

ORDINANCE NO. _____

JACKSON TOWNSHIP, CAMBRIA COUNTY

AN ORDINANCE OF THE TOWNSHIP OF JACKSON AMENDING SECTIONS OF THE JACKSON TOWNSHIP ZONING ORDINANCE AS FOLLOWS: PROVIDING CRITERIA FOR THE USE IN REQUESTS FOR CHANGE OF NONCONFORMING USES, ADDING ADDITIONAL ITEMS TO LIST OF ACTIVITIES PERMITTED IN THE INDUSTRIAL DISTRICT AND PROVIDING FOR PUBLIC WATER OR SEWAGE FACILITIES SERVING RESIDENTS OF THE TOWNSHIP TO BE LOCATED AS A PERMITTED USE IN ALL DISTRICTS.

WHEREAS, the Jackson Township Planning Commission has, in carrying out the provisions of the Jackson Township Zoning Ordinance, identified areas in the Zoning Ordinance requiring clarification or correction and other areas where rule could be loosened so as to better accomplish the purposes of the Ordinance; and

WHEREAS, after consultation with the Township officials responsible for the administration of the Ordinance, the Jackson Township Planning Commission has identified the following Amendments to the Zoning Ordinance, which it requests be reviewed by the Cambria County Planning Commission and be made subject to public hearings and comment as provided for in the Municipalities Planning Code; and

WHEREAS, the Jackson Township Supervisors hereby find the changes in the Ordinance listed below to be consistent with the goals and objectives for community development as defined in the new Jackson Township Comprehensive Plan which is pending approval; and

WHEREAS, the Jackson Township Supervisors, after consultation with the Township Planning Commission and Cambria County Planning Commission and after having received the benefit of public comment on the same at a public meeting held on _____, 2009, and a public hearing held on _____, 2009, have determined that certain sections of the Jackson Township Zoning Ordinance should be amended to provide for orderly development, protection of property values, and to provide for the common good and safety of all Township residents.

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

Section 1: The Zoning Ordinance is hereby amended to add the following section:

Section 1001 - Continuance

1. The lawful use of a building existing at the time of the effective date of this Ordinance may be continued, although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted character, as a special exception approved by the zoning hearing board. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted one. Whenever the use of a building becomes non-conforming through a change in the Zoning Ordinance or district boundaries, such use may be continued and if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted character.

2. In determining whether a use is of a more or less restrictive character, than a pre existing non conforming use, the zoning hearing board shall take into account, the difference between the historical use and the proposed use for each of the following factors

- a. hours of operation
- b. amount of out door lighting
- c. amount of lot coverage
- d. amount of landscaping, or natural buffer
- e. noise generated in the non conforming use audible at neighboring property lines.
- f. noxious fumes, dust or particulate emissions from the property
- g. stormwater runoff from the property
- h. degree of impediment to air and light to neighboring properties
- i. traffic impacts and trips to and from property
- j. number of persons to be occupying or using the structure
- k. risks or danger to the public health and safety.

Section 2: The Jackson Township Zoning Ordinance Section 504A is amended to add the following additional permitted uses, all other portions of Section 504 to remain the same.

Section 504(A) 19. Natural gas or other pipeline compressor or pump stations.

Section 3: The Jackson Township Zoning Ordinance is hereby amended to add a new section 412, as follows;

Section 412 Public water and sewer facilities for the use of residents.

Public sewer and water facilities constructed in whole or in part to serve the residents

of Jackson Township, by a township created municipal authority shall be considered a permitted use in all zoning districts. Such facilities shall not be required to meet setback, minimum lot size, height or any other restriction set forth in this ordinance.

ENACTED AND ORDAINED the _____ day of _____, 2009, effective in five days.

JACKSON TOWNSHIP SUPERVISORS

Chairman

Supervisor

Supervisor

ATTEST:

Secretary (Seal)