issued there under.

### **1303.2: Modification of a Permit**

Any Permit so issued shall not be modified except by action of the Board.

### **Section 1304: Parties Appellant Before the Board**

Appeals and challenges within the jurisdiction of the Zoning Hearing Board as prescribed by the Planning Code may be filed with the Board in writing by the landowner affected, any officer or agency of the municipality, or any person aggrieved. Applications for variance or special exception may be filed with the Board by any landowner or tenant with the permission of such landowner.

### **Section 1305: Applications and Fees**

Requests for a hearing and action for appeals, challenges, variances, or special exceptions shall be accompanied by an application in such form as shall be required by the Zoning Hearing Board and submitted to the Zoning Officer. Such application shall include payment of a reasonable fee based upon cost to be established by resolution of the Township Board of Supervisors and in accordance with the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

### **Section 1306: Special Exceptions**

Upon application in accordance with the provisions of the Zoning Ordinance and the rules of the Board, the Board shall determine the reasonableness and propriety in particular cases of any one of the following special exceptions to the Zoning District regulations of the Zoning Ordinance. The proposed use shall also conform with all the provisions for the use in the particular Zoning District in which it is to be located, and all other pertinent provisions of the Zoning Ordinance, except as wherein prescribed in this Article. The Board shall consider, explain and record its finding and determination in conformity with the spirit of the Zoning Ordinance and may authorize the issuance of a Permit for the following:

#### **1306.1: Other Principal Uses Not Explicitly Permitted Within a Zoning District**

A use which is not explicitly listed as a permitted principal use within the regulations of a zoning district may be permitted provided that the use is similar to and not more objectionable to the general welfare than the permitted uses listed in that zoning district. Such uses shall be permitted only upon the judgment and approval of the Zoning Hearing Board which may also require compliance with such conditions as may be necessary to protect and promote the general welfare of the Township.

**1306.2: For the Alteration, Change in Intensity of Use and Use of any Existing One-Family Detached Dwelling in any Residential Zoning District for One (1) Additional Dwelling Unit, provided:**

1. The height regulations and yard requirements shall not be violated.
2. The minimum lot area per dwelling unit shall not be less than 20,000 square feet per dwelling unit.
3. One (1) parking space shall be provided for the additional dwelling unit to be provided.
4. That any proposed alteration, change in intensity of use and use of any existing one-family detached dwelling unit meet all of the requirements of the Township and any applicable requirements of the Commonwealth of Pennsylvania.

**1306.3: For the Reasonable Extension of Use Regulations in any Zoning District into another Zoning District**

Such extension shall not be more than 50 feet beyond the boundary line of the Zoning District, when all parts of such lot are held under the same ownership at the effective date of the Zoning Ordinance.

**1306.4: For the Use of Land for, and for the Erection, Alteration or Enlargement and Use of any Building, and/or Other Structure in any "I" Zoning District which shall conform to the Height and Area Regulations of the "I" Zoning District. For any Use Prohibited in the "I" Zoning District by the Use Regulations and Use Provisions of the Zoning Ordinance, provided:**

1. The Board determines in each instance, such use shall be essential to the general welfare of the community.
2. The proposed location shall be such as to offer a reasonable protection to the immediate area against possible detrimental effects of such use, taking into consideration the physical relationship to surrounding properties and access to the site including any nearby residential streets that must not be traversed in bringing the material to the site.
3. It shall not be in conflict with any other law or ordinance of any governmental agency having pertinent jurisdiction.
4. That such building, other structure, or use shall not occupy more than 50 percent of the buildable area of the lot.
5. It shall be convincingly demonstrated to the Board by competent technical experts that such prohibited use can and shall make such use of advanced

technical equipment and processes a it shall no longer justify prohibition of such use.

