

Jefferson Morgan Multi-Municipal Zoning Ordinance

Clarksville Borough, Jefferson Borough, Jefferson Township, Morgan Township
Greene County, Pennsylvania

Enacted on March 12, 2018



ORDINANCE NO. 01-18

Jefferson-Morgan Multi-Municipal Zoning Ordinance

An Ordinance to enact provisions that divide the municipalities of Jefferson Township, Morgan Township, Jefferson Borough, and Clarksville Borough in Greene County, Pennsylvania, into districts or zones, and to restrict therein the location, height, density of buildings and other structures and the use of the land and providing for enforcement.

WHEREAS, the Township of Morgan has prepared the Jefferson-Morgan Multi-Municipal Zoning Ordinance and Zoning Map in accordance with the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended); and

WHEREAS, the Borough Councils/Board of Township Supervisors of Jefferson Township, Morgan Township, Jefferson Borough, and Clarksville Borough deem it necessary for the promotion of health, safety, morale and the general welfare of the municipalities to regulate and restrict herein the height, use, size, and location of buildings and other structures, the size and location of yards and other open spaces, and the use of land. The following requirements are hereby created and established to accomplish this purpose and shall hereinafter apply.

WHEREAS, the proposed zoning ordinance was referred to the Greene County Planning Commission for review and comment; and

WHEREAS, the Borough Councils/Board of Supervisors of Jefferson Township, Morgan Township, Jefferson Borough, and Clarksville Borough, held a public hearing on March 12, 2018, which was advertised in accordance with the procedures established in the Pennsylvania Municipalities Planning Code, approve the enactment of said Ordinance, and

BE IT ENACTED AND ORDAINED by the Township of Morgan and it is hereby enacted and ordained by authority of the same as follows:

This Ordinance shall become effective immediately upon its passage by all participating municipalities.

Date

3/12/18

Attest:

Relda K. Litten

Relda Litten, Township Secretary

Morgan Township Board of Supervisors

Shirl Barnhart

Shirl Barnhart, Chair

James Gayman, Sr.

James Gayman, Sr.

ORDINANCE NO. 2018-1

Jefferson-Morgan Multi-Municipal Zoning Ordinance

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WHEREAS, the Township of Jefferson has prepared the Jefferson-Morgan Multi-Municipal Zoning Ordinance and Zoning Map in accordance with the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended); and

WHEREAS, the Borough Councils/Board of Township Supervisors of Jefferson Township, Morgan Township, Jefferson Borough, and Clarksville Borough deem it necessary for the promotion of health, safety, morale and the general welfare of the municipalities to regulate and restrict herein the height, use, size, and location of buildings and other structures, the size and location of yards and other open spaces, and the use of land. The following requirements are hereby created and established to accomplish this purpose and shall hereinafter apply.

WHEREAS, the proposed zoning ordinance was referred to the Greene County Planning Commission for review and comment; and

WHEREAS, the Borough Councils/Board of Supervisors of Jefferson Township, Morgan Township, Jefferson Borough, and Clarksville Borough, held a public hearing on March 12, 2018, which was advertised in accordance with the procedures established in the Pennsylvania Municipalities Planning Code, approve the enactment of said Ordinance, and

BE IT ENACTED AND ORDAINED by the Township of Jefferson and it is hereby enacted and ordained by authority of the same as follows:

This Ordinance shall become effective immediately upon its passage by all participating municipalities.

Date

March 12, 2018

Attest:

Jefferson Township Board of Supervisors

Kimberly Cottle
Kimberly Cottle, Township Secretary

Mickey Dikun
Mickey Dikun, Supervisor
Richard Tekavec
Richard Tekavec, Chair
Mike Devecka
Mike Devecka, Vice-Chair

ORDINANCE NO. 01-18

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WHEREAS, the Borough of Jefferson has prepared the Jefferson-Morgan Multi-Municipal Zoning Ordinance and Zoning Map in accordance with the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended); and

WHEREAS, the Borough Councils/Board of Township Supervisors of Jefferson Township, Morgan Township, Jefferson Borough, and Clarksville Borough deem it necessary for the promotion of health, safety, morale and the general welfare of the municipalities to regulate and restrict herein the height, use, size, and location of buildings and other structures, the size and location of yards and other open spaces, and the use of land. The following requirements are hereby created and established to accomplish this purpose and shall hereinafter apply.

WHEREAS, the proposed zoning ordinance was referred to the Greene County Planning Commission for review and comment; and

WHEREAS, the Borough Councils/Board of Supervisors of Jefferson Township, Morgan Township, Jefferson Borough, and Clarksville Borough, held a public hearing on March 12, 2018, which was advertised in accordance with the procedures established in the Pennsylvania Municipalities Planning Code, approve the enactment of said Ordinance, and


BE IT ENACTED AND ORDAINED by the Borough of Jefferson and it is hereby enacted and ordained by authority of the same as follows:

This Ordinance shall become effective immediately upon its passage by all participating municipalities.




Date

3/12/18

Attest:


Relda Litten, Borough Secretary

Jefferson Borough Council


Jeffrey A. Coneybeer, Council Member

Theresa M. Knight, Council President

Lance Sahady, Council Vice-President

ORDINANCE NO. 2018-1

Jefferson-Morgan Multi-Municipal Zoning Ordinance

An Ordinance to enact provisions that divide the municipalities of Jefferson Township, Morgan Township, Jefferson Borough, and Clarksville Borough in Greene County, Pennsylvania, into districts or zones, and to restrict therein the location, height, density of buildings and other structures and the use of the land and providing for enforcement.

WHEREAS, the Borough of Clarksville has prepared the Jefferson-Morgan Multi-Municipal Zoning Ordinance and Zoning Map in accordance with the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended); and

WHEREAS, the Borough Councils/Board of Township Supervisors of Jefferson Township, Morgan Township, Jefferson Borough, and Clarksville Borough deem it necessary for the promotion of health, safety, morale and the general welfare of the municipalities to regulate and restrict herein the height, use, size, and location of buildings and other structures, the size and location of yards and other open spaces, and the use of land. The following requirements are hereby created and established to accomplish this purpose and shall hereinafter apply.

WHEREAS, the proposed zoning ordinance was referred to the Greene County Planning Commission for review and comment; and

WHEREAS, the Borough Councils/Board of Supervisors of Jefferson Township, Morgan Township, Jefferson Borough, and Clarksville Borough, held a public hearing on March 12, 2018, which was advertised in accordance with the procedures established in the Pennsylvania Municipalities Planning Code, approve the enactment of said Ordinance, and

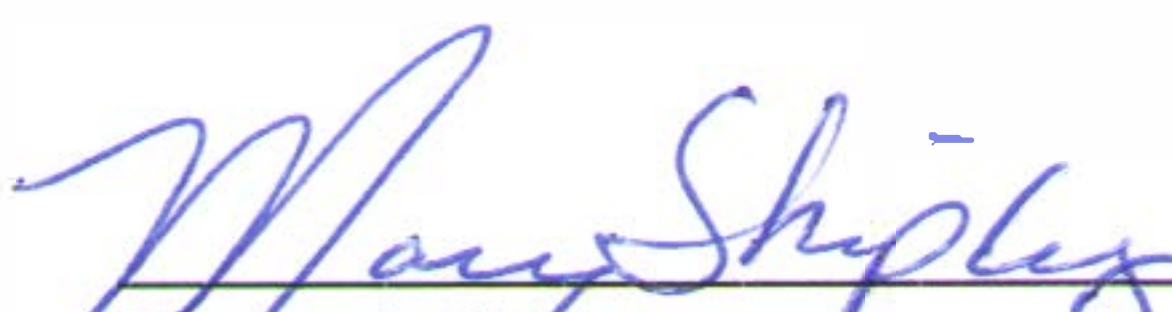
BE IT ENACTED AND ORDAINED by the Borough of Clarksville and it is hereby enacted and ordained by authority of the same as follows:

This Ordinance shall become effective immediately upon its passage by all participating municipalities.

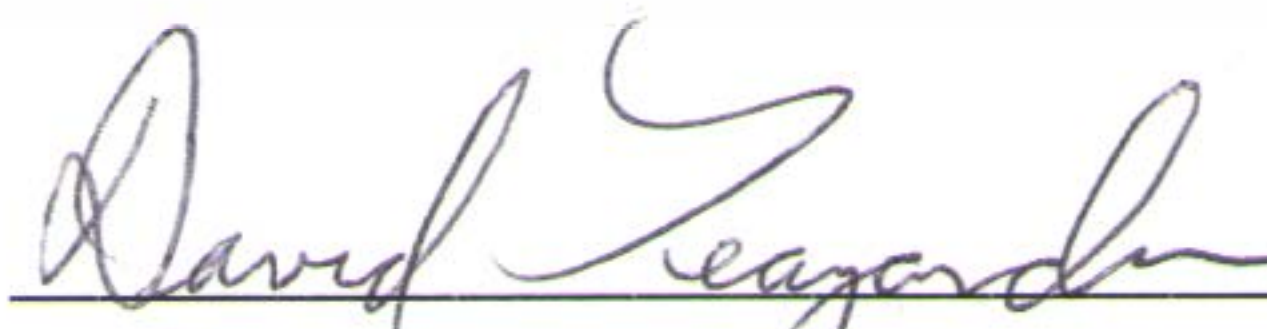
Date


3-12-18

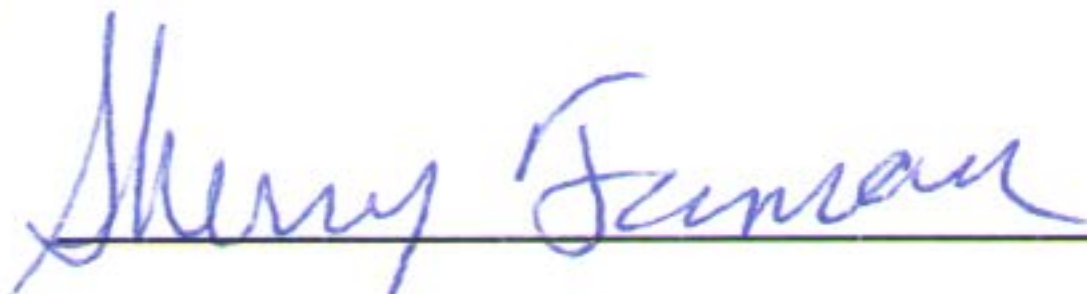
Attest:


Borough Secretary

Clarksville Borough Council


Mayor


President


Vice-President

Jefferson Morgan Multi-Municipal Zoning Ordinance

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Jefferson Borough

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CHAPTER 1 GENERAL PROVISIONS

SECTION 1.1 TITLES

(A) LONG TITLE

An ordinance of Clarksville Borough, Jefferson Borough, Jefferson Township, and Morgan Township, Greene County Pennsylvania, to establish zoning regulations for use of land, watercourses, other bodies of water, and structures; defining and regulating the size, height, bulk, location, erection, construction, repair, maintenance, alteration, demolition, area, intensity of use and dimensions of land, structures, and bodies of water for agriculture, business, environment, industry, residence, public service or other purposes; the density of population and intensity of use; the provision of design specifications and performance standards; the percentage of lot which may be occupied; the size of yards and other open spaces; the establishment of legislative, administrative, enforcement, and appeal procedures; and, the prescribing of remedies for violations.

(B) SHORT TITLE

This ordinance shall be known and cited as the Jefferson Morgan Multi-Municipal Zoning Ordinance.

SECTION 1.2 ZONING PURPOSES

The Jefferson Morgan Multi-Municipal Zoning Ordinance has been written to reflect the provisions of the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended) in that zoning ordinances shall be designed:

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

(B) To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, and loss of health, life or property from fire, flood, panic or other dangers.

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-
- (C) To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
 - (D) To provide for the use of land for residential housing of various dwelling types encompassing all forms of housing.
 - (E) To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development for a variety of residential and nonresidential uses.

SECTION 1.3 **RELATIONSHIP TO THE COMPREHENSIVE PLAN**

This Ordinance is enacted to promote an orderly plan of development according to the goals and strategies of the Jefferson Morgan Multi-Municipal Comprehensive Plan that was completed for Clarksville Borough, Jefferson Borough, Jefferson Township, and Morgan Township. The plan was adopted in November of 2005. The Comprehensive Plan includes data on existing conditions with reasonable consideration to the existing character of the various areas within the municipalities and the respective suitability to particular uses.

SECTION 1.4 **GENERAL PURPOSES**

The general purposes, which are the basis for the provisions and regulations of this Ordinance, are set forth in the Jefferson Morgan Multi-Municipal Comprehensive Plan. The zoning regulations and districts set forth in this Ordinance are made in accordance with the Comprehensive Plan for the general welfare of the municipalities and the promotion of the health, safety, morals, convenience, and order of present and future residents of Clarksville Borough, Jefferson Borough, Jefferson Township, and Morgan Township and are intended, but not limited, to achieving the following community development objectives:

- (A) Attract development that will stimulate the regional economy and provide family sustaining jobs;
- (B) Enhance the transportation network to facilitate desired development goals;
- (C) Develop outlets that facilitate the movement of pedestrians and which lend to the creation of new alternative modes of transportation;
- (D) Promote the sense of community and family atmosphere that will invite new residential development;
- (E) Provide social and recreation outlets for residents;
- (F) Capitalize on the scenic beauty and natural features of the community;
- (G) To protect the rural character of the region by identifying target preservation areas;
- (H) To minimize the negative effects of new development on the natural landscapes;

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-
- (I) To build upon the heritage of the communities to create economic development opportunities;
 - (J) To ensure the ongoing preservation of historic sites;
 - (K) Promote those aspects that are unique to each community; and,
 - (L) To implement the policy goals and strategies of the Jefferson Morgan Multi-Municipal Comprehensive Plan.

SECTION 1.5 APPLICABILITY

The provisions of this Ordinance shall apply to all zoning districts, lots, structures, land developments and subdivisions within the municipal boundaries of Clarksville Borough, Jefferson Borough, Jefferson Township, and Morgan Township, Greene County, Pennsylvania.

SECTION 1.6 COMPLIANCE

- (A) In all districts, after the effective date of this Ordinance, any existing land use, building, structure, or any tract of land which is not in conformity with the regulations of the district in which it is located, shall be deemed as non-conforming and be subject to the non-conforming regulations of this Ordinance.
- (B) No structure shall be located, erected, demolished, constructed, moved, altered externally, converted, or enlarged, nor shall any structure or land be used or be designed to be used, except in full compliance with all provisions of this Ordinance, and the subsequent lawful issuance of all permits and certifications required by this Ordinance.

SECTION 1.7 INTERPRETATION

- (A) In interpreting and applying the provisions of this Ordinance, these provisions shall be held to the minimum requirements.
- (B) It is not intended by this Ordinance to interfere with, or abrogate or annul, any ordinances, rules, regulations, or permits previously adopted or issued, and not in conflict with any provisions of this Ordinance, or which shall be adopted or issued, except those specifically or implicitly repealed by this Ordinance, or any private restriction placed upon property by covenant, deed, or other private agreement, unless contradictory or inconsistent with the provisions of this ordinance;
- (C) Whenever this Ordinance imposes a greater restriction upon the use of buildings or premises, open spaces or lot areas, or imposes higher standards other than those which are required in, or under, any other statute, the provisions of the regulations made under the authority of this Ordinance shall govern; and,

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-
- (D) Provisions in any other ordinances that are concerned with design standards and which are enacted and administered for Clarksville Borough, Jefferson Borough, Jefferson Township, and Morgan Township, Greene County, Pennsylvania shall not be considered to be in conflict with the provisions of this Ordinance.

SECTION 1.8 **SEVERABILITY**

- (A) It is hereby declared to be the intent of the governing bodies Clarksville Borough, Jefferson Borough, Jefferson Township, and Morgan Township, Greene County, Pennsylvania that:
- (B) If any provision, article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason held to be invalid or ineffective, in whole or in part, by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance which shall continue to be separately and fully effective; and,
- (C) If the application of any provision or provision of this Ordinance to any lot, building or any other structure or tract of land is found to be invalid or ineffective, in whole or in part, by a court of competent jurisdiction, the effect of such a decision shall be limited to the person, property or situation immediately involved in the controversy and the application of any such provisions to other persons, property or situations shall not be affected.

SECTION 1.9 **REPEAL**

Any resolution or ordinance, or any part of any resolution or ordinance in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such conflict.

SECTION 1.10 **EFFECTIVE DATE**

This Ordinance shall take effect on the date that the final municipality has enacted it, pursuant to MPC provisions.

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CHAPTER 2

ESTABLISHMENT OF ZONING DISTRICTS, ZONING MAP AND GENERAL REGULATIONS

SECTION 2.1 ESTABLISHMENT OF ZONING DISTRICTS

The municipalities are divided into the zoning districts hereunder and shown by the zoning district boundary lines on the Jefferson Morgan Multi-Municipal Zoning District Map.

A	Agricultural
RR	Rural Residential
R-1	Single Family Residential
V	Village
VC	Village Center
C	Commercial
RO	Rural Opportunity
I-1	Industrial
I-2	Special Industrial

SECTION 2.2 ESTABLISHMENT OF THE MINERAL EXTRACTION OVERLAY DISTRICT

In addition to the zoning districts, this Ordinance establishes a Mineral Extraction Overlay District. The overlay district shall be superimposed where applicable over the basic districts. The overlay district is designed to reflect two or more zone districts regulating the same area. The uses permitted by the underlying district are to be allowed subject to the additional regulations imposed by the overlay district.

SECTION 2.3 ESTABLISHMENT OF THE ZONING DISTRICT MAP

A map entitled the “Jefferson Morgan Multi-Municipal Zoning Map” is hereby adopted as part of this ordinance that identifies the boundaries of the zoning districts. The Jefferson Morgan Multi-Municipal Zoning Map and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if they were all fully set forth or described herein. The original, properly attested zoning

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district map shall be available for examination at the municipal buildings of Clarksville Borough, Jefferson Borough, Jefferson Township, and Morgan Township, Greene County Pennsylvania and shall be reviewed annually by the governing bodies, the Zoning Hearing Board and others as applicable, and amended as deemed necessary by the governing bodies. All approved changes to zoning districts shall be recorded on the zoning map and shall adhere to the requirements set forth under this Ordinance.

SECTION 2.4

INTERPRETATION OF DISTRICT BOUNDARIES

- (A) The district boundaries on the Jefferson Morgan Multi-Municipal Zoning Map are intended to follow property lines; centerlines of roads, water courses, or railroads; other identifiable physical features; or measured distances from property lines, centerlines or identifiable physical features. When the zoning officer cannot determine the location of a zoning district boundary by reference to the zoning district map, the zoning officer shall refuse action; and the Zoning Hearing Board shall interpret the location of the district boundary with reference to the scale of the map, the comprehensive plan and the purposes set forth in all relevant provisions of this Ordinance, provided that no boundary shall be changed by the Zoning Hearing Board.
- (B) The following shall apply when a district boundary line divides a lot held in single or separate ownership at the effective date of this Ordinance:
 - (1) Where the lot is large enough to be subdivided into two or more lots, each with a single zoning district, no zoning approval will be given for any authorized use which would utilize any portion of the lot other than that portion of the lot in which the principal use is located. Further development will require a subdivision; or,
 - (2) The permitted use on the lot is limited to those uses permitted in the zoning district in which the largest part of the lot is located, and the smaller part of the lot located in a another zoning district will be subject to the zoning ordinance provisions where the largest portion of the lot is located.
 - (3) Where an undue hardship is created by this section, the Zoning Hearing Board has jurisdiction to grant such relief as deemed necessary.

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SECTION 2.5 **ZONING DISTRICT REGULATIONS**

- (A) The provisions, restrictions, and controls intended to regulate development in each district are set forth in the following sections and apply to all zoning districts and all lots. Except when stated, all provisions of this Ordinance shall apply to all uses.
- (B) All approved changes to zoning districts shall be promptly recorded on the Jefferson Morgan Multi-Municipal Zoning Map and these changes must follow the procedures established in Chapter 9 – Zoning Ordinance Administration of this ordinance.

SECTION 2.6 **EXPLANATION OF USE CATEGORIES**

The following are classifications of zoning uses established in this Ordinance, which vary in their impact upon the municipalities and in the procedures by which the uses are authorized:

- (A) **Uses By Right/Permitted Uses** - authorized uses for which zoning approval will be issued by the Zoning Officer upon review of the application and certification of compliance with this Ordinance.
- (B) **Special Exceptions** - authorized uses that are permitted by approval of the Joint Zoning Hearing Board in accordance with this Ordinance and the requirements of the MPC.
- (C) **Uses Not Specifically Listed** - where a use is proposed, which is similar in nature and intent to those already listed in a zoning district, but not actually listed therein, the Zoning Officer shall refer the request to the Joint Zoning Hearing Board who shall approve or deny the request as a special exception based upon (1) the purpose and intent of this Ordinance and (2) the similarity of the use to the listed uses and intent of the district.

SECTION 2.7 **APPLICATION OF REGULATIONS**

- (A) No building or land shall be used or occupied and no building or part shall be erected, moved or altered unless in conformity with the regulations specified for the district in which it is located.
- (B) No yard or other open space provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, and no yard or other space on one lot shall be considered as providing a yard or open space for a building on any other lot.

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- (C) Uses in each category shall be according to the definitions set forth in Chapter 10 of this Ordinance. For those uses not defined in this ordinance their meanings shall be according to the common meaning of the term.

SECTION 2.8 LOT, YARD AND HEIGHT REQUIREMENTS

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in Chapter 3.

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CHAPTER 3 BASE DISTRICT REGULATIONS

SECTION 3.1 **A – AGRICULTURE DISTRICT REGULATIONS**

(A) PURPOSE

The A – Agriculture, district is intended to protect and promote the continuation of farming in areas with prime soils where farming is a viable component of the local economy and to promote the continuation of farming in areas where it is already established.

(B) NON-AGRICULTURAL DWELLING OR USE NOTICE

Owners, residents and other users of property in the Agriculture district shall be subject to common characteristics of agriculture activities, which include but are not limited to, the creation of noise, odors, dust, the operation of machinery of any kind during any time, the storage and application of manure, fertilizers, herbicides, etc. and the heavy or slow vehicle use of roads. These activities should be considered normal and as unavoidable characteristics of an agricultural area and owners, residents are assumed to have accepted these characteristics by willingly choosing to reside in the Agriculture district. Owners and residents should be familiar with and aware of Section 4 of Pennsylvania Act 133 of 1992 “The Right to Farm Law.” (3 P.S. §951 et. Seq.). This may bar them from obtaining a legal judgment against such normal agricultural operations.

(C) AUTHORIZED USES

A building or other structure may be erected or used and a lot may be used or occupied for any one (1) of the purposes listed in Table 3.1: Use Table and no other, in accordance with the requirements of this chapter, Chapter 5: *Supplemental Use Regulations* and other applicable provisions

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(D) LOT, YARD AND HEIGHT REQUIREMENTS

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in Table 3.1-1.

Table 3.1-1: Agriculture Lot Requirements

	Agricultural Uses	All Other Uses
Minimum Lot Area	10 acres	2 acres
Minimum Lot Width (feet)	200	100
Maximum Structure Height (feet)	35*	35**
Building Setback Requirements		
Minimum Front Setback (feet)	75	20
Minimum Side Setback (feet)	50	10
Minimum Rear Setback (feet)	50	10

**Structures exclusively for agricultural use shall be exempt providing that they are located the height of itself plus ten percent of that height from the nearest property line.*

*** Not to exceed three (3) stories*

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SECTION 3.2

RR – RURAL RESIDENTIAL DISTRICT REGULATIONS

(A) PURPOSE

The RR – Rural Residential district is intended to provide for a wide range of single-family residential land use areas and to promote the continuation of the rural character of the area. The purpose is to protect the stability of existing population centers and to encourage residential development that reflects the rural agricultural life style of the region. It is also the intent of this district to accommodate the needs of single-family residential neighborhoods by providing for associated, limited, non-residential uses, including, agricultural operations, religious facilities and others conducive to traditional life in the Jefferson Morgan area.

(B) AUTHORIZED USES

A building or other structure may be erected or used and a lot may be used or occupied for any one (1) of the following purposes listed in Table 3.1: Use Table and no other, in accordance with the requirements of this chapter, Chapter 5: *Supplemental Use Regulations* and other applicable provisions.

(C) LOT, YARD AND HEIGHT REQUIREMENTS

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in Table 3.2-1: *Rural Residential District Lot Requirements*.

Table 3.1-2: Rural Residential District Lot Requirements

Minimum Lot Area	1 acre
Minimum Lot Width (feet)	100
Maximum Structure Height (feet)	35*
Building Setback Requirements	
Minimum Front Setback (feet)	20
Minimum Side Setback (feet)	10
Minimum Rear Setback (feet)	10

**Not to exceed three (3) stories*

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SECTION 3.3

R-1 – SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

(A) PURPOSE

The R-1 – Single Family Residential District is intended to provide for a wide range of single-family residential land use areas and to promote the continuation of the rural character of the area. The purpose is to protect the stability of existing neighborhoods and to encourage desirable new residential developments, encompassing the many life styles and areas of the region. It is also the intent of this district to accommodate the needs of single-family residential neighborhoods by providing for associated, limited, non-residential uses, including religious, educational and recreational facilities.

(B) AUTHORIZED USES

A building or other structure may be erected or used and a lot may be used or occupied for any one (1) of the following purposes listed in Table 3.1: Use Table and no other, in accordance with the requirements of this chapter, Chapter 5: *Supplemental Use Regulations* and other applicable provisions

(C) LOT, YARD AND HEIGHT REQUIREMENTS

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in Table 3.3-1.

Table 3.3-1: Single Family Residential Lot Requirement

Minimum Lot Area	
with sanitary sewer connection	½ acre
without sanitary sewer connection	1 acre
Minimum Lot Width (feet)	80
Maximum Structure Height (feet)	35*
Building Setback Requirements	
Minimum Front Setback (feet)	20
Minimum Side Setback (feet)	10
Minimum Rear Setback (feet)	10

**Not to exceed three (3) stories*

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SECTION 3.4

V – VILLAGE DISTRICT REGULATIONS

(A) PURPOSE

The V – Village, district is intended to allow for the mix of uses that characterizes both the populated areas immediately surrounding traditional village centers and the denser residential settlements prevalent throughout Jefferson Morgan. These villages are typically overwhelmingly residential in nature, but often contain many non-residential uses such as home offices, places of worship, schools and other low intensity commercial and personal services.

(B) AUTHORIZED USES

A building or other structure may be erected or used and a lot may be used or occupied for any one (1) of the following purposes listed in Table 3.1: Use Table and no other, in accordance with the requirements of this chapter, Chapter 5: *Supplemental Use Regulations* and other applicable provisions.

(C) LOT, YARD AND HEIGHT REQUIREMENTS

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in Table 3.4-1.

Table 3.4-1: Village District Lot Requirements

Minimum Lot Area	5,000 sq. ft.
Minimum Lot Width (feet)	50
Maximum Structure Height (feet)	35*
Building Setback Requirements	
Minimum Front Setback (feet)	10
Minimum Side Setback (feet)	5
Minimum Rear Setback (feet)	5

**Not to exceed three (3) stories*

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(D) GENERAL DESIGN STANDARDS

All proposed development and/or change in use of a structure within the V – Village District shall comply with the following:

- (1)** New development proposals shall be designed to complement the traditional rural village character of the district in terms of building placement, construction and site design.
- (2)** Parking shall comply with the standards and requirements set forth in Chapter 7.
- (3)** Pedestrian access is an important feature in a village and linkages through sidewalks shall be provided at development sites adjoining lots with existing sidewalks.
- (4)** All signs shall be made a part of the design of new construction and drawing shall be submitted showing the size, location and illumination in detail.
- (5)** Signs shall comply the standards and requirements set forth in Chapter 8.

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SECTION 3.5

VC – VILLAGE CENTER DISTRICT REGULATIONS

(A) PURPOSE

The VC, Village Center, district is intended to allow for the wide range of uses that characterize the traditional commercial centers of rural communities. A healthy mix of office, upper floor residential and low-intensity retail uses, pedestrian friendly streets and an increased density of single-family homes typify the intent of the Village Center District. The village district seeks to promote this traditional development while reducing the adverse impacts that can be associated with commercial uses.

(B) AUTHORIZED USES

A building or other structure may be erected or used and a lot may be used or occupied for any one (1) of the following purposes listed in Table 3.1: Use Table and no other, in accordance with the requirements of this chapter, Chapter 5: *Supplemental Use Regulations*, and other applicable provisions.

(C) LOT, YARD AND HEIGHT REQUIREMENTS

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in Table 3.5-1.

Table 3.5-1: Village Center District Lot Requirements

Minimum Lot Area	3,000 sq. ft.
Minimum Lot Width (feet)	0
Maximum Structure Height (feet)	35*
Building Setback Requirements	
Minimum Front Setback (feet)	0
Minimum Side Setback (feet)	0
Minimum Rear Setback (feet)	5

**Not to exceed three (3) stories*

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(D) GENERAL DESIGN STANDARDS

All proposed development and/or change in use of a structure within the VC – Village Center District shall comply with the following:

- (1)** New development proposals shall be designed to complement the traditional rural village character of the district in terms of building placement, construction and site design.
- (2)** Parking shall comply with the standards and requirements set forth in Chapter 7.
- (3)** Pedestrian access is an important feature in a village and linkages through sidewalks shall be provided for all new developments.
- (4)** Storage of materials, equipment shall be permitted only in the rear yard of a lot and must be adequately screened when adjacent to a residential use.
- (5)** Placement of dumpsters, large trash bins and other private garbage collection units shall be to the rear or side yard and must be adequately screened from view of the street.
- (6)** All signs shall be made a part of the design of new construction and drawing shall be submitted showing the size, location and illumination in detail.
- (7)** Signs shall comply with the standards and requirements set forth in Chapter 8.

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SECTION 3.6

C – COMMERCIAL DISTRICT REGULATIONS

(A) PURPOSE

The C- Commercial, district is intended to accommodate more intensive commercial uses that serve both local and regional markets. The Commercial District also seeks to allow a healthy range of development while mitigating potentially adverse impacts on the adjoining area.

(B) AUTHORIZED USES

A building or other structure may be erected or used and a lot may be used or occupied for any one (1) of the following purposes listed in Table 3.1: Use Table and no other, in accordance with the requirements of this chapter, Chapter 5: *Supplemental Use Regulations* and other applicable provisions

(C) LOT, YARD AND HEIGHT REQUIREMENTS

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in Table 3.6-1

Table 3.6-1: Commercial District Lot Requirements

Minimum Lot Area	½ acre
Minimum Lot Width (feet)	60
Maximum Structure Height (feet)	35*
Building Setback Requirements	
Minimum Front Setback (feet)	25
Minimum Side Setback (feet)	10
Minimum Rear Setback (feet)	10

**Not to exceed three (3) stories*

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(D) GENERAL DESIGN STANDARDS

All proposed development and/or change in use of a structure within the C – Commercial, district shall comply with the following:

- (1)** New development proposals are encouraged to complement the traditional character of the community in terms of building placement, construction and site design. Design considerations include, but are not limited to, the use of traditional building materials such as wood, or brick and avoiding the use of materials such as metal, vinyl or aluminum siding or unadorned cement block.
- (2)** Pedestrian access is an important feature in any traditional commercial corridor and linkages through sidewalks shall be provided for developments when adjacent to the Village District.
- (3)** Storage of materials, equipment shall be permitted only in the rear yard of a lot and must be adequately screened from view of the public right-of-way.
- (4)** All exterior lighting shall be placed and shielded so as not to create a nuisance for adjacent properties.
- (5)** Automobile access must be provided between off-street parking areas of two adjoining commercial developments.
- (6)** Off-street parking for mixed use structures with dwelling units are encouraged be located at the rear of the unit(s) with access from an alley way or private drive
- (7)** All signs shall comply with the standards and requirements set forth in Chapter 8.

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SECTION 3.7

RO – RURAL OPPORTUNITY DISTRICT REGULATIONS

(A) PURPOSE

The RO – Rural Opportunity, district is intended to promote opportunities for economic growth by offering a wide variety of land use possibilities. These include agricultural, commercial, industrial and limited residential uses that allows for many development options while considering impacts on the rural character of Jefferson Morgan.

(B) AUTHORIZED USES

A building or other structure may be erected or used and a lot may be used or occupied for any one (1) of the following purposes listed in Table 3.1: Use Table and no other, in accordance with the requirements of this chapter, Chapter 5: *Supplemental Use Regulations* and other applicable provisions

(C) LOT, YARD AND HEIGHT REQUIREMENTS

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in Table 3.7-1.

Table 3.7-1: Rural Opportunity Lot Requirements

Minimum Lot Area	
residential uses	1 acre
all other uses	2 acres
Minimum Lot Width (feet)	100
Maximum Structure Height (feet)	35*
Building Setback Requirements	
Minimum Front Setback (feet)	Residential: 25 / All others: 50
Minimum Side Setback (feet)	Residential: 10 / All others: 20
Minimum Rear Setback (feet)	Residential: 10 / All others: 20

**Not to exceed three (3) stories*

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SECTION 3.8

I-1 – INDUSTRIAL DISTRICT REGULATIONS

(A) PURPOSE

The I-1 – Industrial, district is intended to allow for a wide variety of uses while preserving land for manufacturing and other uses that may not necessarily conducive to the support of the agricultural and residential character of the Jefferson Morgan area.

(B) AUTHORIZED USES

A building or other structure may be erected or used and a lot may be used or occupied for any one (1) of the following purposes listed in Table 3.1: Use Table and no other, in accordance with the requirements of this chapter, Chapter 5: *Supplemental Use Regulations* and other applicable provisions.

(C) LOT, YARD AND HEIGHT REQUIREMENTS

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in Table 3.8-3:

Table 3.8-3: Industrial Lot Requirements

Minimum Lot Area (sq. ft.)	1 acre
Minimum Lot Width (feet)	150
Maximum Structure Height (feet)	35*
Building Setback Requirements	
Minimum Front Setback (feet)	50
Minimum Side Setback (feet)	25
Minimum Rear Setback (feet)	25

**Not to exceed three (3) stories*

(D) GENERAL DESIGN STANDARDS

Solid no-thru-visibility fencing shall be required along the length of any rear or side-yard abutting a residential use.

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SECTION 3.9

I-2 – SPECIAL INDUSTRIAL DISTRICT REGULATIONS

(E) PURPOSE

The I-2 – Special Industrial, district is intended to allow for a wide range of uses, many of which are not compatible with the lower intensity agricultural and residential nature of uses prescribed to other zoning districts.

(F) AUTHORIZED USES

A building or other structure may be erected or used and a lot may be used or occupied for any one (1) of the following purposes listed in Table 3.1: Use Table and no other, in accordance with the requirements of this chapter, Chapter 5: *Supplemental Use Regulations* and other applicable provisions.

(G) LOT, YARD AND HEIGHT REQUIREMENTS

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in Table 3.9-1.

Table 3.9-1: Special Industrial District Lot Requirements	
Minimum Lot Width (feet)	150
Maximum Structure Height (feet)	35*
Building Setback Requirements	
Minimum Front Setback (feet)	50
Minimum Side Setback (feet)	40
Minimum Rear Setback (feet)	50
*Not to exceed three (3) stories	

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(H) GENERAL DESIGN STANDARDS

All proposed development and/or change in use of a building within the I-2 – Special Industrial, district shall comply with the following:

- (1)** Placement of dumpsters, large trash bins and other private garbage collection units shall be to the rear or side yard and must be adequately screened from view of the street.
- (2)** Parking shall meet the standards and requirements set forth in Chapter 7.
- (3)** All signs shall meet the standards and requirements set forth in Chapter 8.
- (4)** Solid no-thru-visibility fencing shall be required along the length of any rear or side-yard abutting a residential use.

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Table 3.1: Use Table

Zoning District	<i>Subject to Additional Requirements in Section 5.8:</i>	Agriculture	Rural Residential	Single Family Residential	Village	Village Center	Commercial	Rural Opportunity	Industrial	Special Industrial
Academic Clinical Research Center	<i>A</i>						SE	SE	SE	SE
Adult Oriented Establishment	<i>B</i>									SE
Agriculture Operations	<i>C</i>	P	P	SE				P	P	
Agritourism Enterprises	<i>D</i>									
Airport									P	P
Amphitheater		P	P				P	P	P	
Amusement and Recreation Center, Indoor and Outdoor	<i>E</i>	P	P	SE			SE	P		
Amusement Park	<i>E</i>							P	P	P
Animal Hospital/Veterinary Office	<i>F</i>	P	P	SE		SE	P	P		
Arena								P	P	P
Assisted Living Facility				P		P		P		
Automobile Car Wash	<i>V</i>						P		P	
Automobile Dismantler	<i>G</i>						SE	SE	P	P
Automobile Repair / Service	<i>H</i>			SE		P	P	P	P	P
Bakery				P		P	P	P		
Bank / Financial Institution						P	P	P		
Bath House	<i>I</i>									SE
Bed and Breakfast Inn		P	P	P	P	P		P		
Beekeeping	<i>J</i>	SE	SE	SE	SE	SE		SE		
Billboard									P	P
Boarding House	<i>K</i>			SE			P			
Boat and Marine Sales/Service		P	P				P	P	P	
Boat Storage		P	P					P	P	
Bore Holes	<i>L</i>	SE	SE					SE	SE	SE
Brewery Pub						P	P	P	P	P

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Zoning District	<i>Subject to Additional Requirements in Section 5.8:</i>	Agriculture	Rural Residential	Single Family Residential	Village	Village Center	Commercial	Rural Opportunity	Industrial	Special Industrial
Broadcasting Studio (radio/television)							P	P	P	P
Building Material Facility							P	P	P	P
Bus & Transit Facilities								P	P	P
Bus / Other Transit Shelter		P	P	P	P	P	P	P	P	P
Business Services/School						P	P	P	P	
Campgrounds	M	P	P	SE			P	P	P	P
Catering Business		P		P	P	P	P	P		
Cemetery/Mausoleum		P	P						P	
Child Day Care Facility	N		P	SE	SE	SE	P	P		
Clinic						P	P	P	P	P
Communications Antenna		P	P	SE	SE	SE	SE	P	P	P
Communications Equipment Building		P	P	SE	SE	SE	SE	P	P	P
Communications Tower	O	P	P	SE			SE	P	P	P
Communications Tower, macro/micro	P	P	P	SE	SE	SE	SE	P	P	P
Community Facility				P	P	P	P	P		
Concentrated Animal Operation/Concentrated Animal Feeding Operation		P								
Continuing Care Facility	Q		SE	SE		SE		P		
Convenience Store						P	P	P		
Cultural Service						P	P	P		
Correctional Facility										P
Distribution Facility								P	P	P
Docks, Public and Private		P	P	P						
Dry Cleaner						P	P		P	P
Dwelling, Multi-Family			SE			P	P	P		
Dwelling, Single-Family Detached		P	P	P	P	P		P	P	

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Zoning District	<i>Subject to Additional Requirements in Section 5.8:</i>	Agriculture	Rural Residential	Single Family Residential	Village	Village Center	Commercial	Rural Opportunity	Industrial	Special Industrial
Dwelling, Single-Family Attached				P	P	P		P		
Dwelling, Two Family		P	P	P	P	P		P	P	
Educational Institution			P	P		P		P	P	
Emergency Services		P	P	P	P	P	P	P	P	P
Equestrian Facility	R	P	P	SE				P	P	
Equestrian Facility (non-grazing animals)	S	P	P	SE				P	P	
Equipment Rental / Repair								P	P	P
Essential Services	T	SE						SE	SE	SE
Extractive Industry (Oil and Gas Wells)	U	SE	SE	SE	SE	SE	SE	SE	SE	SE
Fairground		P						P	P	P
Family Care Facility	W			SE				SE		
Farm Equipment and Supply Sales		P	P				P	P	P	P
Farmer's Market / Fruit and Vegetable Stand		P	P	P		P	P	P	P	
Fishing piers		P	P		P					
Flea Market		P	P			P	P	P	P	
Forestry		P	P	P	P	P	P	P	P	P
Freight Terminal									P	P
Funeral Home / Mortuary				P		P		P		
Game Preserve		P								
Garage, Community				P			P		P	P
Garage, Private		P	P	P	P	P	P	P	P	P
Garden Center		P	P				P			
Gas Sub Station	V			SE		SE	SE	P	P	P
Gasoline Service Station	V			SE		SE	SE	P	P	P
Greenhouse		P	P	P	P			P	P	P
Greenhouse, Commercial		P	P					P	P	
Group Care Facility	W			SE		SE		SE		

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Zoning District	<i>Subject to Additional Requirements in Section 5.8:</i>	Agriculture	Rural Residential	Single Family Residential	Village	Village Center	Commercial	Rural Opportunity	Industrial	Special Industrial
Group Home	<i>W</i>			SE		SE		SE		
Group Quarters	<i>K</i>			SE		SE		SE		
Health Club							P	P		
Home-Based Business (No-Impact)		P	P	P	P	P				
Home Occupation	<i>X</i>	P	P	SE	P	P		SE		
Hospital								P	P	
Hotel/Motel							P	P	P	
Incinerator	<i>Y</i>	SE								P
Independent Living Facility				P		P		P		
Industrial Park	<i>Z</i>							SE	P	P
Institutional Home	<i>W</i>							SE		
Junk Yard	<i>AA</i>								SE	SE
Kennel	<i>BB</i>	P	SE				SE	SE		
Laboratory								P	P	P
Landing Strip		P						P	P	
Laundromat						P	P	P		
Lay Down Yard		P						P	P	P
Library				P		P	P	P		
Lumberyard								P	P	P
Manufacturing (Light)								P	P	P
Manufacturing (Heavy)									P	P
Marina		P	P							
Massage Therapy Business					P	P	P			
Medical Center							P	P		
Medical Marijuana Grower / Processor	<i>CC</i>						SE	SE	SE	SE
Medical Marijuana Delivery Vehicle Offices	<i>DD</i>						SE	SE	SE	SE
Medical Marijuana Dispensaries	<i>EE</i>						SE	SE	SE	SE

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Zoning District	<i>Subject to Additional Requirements in Section 5.8:</i>	Agriculture	Rural Residential	Single Family Residential	Village	Village Center	Commercial	Rural Opportunity	Industrial	Special Industrial
Methadone Treatment Facility	FF								SE	SE
Mineral Extraction	GG	SE							SE	SE
Mobile Home Park	HH		P					SE		
Night Club						P	P	P		
Nursery		P					P	P	P	P
Nursing Home				P		P		P		
Office						P	P	P	P	P
Parcel Delivery Facility							P	P	P	P
Park		P	P	P	P	P	P	P	P	
Parking Lot						P	P	P	P	P
Parking Structure								P	P	P
Personal Care Facility				P		P		P		
Pet Shop						P	P			
Pharmacy						P	P	P		
Photographic Studio					P	P	P	P		
Places of Public Assembly					P	P	P	P		
Places of Worship / Religious Institution			P	P	P	P	P	P		
Private Club					P	P	P	P		
Public Utility Facility/Structure	II	SE	SE	SE	SE	SE	SE	SE	P	P
Race Track								P	P	P
Recreation, Private			P	P				P	P	P
Recreation, Public		P	P	P	P	P		P		
Recycling Facility									P	P
Research and Development								P	P	P
Resource Recovery Facility										P
Restaurant (Carry Out/Sit Down)			P		P	P	P	P		
Restaurant (Fast Food/Drive Thru)							P	P	P	

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CHAPTER 4

MINERAL EXTRACTION OVERLAY DISTRICT REGULATIONS

SECTION 4.1 **PURPOSE**

It is the intent of this overlay district to ensure the continued use of rock, stone, gravel, sand, earth, coal, and other minerals without disrupting or endangering adjacent land uses, while safeguarding life, property and the public welfare. Provisions of Pennsylvania Act 418 of 1945, the Surface Mining Conservation and Reclamation Act, Act 31 of 1966, the Bituminous Mine Subsidence and Land Conservation Act, Act 1040 of 1968, the Coal Refuse Disposal Control Act, and Act 219 of 1984, the Non-coal Surface Mining Conservation and Reclamation Act applicable to these municipalities and pertaining to surface and deep mining are adopted by reference. No mining use shall be established until the responsible official issues site plan approval.

SECTION 4.2 **APPLICABILITY**

- (A) The Overlay District described herein shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and, as such, the provisions for the Overlay District shall serve as a supplement to the underlying district provisions.
- (B) Where there happens to be any conflict between the provisions or requirements of any of the Overlay District and those of any underlying district, the more restrictive provisions and/or those pertaining to the Overlay District shall apply.
- (C) In the event any provision concerning an Overlay District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provision shall remain applicable.

SECTION 4.3 **AUTHORIZED USES**

The following uses are permitted within this district:

(A) PRINCIPAL USES

- (1) All uses allowed in the zone district with which this district is combined.
- (2) Extractions from deposits of rock, stone, gravel, sand, earth, coal, and other minerals.
- (3) Asphalt mixing.
- (4) Concrete batching.
- (5) Clay bulking.
- (6) Rock crushing.
- (7) Coal mining activities.

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(B) ACCESSORY USES

- (1) On-site hazardous waste treatment and storage facilities, subject to state siting criteria are permitted as an accessory use in this district.

SECTION 4.4 **SPECIAL STANDARDS OR REQUIREMENTS**

- (A) **Site Area.** When the activity includes both extraction and any one (1) of the other uses listed in Section 4.2 (B) the total site area shall be a minimum of ten (10) acres. Activities which are limited to extractions only shall not have a minimum site size.
- (B) **Fencing.** The periphery of all sites within the gross site area being actively mined or reclaimed shall be fenced with a minimum six (6) foot high chain link fence. Warning signs shall be placed on the fencing.
- (C) **Setbacks.** The tops and toes of cut and fill slopes shall be set back from property boundaries according to applicable Commonwealth laws and Department of Environmental Protection standards for safety of the adjacent properties, and to prevent damage resulting from water runoff or erosion of slopes.
- (D) **Maximum Permissible Noise Levels.** Noise levels shall be kept at a maximum permissible level which does not adversely affect or create a nuisance for neighboring properties. Noise levels shall be mitigated through the use of buffers and screening.
- (E) **Erosion Control.** All disturbed areas, including faces of cuts and fill slopes, shall be prepared and maintained to control erosion. This control may consist of planting sufficient in amount or type to stabilize the slope (as approved by the responsible official).
- (F) **Drainage.** Provisions shall be made to:
 - (1) Prevent any surface water or seepage from damaging the cut face of any excavations or the sloping face of a hill.
 - (2) Prevent sediment from leaving the site in a manner which violates PA Act 394 of 1937, The Clean Streams Law.
 - (3) Bench/Terrace. Benches shall be back-sloped, and shall be established at not more than forty (40) foot vertical intervals, to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of five percent (5%).
- (G) **Access Roads Maintenance.** Access roads to mining and quarrying sites shall be maintained and located to the satisfaction of the director of public works, to minimize problems of dust, mud and traffic circulation.
- (H) **Overburden.** Overburden shall only be removed to accommodate aggregate and related activities of this section.

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SECTION 4.5 PLAN APPROVAL

Prior to receiving approval, the responsible official shall first review and approve plans and specifications and other supporting data, through the site plan review process as outlined in the Pennsylvania MPC.

(A) INFORMATION ON PLANS AND IN SPECIFICATIONS

Plans shall be drawn to an engineer's scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed, and show in detail that they will conform to the provisions of this section and all other relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the location of the work, and the names and addresses of the owner and the person by whom they were prepared. The plans shall include the following minimum information:

- (1) General vicinity maps of the proposed site.
- (2) Property boundaries and accurate contours of existing ground, details of terrain, and details of area drainage.
- (3) Dimensions of area to be mined, elevations or finished contours to be achieved by the grading, proposed drainage channels and related construction.
- (4) Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds and other protective devices to be constructed with or as a part of the proposed work, together with the maps showing the drainage area and the estimated runoff of the area served by any drains.
- (5) Location of any buildings or structures on the property where the work is to be performed, and the location of any buildings or structures on land of adjacent property owners which are within fifty (50) feet of the property, or which may be affected by the proposed operation.
- (6) Landscape and rehabilitation plan, as required by Section 4.3 (f) and applicable Commonwealth and Federal laws.

(B) LAND RESTORATION

- (1) Upon the exhaustion of minerals or materials, or upon the permanent abandonment of the quarrying or mining operation, all buildings, structures, apparatus or appurtenance accessory to the quarrying and mining operation which are nonconforming to the underlying district shall be removed or otherwise dismantled to the satisfaction of the responsible official.
- (2) Unless approved as a sanitary landfill, grading or backfilling shall be made with non-noxious, nonflammable, non-combustible and non-putrescible solids.

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- (3) Such graded or backfilled areas, except for roads, shall be sodded or surfaced with soil of a quality at least equal to the topsoil of the land areas immediately surrounding, and to a depth of at least four (4) inches, or a depth of that of the topsoil of land areas immediately surrounding, if less than four (4) inches.
- (4) Such topsoil as required by Section 4.3 (f) (3) above shall be planted with trees, shrubs or grasses.
- (5) Graded or backfilled areas shall be reclaimed in a manner which will not permit stagnant water to remain. Suitable drainage systems approved by the responsible official shall be constructed or installed if natural drainage is not possible.
- (6) Waste or soil piles shall be leveled and the area treated, as required in Sections 4.3 (f) (3) and (4) above.

(C) APPLICABILITY TO PRE-EXISTING OPERATIONS

Notwithstanding the provisions of this Ordinance regarding pre-existing Non-Conformities, the provisions of the Mineral Extraction Overlay District shall apply to all mineral extraction and mining operations commenced and/or in continued operation as of the date of adoption of this Ordinance.

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CHAPTER 5 SUPPLEMENTAL USE REGULATIONS

SECTION 5.1 **ACCESSORY USES AND STRUCTURES**

Accessory structures shall occupy the same lot as the principal use or building.

- (A) All accessory uses and structures shall meet the following criteria:
 - 1) Such use is on the same lot as the principal use or structure and is customarily incidental and subordinate to the principal use or structure.
 - 2) Such use is not intended to expand a use otherwise limited in that area.
 - 3) Such use is consistent with the normal requirements of the principal use and is not excessive for such use or for that district.
 - 4) Such use is not detrimental to the surrounding area or properties.
 - 5) Adequate area is available without reducing the area requirements set forth for the use in the district in which it lies.
 - 6) Unless otherwise specified in this Ordinance, all accessory uses shall be located in the side or rear yard and shall be located a minimum of ten (10) feet from the property line.
- (B) A zoning permit shall be required for every accessory use or structure.
- (C) Additional requirements for specific accessory uses as specified in Section 5.5 of this Ordinance shall be adhered to in addition to the requirements contained herein.
- (D) If the principal use or structure is one which would require land development approval through the Subdivision and Land Development Ordinance, such accessory use or structure shall require such approval.
- (E) There must be a principal structure on the lot prior to the issuance of a Zoning Permit for an accessory structure, except that accessory structures customarily associated with parks and playgrounds shall be allowed on site without a principal structure. Such structures may include, but are not limited to picnic pavilions, gazebos, and equipment storage sheds.

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SECTION 5.2

ESTABLISHMENT OF MORE THAN ONE PRINCIPAL USE ON A LOT

- (A) In all Zoning Districts where single family dwellings or two family dwellings are an authorized use or are a legally nonconforming use, the single family dwelling or two family dwelling shall be the only principal structure on the lot.
- (B) In all other instances, more than one principal use may be established on a single lot in accordance with the following requirements:
 - 1) The minimum lot area required for lots which have more than one principal use shall be calculated by adding the minimum lot areas required for each use as though each use were located on a separate lot.
 - 2) Each structure housing a principal use shall meet all requirements of this Ordinance. The applicant for such principal uses shall present a plan which shall demonstrate that each proposed principal use meets all requirements of the district in which the use is located, except as such requirements may be modified by this section.
 - 3) When a second or subsequent principal building is constructed upon on a lot, such building shall be located in such a manner so that the lot may be subdivided in the future without such principal buildings being in conflict with the requirements of this Ordinance. The applicant shall obtain land development approval prior to obtaining a zoning permit for the erection of such second or subsequent principal building.
 - 4) An applicant may, by special exception, establish a second or subsequent principal use in buildings existing on a lot on the effective date of this section where the location of the existing buildings will not comply with Subsections 1 through 3 above if the applicant demonstrates compliance with all of the following requirements:
 - (a) The size or configuration of the existing structures makes a single use of the structures impractical.
 - (b) The principal uses proposed for the lot are compatible with each other and are permitted in the district in which the lot is located.
 - (c) The establishment of the proposed uses will not be detrimental to the surrounding neighborhood.
 - (d) The establishment of the proposed uses will not prevent future subdivision or reuse of the lot.

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SECTION 5.3 FENCES AND WALLS

Fences and walls shall be permitted as accessory uses by right in all zoning districts and shall comply with the following requirements:

(A) SETBACKS

Fences and walls are not subject to the minimum yard setback requirements and may be located up to the property line, except as follows:

- 1) All fences and walls shall be located outside of the ultimate street or other legal right-of-way and/or easement. Any fence or wall that was lawfully located within a legal right-of-way prior to enactment of this Ordinance shall be placed outside of the right-of-way if reconstructed or replaced.
- 2) In areas where they are adjacent to public streets, fences and walls shall be required to be located a minimum of ten feet (10') from the back of curb or edge of pavement.
- 3) Fences and walls shall not be located in the clear sight triangle.
- 4) Fences and walls shall not obscure or impair the visibility of an operator of a motor vehicle exiting or entering the property.

(B) HEIGHT

- 1) In residential districts, they shall not exceed five feet (5') in height in the front yard and no more than eight (8) feet in height in a side or rear yard.
- 2) In industrial districts, they shall be a minimum of five (5) feet in height.
- 3) In all nonresidential districts, they shall not exceed a height of ten (10) feet.
- 4) The Zoning Officer may approve a higher height of any fence or wall if the applicant proves to the satisfaction of the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard.

(C) ADDITIONAL REQUIREMENTS

- 1) Any fence or wall that is constructed shall be subject to the applicable regulations of the Uniform Construction Code.
- 2) Fences in the front yard shall be see-through type fencing, being constructed of chain-link, post and rail, picket or other similar type fencing material.
- 3) The finished side of the fence shall face the adjoining property or public street, where applicable.
- 4) All fences and walls shall be constructed of durable material and shall not be permitted to become dilapidated or in a state of disrepair that presents a safety hazard to neighboring properties.

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SECTION 5.4 **HEIGHT LIMIT EXCEPTIONS**

Structures permitted above the height limit are roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, radio and television antennas, utility poles, water tanks or similar structures not intended for human occupation. No penthouse nor roof structure nor any space above the height limit shall be allowed for the purpose of providing additional floor space for residential or commercial use.

SECTION 5.5 **PERFORMANCE STANDARDS**

No use of land or structure in any district shall involve any element, or cause any condition that may be dangerous, injurious, or noxious to any other property or person. Furthermore, every use of land or structure in any district must observe the following performance requirements:

- (A) Fire protection and fire fighting equipment acceptable to the Fire Chief having jurisdictional responsibility, and conforming to NFPA and BOCA Fire Prevention Code requirements, shall be readily available when any activity involving the handling or storage of flammable or explosive material is conducted.
- (B) No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the surrounding area.
- (C) Noise, which is determined to be objectionable because of volume or frequency, shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public safety purposes.
 - 1) It shall be unlawful for any person to cause noise by any means to the extent that the one-hour average sound level exceeds 60 dB in any district between the hours of 7:00 pm and 7:00 am.
 - 2) Noise in excess of eighty (80) decibels at any property line of the property from which the noise source is located, shall not be permitted.
 - 3) All measurements of noise levels shall be made at the property line of the property on which said noise is generated at an elevation of not less than four (4) feet above ground level.
 - 4) Noise level limits specified in this section shall not apply to residential air conditioning equipment and swimming pool filtering equipment when functioning in accord with manufacturer's specifications and maintained in proper operating condition.
 - 5) Oil and Gas Industry must follow the provisions set forth in Act 13.
- (D) No emission of unpleasant gases or other odorous matter shall be permitted in such quantities as to be offensive outside the lot lines of the lot on which such gases or odors originate.

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- (E) The emission of noxious, toxic or corrosive gases or fumes injurious to persons, property or vegetation beyond the lot lines occupied by the use is prohibited.
- (F) The emission of gray smoke at a density greater than No. 1 on a Ringelmann Chart, published by the United States Bureau of Mines, shall not be permitted, except that gray smoke of a shade not darker than No. 2 may be emitted for not more than four (4) minutes in any thirty-minute period.
- (G) Devices that produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted. For the purposes of this ordinance, glare shall be defined as direct or indirect light from any source which exceeds one-half (1/2) foot candle on any adjoining property.
- (H) Vibrations detectable without instruments on a neighboring property in any district shall be prohibited.
- (I) No activities shall be permitted that carry objectionable substances onto neighboring properties due to erosion by wind or water.
- (J) The discharge of all wastewater shall be in accordance with the current standards of the Pennsylvania Department of Environmental Protection (PA Act 537) and / or the Municipality, and comply with any and all applicable federal regulations.

SECTION 5.6 PERSONS WITH DISABILITIES.

- (A) After the Zoning Officer has received a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance if the applicant proves both of the following to the satisfaction of the Zoning Hearing Board:
- (B) The approval is needed to provide a reasonable accommodation under the Americans With Disabilities Act, the Federal Fair Housing Act and/or related applicable state law, as amended; and
- (C) The facility will serve persons who the applicant proves have handicaps or disabilities, as defined in and protected by such laws.

SECTION 5.7 PROJECTIONS INTO YARDS.

- (A) No structure, whether attached to the principal structure or not and whether open or enclosed, including porches, carports, balconies and platforms above basic grade level, shall project into any required front, side or rear yard, except as provided below:
- (B) Shall not apply to terraces, steps, wheelchair ramps, uncovered porches, or other similar features not over three (3) feet high above grade level.
- (C) Minor utility fixtures may be located in any required yard.

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- (D) Typical architectural features, including, but not limited to, bay windows, window sills, chimneys, cornices and eaves shall be permitted to project into required yards no more than two (2) feet.
 - (E) Decks and their stairs, stoops and unenclosed porches without enclosed habitable foundation and without a roof shall be permitted to project into required front and side yards no more than three (3) feet and shall be no closer to the rear property line than twenty (20) feet. Porches that have a roof or that are enclosed or have enclosed habitable foundations shall be subject to the yard requirements for the principal structure.
 - (F) Steps attached to the principal building and open fire escapes shall be permitted to project into required yards no more than three (3) feet.

SECTION 5.8 **ADDITIONAL REQUIREMENTS FOR SPECIFIC USES**

(A) ACADEMIC CLINICAL RESEARCH CENTERS

Academic Clinical Research Centers shall be allowed by special exception in the districts specified in Section 3.1., Use Table, of this Ordinance, and shall be subject to the following regulations:

- 1) An Academic Clinical Research Center may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- 2) All lighting serving a medical grower/processor must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- 3) A buffer planting is required where a medical marijuana delivery vehicle service adjoins a residential use or district.

(B) ADULT ORIENTED ESTABLISHMENTS

Adult-oriented establishments and commercial uses shall be allowed by special exception in the districts specified in Section 3.1., Use Table, of this Ordinance, and shall be subject to the following regulations:

- 1) Location

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(a) Adult entertainment uses must be located a minimum of one thousand (1000) feet from the lot line of any residential use, church, school, day care facility, or public playground and park.

(b) Adult entertainment uses must be located at a minimum of one thousand (1000) feet of any other sexually oriented business.

2) Signs

(a) Sign messages shall be limited to verbal description of materials or services available on the premises and shall not be obscene in nature.

(b) Sign messages may not include any graphic or pictorial depiction of material or services available on the premises.

(C) AGRICULTURAL OPERATIONS

Agricultural Operations shall be permitted by right in the Agricultural and Rural Residential Districts and shall be subject to the regulations pertaining to those districts. Agricultural Operations shall be allowed by special exception in the districts specified in Section 3.1., Use Table, of this Ordinance. Agricultural operations as a special exception shall be subject to the following regulations:

1) General Provisions

(a) Commercial composting is prohibited. Any on-site composting shall be limited for use on premises on which such composting is made and produced.

(b) Solid and liquid wastes shall be disposed of frequently in a manner to avoid creating insect or rodent problems, or a public nuisance. No emission of noxious, unpleasant gases shall be permitted in such quantities as to be offensive outside the lot lines of the tract occupied by an agricultural user.

(c) Dry lot feeding stations shall be permanently paved.

2) Animal /Livestock Farming

(a) Animals include but are not limited to pigs, chickens, turkeys, cows, sheep, goats, and horses.

(b) Structures may be erected for a private stable, pen, barn, shed, or silo for raising, treating, and storing products raised on the premises. A dwelling unit is permitted either as part of this structure or as a separate structure.

(c) Standings under roofed stables must be made of a material that provides for proper drainage so as not to create offensive odors, fly breeding, or other potential nuisances.

(d) The keeping of horses is subject to the requirements under the equestrian facility special exception use.

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- (e) Fences for pens, corrals, or similar enclosures for livestock must be of sufficient height and strength to retain the animals. No pen, corral, fence or similar enclosure may be closer than twenty (20) feet to an adjacent property line unless it is a part of a larger property line divider.

3) Setbacks

- (a) Agricultural operations shall not be located within one thousand five hundred (1,500) feet of another zoning district or existing residence located within the zoning district.
- (b) A minimum lot size of ten (10) acres is required for agricultural operations unless the farm in question meets the income definition standard outlined in Section 10, Glossary, of this Ordinance. In addition:
 - (i) The operation shall be located on the lot as to provide front, side, and rear yards of one hundred (100) feet, and
 - (ii) The maximum height of a building used for agricultural operations is thirty-five (35) feet or two and one-half (2.5) stories, excluding appurtenances.

(D) AGRITOURISM ENTERPRISES.