**1306.5: For the Modification of Off-Street Parking Facility Requirements in any Zoning District, provided:**

1. Such modification shall be consistent with the purpose and intent of such requirements.
2. It shall be satisfactory to the Board that public or private transportation facilities shall be sufficient to accommodate travel needs of those employed on the premises.
3. If after investigation by the Board it shall be found that such modification shall be necessary to prevent unreasonable hardship or to secure an appropriate development of a specified parcel of land which has peculiar or exceptional geographical or topographical conditions, or is of a size, shape, dimension or location that it cannot be reasonably developed in accordance with the regulations and provisions of the Zoning Ordinance as herein specified.

# ARTICLE XIV

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## AMENDMENT, SUPPLEMENT OR CHANGE

### **Section 1400: Procedure for Amendments**

The Zoning Ordinance or parts thereof may be amended or repealed by the Township Board of Supervisors in accordance with provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and with the following procedures:

1. Any amendment, or repeal may be initiated by:
  - a. The Township Planning Commission.
  - b. The Township Board of Supervisors.
  - c. A notarized petition to the Township Board of Supervisors by the owner of the property involved or by a party having interest therein.
  
2. Proposed amendments shall be submitted to the Township Board of Supervisors at a regular or special meeting of the Township Board of Supervisors.
  
3. Before voting on the enactment of an amendment, the Township Board of Supervisors shall hold a public hearing thereon in accordance with the requirements of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). As required by the Planning Code, the public shall be notified of the amendment and hearing, such notice shall be posted on any affected tract of land, and the amendment shall be referred to the Township Planning Commission and Mercer County Regional Planning Commission for review.
  
4. An application for amendment shall be submitted in a form prescribed by the Township Board of Supervisors containing the following minimum information:
  - a. Name, address, and phone number of the applicant or his agent.
  - b. The applicant's legal interest in the affected property(ies).
  - c. A map showing the location of the affected property(ies), the present and proposed zoning classification and boundaries, and a perimeter sketch of the affected property(ies) showing dimensions and size.

5. Any application for amendment to the Zoning Ordinance shall be accompanied by a reasonable fee in such amount as set by resolution of the Township Board of Supervisors.

# ARTICLE XV

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## APPEALS

### **Section 1500: Zoning Appeals**

The review or appeal of any provision of this Ordinance or decision, determination, order or finding of the Township Board of Supervisors or its agencies or officers shall follow the procedures set forth in Article X-A "Appeals to Court" of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

# ARTICLE XVI

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## VALIDITY

### **Section 1600: Severance**

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance or the Zoning District boundaries as shown on the Zoning Map, shall be for any reason, declared to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole or any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance.

The Township Board of Supervisors hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, and each Zoning District boundary of the Zoning Map irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, words or boundaries may be declared illegal, unconstitutional or invalid.



# ARTICLE XVII

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REPEAL

## **Section 1700: Repeal of 1995 Zoning Ordinance**

The enactment of this Zoning Ordinance contained herein shall hereby repeal in its entirety the Jackson Township Zoning Ordinance as adopted May 3, 1995 and subsequently amended. No article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the 1995 Zoning Ordinance shall be valid or applicable as law in the Township.

# ARTICLE XVIII

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## DEFINITIONS

### **Section 1800: General Interpretation**

For the purposes of the Zoning Ordinance, certain terms, phrases and words shall have the meaning given herein. Words used in the present tense include the future; the singular includes the plural; the word "used" shall be construed as though followed by the words "or intended or designed to be used"; the words "building", "structure", and "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "structure" includes the word "building". The word "shall" is always mandatory and not merely directory.

Except as defined within this ordinance, all words or phrases shall have their meanings and usage as provided in a dictionary of standard use.

### **Section 1801: Definition of Terms**

**Abutting** - Having property or district lines in common; e.g., two lots are abutting if they share a common property line.

**Access** - A way of approaching or entering a property

**Accessory Apartment** - A separate, complete housekeeping unit which is contained within the structure of a single-family dwelling but can be isolated from it, or which is contained within an existing accessory building.

**Airport** - Any area of land or water designed and set aside for the landing take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

**Alley** - The space or area between the rear or side lot lines of lots which has a minor right-of-way width of twenty (20) feet or less which is dedicated for the public use of vehicles and pedestrians and which affords secondary access to an abutting lot.