Agritourism Enterprises shall be permitted as an accessory use by Special Exception in the Agricultural and Rural Residential Districts and shall be subject to the following regulations:

- 1) **APPEARANCE** – All existing and new buildings shall maintain a residential or agricultural appearance, as viewed from a public street. Agritourism enterprises must be incidental to and directly supportive of the agricultural use of the property and will not have significant impacts on the agricultural viability or rural character of neighboring properties.
- 2) **DISPLAY** – There shall be no outside display, sales, or storage permitted, unless this activity is fully screened with a combination of opaque wood fencing, and dense landscaping. This activity shall be prohibited within 100 feet along all public rights-of-way. This shall not be interpreted to prohibit that outside sales or display of products during a permitted special event, fair or festival.
- 3) **EMPLOYEES** – An agritourism enterprise shall be conducted by a resident or owner of the property and/or his/her immediate relatives. Up to four unrelated full-time employees may be employed by the owner or immediate relatives. Additional part time employees or volunteers may be permitted for special events, fairs or festivals.

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- 4) **EVENTS** – Special events, fairs and festivals shall comply with the following regulations:
 - (a) Prior to holding a special event, the applicant shall be required to obtain a special event permit, if required by the municipality.
 - (b) Tents or other temporary structures shall comply with all setback regulations for accessory structures.
 - (c) All waste, trash and rubbish, tents and temporary structures, and any other displays or exhibits that resulted from the special event shall be removed from the property within 24 hours after the special event has ended.
 - (d) Overflow parking areas may be on grass surface areas of the lot. The grass surface area which is to be used for overflow parking shall be kept in suitable grass cover and shall not be allowed to degrade to an erodible condition. In the event any portion of the overflow parking area is disturbed, the areas shall be reseeded or planted with sod to ensure the area remains grass surface. Such planting shall occur within one week after the special event has ended. Overflow parking areas shall be enclosed by a temporary barrier fence to prevent the flow of traffic across property lines, all such fences shall be removed within one week of a special event ending. Overflow parking areas shall be set back at least 25 feet from side and rear property lines.
 - (e) In no case, shall parking be permitted on an adjoining lot, or in a location that would require visitors to have to cross a public road.
 - (f) All driveway locations must be permitted under applicable state or local regulations.
- 5) **HOURS** – The applicant shall identify the anticipated hours of operation for the agritourism enterprise. In no case shall the agritourism enterprise generate noxious odors, noise or glare beyond amounts that are typically generated by agricultural operations. Agritourism enterprises shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9:00 p.m. and 7:00 a.m.
- 6) **LOT SIZE** – Shall be a minimum lot area of 10 acres.
- 7) **PARKING** – The parking area shall be designed in accordance with Chapter 7 of this Ordinance.
- 8) **PERMITS** – Applicant shall provide evidence that all other applicable state and federal permits for operation of an agritourism enterprise have been obtained.
- 9) **PERMITTED USES** – The following activities, and activities that the applicant proves are closely similar, shall be permitted as an agritourism enterprise:

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- (a) Farmers Markets, providing all vendors and sales are located in an enclosed building;
 - (b) U-pick operations;
 - (c) Dairy, ice cream and bakery retail facilities;
 - (d) Wineries, winery tours and tasting rooms;
 - (e) Local farm products retail operations (including crafts, food products, garden and nursery products, and clothing products made from the wool of animals raised on the farm use, etc.);
 - (f) Corn mazes (with educational/interpretation components);
 - (g) Farm-related interpretive facilities and exhibits;
 - (h) Agriculturally related educational and learning experiences;
 - (i) Agriculturally related special events, fairs and festivals;
 - (j) On-site farm, garden, greenhouse and nursery tours;
 - (k) Walking and bicycle tours and trails;
 - (l) Farm stays;
 - (m) Horseback/pony rides, petting zoos and other animal exhibits;
- 10) PROHIBITED USES:** The following activities shall be prohibited:
- (a) Restaurants, taverns, brewpubs and/or breweries;
 - (b) Flea markets;
 - (c) Any other use that is not agriculturally related, or is not related to the natural resources that are present on the property, or is deemed not to be incidental to the agricultural operation on the property, or is otherwise deemed to be too intense for the Agricultural or Rural Residential Zoning District whereby the intent of the Agricultural or Rural Residential Zoning District will not be preserved.
- 11) PRODUCTS** – At least 50% of the products for display and sale shall be grown, prepared, or produced on the subject property. All food and/or beverages sold for consumption on site shall comply with federal, state and local regulations. Food and/or beverages should be limited to only those value-added products that are produced from or grown on the farm, unless they are secondary and incidental to the primary agricultural use on the property. In all cases the use of locally grown or produced food and/or beverages is encouraged.
- 12) SIGNS** – All signage advertising the agritourism enterprise shall comply with Chapter 8 of this Ordinance.

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- 13) UTILITIES** – Applicant must provide evidence that sufficient sanitary sewer facilities will be provided in accordance with all applicable DEP regulations.

(E) AMUSEMENT AND RECREATION CENTERS

Amusement Parks/Recreation Centers shall be permitted by special exception in the districts specified in Section 3.1, Use Table, of this Ordinance, and shall be subject to the following standards:

- 1) No person shall conduct, engage in, or operate in any manner a recreation center or amusement center/arcade without having first obtained the appropriate licenses required by the Commonwealth of Pennsylvania. A separate recreation center or amusement center/arcade license shall be required for each location;
- 2) The operation of an amusement or recreation center as an accessory use shall be pursuant and subservient to the purposes of the normal permitted recreational activity;
- 3) The center shall not be located within three hundred (300) feet of a church, public school, or any other amusement/recreation center;
- 4) No use shall include the feeding, sheltering or penning of animals or fowl or the storage of refuse or compost within one hundred (100) feet of any adjacent property not used for agricultural purposes;
- 5) This type of establishment shall not be open from 12:00 midnight to 8:00 A.M. on any given day.

(F) ANIMAL HOSPITALS/ VETERINARY OFFICES

Animal hospitals and veterinary offices shall be permitted as a special exception use in the districts outlined in Section 3.1, Use Table, and subject to the following regulations:

- 1) In the Agricultural and Rural-Residential districts, such uses shall be accessory to a farm, or when proposed as a principal use shall have a minimum site area of two (2) acres. In all other districts, they must comply with the setback, side yard, and front yard requirements for that district.
- 2) Such uses shall be located at least one hundred (100) feet from any property line adjoining a residential use or zoning classification and at least fifty (50) feet from any other property line.
- 3) Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with self-latching gates and shall be screened by a screen planting area. Such runs shall be located behind the principal structure.

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(G) AUTOMOBILE DISMANTLER

Automobile dismantler uses shall be permitted as a special exception use in the districts outlined in Section 3.1, Use Table, and subject to the following regulations:

- 1)** A minimum lot size of two (2) acres is required.
- 2)** All inventory and parts shall be stored within an enclosed building.
- 3)** A maximum of ten (10) cars shall be stored outside at any given time.
- 4)** A privacy fence at least eight feet (8') in height shall be required along all property lines and shall be set back at least twenty feet (20') from all property lines.
- 5)** A buffer yard shall be planted that is at least twenty feet (20') wide along the perimeter of the property and shall adhere to the following regulations:
 - (a)** No uses, buildings or structures, including but not limited to accessory structures, parking spaces, and lighting devices, may be located any closer than 20 feet (20') to any lot line.
 - (b)** Buffer yards shall consist of a mixture of deciduous and evergreen trees, shrubs, and groundcover.
 - (c)** All shade/deciduous/evergreen required trees shall be a minimum of six feet in height at the time of planting, as measured from the ground adjacent to the planted tree to the top of the tree. Tree centers must be a minimum of five feet (5').
 - (d)** In addition to required trees, a row of lower-level evergreen shrubs or hedges shall be planted or earth mounding shall be constructed in the buffer yard which shall provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of vehicles. Lower-level shrubs, hedges or mounds shall be a minimum of four feet (4') in height. The length of an individual mound shall not be greater than 30% of the lot line to which the mound is adjacent. A variety of mound heights is recommended.
 - (e)** All required buffer yards will be maintained continuously in good order. All weeds within the automobile dismantler will be kept under control and to a maximum height of 15 inches (15").
 - (f)** It shall be the responsibility of the landowner and/or developer to assure the continued growth of all required landscaping and/or to replace the same in the event of freezing, drought, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes. When screening is subsequently removed or becomes ineffective, the automobile dismantler will be notified in writing by the Board to provide the maintenance required to bring the business in conformance with the

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approved application on record. Dead and dying plants shall be replaced with healthy plants of equal size no later than the subsequent planting season.

- 6) Salvage will not be piled to a height of more than seven feet from the ground.
- 7) There shall be no holding or storage of any quantities of rubbish or junk except for a reasonable time as required for disposal.
- 8) Hours of operation shall be from 7:00 a.m. to 7:00 p.m.

(H) AUTOMOBILE REPAIR AND SERVICE

Automobile repair and service uses shall be permitted as a special exception use in the districts outlined in Section 3.1, Use Table, and subject to the following regulations:

- 1) No portion of the front or ride side lines of an automotive repair or service station or any part of their appurtenances or accessory uses, shall be placed within fifty (50) feet of any residential dwelling.
- 2) Outside storage of inoperable vehicles is prohibited in residential areas and is allowed in business and industrial areas only under the following conditions:
 - (a) Customer vehicles awaiting service may be stored outside for a period not to exceed two months and a work order or some other written proof must be provided to show that the vehicle is actually awaiting service.
 - (b) Employees' personal vehicles used for travel to and from work.
 - (c) A vehicle used in connection with the auto repair operation, such as a wrecker.
- 3) Vehicles which may not be stored outside are:
 - (a) Inoperable vehicles which are not awaiting service.
 - (b) Inoperable vehicles which are being "scrapped out" or used for replacement parts for another vehicle being repaired.
 - (c) Operable vehicles not awaiting service and not used in connection with the business.

(I) BATH HOUSE

An adult bath house/steam shall be allowed by special exception in the districts specified in Section 3.1, Use Table, of this Ordinance, and shall be subject to the following regulations:

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- 1) The Jefferson-Morgan Zoning Hearing Board shall have the discretion to consider in granting or denying the special exception any reasonable fact or circumstance relating to the public health, safety and welfare, including, but not limited to, the following:
 - (a) The character and suitability of the area or neighborhood in which the bath house/steam room is to be located;
 - (b) The proximity of the site for the steam room/bath house or adult steam room/bath house to churches, schools, playgrounds, parks or other community facilities adversely affected; and
 - (c) Traffic congestion and parking problems.
- 2) The following requirements shall apply to the construction and maintenance of bath houses/steam rooms:
 - (a) All steam room/bath house rooms, restrooms and bathrooms used in connection with the licensed premises shall be constructed of materials which are impervious to moisture, bacteria, mold, or fungus growth. The floor-to-wall and wall-to-wall joints shall be constructed to provide a sanitary cove with a minimum radius of one (1) inch.
 - (b) Floors, walls and equipment in steam rooms/bath house rooms, restrooms and in bathrooms used in connection with the establishment must be kept in a state of good repair and sanitary at all times. Sanitary towels, wash cloths, cleaning agents and toilet tissue must be made available for each customer.
 - (c) Doors on steam rooms or bath house rooms shall not be locked during use. All steam rooms and bath house rooms shall be clearly marked by signs.
 - (d) All massage tables, bath tubs, shower stalls, bath areas and floors shall have surfaces which can be readily disinfected.
 - (e) Separate steam rooms and bathing rooms, dressing, locker and toilet facilities shall be provided for female and male patrons, so that female and male patrons may be served simultaneously.
- 3) It shall be unlawful for:
 - (a) Anyone to engage in, conduct or carry on a steam room/bath house or adult steam room/bath house without a valid license issued pursuant to this chapter.
 - (b) Any person in a licensed establishment to place his or her hands upon, or to touch with any part of his or her body, or to fondle in any manner, or to massage, the genital area of any other person.
 - (c) Any person in a licensed establishment to expose the genital area or any portion thereof of any other person.

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- (d) Any person owning, operating or managing a licensed establishment knowingly to cause, allow or permit in or about such licensed establishment any agent, employee, or any other person under his or her control or supervision to perform such acts prohibited in subparagraphs (1) through (3) of this section or any obscene act.
- (e) Any person to employ any person under the age of eighteen (18) to work in any adult steam room/bath house.

(J) BEEKEEPING

Beekeeping shall be permitted as a Special Exception in any zoning district as an accessory use to a single-family dwelling, subject to the following regulations:

- 1) Minimum lot area shall be five (5) acres.
- 2) It shall be the duty of the applicant to maintain each colony so as to not create a public nuisance.
- 3) Colonies shall be maintained in movable frame hives.
- 4) Hives shall be located only within the rear yard and shall be situated to maximize sunshine exposure and/or natural wind protection.
- 5) In no case shall hives be located within 25 feet of any property line.
- 6) All hives shall have access to an on-site water supply. Unless a natural water supply exists on the subject property, the applicant shall furnish a water-filled tank with a board or crushed rock for the bees to land on.
- 7) Hives shall not be oriented to children's play areas or neighboring properties.
- 8) Adequate techniques in handling bees, such as requeening and adequate hive space, shall be maintained to prevent unprovoked stinging 75 feet or more from the hive.

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(K) BOARDING HOUSES AND GROUP QUARTERS

A boarding house facility or group quarters facility shall be allowed by special exception in the districts specified in Section 3.1, Use Table, of this Ordinance, and shall be subject to the following regulations:

- 1) Community resources, such as schools, churches, recreational and health services, police protection and fire protection from an organized fire department, shall be available to the facility.
- 2) The building shall meet the legal requirements of the community as to building codes and fire protection. Where local fire regulations do not exist, fire safety approval shall be obtained from the County.
- 3) Persons being kept in group quarters shall not be bedfast or suffering from any communicable disease.
- 4) Boarding homes and group quarters shall be licensed by the Commonwealth of Pennsylvania.
- 5) No separate kitchen shall be installed for any person being kept in boarding homes or group quarters.
- 6) In considering whether to permit the establishment of a facility and/or the number of persons that should be permitted in such a facility, the Zoning Hearing Board shall take into account the number of other existing facilities in the general area, regardless of community boundaries, and the potential overall impact on the neighborhood or area.

(L) BORE HOLES

The following regulations shall govern the development and use of bore holes and ventilating shafts required for, and used in conjunction with, underground coal mining operations to supply air and power, ventilate air or gas or remove water from coal mines. The following documentation, and any other data deemed necessary to achieve the intent and purposes of this Ordinance, shall be included in applications for Special Exception approvals.

- 1) A description of the character, timing and duration of the proposed operation, including maps and plans showing the location of the site, all access routes from the public roads, area and extent of the proposed activity.
- 2) A description of plans for the transportation of materials and equipment to construct the facility and measures that will be taken to maintain all roads within the municipalities that are used to transport materials and equipment and to repair any damages to the roads which may occur as a result.

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- 3) A description of how the proposed use and facility will meet all applicable local, state and federal laws and regulations concerning construction standards, sanitation and sewage disposal, water supply and fire protection.
- 4) A site plan of the proposed facility showing all structures, facilities access ways, fencing and screening provisions.
- 5) The location and identity of ownership of all structures and land uses that may be affected by the proposed operation and measures that will be taken to protect all structures and land uses from adverse impacts from the proposed use.
- 6) The plans for restoring and reclaiming the areas following discontinuance of the underground mining.
- 7) Screening
 - (a) Every bore hole shall be constructed and landscaped in a manner appropriate to the district in which it is located. Open areas shall be covered with an appropriate vegetative material and properly maintained.
 - (b) Every ventilating shaft, including all structures intended to supply air or power to underground coal mines, shall be constructed and landscaped in a manner appropriate to the district in which it is located.
 - (c) All uses shall be completely enclosed by a fence not less than six (6) feet high, with the entire fence being constructed in such a manner so to prevent the entry onto the portion of the premises on which the use is situate by unauthorized persons, domestic animals or livestock.

(M) CAMPGROUNDS

Campgrounds shall be allowed by special exception in the Single-Family Residential Zone District, as specified in Section 3.1 Use Table, of this ordinance and its amendments. Prior to any such Zoning Hearing, the Zoning Hearing Board shall be provided with all of the following, which shall be provided by the applicant at the applicant's expense:

- 1) Sanitation: The owner of the property shall enter into a written agreement with the municipality's Sewage Enforcement Officer for the disposal of sewage and related sewage issues.
- 2) Spacing: All sites shall be on a lot with the minimum size of twelve hundred (1200") square feet with a minimum width of twenty (20') feet and no closer to any existing structure or state or township road than ten (10') feet. In addition, all sites shall be set back from the perimeter of the proposed lot of ground by a minimum of ten (10') feet.
- 3) Park Plans: All applicants for a campground zoning permit shall submit a plan which provides for the orderly placement of sites therein. Said plans shall show,

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to scale no less than one (1 ") inch equal to one hundred (100 ') feet, the location of the various site lots on either a survey or assessment drawing of the intended parcel; to wit:

- (a) Each plan shall provide for a minimum of two parking spaces maintained within the thirty-five feet by twenty feet (35' by 20') site lot. Both parking spaces shall have access to ingress, egress and regress to a public roadway. Said access shall be called a driveway.
- (b) Each road within the campground shall be of at least fifteen (15') feet in width.
- (c) In the event that parking is permitted within the driveway, each driveway shall be to the various municipality's specifications for driveways and shall be at least:
 - (i) Twenty (20') feet should parallel parking be permitted on one side of the driveway,
 - (ii) Twenty-four (24') feet should head-in-parking be permitted on one side of the driveway, twenty-four (24') feet should parallel parking be permitted on both sides of the driveway, or
 - (iii) Thirty (30') feet should head in parking be permitted on both sides of the driveway. All areas shall be well drained and so designed and used as to provide sufficient space for vehicles, sanitary facilities and appurtenant equipment.
 - (iv) Streets and roads shall be all weather constructed. Road oil, calcium or other suitable material shall be applied in an amount and frequency as necessary to control dust.
- (d) The plan shall show property lines of adjacent properties, together with the land use of each adjacent property.
- 4) Utilities: Each campground plan shall indicate the landowner's intentions regarding the provision of utilities, including, but not limited to, water, electricity, and heat.
- 5) Notification: Proof of notification of all surrounding property owners.
- 6) The above conditions (A. through D.) must also be met in any and all zoning districts where Campgrounds are permitted.

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(N) CHILD DAY CARE FACILITY

A Child Day Care Facility, which shall include Child Day Care Center, Family Child Care Home and Group Child Care Home, shall be permitted by special exception in the districts specified in Section 3.1., Use Table, and shall be subject to the following regulations:

- 1) Meet Commonwealth of Pennsylvania child day care licensing or registration requirements.
- 2) Comply with all building, fire safety, health code and business licensing requirements.
- 3) Lot size, building size, setbacks, and lot coverage conform to the standards of the zoning district except if the structure is a legal nonconforming structure.
- 4) A safe passenger loading area must be provided.
- 5) Outdoor play areas shall be provided and fenced in with a self-latching gate.
- 6) Signage, if any, will conform to the standards set forth in this Ordinance.
- 7) A child day care center, if sited on the premises of an operating community service facility shall be considered accessory to the principal use of the property concerned.
- 8) A child day care center shall not be located within 300 feet of another child day care center not located in the residence of the care provider or child day care center. Any child day care center which is an accessory use pursuant to Section 5.9 (j) of this ordinance shall be excluded.
- 9) For Family Child Care Homes and Group Child Care Homes, the following shall also apply:
 - (a) They shall be permitted as accessory uses to single-family residences only.
 - (b) No signage is permitted.
 - (c) No structural or decorative alteration which will alter the single-family character of an existing or proposed residential structure or be incompatible with surrounding residences is permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood.

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(O) COMMUNICATIONS TOWERS AND ANTENNAS

- 1) Communication towers and antennas shall be permitted as a special exception use the districts outlined in Section 3.1, Use Table, and subject to the following regulations:
- 2) Communication towers shall be erected within the minimum yard and building setback requirements of the districts in which they are to be built.
- 3) The height regulations of this ordinance may be increased provided that every minimum yard setback is increased by one (1) foot for each one (1) foot of height above the maximum height. The setback requirement may be waived if the tower is equipped with a “fold point,” which, if there is a failure, would cause the failure to occur at a predetermined point. The communications towers shall not at any time exceed two hundred (200) feet.
- 4) Any applicant proposing construction of a new communication tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure, or communication tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) miles radius of the proposed tower site be contacted and that the applicant state the reasons why the sites would not be suitable.
- 5) Communication towers shall be securely anchored in a fixed location on the ground, and plans submitted showing a cross section of the proposed structure, structural compliance with building codes documenting that the proposed structure meets or exceeds those standards, and documentary evidence from a professional engineer shall be provided that the proposed structure will withstand wind, storm, ice, lightening, and other natural forces. Additionally, documentation shall be provided by a professional engineer demonstrating that the communication tower is structurally capable of handling antennas, dishes and other equipment mounted or attached to the communication tower and what the maximum load limits are for the structure.
- 6) An annual inspection performed by a professional engineer and paid for by the owner of the communication tower shall be required for all communication towers unless there has been no change made to the tower. An annual inspection report or “no change” letter shall be submitted to the Municipality by June 1, of each calendar year.
- 7) Communication towers shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the applicant shall be subject to the approval of the Municipality. Communication towers shall not have strobe lights or any illumination unless required by local, state, or federal regulation.

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- 8) The communication tower and all equipment shall be enclosed by a chain link fence ten (10) feet high with three (3) strands of barb wire constructed on the top of the chain link fence. The communication tower shall be shielded or guarded against climbing of unauthorized personnel. Access to the site shall be restricted and remain locked. The base of a communication tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties with a natural screening no higher than six (6) feet. Structures related to the communication tower shall be equipped with a twenty-four (24) house security system
- 9) The communication tower and related equipment shall be promptly removed if the communication tower is not used for communication purposes for any continuous one (1) year period.
- 10) The communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel with in a lot meeting the minimum lot size requirements for the zoning district.
- 11) Recording of a plat of subdivision shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.
- 12) The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
- 13) The foundation and base of any communications tower in the industrial zone shall be set back from a property line (not lease line) in any residential district at least one hundred (100) feet and shall be set back from any other property line (not lease line) at least fifty (50) feet.
- 14) The communication equipment building shall comply with the required yards and height requirements of the zoning district in which it is proposed to be located.
- 15) The applicant shall submit certification from a registered Pennsylvania Structural Engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the municipality's Building Code.
- 16) The applicant shall demonstrate that the location of the proposed communications tower complies with all building and safety codes and that tower structure failure, falling ice or other debris will not adversely affect surrounding areas.
- 17) All guy wires associated with guyed communication towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

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- 18) No signs or lights shall be mounted on a communications tower, except as may be required by local, state, or federal regulation.
- 19) Communications towers shall be protected and maintained in accordance with the requirements of the Municipal Building Code.
- 20) One (1) off-street parking space shall be provided within the fenced area.
- 21) In January of each year, the owner or operator of a communications tower shall submit written verification to the Municipality that there have been no changes in the operating characteristics of the communications tower as approved at the time of approval of the use by special exception, including, at a minimum:
 - (a) Copy of the current Federal Communications license, if applicable;
 - (b) Name, address and emergency telephone number for the operator of the communications tower;
 - (c) Copy of Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antennas;
 - (d) At any time during the calendar year, if an amendment to the Federal Communications Commission license is issued, a copy of the amended license shall be submitted to the Municipality.

(P) COMMUNICATIONS TOWERS, MACRO/MICRO

Macro and Micro Communications Towers shall be allowed as a special exception in the public rights-of-way and in all zoning districts, as specified in Section 3.1. Use Table, and shall be subject to the following regulations:

- 1) A narrative description and a map showing the coverage area of the provider's existing facilities that serve customers in the municipality and the specific site to which the application pertains.
- 2) A description of the number, type, power rating, frequency range, and dimensions of all wireless telecommunications facilities proposed to be installed.
- 3) A site plan and elevations drawn to scale. Plans shall include microcell- or roof-mounted antennas and all related equipment. Elevations shall include all structures on which facilities are to be mounted.
- 4) A description of the proposals for camouflaging all facilities from public view so that the facilities will not be readily visible. Where any facility or part thereof would be readily visible, the application shall explain why it can't be screened. The description must demonstrate that the proposed methods will achieve the desired effect of minimizing visibility.

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- 5) If a ground-mounted or free standing tower is proposed, the application shall include an explanation as to why less obtrusive facility types are not feasible.
- 6) A statement of the telecommunications objectives for the proposed location, whether the proposed facility is necessary to prevent or fill a significant gap or capacity shortfall in the applicant's service area, whether it is the least obtrusive means of doing so, and whether there are any alternative sites that would have fewer aesthetic impacts while providing comparable service.
- 7) A copy of a sworn statement by an authorized representative that the applicant holds all applicable licenses or other approvals required by the Federal Communications Commission (FCC), the Pennsylvania Public Utility Commission and any other agency of the Federal or State government with authority to regulate telecommunications facilities that are required in order for the applicant to construct the proposed facility.
- 8) A copy of a sworn statement by an authorized representative that the applicant is in compliance with all conditions required for such license and approvals.
- 9) The municipality may assess appropriate and reasonable permit fees related to the municipality's actual costs in reviewing and processing applications for approval as well as related inspection and monitoring, as delineated or limited by the WBCA or any other applicable State and/or Federal laws or regulations.
- 10) Macro and Micro Communications Towers may be erected within a public right-of-way if, in addition to other requirements, the Pennsylvania Public Utility Commission has issued a Certificate of Public Convenience for its location; and, provided further, that it shall be determined by the municipality that it shall not interfere with other utilities, visibility or other matters of public safety.
- 11) Such facility may be located in the right-of-way of a State highway approved by the Pennsylvania Department of Transportation (PennDOT);
- 12) No free-standing facilities shall be located within 1,000 feet of other free-standing facilities unless they have been rendered not readily visible and mounting on a building or co-location is determined to be infeasible.
- 13) Facilities shall be the minimum functional height and width required to support the proposed antenna installation unless a higher tower will facilitate co-location or other objectives of this ordinance; provided, however, that no tower shall exceed the maximum height requirements and no attached antenna shall extend more than five feet above the top of the tower.
- 14) All wireless telecommunications facilities proposed for locations where they would be readily visible from the public right of way or from the habitable living areas within 100 feet shall incorporate appropriate techniques to camouflage or disguise the facility and blend it into the surrounding environment to the greatest extent feasible. The applicant shall use the smallest and least visible antennas feasible to accomplish the owner operator's coverage or capacity objectives.

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- 15)** All facility lighting shall be designed to avoid glare and minimize the illumination of adjacent properties.

(Q) CONTINUING CARE FACILITY

Continuing Care Facilities shall be allowed as a special exception in the zoning districts specified in Section 3.1., Use Table, and shall be subject to the following regulations:

- 1)** No such use shall be operated without approval and, where appropriate, licensing by such agencies as the Pennsylvania Department of Social Services, the Pennsylvania Department of Health, and other such appropriate local, state and federal agencies which may have authority in a particular case.
- 2) Location**
 - (a)** In the consideration of an application for such a use, the concentration of such facilities shall be taken into account to prevent clustering in certain neighborhoods or areas, thereby creating an institutional setting and changing the area's character and social structure.
 - (b)** The location of such a use shall be restricted to parcels located within the boundaries of a Service District where public water and sewer is available.
 - (c)** No such use shall be established except on a lot fronting on, and having access to, a road designated as a major collector (or higher) in the Comprehensive Plan unless the Jefferson Morgan Zoning Hearing Board finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
 - (d)** No such use shall be established in any area until Greene County emergency services has determined that adequate emergency medical service and fire protection is available in short response time.
 - (e)** The location for such use should be convenient to shopping, social, educational and cultural uses.
 - (f)** No structure used for or in conjunction with such use shall be located closer than one hundred (100) feet to any lot line in any Single-Family Residential or Rural-Residential District.
- 3)** All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.
- 4)** Minimum parcel size is five (5) acres.
- 5)** All off-street parking and loading areas shall be effectively screened in any Single-Family Residential and Rural-Residential District.

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- 6) The proposed use including all structures, roads and landscaping shall be sited, designed and constructed in a manner, which minimizes the impact of the development on the neighborhood and the County. The scale of the physical facilities shall be such that the appearance of the project will be visually harmonious and appropriate to the neighborhood and immediate area.
- 7) The use shall minimize adverse impact on floodplains, wetlands, steep slopes, and prime agriculture and forested land. In planning the development, the applicant shall consider prominent on-site geographic features such as outstanding trees and tree lines, stone walls, open fields within the public viewshed, ridgelines, hilltops and historic sites and shall preserve such existing features to the greatest extent possible.

(R) EQUESTRIAN FACILITY

Equestrian facilities shall be permitted as a special exception use in the districts outlined in Section 3.1, Use Table, and subject to the following regulations:

- 1) For public equestrian facilities, or boarding facility, the lot shall contain at least two (2) acres for the first equine (horse, etc.) and at least one (1) additional acre for each additional equine.
 - (a) Thus, two (2) acres of land are required for one (1) equine, three (3) acres for two (2) equines, four (4) acres for three (3) equines, and so on.
- 2) Location
 - (a) All barns, stables, and other structures used for the housing of animals on any lot or parcel used as a commercial or public stable shall be located not less than thirty (30) feet from all property and street right-of-way lines, except as otherwise herein provided.
 - (b) All barns, stables, and other structures used for the housing of animals, on any lot used as a private stable or for incidental agricultural uses, shall be located not less than ten (10) feet from any property line and not less than twenty-five (25) feet from the front property line, except as otherwise herein provided.
 - (c) Any barn, stable, or other structure used for the housing of animals may be located not less than five (5) feet from the rear or side property line, provided such property line is contiguous with a freeway, railroad, or levee right-of-way, or a property line of a public park or parcel which, at the time the building or structure is erected, is used for or occupied by a public or private stable.
 - (d) Any barn, stable, or other structure used for the housing of animals may be located not less than three (3) feet from the rear or side property line, provided:

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- (i) The building or structure is constructed with solid walls with no openings of any kind within ten (10) feet of the property line, and
 - (ii) The floor area of any building or structure used as a private stable, barn, or for the housing of animals shall not exceed 1,000 square feet.
- 3) Any corral, riding ring, or exercise yard used for keeping horses shall be enclosed by fence or other enclosure; and no part of any such corral, riding ring, or exercise yard shall be located closer than twenty (20) feet to any door, window, or other opening of any building or structure on the same or any other parcel used or designed to be used for human habitation.
- 4) All fences which enclose livestock shall be constructed of an adequate height and shall be designed so as to control and contain such livestock at all times, and so as to prevent such livestock from reaching across any property lines, so as to damage adjacent property.

(S) EQUESTRIAN FACILITIES (NON-GRAZING ANIMALS)

Equestrian facilities for non-grazing animals will follow the Use Table in Section 3.1 for equestrian facilities and will be subject to the following regulations:

1) Location

- (a) All barns, stables, and other structures used for the housing and riding of non-grazing animals on any lot or parcel used as a private, commercial or public stable shall be located not less than twenty-five (25) feet from all property and street right-of-way lines, except as otherwise herein provided.
 - (b) All barns, stables and other structures used for the housing and riding of non-grazing animals on any lot used as a private stable or for incidental agricultural uses, shall be located not less than ten (10) feet from any property line and not less than twenty-five (25) feet from the front property line, except as otherwise herein provided.
 - (c) Any barns, stables or other structures used for the housing of non-grazing animals may be located not less than five (5) feet from the rear or side property line, provided such property line is contiguous with a freeway, railroad, or levee right-of-way, or a property line of a public park or parcel which, at the time the building or structure is erected, is used for or occupied by a public or private stable.
- 2) Any corral, riding ring, or exercise yard used for keeping horses shall be enclosed by fence or other enclosure; and no part of any such corral, riding ring, or exercise yard shall be located closer than twenty (20) feet to any door, window, or other opening of any building or structure on the same or any other parcel used or designed to be used for human habitation.

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- 3) All fences which enclose livestock shall be constructed of an adequate height and shall be designed so as to control and contain such livestock at all times, and so as to prevent such livestock from reaching across any property lines, so as to damage adjacent property.
- 4) A containment area for waste generated by the animals shall be located not less than twenty-five (25) feet from all property lines. The containment structure shall be built with a minimum of three (3) sides, with or without a roof. The maximum specifications for the structure are as follow: one wall to be ten (10) feet in width, and two walls to be sixteen (16) feet in length, and six (6) feet in height. Any overflow waste from this structure must be removed from the property.

(T) ESSENTIAL SERVICES

All communication lines, pipelines for distribution to individual properties, and all underground electric transmission lines, overhead utility lines, radio receivers and transmitters, electric transmission lines, and substations less than 33 KV shall require a special exception permit subject to the approval of the Zoning Hearing Board and shall be subject to the following regulations:

- 1) Prior to the installation of any of the essential services defined above, the owner of such service shall file with the Zoning Hearing Board, all maps and other pertinent information as deemed necessary by the Board for review of the proposed project.
- 2) In considering applications for the placement of essential services, as regulated in this section, the Zoning Hearing Board shall consider the effect of the proposed project upon the health, safety and general welfare of the area, as existing and as anticipated, and the effect of the proposed project upon the Comprehensive Plan.
- 3) Radio transmitters and receivers accessory to an essential service may be located on existing utility poles or light standards within public right-of-way provide the radio transmitters and receivers comply with the following standards:
 - (a) Radio transmitters and receivers located on a utility pole/tower or light standard shall be at least fifteen (15) feet above grade.
 - (b) Radio transmitter and receiver devices shall not exceed eighteen (18) inches in length or width, or extend more than eighteen (18) inches from the pole. Antennas may not extend more than twenty-four (24) inches from the equipment.
 - (c) The applicant shall submit a map prior to issuance of a permit showing the location of all proposed radio transmitters and receivers. The map shall be

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accompanied by a list of all sites referenced by the closest street address or property identification number.

(d) The list of sites must also describe the type of pole to be used.

(e) The applicant shall notify the Zoning Hearing Board of any changes to the approved list prior to erecting or placing any additional equipment in the right-of-way

4) The applicant shall notify the Zoning Hearing Board, at the time of permit application, of any obstructions that would cause traffic to be rerouted or stopped.

5) The Zoning Hearing Board may deny a permit or attach conditions to the permit approval to protect the public health, safety and welfare, to prevent interference with the safety and convenience of ordinary travel over the right-of-way, or when necessary to protect the right-of-way and its users. The Zoning Hearing Board may consider one or more of the following factors:

(a) The extent to which right-of-way space where the permit is sought is available;

(b) The competing demands for the particular space in the right-of-way;

(c) The availability of other locations in the right-of-way or in other rights-of-way for the equipment of the permit applicant;

(d) The applicability of ordinance or other regulations of the right-of-way that affect location of equipment in the right-of-way.

(U) EXTRACTIVE INDUSTRY (OIL AND GAS WELLS AND ALL RELATED CONSTRUCTION)

Mineral, Gas and Oil Excavation/Extraction, Treatment and Compression shall not be permitted in any areas within the jurisdiction of the Township without approval by the Joint Zoning Hearing Board at a Zoning Hearing.

1) Prior to any such Zoning Hearing, the Joint Zoning Hearing Board shall be provided with all of the following, which shall be provided by the Applicant at the Applicant's expense:

(a) a plan for access to the site, including copies of any road bonds or submission of application of any road bonds,

(b) the location and size of the proposed construction and any associated structures,

(c) the location of adjacent properties, structures and roads,

(d) any required federal or state permits, or proof of the submission of an application therefor;

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- (e) other required local permits or proof of the submission of an application therefor,
 - (f) Copies of Erosion and Sedimentation Control Plans, and a
 - (g) Copies of any real estate documents, deeds, memorandum lease agreements, which evidence the Applicant's right to occupy and construct;
 - (h) an emergency contact list for daylight hours and hours after the main office would be closed, such a list shall provide for a contact at any point of the day or night
 - (i) Provide emergency services response plan to local fire companies (such plan can include a meeting with emergency response providers to outline emergency response procedures)
 - (j) Proof of notification of all surrounding property owners.
- 2) The operations shall comply with the provisions of the Pennsylvania Oil and Gas Act. Compliance shall be demonstrated by submission of a permit obtained pursuant to the provisions of the Oil and Gas Act. No placement of any well site, station, building or pipeline shall deviate by thirty feet or more.
- 3) Roads. The Joint zoning hearing board may designate certain conditions that may pertain to roads as follows:
 - (a) The operator shall provide to the joint zoning hearing board information as to how they shall clear mud and debris from roads
 - (b) The operator shall clear mud and debris from roads as soon as the operator notices mud and debris on the road or as soon as the operator is notified of a problem with mud and debris on the road.
 - (c) Failure to preserve road conditions can result in a revocation of zoning permits and vacancies.
- 4) Vegetative Buffers and Fencing. All oil wells near or within residential areas or when livestock would have access to the wellhead shall be subject to the following fencing requirements:
 - (a) An oil well shall provide fencing around perimeter of the well and disturbed area that will prevent access to the area by unauthorized persons. This fencing shall be at least six (6) feet in height and have screening mechanisms and, which meet all standard safety requirements.
- 5) Price Estimates: All Hearing Requests shall be submitted with estimates, in writing, for the total cost of the project. Each estimate shall have:
 - (a) An itemized breakdown of the estimated cost of construction.
 - (b) A verification by a certified engineer of the project.

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(c) Upon completion of the project, a final price itemization must be submitted to the Zoning Hearing Board, in the event the final cost of construction exceeds the estimated amount, the remainder of this fee shall be paid within Thirty (30) days of completion. Failure to do so will result in fines and/or permit revocation.

6) Upon receipt of the price estimates set forth in Section 5.16 (F), the Municipalities shall pass by Resolution a fee schedule that is reasonably related to the costs incurred by the Municipalities for over-site regulation of the oil and gas extraction industry and the construction of the structures and improvements.

(V) GASOLINE SUBSTATION, SERVICE STATION, AND CAR WASH

Gasoline service stations, substations, and car washes shall be permitted as a special exception use in the districts outlined in Section 3.1, Use Table, and subject to the following regulations:

- 1) Equipment above surface or ground for the service of motor vehicles shall be no closer than fifteen (15) feet to any property line.
- 2) Parking and vehicle access shall be so arranged that there will be no need for the motorist to back over sidewalks or onto streets.

(W) GROUP CARE FACILITY, GROUP HOMES, INSTITUTIONAL HOMES, AND FAMILY CARE FACILITY.

Group Care Facilities, Group Homes, Institutional Homes, and Family Care Facilities shall be allowed as a special exception in the zoning districts specified in Section 3.1., Use Table, and shall be subject to the following regulations:

- 1) In accordance with applicable state laws, facilities shall be registered with or licensed by the appropriate state government departments and shall be required to be in continuing compliance with the minimum standards outlined for such facilities.
- 2) Location.
 - (a) Any group care or family care facility shall have at least one property line abutting a major thoroughfare, intermediate thoroughfare or collector street. No state licensed facility shall be located within fifteen hundred (1500) feet of another State licensed care facility regardless of community boundaries.
 - (b) Group care or family care facilities shall have a minimum side yard setback of at least twenty-five (25) feet.

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- (c) The proposed site and building shall be in full compliance with all yard and bulk regulations (including setback, lot size, and lot width regulations) for the district in which it is located.

3) Outdoor Play Area.

- (a) For each person cared for in a facility there shall be provided and maintained a minimum of one hundred fifty (150) square feet of usable outdoor recreational area. The outdoor recreational play area shall be suitably fenced and screened from abutting residentially zoned or used land in accordance.

4) Off-Street Parking and Loading.

- (a) Off-street parking shall be provided for any employees who are not residents of the home. Whenever off-street parking areas are adjacent to land used or zoned for residential purposes, a wall or landscaped screen shall be provided along the sides of the parking area adjacent to such residential land or use.

- (b) The facility shall provide for safe loading and unloading of residents.

- 5) In considering whether to permit the establishment of a facility and/or the number of children that should be permitted in such a facility, the Zoning Hearing Board shall take into account the number of other existing facilities in the general area, regardless of community boundaries, and the potential overall impact on the neighborhood or area.

(X) HOME OCCUPATION

A home occupation (as defined in Section 10, Glossary) shall be permitted as a special exception use in the districts outlined in Section 3.1, Use Table, and subject to the following regulations:

- 1) No more than one person other than the residents of the dwelling shall be employed in the conduct of the home occupation.
- 2) Any outdoor display or storage of materials, goods, supplies or equipment shall be prohibited, other than the signs noted below.
- 3) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.
- 4) There shall be no change to the residential appearance of the premises and the primary function of the occupation shall not be the sales or rentals of goods from site.

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- 5) There shall be allowed one on-site non-illuminated identification sign not to exceed four (4) square feet and vehicular signs.

(Y) INCINERATOR

A certified incinerator shall be permitted as a special exception use in the districts outlined in Section 3.1, Use Table, as part of agricultural or waste disposal systems and subject to the following regulations:

- 1) A certified incinerator shall be permitted only when it is necessary to accommodate the solid waste management needs of the area which it is intended to serve.
- 2) A certified incinerator shall have the following dimensions:
 - (a) The incinerator shall have a firebox or charging compartment of not over ten (10) bushels or approximately twelve (12) feet in capacity.
 - (b) The incinerator shall be provided with a chimney extending not less than ten (10) feet above grade and shall be equipped with a spark arrestor.
- 3) The incinerator should be constructed to withstand internal temperatures of at least 1200 degrees F. in intermittent operation and to provide resistance to alternate heating and cooling. The design should be such that during a period of at least two (2) years of normal usage the structural parts will not warp, crack, corrode, or otherwise fall in a manner so that doors or covers do not fit tightly or that masonry cracks or other openings are produced through which flying brands or sparks may pass.
- 4) Location.
 - (a) The incinerator is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property.
 - (b) The incinerator shall not be located within fifteen (15) feet of any building or structure and generally should be positioned so that there is not direct exposure to buildings, wood fences, or piled combustible materials in the event of failure of the spark arrestor. The incinerator shall be located so that a nuisance is not created by reason of their smoke.

(Z) INDUSTRIAL PARK

Industrial parks shall be permitted as a special exception use in the Rural Opportunity district as outlined in Section 3.1, Use Table, and subject to the following regulations:

- 1) The minimum lot area shall be ten (10) acres.

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- 2) The industrial park must have access to an arterial or collector road.
- 3) A buffer yard shall be planted that is no less than twenty-five (25) feet along the perimeter of the property if it borders a residential use. Buffer yards shall consist of a mixture of deciduous and evergreen trees, shrubs, and groundcover.

(AA) JUNK YARD AND SALVAGE YARD

Junk yards and salvage yards shall be permitted as a special exception use in the districts outlined in Section 3.1, Use Table, and subject to the following regulations:

- 1) The minimum lot area shall be ten (10) acres.
- 2) The junkyard/salvage yard must be enclosed with a chain link fence with a minimum height of eight (8) feet with a self-latching gate.
- 3) A buffer yard shall be planted that is at least twenty feet (20') wide along the perimeter of the property and shall adhere to the following regulations:
 - (a) No uses, buildings or structures, including but not limited to accessory structures, parking spaces, and lighting devices, may be located any closer than 20 feet (20') to any lot line.
 - (b) Buffer yards shall consist of a mixture of deciduous and evergreen trees, shrubs, and groundcover.
 - (c) All shade/deciduous/evergreen required trees shall be a minimum of six feet in height at the time of planting, as measured from the ground adjacent to the planted tree to the top of the tree. Tree centers must be a minimum of five feet (5').
 - (d) In addition to required trees, a row of lower-level evergreen shrubs or hedges shall be planted or earth mounding shall be constructed in the buffer yard which shall provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of vehicles. Lower-level shrubs, hedges or mounds shall be a minimum of four feet (4') in height. The length of an individual mound shall not be greater than 30% of the lot line to which the mound is adjacent. A variety of mound heights is recommended.
 - (e) All required buffer yards will be maintained continuously in good order. All weeds within the junkyard/salvage yard will be kept under control and to a maximum height of 15 inches (15").
 - (f) It shall be the responsibility of the landowner and/or developer to assure the continued growth of all required landscaping and/or to replace the same in the event of freezing, drought, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes. When screening is subsequently removed or becomes ineffective, the

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junkyard/salvage yard will be notified in writing by the Board to provide the maintenance required to bring the business in conformance with the approved application on record. Dead and dying plants shall be replaced with healthy plants of equal size no later than the subsequent planting season.

- 4) Salvage will not be piled to a height of more than seven feet from the ground.
- 5) There shall be no holding or storage of any quantities of rubbish or junk except for a reasonable time as required for disposal.
- 6) Hours of operation shall be from 7:00 a.m. to 7:00 p.m.

(BB) KENNEL

Kennels shall be permitted as a special exception use in the districts outlined in Section 3.1, Use Table, and shall be subject to the following regulations:

- 1) The minimum lot size shall be three (3) acres.
- 2) No additional residential use may be established on land designated as a kennel.
- 3) The operator or owner of a kennel shall hold all current state and local licenses and permits for the location, activity and number of animals so specified.
- 4) All animals shall be kept within a completely enclosed building which shall be a minimum of thirty-five (35) feet from any property line.
- 5) Any exterior fenced area wherein animals exercise or are otherwise exposed must be located a minimum of one hundred fifty (150) feet from any principal structure on adjacent lots and all outdoor exercise areas shall be located at least fifty (50) feet from any property line.
- 6) The perimeter of the exterior exercise area must be fenced with a weatherproof material, a minimum of five (5) feet in height; accessible only through a self-latching gate.
- 7) Animals shall be permitted to exercise within the exercise areas daily between the hours of 8 A.M. and 8 P.M.
- 8) Any structure used to house animals shall be equipped with code-approved nontoxic noise-dampening material or acoustic tile.
- 9) Odors and noise causing annoyance or discomfort to the public outside of the lot on which the kennel is located shall not be permitted.
- 10) No kennel may be established within one-half (1/2) of a mile of an existing kennel.
- 11) Parking shall be in accordance with Chapter 7 - Parking and Loading Regulations.

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- 12) Signage shall be in accordance with Chapter 8 - Sign Regulations.
- 13) The applicant shall furnish evidence of effective means of animal waste collection and disposal which shall be continuously implemented.
- 14) An additional addendum to this Section 5.23 shall include rules and regulations for two or more dogs that are confined to outside areas on a permanent basis anywhere in the zoning district. These two (2) or more dogs are permitted anywhere in the zoning districts but are subject to the following rules and regulations:
 - (a) Once there are six (6) or more dogs, the owner is subject to the kennel ordinance.
 - (b) The owner shall hold all state and local licenses.
 - (c) Each dog shall have its own suitable shelter. This shelter shall consist of one hundred (100) square feet to be fenced in to a height of six (6) feet.
 - (d) Any structure used to house a dog shall be equipped with code-approved nontoxic noise dampening material or acoustic tile.
 - (e) Odors and noise causing annoyance or discomfort to the public outside of the lot on which the shelter is located shall not be permitted.
 - (f) The owner shall furnish evidence of effective means of animal waste collection and disposal which shall be continuously implemented.

(CC) MEDICAL MARIJUANA GROWER/PROCESSOR

Medical Marijuana Grower/Processor shall be permitted by special exception in the districts specified in Section 3.1, Use Table, and subject to the following conditions:

- 1) A Medical Marijuana Grower/Processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- 2) The maximum floor area of a Medical Marijuana Grower/Processor shall be limited to that of other manufacturing facilities within the same Zoning District and of which sufficient space must be set aside for secure storage of marijuana seeds, related finished product, and marijuana related materials used in production or for required laboratory testing.
- 3) There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.

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- 4) Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH Policy and shall not be placed within the facility's exterior refuse containers.
- 5) The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at Medical Marijuana Grower/Processor facilities.
- 6) Grower/processors shall not operate any closer than 1 000' of drug free school zones (public, private, parochial, college or university), or 250' from a recreation center, or playground)
- 7) All lighting serving a Medical Marijuana Grower/Processor must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- 8) Off-street parking requirements will follow that prescribed for industrial uses as set forth in Chapter 7: Off Street Parking.
- 9) A buffer planting is required where a Medical Marijuana Grower/Processor adjoins a residential use or district.
- 10) Entrances and driveways to a Medical Marijuana Grower/Processor must be designed to accommodate the anticipated vehicles used to service the facility.
 - (a) All accesses must secure the appropriate highway occupancy permit (State, township or borough).
 - (b) The clear site triangle found in Chapter 2: Definitions must be considered and maintained.
 - (c) The driveway must be designed and improved to the standards expressly described in the Subdivision and Land Development Ordinance.
- 11) Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

(DD) MEDICAL MARIJUANA DELIVERY VEHICLE SERVICE

Medical Marijuana Grower/Processor shall be permitted by special exception in the districts specified in Section 3.1, Use Table, and subject to the following conditions:

- 1) A traffic impact study is required where the office is operated.
- 2) Parking requirements will follow the parking schedule found in Chapter 7: Off-Street Parking Regulations.
- 3) All lighting serving a medical marijuana delivery vehicle service must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

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- 4) A buffer planting is required where a medical marijuana delivery vehicle service adjoins a residential use or district.
- 5) Entrances and driveways to a medical marijuana delivery vehicle service must be designed to accommodate the anticipated vehicles used to enter and exit the premises.
 - (a) All accesses must secure the appropriate highway occupancy permit (State, township or borough).
 - (b) The clear site triangle found in Chapter 2: Definitions must be considered and maintained.
 - (c) The driveway must be designed and improved to the standards expressly described in the Subdivision and Land Development Ordinance.
- 6) If for some reason a medical marijuana product is to be temporarily stored at a medical marijuana delivery vehicle service facility, the facility must be secured to the same level as a medical marijuana grower/producer and dispensary.
- 7) Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

(EE) MEDICAL MARIJUANA DISPENSARY

Medical Marijuana Dispensary shall be permitted by special exception in the districts specified in Section 3.1, Use Table, and subject to the following conditions:

- 1) A Medical Marijuana Dispensary must be legally registered in the Commonwealth and possess a current valid Medical Marijuana Permit from the DOH.
- 2) A Medical Marijuana Dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- 3) A Medical Marijuana Dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
- 4) Medical Marijuana Dispensaries shall have a single secure entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.
- 5) Permitted hours of operation of a dispensary shall be 8 am to 8 pm [of the same calendar day].
- 6) A Medical Marijuana Dispensary shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area.

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- 7) A Medical Marijuana Dispensary shall:
 - (a) Not have a drive-through service;
 - (b) Not have outdoor seating areas;
 - (c) Not have outdoor vending machines;
 - (d) Prohibit the administering of, or the consumption of medical marijuana on the premises; and
 - (e) Not offer direct or home delivery service.
- 8) A Medical Marijuana Dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
- 9) A Medical Marijuana Dispensary may not be located within 1,000 feet of the property line of a public, private or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
- 10) Medical Marijuana Dispensary shall be a minimum distance of 1,000 feet from the next nearest medical marijuana facility. This does not include complimenting or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of municipality in which it is located. This separation distance does not apply to the distance between the grower/processor and the specific dispensary served by the grower/processor.
- 11) A medical marijuana dispensary shall not operate any closer than 1,000' of drug free school zones (public, private, parochial, college or university), or 250' from a recreation center, or playground)
- 12) Any medical marijuana facility lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or a day-care center.
- 13) All lighting serving a Medical Marijuana Dispensary must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- 14) Parking requirements will follow the parking schedule found in Chapter 7: Off-Street Parking Regulations as listed for medical and dental offices including outpatient clinics.
- 15) A buffer planting is required where a Medical Marijuana Dispensary adjoins a residential use or district.

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- 16) Entrances and driveways to a Medical Marijuana Dispensary must be designed to accommodate the anticipated vehicles used to service the facility.
 - (a) All accesses must secure the appropriate highway occupancy permit (State, township or borough).
 - (b) The clear site triangle found in Chapter 2: Definitions must be considered and maintained.
 - (c) The driveway must be designed and improved to the standards expressly described in the Subdivision and Land Development Ordinance.
- 17) Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

(FF) METHADONE TREATMENT FACILITY

A methadone treatment facility shall not be permitted within five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.

- 1) A methadone treatment facility may be established and operated closer than five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility if, by majority vote, the Jefferson Morgan Zoning Hearing Board vote in favor of the issuance of an occupancy permit or certificate.
- 2) At least fourteen (14) days prior to the Jefferson Morgan Zoning Hearing Board voting on whether to approve the issuance of an occupancy permit or certificate of use for a methadone treatment facility at a location that is closer than five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility, one or more hearings regarding the proposed methadone treatment facility location shall be held within the Jefferson-Morgan region following public notice.
- 3) All owners of property located within five-hundred (500) feet of the proposed location shall be provided written notice of said public hearings at least thirty (30) days prior to the public hearings occurring.

(GG) MINERAL EXTRACTION/ MINING

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Mineral Excavation and Mining uses shall be permitted by special exception in the districts specified in Section 3.1, Use Table, and subject to the following conditions:

- 1) The applicant must provide the Zoning Hearing Board with:
 - (a) a plan for access to the site, including copies of any road bonds, or submission of application of any road bonds,
 - (b) the areas to be mined,
 - (c) location of adjacent properties, roads, and natural features,
 - (d) any required federal and state permits, or proof of the submission of application
 - (e) or other required local permits, or proof of the submission of application,
 - (f) copy of approved Erosion and Sedimentation Control Plans,
 - (g) copy of all NPDES permits,
 - (h) copy of lease agreement,
 - (i) copy of blasting planning,
 - (j) copy of hours of operation,
 - (k) copy of the remediation plan,
 - (l) copy of the memorandum of the lease agreement,
 - (m) emergency contact list for daylight hours and hours after main office would be closed, and
 - (n) an emergency services response plan to local fire companies (such plan can include a meeting with emergency response providers to outline emergency response procedures).
- 2) Roads. The zoning hearing board may designate certain conditions that may pertain to roads as follows:
 - (a) The operator shall provide to the zoning hearing board information as to how they shall clear mud and debris from roads
 - (b) The operator shall clear mud and debris from roads as soon as the operator notices mud and debris on the road or as soon as the operator is notified of a problem with mud and debris on the road.
- 3) Vegetative Buffers and Fencing. The zoning hearing board may designate certain conditions that may pertain to buffering and screening standards as follows:
 - (a) A fence around the perimeter of an open excavation pit or quarry shall be provided. The fence shall be a minimum six (6) foot high chain link fence. Warning signs shall be placed on the fencing.

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(b) Landscaped buffers shall be required as follows:

- (i)** Abutting residential areas: plantings will be in front of all fencing that is visible to a resident, with the intent to conceal stockpiles, waste piles, processing or manufacturing equipment, open excavation, and/or quarrying pit.
- (ii)** Abutting Public Lands: plantings will be in front of all fencing that is visible to a visitor, with the intent to conceal stockpiles, waste piles, processing or manufacturing equipment, open excavation, and/or quarrying pit. Native plants shall be used as to allow cohesiveness between mining site and public land.
- (iii)** Abutting major transportation routes: plantings shall be high enough to conceal stockpiles, waste piles, processing or manufacturing equipment, open excavation, and/or quarrying pit.

(HH) MOBILE HOME PARKS

Mobile home parks shall be allowed by special exception in the Rural Opportunity district as specified in Section 3.1, Use Table, of this Ordinance, and shall be subject to the following regulations:

- 1)** The minimum site area of any mobile home park shall consist of ten (10) contiguous acres.
- 2)** All mobile home parks shall comply with the following minimum requirements:
 - (a)** They shall be free from adverse influence by wetlands, garbage, or rubbish disposal areas or other potential breeding places for insects or rodents.
 - (b)** They shall not be located in an identified floodplain area.
 - (c)** All lots shall be serviced by public and/or private sewer and water.
 - (d)** Guest parking shall be provided in a common off-street parking area at the ratio of one (1) parking space for every three (3) mobile home lots.
 - (e)** Minimum lot width shall be forty (40) feet for single unit mobile homes and seventy feet (70) for double mobile home units.
 - (f)** All solid waste containers shall be screened from all lots and public right-of-ways with fencing a minimum of six (6) feet in height.
- 3) Mobile Home Park Lot Requirements**
 - (a)** Mobile home lots within the park shall have a minimum lot area of six thousand (6,000) square feet.

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- (b) Mobile homes lots shall contain at least four hundred (400) square feet of open space which is not to be located in any required yard setback or buffer area.
- (c) The area of the mobile home lot shall be improved to provide adequate foundation for the placement of the mobile home in such a position as to allow a minimum of fifteen (15) feet between the mobile home and the street right-of-way.
- (d) The maximum number of mobile home lots within each mobile home park shall not be more than seven (7) lots per acre of the total area of the mobile home park.

(II) PUBLIC UTILITY/ STRUCTURE

- 1) The required lot area and location shall be specified as part of the special exception permit and be determined in relation to the proposed use, the intensity of such use and the effects of such use upon the environment.
- 2) If findings indicate that a hazard may result or that interference with the development or use and enjoyment of surrounding properties may ensue, fencing or screening with densely planted evergreen hedge or other shielding material may be required in a manner consistent with such findings.

(JJ) SWIMMING POOLS

Swimming pools shall be permitted in all districts provided they meet the following requirements:

- 1) A swimming pool, owned and operated by private persons, firms, corporations, associations, charity, or other entity other than a municipality, department, authority or subdivision thereof, which persons, firms, corporations, associations, charity, or other entity is not organized for profit and for the enjoyment of which no individual admission charge is made, shall be subject to the terms and conditions of this Ordinance.
- 2) No swimming pool may be located within ten (10) feet of any property line.
- 3) The swimming pool shall be walled or fenced as to prevent uncontrolled access from the street or from an adjacent property and said fence shall not be less than four (4) feet high in height and shall be maintained in good condition. An above ground pool that has a top edge four (4) feet above the ground completely around the perimeter of the pool will not require an additional fence. Access to above ground swimming pool is to be removed or locked when the swimming pool is unattended.
- 4) Swimming pools shall be equipped with an adequate filtration system.

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- 5) Adequate screening shall be provided.
- 6) A permit is required to construct and locate a swimming pool.

(KK) VEHICLE SALES

Vehicle sales or rental facilities shall be allowed by special exception in the Rural Opportunity district as specified in Section 3.1, Use Table, of this Ordinance, and shall be subject to the following regulations:

- 1) All vehicle sales shall have a maximum lot size of one (1) acre.
- 2) Exterior lighting shall be reduced to fifty percent (50%) after 11:00 PM.

(LL) WIND TURBINES

- 1) No wind turbine generators shall be constructed, operated, or maintained within the Jefferson Morgan region without a permit.
- 2) The applicant must provide written notice of application to all property owners and tenants occupying property within two thousand (2,000) feet of the boundaries of the property upon which the Wind Turbine Generators will be located.
- 3) No wind turbine generator(s) shall be located where the center of the tower(s) is a distance of five (5) times the height of the tower from the base to the hub of the rotor from any off-site occupied residence or occupied commercial structure existing at the time of the filing of a nonresidential subdivision plan, unless the owner of such existing residential or commercial structure shall have executed a non-disturbance easement, covenant or consent which has been recorded in the Office of the Recorder of Deeds of Greene County, Pennsylvania.
 - (a) Such easement or covenant shall run with the land and, at a minimum, provide that the said property owner waives and releases any and all claims, damages and/or losses resulting from higher noise levels, visual impacts or flickering reflections and/or shadows which may arise as a result of the location of a wind turbine generator(s) within the established setback distance of an existing residential or commercial structure on the property of the owner executing same.
 - (b) Such easement, covenant or consent before recording shall be submitted to the governing body for approval at the same time the nonresidential land development plan is submitted for approval.

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(c) Such easement, covenant or consent shall meet such requirements as to form and content consistent with this Ordinance as may be required by the municipal governing body.

4) Unless satisfactory evidence is furnished to the municipal governing body that the developer has included in a lease agreement or other agreement with landowner a provision for sufficient security for the decommissioning and removal of tower facilities and restoration of the site at the time when the turbine generator facilities no longer have a useful life, which provisions are at least as stringent as the requirement herein imposed, and unless satisfactory evidence has been furnished to the governing body that such security has in fact been provided, the developer shall meet the following requirement:

(a) The developer shall immediately following the first year of operation and every fifth year thereafter, at its own expense, retain an independent engineer acceptable to the municipal governing body to estimate the cost of decommissioning and removal of the tower facilities and restoration of the site, net of any expected salvage value of the tower(s) and its components and the developer shall submit such report to the municipal governing body and landowner upon receipt.

(b) If the independent engineer concludes that such decommissioning, removal and restoration will cost in excess of the estimated salvage value, the developer shall set aside funds ("required decommissioning funds") sufficient for decommissioning and restoration by either providing a performance bond, a surety bond, a letter of credit or by depositing required decommissioning funds sufficient to off-set any shortfall in salvage value into an escrow account to be held by an escrow agent acceptable to the Developer and the property owner for the benefit of the property owner, as well as the Developer, subject to claims of the landowners.

(c) The escrow agent shall provide those funds to the party removing such turbine(s) and restoring the property in the event the cost of disassembling and removal thereof from the premises and restoration of the premises exceeds the salvage value of the improvement.

(d) The submission of a nonresidential land development plan shall constitute the agreement and consent of the developer and owner of the property, their respective heirs, successors and assigns that:

(i) the salvage value of the turbine(s) and its components may be utilized to off-set the cost of decommissioning, removal and site restoration; and,

(ii) if the developer or then owner fails to remove the turbine(s) and restore the site within a reasonable time, after said tower(s) has ceased to be in operation for a period of twelve (12) months, then the municipality may

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dispose of the tower(s) and its related components and apply the salvage value to the costs of decommissioning, removal and restoration.

- (e) The estimated cost of decommissioning will be updated every fifth year, to take into account inflation or other factors deemed relevant by the independent engineer including, but not limited to, any increase or decrease of the market value of the structure and its related components being decommissioned and the cost of labor to perform the decommissioning.
- (f) The deposit, bonds or letters of credit shall be adjusted accordingly to the current required decommissioning funds and any sum necessary to make prior contribution equal to the Required Decommissioning Funds necessary to perform the decommissioning removal and restoration.
- (g) Any funds in excess of the Required Decommissioning Funds will be returned to the developer after decommissioning, removal and restoration.
- (h) Any costs of decommissioning, removal and restoration in excess of the decommissioning shall be promptly paid by the developer or then owner of the turbine(s) to the contractor retained for the removal and restoration.
- (i) Any performance bond, surety bond or letter of credit, if used, in lieu of a deposit of cash, shall contain such terms and provisions as shall be acceptable to the municipal governing body.