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

**Alteration, Structural** – A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing wall, columns, beams and girders.

**Apartment House** - A dwelling comprising three (3) or more apartments which are reached through a common entrance and stairway.

**Apartment Unit** - One (1) or more rooms comprising a dwelling unit or serving as the home or residence of an individual, or a family or a household.

**Appurtenances** – The visible, functional, or ornamental objects accessory to, and part of, buildings or structures.

**Automotive Garage** - A premises used for repair of automotive vehicles but not including automotive wrecking (including therewith may be facilities supplying gasoline, oil, accessories and services to automotive vehicles at retail direct to the motorist consumer.)

**Automotive Gasoline Service Station** - Any premises used for supplying gasoline, oil, minor accessories and services for automotive vehicles at retail direct to the motorist consumer, including the making of minor repairs, but not including major repairs, such as: painting; body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring removal there from of cylinder-head or crankcase pan; repairs of radiator requiring removal thereof; or complete recapping or retreading of tires.

**Automotive and/or Trailer Sales Area** - An open space, other than a public or private street, used for the display or sale of new or used automobiles, trailers, trucks or farm equipment and where no repair work is done except that which is minor and incidental (not including body and fender work).

**Automotive Wrecking** - The dismantling or wrecking of used motor vehicles, trucks, trailers, or farm equipment, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**Awning** - An awning shall include any structure made of cloth or metal with a metal frame attached to a building and projecting over a yard or thoroughfare, when the same is so erected as to permit its being raised to a position flat against the building when not in use or not permanently attached to and an integral part of a porch, carport, or similar attached accessory structure.

**Barn** – A building, accessory to a farm that is used for storing agricultural equipment, hay, grain, and other crops, and often for housing livestock.

**Basement** - Portion of a building partly underground, having one-half (1/2) or more than one-half (1/2) of its floor-to-ceiling height below the average grade of adjoining ground.

**Bed and Breakfast** - Small lodging establishment offering overnight accommodations and breakfast. Private family home with between four and eleven rooms.

**Block** - The length of a street between two (2) street intersections; or a piece of land bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space, and not traversed by a through street.

**Board of Supervisors** - The Board of Township Supervisors of Jackson Township, Mercer County, Pennsylvania.

**Boarding House** - A building or portion thereof, arranged or used for sheltering and feeding for compensation more than five (5) and not more than twenty (20) individuals who are not members of the proprietor's family.

**Boarding Unit** - Living quarters which, unlike a Dwelling Unit, do not contain complete housekeeping facilities and are typically used for sheltering and feeding paying occupants who are not members of the proprietor's family.

**Breezeway** - Any portion of a lot roofed over by a structure joining a principal dwelling to any other structure.

**Building** - An enclosed structure built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, and protection of persons, animals, or property of any kind, including mobile homes.

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

**Building, Attached** - A building where both side walls of all except the end structures are party walls.

**Building, Detached** - A building which has no party wall.

**Building, Principal** - A building in which is conducted the principal use of the lot on which it is situated.

**Building Setback** - The distance on a lot from the centerline of any road within which no building or structure shall be placed, unless otherwise indicated in this Ordinance.

**Building Setback Line** - A line on a lot which marks the building setback

**Campground** - A facility containing sites or spaces for the temporary and recreational occupancy of persons in tents. Such facility may also contain recreation and other support facilities subordinate to and serving only the camping occupants.

**Canopy** - Portable and removable structure for shelter of Automotive Vehicles or Recreation Vehicles.

**Carport** - A roofed structure having two or more open sides and extending from the side or rear wall of a principal or accessory building, used primarily as a shelter for automotive vehicles or recreation equipment. The open sides may be screened or enclosed, but at least fifty (50) percent of such wall area must remain open. In addition, the carport shall not extend into any required yard.

A roofed structure having two or more open sides and extending from the side or rear wall of a principal or accessory building, used primarily as a shelter for automotive vehicles or recreation equipment. The term carport shall also include a roofed structure, either attached to or detached from a principal or accessory building, over multi-vehicle drives, parking, or service areas as used by an automobile service station, convenience store, drive-thru bank, or similar use. The open sides may be screened or enclosed, but at least fifty (50) percent of such wall area must remain open. In addition, the carport shall not extend into any required yard.

**Cartway** - That area of a street within which vehicles are permitted including travel lanes and parking areas but not including shoulders, curbs, sidewalks or swales.

**Centerline** - The line located at the middle of the travelled surface of a road, equidistant from both edges of the road surface.

**Certificate of Use and Occupancy** - A statement, based on an inspection and signed by the Zoning Officer, indicating that a building, structure, and/or land conforms with the provisions prescribed in the Zoning Ordinance and may lawfully be occupied or used for a specified use or uses.

**Child Care Center** - Provides out-of-home care for seven (7) or more children for part of a 24-hour day to children 15 years and younger, including care provided to a child at the parents work site when the parent is not present in the child care space, and including care provided in public or private profit or non-profit facilities. Also, care provided before or after the hours of instruction at non-public and private nursery schools and kindergartens. Definition does not apply to care provided: by a relative; in places of worship during religious services; in a facility where the parent is present at all times child care is provided; during hours of instruction in non-public or private nursery school or kindergarten.

**Church** - A building for public religious worship.

**Clinic** - Any professional medical building or establishment where people are examined or treated by doctors or dentists, but are not hospitalized overnight.

**Club, Lodges and Fraternal Organizations** - An establishment operated for social, recreational, or educational purposes, and open only to members and their guests, but not the general public.

**Conditional Use** - A permission or approval granted by the Township Board of Supervisors to use land in a district for a purpose other than that permitted outright in that district. Conditional uses may be approved or denied by the Board of Supervisors only in accordance with the provisions of the PA Municipalities Planning Code (Act 247 of 1968, as amended).

**Construction** - The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

**Convalescent Home** - A dwelling converted into quarters or new building constructed with quarters for the full-time convalescent or chronic care of persons who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

**Court** - A portion of a lot unoccupied above grade but partially or wholly surrounded by building walls.

**Court, Inner** - A court surrounded on all sides by an exterior wall of a structure or by such walls and a lot line.

**Court, Outer** - A court having at least one side thereof opening onto a street, alley, yard or other permanently open space.

**Covenant** - A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded

**Curb Level** - The elevation of the street grade as established in accordance with the law or when a curb level has not been established, the grade at the center of the street.

**Curb Line** - The line establishing the width of a cartway in a right-of-way. Where curbs do not exist the edge of pavement shall be the curb line.

**Dedication** - The transfer of property from private to public ownership. Deed Restriction. See Covenant.

**Development** - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the subdivision of land, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

**District** - A district or a zone shall be any portion of the territory of the Township of Jackson within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**Drive-In Business** - A place of business where persons are served in automobiles from a refreshment stand, restaurant, food stores and the like.

**Driveway** - An open space located on a private lot built for access to a private garage or to any structure located on the lot.

**Dwelling** - A building arranged and used for residential occupancy containing a dwelling unit or units, but excluding a boarding house, hospital, institutional home, hotel, motel, and other similar types of uses.

**Dwelling, Multiple-Family** - A building have two (2) or more dwelling units and designed to be used or occupied as a residence by two (2) or more families living independently of each other and each with its own exterior entrance door or own entrance door from an interior hallway.

**Dwelling, Single-Family** - A detached, permanent building designed for and used exclusively for occupancy by one family.

**Dwelling, Two-Family** - A building having two (2) dwelling units, each with its own entrance door and designed for and used for occupancy by two families. The Dwelling Units may be either semi-detached with one (1) family living on either side of a common party wall, or stacked with one (1) family living over the other.