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CHAPTER 6 NON-CONFORMING LOTS, STRUCTURES AND USES

SECTION 6.1 **INTENT AND PURPOSE**

This Article shall apply to all nonconforming uses, structures and lots, as defined by this Ordinance. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance or any amendment thereto.

SECTION 6.2 **NON-CONFORMING LOTS OF RECORD**

- (A) Any lot of record existing at the effective date of this Ordinance may be used for the erection of a structure conforming to the use regulations of the Zoning District in which it is located, without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this Ordinance; however, such lot must comply with the front, rear and side yards, height and lot coverage standards of the Zoning District wherein it is located.
- (B) If two or more lots of record with continuous frontage are held in single ownership and if both, all or any of such lots do not meet the requirements in this Ordinance for lot area and width in the zoning district, the lands involved shall be considered to be an undivided parcel for purposes of this Ordinance. No portion of said parcel(s) shall be used or sold which does not meet lot width and lot area requirements established by this Ordinance, nor shall any division of the parcel(s) be made which leaves remaining any lot having a width or area less than the requirements established in this Ordinance. Any division of said parcel(s) containing a nonconforming use of a structure shall conform to the minimum lot width and area requirements for authorized uses. The Zoning Officer, upon receipt of an application for permit, shall have authority to direct that the lots of record be replotted to create fewer lots if necessary to comply with requirements of this Ordinance.
- (C) Where structures exist on adjacent nonconforming lots of record which have front yards less than the minimum depth required, the minimum front yard for an adjacent nonconforming lot of record shall be the average depth of the nonconforming front yards on the adjacent nonconforming lots in the same block on the same side of the street.

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SECTION 6.3

NON-CONFORMING STRUCTURES

- (A) If a lawful building or structure exists at the effective date of this Ordinance that could not be built under the terms of this Ordinance, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- 1) A nonconforming structure may be enlarged or structurally altered, provided the enlargement or alteration does not encroach any further into a required yard than the existing nonconforming structure does and, further provided that no new nonconformities are created. All other alterations or enlargements shall require review by the Zoning Hearing Board and, after public hearing, the Board may determine undue hardship and may authorize a variance for the reasonable modification of such structure.
 - 2) Any nonconforming structure which has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the Zoning District in which the structure is located, provided that the repair or reconstruction and reoccupancy of the structure occurs within twelve (12) months of the date that the original structure was damaged or destroyed.
 - 3) Should such building or structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the zoning district in which it is located.
 - 4) No expansion or enlargement of any building or structure shall be allowed within any identified flood plain that would cause any increase in flood heights.

SECTION 6.4

NON-CONFORMING USES

- (A) These regulations shall apply to any use of a structure or lot in any Zoning District which is a nonconforming use as defined by this Ordinance. Whenever the boundaries of a Zoning District shall be changed so as to transfer an area from one Zoning District to another Zoning District of a different classification, these regulations shall apply to any uses which thereby become nonconforming.
- (B) Continuation and Sale. Where, at the effective date of enactment or amendment of this Ordinance, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful in accordance with the provisions of this Article.
- (C) Enlargement or Expansion. The enlargement or expansion of a nonconforming use may be permitted as a special exception in accordance with the following criteria and limitations:

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- 1) Expansion of the nonconforming use shall be limited to an area equal to 25% of the total usable floor area (or land area if not enclosed within a building) of the existing nonconforming use. At no time shall the nonconforming use be permitted to expand to occupy a greater portion than 25% of the original structure or lot housing the nonconforming use.
- 2) Expansion of the nonconforming use shall be limited to the lot upon which the nonconforming use was located at the time it became nonconforming. A nonconforming use shall not be extended to occupy any structure, lot or portion of a lot that was not owned by the owner of the nonconforming use at the time the use became nonconforming.

(D) Change of Use

- 1) A nonconforming use shall not be changed to any use other than a conforming use, except as permitted as a use by special exception by the Zoning Hearing Board in accordance with the following standards:
 - (a) The new use will more closely correspond to the uses authorized in the District.
 - (b) The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing nonconforming use.
 - (c) The applicant clearly demonstrates a hardship in converting the use to a conforming use in accordance with the criteria of for obtaining a variance.
- 2) When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use. Any change from one nonconforming use to another shall comply with the parking requirements for the new use and shall be subject to the area, bulk and buffer area regulations for such use in the Zoning District where such use is authorized as a permitted use, conditional use or use by special exception.
- 3) Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.

(E) Abandonment

- 1) When a nonconforming use of a structure and/or lot is discontinued or abandoned for twelve (12) consecutive months, the structure and/or lot shall not thereafter be used, except in conformance with the regulations of the Zoning District in which it is located.
- 2) Abandonment does not apply to properties wherein the owner can provide proof on a quarterly basis to the Zoning Officer that a new tenant or owner is actively being sought.

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SECTION 6.5 **REPAIRS AND MAINTENANCE**

Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition any building or structure or portion thereof, which has been declared to be unsafe by any official charged with protecting the safety of the public.

SECTION 6.6 **REGISTRATION**

The zoning officer is authorized to register nonconforming lots, buildings and structures, uses of lots and uses of buildings and structures existing in the Jefferson Morgan Council of Governments. When determinations are made in accordance with this Chapter that a non-conforming lot, building or structure or use of a lot or building or structure exists or may be altered, a record of the determination shall be maintained in the property file.

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CHAPTER 7 PARKING AND LOADING REGULATIONS

SECTION 7.1 **PURPOSE**

The purpose of this chapter is to establish standards for the location and number of off-street parking spaces as deemed necessary for different land uses, and to promote public safety and convenience through their provision.

SECTION 7.2 **APPLICABILITY**

- (A) The provisions set forth in Chapter 7 shall apply to all zoning districts.
- (B) Off-street parking shall be provided whenever:
 - 1) A new building is constructed or a new use is established in an existing structure;
 - 2) A new use that requires additional parking is established in an existing structure. The number of necessary spaces is determined in Section 7.4

SECTION 7.3 **GENERAL REQUIREMENTS**

- (A) Off-street parking areas shall be located outside of the public right-of-way.
- (B) When determination of off-street parking results in a requirement of a fractional space, any fraction will be counted as one (1) parking space.
- (C) Where more than one (1) use occupies a given lot, building or structure, off-street parking equal to the sum of that required for each use shall be required.
- (D) Where more than one (1) use occupies a given lot, building or structure, off-street parking equal to the sum of that required for each use shall be required.
- (E) A one (1) car garage and driveway shall count as two (2) off-street parking spaces, provided the driveway measures a minimum of eighteen (18) feet in length between the face of the garage door and the sidewalk, or twenty-five (25) feet to the curbline. A two (2) car garage and driveway combination shall count as four (4) off-street parking spaces, provided the minimum width of the driveway is twenty (20) feet and its minimum length is as specified above for a one (1) car garage.

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SECTION 7.4

REQUIRED OFF-STREET PARKING SPACES

- (A) Uses not specifically listed shall comply with the parking requirements of the most similar use as determined by the Zoning Officer.
- (B) The number of parking spaces required for a mixed use building shall be the sum of the parking requirements for each separate use, except as stipulated by Section 7.5: *Parking Alternatives*.
- (C) The following off-street parking provisions shall comprise the minimum parking required for the uses listed below in Table 7-1: *Minimum Off-Street Parking Requirements*. In this section, “s.f” shall be interpreted as “square feet” and “NLA” shall be interpreted as “net leasable area” as defined in Chapter 10.

Table 7-1: Minimum Off-Street Parking Requirements	
Residential Uses	Off-Street Parking Requirement
Condominium	1 space per dwelling unit, plus 1 additional space for every 2 dwelling units
Dwelling, Multi-Family	1 spaces per dwelling unit, plus 1 additional space for every 2 units to accommodate visitor parking
Dwelling, Two Family	
Village District	1 space per dwelling unit
other allowed districts	2 spaces per dwelling unit
Dwelling, Single Family	
Village District	1 space per dwelling unit
other allowed districts	2 spaces per dwelling unit
Group Housing	1 space per 3 beds, plus 1 space per employee on shift
Home Based Business	Number of required spaces for the primary use, plus 1 space per client
Nursing Home	1 Space per 4 patient beds, plus 1 space per employee per shift

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Table 7-1: Minimum Off-Street Parking Requirements (continued)

Non-Residential Uses		Off-Street Parking Requirement
Amusement and Recreation Center		1 space per 500 sq. ft. above 2000 sq. ft.
Automobile Carwash		3 vehicle stacking spaces per bay
Automobile Repair / Service		2 spaces per bay
Bank/Financial Institution		1 space per 500 sq. ft. NLA, plus one space per employee per shift
Bed and Breakfast		1 space per rentable room, plus one per employee per shift
Child Day Care Facility		1 space per 800 sq. ft.
Convenience Store		1 space per gas pump
Hotel/Motel		1 space per rentable room, plus one per employee per shift
Industrial Uses		1 space per employee per shift
Office		1 space per 400 sq. ft.
Restaurant		
Carry Out / Sit Down		1 space for every 2 seats provided, plus 1 space per employee per shift
Fast Food / Drive Though		1 space for every 2 seats provided, 1 space per employee per shift, plus 6 vehicle stacking spaces
Retail Stores		1 space per 500 sq. ft. NLA

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SECTION 7.5 PARKING ALTERNATIVES

(A) Shared Parking Between Uses

- 1) The number of required parking spaces for uses in the Village District, Commercial District, Rural Opportunity and Industrial District may be modified by special exception by the Zoning Hearing Board. Two (2) or more establishments in adjoining lots in these districts, but not in a shopping center, may combine off-street parking facilities, in which case the combined parking space requirements may be reduced by twenty-five (25) percent so long as each establishment typically operates at different hours and can prove that a shortage of parking will not result from the combination.

(B) Off-site Parking Areas

- 1) Required parking spaces in the Village District, and Village Center may be accommodated off-site if:
 - (a) Owner(s) submit an application that includes a site plan showing use, location, and maintenance responsibility of the off-street parking lot.
 - (b) The number of spaces meets the requirements based on Section 7.4
 - (c) The applicant(s) shall provide legal documentation in the form of a lease agreement, contract, easement, or deed restriction to the Zoning Hearing Board that assures the long-term availability of a parcel to be used for off-site parking.

SECTION 5.2 DESIGN AND MAINTENANCE STANDARDS FOR OFF-STREET PARKING

- (A) The owner(s) of a property with off-street parking shall be responsible for the maintenance and upkeep of parking lot(s). Maintenance shall, but is not limited to, plowing of ice and snow, clearing of litter and loose particles, repaving when necessary, maintenance to landscaping and lighting, and other worked required to retain the parking lot in an attractive and safe condition.
- (B) Landscaping shall be utilized to screen parking lots adjoining lots with residential uses.
 - 1) Adjoining lots with exclusively single family residential uses must be fully screened from street parking lot uses.
 - 2) Adjoining lots with residential multifamily and/or mixed-use uses must at minimum be screened from parking lots utilizing a five (5) foot wide landscaping strip.

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SECTION 5.3 **VEHICLE STORAGE**

Abandoned, unlicensed, un-inspected, and derelict vehicles shall not be placed in the front or yard in any zoning district.

SECTION 5.4 **OFF-STREET LOADING**

- (A) The intent of these provisions is to provide adequate loading areas for structures and reduce traffic congestion. Off-street loading for structures that require the distribution or receipt of materials or goods by trucks or other vehicles shall provide a sufficient number of off-street loading and unloading spaces.
- (B) Off-street loading areas shall be located adjacent to the structure served unless the loading area services a group of structures on a single property.

SECTION 5.5 **REVIEW AND APPROVAL OF PARKING AND LOADING**

- (A) Proposals for the construction, expansion, or change in use of a structure shall be required to include a plan for the provision of off-street parking and/or off-street loading. Elements of this plan shall include:
 - 1) Scale site plan of the lot showing the footprint of the primary structure and the location of proposed off street parking and/or loading spaces;
 - 2) Areas of required landscaping;
 - 3) Placement and type of lighting.

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CHAPTER 8 SIGN REGULATIONS

SECTION 8.1 **PURPOSE**

The purpose of this chapter is to encourage the proper placement, size, type and illumination of signs for the enhancement of the community. These provisions also seek to recognize and preserve the uniquely rural views of the Jefferson Morgan area and to mitigate the adverse effects signage can have on these views.

SECTION 8.2 **APPLICABILITY**

- (A) The provisions set forth in Chapter 8 shall apply to all zoning districts.
- (B) Sign regulations shall pertain to and govern the placing, illumination, animation and maintenance of all signs that are visible from the public right-of-way.
- (C) No sign shall be painted, placed or replaced without first meeting the standards set forth in Chapter 8.

SECTION 8.3 **GENERAL REGULATIONS**

(A) Sign Location

- 1) No signs, except those deemed as official traffic signs by the municipality, county or state, on streets within their respective jurisdiction, shall be erected within two feet of any street, or within any public right of way. All signs located on properties adjacent to the legal right of way shall allow adequate clearance for motor vehicles and pedestrians. Signs, architectural projections, or sign structures projecting over vehicular access areas must be at a minimum, seventeen feet, six inches (17' - 6") above the finished grade, which conforms to the minimum height clearance limitations, set forth in Penn DOT regulations. Any signs over pedestrian access areas must be at least seven feet (7') above the finished grade.

(B) Sign Illumination

- 1) Illumination shall not obscure or interfere with the effectiveness of traffic signals or signs.
- 2) Illumination shall be shielded so as to prevent glare that may impede the vision of automobile drivers.
- 3) Sign illumination shall be reduced by at least fifty percent (50%) during non-operating business hours.

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- 4) Sign illumination shall be shielded and directed in a way that does not create night time light pollution or nuisance for adjacent residential uses.

(C) Maintenance

- 1) All sign faces, supports, braces, anchors, bases, and electrical equipment shall be kept in good repair and maintained in clean, attractive and operable condition.

(D) Sign Permitting and Fees

- 1) All business signs and all other signs which exceed thirty-two (32) square feet shall require a permit, except exempt signs as defined in Section 8.3(g).
- 2) All signs which require a permit shall also be required to pay the accompanying fee outlined in the Fee Schedule, except for signs erected by non-profit institutional uses such as a religious institution.

(E) Billboards

- 1) See Section 8.4 for additional requirements and regulations regarding billboards.

(F) Real Estate and Political Signs

- 1) Signs advertising the sale of real estate must be removed within seven (7) days of the final sale of the property or its removal from the market for sale.
- 2) All political signs must be removed within seven (7) days after the date of either the primary or general election.

(G) Exempt Signs

- 1) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance.
- 2) Any sign inside a building, not attached to a window or door that is not legible from a distance of more than three (3) feet beyond the lot line of the zone lot or parcel on which such sign is located.
- 3) Works of art that do not include a commercial message.
- 4) Holiday lights and decorations.
- 5) Traffic control or incidental signs on private property, such as “Stop”, “Yield”, and similar signs, the face of which meet Pennsylvania Department of Transportation standards and which contain no commercial message.
- 6) Emergency warning signs erected by governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
- 7) Memorial signs or tablets denoting the date of erection of a building.

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- 8) Signs and banners erected by a governmental body or under the direction of the governing body.
- 9) Flags in residential districts that do not contain pornographic, obscene or offensive language or symbols.
- (H) No trespassing, no hunting, security and warning signs or private property signs, provided they do not exceed two (2) square feet.

SECTION 8.4 BILLBOARDS

- (A) All billboards shall conform to the basic sign regulations and requirements set forth above, in addition to the following:
- (B) Location
 - 1) Billboards shall only be allowed in the I-1 (Industrial) and I-2 (Special Industrial) zoning districts and shall be the principal use that the property is devoted.
 - 2) No more than one (1) billboard shall be located on a property.
- (C) Dimensions
 - 1) The maximum height for the billboard shall be no more than one-hundred (100) feet measured from the ground to the top of the sign.
 - 2) Surface area of for billboard signs shall not exceed 200 sq. ft. per side.
- (D) Nonconforming Billboards
 - 1) Each non-conforming billboard and billboard structure shall be allowed to be displayed for five (5) years from the adoption of this ordinance. This continuance allows the owner a reasonable amount of time to recover the full economic value of their investment.
 - 2) Non-conforming billboards shall be removed at the owner's expense if the billboard becomes abandoned and is no longer economically viable.

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CHAPTER 9

ADMINISTRATION AND ENFORCEMENT

SECTION 9.1 ZONING OFFICER

- (A) The Jefferson Morgan Council of Governments shall appoint one Zoning Officer who shall administer and enforce the provisions of this Ordinance throughout the jurisdiction of Jefferson-Morgan Multi-Municipal Zoning Ordinance, and shall do so in accordance with the provisions of the Pennsylvania Municipalities Planning Code (MPC).
- (B) An official record shall be kept of all business of the Zoning Officer and shall be open to the public at official business hours.
- (C) The compensation of the Zoning Officer shall be determined by the Jefferson Morgan Council of Governments.

SECTION 9.2 DUTIES OF THE ZONING OFFICER

- (A) The Zoning Officer shall literally interpret and enforce all the provisions of the Zoning Ordinance and shall have such duties and powers as are conferred on him by the Zoning Ordinance and are reasonably implied for that purpose. The Zoning Officer shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance.
- (B) The Zoning Officer shall issue zoning permits and certificates of use and occupancy. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Zoning Hearing Board. The Zoning Officer shall annually submit to the Jefferson Morgan Council of Governments a report of all permits and certificates of use and occupancy, notices issued and orders.
- (C) Examine, or cause to be examined, all structures and/or land for which and application has been filed for a zoning permit, and he may conduct such inspections from time to time, during and at completion of the work for which a zoning permit has been issued.

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SECTION 9.3 ZONING PERMIT AND CHARACTERISTICS OF USE AND OCCUPANCY

- (A) A Zoning Permit is required for the following:
 - 1) Commencing a use, changing a use or intensity of use, or extending or displacing the use of any building, structure, and/or land in the Jefferson-Morgan Region.
 - 2) Construction, erection, enlargement, reconstruction, or structural alteration of any building and/or structure including placement of a mobile home on a property.
- (B) The zoning permit shall expire twelve (12) months from the date of its issuance.
- (C) Each applicant for a zoning permit shall present with the application, a plan of the property showing clearly and completely, the location, dimensions and nature of any structure involved and any other information the Zoning Officer may require so as to comply with this Ordinance, together with a filing fee in accordance with the schedule of the same.
- (D) No use of vacant land shall be made, nor shall any building or structure hereafter constructed, erected, or structurally altered be occupied or used, nor shall any existing use of a building, structure, or land be changed until a certificate of use and/or occupancy shall have been issued by the Zoning Officer.
- (E) The purpose of the certificate is to confirm that work or development described in the zoning permit application has been completed in compliance with this ordinance.
- (F) The application for a zoning 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. No certificate shall be issued until the premises in question has been inspected and found by the Zoning Officer to be in compliance with this Ordinance.
- (G) The issuance of a certificate of occupancy in no way absolves the owner of authorized agent from compliance with the intent of this Ordinance.

SECTION 9.4 VIOLATIONS

- (A) When it appears to the Jefferson Morgan Council of Governments or the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice in accordance with the MPC, Article VI- Section 616.1. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record.

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- (B) If the enforcement notice is not complied with, the Zoning Officer shall request the Jefferson Morgan Council of Governments to authorize the solicitor to institute appropriate proceedings to prosecute such violations. Such proceedings are provided for and shall be in accordance with Article VI of the Municipalities Planning Code.

SECTION 9.5 APPEALS

- (A) The procedure and time limitations for appeal from any ordinance, decision, determination or order of the Jefferson Morgan Council of Governments, Zoning Officer, Zoning Hearing Board, or other applicable agency or officer of the Municipalities, in the enactment of administration of this ordinance, shall be in conformance with the provisions of the MPC.
- (B) Any person or Municipal Official aggrieved or affected by any provision of this Ordinance or by any determination of the zoning officer, may appeal to the board within thirty (30) days, as provided by the rules of the Zoning Hearing Board, by filing a notice of appeal specifying the grounds thereof. The Zoning Hearing Board shall have the power to hear and decide appeals from any order, requirement, decision, grant or refusal made by the zoning officer in the administration of this ordinance.
- (C) Where the Zoning Hearing Board has jurisdiction over a matter, it shall also hear appeals that an applicant may elect to bring before it with respect to any Municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Zoning Hearing Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon, as provided in Section 908 of the MPC. At the conclusion of the hearing, the Zoning Hearing Board shall make findings on all relevant issues of fact that shall become part of record on appeal to court.

SECTION 9.6 FEES

- (A) The Jefferson Morgan Council of Governments shall determine a schedule of fees, to be adopted by resolution, as well as a collection procedure for permits and applications for variances, special exceptions, amendments and other matters pertaining to this chapter.
- (B) The Jefferson Morgan Council of Governments shall re-evaluate the fee schedule from time to time and make the necessary changes. These changes shall not be considered an amendment to this chapter and may be adopted at a public meeting by resolution.
- (C) All fees shall be paid to the Jefferson Morgan COG, except for applications for conditional uses, which shall be paid to the municipality in which the property

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resides. Special exceptions, variances and amendments shall be acted upon only after the required fees have been paid in full and the Zoning Hearing Board shall not take any action on appeals until the necessary charges have been paid in full.

SECTION 9.7 **ZONING HEARING BOARD**

- (A) In accordance with Sections 815-A of the MPC, a Joint Zoning Hearing Board is hereby established to administer the entire joint municipal zoning ordinance and shall be appointed and organized in accordance with Section 904 of the MPC. The Joint Zoning Hearing Board shall hold meetings, keep minutes, and pursuant to public notice, conduct hearings, compel the attendance of witnesses, take testimony under oath and render decisions, all as required by law. For filing of any appeal or proceeding with the Joint Zoning Hearing Board, a fee shall be charged in accordance with the schedule.
- (B) Except as provided in the MPC, the Joint Zoning Hearing Board shall have no power to pass upon the validity of any provisions of an ordinance or a map.

SECTION 9.8 **ADMINISTRATION AND PROCEDURE**

- (A) Membership and Organization – The membership and organization of the Board and the appointment of alternate members to the Board shall be as provided by the MPC as now in effect or as hereafter amended.
- (B) Rules and Regulations – The Board may make, alter and rescind rules, regulations, and forms for its procedures such as are consistent with the borough code and the laws of the Commonwealth. Copies of rules, regulations and forms adopted by the Board shall be prepared and shall be made available for inspection and by any interested persons in the offices of the Board and the municipalities.
- (C) Notice Hearing and Decisions – The Board shall conduct hearings and render decision, after giving such notice as required by law, in the manner prescribed by the MPC, as now established or hereafter amended.
- (D) All appeals and applications made to the Zoning Hearing Board shall be in writing on forms prescribed by the Jefferson-Morgan COG.
- (E) Every appeal or application shall refer to the specific provision of the Ordinance involved, and shall set forth exactly the interpretation that is claimed, the use for which the special permit is sought or the details of the variance should be granted.
- (F) The hearings shall be conducted in accordance with Section 908 of the MPC. The Joint Zoning Hearing Board may appoint any member as a hearing officer. The decision of, or where no decision is called for, the findings, shall be made by the Joint Zoning Hearing Board and accept the decision of the hearing officer as final.

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SECTION 9.9 **SPECIAL EXCEPTIONS**

- (A) In any instance where the Board is required to consider a special exception in accordance with the provisions of this Ordinance, the Board shall apply the following standards:
- 1) The Board shall determine if the applicant has shown that the proposed special exception will not substantially injure or detract from the use of the neighboring property or from the character of the neighborhood, land that the use of property adjacent to the area included in the proposed change or plan is adequately safeguarded.
 - 2) The Board shall determine if the applicant has shown that the proposed special exception will serve the best interests of the Jefferson Morgan Council of Governments, the convenience of the community and the public welfare.
 - 3) The Board shall determine if the applicant has shown that the effect of the proposed special exception will facilitate the logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and public schools.
- (B) In granting a special exception, the Board may attach such reasonable conditions and safeguards, which conditions may include, but are not limited to, harmonious design of buildings, plantings and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, adequate standards of parking, and sanitation, as it may deem necessary to implement the purpose of this Ordinance.

SECTION 9.10 **VARIANCES**

- (A) In accordance with Section 910.2 of the MPC, the Joint Zoning Hearing Board, upon appeal, shall have power to authorize variances from the provision of this Ordinance. The applicant must provide evidence to the Zoning Hearing Board of the need for the variance based upon all the following criteria and the Zoning Hearing Board may grant a variance provided that all of the findings are made where relevant in a given case.
- (B) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provision of the zoning ordinance in the neighborhood or district in which the property is located.
- (C) That because of such physical circumstances or condition, there is no possibility that the property can be developed in strict conformity with the provisions of the

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zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

- (D) That such unnecessary hardship has not been created by the appellant.
- (E) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- (F) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

SECTION 9.11 **NON-CONFORMING USES**

The Joint Zoning Hearing Board shall have the power to authorize changes in lawful non-conforming uses as Special Exceptions in accordance with Chapter 6 of this Ordinance:

SECTION 9.12 **MEDIATION OPTION**

In accordance with Section 908.1. – Mediation Option – of the MPC, authorized parties may utilize mediation as method to facilitate such proceedings.

SECTION 9.13 **AMENDMENTS**

- (A) The Municipalities may introduce and / or consider amendments to this Ordinance and to the zoning map, as proposed by a member of the governing body, the Greene County planning commission, the Jefferson Morgan Council of Governments, or by a petition of a person residing or owning property within the Jefferson Morgan Region.
- (B) All amendments shall conform to Section 609 – Enactment of Zoning Ordinance Amendments and Section 610 – Publication, Advertisement and Availability of Ordinance of the MPC and all subsequent amendments to the MPC. The notification of proposed amendments shall be in accordance with MPC.
- (C) Petitions for amendments shall be filed with the planning commission and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with the fee schedule. The planning commission shall review the proposed amendment and report its findings and recommendations in writing to the municipality.
- (D) Any proposed amendment presented to the municipality without written findings and recommendations from the Jefferson Morgan Council of Governments shall be referred to these agencies for review prior to the public hearing by the municipality.

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A thirty-day review period shall be allowed before the municipality takes final action on the amendment.

- (E) Before acting upon a proposed amendment, the Jefferson Morgan Council of Governments shall hold a public hearing thereon. Notice of such public hearing, containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined, shall be published once a week for two consecutive weeks in a newspaper of general circulation in the municipality. The first publication shall be not more than thirty days and the second publication not less than seven days from the date of the hearing.

SECTION 9.14 **LANDOWNER CURATIVE AMENDMENT**

- (A) As stated in the Pennsylvania Municipalities Planning Code (MPC) Section 810-A: Procedure for Curative Amendments, curative amendments shall be filed in accordance with the requirements of Section 609.1 of the MPC with the municipality within which the landowner's property is located. Provided, however, that the municipality before which the curative amendment is brought shall not have the power to adopt any amendment to the joint municipal zoning ordinance without the approval of the other municipalities participating in the joint municipal zoning ordinance. The challenge shall be directed to the validity of the joint municipal zoning ordinance as it applies to the entire area of its jurisdiction.
- (B) Section 609.1 of the MPC states the following for the landowner curative amendment process. A landowner who desires to challenge on substantive grounds the validity of this Zoning Ordinance or Map or any provision thereof, which prohibits or restricts the use of development of land in which he has an interest may submit a curative amendment to the governing body of the municipality in which the challenge is filed with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the MPC. The governing body of that municipality shall commence a hearing thereon within sixty (60) days of the request as provided in Section 916.1. The curative amendment and challenge shall be referred to the Jefferson-Morgan Multi-Municipal Planning Commission and the Greene County Planning Commission as provided in Section 609 and notice of the hearing thereon shall be given as provided in Section 610 and in Section 916.1 of the MPC.
- (C) The hearing shall be conducted in accordance with Section 908 of the MPC and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the governing body; provided, however, that the provisions of Section 908 (1.2) and (9) shall not apply and the provisions of Section 916.1 shall control. If a municipality does not accept a landowner's curative amendment brought in accordance with this Subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of

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invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

- (D) If the governing body of a municipality has determined that a validity challenge has merit, it may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The governing body shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
- 1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - 2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;
 - 3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 - 4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 - 5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

SECTION 9.15

MUNICIPAL CURATIVE AMENDMENT

- (A) As stated in the Pennsylvania Municipalities Planning Code (MPC) (Section 812-A: Procedure for Joint Municipal Curative Amendments) the following requirements shall be adhered to:
- 1) The governing bodies of all the participating municipalities may declare the joint municipal zoning ordinance or portions thereof substantially invalid and prepare a municipal curative amendment pursuant to section 609.2 of the MPC.
 - 2) The provisions of section 609.2(4) shall apply to all municipalities participating in the joint municipal zoning ordinance.
 - (i) In the case of a joint municipal curative amendment involving two or three municipalities, the municipalities shall have nine months from the date of declaration of partial or total invalidity to enact a curative amendment.

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invalidity of the unamended zoning ordinance for which there has been a curative amendment pursuant to this Section.

- (E) A municipality having utilized the procedures as set forth in clauses A. and B. may not again utilize said procedure for a 36-month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of this Zoning Ordinance, pursuant to clause B.; provided, however, If after the date of declaration and proposal there Is a substantially new duty or obligation imposed upon the municipality by virtue of a change In statute or by virtue of a Pennsylvania Appellate Court decision, the municipality may utilize the provisions of this Section to prepare a curative amendment to this ordinance to fulfill said duty or obligation.

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CHAPTER 10 GLOSSARY

SECTION 10.1 **INTERPRETATIONS**

For the purpose of this Ordinance the following rules shall apply:

- (a) The particular shall control the general.
- (b) The words “shall” and “will” are mandatory; the word “may” is permissive
- (c) If there is a difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- (d) Words used in the present tense include the future tense.
- (e) The singular includes the plural and the plural the singular.
- (f) The terms “occupied” or “used” shall be construed to be followed by the words ‘or intended, arranged or designed to be occupied or used.’
- (g) The words “person” and “developer” include an individual, corporation, partnership, trust, company or association or any other similar entity.
- (h) The word “includes” or “including” shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of similar kind and character.
- (i) The masculine shall include the feminine and the neuter.

SECTION 10.2 **MEANINGS OF WORDS**

Unless otherwise expressly stated, the following words, for the purpose of this Ordinance, shall have the meaning herein indicated. When terms, phrases or words are not defined, they shall have their ordinarily accepted meaning or such as the context may imply. Words generally found in legal terminology shall be considered to have meanings in this Ordinance similar to their generally held definitions in the Court of Law.

SECTION 10.3 **DEFINITIONS**

Abandoned Vehicle – Any vehicle that is not in a building or garage and which does not have a current Pennsylvania registration and / or a current safety inspection sticker. This term shall not apply to any vehicle or equipment used in the normal operation of a farm owned or leased by the person farming the land or upon the property of a state authorized automotive repair facility.

Abandonment - An intentional and absolute relinquishment and cessation of a use for any period of time without intention to resume said use or the voluntary discontinuance of a use for a

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continuous period of one (1) year or more without reference to intent. Commercial or industrial abandonment shall be measured from the date of the last record of sale or occupancy, whichever occurs first, and residential abandonment shall be measured from the last date of occupancy.

Academic Clinical Research Lab (Lab) – An accredited medical school within this Commonwealth that operates or partners with an acute care hospital licensed within this Commonwealth.