**Dwelling Unit** - A building or portion thereof providing complete housekeeping facilities for one family. The term shall include all structures designed for and/or used for living purposes, including mobile homes, prefabricated dwellings, and similar portable structures.

**Easement** - A right given by the owner of land to another party for specific limited use of that land

**Enlargement** - A construction activity which increases the size of a building or other structure.

**Essential Services** - The erection, construction, alteration or maintenance by public utilities or municipal departments or municipal authorities of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing

of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

**Family** - One or more persons living together in a single housekeeping unit as a non-profit household, provided that the dwelling unit's size meets the minimum occupancy area requirements as defined by this ordinance.

**Farm** - A lot, parcel or tract of land ten (10) acres or more used for agricultural purposes on which the principal structure shall be the agricultural building(s).

**Farm Structure** - Any building or structure used for agricultural purposes.

**Flood** - A temporary inundation of normally dry land areas.

**Floor Area, Residential** - The total area of all floors of a residential building devoted solely to residential use, measured between interior faces of walls, and exclusive of entrance ways, porches, breezeways and roofed terraces, whether enclosed or not, and excluding cellars, basements and garages.

**Fraternal Organization** - A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

**Frontage** - The frontage, or front of a lot, is the side nearest the street. For the purposes of determining yard and setback requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards and setbacks shall be provided as indicated in this Ordinance.

**Garage, Private** - A detached accessory building or a portion of a principal building used only for the storage of not more than three (3) private motor vehicles by the families resident upon the premises. This shall not include a garage offering commercial automotive services to the public or a garage where any provision is made for repairing or servicing of vehicles for profit.

**Golf Course** - An open area and its necessary buildings, used for the playing of golf, not including a driving range, miniature course, or eating facilities in a separate building operated for additional profit.

**Grade** - The mean curb level, or when the curb level has not been established or all the walls of the building are more than fifteen (15) feet from street lot lines, grade means the mean elevation of the ground adjoining the structure on all sides.

**Height of Building** - The vertical distance from the grade to the highest point on a building. When a building faces on more than one (1) street, the height shall be measured from the average of the grades at the center of each street front.



**Height of Wall** - The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

**Home Occupation** – See “No-impact Home-based Business” - Any accessory use to a dwelling unit located in the residential zoning district - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

**Hospital** - A private or public institution where the ill or injured may receive medical, surgical, or psychiatric treatment, nursing, food, lodging, etc., during illness or injury.

**Hospital, Animal** - A structure designed or converted for the care of and/or treatment of sick or injured domestic animals,

**Hotel** - A building designed for occupancy as the temporary residence of individuals or transients who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

**Housing Unit** - Same as Dwelling Unit.

**Incidental** – Subordinate and minor in significance and bearing a reasonable relationship to the primary use.

**Institutional Home** - A building used for health or welfare purposes by a non-profit organization.

**Junk** - Any worn, cast off, or discarded articles or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use. Any such article or material which is stored on a farm for exclusive use of the owner or occupant of the farm or any article or material which, unaltered, not needed to be disassembled or unfastened from, or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

**Junk Yard** - The use of more than fifty (50) square feet of the area of any lot, outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk. A "junk yard" shall include an automotive wrecking yard. Three or more junk vehicles stored on any lot outside of a building or not inside a wall or fence shall be considered a junk yard.

**Land** - The solid portion of the earth's surface which is capable of being used or occupied. Land, Developed "Improved land" with buildings.

**Land, Improved** - "Raw land" which has been provided with basic utilities such as water and sewerage, streets, sidewalks, but not buildings.

**Land, Raw** - Vacant land unsubdivided and unimproved (without utilities or streets).

**Landscaping** - Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

**Land Use** - A description of how land is occupied or utilized.

**Loading Space** - An off-street space or berth on same lot with a building, or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access to a public right-of-way.

**Lodge** - (1) A building or group of buildings under single management, containing both rooms and dwelling units available for temporary rental to transient individuals or families; (2) The place where members of a local chapter of an association hold their meetings; and, the local chapter itself.

**Lot** - The basic development unit - an area with fixed boundaries, used or intended to be used customarily by one building and its accessory building(s) and not divided by any road or alley. The lot shall not include any portion of the street right-of-way.

**Lot Area** - The computed area of a lot contained within the lot lines and measured at grade on a horizontal plane.

**Lot, Corner** - A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the "corner".

**Lot Coverage** - The percentage of the lot area occupied or covered by principal and accessory structures.

**Lot Depth** - The mean horizontal distance between the front lot line and the rear lot line.

**Lot, Double Frontage** - An interior lot whose front and rear lot lines abut roads, or a corner lot with two opposite lot lines abutting a road.

**Lot Frontage** - See "Frontage".

**Lot, Interior** - A lot whose side lot lines do not abut a road.

**Lot Lines** - The property lines bounding the lot.

**Lot Line, Front** - The line separating the lot from a road right-of-way.

**Lot Line, Rear** - The lot line opposite and most distant from the front lot line.

**Lot Line, Side** - Any lot line other than a front or rear lot line; a side lot line separating a lot from a street is called a side street lot line.

**Lot Line, Alley** - A lot line separating the lot from an alley.

**Lot, Non-Conforming** - A lot lawfully existing at the effective date of the Zoning Ordinance or by subsequent amendment thereto which does not completely conform with the area regulations and other provisions prescribed for the Zoning District in which it is located.

**Lot of Record** - A lot which is part of a recorded subdivision or a parcel of land which has been recorded or registered in the Office of the Recorder of Deeds of Mercer County, Pennsylvania

**Lot Width** - The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth.

**Marquee** - Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**Mobile home** - A transportable, single family 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 within a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

**Mobile home Park** - A parcel or contiguous parcels of land which has so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**Mortuary** - A building devoted to the care, and holding of services for the dead, including embalming and the display and/or sale of funeral equipment as incidental use.

**Motel** - Any building or group of attached, semi-attached, or detached buildings (not including a trailer) located on a single lot containing individual sleeping or housekeeping units designed for use by transients.

**Motor Freight Terminal** - A lot maintained by a motor freight company which is the original and/or destination point of short and long distance hauling and which is used for the purpose of storing, transferring, loading and unloading of merchandise and for truck parking and storage facilities.

**No-impact home-based business** - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

(1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

(2) The business shall employ no employees other than family members residing in the dwelling.

(3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

(5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

(6) The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.

(7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

(8) The business may not involve any illegal activity.

**Nursery, also Greenhouse** - Land or greenhouses used to raise flowers, shrubs, or plants for sale.

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

**One Hundred Year Flood** - A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent change of occurring each year, although the flood may occur in any year).

**Open Space** - An area of land unoccupied by a building and/or other structure which is maintained to permit human use, occupancy, recreation, and enjoyment.

**Owner** - The duly authorized agent, attorney, purchaser, devisee, fiduciary or any person having vested or contingent interest in the lot, building, or structure in question.

**Parking Area** - An open space on a lot used as an accessory use for the parking of automotive vehicles.

**Parking Space** - A space, whether outside or inside a structure, to be used exclusively as a parking stall for one (1) motor vehicle.

**Permit, Zoning** - A license issued by the Zoning Officer which permits the applicant to proceed with the work specified in the permit application as approved by the Zoning Officer.

**Person** - An individual, association, co-partner or corporation.

**Planning Code** - The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, as further amended by Act 209 of 1990, and Act 131 of 1992, and including any further amendments.

**Plat** - A map, plan or chart of a section or subdivision of the Township indicating the location and boundaries of individual lots.

**Plot** - A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

**Pole Building** -

**Porch** - A roofed over structure projecting from the front, side or rear wall of a building. A porch is considered a part of the principal building and is not permitted to extend into any required yards.

**Principal Structure** - See Structure, Principal.

**Projections (into yards)** - Parts of buildings such as architectural features which are exempted to a specified amount, from the yard requirements of the Zoning Ordinance.