Adult Oriented Establishment - The term includes any use meeting the definition for this term in Title 68, Chapter 55 of the Pennsylvania Consolidated Statutes, as amended, and without limitation, the following establishments when operated for profit, whether direct or indirect: adult bookstores; adult motion picture theaters; adult mini-motion picture theaters; adult drive-in movie theaters; adult motels; massage parlors; any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron or a member. Motion pictures shall include material, chat rooms and other material available through the Internet and motion pictures or videos available through cable, satellite or other television services on computers or equipment used in the establishment; and an adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import. Any and all of these uses are considered an Adult Entertainment Facility.

The term booths, cubicles, rooms, studios, compartments or stalls, for purposes of defining adult-oriented establishments, does not mean enclosures which are private offices used by the owner, manager or persons employed on the premises for attending to the tasks of their employment, and which are not held out to the public for the purpose of viewing motion pictures or other entertainment for a fee, and which are not open to any persons other than employees.

Agriculture – land used for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, animal hospitals, riding academies, stables, animal and poultry husbandry, and dog kennels and/or clinics.

Agricultural Operation – The customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market or poultry, livestock and their products and the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquicultural crops and commodities and is:

(1) Not less than ten contiguous acres in area; or

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- (2) Less than ten contiguous acres in area but has an anticipated yearly gross of at least \$10,000.

This term includes agricultural buildings designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. Such structure shall not be a place of human habitation or a year-round place of employment where agricultural products are processed, treated, packaged; nor shall it be a building or structure open year-round for use by the public. A farmer's market building will be considered an agricultural building so long as it is located on the farmstead where the products are grown.

This term does not include Concentrated Animal Feeding Operations and Concentrated Animal Operations.

Agritourism Enterprise— activities conducted on and accessory to a working farm and offered to the public or invited groups for the purpose of recreation, education, or active involvement in the farm operation. These activities must be directly related to agricultural or natural resources and incidental to the primary operation of the farm.

Alley, Lane, or Way – A permanent public service way providing only secondary means of access to the rear or side of an abutting property and which may be used for public utility purposes, but is not intended for general traffic circulation.

Alteration, Structural – Any change or rearrangement of supporting members of a building or structure such as bearing walls, columns, beams or girders, joists or rafters, enclosing walls, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Air Rights – The ownership or control of that area of space at and above a horizontal plane over the ground surface of land. This horizontal plane shall be at a height above the existing or proposed development that is necessary or legally required for the full and free use of the ground surface.

Airport – An area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights of way, together with all airport buildings and facilities thereon. Unless indicated otherwise, airport shall include heliports and public airports.

Private Airport – An airport that is privately owned and which is not open or intended to be open to the public.

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Public Airport - An airport that is either publicly or privately owned and is open to the public.

Amphitheater – An outside gallery with seats for spectators.

Amusement and Recreation Center – An establishment that is not sexually oriented and offers recreation, entertainment, or games to the general public for a fee or charge.

Indoor Amusement Center - An entirely enclosed facility operated as a commercial venture providing a source of amusement, entertainment, or recreation that may include bowling alleys, athletic courts, indoor swimming pool, movie theaters, playhouses, indoor golf centers, indoor batting cages or any other similar use.

Outdoor Amusement Center - A partially or entirely unenclosed facility operated as a commercial venture providing a source of amusement, entertainment, or recreation that may include miniature or pitch and putt golf courses, batting cages, swimming pools, athletic courts, or any other similar use.

Amusement Park – An establishment existing primarily for entertainment purposes and offering rides and exhibitions for a fee.

Animal Equivalent Unit – One thousand pounds of animal weight as designated under the Pennsylvania Nutrient Management Act.

Animal Hospital / Veterinary Office – A facility where animals are given medical or surgical treatment. Use as a kennel shall be prohibited except for animals or pets undergoing medical or surgical treatment.

Applicant – A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

Application for Development – Every application, whether preliminary, tentative, or final required to be filed and approved prior to start of construction or development including, but not limited to an application for a building permit for the approval of a subdivision plan or for the approval of a development plan.

Arena – A completely enclosed structure with fixed seating for not more than 20,000 persons which is designed to accommodate sporting, entertainment and assembly events and which may include accessory dining and retail uses. An arena may be operated by a public or private agency, authority or corporation.

Architect – An individual registered by the Commonwealth of Pennsylvania and certified by the American Institute of Architects (AIA) as a licensed architect.

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Assisted Living Facility – A state-licensed facility designed to provide individual dwelling units or rooms for individuals who are independently mobile and are not in need of the level of service provided by a personal care home, and which provides on-site supervision and assistance available to residents on an occasional, “as needed” basis, and where at least one meal each day is provided in a common dining area and which includes certain design features associated with the needs of seniors which are not customary in the construction of conventional dwelling units, such as emergency call systems, common dining facilities, transportation facilities, minimal housekeeping facilities, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

Authority – A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945.”

Automobile Car Wash – Any building, site or premise or portions thereof, used for washing or reconditioning the interior or exterior of automobiles. An automobile car wash shall include self-operated facilities not requiring attendants or employees, but shall not include incidental one-bay washing facility in an automobile repair or service station where such facilities are incidental to the operation of said automobile repair or service station.

Automobile Dismantler – Any establishment or place of business which is maintained, used, or operated for the storing, keeping, buying or selling of no more than ten (10) wrecked, scrapped, ruined or dismantled motor vehicles, or motorparts, or both.

Automobile Repair / Service – Any building or lot used for the maintenance, servicing, repair or painting of vehicles.

Bakery – An establishment used for the preparation of baked goods for primarily retail sales and may have incidental wholesale, for general distribution or consumption off-site.

Bank / Financial Institution – An establishment that provides services such as retail banking, collection services, loan services, and tax and investment services to individuals and businesses. This use does not include check-cashing businesses.

Basement – That portion of a building or structure that is partly or completely below grade, but having half of its clear height below the average grade of the adjoining land. This room does not count as a “story”, nor can it be used as a “dwelling”.

Bath House - An establishment or business that provides the services of baths or spas of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed but no specified sexual activity occurs.

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Beacon – Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot or site as the light source; also, any light with one or more beams that rotate or move.

Bed and Breakfast Inn – A residential accessory use consisting of a single family dwelling that contains not more than ten (10) guest bedrooms used for providing overnight accommodations to the public, not to exceed ten (10) consecutive days, and in which breakfast is the only meal served and is included in the charge for the room. The rented rooms do not contain kitchen facilities and do not constitute separate dwelling units.

Beekeeping – an activity engaged in for personal use, where twenty-five (25) or fewer beehives are kept on a lot.

Billboard – An off-premises sign which advertises an establishment, an activity, a person, a product, or a service which is unrelated to or unavailable on the premises on which the sign is located through which the advertising matter of any character is printed, posted or lettered and may be either free standing or attached to the surface of a building or other structure, or applied directly to the surface.

Boarder - an individual or individuals, other than a family member of the family occupying the dwelling unit, or part thereof, who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

Boarding House (includes Rooming House) – a dwelling in which at least two rooms are offered for rent, whether or not meals are furnished to lodgers and in which no transients are accommodated and no public restaurant is maintained. A school or college dormitory, fraternity or sorority house, membership club with residents, and other similar uses are not deemed a boarding or rooming house.

Boat Storage- An enclosed building or separate structure that stores boats.

Boat and Marine Sales / Service - Any building or lot used for the maintenance, servicing, repair or painting of boats or other related water craft.

Bore Holes – Structures and appurtenant facilities to permit the introduction from the surface to underground mining operations, or in some cases the removal from underground mining operations to the surface, of electric power, water (with or without treatment facilities), rock dust for safety purposes, communicating lines, compressed air, methane, and other items to facilitate the mining and removal of coal.

Brewery Pub – A commercial use which brews a maximum combined total of 15,000 barrels per year of ales, beers, meads and/or similar alcoholic beverages and which serves the beverages in a tavern or restaurant. A brewpub may include the shipping of beverages for

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consumption at other sites. Any establishment that produces more than 15,000 gallons would be considered light manufacturing for regulation by this chapter.

Broadcasting Studio (Radio and Television) - Any premises or station authorized by the appropriate regulating agency used for the purpose of providing broadcasting services for general reception.

Buffer Area – A strip of land adjacent to the boundary of a property or district, not less in width than is designated in this Ordinance, that is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no building or structure is permitted except a wall, fence or sign in compliance with this Ordinance.

Buildable Area – The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met. See Figure 2 in the Appendices.

Building – Any structure having enclosing walls and roofs and requiring a permanent location on the land.

Accessory Building – A detached building customarily incidental and subordinate to the principal building and located on the same lot.

Principal Building – A building in which is conducted the principle use of the site or lot on which it is situated. In all residential districts, any dwelling shall be deemed to be a principal building on the lot on which it is located.

Building Envelope — The area of a lot within which a principal building may be erected. This area is defined by the limits of the minimum front, side, and rear yard areas, and encompasses the area of the lot not found in the yard areas and rights-of-way.

Building Height – The vertical distance measured from the average elevation of the proposed finished grades immediately adjacent to the front lot line to the highest point of the roof for flat roofs, to the deck line for mansard roofs, to the mean height between eaves and ridge for gable, hip and gambrel roofs. If there are two or more separate roofs on a single building, the height of such building shall be calculated from the highest roof. See Figure 1 in the Appendices.

Building Inspector – The person officially appointed by the municipal governing body or council to administer and enforce the Building Code.

Building Material Facility - A facility for the sale of home, lawn and garden supplies and tools and construction materials such as brick, lumber, hardware and other similar materials without an enclosed building.

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Building Setback Line – An established line within a property defining the minimum required distance between the face of any building or structure to be erected and an adjacent street right-of-way of a lot line. The face of the building includes basements, decks, sunrooms, foyers, bay windows, porches, patios with footers, projecting eaves and overhangs, dormers, and any other solid projections and solid entrances. Walks, terraces, and uncovered steps or stoops attached to a structure are exempt. Building lines shall also apply to all accessory buildings and structures except for signs, fences, and walls and shall apply to all yard lines. See Figure 2 in the Appendices.

Bus / Transit Facilities – A facility, including terminals, depots, and passenger waiting, loading, and unloading stations of bus and other transit companies and districts. Also, includes facilities providing any and all types of general or specialized maintenance services or storage areas for buses and other transit vehicles of a transit company or district, public, or private, providing transportation services primarily for people, but which may transport freight as an incidental service.

Bus / Other Transit Shelter - A covered structure at a bus or other transit stop providing protection against the weather.

Bus / Other Transit Stop – A place on a bus or other transit route, usually marked by a sign, at which buses or other transit vehicles stop for passengers to load and unload.

Business Services – Establishments engaged in rendering services to businesses and offices on a fee or contract basis including, but not limited to, advertising; mailing; data processing; office supplies; building maintenance; equipment servicing, rental, leasing and sales, employment service; and other similar business services.

Campground –A tract or tracts of land, any portions thereof, used for the purpose of providing sites for the use of tents, trailers, cabins, lean-tos, recreational vehicles or similar structure for temporary residences with or without a fee being charged for the leasing, renting or occupancy of such space.

Caregiver – the individual designated by a patient to deliver medical marijuana.

Canopy – A roof-like structure either projecting from a building façade and open on three sides, or standing alone and open on four sides, and used for the purpose of protecting pedestrians and motorists from weather related elements.

Catering Business – An establishment used for the preparation and delivery of food and beverages for off-site consumption. This establishment may provide for on-site pickup but may not provide for on-site consumption.

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Cemetery / Mausoleum – An area used, or intended to be used, for the burial of the deceased, including a columbarium, crematorium and mortuary when operated in conjunction with the cemetery and within its boundaries.

Centerline – An imaginary line running parallel to street or easement right-of-way lines and equidistant from the lines on each side of the street or easement, or a line following the center of a physical feature such as a stream.

Certified Medical Use – the acquisition, possession, use or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized by certification by the Commonwealth.

Child Day Care Facility – a use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including "nursery school" or "Head Start" programs. See also definition of "adult day care center." The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives," 2) care of children within a place of worship during regularly scheduled religious services, and (3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the caregiver.

Child Day Care Center – A facility in which care is provided for seven (7) or more children at any one time where the child care areas are not being used as a family residence and is licensed with the applicable State agency.*.

Family Day Care Home – Family Child Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within the primary caregivers' dwelling unit, 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary caregiver, and 3) is registered with the applicable State agency.*

Group Child Care Home – A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not "relatives" of the primary caregiver, 2) provides care within the primary caregivers' dwelling unit, and 3) is licensed with the applicable State agency.*

*Note: As of the adoption date of this Ordinance, such agency was the PA Department of Public Welfare.

Clear-cutting – The indiscriminant, or complete, removal of all trees on a site, or any portion thereof greater than one-half (0.5) acre in a contiguous area, during a single timber harvesting operation or within a five (5) year period.

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Clear Sight Triangle – At every intersection there shall be a triangular area deemed to be a clear sight triangle. The clear sight triangle shall be determined by the intersecting centerlines and a diagonal line connecting the two points, one at each centerline. The length of each centerline shall be determined as follows: seventy-five (75') feet from the intersection of such centerlines for a street with a local classification or from non-residential or multi-family residential driveways; one hundred (100') feet from the intersection of such centerlines for a street with an collector classification; and, one hundred fifty (150') feet from the intersection of such centerlines for a street with an arterial classification.

There shall be no obstruction of vision between a height of two and one half (2.5') feet and fifteen (15') feet above the centerline grade of the street within the clear sight triangle. Clear sight triangles shall be graded as necessary and kept clear of any buildings, plantings, or other obstructions.

Clinic – An establishment that provides patient care services, including but not limited to, medical, dental, psychological, and / or social services on an outpatient basis.

Clinical Registrant - an entity that holds a permit both as a grower/processor and a dispensary and has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.

Cluster Development – A form of single-family residential development which permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional development and provided, further, that the resultant land area is devoted to open space.

Co-location – The mounting of one or more wireless communications towers, including antennae, on an existing tower.

Communications Antenna – Any device used for transmission or reception of radio, television, cellular telephone, pager, commercial mobile radio service, or any other wireless communications signals, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device.

Communications Data Collection Unit (DCU) - A cabinet-type facility that can be attached to an existing or proposed utility pole or a similar pole.

Communications Distributed Antenna System (DAS) - Also referred to as "micro-cell." A set of antenna nodes networked with each other and connected to a wireless service source comprised of one or more high-power antennas that serve a given area and are replaced by a group of low-power antennas to serve the same geographic area

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Communications Equipment Building – An unmanned building containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than two hundred fifty square feet.

Communications Stealth Technology - camouflaging methods applied to wireless communications towers, Antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

Communications Tower – A structure, other than a building, including any guy wires principally intended to support facilities for receipt or transmission of broadcast for commercial or public VHF and UHF television, FM radio, two-way radio, common carriers, cellular telephone, fixed point microwave, low power television, or AM radio, including accessory equipment related to telecommunications. Not included are antennae and supportive structures for private, noncommercial and amateur purposes including but not limited to ham radios and citizen band radios.

Macro Tower - A facility with a central pole up to 50 feet in height that has a service radius of approximately 2.5 miles

Micro Tower - A facility with a central pole less than 30 feet in height with a service radius of 0.5 mile or less.

Communications Tower Height – The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

Community Facility - A publicly, semi-publicly, or semi-privately maintained institution devoted to any of a variety of group activities - civic, social, fraternal, educational, cultural, municipal, and/or recreational with premises and facilities appropriate to such activities provided, however, that the said premises shall not include living quarters for persons other than those engaged in the institution's conduct and/or maintenance.

Comprehensive Plan - The adopted public document for Clarksville Borough, Jefferson Borough, Jefferson Township, and Morgan Township, Greene County, Pennsylvania prepared in accordance with the Pennsylvania Municipalities Planning Code (MPC), consisting of maps, charts, and textual material that constitutes a policy guide to decisions about the physical and social development of the municipality. The Comprehensive Plan is also known as the Jefferson Morgan Multi-Municipal Comprehensive Plan.

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Concentrated Animal Operation (CAO) – An operation owned or managed by a farmer with more than two animal equivalent units per acre of land suitable and available for manure application on an annualized basis. These operations must have and implement an approved nutrient management plan that has been approved by a county conservation district or the State Conservation Commission.

Concentrated Animal Feeding Operation (CAFO) – An operation that is: (1) any livestock or poultry facility with more than one thousand animal equivalent units; (2) an operation with three hundred and one to one thousand animal equivalent units that are CAO's; or (3) any other agricultural operation with a discharge to surface waters. CAFO's fall under the authority of the Federal Clean Water Act and the National Pollutant Discharge Elimination System regulations and must have and implement Nutrient Management Plans and Erosion and Sedimentation Control plans.

Continuing Care Facility – A residential facility, licensed by the Commonwealth of Pennsylvania, consisting of either a single building or a group of buildings, under common or related ownership, located on a single lot or on contiguous lots, containing two or more of the following services: assisted living facility; home and community based services facility; senior housing; independent living facility; nursing home; personal care home; personal support services for a continuing care facility; skilled nursing facility.

Home and Community Based Services Facility – A facility which provides services designed to assist elderly or disabled persons, including services such as a wellness center, therapeutic pool, geriatric assessment, rehabilitation, home health care, meals on wheels, and transportation services.

Personal Support Services for a Continuing Care Facility – Services provided to residents of a continuing care facility, located within a main building, such as beauty shop, barbershop, gift shop, pharmacy, bank, and laundry and cleaning services and facilities. Although open to the public, these facilities shall primarily be for the use and service of the residents of the Continuing Care Facility.

Convenience Store – A retail establishment with a sales area of five thousand square feet or less offering for sale food products, household items, newspapers, magazines, or freshly prepared foods that may be available for on-site or off-site consumption. Accessory activities may include the operation of no more than two (2) arcade games, video games or other similar devices, automated teller machines (ATMs), check cashing, money orders, movie rentals, lottery tickets, film processing and the sale of liquefied petroleum gas and/or gasoline, but shall not include the repair or service of vehicles. Convenience stores shall not exceed more than four (4) fuel islands or more than eight (8) fueling positions. Convenience Store(s) without accessory use of sale of liquefied petroleum gas and/or gasoline shall be defined as Retail Stores.

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Conversion – The remodeling or alteration of a structure so as to accommodate more leasable or saleable units or a different use than what had originally been intended for the structure. This shall include the alteration of a non-residential structure into a dwelling unit(s) for at least one family, the modification of a single family structure to accommodate more units than originally intended, the alteration of existing dwellings into a commercial use, and the alteration of an existing dwelling into a mixed commercial and residential use.

Correctional Facility - a publicly- or privately-operated facility housing persons awaiting trial, serving a sentence after being found guilty of a criminal offense, being within the jurisdiction of a Federal, State or local probation, parole or corrections agency and/or receiving treatment other than at a hospital while under the jurisdiction of such authority or agency. The term shall include but not be limited to jails, prisons, juvenile detention centers, work release centers, pre-release centers and treatment centers.

County – Greene County, Pennsylvania.

County Planning Commission – The Planning Commission of Greene County, Pennsylvania.

Court – An open, unoccupied and uncovered space other than a yard. An outer court is one which extends to the street or to the front or rear yard. An inner court (aka courtyard) is usually bounded by three or more walls of an attached building.

Covenant – An agreement legally binding successor owners of a property to certain conditions regarding use of property stipulated by the original owner.

Coverage – The extent to which a permitted structure occupies its lot, expressed most commonly as the percentage of the ground area occupied by the structure to the total lot area.

Cropland – Land used for the production of adapted crops for harvest, along or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops and other similar specialty crops.

Cul-de-Sac – A street closed at one end with a vehicular turn around provided at the closed end.

Cultural Service – A museum or similar use engaged in the collection, display or preservation of objects of community or cultural interest.

Cut – The extraction of previously undisturbed earth material in the process of grading.

Developable Land - That land proposed for development which excludes there from all portions thereof (1) dedicated or to be dedicated or devoted for use as public or private streets, (2) dedicated or to be dedicated or devoted to use as public or private improvements, including but not limited to stormwater management facilities, (3) defined by the Pennsylvania

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Department of Environmental Protection as wetlands, (4) defined by appropriate Federal or State agencies as being within a 100-year floodplain and (5) having a slope in excess of twenty-five percent (25%).

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

Development of Regional Significance and Impact (DRI) – Any land development that, because of its character, magnitude, or location will have a substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

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

Dispensary – a person, including a natural person, corporation, partnership association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health (DOH) of the Commonwealth to dispense medical marijuana.

Distribution Facility - Any premises or part thereof, which provide logistic support for business, such as freight management, inventory control, storage, packaging and consolidation of goods for distribution.

Dock – A permanently fixed or floating structure extending from the upland into the water, capable of use for vessel mooring and other water-dependent recreational activities. The term “dock” also includes any floating structure, boat lift or mooring piling, detached from the land, capable of use for mooring vessels and/or for other water-dependent recreational activities. The term “dock” also includes any area adjacent to the dock designated for mooring purposes. This term does not include any vessel that is not permanently docked, moored, or anchored. A public dock is considered as one controlled and maintained by a governing body or authority for use by the general public and private dock is considered such if controlled by a private entity with restricted use or open for use for a monetary fee.

Driveway – An impervious surface for vehicular access to a building, garage, parking facility or other vehicular facility, lot or parcel of land.

Dry Cleaner - An establishment that is primarily engaged in dry cleaning and laundry services including the pressing, repair, and dry cleaning of clothing, apparel, or other fabric, other than personal services directly to a consumer.

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Dwelling – A building designed exclusively for residential purposes for one or more persons on a permanent basis. For the purposes of this Ordinance, the following are the definitions of the various types of dwelling units:

Single Family Detached Dwelling Unit – A building designed for and occupied exclusively as a residence for only one family and not attached to any other building or dwelling units.

Single Family Attached Dwelling Unit – A dwelling unit having its own independent outside access, with no other dwelling units located directly and totally above or below it, and having party walls in common with at least one but not more than three adjacent similar dwelling units, and located in a building comprised of at least three dwelling units. This dwelling type shall include, but not be limited to, dwelling units commonly known as townhouses, rowhouses, condominiums, triplexes, quadruplexes, and multiplexes.

Condominium – Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of 1963 or the Pennsylvania Uniform Condominium Act.

Multi-Family Dwelling Unit – A detached residential building containing three or more dwelling units. Units may not be arranged entirely in horizontal rows (like townhouses), and are generally located entirely above or below one another. Units may share outside access and/or internal hallways, lobbies, and similar facilities. The dwelling units cannot be individually lotted, but instead share the lot or tract on which the building containing them is located. The development is usually under one operating unit, as rental or condominium development. This dwelling type includes garden apartments, flats, and multifamily conversions.

Two- Family Detached Dwelling Unit – A detached building occupied by two families only, independently of each other, including:

Double House - A detached building containing two dwelling units attached side-to-side, with separate entrances and separated by an un-pierced party wall. When lotted, each dwelling unit may be on a separate lot, with the common boundary between the two lots running along the common party wall. Separate ingress and egress is provided to each unit.

Duplex - A detached building containing two dwelling units, one above the other, each having a separate entrance. When lotted, a duplex shall be entirely on one lot. Separate ingress and egress is provided to each unit but there may be a shared front egress into a foyer or entryway.

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Dwelling Unit – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement – A public or private right of use over the property of another.

Conservation Easement – An easement precluding future or additional development of the land for the purpose of protecting or preserving natural features.

Utility Easement – A right-of-way granted for limited use of land for public or quasi-public purpose.

Educational Institution – A structure or part of a structure designed and used for the training and teaching of children, youths and / or adults, including laboratories appurtenant thereto.

Emergency Services - An area utilized for the maintenance, fueling, storage, dispatching or parking of vehicles and/or equipment providing rescue or ambulatory services.

Engineer – A professional engineer licensed as such by the Commonwealth of Pennsylvania.

Equestrian Facility – Horse, donkey and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows and other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.

Equipment Rental / Repair – A business providing typical household tools and lawn / garden equipment for repair (such as sharpening, or the repair of small motors or engines) or rental, including hand-operated machinery, power tools, lawn mowers, hedgers, etc. This excludes vehicles, trucks and trailers licensed for street use.

Escort – A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency / Service – A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

Essential Communications Antenna - Any communications antenna owned or operated exclusively by an agency or authority of the Municipality or Commonwealth of Pennsylvania or any police, fire, emergency medical or emergency management agency or any public utility whose rates are regulated, and are providing a service regulated by the Pennsylvania Public Utility Commission.

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Essential Communications Tower – Any communications tower used exclusively to support essential communications antennas.

Essential Services – The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, and their essential buildings, excluding communications towers and antennas as defined herein.

Excavation – The removal of earth or mineral material on or from a site or when such removal is necessary to prepare the site to receive structures.

Extractive Industry (oil and gas) – The excavation or recovery of crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other liquid hydrocarbons, constituents or similar substances that are produced by drilling an oil and gas well. This shall include the well site preparation, constriction, drilling, hydraulic fracturing and/or site restoration associated with an oil and/or gas well of any depth; water and other fluid storage, impoundment located on the same parcel as a well site; and the installment and use of all associated equipment, including tanks, meters and other equipment and structures whether permanent or temporary. This shall also include oil and gas pipelines, compressor stations and natural gas processing plants or facilities performing the equivalent functions that operate as midstream facilities.

Fair Housing Act - Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3600-3620).

Fairground - An area of land used for fairs in accordance with local and state requirements, exhibitions, and shows including, but not limited to: agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, theaters, and racetracks for non-motorized events.

Familial Status - One or more individuals (who have not attained the age of 18 years) being domiciled with (a) a parent or another person having legal custody of such individual or individuals; or (b) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

Family – A single person occupying a dwelling unit; or, Two or more individuals living together on a non-transient basis as a single housekeeping unit and doing their cooking on the premises, when said individuals are related by blood, marriage, adoption, including foster children and including not more than two boarders, roomers, or lodgers; or, A maximum of five children or adults requiring special care or supervision who are under the 24-hour or full-time care of resident “parents” or persons acting in loco parentis; or, Not more than

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three individuals living together as a single housekeeping unit and doing their cooking in one kitchen on the premises; or, Any number of persons possessing a “handicap” within the meaning of the Fair Housing Act (42 USCS s.3602(h)) who reside in one dwelling unit and live and cook together as a single housekeeping unit. This definition does not include a collective body of persons occupying a hotel, dormitory, lodge, boarding / rooming house, group care facility, commune, or institution.

Family Care Facility - A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for four (4) to six (6) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family care facility must be licensed and / or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities, or home individual programs. A family care facility shall be considered a single-family detached dwelling and be permitted as such.

Farm Equipment and Supplies Sales – Establishments selling, renting or repairing agricultural machinery, equipment and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming.

Farmer’s Market / Produce Stand – A place with or without buildings or structures, where fruit, vegetables, produce, dairy products, and the like are sold from more than one fruit or vegetable stand operated partially or wholly by persons who do not reside on the property.

Fence – A barrier constructed for the purpose of protection, confinement, enclosure or privacy. The term “fence” shall include screening walls and shall also include hedges and evergreen shrubbery exceeding thirty-six (36) inches in height. The following are types of fences as defined by this Ordinance:

Decorative Fence – A fence that has openings that comprise at least seventy-five percent (75%) of the surface area of the fence, including, but not limited to, split rail fences or wrought iron fences, whose purpose is to contribute to the landscaping and exterior design, rather than to enclose property.

Security Fence – A fence that has openings that comprise no less than twenty-five percent (25%) of the surface area of the fence, including, but not limited to, board fences, picket fences, chain link fences and the like.

Privacy Fence – A fence that has openings that comprise less than ten percent (10%) of the total surface area of the fence and may be erected in a rear or side yard to screen a deck, patio, or swimming pool.

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Fill – Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface, including the conditions resulting there from; the difference in elevation between a point on the original ground and a designated point of higher elevation on the finished grade; the material used to make a fill.

Fishing Pier – A platform extending from shore over water, used primarily to provide a means for persons to harvest or attempt to harvest fish there from. The term shall not be construed to include any residential dock, marina, or facility at which vessels are launched or moored, but shall include any abandoned bridge serving the function of a fishing pier; or, a raised walkway over water, supported by widely spread piles or pillars built for the purpose of providing land locked anglers access to fishing grounds that are otherwise inaccessible.

Flea Market– A place where any person or group of vendors, whether professional or non-professional, offer for sale, trade, or barter any goods regardless of whether they are new, used, antique, or homemade; and regardless of whether they are offered for sale in open air, buildings, or temporary structures. The term “flea market” does not include the offering for sale of goods by the owner thereof at owner's residence at what are commonly referred to as “garage sales” or “yard sales,” providing that such sales do not occur more frequently than once every sixty (60) days. The term “flea market” also shall not include any business or occupation, which has a valid business license or special use permit pertaining to the sale, trade, or barter of goods.

Flood – A general, but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers and other waters.

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

Flood Insurance Rate Map (FIRM) - A map of the municipality on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the flood risk premium zones applicable to the Municipality.

Special Flood Hazard Area (SFHA) - An area subject to inundation by the base flood, designated zones A, A1 – 30, AE, AH, AO, V, V1 – 30, or VE on the Flood Insurance Rate Map.

Floodplain – The lands adjoining a river or stream that have been, or may be expected to be, inundated by floodwaters in a one hundred year frequency flood.

Flood Prone Area – Any land area susceptible to being inundated by floodwater from any source.

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Floodway - The channel of a watercourse and portions of the adjoining floodplains reasonably required to carry and discharge the one hundred year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the one hundred year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to fifty feet from the top of the bank of the stream.

Floor Area – Sum of the gross livable area of several floors of a building or buildings measured from the face of the exterior walls, or from centerlines of walls that separate two buildings. In particular, floor area includes but is not limited to the following:

- a. Basement space, if the floor to ceiling measures seven feet (7') or more.
- b. Elevator shafts, stairwells and attic space (whether or not a floor has been laid), providing structural headroom of eight feet (8') or more.
- c. Roofed terraces, exterior balconies, breezeways or porches, provided that other fifty percent (50%) of the perimeter of these is enclosed.
- d. Any other floor space used for dwelling purposes, no matter where located within a building.
- e. Accessory buildings, excluding space used for accessory off-street parking or used for loading berths.
- f. Any other floor space not specifically excluded, excluding space used for air conditioning machinery or cooling towers and similar mechanical equipment serving the building and cellar space.

Floor Area, Building – The sum of the gross horizontal areas of all floors of a building or structure and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living sleeping or business areas, but including the area of roofed porches and roofed terraces.

Floor Area, Habitable – The sum of the floor area of all heated, furnished rooms, within a dwelling unit, used on a daily basis for habitation. Such area may include living rooms; recreation rooms; kitchens; dining rooms; bedrooms; bathrooms; hallways; closets; heated and finished basements, cellars and attics; attached garages which have been converted into an integral part of the living quarters; but does not include: garages, porches whether roofed, unroofed, or enclosed; roofed terraces; unfinished and unheated basements; attics; cellars; garages, etc.

Floor Area, Gross – The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Floor Area, Net Useable – The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not

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intended to be occupied or leased, stairways, fire towers, elevator shafts, public lobby area, public restrooms and mechanical rooms. For purposes of determining off-street parking requirements, under no circumstances shall the net useable floor area be less than eighty percent (80%) of the floor area of a building.