**Recreation:**

**Recreation, Commercial** - Recreational facilities operated as a business and open to the general public for a fee.

**Recreation, Non-Commercial** - Recreation facilities operated by a non-profit organization and open only to bonafide members of such organization.

**Recreation, Public** - Recreation facilities operated as a non-profit enterprise by the Township, and any other governmental entity, or any non-profit organization which are open to the general public.

**Recreational Vehicle** - A vehicular-type unit primarily designed for temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home. No Recreational Vehicle shall be used as a permanent dwelling or business.

**Recreational Vehicle Park** - A plot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**Road** - Any street, highway, or other public roadway which is dedicated to public use by governmental authority.

**Roof, Mansard** - A roof with two slopes on each of four sides, the lower steeper than the upper.

**Roof, Gable** - A ridged roof forming a gable at both ends of the building.

**Roof, Hipped** - A roof with slopping ends and sides.

**Screening** - A method of visually shielding or obscuring abutting or nearby structures or uses from another by fencing, walls, or densely planted vegetation.

**Setback** - See "Building Setback".

**Sign** - A principal or accessory structure which is arranged, intended, designed or used as an advertisement, announcement or direction; and which includes a sign screen, billboard, poster panel and advertising, business and identification devices of any kind.

**Sign, Advertising** - A sign which directs attention to a business, commodity, service or entertainment, conducted or sold or offered elsewhere than upon the premises where the sign is displayed.

**Sign, Business** - A sign which directs attention to a business, profession or industry conducted, or to products sold, manufactured or assembled upon the same premises upon which it is displayed.

**Sign, Identification** - A sign used to display and identify only the name of the individual, business, profession, organization, or institution occupying the premises upon which it is displayed.

**Sign, Surface Area** - The entire show area of a sign within a single continuous perimeter.

**Sign, Wall** - A sign which is painted on or attached directly to the building wall and which may not extend more than 12 inches from the face of the wall.

**Site** - A plot of land intended or suitable for development.

**Site Plan** - A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features - both natural and man-made - and the locations of proposed utility lines.

**Special Event Barn, Accessory Use** - A permanent structure that is currently being used as a barn on a farm and which is sometimes used for the commercial purpose as a venue for weddings, receptions, and other gatherings, to include birthday parties, retirement parties, anniversary parties, graduation parties, formal dinners, and business engagement.

**Special Event Barn, Principal Use** - A permanent existing structure that was previously used as a barn and is fully or partially repurposed as a venue for the commercial purpose of hosting weddings, receptions, and other gatherings to include birthday parties, retirement parties, anniversary parties, graduation parties, formal dinners, and business engagements.

**Special Exception** - A provision which permits, under specified terms and conditions, particular uses to locate in a zoning district without detriment to the routine and orderly development as provided for that zoning district. The provision is granted by the Zoning Hearing Board.

**Story** - A part of a building comprised between a floor and a floor or roof next above, including a basement, but not including cellar,

**Story, Half** - A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area immediately below.

**Street** - See "Road".

**Structure** - A combination of materials forming a construction for occupancy and/or use including among other, a building, stadium, gospel tent, circus tent,

reviewing stand, platform, staging, observation tower, radio tower, water tank, trestle, pier, wharf, open shed, coal bin, shelter, fence, wall and a sign.

**Structure, Accessory** – An attached, semi-detached or detached structure whose use is customarily incidental and subordinate to that of the principal structure or use and which is located on the same lot as the principal structure or use,

**Structure, Non-Conforming** - A legal structure existing at the effective date of the Zoning Ordinance or by a subsequent amendment thereto which does not completely conform to the height regulations, area regulations, and other provisions prescribed for the Zoning District in which it is located.

**Structure, Principal** - A structure in which is conducted the principal use of the lot on which it is located.

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

**Swimming Pool** - A swimming pool shall be considered a permanent structure, if the construction or erection thereof results in a permanent location within a given lot. Swimming pools which can be easily relocated or dismantled for winter storage shall not be considered as a permanent structure.

**Temporary Garage** – Basically the same as canopy, temporary tent style portable garage for shelter for automotive vehicles or recreational vehicles.

**Terminal** - (1) A place where transfer between modes of transportation takes place; (2) A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

**Terrace** - A natural or artificial embankment which is higher than the curb level.

**Terrace, Height of** - The difference in elevation between the curb level and the top of the terrace at the center of the wall of the principal structure.

**Tourist Court** - Any group of attached or detached buildings (not including a trailer) located on a single lot containing individual sleeping or housekeeping units, designed for or used by transients, including an auto court, motel, cabin and/or motor lodge.



**Tourist Home** - A dwelling originally designed for single family occupancy which is now identified as supplying overnight accommodations for not more than twenty (20) transient guests, not including a lodging, rooming or boarding house or a tourist court.

**Trade School (Industrial School)** - A school conducted as a commercial enterprise for teaching barbering or hairdressing or for teaching industrial skills in which machinery is employed as a means of instruction.

**Trailer** - Any licensed or unlicensed piece of mobile equipment designed or constructed to be towed or pulled by a motor vehicle.

**Trailer Camp** - A lot occupied or designed for occupancy by two (2) or more trailers used for living or sleeping purposes.

**Transient** - Any individual residing or stopping in the municipality for less than thirty (30) days at one time.

**Use, Accessory** - A use customarily incidental and subordinate to the principal use of a building, structure and/or land or a use not the principal use which is located on the same zoning lot as the principal building, other structure and/or land, except parking and/or loading facilities as herein provided.

**Use, Conditional** - A use permitted in a particular zoning district only upon showing that such use, in a specified location, will comply with the expressed standards and criteria contained in the Zoning Ordinance and any additional safeguards deemed necessary by the governing body.

**Use, Non-Conforming** - A legal use of a building, other structure and/or land existing at the effective date of the Zoning Ordinance or by a subsequent amendment thereto, which does not completely conform with the use regulations and other provisions prescribed for the Zoning District in which it is located.

**Use, Principal** - The main or primary purpose, for which a building, other structure and/or land is designed, arranged, or intended, or for which it may be used, occupied or maintained under the Zoning Ordinance.

**Utility, Private or Public** - (1) Any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

**Variance** - Relief granted by the Zoning Hearing Board upon appeal in specific cases, from the terms of the Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the

provisions of the Zoning Regulations will result in unnecessary hardship, and so that the spirit of the Zoning Regulations will be observed and substantial justice done.

**Visual Obstruction** - Any fence, wall, tree, hedge, or shrub, or a combination of them which limits visibility.

**Wall, Parapet** – An extension of the wall at the edge of a roof, terrace, balcony, walkway or other structure.

**Water Course** – Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully ravine, or wash in which water flows in a definite direction of course, either continuously or intermittently; has a definite channel, bed, and banks; and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

**Written Notice** - Shall have been served if delivered in person to the person intended or if delivered or sent by certified mail to the last known address of the person intended.

**Yard** - An unoccupied space, other than a court, on the same lot with a building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

**Yard, Front** - A yard across the full width of the lot, extending from the main wall of a principal building to the front lot line (street right-of-way line), measured at any point between the wall and the line.

**Yard, Minimum Dimension** - The minimum, permitted horizontal distance between a lot line and the nearest point of a main wall of a principal building or structure exclusive of permissible yard encroachments and occupancy and street projections as provided by this Ordinance. The measurement of the minimum dimension shall be made at grade and perpendicular to the lot line and building or structure.

**Yard, Rear** - A yard across the full width of the lot, extending from any point of a wall of a building or structure to the rear lot line of the lot.

**Yard, Side** - A yard extending from any point of a wall of a building or structure to the adjacent side lot line of the lot, extending from the front yard to the rear yard.

**Zoning Officer** - The agent or official designated by the Jackson Township Board of Supervisors and charged by law with the administration and enforcement of the Zoning Ordinance.

**Zoning Map** - Jackson Township Zoning Map.