Floor Area Ratio (FAR) – Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Floor Area, Retail Net – All that space used by customers and retail employees to consummate retail sales, and to include display areas used to indicate the variety of goods available for sale but not to include office space and other general administrative areas.

Food and Grocery Store – A store that sells bakery products, dairy products, delicatessen, meats to the public; this does not include convenience stores.

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

Forest Management Operations – All activities connected with growing and harvesting of forest products including site preparations, which include the construction and maintenance of roads, and the cultivation and logging of trees.

Form of Medical Marijuana - the characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical marijuana or particular active ingredient.

Foundation, Permanent – A full perimeter masonry or poured concrete foundation resting upon a suitable concrete footer, said footer to be at least three (3) feet below finished grade. The foundation wall shall have a minimum width of six (6) inches with the footer projecting at least three (3) inches on each side.

Freight Terminal - The premises and building(s) where cargo is stored and where railroad cars, aircraft, and trucks load and unload cargo for shipment or distribution on a regular basis, and which may include facilities for the temporary storage of loads prior to shipment and facilities for the maintenance of transport vehicles.

Front Building Line – A line parallel to the front lot line, at a distance measured perpendicular there from as prescribed in this Ordinance for a required yard. Where there is no required yard then the lot line shall be the front building line. See Figure 2 in the Appendices.

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Front Yard – The open space extending across the entire width of the lot between the front line of the building and the street right-of-way. The front yard is measured perpendicular to the building at the closest point to the street right-of-way.

Fuel Dispenser – A device which dispenses vehicle fuel and/or kerosene and which may contain multiple hoses or be capable of serving more than one (1) fueling position simultaneously.

Fuel Island – A concrete platform measuring a minimum of six (6) inches in height from the paved surface on which fuel dispensers are located.

Fueling Position – A location at which a single vehicle may be fueled from a fuel dispenser.

Funeral Home (Including Mortuaries) – A building or part thereof used exclusively for human burial services. Such building may contain space and facilities for; (1) embalming and the performance of other services used in the preparation of the dead for burial, (2) the performances or autopsies and other surgical procedures, (3) the storage of caskets, funeral urns, and other related funeral supplies, and (4) the storage of funeral vehicles, but shall not include facilities for cremation.

Game Preserve - A land area used for the protection of wildlife, usually because of its unique natural character, which provides habitat, food or shelter for wildlife; or, upon which a fee is charged for public or private hunting or fishing and/or upon which game or fish are grown or stocked specifically for hunting or fishing thereon, or for transport to other sites for similar purposes.

Garage – An accessory building either attached to or detached from a residential dwelling on the same property for storing vehicles by the resident of the dwelling and not to be used as a business.

Garage, Community - A group of private garages, detached or under one roof, arranged in a row or around a common means of access and erected for use of residents in the immediate vicinity.

Garage, Private - A garage for housing only with a capacity for not more than three (3) motor vehicles. A garage exceeding a three (3) vehicle capacity, intended primarily for housing of cars belonging to the occupants of the premises, shall be considered a private garage if the lot whereupon such garage is located contains not less than fifteen hundred (1,500) square feet for each vehicle capacity.

Garbage – Unwanted or discarded material, including animal and vegetable waste resulting from the handling, storage, sale and preparation, cooking and serving of food that has insufficient liquid content to be free flowing. This term includes refuse and rubbish.

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Garden Center – Land and buildings where the wholesale or retail sale of nursery stock and garden supplies take place. Such nursery stock and supplies may include any of the following: ornamental plants, flowers, shrubs and trees cultivated in a nursery; seed, fertilizer, garden pesticides and herbicides in retail quantities and packaging; garden hand tools; plant containers; garden statuary and furniture; landscape lighting; bird feeders and supplies; and seasonal ornaments and novelties such as Christmas wreaths and decorations. Such use may include the provision of landscape design and or installation services, provided that such services are ancillary to the principal use and offered to clients whose residence or place of business exists elsewhere. Outdoor storage of lawn and garden supplies such as mulch, fertilizer, topsoil and related landscape or garden supplies, such as ornamental stone or gravel, are permitted only where expressly authorized by the regulations governing the jurisdictional zoning district.

Gasoline Service Station – An establishment where the principal use is the retail sale of gasoline, oil, or other motor vehicle fuel and no more than fifteen (15) percent of the floor area is used for convenience and variety goods. The premises may include as an accessory use only, facilities for polishing, greasing, washing, or otherwise cleaning, servicing, or repairing motor vehicles, but does not include liquefied petroleum gas distribution facilities.

Gasoline Sub Station – An assemblage of equipment for purposes other than generation or utilization, through which gas energy in bulk is passed for the purposes of switching or general public, provided that a gas substation permitted in a residential district shall not include rotating equipment, storage of materials, trucks or repair facilities or housing or repair crews.

Governing Body – The Borough Council of Clarksville Borough and Jefferson Borough, and the Board of Supervisors of Jefferson Township and Morgan Township, Greene County Pennsylvania.

Grade – The average elevation of the proposed finished grade line of the ground at the front of street side of the proposed building.

Grade, New or Finished – The resulting level of the ground after the final grading where there is a cut, and after normal settlement where there is a fill.

Grading – Is the stripping or excavation of any material; the filling of any existing ground with natural or man-made material: and/or the relation on any lot, tract or parcel of each or other material. Except for the surface stripping of coal, topsoil, rock and other commonly mined substances, such grading constitutes a change in use of the land.

Greenhouse - A structure consisting primarily of glass, clear plastic, or other light transmitting material in which temperature and humidity can be controlled for the cultivation or

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protection of plants or seedlings for research or instruction and does not exceed two hundred-fifty (250) square feet.

Greenhouse, Commercial – An agricultural enterprise using a controlled environment (temperature and humidity) for the commercial cultivation and production of plants and does not exceed two hundred-fifty (250) square feet.

Group Care Facility – A facility that functions as a single housekeeping unit providing shelter, counseling, and other rehabilitative services for more than six (6) but fewer than fifteen (15) residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and / or approved by the Pennsylvania Department of Public Welfare.

Group Home – A residential facility used as living quarters by a maximum of five (5) unrelated persons, consisting of children or adults requiring special care, and their attending supervisors. A group home is specifically designed to create a single-family residential setting. The individuals requiring special care must be deemed permanent residents and their supervisors must provide 24-hour or full-time equivalent coverage of the facility. A group home in a residential district shall not be used for meetings by staff who are not on duty.

Group Quarters - Any dwelling or portion thereof that provides lodging or occupancy for more than two (2), but a maximum of five (5), persons who do not constitute a family as defined in this article. Group quarters may or may not have common eating facilities or provide meals, but no provisions for cooking in the rooms are permitted. Group quarters include the following: (1) Educational fraternity and sorority houses that are associated with, but not managed by, an educational organization that may or may not provide services requiring the user to reside on the premises; (2) Other quarters of an institutional nature, that may or may not provide services requiring the user to reside on the premises; (3) Non-institutional quarters for compensation. Group Quarters does not include hotels, motels, dormitories, emergency shelters, group homes, nursing facilities, and personal care facilities.

Grower / Processor – a person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Department of Health (DOH) of the Commonwealth to grow and process medical marijuana.

Habitable Areas, Basement – Any basement which meets the criteria for habitable space, which has a stairway as a means of ingress and egress, and in which the ceiling area at a height

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of seven and one-third (7 1/3) feet above basement floor is no less than one hundred (100) square feet.

Habitable Areas, Floor – Any floor usable for living purposes which includes sleeping, eating, cooking, recreation, or any combination thereof. A floor used only for storage purposes is not a “habitable floor”.

Habitable Areas, Room or Space – Space in a structure for living, sleeping, eating or cooking, Bathroom toilet compartments, closets, foyers, halls, storage or utility space, and similar areas are not considered habitable space.

Handicapped Individual – A person with a physical or mental impairment (blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, mental illness, alcoholism, drug addiction, chronic fatigue, learning disabilities, and head injury) that substantially limits one or more major life activities (seeing, hearing, breathing, walking, working, speaking, caring for yourself, and learning).

Health Club – Any establishment including, but not limited to, an athletic club, exercise center, health spa, figure salon, gymnasium, physical fitness center, or any other establishment by any other name that provides exercise equipment and one or more of the following: steam cabinet, steam room, sauna, vapor room, vapor cabinet, toilet facilities, lavatories, showers, lockers, and dressing rooms intended for patron use, excluding facilities used by or under direct supervision and control of licensed medical personnel located in a medical facility, facilities located in athletic departments of schools, and facilities of professional athletic teams. Accessory uses within the facility may include massage therapy, aerobics and physical fitness services (Aerobic and strength training activities, group exercise classes, fitness assessment and counseling, and education seminars).

Height of a Communications Tower - The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennas mounted on the tower.

Height of a Tower - The vertical distance measured from the ground level to the highest point on a Tower not constituting a Communications Tower, including all facilities or structures of any type mounted on the tower.

Home-based Business, No-Impact – 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.

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- (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.

Home Occupation – A home occupation shall be defined as any activity that falls outside the parameters of a no-impact home-based business but is an activity carried on by the occupant of a dwelling as a secondary use, including personal and professional services. These activities may generate some traffic and require off-street parking.

Horticulture – Any use of a lot or parcel of land to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the principal use.

Hospital – An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and abnormal physical and mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities, as defined in current state licensure requirements.

Hotel / Motel – A building or group of buildings where for consideration, rooms or suites of rooms with no culinary facilities are used for temporary lodging of more than ten persons, usually individually, with or without meals, wherein the occupants are furnished hotel services, including restaurant and maid service. Any such use that customarily involves the housing of persons for periods of time longer than thirty (30) days shall be considered a boarding house and shall meet the requirements of that use.

Identification Card – a document issued by the Department of Health (DOH) of the Commonwealth that permits access to medical marijuana.

Impervious Surface – Any material placed on or above the earth, the artificial impacting of the earth, or any material change in the natural surface of the earth which substantially reduces

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or prevents the natural percolation of water or which reduces the undisturbed open spaces areas on a lot which has a coefficient of runoff of 0.65 or greater. Area required to be left in pervious surfaces may be located in a different zoning district than the use, provided that such land area is abutting or adjacent and that is deed restricted from further development. Examples include but are not limited to structures, including eaves, roofs and roof overhangs; parking areas (whether hard surfaced or not); driveways; sidewalks; patios and decks; sport courts; and pools.

Impervious Surface Ratio – This is also the “maximum impervious coverage” and is measured by dividing the total areas of all impervious surfaces within the site by the total net buildable site area.

Incinerator – An enclosed device using controlled combustion for the primary purpose of thermally breaking down solid waste, and that is equipped with a flue for the sole purpose of providing incineration service to the public.

Independent Living Facility (includes Retirement Homes/Community) - A multi-unit age-restricted housing development designed to provide individual dwelling units for senior persons who are independently mobile and not in need of supervision, but which includes certain design features associated with the needs of seniors which are not customary in the construction of conventional dwelling units, such as emergency call services, common dining facilities, common laundry facilities, transportation services and similar supporting services for the convenience of the residents. The dwelling units are comprised of apartments, condominiums, or single-family attached structures and may or may not feature a buy-in option in addition to monthly fees for services provided but are operated and maintained under a single management organization.

Industrial Park – An area of land arranged and / or constructed in accordance with a plan for a group of industrial purposes, having separate building sites designed and arranged on streets and having utility services, setbacks, side yards, and covenants or other such regulations controlling or restricting uses.

Institutional Home – A public or private charitable establishment devoted to the shelter, maintenance, or education and care of minor children; homeless, aged or infirmed persons; or members of a religious community. This definition shall not include almshouses, penal or reformatory facilities and nursing homes.

Junk – Any worn, cast off or discarded article or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use.

Junk Yard – Any outdoor establishment, place of business, or activity which is maintained, used or operated for storing, keeping, buying or selling junk; for the maintenance or operation of a

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garbage dump, sanitary landfill or scrap metal processor, or for the storage of more than ten (10) or more junked vehicles.

Kennel – A use of land and structures in combination wherein six (6) or more dogs six (6) months or older are groomed, bred, trained and / or boarded or kept, with or without compensation. As an exception to the preceding, individual lots with a lot area larger than twenty (20) acres may have up to ten (10) dogs six (6) months or older without being classified as a Kennel under this Ordinance unless the dogs are boarded for compensation on the property.

Laboratory - A place where scientific studies are conducted, including testing, research, or analysis of medical, chemical, physical, biological, mechanical, or electronic nature.

Land Development – Any of the following activities:

- 1) The improvement of one or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, ore a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - b. The division or allocation of land or space, whether initially or cumulatively, between, or among, two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- 2) A subdivision of land.
- 3) Development in accordance with Section 503(1.1) of the MPC.

Landfill – See Solid Waste Disposal Area.

Landing Strip – A private, non-commercial linear strip of property designed for the landings and takeoffs of small gasoline-powered, propeller-driven aircraft operated and used by the landowner except for aircraft emergencies and, on an infrequent and occasional basis, by invited guests. This includes associated hangar, maintenance and service facilities.

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

Landscape Architect – A registered professional landscape architect licensed as such by the Commonwealth of Pennsylvania.

Landscaping – Improving the natural beauty of a piece of land by planting or altering the contours of the ground.

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Laundromat– A commercial establishment where self-service washing machines and clothes dryers are available for public use on the premises to wash and / or dry clothing, apparel, or other fabric.

Library - Any premises, building or part of a building where books, films, maps and other educational materials are kept for reading, reference and lending by the public.

Loading Space – A space, accessible from a street or alley in a building or on a lot for the temporary use of vehicles while loading or unloading merchandise or materials.

Lot – A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. See Figure 2 in the Appendices.

Lot Area – The total horizontal area contained within the property lines of a lot, as defined in the deed or as shown on an approved subdivision plan. For the purposes of compliance with minimum lot area requirements, the following shall be excluded: Any area used for gas, oil, natural gas, electric, water or communications; or, any area within a street or other transportation right-of-way, existing or proposed; or, any area within a permanent drainage easement. See Figure 2 in the Appendices.

Lot, Corner – A lot at the junction of and abutting two or more intersecting streets, where the interior angle of intersection is less than one hundred and thirty-five (135) degrees. A lot abutting a curved street or streets shall be considered a corner lot if the tangents to the curve at the points of intersection of the lot lines with the street intersect at an interior angle of less than one hundred and thirty-five (135) degrees. Each yard abutting a street shall be considered a front yard. If a lot is adjacent to two intersecting streets, then a front yard shall be provided adjacent to each of those streets. Every corner lot shall include one rear yard, which shall be identified as the yard opposite the front yard as determined by the Zoning Officer.

Lot Coverage – The area of a lot or parcel that is covered by principal and / or accessory buildings or structures. See Figure 2 in the Appendices.

Lot Depth - The average distance between the street right-of-way and the rear lot line, measured perpendicular or radial to the right-of-way.

Lot, Flag – A lot which has less than the minimum required lot width at the public street frontage, but which provides the minimum required lot width at a distance from the lot frontage, usually in excess of the minimum required setback, and which lot includes a strip of land in fee simple ownership for access to the public street to the buildable area of the lot which lies behind another property which fronts on the public street. Flag lots shall have a minimum frontage on a public street of fifty (50') feet.

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Lot Frontage - That side of a lot abutting on the street right-of-way and regarded as the front of the lot.

Double Frontage Lot – A lot whose front and rear yards abut public streets, one of which may be an alley.

Lot, Interior – A lot where the side property lines do not abut a street.

Lot Line – A property boundary line of any lot held in single or joint ownership that divides one lot from another or from a street or any other public or private space. See Figure 2 in the Appendices.

Front Lot Line – The dividing line between the street and the lot. The street lot line shall be the same as the legal right-of-way provided where a future right-of-way width for a road or street has been established, that width shall determine the location of the street lot line.

Rear Lot Line – Any lot line which is parallel to or within forty-five (45) degrees of being parallel to a street lot line, except for a lot line that is itself a street lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line farthest from any street shall be considered a rear lot line. Where there is only one lot line other than street lot lines, it shall be considered the rear lot line.

Side Lot Line – Any lot boundary line that is not a street lot line or a rear lot line. In the case of a triangular lot those lot lines other than the street lot line shall be considered side lot lines.

Lot Measurements –

Lot Depth – The mean distance from the right-of-way line of the lot to its opposite rear line measured in a direction parallel to the side lines of the lot. Lot depth for triangular lots shall be the mean distance from the street line to the point of intersection of the side yards.

Lot, Minimum Width – The minimum lot width at the building setback line.

Lot Width – The distance measured between side lot lines, at the required building setback line. In a case where there is only one side lot line, lot width shall be measured between such side lot line and the opposite rear lot lines or street line.

Lot of Record – A lot that has been recorded in the Office of the Recorder of Deeds.

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Lot, Through – An interior lot in which the front line and rear line abut upon streets. Where a single lot under individual ownership extends from a street to a street, the widest street shall be deemed the street upon which the property fronts.

Lumberyard - The principal use of land and structures involving the loading and unloading, storage and sales of lumber and millwork materials.

Manufactured Home – A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a “manufactured home” under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

Manufacturing – The process of making wares by hand, by machinery or by other agency, often with the provision of labor and the use of machinery.

Heavy Manufacturing – Manufacturing that includes the production, processing, cleansing, testing and distribution of materials, foods, foodstuffs and products that due to the nature of the materials, equipment or process utilized, is considered to be unclean, noisy, hazardous or is associated with other objectionable elements.

Light Manufacturing – Manufacturing that includes the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products that by the nature of the materials, equipment and process utilized, is considered to be clean, quiet, and free of any objectionable or hazardous elements.

Marina – a docking and servicing facility for boats and equipped to provide repair service, gasing, and supplies.

Massage Therapy Business – An establishment offering massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, licensed massage therapists or similar professional person licensed by the Commonwealth of Pennsylvania as part of a medical clinic. This definition excludes a gymnasium, health and fitness center, school, barber / beauty shop, or similar establishment where massage or similar manipulation of the human body is offered by an individual as an incidental or accessory service and does not occupy more than twenty-five (25%) percent of the area of the establishment.

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Medical Center – A facility which, in addition to providing primary health services, also provides tertiary and quaternary care with an emphasis on sub-specialty medical and surgical care of patients and medical education, and which may include ancillary activities such as laboratories, clinics, rehabilitation facilities, training facilities, conference facilities, vehicular ambulance service, pharmacies, cafeterias and gift shops as accessory uses and which are customarily incidental to and in direct support of the primary health care mission of the medical center.

Medical Marijuana - marijuana for certified medical use as legally prescribed by the Commonwealth of Pennsylvania with Act 16.

Medical Marijuana Organization – a dispensary or a grower/processor of marijuana for medical purposes.

Medical Marijuana Delivery Vehicle Office - any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

Methadone Treatment Facility –A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

Mine – Underground areas contained within a continuous barrier of undisturbed minerals and openings to the surface from those areas where the extraction of minerals or stones from the earth is used for commercial purposes.

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

Mineral Extraction – Any extraction of any solid mineral for sale or other commercial purpose that involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. Solid minerals shall include, but are not limited to, anthracite and bituminous coal, lignite, including mining activities carried out beneath the surface of the earth by means of shafts, tunnels, other underground mine openings, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resources.

Quarry, Sand Pit, Gravel Pit, Borrow Pit – Land or part thereof from which stone, sand, clay, gravel, or topsoil is or are extracted primarily for sale, but not including a lot which is graded in preparation for the construction of a building for which application for a building permit has been made.

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Mining Accessory Structure – Any accessory structure to a mining use which is incidental and subordinate thereto, including coal tipples, disposal areas, and ventilation shafts.

Mining, Open Pit– Includes all activity which removes from the surface or beneath the surface of the land some material, mineral resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired materials from an undesirable one, or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of sand, gravel, rock, topsoil, limestone, sandstone, coal, clay, shale, and iron ore for commercial or industrial consumption.

Mining Portal– Structures and appurtenances facilities utilized for the access and egress of men and materials in deep mine operations.

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. These units do not qualify under the definition of a manufactured home in the National Manufactured Housing Construction and Safety Standards Act of 1974, as units categorized as mobile homes are primarily those units built before 1976, when HUD standards became effective.

Mobile Home Lot – A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

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

Monopole - An antenna or other facility support structure consisting of a single pole or spire constructed without guy wires or ground anchor.

MPC – The Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended).

Municipal Authority – A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipalities Authorities Act of 1945.”

Natural State – A condition of property in which it is substantially retained in the condition which exists at the time of submission of any preliminary site plan; provided, however, that any clearing, grubbing, planting, grading and filling with the area to be retained in its natural

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state shall be approved by the municipality and shall only be authorized if the municipality shall determine that the work would improve the buffering characteristics of the area to be retained in its natural state.

Net Leasable Area – The floor space of a structure that may be rented to tenants or used in business purposes, and excludes common areas and space devoted to the heating cooling and other equipment of a building.

Nightclub – A place of assembly, other than a dwelling unit, including private clubs that may offer food, drink, and entertainment, either live or recorded, and characterized by low light levels and closely packed tables, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises. A nightclub may also be operated as a restaurant during all or part of its hours of operation. An adult cabaret shall not be considered a nightclub.

Nonconforming Building or Structure – A building, structure or part thereof manifestly not designed to comply with the applicable use or extent of use provisions in this ordinance or amendments heretofore or hereafter enacted, where such building or structure lawfully existed prior to the enactment of such ordinance or amendment, or prior to the application of this ordinance or amendments to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Lot – A lot, the area or dimension of which was lawful prior to the adoption or amendment of this ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming Use – A use, whether of land or of structure, which does not comply with the applicable use provisions in this ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Nude Model Studio – Any place where a person who appears in a state of nudity or displays “specified anatomical areas” or “specified sexual activities” is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

Nudity / State of Nudity – The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, cleavage with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.

Nursery – Any building or lot, or portion thereof, used for the cultivation or growing of plants, trees, shrubs, or flowers and for the selling of plants and landscaping / gardening supplies.

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All merchandise, other than plants, is kept within an enclosed building or a fully screened enclosure and fertilizer of any type is stored and sold in package form only.

Nursing Home (includes Convalescent Home) – A facility licensed as a nursing home by the Commonwealth of Pennsylvania.

Office - An establishment primarily engaged in providing professional, financial, administrative, management, clerical or other services not involving the manufacture, assembly or repair of goods, or the storage or direct transfer of goods to the customer on the premises, except as may be incidental to a service provided on the premises.

Open Space – Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Common Open Space – A parcel of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Private Open Space – common open space held in common ownership in which the use is normally limited to occupants of a single dwelling or building.

Public Open Space – lands dedicated to and/or owned by the Township or other public entity and maintained by it for the use and enjoyment of the general public.

Parcel Delivery Facility - Any premises or part thereof used for courier and freight forwarding operations that involves collecting, temporary storage of, sorting and dispatching packages.

Park - A parcel of ground along with its buildings and fixtures intended primarily for beautification and aesthetic improvement and designated as recreational land.

Private Park For Public Use – Privately owned property available for use by the public and containing recreational uses authorized pursuant to this Ordinance.

Parking Lot – An area utilized to meet the parking requirements of this Ordinance, including the parking aisles that provide access to the parking spaces, but not including any streets or driveways that provide access to the parking lot.

Parking Structure – A building with multiple stores of off-street parking spaces where vehicles are temporarily stored with or without a nominal fee, in association with occupational, retail, entertainment, recreational, municipal, educational or residential use(s).

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Patio – An area consisting of natural or man-made material constructed at or near grade level, intended for use as an outdoor living area, and not enclosed by a permanent roof or awning.

Permit – A document issued by the governing body authorizing an applicant to undertake certain activities.

Personal Care Facility – A facility, licensed by the Commonwealth and conducted in accordance with Commonwealth requirements, providing health related care and service provided on a regular basis to more than three (3) patients who are resident individuals and who do not require hospital or 24-hour skilled nursing care, but who, because of mental, physical conditions, or age require the services under a plan of care supervised by licensed and qualified personnel. A Personal Care Facility may or may not be operated in conjunction with, or as part of, an Assisted Living Facility.

Pet Shop - A store where the primary business is the sale of animals to be used as pets, excluding boarding, veterinary and breeding services.

Pharmacy – A retail store which primarily sells prescription drugs, patient medicines, and surgical and sickroom supplies.

Photographic Studio – A retail establishment for the purpose of photographing subjects and processing photographs for commercial purposes, but not including photography requiring professional models.

Place of Public Assembly – Any place designated for, or used in whole or in part for, the congregation or gathering of persons in one building whether such gathering is of public, restricted or private nature including an assembly hall, church, school auditorium, recreation hall, pavilion, place of amusement, dance hall, opera hall, motion picture house, establishment for the consumption of food or drink, or other similar establishment.

Place of Worship / Religious Institution - A church, synagogue, temple, mosque or other building used exclusively for public religious worship, including customary, incidental, educational and social activities in conjunction therewith.

Planning Commission – The Jefferson Morgan Council of Governments created to serve as the planning agency for Clarksville Borough, Jefferson Borough, Jefferson Township, and Morgan Township in accordance with Article XI of the Pennsylvania Municipalities Planning Code.

Private Club- Any establishment, other than an outdoor recreation facility, operated by a private organization for recreational, educational, fraternal, or social purposes, but only open to members and their guests and not to the general public.

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Porch – A roofed or unroofed structure projecting from the front, side or rear wall of a building, not having walls more than thirty inches high and open on all sides, except the side(s) adjoining the building.

Public Grounds – Land designated or maintained for parks, playgrounds, trails, paths and other recreational areas and other public areas; sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; or, publicly owned or operated for scenic or historic sites.

Public Hearing – A formal meeting held pursuant to public notice by Borough Council, the Board of Supervisors, Zoning Hearing Board, Council of Governments, or planning commission, intended to inform and obtain public comment, prior to taking action in accordance with the MPC.

Public Meeting – A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to Open Meetings).

Public Notice – Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notices shall state the time and place of the hearing and the particular nature of the matter to be considered at the public hearing. The first publication shall not be more than thirty days and the second publication shall not be less than seven days from the date of the public hearing.

Public Utility – An enterprise regulated by the Pennsylvania Public Utility Commission or a government agency, or an activity offered by an authority or municipally owned agency, that renders a public service deemed necessary for public health, safety, and welfare, excluding police, fire and similar emergency services and is required by law to (1) serve all members of the public upon reasonable request, (2) charge just and reasonable rates subject to review by a regulatory body, (3) file tariffs specifying all of its charges, and (4) modify or discontinue its service only with the approval of the regulatory agency.

Public Utility Facility / Structure - Any tank, structure, building or part of a building used for the provision of gas, electricity, broadcasting, television and telecommunication services to serve the local area.

Public Utility Transmission Tower - A structure owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Race Track – A commercial establishment for the racing of animals or motor vehicles.

Recreation, Private – Developed or undeveloped open spaces and / or structures and facilities that are provided by individuals or private organizations for the use of specified individuals or

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private organizations sharing common relationships or associations for the purposes of play, amusement or relaxation.

Recreation, Public – Developed or undeveloped open spaces and / or structures and facilities that are provided by a governmental body for the purposes of play, amusement or relaxation by the public that may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities.

Recreational Vehicle – A vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles or unites include but are not limited to, the following: travel trailers, truck-mounted campers, motor homes, folding tent campers, auto, buses or trucks adapted for vacation use, snowmobiles, mini-bikes, all terrain vehicles, go-carts, boats, boat trailers, and utility trailers.

Independent Unit - A unit containing a built-in toilet, lavatory and kitchen sink connected directly to the park water supply and sewer system or to permanently installed water and holding tanks of not less than twenty (20) gallons capacity each. Any such unit, if occupied at any time during the months of December, January, or February shall be considered a dependent unit.

Dependent Unit - Any unit other than an independent unit.

Recycling Facility – A facility that accepts recyclable material from the public by donation, redemption, or purchase and separates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for, or a supplement to, virgin raw materials. The term does not include transfer facilities, municipal waste landfills, composting facilities or resource recovery facilities.

Registry – the registry established by the Department of Health (DOH) of the Commonwealth for all medical marijuana organizations and practitioners.

Renewable Energy Source – Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

Research and Development – A structure or complex of structures designed or used primarily for research and development functions related to industry and similar fields.

Resource Recovery Facility – A processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated off-site, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a

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combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into fuel products. The term also includes any facility for the combustion of municipal waste that is generated off-site, whether or not the facility is operated to recover energy. The term does not include:

- a. Any composting facility
- b. Methane gas extraction from a municipal waste landfill
- c. Any separation and collection center, drop-off or collection center from recycling, or any source separation or collection center for composting leaf waste
- d. Any facility, including all units in the facility, with a total processing capacity of less than fifty (50) tons per day

Restaurant – That part or the whole of any building, structure or facility which is used for the preparation or processing of food for sale to the general public for the consumption on or off-premises. Restaurants may be classified as:

Carry-out – An establishment whose principal business is the sale of food, desserts, or beverages to the customer in a ready to consume state, in edible or disposable containers, which is primarily consumed off the premises.

Drive Thru – A fast-food restaurant characterized by limited menu and catering to drive-thru traffic.

Fast Food – An establishment whose principal business is the sale of food or beverages to the customer in a ready to consume state, either at seating facilities within the restaurant or carry-out consumption off the premises and whose method of operation includes the serving of food in edible or disposable containers.

Sit Down – A restaurant where customers are served at a table or counter by a restaurant employee and given an individual menu. Included in this group are restaurants that serve cocktails or have cocktail lounges.

Retail Store / Shop - A building wherein the principal activity is the sale of merchandise at retail to the general public, and where such merchandise is typically sold in small quantities and broken lots, and not in bulk. Retail stores and shops shall include: drug stores and pharmacies; news stands; food stores and supermarkets; candy shops; dry goods, notions and clothing stores; boutiques and gift shops; hardware and home improvement excluding building materials facilities, lumberyards, and garden centers; home furnishings and household appliance and electronics stores; small appliance repair shops; antique shops; art and crafts galleries; tailor and dressmaking shop; pet grooming without overnight boarding; beauty shops; bicycle sales and repair shops; furniture stores; florist shops; opticians; shoe stores; jewelry stores; auto accessory stores; and music stores.

Right-of-way – Land set aside for use as a street or other means of travel or for use by a utility:

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Legal Right of Way – The street right of way legally in the public domain at the time a plan is submitted.

Ultimate Right of Way – The right of way deemed necessary by the municipality or by other governmental agencies with jurisdiction over roads within the municipality to provide adequate width for future street improvements.

Riparian Buffer – Any area within one hundred (100) feet of any stream bank.

Salvage Yard – An area more than two hundred (200) square feet outside of a building on any lot for the handling or storage or scrap metal, paper, rags or discarded, salvaged or waste materials of any kind. This includes automobile wrecking yards, used lumber yards, junk yards and storage of salvaged house wrecking and structural steel materials and equipment, but does not include yards for the storage or sale of operable used cars or machinery or the incidental processing of used or salvaged materials where permitted, as part of the lawful manufacturing or industrial use on the same premises.

Screening – The use of plant materials, fencing and/or earthen berms to aid in the concealment of such features as parking areas and vehicles within them, and to provide privacy between two (2) or more different land uses which abut one another.

Self-Storage Facility – An establishment that rents storage space for personal use by the renter and where no materials of a hazardous nature (toxins, highly inflammable, etc.) are stored. The warehousing of wholesale and / or retail materials and / or products shall not be permitted.

Self-Supporting Tower - A tower that is free standing and not guyed or anchored with cables. This term shall include monopoles, three- and four-sided steel lattice towers and other tower structures that include their own support and are free standing.

Semi-Nude – A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Setback: The required unoccupied space between a structure and the property line of the lot on which it is located.

Front Yard Setback: Refers to the unoccupied space between the furthestmost projection of the front of a structure and the public right-of-way.

Side Yard Setback: Refers to the unoccupied space between the furthestmost projection of the side of a structure and the closest property line.

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Rear Yard Setback: Refers to the unoccupied space between the furthestmost projection on the rear of a structure and the closest property line.

Sewage Treatment Facility – A place or premises, including buildings, where sewage and other solid or liquid wastes are treated or screened before discharge.

Sexual Encounter Center – A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration: (1) physical contact in the form of wrestling or tumbling between members of the opposite sex; or (2) activities between male and female persons and / or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

Sexually Oriented Business – An adult arcade, adult bookstore / video store, adult cabaret, adult live theater, adult motel, adult motion picture theater, adult retail establishment, escort agency, nude model studio, sexual encounter center, or viewing booths.

Shopping Center – A group of commercial establishments planned and developed as a unit.

Sign – Any letter, numeral, symbol, emblem (including device, symbol, logo, or trademark) flag (including banner or pennant), or any other device, figure or similar character used to announce, inform, identify, advertise or otherwise make anything known which is visible from outside the building or structure.

Banner Sign – A sign intended to be hung either with or without a frame possessing characters, letters, illustrations or ornamentations applied to paper, plastic, or fabric of any kind excluding flags, emblems, and insignias or political, professional, religious, education, or corporate organizations providing that such flags, emblems, and insignia are displayed for non-commercial purposes.

Building Sign – A sign attached to and deriving its major support from a building.

Arcade Sign – A building sign projecting beneath the underside of any structural overhang or passageway, either vehicular or pedestrian.

Awning Sign – A building sign displayed on any structure made of cloth and metal frame attached only to a building and projecting from the same when so erected as to permit its being raised to a position flat against the building when not in use.

Cornice Sign – A building sign attached or inscribed on a horizontal molded projection which crowns or finishes the wall of a building.

Marquee Sign – A building sign attached to a covered structure projecting from, or extended from, a building façade when such canopy, or covered structure, is

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supported by the building, including signs mounted on a cantilever where there is no other structural purpose for the cantilever.

Parapet Sign – A building sign attached to a wall above the roofline or above any balcony line.

Plaque Sign – A building sign consisting of flat plate or tablet intended only for orientation use for building or occupant notification, and containing only the name of the resident, title of person practicing or profession, name of building or name of agent.

Projecting Sign – A building sign that extends in excess of eight (8) inches beyond any vertical surface of the building that supports it.

Roof Sign – A building sign erected above the finished roof level of a building and attached to the roof structure.

Directional Sign – A sign conveying instructions or directions with respect to the use of the premises or a portion of the premises on which it is maintained or a use or practice being conducted on the premises; or directional, informational, or public service signs such as those advertising availability of rest rooms, conveniences, and street address numbers.

Free Standing Sign – A sign supported by upright structural members on or by supports on or in the ground, not attached to any building.

Bulletin Board Sign – A free standing sign listing the names, uses and location of various services, offices, or activities within a building or group of buildings of a public use; a charitable use; a professional or semiprofessional use; a medical center; a clinic or hospital; or signs listing church services and religious activities.

Business District Identification Sign – A free standing sign attached to a pole approved as a component of a business district streetscape plan and designed to announce the entrance to the business district.

Double-Faced Sign – A free standing sign carrying the same message on two faces, only one of which is visible from any ground position, the faces of which are not separated by more than eighteen inches.

Post and Panel Sign – A free standing sign other than a pole sign which is supported by two posts placed in the ground not exceeding eight feet in total height from the most adjacent ground surface, and not attached to any building, including any object placed on the ground in any manner advertising a particular enterprise or parcel.

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Outdoor Advertising Sign – A free standing sign on which is portrayed information that directs attention to a business or service not necessarily related to the other uses existing or permitted on the lot upon which the sign is located. Billboards are included in this definition.

Pole Sign - A free standing sign greater than eight (8) feet in height. Pole signs may be supported by a single pole structure, or by two or more uprights or braces placed in the ground.

Pylon Sign – A free standing sign with a dimension character of narrow depth, medium width and tall height, and with a sign face having a vertical dimension in excess of its horizontal dimension.

Incidental Signs – A flag, sign, pennant, valance, or advertising display that is to be displayed for a limited time.

Flag – A display of fabric without frame which moves with the movement of the wind and which advertises no product, service, or entertainment. This shall not be deemed to include a flag or insignia of the United States, the Commonwealth of Pennsylvania, Greene County, or Clarksville Borough, Jefferson Borough, Jefferson Township, and Morgan Township.

Pennant – A display of fabric which moves with the movement of the wind and which advertises a product, a service or an entertainment.

Temporary Sign – A sign not permanently attached to a structure or the ground that can be easily transported to any location.

Temporary Exterior Sign – A sign which offers premises for sale, rent or development, advertises the services of professionals or building trades during promotional sales or events, construction or alteration of the premises upon which the sign is located or advertises a special nonrecurring event.

Temporary Interior Sign – A sign whose intended use is to promote products or services of special interest reduced process or notification to the public and which is being erected or affixed primarily to attract the public outside of the building.

Portable Sign – A temporary sign that by its description or nature will be, or may be, moved from one location to another.

Sandwich Sign – A temporary exterior sign with two faces that are adjointed at the top and displayed at an angle, which is not permanently anchored or secured.

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Vehicle Mounted Sign – A temporary sign painted or attached to a vehicle that is related to the business activity, use, service, or product of the owner of the vehicle or to the sale of the vehicle, and which sign is incidental to the primary use of the vehicle.

Snipe Sign – A sign nailed or otherwise attached to any object, tree, or building or structure advertising any business commodity, service, facility, or entertainment sold or offered elsewhere than upon the same lot where the sign is located.

Wall Sign – A sign attached to the wall of the building.

Window Sign – A sign attached to a display window, visible through a display window, or any sign regardless of its location or intent that can be read from the street or adjoining property on or through the window of an establishment.

Sign Face – The plane upon, against or through which an advertisement or display is illustrated.

Sign, Gross Surface Area of – The entire area with a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. The gross surface area of signs having more than one surface visible to the public (double-faced or multiple-faced signs) shall have only one side considered, provided that both faces are identical and not more than thirty-six (36) inches apart. If the interior angle formed by both faces of a double-faced sign is greater than forty-five (45) degrees, both sides of the sign shall be used in computing the sign area.

Sign Height – The vertical distance measured from ground level to the highest point on the sign and its supporting structure.

Skilled Nursing Facility – A facility which provides nursing care and related medical or other personal health services on a continuous twenty-four (24) hour basis for individuals not in need of hospitalization but who, because of age, disability, illness or other infirmity, require high-intensity comprehensive planned nursing care. The facility shall be licensed by the appropriate state agency.

Slaughterhouse - A place where livestock is slaughtered and may be cut, packaged, and / or processed.

Slope – The face of an embankment, fill, or cut whose surface makes an angle with the plane of the horizon. Slope is expressed as a percentage based upon the vertical difference in feet per one hundred feet of horizontal distance.

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Solar Collector – A free standing or fixed device, or combination of devices, structures or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy that contributes significantly to a structure's energy supply.

Solar Energy – Radiant energy (direct, diffuse and reflected) received from the sun.

Solar Energy System – A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

Solid Waste Disposal Area/Facility – An area permitted for use for the disposal of solid waste under the Solid Waste Management Act (35 P.S. §§ 6018.101— 6018.1003). Also includes a facility that receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal.

Specified Anatomical Areas – The human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely covered.

Specified Sexual Activities – Includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or (3) excretory functions as a part of or in connection with any of the activities set forth in (1) or (2). The term does not include any of the following: medical publications or films or bona fide educational publications or films; any art or photography publications which devote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography; any news periodical which reports or describes current events and which from time to time publishes photographs of nude or seminude persons in connection with the dissemination of the news; or any publication or films which describe and report different cultures and which from time to time publish or show photographs or depictions of nude or seminude persons when describing cultures in which nudity or semi-nudity is indigenous to the populations.

Stockyards - An enclosed yard where cattle, pigs, horses, or sheep are kept temporarily.

Story – The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling above it.

Story, Half - A story under a gabled, hipped or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the finished floor of such story.

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Street – A street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

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

Structure – Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Accessory Structure – A detached structure customarily incidental and subordinate to the principal structure and located on the same lot.

Principal Structure – The structure or portion thereof housing the main use of the land.

Temporary Structure – Any structure which is erected to be in place for not more than twelve months, including but not limited to tents, air-supported structures, portable bandstands, reviewing stands, bleachers, mobile office units, construction sheds, sales offices for lots or dwellings or other structures of a similar character.

Studio, Dancing or Music – The use of a premises by a teacher of music and/or dance where students are taught these arts for a fee and where more than one (1) student may be taught in a class at one time. This term is synonymous with “Dancing School” and “Music School” and similar terms.

Swimming Pool – Any structure which demands a permanent location in or on the soil which is devoted or intended to be devoted to the art or sport of swimming or diving and the within definition is intended to include swimming pools regardless of whether the same are portable or non-portable, containing in excess of six inches of water.

Commercial Swimming Pool – A swimming pool operated for profit and open to the public upon payment of a fee.

Private Swimming Pool – A swimming pool that is an accessory structure appurtenant to a one-family or a two-family dwelling and used only by persons residing on the same lot and their private guests.

Public Swimming Pool – A swimming pool operated by a unit of government for the general public.

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Semi-public Swimming Pool – A swimming pool that is an accessory structure appurtenant to a multiple family dwelling, hotel, motel, church, club, etc. and used by persons who reside or are housed on the same lot or who are regular members of such organizations.

Tattoo Parlor – An establishment whose principal business activity is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

Tavern / Drinking Establishment – An establishment engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises and that derives in a six-month period less than fifty percent of its gross revenues from the sale of food and beverages for consumption on the premises. This term also includes bar.

Telephone Exchange Building – A building and equipment therein, used or to be used for the purpose of facilitating transmission and exchange of telephone messages between subscribers, but in a residential district not including public business facilities, storage of outside plant materials, trucks or repair facilities, or housing for outside repair crews.

Temporary Shelter – A structure, or part thereof, operated on a non-profit basis to temporarily house families or individuals who are victims of disaster, who are affected through action on the part of or on behalf of the municipality other than routine redevelopment related relocation activities, or who have bona fide emergency housing needs.

Theater – A building or part of a building devoted to the showing of movies, musical performances, dance or theatrical productions, usually on a paid admission basis.

Theater, Drive In – An open lot or part thereof, with its appurtenant facilities devoted primarily to the showing of movies or to theatrical productions, usually on a paid admission basis, to patrons seated in motor vehicles or on outdoor seats.

Tower - A structure other than a building, such as a monopole or self-supporting tower, designed and used to support any facility or another structure, other than communications antennas. Guyed towers shall not be deemed within this term and are not permitted. This term shall be broadly interpreted so as to include without limitation all such structures.

Townhouse - A one (1) family dwelling unit, with a private entrance/ exit which may or may not be part of a structure whose dwelling units are attached horizontally in a linear arrangement:

- (1) Does not exceed two and one-half (2 ½) habitable stories in height;
- (2) The continuous row shall not exceed more than ten (10) dwelling units.
- (3) Has separate access to the outdoors not shared with the access of other dwelling units.

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Transportation Services – A facility for private taxicab, limousine, bus service and similar passenger service.

Travel Plaza – A facility that provides auto and/or truck fuel and convenience items and include more than four (4) fuel islands and more than eight (8) fueling positions; or facilities that are intended for use by cargo transportation. Accessory activities may include the operation of no more than two (2) arcade games, video games or other similar devices, automated teller machines (ATMs), check cashing, money orders, movie rentals, lottery tickets, film processing, showers, and restaurants.

Travel Trailer – A portable, vehicular structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation, and other short-term use. This term shall include portable campers that can be attached to the bed of pickup trucks.

Truck Terminal – A facility where trucks load and unload goods, products, cargo and / or other materials to be broken down or aggregated in different size loads and reshipped to other destinations.

Use – Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on in a building or other structure on a tract of land.

Accessory Use – A use customarily incidental and subordinate to the principal use of the lot.

Variance – Relief granted pursuant to the provisions of this Ordinance and Articles VI and IX of the MPC.

Vehicle – Any device in, upon or by which any person or property is or may be transported or drawn upon a street, excepting tractors, agricultural machinery, devices moved by human power or used upon stationary rails or tracks.

Vehicle Sales, Rental, and Service – A facility for the sales, rental and service of automobiles, trucks, buses, boats and marine equipment, motorcycles, campers, motor homes, and recreational vehicles, but not including heavy equipment.

Viewing Booths – Booths, stalls, portions of a room, rooms or other enclosures that are available for viewing: (1) films, movies, videos, or visual reproductions of any kind depicting or describing “specified sexual activities” or “specified anatomical areas”; or (2) persons who appear in a state of nudity or semi-nudity or who offer performances or presentations characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

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Warehouse – A structure primarily used for the storage of goods and materials.

Wetlands – Lands regulated as wetlands by the Pennsylvania Department of Environmental Protection and / or the U.S. Army Corps of Engineers. Such areas are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

Wholesale Establishment – An establishment primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling to, such individuals or companies.

Wild or Exotic Animal -- Any animal of a species prohibited by Title 50, Code of Federal Regulations, or otherwise controlled by the Commonwealth of Pennsylvania. It shall include any animal that is wild, fierce, dangerous, noxious or naturally inclined to do harm. “Wild animals,” however domesticated, shall also include but not be limited to: (a) Dog family (Canidea): all except domesticated dogs, including wolf, fox, coyote, dingo, wolf hybrids, etc., (b) Cat family (Felidea): all except commonly accepted domestic cats, including lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, wild cats, etc., (c) Bears (Ursidea): all bears, including grizzly bears, brown bears, black bears, etc., (d) Weasels (Mustelidea): all, including weasels, martens, mink, wolverine, ferrets, badgers, otters, ermine, mongoose, etc., (e) Raccoons (Procyonidae): all raccoons and civets, (f) Porcupine (Erethizontidae): all porcupines, (g) Skunks, (h) Snakes: all venomous and constricting snakes, (i) Venomous lizards, (j) Crocodillians: all alligators, caimans, crocodiles, gavials, etc., (k) Venomous Fish and piranha, and (l) Venomous invertebrates.

Winery – A facility designed for crushing, pressing, fermenting, bottling and cellaring wine for retail and wholesale purposes that produces less than 50,000 cases of wine a year.

Wind Turbine – A device for converting wind energy into mechanical (windmill) or electrical energy.

Yard – An open space at grade between the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Front Yard – A yard extending along the full width of the front lot line and back to a line drawn parallel to the front lot line at a horizontal distance equal to the depth of the required front yard. On a corner lot, the Zoning Officer shall have the authority to determine which yard is the front yard, based upon the predominate pattern in the area.

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Rear Yard – A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a horizontal distance there from equal to the depth of the required rear yard.

Side Yard – An area between any building and side lot line, as defined herein, extending from the front yard to the rear yard, or on through lots, from one front lot line to the other lot line.

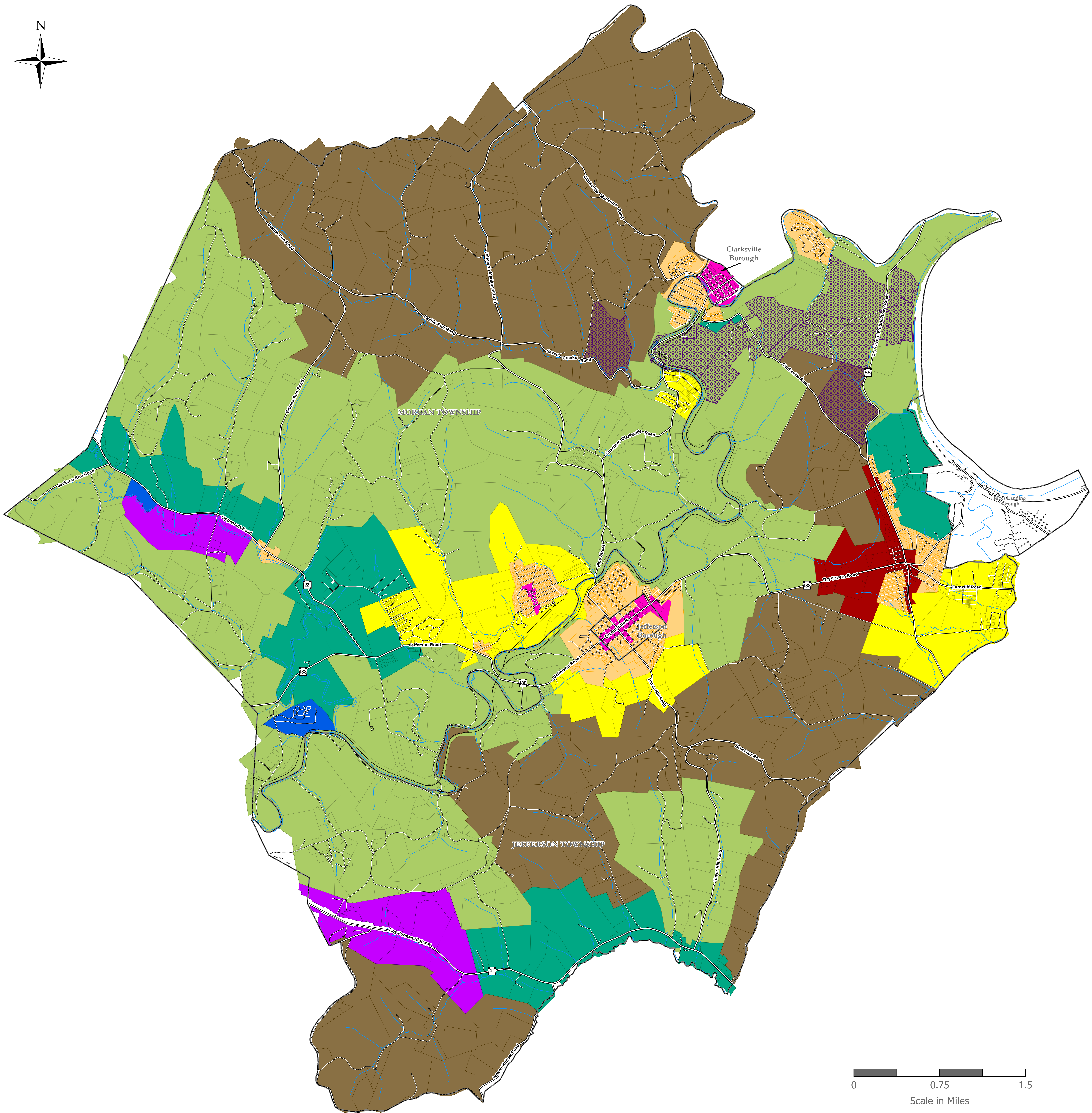
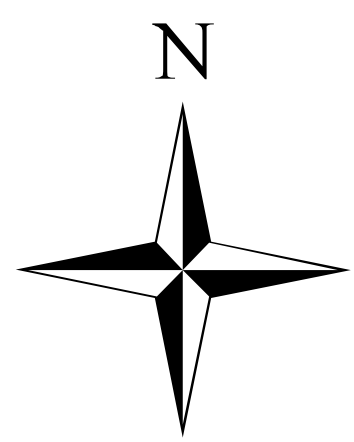
Yard Sale – A sale of limited duration conducted from the yard, porch or garage of a single family or two-family dwelling but including no sales in a public right-of-way. Such sale shall be of clothing and household items belonging to the residents only and not purchased for the purpose of resale on the premises. Yard, porch or garage sales shall be considered an accessory use and not a home occupation, and shall be limited to not more than twelve (12) days or any part of a day in a calendar year.

Zoning Approval – Approval under the provisions of this ordinance certifying that an application for development or application for zoning approval for occupancy and use has fulfilled the requirements of this ordinance.

Zoning Hearing Board – A Board appointed by the Governing Bodies of Clarksville Borough, Jefferson Borough, Jefferson Township, and Morgan Township to examine and decide appeals for relief from strict conformance of application of this Ordinance and to hear testimony regarding the validity of any regulations upon development in the boroughs or regarding challenges to the decisions of the Zoning Officer.

Zoning Map – The Jefferson Morgan Multi-Municipal Zoning Map of Clarksville Borough, Jefferson Borough, Jefferson Township, and Morgan Township together with all amendments subsequently adopted.

Zoning Officer – The person appointed by the Governing Bodies of Clarksville Borough, Jefferson Borough, Jefferson Township, and Morgan Township having the powers and subject to the provisions set forth in the MPC, whose duty it shall be to administer this ordinance and such other ordinances that may be assigned by the governing body.



Jefferson Morgan Multi-Municipal Zoning Ordinance

Clarksville Borough & Jefferson Borough
Jefferson Township & Morgan Township

Greene County, Pennsylvania

Enacted on March 12, 2018



Data Sources: Boundary, Road, and Parcel data obtained from Greene County.
All other data obtained from the Southwestern Pennsylvania Commission (SPC).

Map Legend

- Municipal Boundary
- State Road
- Road
- Railroad
- Stream
- Mineral Extraction Overlay

Zoning Districts

- Agriculture
- Rural Residential
- Single Family Residential
- Village
- Village Center
- Commercial
- Rural Opportunity
- Industrial
- Special Industrial

Jefferson Morgan Multi-Municipal Zoning Ordinance

Clarksville Borough Jefferson Borough Jefferson Township Morgan Township
Greene County Pennsylvania

APPENDICES

PENTHOUSE

ROOF

AVERAGE ELEVATION OF
PROPOSED FINISHED GRADE
BUILDING FRONT

FINISHED GRADE

STREET

HEIGHT

BASEMENT AND-OR GARAGE

PENTHOUSE

ROOF

AVERAGE ELEVATION OF
PROPOSED FINISHED GRADE
BUILDING FRONT

FINISHED GRADE

STREET

HEIGHT

BASEMENT AND-OR GARAGE

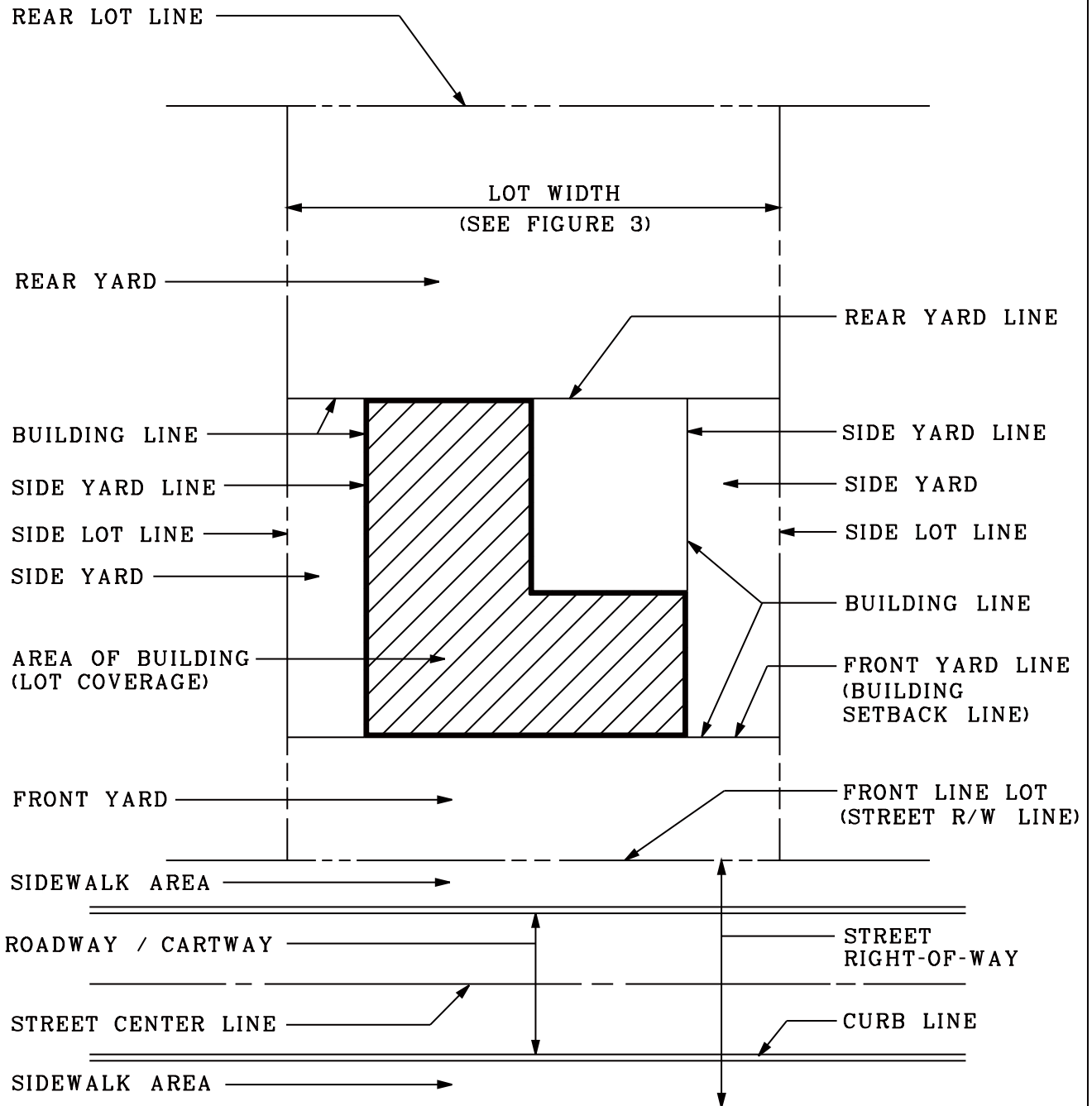
SCALE:

NO SCALE

BUILDING HEIGHT MEASUREMENT

FIGURE

1



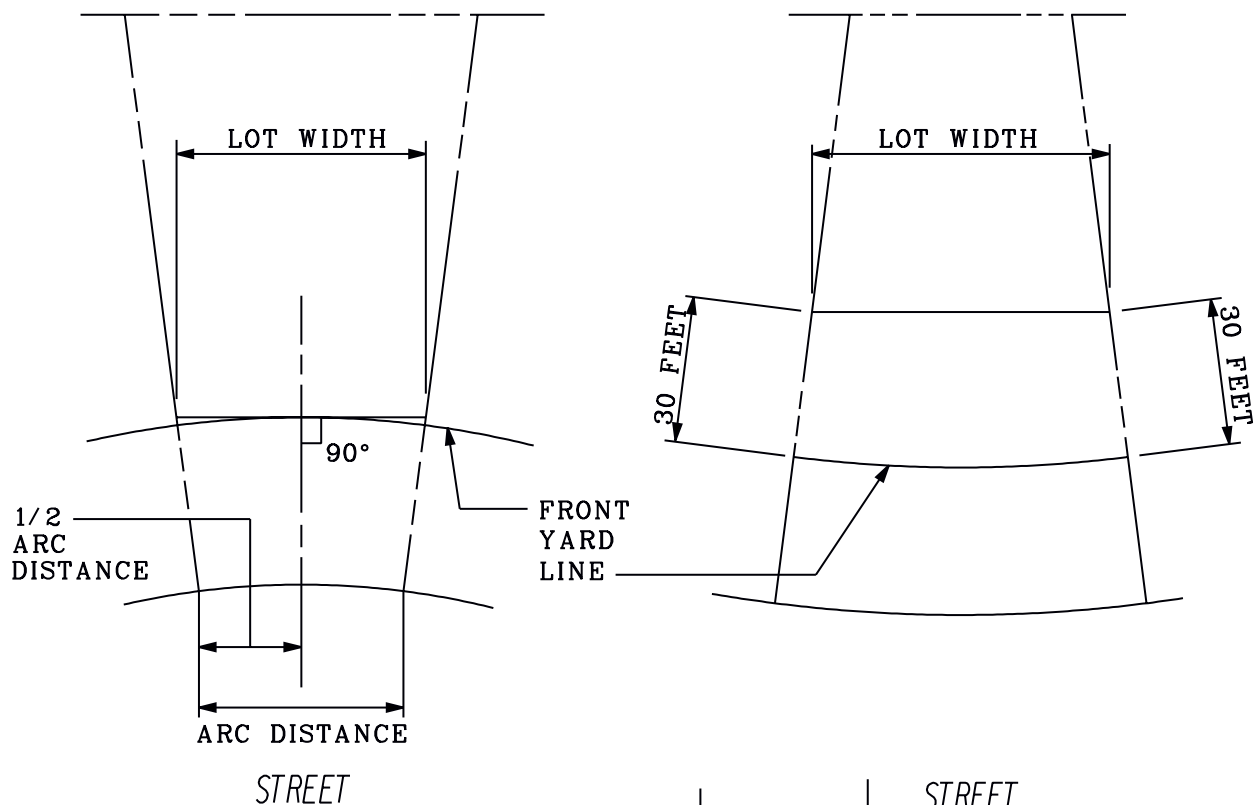
SCALE:

NO SCALE

LOT AREA AND BULK REGULATIONS

FIGURE

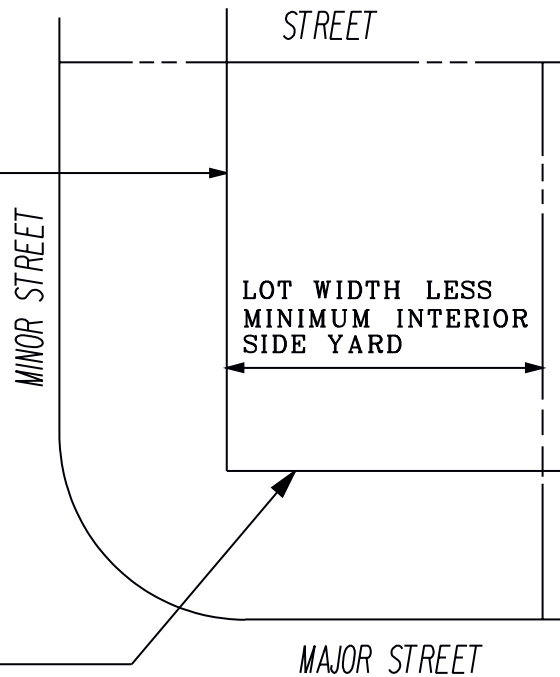
2



FRONT OR SIDE YARD LINE IN R-1, R-2 AND R-3 ZONES. SIDE YARD LINE IN ALL OTHER ZONES.

IN R-1 AND R-2, ZONES THE LINE ABUTTING EITHER STREET CAN BE CONSIDERED THE FRONT LOT LINE. IN ALL OTHER ZONES, ONLY THE LINE ABUTTING THE MAJOR STREET CAN BE CONSIDERED A FRONT LOT LINE

FRONT OR SIDE YARD LINE IN R-1 AND R-2 FRONT YARD LINE IN ALL OTHER ZONES.



SCALE:

NO SCALE

LOT WIDTH MEASUREMENT

FIGURE

3